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HOUSE BILL No. 1165

Proposed Changes to introduced printing by AM116502

DIGEST OF PROPOSED AMENDMENT

Penalties. Removes the Level 5 felony enhancement to animal cruelty and makes it instead an aggravating circumstance. Removes the Level 5 felony enhancement for theft of an animal. Removes the "reckless" element of domestic violence animal cruelty. Amends the definition of domestic animal.

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**

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vehicle directly caused by the person's forcible entry, unless the owner or lessee of the motor vehicle waives the person's liability 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

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

(b) For subsection (a)(1) and (a)(2) (a) to apply to a p

(8) 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

before the person lawfully 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 25-38.1-1-14.7.

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

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

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

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



1 order issued against the person.

2 (6) The person has recently violated the conditions of any

3 probation, parole, pardon, community corrections placement, or

4 pretrial release granted to the person.

5 (7) The victim of the offense was:

6 (A) a person with a disability (as defined in IC 27-7-6-12),

7 and the defendant knew or should have known that the

8 victim was a person with a disability; or

9 (B) mentally or physically infirm.

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

11 of the victim of the offense.

12 (9) The injury to or death of the victim of the offense was the

13 result of shaken baby syndrome (as defined in IC 16-41-40-2) or

14 abusive head trauma.

15 (10) The person threatened to harm the victim of the offense or

16 a witness if the victim or witness told anyone about the offense.

17 (11) The person:

18 (A) committed trafficking with an inmate under

19 IC 35-44.1-3-5; and

20 (B) is an employee of the penal facility.

21 (12) The person committed the offense with bias due to the

22 victim's or the group's real or perceived characteristic, trait,

23 belief, practice, association, or other attribute the court chooses

24 to consider, including but not limited to an attribute described in

25 IC 10-13-3-1.

26 (13) The person is or has been an alien (as defined by 8 U.S.C.

27 1101(a)) unlawfully present in the United States. A

28 determination by the United States Department of Homeland

29 Security that an alien has come to, entered, or remained in the

30 United States in violation of law is evidence that the alien is or

31 has been unlawfully present in the United States.

32 (14) The offense involved dealing in a controlled substance

33 under IC 35-48-4 and the person distributed the controlled

34 substance to at least three (3) different individuals in a one

35 hundred eighty (180) day period.

36 (15) The offense resulted in the:

37 (A) death; or

38 (B) permanent loss or impairment of the function of a

39 bodily member or organ;

40 of an animal.

41 (b) The court may consider the following factors as mitigating

42 circumstances or as favoring suspending the sentence and imposing



1 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:

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(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;
unless 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 6.] 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:

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

motor vehicle; or

(iii) domestic animal; or

the person has a prior unrelated history of mental illness.

(1) theft under this section

(ii) criminal c

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

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

vel 5 felony if:

(A) the value of

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1 P.L.7-2007 apply only to:
 2 (A) offenses; and
 3 (B) acts that would be a crime if committed by an adult;
 4 that are committed after June 30, 2007.
 5 (2) The amendments made to sections 8 and 12 of this chapter by
 6 P.L.171-2007 apply only to crimes committed after June 30,
 7 2007. However, the amendments made to section 12(d) of this
 8 chapter by P.L.171-2007 (**currently codified at section 12(f) of**
 9 **this chapter**) apply only to:
 10 (A) crimes; and
 11 (B) delinquent acts that would be crimes if committed by an
 12 adult;
 13 that are committed after June 30, 2007.

14 SECTION ~~↔~~[8]. IC 35-46-3-0.5, AS AMENDED BY
 15 P.L.52-2023, SECTION 2, IS AMENDED TO READ AS FOLLOWS
 16 [EFFECTIVE JULY 1, 2026]: Sec. 0.5. The following definitions apply
 17 throughout this chapter:

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

23 (2) "Abuse" means to knowingly or intentionally beat, torment,
 24 injure, or otherwise harm an animal. The term includes
 25 destruction of an animal by any means other than humane
 26 euthanasia if the person who destroys the animal is:
 27 (A) a humane society;
 28 (B) an animal control agency; or
 29 (C) a governmental entity operating an animal shelter or
 30 other animal impounding facility.

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

33 (4) "Domestic animal" means an animal that is not wild. The
 34 term is limited to:
 35 (A) cattle, calves, horses, mules, swine, sheep, goats,
 36 dogs, cats, poultry, ostriches, rhea, and emus; ~~and~~[or]
 37 (B) an animal of the bovine, equine, ovine, caprine,
 38 porcine, canine, feline, camelid, cervidae, or bison
 39 species.

40 (3) (5) "Humane euthanasia" means the humane destruction of
 41 an animal using sodium pentobarbital or a derivative,
 42 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.

~~(4)~~ **(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.

~~(5)~~ **(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 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~~⁹. 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.

(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
- (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~~10. 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:

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

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1 **act results in the death of the law enforcement animal.**

2 ~~(c)~~ (d) It is a defense that the accused person:

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

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

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

8 (1) may order the person convicted to make restitution to the
9 person or law enforcement agency owning the animal for
10 reimbursement of veterinary bills; and

11 (2) shall order the person convicted to make restitution to the
12 person or law enforcement agency owning the animal for
13 reimbursement of the cost of replacing the animal, which may
14 include the cost of training the animal, if the animal is
15 permanently disabled or killed.

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

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

24 (2) the person euthanizes the domestic animal in accordance
25 with guidelines adopted by the humane society, animal control
26 agency, or governmental entity operating the animal shelter or
27 other animal impounding facility.

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

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

33 (2) the person committed the offense with the intent to threaten,
34 intimidate, coerce, harass, or terrorize a family or household
35 member;

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

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

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

40 **(B) unconsciousness;**

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



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

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

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

(1) cattle, calves, horses, mules, swine, sheep, goats, dogs, cats, poultry, ostriches, rheas and emus; and

14 poultry, ostriches, moa, and emus, and
15 (2) an animal of the bovine, equine, ovine, caprine, porcine,
16 canine, feline, camelid, cervidae or bison species.

16 canine, feline, camelid, cervidae, or bison species.
17 (d) A person who knowingly or intentionally kills a domestic
18 animal without the consent of the owner of the domestic animal
19 commits killing a domestic animal, a Level 6 felony.

19 commits killing a domestic animal, a Level 3 felony.
20 (e) It is a defense to a prosecution under this section that the
21 accused person:

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.

handing, or disciplining the vertebrate animal.

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

31 decree under this section, the court:
32 (1) shall consider requiring:
33 (A) a person convicted of an offense under this section; or
34 (B) a child adjudicated a delinquent child for committing an
35 act that would be a crime under this section if committed by
36 an adult;
37 to receive psychological, behavioral, or other counseling as a
38 part of the sentence or dispositional decree; and
39 (2) may order an individual described in subdivision (1) to
40 receive psychological, behavioral, or other counseling as a part
41 of the sentence or dispositional decree.

42 SECTION 1~~42~~²[2]. JC 35-46-3-12.5. AS AMENDED BY

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

4 1 (1) abuses;
5 (2) abandons;
6 (3) kills; or
7 (4) neglects;

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