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HOUSE BILL No. 1165

Proposed Changes to introduced printing by AM116503

DIGEST OF PROPOSED AMENDMENT

Nuisance rodents. Specifies that animal cruelty statutes apply to a rodent that is not a nuisance rodent.

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

SECTION ~~↔~~[3]. 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 ~~↔~~[4]. 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



- 1 (iii) is taken from a hospital or other health care
 2 facility, telecommunications provider, public utility (as
 3 defined in IC 32-24-1-5.9(a)), or critical infrastructure
 4 facility;
 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:
 8 (i) motor vehicle (as defined in IC 9-13-2-105(a)); or
 9 (ii) component part (as defined in IC 9-13-2-34) of a
 10 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~~
 14 **(D) the property is a domestic animal and the person has**
 15 **a prior unrelated conviction for theft of a domestic**
 16 **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:
 19 (1) the fair market value of the property at the time and place the
 20 offense was committed; or
 21 (2) if the fair market value of the property cannot be
 22 satisfactorily determined, the cost to replace the property within
 23 a reasonable time after the offense was committed.
 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 ~~66~~ 5. IC 35-46-3-0.1, AS AMENDED BY
 34 P.L.63-2012, SECTION 70, IS AMENDED TO READ AS FOLLOWS
 35 [EFFECTIVE JULY 1, 2026]: Sec. 0.1. The following amendments to
 36 this chapter apply as follows:
 37 (1) The amendments made to section 12 of this chapter by
 38 P.L.7-2007 apply only to:
 39 (A) offenses; and
 40 (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



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

(A) crimes; and

(B) delinquent acts that would be crimes if committed by an adult;

that are committed after June 30, 2007.

SECTION ~~6~~ 6. IC 35-46-3-0.5, AS AMENDED BY P.L.52-2023, 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; and

(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.

~~(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 7. 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.

1 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**

(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**



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

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

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

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

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

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

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

16 (2) shall order the person convicted to make restitution to the
 17 person or law enforcement agency owning the animal for
 18 reimbursement of the cost of replacing the animal, which may
 19 include the cost of training the animal, if the animal is
 20 permanently disabled or killed.

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

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

29 (2) the person euthanizes the domestic animal in accordance
 30 with guidelines adopted by the humane society, animal control
 31 agency, or governmental entity operating the animal shelter or
 32 other animal impounding facility.

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

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

38 (2) the person committed the offense with the intent to threaten,
 39 intimidate, coerce, harass, or terrorize a family or household
 40 member;

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



(4) the act 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) the death;

of the animal.

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

(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:~~

~~(1) cattle, calves, horses, mules, swine, sheep, goats, dogs, cats, 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

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

to receive psychological, behavioral, or other counseling as a



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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;

(2) abandons;

(3) kills; or

(4) neglects;

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

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