

PRINTING CODE. Deletions appear in this style type. Insertions appear in [this style type]. Typeface changes are shown in this style type or in [this] [style] [type].

HOUSE BILL No. 1165

Proposed Changes to January 22, 2026 printing by AM116504

DIGEST OF PROPOSED AMENDMENT

Definitions. Defines "adequate shelter" and "neglect".

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 34-30-30-3, AS ADDED BY P.L.186-2017,
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2026]: Sec. 3. (a) Except as provided in subsection (c), a
4 person who forcibly enters a motor vehicle to remove a domestic
5 animal from the motor vehicle
6 ~~(1) is liable to the owner or lessee of the motor vehicle for~~
7 ~~one-half (1/2) of the cost of repairing the damage to the motor~~
8 ~~vehicle directly caused by the person's forcible entry; unless the~~
9 ~~owner or lessee of the motor vehicle waives the person's liability~~
10 ~~under this subdivision; and~~
11 ~~(2) is immune from any other criminal or civil liability for other~~
12 ~~property damage resulting from the person's forcible entry of the~~
13 ~~motor vehicle~~
14 if all the conditions set forth in subsection (b) are satisfied.
15 (b) For subsection ~~(a)(1) and (a)(2)~~ (a) to apply to a person who
16 forcibly enters a motor vehicle to remove a domestic animal from the
17 motor vehicle, all the following conditions must be satisfied:
18 (1) A domestic animal must be present in the enclosed space of
19 the motor vehicle, and the person must reasonably believe that
20 the domestic animal is in imminent danger of suffering serious
21 bodily harm if the domestic animal remains in the motor vehicle.

M
a
r
k
u
p

HB 1165—LS 6739/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

- 1 (2) The person must determine that:
 2 (A) the motor vehicle is locked; and
 3 (B) forcible entry of the motor vehicle is necessary to
 4 remove the domestic animal from the motor vehicle.
 5 (3) The person must call telephone number 911 or otherwise
 6 attempt to contact:
 7 (A) a law enforcement officer;
 8 (B) a firefighter;
 9 (C) an animal control officer; or
 10 (D) another emergency responder;
 11 before the person forcibly enters the motor vehicle.
 12 (4) The person must use no more force than is reasonably
 13 necessary to enter the motor vehicle and remove the domestic
 14 animal from the motor vehicle.
 15 (5) The person must remain with the domestic animal until a law
 16 enforcement officer, firefighter, animal control officer, or other
 17 emergency responder arrives at the scene.
 18 (c) If any of the following persons, acting in the course and scope
 19 of the person's employment, forcibly enters a motor vehicle to remove
 20 a domestic animal from the motor vehicle, the person is not liable for
 21 the cost of repairing damage to the motor vehicle caused by the
 22 person's forcible entry:
 23 (1) A law enforcement officer.
 24 (2) A firefighter.
 25 (3) A government officer or employee whose primary duty is to
 26 ensure public safety.
 27 (4) An emergency responder other than those identified in
 28 subdivisions (1) through (3).
 29 (5) An animal control officer.
 30 (6) A veterinarian who is licensed or otherwise authorized to
 31 practice veterinary medicine in Indiana under IC 25-38.1-3.
 32 (7) A veterinary assistant, as defined in IC 25-38.1-1-14.7.
 33 For the purposes of this subsection, a law enforcement officer may be
 34 considered to be acting in the course and scope of the law enforcement
 35 officer's employment even if the law enforcement officer is off duty.
 36 SECTION 2. IC 35-31.5-2-51.3, AS ADDED BY P.L.37-2019,
 37 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2026]: Sec. 51.3. "Companion animal", for purposes of
 39 IC 35-38-2-2.8 **and IC 35-46-3**, has the meaning set forth in
 40 IC 35-38-2-2.8.
 41 SECTION 3. IC 35-31.5-2-103, AS ADDED BY P.L.114-2012,
 42 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

HB 1165—LS 6739/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

1 JULY 1, 2026]: Sec. 103. "Domestic animal", for purposes of
 2 ~~IC 35-46-3-12(d)~~ IC 35-43-4-2 and IC 35-46-3 has the meaning set
 3 forth in ~~IC 35-46-3-12(d)~~ IC 35-46-3-0.5.

4 SECTION 4. IC 35-38-1-7.1, AS AMENDED BY P.L.218-2025,
 5 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2026]: Sec. 7.1. (a) In determining what sentence to impose
 7 for a crime, the court may consider the following aggravating
 8 circumstances:

9 (1) The harm, injury, loss, or damage suffered by the victim of
 10 an offense was:

11 (A) significant; and
 12 (B) greater than the elements necessary to prove the
 13 commission of the offense.

14 (2) The person has a history of criminal or delinquent behavior.

15 (3) The victim of the offense was less than twelve (12) years of
 16 age or at least sixty-five (65) years of age at the time the person
 17 committed the offense.

18 (4) The person:

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

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

25 (5) The person violated a protective order issued against the
 26 person under IC 34-26-5 (or IC 31-1-11.5, IC 34-26-2, or
 27 IC 34-4-5.1 before their repeal), a workplace violence restraining
 28 order issued against the person under IC 34-26-6, or a no contact
 29 order issued against the person.

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

33 (7) The victim of the offense was:

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

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

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

M
a
r
k
u
p

HB 1165—LS 6739/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

- 1 (10) The person threatened to harm the victim of the offense or
- 2 a witness if the victim or witness told anyone about the offense.
- 3 (11) The person:
- 4 (A) committed trafficking with an inmate under
- 5 IC 35-44.1-3-5; and
- 6 (B) is an employee of the penal facility.
- 7 (12) The person committed the offense with bias due to the
- 8 victim's or the group's real or perceived characteristic, trait,
- 9 belief, practice, association, or other attribute the court chooses
- 10 to consider, including but not limited to an attribute described in
- 11 IC 10-13-3-1.
- 12 (13) The person is or has been an alien (as defined by 8 U.S.C.
- 13 1101(a)) unlawfully present in the United States. A
- 14 determination by the United States Department of Homeland
- 15 Security that an alien has come to, entered, or remained in the
- 16 United States in violation of law is evidence that the alien is or
- 17 has been unlawfully present in the United States.
- 18 (14) The offense involved dealing in a controlled substance
- 19 under IC 35-48-4 and the person distributed the controlled
- 20 substance to at least three (3) different individuals in a one
- 21 hundred eighty (180) day period.
- 22 **(15) The offense resulted in the:**
- 23 **(A) death; or**
- 24 **(B) permanent loss or impairment of the function of a**
- 25 **bodily member or organ;**
- 26 **of an animal.**
- 27 (b) The court may consider the following factors as mitigating
- 28 circumstances or as favoring suspending the sentence and imposing
- 29 probation:
- 30 (1) The crime neither caused nor threatened serious harm to
- 31 persons or property, or the person did not contemplate that it
- 32 would do so.
- 33 (2) The crime was the result of circumstances unlikely to recur.
- 34 (3) The victim of the crime induced or facilitated the offense.
- 35 (4) There are substantial grounds tending to excuse or justify the
- 36 crime, though failing to establish a defense.
- 37 (5) The person acted under strong provocation.
- 38 (6) The person has no history of delinquency or criminal activity,
- 39 or the person has led a law-abiding life for a substantial period
- 40 before commission of the crime.
- 41 (7) The person is likely to respond affirmatively to probation or
- 42 short term imprisonment.

M
a
r
k
u
p

HB 1165—LS 6739/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

- 1 (8) The character and attitudes of the person indicate that the
 2 person is unlikely to commit another crime.
- 3 (9) The person has made or will make restitution to the victim of
 4 the crime for the injury, damage, or loss sustained.
- 5 (10) Imprisonment of the person will result in undue hardship to
 6 the person or the dependents of the person.
- 7 (11) The person was convicted of a crime involving the use of
 8 force against a person who had repeatedly inflicted physical or
 9 sexual abuse upon the convicted person and evidence shows that
 10 the convicted person suffered from the effects of battery as a
 11 result of the past course of conduct of the individual who is the
 12 victim of the crime for which the person was convicted.
- 13 (12) The person was convicted of a crime relating to a controlled
 14 substance and the person's arrest or prosecution was facilitated
 15 in part because the person:
- 16 (A) requested emergency medical assistance; or
 17 (B) acted in concert with another person who requested
 18 emergency medical assistance;
- 19 for an individual who reasonably appeared to be in need of
 20 medical assistance due to the use of alcohol or a controlled
 21 substance.
- 22 (13) The person has posttraumatic stress disorder, traumatic
 23 brain injury, or a postconcussive brain injury.
- 24 (14) The person is a person described in IC 31-30-1-4(d) who
 25 committed the offense while the person was a child but is now
 26 at least twenty-one (21) years of age.
- 27 (15) The offense involved a controlled substance under
 28 IC 35-48-4 and the person:
- 29 (A) sought treatment:
- 30 (i) in the three hundred sixty-five (365) day period
 31 preceding the date of the commission of the offense; or
 32 (ii) on or after the date on which the person committed
 33 the offense, but before sentencing; and
- 34 (B) successfully completed treatment:
- 35 (i) in the three hundred sixty-five (365) day period
 36 preceding the date of the commission of the offense; or
 37 (ii) on or after the date on which the person committed
 38 the offense, but before sentencing.
- 39 (c) The criteria listed in subsections (a) and (b) do not limit the
 40 matters that the court may consider in determining the sentence.
- 41 (d) A court may impose any sentence that is:
- 42 (1) authorized by statute; and

HB 1165—LS 6739/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

1 (2) permissible under the Constitution of the State of Indiana;
2 regardless of the presence or absence of aggravating circumstances or
3 mitigating circumstances.

4 (e) If a court suspends a sentence and orders probation for a person
5 described in subsection (b)(13), the court may require the person to
6 receive treatment for the person's injuries.

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

13 (1) a Level 6 felony if:

14 (A) the value of the property is at least seven hundred fifty
15 dollars (\$750) and less than fifty thousand dollars
16 (\$50,000);

17 (B) the property is a:

- 18 (i) motor vehicle (as defined in IC 9-13-2-105(a)); or
- 19 (ii) component part (as defined in IC 9-13-2-34) of a
20 motor vehicle; or
- 21 **(iii) domestic animal; or**

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

- 23 (i) theft under this section;
- 24 (ii) criminal conversion under section 3 of this chapter;
- 25 (iii) robbery under IC 35-42-5-1; or
- 26 (iv) burglary under IC 35-43-2-1;

27 (2) a Level 5 felony if:

28 (A) the value of the property is at least fifty thousand
29 dollars (\$50,000);

30 (B) the property that is the subject of the theft is a valuable
31 metal (as defined in IC 25-37.5-1-1) and:

- 32 (i) relates to transportation safety;
- 33 (ii) relates to public safety; or
- 34 (iii) is taken from a hospital or other health care
35 facility, telecommunications provider, public utility (as
36 defined in IC 32-24-1-5.9(a)), or critical infrastructure
37 facility;

38 and the absence of the property creates a substantial risk of
39 bodily injury to a person; or

40 (C) the property is a:

- 41 (i) motor vehicle (as defined in IC 9-13-2-105(a)); or
- 42 (ii) component part (as defined in IC 9-13-2-34) of a

M
a
r
k
u
p

HB 1165—LS 6739/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

- 1 motor vehicle; and
 2 the person has a prior unrelated conviction for theft of a
 3 motor vehicle (as defined in IC 9-13-2-105(a)) or theft of a
 4 component part (as defined in IC 9-13-2-34); and
 5 (3) a Level 5 felony if the property is a firearm.
 6 (b) For purposes of this section, "the value of property" means:
 7 (1) the fair market value of the property at the time and place the
 8 offense was committed; or
 9 (2) if the fair market value of the property cannot be
 10 satisfactorily determined, the cost to replace the property within
 11 a reasonable time after the offense was committed.
 12 A price tag or price marking on property displayed or offered for sale
 13 constitutes prima facie evidence of the value of the property.
 14 (c) If the offense described in subsection (a) is committed by a
 15 public servant who exerted unauthorized control over public funds (as
 16 defined by IC 5-22-2-23) from the public servant's employer, the
 17 employer may be reimbursed in accordance with IC 2-3.5-4-11,
 18 IC 2-3.5-5-9, IC 5-10-5.5-19, IC 5-10.3-8-9, IC 5-10.4-5-14,
 19 IC 10-12-2-10, IC 33-38-6-19.5, IC 33-39-7-10.5, IC 36-8-6-14,
 20 IC 36-8-7-22, IC 36-8-7.5-19, or IC 36-8-8-17.
 21 SECTION 6. IC 35-46-3-0.1, AS AMENDED BY P.L.63-2012,
 22 SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2026]: Sec. 0.1. The following amendments to this chapter
 24 apply as follows:
 25 (1) The amendments made to section 12 of this chapter by
 26 P.L.7-2007 apply only to:
 27 (A) offenses; and
 28 (B) acts that would be a crime if committed by an adult;
 29 that are committed after June 30, 2007.
 30 (2) The amendments made to sections 8 and 12 of this chapter by
 31 P.L.171-2007 apply only to crimes committed after June 30,
 32 2007. However, the amendments made to section 12(d) of this
 33 chapter by P.L.171-2007 (**currently codified at section 12(f) of**
 34 **this chapter**) apply only to:
 35 (A) crimes; and
 36 (B) delinquent acts that would be crimes if committed by an
 37 adult;
 38 that are committed after June 30, 2007.
 39 SECTION 7. IC 35-46-3-0.5, AS AMENDED BY P.L.52-2023,
 40 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2026]: Sec. 0.5. The following definitions apply throughout
 42 this chapter:

HB 1165—LS 6739/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

- 1 (1) "Abandon" means to desert an animal or to leave the animal
 2 without making provision for adequate long term care of the
 3 animal. The term does not include leaving an animal in a place
 4 that is temporarily vacated for the protection of human life
 5 during a disaster.
- 6 (2) "Abuse" means to knowingly or intentionally beat, torment,
 7 injure, or otherwise harm an animal. The term includes
 8 destruction of an animal by any means other than humane
 9 euthanasia if the person who destroys the animal is:
- 10 (A) a humane society;
 11 (B) an animal control agency; or
 12 (C) a governmental entity operating an animal shelter or
 13 other animal impounding facility.
- 14 [**(3) "Adequate shelter" means a covered enclosure sufficient**
 15 **to:**
 16 **(A) protect an animal from the elements; and**
 17 **(B) prevent suffering or injury to an animal;**
 18 **based on the climate and the animal's species, age, and**
 19 **health.**
- 20] **(~~4~~) [4] "Companion animal" has the meaning set forth in**
 21 **IC 35-38-2-2.8.**
- 22 **(~~4~~) [5] "Domestic animal" means an animal that is not**
 23 **wild. The term is limited to:**
- 24 (A) cattle, calves, horses, mules, swine, sheep, goats,
 25 dogs, cats, poultry, ostriches, rhea, and emus; or
 26 (B) an animal of the bovine, equine, ovine, caprine,
 27 porcine, canine, feline, camelid, cervidae, or bison
 28 species.
- 29 ~~(3)~~ **(~~5~~) [6] "Humane euthanasia" means the humane**
 30 **destruction of an animal using sodium pentobarbital or a**
 31 **derivative, administered in a manner that causes painless loss of**
 32 **consciousness and death. The term does not include a method:**
- 33 (A) prohibited by section 15 of this chapter; or
 34 (B) involving the use of carbon monoxide, carbon dioxide,
 35 or any nonanesthetic inhalant.
- 36 ~~(4)~~ **(~~6~~) [7] "Impound agency" means a state, county, municipal,**
 37 **or township agency with the authority to impound animals for**
 38 **violation of this chapter or IC 15-20-1-4. The term includes the**
 39 **following:**
- 40 (A) A law enforcement agency.
 41 (B) An animal control agency.
- 42 ~~(5)~~ **(~~7~~) [8] "Mutilate" means to wound, injure, maim, or**

HB 1165—LS 6739/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

1 disfigure an animal by damaging the animal's body parts or to
 2 render any part of the animal's body useless. The term includes
 3 bodily injury involving:

- 4 (A) serious permanent disfigurement;
- 5 (B) serious temporary disfigurement;
- 6 (C) permanent or protracted loss or impairment of the
 7 function of a bodily part or organ; or
- 8 (D) a fracture.

9 (6) (~~8~~ **9**) "Neglect" means:

10 (A) endangering an animal's health by failing to provide or
 11 arrange to provide the animal with ~~<a sufficient quantity
 12 and quality of>~~ food ~~<or<drink, and unfrozen potable
 13 drinking water that allows for the normal growth or
 14 maintenance of an animal's age and species appropriate
 15 body weight,>~~ [drink,] if the animal is dependent upon the
 16 person for the provision of food or drink [. Food and drink
 17 must be provided in a sufficient quantity to maintain the
 18 animal's health and normal development, and in a form
 19 that is unspoiled, uncontaminated, and otherwise fit for
 20 consumption. Water that is frozen is not sufficient to
 21 maintain an animal's health and normal development];]

22 (B) restraining an animal for more than a brief period in a
 23 manner that endangers the animal's life or health by the use
 24 of a rope, chain, or tether that:

- 25 (i) is less than three (3) times the length of the animal;
- 26 (ii) is too heavy to permit the animal to move freely; or
- 27 (iii) causes the animal to choke;

28 (C) restraining an animal in a manner that seriously
 29 endangers the animal's life or health;

30 (D) failing to:

- 31 (i) provide reasonable care for; or
- 32 (ii) seek veterinary care for;

33 an injury or illness to a dog or cat that seriously endangers
 34 the life or health of the dog or cat; or

35 (E) leaving a dog or cat outside and exposed to:

- 36 (i) excessive heat without providing the animal with a
 37 means of shade from the heat; or
- 38 (ii) excessive cold if the animal is not provided with
 39 straw or another means of protection from the cold;

40 regardless of whether the animal is restrained or kept in a
 41 kennel. **failing to provide an animal with adequate
 42 bedding and adequate shelter.**

HB 1165—LS 6739/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

- (7) (~~9~~ **[10]**) "Reasonable expenses" includes the cost of:
 - (A) medical care;
 - (B) quarantine; and
 - (C) shelter and board.
 - (8) (~~1~~ ~~0~~ **[1]**) "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 35-46-3-5, 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.).

M
a
r
k
u
p

HB 1165—LS 6739/DI 150



- 1 (8) Destruction of a vertebrate **animal** defined as a pest under
- 2 IC 15-16-5-24, **except for a rodent that is not a nuisance**
- 3 **rodent.**
- 4 (9) Destruction of or injury to a fish.
- 5 (10) Destruction of a vertebrate animal that is:
- 6 (A) endangering, harassing, or threatening livestock or a
- 7 domestic animal; or
- 8 (B) destroying or damaging a person's property.
- 9 (11) Humane euthanasia of an animal by:
- 10 (A) a humane society;
- 11 (B) an animal control agency; or
- 12 (C) a governmental entity operating an animal shelter or
- 13 other animal impounding facility.
- 14 (12) Destruction of an injured or ill animal by an individual to
- 15 prevent the animal from prolonged suffering.
- 16 (13) Conduct not resulting in serious injury or illness to the
- 17 animal that is incidental to exhibiting an animal for show,
- 18 competition, or display, or that is incidental to transporting the
- 19 animal for show, competition, or display.
- 20 (14) Parking an animal.
- 21 (15) Humane destruction of an animal that the person owns.
- 22 (b) Section 1 of this chapter applies to conduct described in
- 23 subsection (a).
- 24 (c) Destruction of an animal by electrocution is authorized under
- 25 this section only if it is conducted by a person who:
- 26 (1) uses generally accepted veterinary standards and practices
- 27 for euthanasia, depopulation, or slaughter of animals;
- 28 (2) is engaged in an acceptable farm management practice; or
- 29 (3) is engaged in activities by a research facility registered with
- 30 the United States Department of Agriculture under the Animal
- 31 Welfare Act, or for the animal disease diagnostic laboratory
- 32 established under IC 21-46-3-1 or a research facility licensed by
- 33 the United States Department of Agriculture, a college, or a
- 34 university.
- 35 SECTION 9. IC 35-46-3-7, AS AMENDED BY P.L.158-2013,
- 36 SECTION 558, IS AMENDED TO READ AS FOLLOWS
- 37 [EFFECTIVE JULY 1, 2026]: Sec. 7. (a) A person who:
- 38 (1) has a vertebrate animal in the person's custody; and
- 39 (2) recklessly, knowingly, or intentionally abandons or neglects
- 40 the animal;
- 41 commits cruelty to an animal, a Class A misdemeanor.
- 42 (b) However, except for a conviction under section 1 of this

M
a
r
k
u
p

HB 1165—LS 6739/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

1 chapter, ~~the~~ **an offense under subsection (a)** is a Level 6 felony if
2 **the:**

3 (1) ~~the~~ person has a prior unrelated conviction under this
4 chapter;

5 (2) **person commits the offense in the presence of a minor; or**

6 (3) **abandonment or neglect results in:**

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

8 (B) **unconsciousness;**

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

11 (D) **death;**

12 **of the animal; or**

13 (4) **person has ten (10) or more vertebrate animals in the**
14 **person's custody which results in the person:**

15 (A) **failing to provide adequate food, potable water, and**
16 **adequate shelter to at least one (1) vertebrate animal;**

17 (B) **keeping at least one (1) vertebrate animal in an**
18 **overcrowded environment; or**

19 (C) **disregarding the conditions under which at least one**
20 **(1) vertebrate animal is living in and the harmful impact**
21 **the conditions have on the health and well-being of the**
22 **vertebrate animals.**

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

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

29 SECTION 10. IC 35-46-3-11, AS AMENDED BY P.L.168-2014,
30 SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
31 JULY 1, 2026]: Sec. 11. (a) A person who knowingly or intentionally:

32 (1) strikes, torments, injures, or otherwise mistreats a law
33 enforcement animal; or

34 (2) interferes with the actions of a law enforcement animal while
35 the animal is engaged in assisting a law enforcement officer in
36 the performance of the officer's duties;

37 commits a Class A misdemeanor.

38 (b) An offense under subsection (a)(1) is a Level 6 felony if the act
39 results in:

40 (1) serious permanent disfigurement;

41 (2) unconsciousness; **or**

42 (3) permanent or protracted loss or impairment of the function

M
a
r
k
u
p

HB 1165—LS 6739/DI 150



1 of a bodily member or organ; or
 2 ~~(4) death;~~
 3 of the law enforcement animal.
 4 **(c) An offense under subsection (a)(1) is a level 5 felony if the**
 5 **act results in the death of the law enforcement animal.**
 6 ~~(c)~~ **(d)** It is a defense that the accused person:
 7 (1) engaged in a reasonable act of training, handling, or
 8 discipline; and
 9 (2) acted as an employee or agent of a law enforcement agency.
 10 ~~(d)~~ **(e)** In addition to any sentence or fine imposed for a conviction
 11 of an offense under this section, the court:
 12 (1) may order the person convicted to make restitution to the
 13 person or law enforcement agency owning the animal for
 14 reimbursement of veterinary bills; and
 15 (2) shall order the person convicted to make restitution to the
 16 person or law enforcement agency owning the animal for
 17 reimbursement of the cost of replacing the animal, which may
 18 include the cost of training the animal, if the animal is
 19 permanently disabled or killed.
 20 SECTION 11. IC 35-46-3-12, AS AMENDED BY P.L.141-2019,
 21 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2026]: Sec. 12. (a) This section does not apply to a person
 23 who euthanizes an injured, a sick, a homeless, or an unwanted domestic
 24 animal if:
 25 (1) the person is employed by a humane society, an animal
 26 control agency, or a governmental entity operating an animal
 27 shelter or other animal impounding facility; and
 28 (2) the person euthanizes the domestic animal in accordance
 29 with guidelines adopted by the humane society, animal control
 30 agency, or governmental entity operating the animal shelter or
 31 other animal impounding facility.
 32 (b) A person who knowingly or intentionally abuses a vertebrate
 33 animal commits cruelty to an animal, a Class A misdemeanor.
 34 However, the offense is a Level 6 felony if:
 35 (1) the person has a previous, unrelated conviction under this
 36 section; or
 37 (2) the person committed the offense with the intent to threaten,
 38 intimidate, coerce, harass, or terrorize a family or household
 39 member;
 40 **(3) the offense is committed in the immediate presence of a**
 41 **minor; or**
 42 **(4) the act results in:**

M
a
r
k
u
p

HB 1165—LS 6739/DI 150



1 **(A) serious permanent disfigurement;**
 2 **(B) unconsciousness;**
 3 **(C) permanent or protracted loss or impairment of the**
 4 **function of a bodily member or organ; or**
 5 **(D) the death;**
 6 **of the animal.**
 7 (c) A person who knowingly or intentionally tortures or mutilates
 8 a vertebrate animal commits torturing or mutilating a vertebrate animal,
 9 a Level 6 felony.
 10 (d) ~~As used in this subsection, "domestic animal" means an animal~~
 11 ~~that is not wild. The term is limited to:~~
 12 ~~(1) cattle, calves, horses, mules, swine, sheep, goats, dogs, cats,~~
 13 ~~poultry, ostriches, rhea, and emus; and~~
 14 ~~(2) an animal of the bovine, equine, ovine, caprine, porcine,~~
 15 ~~canine, feline, camelid, cervidae, or bison species.~~
 16 (d) A person who knowingly or intentionally kills a domestic
 17 animal without the consent of the owner of the domestic animal
 18 commits killing a domestic animal, a Level 6 felony.
 19 (e) It is a defense to a prosecution under this section that the
 20 accused person:
 21 (1) reasonably believes the conduct was necessary to:
 22 (A) prevent injury to the accused person or another person;
 23 (B) protect the property of the accused person from
 24 destruction or substantial damage; or
 25 (C) prevent a seriously injured vertebrate animal from
 26 prolonged suffering; or
 27 (2) engaged in a reasonable and recognized act of training,
 28 handling, or disciplining the vertebrate animal.
 29 (f) When a court imposes a sentence or enters a dispositional
 30 decree under this section, the court:
 31 (1) shall consider requiring:
 32 (A) a person convicted of an offense under this section; or
 33 (B) a child adjudicated a delinquent child for committing an
 34 act that would be a crime under this section if committed by
 35 an adult;
 36 to receive psychological, behavioral, or other counseling as a
 37 part of the sentence or dispositional decree; and
 38 (2) may order an individual described in subdivision (1) to
 39 receive psychological, behavioral, or other counseling as a part
 40 of the sentence or dispositional decree.
 41 SECTION 12. IC 35-46-3-12.5, AS AMENDED BY
 42 P.L.158-2013, SECTION 567, IS AMENDED TO READ AS

M
a
r
k
u
p

HB 1165—LS 6739/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

1 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 12.5. A person who
2 knowingly or intentionally:

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

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

10 SECTION 13. IC 35-46-3-15, AS AMENDED BY P.L.141-2019,
11 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2026]: Sec. 15. (a) This section does not apply to the
13 following:

- 14 (1) A state or federally inspected livestock slaughtering facility
15 (for conduct authorized by IC 15-17-5 and rules adopted under
16 that chapter).
- 17 (2) An animal disease diagnostic laboratory established under
18 IC 21-46-3-1.
- 19 (3) A postsecondary educational institution.
- 20 (4) A research facility licensed by the United States Department
21 of Agriculture.

22 (b) As used in this section, "animal" has the meaning set forth in
23 ~~IC 35-46-3-3~~. **section 3 of this chapter.**

24 (c) A person, **including a humane society, an animal control**
25 **agency, or a governmental entity operating an animal shelter or**
26 **other animal impounding facility**, who knowingly or intentionally
27 destroys or authorizes the destruction of an animal by:

- 28 (1) placing the animal in a decompression chamber and lowering
29 the pressure of or the oxygen content in the air surrounding the
30 animal; **or**
- 31 (2) **any means other than humane euthanasia;**

32 commits a Class B misdemeanor.
33]

M
a
r
k
u
p

