



CONFERENCE COMMITTEE REPORT DIGEST FOR ESB 140

Citations Affected: IC 35-31.5-2; IC 35-45-2-1.

Synopsis: Public safety. Amends the definition of "threat" in the intimidation statute to include posting a person's personal information on a social media platform with the intent to cause: (1) bodily injury to the person; (2) damage to the person's property; or (3) the commission of a crime against the person. Increases the penalty for intimidation if committed against a legislator. **(This conference committee report does the following: (1) Removes the provision concerning drones and remote aerial harassment. (2) Removes the provision concerning the release of personally identifying information concerning a railroad crew in a public report concerning a railroad fatality.)**

Effective: July 1, 2026.



CONFERENCE COMMITTEE REPORT

MR. PRESIDENT:

Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill No. 140 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 35-31.5-2-234.5 IS ADDED TO THE INDIANA
- 3 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 4 [EFFECTIVE JULY 1, 2026]: Sec. 234.5. (a) "Personal information"
- 5 means information or a combination of information, regardless of
- 6 whether the information is publicly available, that consists of two
- 7 (2) or more of the following:
- 8 (1) The individual's name.
- 9 (2) The individual's Social Security number.
- 10 (3) The address of the individual's residence or any other real
- 11 property owned by the individual.
- 12 (4) A legal name previously used by the individual.
- 13 (5) The individual's telephone number.
- 14 (6) The name or address of the individual's employer.
- 15 (7) The name or address of a location that the individual:
- 16 (A) has frequently visited in the past; and
- 17 (B) is likely to visit in the future.
- 18 (b) The term does not include the address of real property
- 19 provided on a real estate or mapping platform if the address is not
- 20 displayed or disclosed in connection with any information
- 21 identifying the owner or occupant of the real property.

SECTION 2. IC 35-31.5-2-239.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2026]: **Sec. 239.5. "Post" means to deliver, disseminate, or transmit information, regardless of whether the information transmitted is an audio file, a video, an image, or in a text format, to more than one (1) person through a social media platform.**

SECTION 3. IC 35-31.5-2-306.8 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2026]: **Sec. 306.8. "Social media platform" means a website or application that:**

- (1) is open to the public;**
- (2) allows users to create accounts;**
- (3) enables users to communicate or interact with other users;**
- (4) permits users to create or post content, messages, information, or images that are viewable by other users; and**
- (5) permits users to comment on or message other users regarding such content, messages, information, or images.**

SECTION 4. IC 35-45-2-1, AS AMENDED BY P.L.5-2022, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) A person who communicates a threat with the intent:

- (1) that another person engage in conduct against the other person's will;
- (2) that another person be placed in fear of retaliation for a prior lawful act;
- (3) of:
 - (A) causing:
 - (i) a dwelling, a building, or other structure; or
 - (ii) a vehicle;
 - to be evacuated; or
 - (B) interfering with the occupancy of:
 - (i) a dwelling, building, or other structure; or
 - (ii) a vehicle; or
- (4) that another person be placed in fear that the threat will be carried out, if the threat is a threat described in:
 - (A) subsection ~~(c)(1)~~ through ~~(c)(5)~~; **(c)(1)(A) through (c)(1)(E);** or
 - (B) subsection ~~(c)(7)~~ through ~~(c)(8)~~; **(c)(1)(G) through (c)(1)(H);**

commits intimidation, a Class A misdemeanor.

(b) However, the offense is a:

- (1) Level 6 felony if:
 - (A) the threat is to commit a forcible felony;
 - (B) the subject of the threat or the person to whom the threat is communicated is a witness (or the spouse or child of a witness) in any pending criminal proceeding against the person making the threat;
 - (C) the threat is communicated because of the occupation, profession, employment status, or ownership status of a person or the threat relates to or is made in connection with the

- 1 occupation, profession, employment status, or ownership
 2 status of a person;
 3 (D) the person has a prior unrelated conviction for an offense
 4 under this section concerning the same victim; or
 5 (E) the threat is communicated using property, including
 6 electronic equipment or systems, of a school corporation or
 7 other governmental entity; and
 8 (2) Level 5 felony if:
 9 (A) while committing it, the person draws or uses a deadly
 10 weapon;
 11 (B) the subject of the threat or the person to whom the threat
 12 is communicated:
 13 (i) is a judicial officer or bailiff of any court; ~~or~~
 14 (ii) is a prosecuting attorney or a deputy prosecuting
 15 attorney; **or**
 16 **(iii) is a member of the general assembly;**
 17 and the threat relates to the person's status as a judicial officer,
 18 bailiff, prosecuting attorney, ~~or~~ deputy prosecuting attorney, **or**
 19 **member of the general assembly,** or is made in connection
 20 with the official duties of the judicial officer, bailiff,
 21 prosecuting attorney, ~~or~~ deputy prosecuting attorney, **or**
 22 **member of the general assembly;** or
 23 (C) the threat is:
 24 (i) to commit terrorism; or
 25 (ii) made in furtherance of an act of terrorism.
 26 (c) "Threat" means:
 27 (1) an expression, by words or action, of an intention to:
 28 ~~(1)~~ (A) unlawfully injure the person threatened or another
 29 person, or damage property;
 30 ~~(2)~~ (B) unlawfully subject a person to physical confinement or
 31 restraint;
 32 ~~(3)~~ (C) commit a crime;
 33 ~~(4)~~ (D) unlawfully withhold official action, or cause such
 34 withholding;
 35 ~~(5)~~ (E) unlawfully withhold testimony or information with
 36 respect to another person's legal claim or defense, except for
 37 a reasonable claim for witness fees or expenses;
 38 ~~(6)~~ (F) expose the person threatened to hatred, contempt,
 39 disgrace, or ridicule;
 40 ~~(7)~~ (G) falsely harm the credit or business reputation of a
 41 person; or
 42 ~~(8)~~ (H) cause the evacuation of a dwelling, a building, another
 43 structure, or a vehicle. For purposes of this subdivision, the
 44 term includes an expression that would cause a reasonable
 45 person to consider the evacuation of a dwelling, a building,
 46 another structure, or a vehicle, even if the dwelling, building,
 47 structure, or vehicle is not evacuated; **or**
 48 **(2) posting personal information of a person with the intent**
 49 **that the posting of the personal information will result in:**
 50 **(A) bodily injury to the person;**

- 1 **(B) damage to the person's property; or**
 - 2 **(C) the commission of a crime against the person.**
- (Reference is to ESB 140 as printed February 12, 2026.)

Conference Committee Report
on
Engrossed Senate Bill 140

Signed by:

Senator Becker
Chairperson

Representative Zimmerman

Senator Taylor G

Representative Gore

Senate Conferees

House Conferees