



February 18, 2026

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# ENGROSSED

## SENATE BILL No. 261

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DIGEST OF SB 261 (Updated February 18, 2026 10:54 am - DI 140)

**Citations Affected:** IC 9-24; IC 31-9; IC 31-37; IC 33-39; IC 35-31.5; IC 35-43; IC 35-45; IC 35-46.

**Synopsis:** Criminal vandalism. Renames the crime of "criminal mischief" to "criminal vandalism". Repeals: (1) institutional criminal mischief; (2) cemetery mischief; (3) railroad mischief; and (4) critical infrastructure facility mischief; places them in the "criminal vandalism" statute, and preserves the original penalties and defenses. Repeals and places provisions involving damage to a cave in the criminal vandalism statute. Repeals and places provisions involving depositing refuse in a cave in the littering statute. Makes conforming amendments.

**Effective:** July 1, 2026.

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**Young M, Freeman, Baldwin, Pol Jr.**  
(HOUSE SPONSORS — BASCOM, IRELAND)

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January 8, 2026, read first time and referred to Committee on Corrections and Criminal Law.  
January 22, 2026, amended, reported favorably — Do Pass.  
January 26, 2026, read second time, ordered engrossed. Engrossed.  
January 28, 2026, read third time, passed. Yeas 47, nays 1.

HOUSE ACTION  
February 2, 2026, read first time and referred to Committee on Courts and Criminal Code.  
February 18, 2026, reported — Do Pass.

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ES 261—LS 6917/DI 106





February 18, 2026

Second Regular Session of the 124th General Assembly (2026)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2025 Regular Session of the General Assembly.

## ENGROSSED SENATE BILL No. 261

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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 9-24-2-2.5, AS AMENDED BY P.L.257-2017,  
2 SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2026]: Sec. 2.5. (a) The bureau shall suspend the driving  
4 privileges or invalidate the learner's permit of an individual who is  
5 under an order entered by a court under ~~IC 35-43-1-2(d)~~.  
6 **IC 35-43-1-2(i).**

7 (b) The bureau shall suspend the driving privileges or invalidate the  
8 learner's permit of an individual who is the subject of an order issued  
9 under IC 31-37-19-17 (or IC 31-6-4-15.9(f) before its repeal) or  
10 ~~IC 35-43-1-2(d)~~. **IC 35-43-1-2(i).**

11 SECTION 2. IC 31-9-2-29.5, AS AMENDED BY P.L.65-2016,  
12 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
13 JULY 1, 2026]: Sec. 29.5. "Crime involving domestic or family  
14 violence" means a crime that occurs when a family or household  
15 member commits, attempts to commit, or conspires to commit any of  
16 the following against another family or household member:

17 (1) A homicide offense under IC 35-42-1.

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- 1 (2) A battery offense under IC 35-42-2.  
 2 (3) Kidnapping or confinement under IC 35-42-3.  
 3 (4) A sex offense under IC 35-42-4.  
 4 (5) Robbery under IC 35-42-5.  
 5 (6) Arson or **mischief vandalism** under IC 35-43-1.  
 6 (7) Burglary or trespass under IC 35-43-2.  
 7 (8) Disorderly conduct under IC 35-45-1.  
 8 (9) Intimidation or harassment under IC 35-45-2.  
 9 (10) Voyeurism under IC 35-45-4.  
 10 (11) Stalking under IC 35-45-10.  
 11 (12) An offense against the family under IC 35-46-1-2 through  
 12 IC 35-46-1-8, IC 35-46-1-12, IC 35-46-1-15.1, or  
 13 IC 35-46-1-15.3.  
 14 (13) Human and sexual trafficking crimes under IC 35-42-3.5.  
 15 (14) A crime involving animal cruelty and a family or household  
 16 member under IC 35-46-3-12(b)(2) or IC 35-46-3-12.5.
- 17 SECTION 3. IC 31-37-19-17, AS AMENDED BY P.L.111-2021,  
 18 SECTION 100, IS AMENDED TO READ AS FOLLOWS  
 19 [EFFECTIVE JULY 1, 2026]: Sec. 17. (a) This section applies if a  
 20 child is a delinquent child under IC 31-37-1 due to the commission of  
 21 a delinquent act that, if committed by an adult, would be criminal  
 22 **mischief or institutional criminal mischief vandalism** under  
 23 IC 35-43-1-2 that involves the use of graffiti.
- 24 (b) The juvenile court may, in addition to any other order or decree  
 25 the court makes under this chapter, order the bureau of motor vehicles  
 26 to:
- 27 (1) suspend the child's driver's license; or  
 28 (2) invalidate the child's learner's permit;  
 29 for one (1) year beginning the date of the order.
- 30 SECTION 4. IC 33-39-1-8, AS AMENDED BY P.L.10-2019,  
 31 SECTION 127, IS AMENDED TO READ AS FOLLOWS  
 32 [EFFECTIVE JULY 1, 2026]: Sec. 8. (a) After June 30, 2005, this  
 33 section does not apply to a person who:
- 34 (1) holds a commercial driver's license; and  
 35 (2) has been charged with an offense involving the operation of  
 36 a motor vehicle in accordance with the federal Motor Carrier  
 37 Safety Improvement Act of 1999 (MCSIA) (Public Law  
 38 106-159.113 Stat. 1748).
- 39 (b) This section does not apply to a person arrested for or charged  
 40 with:
- 41 (1) an offense under IC 9-30-5-1 through IC 9-30-5-5; or  
 42 (2) if a person was arrested or charged with an offense under



1 IC 9-30-5-1 through IC 9-30-5-5, an offense involving:

2 (A) intoxication; or

3 (B) the operation of a vehicle;

4 if the offense involving intoxication or the operation of a vehicle was  
5 part of the same episode of criminal conduct as the offense under  
6 IC 9-30-5-1 through IC 9-30-5-5.

7 (c) This section does not apply to a person:

8 (1) who is arrested for or charged with an offense under:

9 (A) IC 7.1-5-7-7, if the alleged offense occurred while the  
10 person was operating a motor vehicle;

11 (B) IC 9-30-4-8, if the alleged offense occurred while the  
12 person was operating a motor vehicle;

13 (C) IC 35-44.1-2-13(b)(1); or

14 (D) ~~IC 35-43-1-2(a)~~, **IC 35-43-1-2(b)(1)**, if the alleged offense  
15 occurred while the person was operating a motor vehicle; and

16 (2) who was less than eighteen (18) years of age at the time of the  
17 alleged offense.

18 (d) A prosecuting attorney may withhold prosecution against an  
19 accused person if:

20 (1) the person is charged with a misdemeanor, a Level 6 felony,  
21 or a Level 5 felony;

22 (2) the person agrees to conditions of a pretrial diversion program  
23 offered by the prosecuting attorney;

24 (3) the terms of the agreement are recorded in an instrument  
25 signed by the person and the prosecuting attorney and filed in the  
26 court in which the charge is pending; and

27 (4) the prosecuting attorney electronically transmits information  
28 required by the prosecuting attorneys council concerning the  
29 withheld prosecution to the prosecuting attorneys council, in a  
30 manner and format designated by the prosecuting attorneys  
31 council.

32 (e) An agreement under subsection (d) may include conditions that  
33 the person:

34 (1) pay to the clerk of the court an initial user's fee and monthly  
35 user's fees in the amounts specified in IC 33-37-4-1;

36 (2) work faithfully at a suitable employment or faithfully pursue  
37 a course of study or career and technical education that will equip  
38 the person for suitable employment;

39 (3) undergo available medical treatment or mental health  
40 counseling and remain in a specified facility required for that  
41 purpose, including:

42 (A) addiction counseling;



- 1 (B) inpatient detoxification; and  
 2 (C) medication assisted treatment, including a federal Food  
 3 and Drug Administration approved long acting, nonaddictive  
 4 medication for the treatment of opioid or alcohol dependence;  
 5 (4) receive evidence based mental health and addiction,  
 6 intellectual disability, developmental disability, autism, and  
 7 co-occurring autism and mental illness forensic treatment services  
 8 to reduce the risk of recidivism;  
 9 (5) support the person's dependents and meet other family  
 10 responsibilities;  
 11 (6) make restitution or reparation to the victim of the crime for the  
 12 damage or injury that was sustained;  
 13 (7) refrain from harassing, intimidating, threatening, or having  
 14 any direct or indirect contact with the victim or a witness;  
 15 (8) report to the prosecuting attorney at reasonable times;  
 16 (9) answer all reasonable inquiries by the prosecuting attorney  
 17 and promptly notify the prosecuting attorney of any change in  
 18 address or employment; and  
 19 (10) participate in dispute resolution either under IC 34-57-3 or  
 20 a program established by the prosecuting attorney.  
 21 (f) An agreement under subsection (d)(2) may include other  
 22 provisions, including program fees and costs, reasonably related to the  
 23 defendant's rehabilitation, if approved by the court.  
 24 (g) The prosecuting attorney shall notify the victim when  
 25 prosecution is withheld under this section.  
 26 (h) All money collected by the clerk as user's fees or program fees  
 27 and costs under this section shall be deposited in the appropriate user  
 28 fee fund under IC 33-37-8.  
 29 (i) If a court withholds prosecution under this section and the terms  
 30 of the agreement contain conditions described in subsection (e)(7):  
 31 (1) the clerk of the court shall comply with IC 5-2-9; and  
 32 (2) the prosecuting attorney shall file a confidential form  
 33 prescribed or approved by the office of judicial administration  
 34 with the clerk.  
 35 SECTION 5. IC 35-31.5-2-35, AS ADDED BY P.L.114-2012,  
 36 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 37 JULY 1, 2026]: Sec. 35. "Cave", for purposes of ~~IC 35-43-1-3;~~  
 38 **IC 35-43-1-2**, has the meaning set forth in ~~IC 35-43-1-3(a);~~  
 39 **IC 35-43-1-2**.  
 40 SECTION 6. IC 35-31.5-2-76, AS AMENDED BY P.L.65-2016,  
 41 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 42 JULY 1, 2026]: Sec. 76. "Crime involving domestic or family violence"



1 means a crime that occurs when a family or household member  
 2 commits, attempts to commit, or conspires to commit any of the  
 3 following against another family or household member:

- 4 (1) A homicide offense under IC 35-42-1.
- 5 (2) A battery offense under IC 35-42-2.
- 6 (3) Kidnapping or confinement under IC 35-42-3.
- 7 (4) Human and sexual trafficking crimes under IC 35-42-3.5.
- 8 (5) A sex offense under IC 35-42-4.
- 9 (6) Robbery under IC 35-42-5.
- 10 (7) Arson or **mischief vandalism** under IC 35-43-1.
- 11 (8) Burglary or trespass under IC 35-43-2.
- 12 (9) Disorderly conduct under IC 35-45-1.
- 13 (10) Intimidation or harassment under IC 35-45-2.
- 14 (11) Voyeurism under IC 35-45-4.
- 15 (12) Stalking under IC 35-45-10.
- 16 (13) An offense against family under IC 35-46-1-2 through
- 17 IC 35-46-1-8, IC 35-46-1-12, IC 35-46-1-15.1, or
- 18 IC 35-46-1-15.3.
- 19 (14) A crime involving animal cruelty and a family or household
- 20 member under IC 35-46-3-12(b)(2) or IC 35-46-3-12.5.

21 SECTION 7. IC 35-31.5-2-224, AS AMENDED BY P.L.134-2017,  
 22 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 23 JULY 1, 2026]: Sec. 224. (a) "Owner", for purposes of ~~IC 35-43-1-3;~~  
 24 **IC 35-43-1-2**, has the meaning set forth in ~~IC 35-43-1-3(a);~~  
 25 **IC 35-43-1-2**.

26 (b) "Owner", for purposes of IC 35-48-3, has the meaning set forth  
 27 in IC 35-48-3-1.5.

28 (c) "Owner", for purposes of IC 35-49, has the meaning set forth in  
 29 IC 35-49-1-6.

30 (d) "Owner", for purposes of IC 35-43-5-19.5, means any person  
 31 with an ownership interest or right to profit in a business.

32 SECTION 8. IC 35-31.5-2-230.1 IS ADDED TO THE INDIANA  
 33 CODE AS A **NEW SECTION** TO READ AS FOLLOWS  
 34 [EFFECTIVE JULY 1, 2026]: **Sec. 230.1. "Pecuniary loss", for**  
 35 **purposes of IC 35-43-1-2, has the meaning set forth in**  
 36 **IC 35-43-1-2.**

37 SECTION 9. IC 35-31.5-2-267.5 IS ADDED TO THE INDIANA  
 38 CODE AS A **NEW SECTION** TO READ AS FOLLOWS  
 39 [EFFECTIVE JULY 1, 2026]: **Sec. 267.5. "Real property in**  
 40 **foreclosure", for purposes of IC 35-43-1-2, has the meaning set**  
 41 **forth in IC 35-43-1-2.**

42 SECTION 10. IC 35-31.5-2-273.2, AS ADDED BY P.L.13-2013,



1 SECTION 129, IS AMENDED TO READ AS FOLLOWS  
 2 [EFFECTIVE JULY 1, 2026]: Sec. 273.2. "Refuse", for purposes of  
 3 IC 35-45-3-2, has the meaning set forth in ~~IC 35-45-3-2(b)~~.  
 4 **IC 35-45-3-2.**

5 SECTION 11. IC 35-31.5-2-286, AS ADDED BY P.L.114-2012,  
 6 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 7 JULY 1, 2026]: Sec. 286. "Scientific purposes", for purposes of  
 8 ~~IC 35-43-1-3~~, **IC 35-43-1-2**, has the meaning set forth in  
 9 ~~IC 35-43-1-3(a)~~. **IC 35-43-1-2.**

10 SECTION 12. IC 35-43-1-2, AS AMENDED BY P.L.100-2024,  
 11 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 12 JULY 1, 2026]: Sec. 2. **(a) The following definitions apply  
 13 throughout this section:**

14 **(1) "Cave" means any naturally occurring subterranean  
 15 cavity, including a cavern, pit, pothole, sinkhole, well, grotto,  
 16 and tunnel, whether or not it has a natural entrance.**

17 **(2) "Critical infrastructure facility" has the meaning set forth  
 18 in IC 35-46-10-1.**

19 **(3) "Owner" means, with respect to a cave, the person who  
 20 holds title to or is in possession of the land on or under which  
 21 a cave is located, or the person's lessee, or agent.**

22 **(4) "Pecuniary loss" means all costs necessary to restore  
 23 damaged or defaced property to its former condition. The  
 24 term includes:**

25 **(A) the total costs incurred in inspecting, cleaning, and  
 26 decontaminating property contaminated by a pollutant;  
 27 and**

28 **(B) a reasonable estimate of all additional costs not already  
 29 incurred under clause (A) that are necessary to inspect,  
 30 clean, and decontaminate property contaminated by a  
 31 pollutant, to the extent that the property has not already  
 32 been:**

33 **(i) cleaned;**

34 **(ii) decontaminated; or**

35 **(iii) both cleaned and decontaminated.**

36 **The term includes inspection, cleaning, or decontamination  
 37 conducted by a person certified under IC 16-19-3.1.**

38 **(5) "Real property in foreclosure" means real property with  
 39 respect to which a foreclosure action has been filed or joined  
 40 by a person having a security interest in the property that is  
 41 used to secure:**

42 **(A) a mortgage;**



- 1           **(B) a land contract; or**  
 2           **(C) another agreement similar to a mortgage or a land**  
 3           **contract.**
- 4           **The term does not include property that is the subject of a**  
 5           **foreclosure action brought by a person having any other type**  
 6           **of security interest in the property, including a mechanic's**  
 7           **lien, a tax lien, or a lien placed by a homeowners association,**  
 8           **unless the property is also the subject of a foreclosure action**  
 9           **described in clauses (A) through (C).**
- 10          **(6) "Scientific purposes" means exploration and research**  
 11          **conducted by persons affiliated with recognized scientific**  
 12          **organizations with the intent to advance knowledge and to**  
 13          **publish the results of the exploration or research in an**  
 14          **appropriate medium.**
- 15          **(a) (b) A person who:**
- 16               **(1) recklessly, knowingly, or intentionally damages or defaces**  
 17               **property of another person without the other person's consent;**  
 18               **commits criminal mischief; or**
- 19               **(2) knowingly or intentionally damages, permanently**  
 20               **removes, or defaces:**
- 21                       **(A) fixtures (as defined in IC 26-1-2.1-309) of real property**  
 22                       **in foreclosure;**
- 23                       **(B) a component or subsystem of the heating, ventilation,**  
 24                       **or air conditioning system of real property in foreclosure;**
- 25                       **(C) wiring of real property in foreclosure;**
- 26                       **(D) pipes, fittings, or another part of the plumbing system**  
 27                       **of real property in foreclosure;**
- 28                       **(E) the structure, including the roof and foundation, of real**  
 29                       **property in foreclosure;**
- 30                       **(F) the windows of real property in foreclosure;**
- 31                       **(G) the floors, ceilings, walls, or doors of real property in**  
 32                       **foreclosure;**
- 33                       **(H) the landscaping of real property in foreclosure; or**
- 34                       **(I) an unattached structure, carport, patio, fence, or**  
 35                       **swimming pool located on real property in foreclosure;**
- 36          **commits criminal vandalism, a Class B misdemeanor except as**  
 37          **otherwise provided in this section.**
- 38          **(c) Criminal vandalism is a Class A misdemeanor if one (1) or**  
 39          **more of the following apply:**
- 40               **(1) The pecuniary loss is at least seven hundred fifty dollars**  
 41               **(\$750) but less than fifty thousand dollars (\$50,000).**
- 42               **(2) The person damages:**



- 1 (A) a structure used for religious worship without the  
 2 consent of the owner, possessor, or occupant of the  
 3 property that is damaged;  
 4 (B) a school or community center without the consent of  
 5 the owner, possessor, or occupant of the property that is  
 6 damaged;  
 7 (C) the property of an agricultural operation (as defined in  
 8 IC 32-30-6-1) without the consent of the owner, possessor,  
 9 or occupant of the property that is damaged;  
 10 (D) the property of a scientific research facility (as defined  
 11 in IC 35-31.5-2-287) without the consent of, or with consent  
 12 which was fraudulently obtained from, the owner,  
 13 possessor, or occupant of the property that is damaged;  
 14 (E) the grounds:  
 15 (i) adjacent to; and  
 16 (ii) owned or rented in common with;  
 17 a structure or facility described in clauses (A) through (D)  
 18 without the consent of the owner, possessor, or occupant of  
 19 the property that is damaged;  
 20 (F) personal property contained in a structure or located  
 21 at a facility described in clauses (A) through (D) without  
 22 the consent of the owner, possessor, or occupant of the  
 23 property that is damaged;  
 24 (G) property that is vacant real property (as defined in  
 25 IC 36-7-36-5) or a vacant structure (as defined in  
 26 IC 36-7-36-6); or  
 27 (H) property after the person has been denied entry to the  
 28 property by a court order that was issued:  
 29 (i) to the person; or  
 30 (ii) to the general public by conspicuous posting on or  
 31 around the property in areas where a person could  
 32 observe the order when the property has been designated  
 33 by a municipality or county enforcement authority to be  
 34 a vacant property, an abandoned property, or an  
 35 abandoned structure (as defined in IC 36-7-36-1).  
 36 (3) The person:  
 37 (A) damages a cemetery, a burial ground (as defined in  
 38 IC 14-21-1-3), or a facility used for memorializing the  
 39 dead;  
 40 (B) damages the grounds owned or rented by a cemetery or  
 41 facility used for memorializing the dead; or  
 42 (C) disturbs, defaces, or damages a cemetery monument,



1           grave marker, grave artifact, grave ornamentation, or  
 2           cemetery enclosure;  
 3           unless the person acted in a proper and acceptable manner as  
 4           authorized by IC 23-14, or unless the person acted in a proper  
 5           and acceptable manner as authorized by IC 14-21, other than  
 6           a person who disturbs the earth for an agricultural purpose  
 7           under the exemption to IC 14-21 that is provided in  
 8           IC 14-21-1-24.

9           (4) The person:

10           (A) damages or defaces a cave;

11           (B) damages a lock, gate, fence, or other structure designed  
 12           to control or prevent access to a cave; or

13           (C) damages or destroys a cave dwelling animal in a cave;  
 14           unless the act described in clause (A) or (C) was done for  
 15           scientific purposes.

16           (d) Criminal vandalism is a Level 6 felony if one (1) or more of  
 17           the following apply:

18           (1) The pecuniary loss is at least fifty thousand dollars  
 19           (\$50,000).

20           (2) The damage causes a substantial interruption or  
 21           impairment of utility service rendered to the public.

22           (3) The damage is to a public record.

23           (4) The damage is to a law enforcement animal (as defined in  
 24           IC 35-46-3-4.5).

25           (5) The damage is to a component of an automatic building  
 26           fire suppression system that is located in a penal facility.

27           (6) The damage is to property described in subsection (c)(2),  
 28           and the pecuniary loss (or property damage, in the case of an  
 29           agricultural operation or a scientific research facility) is at  
 30           least seven hundred fifty dollars (\$750) but less than fifty  
 31           thousand dollars (\$50,000).

32           (7) The person damages property:

33           (A) during the dealing or manufacture of or attempted  
 34           dealing or manufacture of a controlled substance; and

35           (B) by means of a fire or an explosion.

36           (8) The enhancement described in subsection (c)(3) applies  
 37           and the pecuniary loss is at least seven hundred fifty dollars  
 38           (\$750) but less than fifty thousand dollars (\$50,000).

39           (9) The person damages or defaces:

40           (A) a locomotive, a railroad car, a train, or equipment of  
 41           a railroad company being operated on a railroad  
 42           right-of-way;



- 1           **(B) a part of any railroad signal system, train control**  
 2           **system, centralized dispatching system, or highway**  
 3           **railroad grade crossing warning signal on a railroad**  
 4           **right-of-way owned, leased, or operated by a railroad**  
 5           **company; or**  
 6           **(C) any rail, switch, roadbed, viaduct, bridge, trestle,**  
 7           **culvert, or embankment on a right-of-way owned, leased,**  
 8           **or operated by a railroad company.**
- 9           **(e) Criminal vandalism is a Level 5 felony if one (1) or more of**  
 10          **the following apply:**
- 11           **(1) The damage is to property described in subsection (c)(2),**  
 12           **and the pecuniary loss (or property damage, in the case of an**  
 13           **agricultural operation or a scientific research facility) is at**  
 14           **least fifty thousand dollars (\$50,000).**
- 15           **(2) The person damages property:**
- 16           **(A) during the dealing or manufacture of or attempted**  
 17           **dealing or manufacture of a controlled substance;**  
 18           **(B) by means of a fire or an explosion; and**  
 19           **(C) resulting in moderate bodily injury to any person other**  
 20           **than a defendant.**
- 21           **(3) The enhancement described in subsection (c)(3) applies**  
 22           **and the pecuniary loss is at least fifty thousand dollars**  
 23           **(\$50,000).**
- 24           **(4) The person damages or defaces:**
- 25           **(A) a locomotive, a railroad car, a train, or equipment of**  
 26           **a railroad company being operated on a railroad**  
 27           **right-of-way;**  
 28           **(B) a part of any railroad signal system, train control**  
 29           **system, centralized dispatching system, or highway**  
 30           **railroad grade crossing warning signal on a railroad**  
 31           **right-of-way owned, leased, or operated by a railroad**  
 32           **company; or**  
 33           **(C) any rail, switch, roadbed, viaduct, bridge, trestle,**  
 34           **culvert, or embankment on a right-of-way owned, leased,**  
 35           **or operated by a railroad company;**  
 36           **and the offense results in serious bodily injury to another**  
 37           **person.**
- 38           **(5) The person damages or defaces a critical infrastructure**  
 39           **facility.**
- 40          **(f) Criminal vandalism is a Level 4 felony if the person damages**  
 41          **or defaces a critical infrastructure facility, and:**  
 42           **(1) the pecuniary loss is at least fifty thousand dollars**



- 1           (\$50,000); or
- 2           (2) the damage causes a substantial interruption or
- 3           impairment of a critical infrastructure utility service
- 4           rendered to the public.
- 5           (g) Criminal vandalism is a Level 2 felony if the person damages
- 6           or defaces:
- 7           (1) a locomotive, a railroad car, a train, or equipment of a
- 8           railroad company being operated on a railroad right-of-way;
- 9           (2) a part of any railroad signal system, train control system,
- 10          centralized dispatching system, or highway railroad grade
- 11          crossing warning signal on a railroad right-of-way owned,
- 12          leased, or operated by a railroad company; or
- 13          (3) any rail, switch, roadbed, viaduct, bridge, trestle, culvert,
- 14          or embankment on a right-of-way owned, leased, or operated
- 15          by a railroad company;
- 16          and the offense results in the death of another person.
- 17          (h) It is a defense to a prosecution under subsection (b)(2) that
- 18          the damage, removal, or defacement was the result of repair,
- 19          renovation, replacement, or maintenance performed in good faith.
- 20          (i) If a person is convicted of an offense under this section that
- 21          involves the use of graffiti, the court may, in addition to any other
- 22          penalty, order that the person's driver's license or learner's permit
- 23          be suspended or invalidated by the bureau of motor vehicles for
- 24          not more than one (1) year.
- 25          (j) The court may rescind an order for suspension or
- 26          invalidation under subsection (i) and allow the person to receive a
- 27          license or permit before the period of suspension or invalidation
- 28          ends if the court determines that the person has removed or
- 29          painted over the graffiti or has made other suitable restitution.
- 30          However, the offense is:
- 31               (1) a Class A misdemeanor if the pecuniary loss is at least seven
- 32               hundred fifty dollars (\$750) but less than fifty thousand dollars
- 33               (\$50,000); and
- 34               (2) a Level 6 felony if:
- 35                   (A) the pecuniary loss is at least fifty thousand dollars
- 36                   (\$50,000);
- 37                   (B) the damage causes a substantial interruption or impairment
- 38                   of utility service rendered to the public;
- 39                   (C) the damage is to a public record;
- 40                   (D) the damage is to a law enforcement animal (as defined in
- 41                   IC 35-46-3-4.5); or
- 42                   (E) the damage is to a component of an automatic building fire



- 1 suppression system that is located in a penal facility.
- 2 (b) A person who recklessly, knowingly, or intentionally damages:
- 3 (1) a structure used for religious worship without the consent of
- 4 the owner, possessor, or occupant of the property that is damaged;
- 5 (2) a school or community center without the consent of the
- 6 owner, possessor, or occupant of the property that is damaged;
- 7 (3) the property of an agricultural operation (as defined in
- 8 IC 32-30-6-1) without the consent of the owner, possessor, or
- 9 occupant of the property that is damaged;
- 10 (4) the property of a scientific research facility (as defined in
- 11 IC 35-31.5-2-287) without the consent of, or with consent which
- 12 was fraudulently obtained from, the owner, possessor, or occupant
- 13 of the property that is damaged;
- 14 (5) the grounds:
- 15 (A) adjacent to; and
- 16 (B) owned or rented in common with;
- 17 a structure or facility identified in subdivisions (1) through (4)
- 18 without the consent of the owner, possessor, or occupant of the
- 19 property that is damaged;
- 20 (6) personal property contained in a structure or located at a
- 21 facility identified in subdivisions (1) through (4) without the
- 22 consent of the owner, possessor, or occupant of the property that
- 23 is damaged;
- 24 (7) property that is vacant real property (as defined in
- 25 IC 36-7-36-5) or a vacant structure (as defined in IC 36-7-36-6);
- 26 or
- 27 (8) property after the person has been denied entry to the property
- 28 by a court order that was issued:
- 29 (A) to the person; or
- 30 (B) to the general public by conspicuous posting on or around
- 31 the property in areas where a person could observe the order
- 32 when the property has been designated by a municipality or
- 33 county enforcement authority to be a vacant property; an
- 34 abandoned property; or an abandoned structure (as defined in
- 35 IC 36-7-36-1);
- 36 commits institutional criminal mischief, a Class A misdemeanor.
- 37 However, the offense is a Level 6 felony if the pecuniary loss (or
- 38 property damage, in the case of an agricultural operation or a scientific
- 39 research facility) is at least seven hundred fifty dollars (\$750) but less
- 40 than fifty thousand dollars (\$50,000); and a Level 5 felony if the
- 41 pecuniary loss (or property damage, in the case of an agricultural
- 42 operation or a scientific research facility) is at least fifty thousand



1 dollars (\$50,000):

2 (c) A person who recklessly, knowingly, or intentionally damages  
3 property:

4 (1) during the dealing or manufacture of or attempted dealing or  
5 manufacture of a controlled substance; and

6 (2) by means of a fire or an explosion;

7 commits controlled substances criminal mischief, a Level 6 felony:  
8 However, the offense is a Level 5 felony if the offense results in  
9 moderate bodily injury to any person other than a defendant.

10 (d) If a person is convicted of an offense under this section that  
11 involves the use of graffiti, the court may, in addition to any other  
12 penalty, order that the person's driver's license be suspended or  
13 invalidated by the bureau of motor vehicles for not more than one (1)  
14 year:

15 (e) The court may rescind an order for suspension or invalidation  
16 under subsection (d) and allow the person to receive a license or permit  
17 before the period of suspension or invalidation ends if the court  
18 determines that the person has removed or painted over the graffiti or  
19 has made other suitable restitution:

20 (f) For purposes of this section, "pecuniary loss" includes:

21 (1) the total costs incurred in inspecting, cleaning, and  
22 decontaminating property contaminated by a pollutant; and

23 (2) a reasonable estimate of all additional costs not already  
24 incurred under subdivision (1) that are necessary to inspect, clean,  
25 and decontaminate property contaminated by a pollutant, to the  
26 extent that the property has not already been:

27 (A) cleaned;

28 (B) decontaminated; or

29 (C) both cleaned and decontaminated.

30 The term includes inspection, cleaning, or decontamination conducted  
31 by a person certified under IC 16-19-3-1.

32 SECTION 13. IC 35-43-1-2.1 IS REPEALED [EFFECTIVE JULY  
33 1, 2026]. Sec. 2-1: (a) This section does not apply to the following:

34 (1) A person who acts in a proper and acceptable manner as  
35 authorized by IC 14-21 other than a person who disturbs the earth  
36 for an agricultural purpose under the exemption to IC 14-21 that  
37 is provided in IC 14-21-1-24:

38 (2) A person who acts in a proper and acceptable manner as  
39 authorized by IC 23-14:

40 (b) A person who recklessly, knowingly, or intentionally:

41 (1) damages a cemetery, a burial ground (as defined in  
42 IC 14-21-1-3); or a facility used for memorializing the dead;



1 (2) damages the grounds owned or rented by a cemetery or facility  
2 used for memorializing the dead; or

3 (3) disturbs, defaces, or damages a cemetery monument, grave  
4 marker, grave artifact, grave ornamentation, or cemetery  
5 enclosure;

6 commits cemetery mischief, a Class A misdemeanor. However, the  
7 offense is a Level 6 felony if the pecuniary loss is at least seven  
8 hundred fifty dollars (\$750) but less than fifty thousand dollars  
9 (\$50,000), and a Level 5 felony if the pecuniary loss is at least fifty  
10 thousand dollars (\$50,000):

11 SECTION 14. IC 35-43-1-2.3 IS REPEALED [EFFECTIVE JULY  
12 1, 2026]. Sec. 2.3: A person who, without the consent of the owner of  
13 the property, recklessly, knowingly, or intentionally damages or  
14 defaces:

15 (1) a locomotive, a railroad car, a train, or equipment of a railroad  
16 company being operated on a railroad right-of-way;

17 (2) a part of any railroad signal system, train control system,  
18 centralized dispatching system, or highway railroad grade  
19 crossing warning signal on a railroad right-of-way owned, leased,  
20 or operated by a railroad company; or

21 (3) any rail, switch, roadbed, viaduct, bridge, trestle, culvert, or  
22 embankment on a right-of-way owned, leased, or operated by a  
23 railroad company;

24 commits railroad mischief, a Level 6 felony. However, the offense is a  
25 Level 5 felony if the offense results in serious bodily injury to another  
26 person and a Level 2 felony if the offense results in the death of another  
27 person.

28 SECTION 15. IC 35-43-1-3 IS REPEALED [EFFECTIVE JULY 1,  
29 2026]. Sec. 3: (a) As used in this section:

30 "Cave" means any naturally occurring subterranean cavity,  
31 including a cavern, pit, pothole, sinkhole, well, grotto, and tunnel  
32 whether or not it has a natural entrance.

33 "Owner" means the person who holds title to or is in possession of  
34 the land on or under which a cave is located, or his lessee, or agent.

35 "Scientific purposes" means exploration and research conducted by  
36 persons affiliated with recognized scientific organizations with the  
37 intent to advance knowledge and with the intent to publish the results  
38 of said exploration or research in an appropriate medium.

39 (b) A person who knowingly and without the express consent of the  
40 cave owner:

41 (1) disfigures, destroys, or removes any stalagmite, stalactite, or  
42 other naturally occurring mineral deposit or formation, or



1 archeological or paleontological artifact in a cave; for other than  
2 scientific purposes;

3 (2) breaks any lock, gate, fence, or other structure designed to  
4 control or prevent access to a cave; or

5 (3) destroys, injures, removes, or harasses any cave-dwelling  
6 animal for other than scientific purposes;

7 commits a Class A misdemeanor.

8 (c) A person who knowingly and without the express consent of the  
9 cave owner deposits trash, rubbish, chemicals, or other litter in a cave  
10 commits a Class C infraction. However, the violation is a Class C  
11 misdemeanor if it is committed knowingly or intentionally and the  
12 person has a prior unrelated adjudication or conviction for a violation  
13 of this section within the previous five (5) years.

14 SECTION 16. IC 35-43-4-9 IS REPEALED [EFFECTIVE JULY 1,  
15 2026]. Sec. 9: (a) This section applies only to real property in  
16 foreclosure:

17 (b) The following definitions apply throughout this section:

18 (1) "Damages, permanently removes an object from, or defaces  
19 real property" means to damage, permanently remove, or deface  
20 one (1) or more of the following:

21 (A) Fixtures (as defined in IC 26-1-2.1-309) of the real  
22 property.

23 (B) A component or subsystem of the heating, ventilation, or  
24 air conditioning system of the real property.

25 (C) Wiring of the real property.

26 (D) Pipes, fittings, or another part of the plumbing system of  
27 the real property.

28 (E) The structure, including the roof and foundation, of the  
29 real property.

30 (F) The windows of the real property.

31 (G) The floors, ceilings, walls, or doors of the real property.

32 (H) The landscaping of the real property.

33 (I) An unattached structure, carport, patio, fence, or swimming  
34 pool located on the real property.

35 (2) "Real property in foreclosure" means real property with  
36 respect to which a foreclosure action has been filed or joined by  
37 a person having a security interest in the property that is used to  
38 secure:

39 (A) a mortgage;

40 (B) a land contract; or

41 (C) another agreement similar to a mortgage or a land contract.

42 The term does not include property that is the subject of a



1 foreclosure action brought by a person having any other type of  
 2 security interest in the property, including a mechanic's lien, a tax  
 3 lien, or a lien placed by a homeowners association, unless the  
 4 property is also the subject of a foreclosure action described in  
 5 clauses (A) through (C):

6 (c) A person who knowingly or intentionally damages, permanently  
 7 removes an object from, or defaces real property in foreclosure  
 8 commits foreclosure mischief, a Class B misdemeanor. However, the  
 9 offense is:

10 (1) a Class A misdemeanor if the pecuniary loss is at least seven  
 11 hundred fifty dollars (\$750) but less than fifty thousand dollars  
 12 (\$50,000); and

13 (2) a Level 6 felony if the pecuniary loss is at least fifty thousand  
 14 dollars (\$50,000):

15 (d) It is a defense to a prosecution under this section that the  
 16 damage, removal, or defacement was the result of repair, renovation,  
 17 replacement, or maintenance performed in good faith:

18 SECTION 17. IC 35-45-3-2, AS AMENDED BY P.L.231-2007,  
 19 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 20 JULY 1, 2026]: Sec. 2. (a) A person who recklessly, knowingly, or  
 21 intentionally places or leaves refuse on property of another person,  
 22 except in a container provided for refuse, commits littering, a Class B  
 23 infraction. However, the offense is a Class A infraction if the refuse:

24 (1) is placed or left in, on, or within one hundred (100) feet of a  
 25 body of water that is under the jurisdiction of the (1) department  
 26 of natural resources or (2) United States Army Corps of  
 27 Engineers; or

28 (2) is placed in a cave (as defined in IC 35-43-1-2).

29 Notwithstanding IC 34-28-5-4(a), a judgment of not more than one  
 30 thousand dollars (\$1,000) shall be imposed for each Class A infraction  
 31 committed under this section.

32 (b) A person who:

33 (1) recklessly, knowingly, or intentionally violates subsection  
 34 (a)(2); and

35 (2) has a prior unrelated conviction or adjudication for a  
 36 violation of subsection (a)(2) within the previous five (5)  
 37 years;

38 commits a Class C misdemeanor.

39 (b) (c) As used in this section, "refuse" includes solid and semisolid  
 40 wastes, dead animals, and offal.

41 (c) (d) Evidence that littering was committed from a moving vehicle  
 42 other than a public conveyance constitutes prima facie evidence that it



1 was committed by the operator of that vehicle.

2 SECTION 18. IC 35-46-10-3 IS REPEALED [EFFECTIVE JULY  
3 1, 2026]. Sec. 3: A person who recklessly, knowingly, or intentionally  
4 damages or defaces property of a critical infrastructure facility commits  
5 critical infrastructure facility mischief; a Level 5 felony. However, the  
6 offense is a Level 4 felony if:

7 (1) the pecuniary loss is at least fifty thousand dollars (\$50,000);

8 or

9 (2) the damage causes a substantial interruption or impairment of  
10 a critical infrastructure utility service rendered to the public.

11 SECTION 19. IC 35-46-10-4, AS ADDED BY P.L.276-2019,  
12 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
13 JULY 1, 2026]: Sec. 4. Except as provided in IC 35-50-2, if a person  
14 commits the offense of conspiracy (as described in IC 35-41-5-2) to  
15 commit an offense described in:

16 (1) section 2 or 3 of this chapter; or

17 (2) **IC 35-43-1-2 (criminal vandalism) involving a critical**  
18 **infrastructure facility;**

19 with a person who commits an offense described under section 2 or 3  
20 of this chapter or **IC 35-43-1-2 (criminal vandalism) involving a**  
21 **critical infrastructure facility**, the conspiring person shall be  
22 punished by a fine not to exceed one hundred thousand dollars  
23 (\$100,000).

24 SECTION 20. IC 35-46-10-5, AS ADDED BY P.L.276-2019,  
25 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
26 JULY 1, 2026]: Sec. 5. (a) A person aggrieved by a violation under:

27 (1) this chapter; or

28 (2) **IC 35-43-1-2 (criminal vandalism) involving a critical**  
29 **infrastructure facility;**

30 may recover damages sustained under IC 34-24-3-1.

31 (b) Any person that compensates, provides consideration to, or  
32 remunerates a person for committing an offense under:

33 (1) ~~sections~~ **section 2 3;** or 4 of this chapter; or

34 (2) **IC 35-43-1-2 (criminal vandalism) involving a critical**  
35 **infrastructure facility;**

36 may be held liable for civil damages imposed under this chapter.



## COMMITTEE REPORT

Mr. President: The Senate Committee on Corrections and Criminal Law, to which was referred Senate Bill No. 261, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 5, delete lines 21 through 25.

Page 6, delete lines 24 through 41.

Page 6, line 42, delete "(4)" and insert "(3)".

Page 7, line 3, delete "(5)" and insert "(4)".

Page 7, line 19, delete "(6)" and insert "(5)".

Page 7, line 33, delete "(7)" and insert "(6)".

Page 7, delete line 42, begin a new line block indented and insert:  
**"(2) knowingly or intentionally damages, permanently removes, or defaces:**

**(A) fixtures (as defined in IC 26-1-2.1-309) of real property in foreclosure;**

**(B) a component or subsystem of the heating, ventilation, or air conditioning system of real property in foreclosure;**

**(C) wiring of real property in foreclosure;**

**(D) pipes, fittings, or another part of the plumbing system of real property in foreclosure;**

**(E) the structure, including the roof and foundation, of real property in foreclosure;**

**(F) the windows of real property in foreclosure;**

**(G) the floors, ceilings, walls, or doors of real property in foreclosure;**

**(H) the landscaping of real property in foreclosure; or**

**(I) an unattached structure, carport, patio, fence, or swimming pool located on real property in foreclosure;"**

Page 8, delete line 1.

Page 15, between lines 21 and 22, begin a new paragraph and insert:  
**"SECTION 17. IC 35-43-4-9 IS REPEALED [EFFECTIVE JULY 1, 2026]. Sec. 9: (a) This section applies only to real property in foreclosure:**

**(b) The following definitions apply throughout this section:**

**(1) "Damages, permanently removes an object from, or defaces real property" means to damage, permanently remove, or deface one (1) or more of the following:**

**(A) Fixtures (as defined in IC 26-1-2.1-309) of the real property.**

**(B) A component or subsystem of the heating, ventilation, or**



air conditioning system of the real property:

(C) Wiring of the real property:

(D) Pipes, fittings, or another part of the plumbing system of the real property:

(E) The structure, including the roof and foundation, of the real property:

(F) The windows of the real property:

(G) The floors, ceilings, walls, or doors of the real property:

(H) The landscaping of the real property:

(I) An unattached structure, carport, patio, fence, or swimming pool located on the real property:

(2) "Real property in foreclosure" means real property with respect to which a foreclosure action has been filed or joined by a person having a security interest in the property that is used to secure:

(A) a mortgage;

(B) a land contract; or

(C) another agreement similar to a mortgage or a land contract.

The term does not include property that is the subject of a foreclosure action brought by a person having any other type of security interest in the property, including a mechanic's lien, a tax lien, or a lien placed by a homeowners association, unless the property is also the subject of a foreclosure action described in clauses (A) through (C):

(c) A person who knowingly or intentionally damages, permanently removes an object from, or defaces real property in foreclosure commits foreclosure mischief, a Class B misdemeanor. However, the offense is:

(1) a Class A misdemeanor if the pecuniary loss is at least seven hundred fifty dollars (\$750) but less than fifty thousand dollars (\$50,000); and

(2) a Level 6 felony if the pecuniary loss is at least fifty thousand dollars (\$50,000):

(d) It is a defense to a prosecution under this section that the damage, removal, or defacement was the result of repair, renovation, replacement, or maintenance performed in good faith."

Page 15, line 42, delete "infraction." and insert "misdemeanor."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 261 as introduced.)



FREEMAN, Chairperson

Committee Vote: Yeas 7, Nays 1.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 261, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 261 as printed January 23, 2026.)

MCNAMARA

Committee Vote: Yeas 13, Nays 0

