



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:

- 1 Page 5, delete lines 21 through 25.
- 2 Page 6, delete lines 24 through 41.
- 3 Page 6, line 42, delete "(4)" and insert "(3)".
- 4 Page 7, line 3, delete "(5)" and insert "(4)".
- 5 Page 7, line 19, delete "(6)" and insert "(5)".
- 6 Page 7, line 33, delete "(7)" and insert "(6)".
- 7 Page 7, delete line 42, begin a new line block indented and insert:
- 8 **"(2) knowingly or intentionally damages, permanently**
- 9 **removes, or defaces:**
- 10 **(A) fixtures (as defined in IC 26-1-2.1-309) of real property**
- 11 **in foreclosure;**
- 12 **(B) a component or subsystem of the heating, ventilation,**
- 13 **or air conditioning system of real property in foreclosure;**
- 14 **(C) wiring of real property in foreclosure;**
- 15 **(D) pipes, fittings, or another part of the plumbing system**
- 16 **of real property in foreclosure;**
- 17 **(E) the structure, including the roof and foundation, of real**
- 18 **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 IC 35-43-4-9 IS REPEALED [EFFECTIVE JULY 1, 2026].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

- 1 security interest in the property, including a mechanic's lien, a tax
 2 lien, or a lien placed by a homeowners association, unless the
 3 property is also the subject of a foreclosure action described in
 4 clauses (A) through (C):
- 5 (c) A person who knowingly or intentionally damages, permanently
 6 removes an object from, or defaces real property in foreclosure
 7 commits foreclosure mischief, a Class B misdemeanor. However, the
 8 offense is:
- 9 (1) a Class A misdemeanor if the pecuniary loss is at least seven
 10 hundred fifty dollars (\$750) but less than fifty thousand dollars
 11 (\$50,000); and
- 12 (2) a Level 6 felony if the pecuniary loss is at least fifty thousand
 13 dollars (\$50,000):
- 14 (d) It is a defense to a prosecution under this section that the
 15 damage, removal, or defacement was the result of repair, renovation,
 16 replacement, or maintenance performed in good faith."
- 17 Page 15, line 42, delete "infraction." and insert "**misdemeanor.**".
 18 Renumber all SECTIONS consecutively.
 (Reference is to SB 261 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 1.

Freeman

Chairperson