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SENATE BILL No. 261

Proposed Changes to introduced printing by AM026101

DIGEST OF PROPOSED AMENDMENT

Misdemeanor. Specifies that a second or subsequent violation of littering in a cave is a Class C misdemeanor. Removes a definition relating to foreclosure mischief and places the substance of the definition in the crime itself.

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)~~.~~IC 35-43-1-2(d)~~ IC 35-43-1-2(i).

7 (b) The bureau shall suspend the driving privileges or invalidate
8 the learner's permit of an individual who is the subject of an order
9 issued 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(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.
18 (2) A battery offense under IC 35-42-2.
19 (3) Kidnapping or confinement under IC 35-42-3.

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

SECTION 3, IC 31-37-19-17, AS AMENDED BY P.L.111-2021,

SECTION 100, IS AMENDED TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2026]: Sec. 17. (a) This section applies if a child is a delinquent child under IC 31-37-1 due to the commission of a delinquent act that, if committed by an adult, would be criminal ~~or institutional~~ mischief or institutional criminal mischief vandalism under IC 35-43-1-2 that involves the use of graffiti.

(b) The juvenile court may, in addition to any other order or decree the court makes under this chapter, order the bureau of motor vehicles to:

(1) suspend the child's driver's license; or
(2) invalidate the child's learner's permit;
for one (1) year beginning the date of the order.

SECTION 4. IC 33-39-1-8, AS AMENDED BY P.L.10-2019, SECTION 127, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 8. (a) After June 30, 2005, this section does not apply to a person who:

- (1) holds a commercial driver's license; and
- (2) has been charged with an offense involving the operation of a motor vehicle in accordance with the federal Motor Carrier Safety Improvement Act of 1999 (MCSIA) (Public Law 106-159, 113 Stat. 1748).

(b) This section does not apply to a person arrested for or charged with:

- (1) an offense under IC 9-30-5-1 through IC 9-30-5-5; or
- (2) if a person was arrested or charged with an offense under IC 9-30-5-1 through IC 9-30-5-5, an offense involving:
 - (A) intoxication; or



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

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

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

7 (A) IC 7.1-5-7-7, if the alleged offense occurred while the

8 person was operating a motor vehicle;
9 (B) IC 9-30-4-8, if the alleged offense occurred while the
10
11

10 person was operating a motor
11 (C) IC 25-44-1.2-12(b)(1)

11 (C) IC 35-44.1-2-13(b)(1); or
12 (D) ~~IC 35-43-1-2(a)~~, IC 35-43-1-2(b)(1), if the alleged
13 offense occurred while the person was operating a motor
14 vehicle; and

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

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

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

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

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

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

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

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

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

41 (A) addiction counseling;
42 (B) depression; (C) anxiety

42 (B) inpatient detoxification; and

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1 (C) medication assisted treatment, including a federal Food
 2 and Drug Administration approved long acting,
 3 nonaddictive medication for the treatment of opioid or
 4 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
 8 services 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
 12 the 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
 30 terms of the agreement contain conditions described in subsection
 31 (e)(7):
 32 (1) the clerk of the court shall comply with IC 5-2-9; and
 33 (2) the prosecuting attorney shall file a confidential form
 34 prescribed or approved by the office of judicial administration
 35 with the clerk.
 36 SECTION 5. IC 35-31.5-2-35, AS ADDED BY P.L.114-2012,
 37 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2026]: Sec. 35. "Cave", for purposes of ~~IC 35-43-1-3, <>[~~
 39 IC 35-43-1-2, has the meaning set forth in ~~IC 35-43-1-3(a). <>[~~
 40 IC 35-43-1-2.
 41 SECTION 6. IC 35-31.5-2-76, AS AMENDED BY P.L.65-2016,
 42 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JULY 1, 2026]: Sec. 76. "Crime involving domestic or family violence" means a crime that occurs when a family or household member commits, attempts to commit, or conspires to commit any of the following against another family or household member:

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

3 (2) A battery offense under IC 35-42-2.

4 (3) Kidnapping or confinement under IC 35-42-3.

5 (4) Human and sexual trafficking crimes under IC 35-42-3.5.

6 (5) A sex offense under IC 35-42-4.

7 (6) Robbery under IC 35-42-5.

8 (7) Arson or ~~mischief~~ **vandalism** under IC 35-43-1.

9 (8) Burglary or trespass under IC 35-43-2.

10 (9) Disorderly conduct under IC 35-45-1.

11 (10) Intimidation or harassment under IC 35-45-2.

12 (11) Voyeurism under IC 35-45-4.

13 (12) Stalking under IC 35-45-10.

14 (13) An offense against family under IC 35-46-1-2 through IC 35-46-1-8, IC 35-46-1-12, IC 35-46-1-15.1, or IC 35-46-1-15.3.

15 (14) A crime involving animal cruelty and a family or household member under IC 35-46-3-12(b)(2) or IC 35-46-3-12.5.

22 ← ~~SECTION 7. IC 35-31.5-2-81.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: See. 81.3. "Damages, permanently removes an object from, or defaces real property", for purposes of IC 35-43-1-2, has the meaning set forth in IC 35-43-1-2.~~

23 → SECTION ~~8~~ [7]. IC 35-31.5-2-224, AS AMENDED BY P.L.134-2017, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 224. (a) "Owner", for purposes of IC 35-43-1-3, ~~IC 35-43-1-2~~, has the meaning set forth in IC 35-43-1-3(a). ~~IC 35-43-1-2~~.

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

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

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

38 SECTION ~~9~~ [8]. IC 35-31.5-2-230.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 230.1. "Pecuniary loss", for purposes of IC 35-43-1-2, has the meaning set forth in IC 35-43-1-2.



1 SECTION ~~10~~[9]. IC 35-31.5-2-267.5 IS ADDED TO THE
 2 INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS
 3 [EFFECTIVE JULY 1, 2026]: Sec. 267.5. "Real property in
 4 foreclosure", for purposes of IC 35-43-1-2, has the meaning set
 5 forth in IC 35-43-1-2.

6 SECTION 1~~1~~[0]. IC 35-31.5-2-273.2, AS ADDED BY
 7 P.L.13-2013, SECTION 129, IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 273.2. "Refuse", for
 9 purposes of IC 35-45-3-2, has the meaning set forth in
 10 ~~IC 35-45-3-2(b)~~.IIC 35-45-3-2.

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

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

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

23 (2) "Critical infrastructure facility" has the meaning set
 24 forth in IC 35-46-10-1.~~1~~

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

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

30 (B) ~~A component or subsystem of the heating,~~
 31 ~~ventilation, or air conditioning system of the real~~
 32 ~~property.~~

33 (C) ~~Wiring of the real property.~~

34 (D) ~~Pipes, fittings, or another part of the plumbing~~
 35 ~~system of the real property.~~

36 (E) ~~The structure, including the roof and foundation, of~~
 37 ~~the real property.~~

38 (F) ~~The windows of the real property.~~

39 (G) ~~The floors, ceilings, walls, or doors of the real~~
 40 ~~property.~~

41 (H) ~~The landscaping of the real property.~~

42 (I) ~~An unattached structure, carport, patio, fence, or~~



~~swimming pool located on the real property.~~

→ (4) → I

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

II (↔[4])↔"Pecuniary loss" means all costs necessary to restore damaged or defaced property to its former condition. The term includes:

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

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

- (i) cleaned;
- (ii) decontaminated; or
- (iii) both cleaned and decontaminated.

The term includes inspection, cleaning, or decontamination conducted by a person certified under JC 16-19-3.1.

□ (↔ [5] ↔) "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; c
- (C) another agree

(S) 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).

且 (☞[6]☞)"Scientific purposes" means exploration and research conducted by persons affiliated with recognized scientific organizations with the intent to advance knowledge and to publish the results of the exploration or research in an appropriate medium.

(a) (b) A person who:

(1) recklessly, knowingly, or intentionally damages or defaces



1 property of another person without the other person's consent; <
2 ➤§ commits criminal mischief, or
3 II (2) knowingly or intentionally damages, permanently
4 removes ~~an object from~~, or defaces:
5 (A) fixtures (as defined in IC 26-1-2.1-309) of real
6 property in foreclosure;
7 I (B) a component or subsystem of the heating,
8 ventilation, or air conditioning system of real property
9 in foreclosure;
10 (C) wiring of real property in foreclosure;
11 (D) pipes, fittings, or another part of the plumbing
12 system of real property in foreclosure;
13 (E) the structure, including the roof and foundation, of
14 real property in foreclosure;
15 (F) the windows of real property in foreclosure;
16 (G) the floors, ceilings, walls, or doors of real property
17 in foreclosure;
18 (H) the landscaping of real property in foreclosure; or
19 (I) an unattached structure, carport, patio, fence, or
20 swimming pool located on real property in foreclosure;
21 III commits criminal vandalism, a Class B misdemeanor except as
22 otherwise provided in this section.

(c) **Criminal vandalism is a Class A misdemeanor if one (1) or more of the following apply:**

(1) The pecuniary loss is at least seven hundred fifty dollars (\$750) but less than fifty thousand dollars (\$50,000).

(2) The person damages:

(A) a structure used for religious worship without the consent of the owner, possessor, or occupant of the property that is damaged;

(B) a school or community center without the consent of the owner, possessor, or occupant of the property that is damaged;

(C) the property of an agricultural operation (as defined in IC 32-30-6-1) without the consent of the owner, possessor, or occupant of the property that is damaged;

(D) the property of a scientific research facility (as defined in IC 35-31.5-2-287) without the consent of, or with consent which was fraudulently obtained from, the owner, possessor, or occupant of the property that is damaged;

(E) the grounds:



- (i) adjacent to; and
- (ii) owned or rented in common with;
- a structure or facility described in clauses (A) through (D) without the consent of the owner, possessor, or occupant of the property that is damaged;
- (F) personal property contained in a structure or located at a facility described in clauses (A) through (D) without the consent of the owner, possessor, or occupant of the property that is damaged;
- (G) property that is vacant real property (as defined in IC 36-7-36-5) or a vacant structure (as defined in IC 36-7-36-6); or
- (H) property after the person has been denied entry to the property by a court order that was issued:
 - (i) to the person; or
 - (ii) to the general public by conspicuous posting on or around the property in areas where a person could observe the order when the property has been designated by a municipality or county enforcement authority to be a vacant property, an abandoned property, or an abandoned structure (as defined in IC 36-7-36-1).

(3) The person:
(A) damages a cemetery, a burial ground (as defined in

IC 14-21-1-3), or a facility used for memorializing the dead;

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

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

unless the person acted in a proper and acceptable manner as authorized by IC 23-14, or unless the person acted in a proper and acceptable manner as authorized by IC 14-21, other than a person who disturbs the earth for an agricultural purpose under the exemption to IC 14-21 that is provided in IC 14-21-1-24.

(4) The person:

- (A) damages or defaces a cave;
- (B) damages a lock, gate, fence, or other structure designed to control or prevent access to a cave; or
- (C) damages or destroys a cave dwelling animal in a



cave:

unless the act described in clause (A) or (C) was done for scientific purposes.

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

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

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

(3) The damage is to a public record.

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

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

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

(7) The person damages property:

- (A) during the dealing or manufacture of or attempted dealing or manufacture of a controlled substance; and
- (B) by means of a fire or an explosion.

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

(9) The person damages or defaces:

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

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

(C) any rail, switch, roadbed, viaduct, bridge, trestle, culvert, or embankment on a right-of-way owned, leased, or operated by a railroad company.

(e) **Criminal vandalism** is a **Level 5 felony** if one (1) or more of the following apply:

(1) The damage is to property described in subsection (c)(2), and the pecuniary loss (or property damage, in the case of an

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1 agricultural operation or a scientific research facility) is at
 2 least fifty thousand dollars (\$50,000).

3 (2) The person damages property:

4 (A) during the dealing or manufacture of or attempted
 5 dealing or manufacture of a controlled substance;
 6 (B) by means of a fire or an explosion; and
 7 (C) resulting in moderate bodily injury to any person
 8 other than a defendant.

9 (3) The enhancement described in subsection (c)(3) applies
 10 and the pecuniary loss is at least fifty thousand dollars
 11 (\$50,000).

12 (4) The person damages or defaces:

13 (A) a locomotive, a railroad car, a train, or equipment of
 14 a railroad company being operated on a railroad
 15 right-of-way;
 16 (B) a part of any railroad signal system, train control
 17 system, centralized dispatching system, or highway
 18 railroad grade crossing warning signal on a railroad
 19 right-of-way owned, leased, or operated by a railroad
 20 company; or
 21 (C) any rail, switch, roadbed, viaduct, bridge, trestle,
 22 culvert, or embankment on a right-of-way owned,
 23 leased, or operated by a railroad company;

24 and the offense results in serious bodily injury to another
 25 person.

26 (5) The person damages or defaces a critical infrastructure
 27 facility.

28 (f) Criminal vandalism is a Level 4 felony if the person
 29 damages or defaces a critical infrastructure facility, and:

30 (1) the pecuniary loss is at least fifty thousand dollars
 31 (\$50,000); or
 32 (2) the damage causes a substantial interruption or
 33 impairment of a critical infrastructure utility service
 34 rendered to the public.

35 (g) Criminal vandalism is a Level 2 felony if the person
 36 damages or defaces:

37 (1) a locomotive, a railroad car, a train, or equipment of a
 38 railroad company being operated on a railroad right-of-way;
 39 (2) a part of any railroad signal system, train control system,
 40 centralized dispatching system, or highway railroad grade
 41 crossing warning signal on a railroad right-of-way owned,
 42 leased, or operated by a railroad company; or



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

and the offense results in the death of another person.

(h) It is a defense to a prosecution under subsection (b)(2) that the damage, removal, or defacement was the result of repair, renovation, replacement, or maintenance performed in good faith.

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

(j) The court may rescind an order for suspension or invalidation under subsection (i) and allow the person to receive a license or permit before the period of suspension or invalidation ends if the court determines that the person has removed or painted over the graffiti or has made other suitable restitution.

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:

(A) the pecuniary loss is at least fifty thousand dollars (\$50,000).

(B) the damage causes a substantial interruption or impairment of utility service rendered to the public.

(C) the damage is to a public record;

(D) the damage is to a law enforcement animal (as defined in IC 35-46-2-15).

(E) the damage is to a component of an automatic building fire suppression system that is located in a penal facility;

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

(1) a structure used for religious worship without the consent of the owner, possessor, or occupant of the property that is damaged;

(2) a school or community center without the consent of the owner, possessor, or occupant of the property that is damaged;

(3) the property of an agricultural operation (as defined in IC 32-30-6-1) without the consent of the owner, possessor, or occupant of the property that is damaged;

(4) the property of a scientific research facility (as defined in IC 25-21-5-2.287) without the consent of or with consent which

IC 35-51.5-2-287) without the consent of, or with consent which

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1 was fraudulently obtained from; the owner, possessor, or
 2 occupant of the property that is damaged;

3 (5) the grounds:

4 (A) adjacent to; and

5 (B) owned or rented in common with;

6 a structure or facility identified in subdivisions (1) through (4) without the consent of the owner, possessor, or occupant of the
 7 property that is damaged;

8 (6) personal property contained in a structure or located at a facility identified in subdivisions (1) through (4) without the consent of the owner, possessor, or occupant of the property that is damaged;

9 (7) property that is vacant real property (as defined in
 10 IC 36-7-36-5) or a vacant structure (as defined in IC 36-7-36-6);
 11 or

12 (8) property after the person has been denied entry to the property by a court order that was issued:

13 (A) to the person; or

14 (B) to the general public by conspicuous posting on or
 15 around the property in areas where a person could observe the order when the property has been designated by a
 16 municipality or county enforcement authority to be a vacant
 17 property, an abandoned property, or an abandoned structure
 18 (as defined in IC 36-7-36-1);

19 commits institutional criminal mischief, a Class A misdemeanor.
 20 However, the offense is a Level 6 felony if the pecuniary loss (or
 21 property damage, in the case of an agricultural operation or a scientific
 22 research facility) is at least seven hundred fifty dollars (\$750) but less
 23 than fifty thousand dollars (\$50,000); and a Level 5 felony if the
 24 pecuniary loss (or property damage, in the case of an agricultural
 25 operation or a scientific research facility) is at least fifty thousand
 26 dollars (\$50,000).

27 (c) A person who recklessly, knowingly, or intentionally damages
 28 property:

29 (1) during the dealing or manufacture of or attempted dealing or
 30 manufacture of a controlled substance; and

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

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

35 (d) If a person is convicted of an offense under this section that
 36 involves the use of graffiti, the court may, in addition to any other



1 penalty, order that the person's driver's license be suspended or
 2 invalidated by the bureau of motor vehicles for not more than one (1)
 3 year.

4 (e) The court may rescind an order for suspension or invalidation
 5 under subsection (d) and allow the person to receive a license or permit
 6 before the period of suspension or invalidation ends if the court
 7 determines that the person has removed or painted over the graffiti or
 8 has made other suitable restitution.

9 (f) For purposes of this section, "pecuniary loss" includes:
 10 (1) the total costs incurred in inspecting, cleaning, and
 11 decontaminating property contaminated by a pollutant; and
 12 (2) a reasonable estimate of all additional costs not already
 13 incurred under subdivision (1) that are necessary to inspect,
 14 clean, and decontaminate property contaminated by a pollutant,
 15 to the extent that the property has not already been:

16 (A) cleaned;
 17 (B) decontaminated; or
 18 (C) both cleaned and decontaminated.

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

21 SECTION 1 ~~↔~~ [3]. IC 35-43-1-2.1 IS REPEALED [EFFECTIVE
 22 JULY 1, 2026]. Sec. 2.1. (a) This section does not apply to the
 23 following:

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

28 (2) A person who acts in a proper and acceptable manner as
 29 authorized by IC 23-14.

30 (b) A person who recklessly, knowingly, or intentionally:
 31 (1) damages a cemetery, a burial ground (as defined in
 32 IC 14-21-1-3); or a facility used for memorializing the dead;
 33 (2) damages the grounds owned or rented by a cemetery or
 34 facility used for memorializing the dead; or
 35 (3) disturbs, defaces, or damages a cemetery monument, grave
 36 marker, grave artifact, grave ornamentation; or cemetery
 37 enclosure;

38 commits cemetery mischief, a Class A misdemeanor. However, the
 39 offense is a Level 6 felony if the pecuniary loss is at least seven
 40 hundred fifty dollars (\$750) but less than fifty thousand dollars
 41 (\$50,000); and a Level 5 felony if the pecuniary loss is at least fifty
 42 thousand dollars (\$50,000).



1 SECTION 1 ~~↔~~^[4] IC 35-43-1-2.3 IS REPEALED [EFFECTIVE
 2 JULY 1, 2026]. Sec. 2.3. A person who, without the consent of the
 3 owner of the property, recklessly, knowingly, or intentionally damages
 4 or defaces:

- 5 (1) a locomotive, a railroad car, a train, or equipment of a
 6 railroad company being operated on a railroad right-of-way;
- 7 (2) a part of any railroad signal system, train control system,
 8 centralized dispatching system, or highway railroad grade
 9 crossing warning signal on a railroad right-of-way owned,
 10 leased, or operated by a railroad company; or
- 11 (3) any rail, switch, roadbed, viaduct, bridge, trestle, culvert, or
 12 embankment on a right-of-way owned, leased, or operated by a
 13 railroad company;

14 commits railroad mischief, a Level 6 felony. However, the offense is a
 15 Level 5 felony if the offense results in serious bodily injury to another
 16 person and a Level 2 felony if the offense results in the death of another
 17 person.

18 SECTION 1 ~~↔~~^[5] IC 35-43-1-3 IS REPEALED [EFFECTIVE
 19 JULY 1, 2026]. Sec. 3. (a) As used in this section:

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

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

25 "Scientific purposes" means exploration and research conducted
 26 by persons affiliated with recognized scientific organizations with the
 27 intent to advance knowledge and with the intent to publish the results
 28 of said exploration or research in an appropriate medium.

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

- 31 (1) disfigures, destroys, or removes any stalagmite, stalactite, or
 32 other naturally occurring mineral deposit or formation, or
 33 archeological or paleontological artifact in a cave, for other than
 34 scientific purposes;

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

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

39 commits a Class A misdemeanor.

40 (c) A person who knowingly and without the express consent of
 41 the cave owner deposits trash, rubbish, chemicals, or other litter in a
 42 cave commits a Class C infraction. However, the violation is a Class C



1 misdemeanor if it is committed knowingly or intentionally and the
 2 person has a prior unrelated adjudication or conviction for a violation
 3 of this section within the previous five (5) years.

4 SECTION 1~~7~~[6]. IC 35-45-3-2, AS AMENDED BY
 5 P.L.231-2007, SECTION 4, IS AMENDED TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) A person who recklessly,
 7 knowingly, or intentionally places or leaves refuse on property of
 8 another person, except in a container provided for refuse, commits
 9 littering, a Class B infraction. However, the offense is a Class A
 10 infraction if the refuse:

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

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

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

19 **(b) A person who:**

20 (1) recklessly, knowingly, or intentionally violates subsection
 21 (a)(2); and

22 (2) has a prior unrelated conviction or adjudication for a
 23 violation of subsection (a)(2) within the previous five (5)
 24 years;

25 commits a Class C ~~infraction~~misdemeanor.

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

28 **(c) (d) Evidence that littering was committed from a moving**
 29 vehicle other than a public conveyance constitutes prima facie evidence
 30 that it was committed by the operator of that vehicle.

31 SECTION 1~~8~~[7]. IC 35-46-10-3 IS REPEALED [EFFECTIVE
 32 JULY 1, 2026]. Sec. 3. A person who recklessly, knowingly, or
 33 intentionally damages or defaces property of a critical infrastructure
 34 facility commits critical infrastructure facility mischief, a Level 5
 35 felony. However, the offense is a Level 4 felony if:

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

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

40 SECTION 1~~9~~[8]. IC 35-46-10-4, AS ADDED BY
 41 P.L.276-2019, SECTION 7, IS AMENDED TO READ AS FOLLOWS
 42 [EFFECTIVE JULY 1, 2026]: Sec. 4. Except as provided in



1 IC 35-50-2, if a person commits the offense of conspiracy (as described
 2 in IC 35-41-5-2) to commit an offense described in:

3 **(1) section 2 or 3 of this chapter; or**
 4 **(2) IC 35-43-1-2 (criminal vandalism) involving a critical**
 5 **infrastructure facility;**

6 with a person who commits an offense described under section 2 or 3
 7 of this chapter **or IC 35-43-1-2 (criminal vandalism) involving a**
 8 **critical infrastructure facility**, the conspiring person shall be
 9 punished by a fine not to exceed one hundred thousand dollars
 10 (\$100,000).

11 SECTION ~~20~~¹⁹. IC 35-46-10-5, AS ADDED BY
 12 P.L.276-2019, SECTION 7, IS AMENDED TO READ AS FOLLOWS
 13 [EFFECTIVE JULY 1, 2026]: Sec. 5. (a) A person aggrieved by a
 14 violation under:

15 **(1) this chapter; or**
 16 **(2) IC 35-43-1-2 (criminal vandalism) involving a critical**
 17 **infrastructure facility;**

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

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

21 **(1) sections section 2 3; or 4 of this chapter; or**
 22 **(2) IC 35-43-1-2 (criminal vandalism) involving a critical**
 23 **infrastructure facility;**

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

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