

SENATE BILL No. 261

AM026102 has been incorporated into introduced printing.

Synopsis: Criminal vandalism.

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Introduced

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.

SENATE BILL No. 261

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
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(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

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1 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) A sex offense under IC 35-42-4.

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

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

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

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

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

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

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

13 (12) An offense against the family under IC 35-46-1-2 through

14 IC 35-46-1-8, IC 35-46-1-12, IC 35-46-1-15.1, or

15 IC 35-46-1-15.3.

16 (13) Human and sexual trafficking crimes under IC 35-42-3.5.

17 (14) A crime involving animal cruelty and a family or household

18 member under IC 35-46-3-12(b)(2) or IC 35-46-3-12.5.

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

20 SECTION 100, IS AMENDED TO READ AS FOLLOWS

21 [EFFECTIVE JULY 1, 2026]: Sec. 17. (a) This section applies if a

22 child is a delinquent child under IC 31-37-1 due to the commission of

23 a delinquent act that, if committed by an adult, would be criminal

24 ~~mischief or institutional criminal~~ **mischief** **vandalism** under

25 IC 35-43-1-2 that involves the use of graffiti.

26 (b) The juvenile court may, in addition to any other order or decree

27 the court makes under this chapter, order the bureau of motor vehicles

28 to:

29 (1) suspend the child's driver's license; or

30 (2) invalidate the child's learner's permit;

31 for one (1) year beginning the date of the order.

32 SECTION 4. IC 33-39-1-8, AS AMENDED BY P.L.10-2019,

33 SECTION 127, IS AMENDED TO READ AS FOLLOWS

34 [EFFECTIVE JULY 1, 2026]: Sec. 8. (a) After June 30, 2005, this

35 section does not apply to a person who:

36 (1) holds a commercial driver's license; and

37 (2) has been charged with an offense involving the operation of

38 a motor vehicle in accordance with the federal Motor Carrier

39 Safety Improvement Act of 1999 (MCSIA) (Public Law

40 106-159.113 Stat. 1748).

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

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1 with:

2 (1) an offense under IC 9-30-5-1 through IC 9-30-5-5; or

3 (2) if a person was arrested or charged with an offense under

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

5 (A) intoxication; or

6 (B) the operation of a vehicle;

7 if the offense involving intoxication or the operation of a vehicle was

8 part of the same episode of criminal conduct as the offense under

9 IC 9-30-5-1 through IC 9-30-5-5.

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

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

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

13 person was operating a motor vehicle;

14 (B) IC 9-30-4-8, if the alleged offense occurred while the

15 person was operating a motor vehicle;

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

17 (D) ~~IC 35-43-1-2(a); IC 35-43-1-2(b)(1)~~, if the alleged

18 offense occurred while the person was operating a motor

19 vehicle; and

20 (2) who was less than eighteen (18) years of age at the time of

21 the alleged offense.

22 (d) A prosecuting attorney may withhold prosecution against an

23 accused person if:

24 (1) the person is charged with a misdemeanor, a Level 6 felony,

25 or a Level 5 felony;

26 (2) the person agrees to conditions of a pretrial diversion

27 program offered by the prosecuting attorney;

28 (3) the terms of the agreement are recorded in an instrument

29 signed by the person and the prosecuting attorney and filed in the

30 court in which the charge is pending; and

31 (4) the prosecuting attorney electronically transmits information

32 required by the prosecuting attorneys council concerning the

33 withheld prosecution to the prosecuting attorneys council, in a

34 manner and format designated by the prosecuting attorneys

35 council.

36 (e) An agreement under subsection (d) may include conditions that

37 the person:

38 (1) pay to the clerk of the court an initial user's fee and monthly

39 user's fees in the amounts specified in IC 33-37-4-1;

40 (2) work faithfully at a suitable employment or faithfully pursue

41 a course of study or career and technical education that will



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

6 SECTION 6. IC 35-31.5-2-76, AS AMENDED BY P.L.65-2016,
 7 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2026]: Sec. 76. "Crime involving domestic or family violence"
 9 means a crime that occurs when a family or household member
 10 commits, attempts to commit, or conspires to commit any of the
 11 following against another family or household member:

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

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

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

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

41 (c) "Owner", for purposes of IC 35-49, has the meaning set forth



1 in IC 35-49-1-6.

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

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

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

14 SECTION 11. IC 35-31.5-2-273.2, AS ADDED BY P.L.13-2013,
15 SECTION 129, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2026]: Sec. 273.2. "Refuse", for purposes of
17 IC 35-45-3-2, has the meaning set forth in ~~IC 35-45-3-2(b)~~
18 **IC 35-45-3-2.**

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

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

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

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

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

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

38 **(B) A component or subsystem of the heating,
39 ventilation, or air conditioning system of the real
40 property.**

41 **(C) Wiring of the real property.**

42 **(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.

(4) "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.

(5) "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 IC 16-19-3.1.

(6) "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).

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(7) "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 property of another person without the other person's consent; commits criminal mischief, or

(2) knowingly or intentionally damages, permanently removes an object from, or defaces real property in foreclosure;

commits criminal vandalism, a Class B misdemeanor except as 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

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;

damaged;
(E) the grounds:

(i) adjacent to; and

(ii) owned or rented in common with:

(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



1 **impairment of utility service rendered to the public.**

2 **(3) The damage is to a public record.**

3 **(4) The damage is to a law enforcement animal (as defined in**

4 **IC 35-46-3-4.5).**

5 **(5) The damage is to a component of an automatic building**

6 **fire suppression system that is located in a penal facility.**

7 **(6) The damage is to property described in subsection (c)(2),**

8 **and the pecuniary loss (or property damage, in the case of an**

9 **agricultural operation or a scientific research facility) is at**

10 **least seven hundred fifty dollars (\$750) but less than fifty**

11 **thousand dollars (\$50,000).**

12 **(7) The person damages property:**

13 **(A) during the dealing or manufacture of or attempted**

14 **dealing or manufacture of a controlled substance; and**

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

16 **(8) The enhancement described in subsection (c)(3) applies**

17 **and the pecuniary loss is at least seven hundred fifty dollars**

18 **(\$750) but less than fifty thousand dollars (\$50,000).**

19 **(9) The person damages or defaces:**

20 **(A) a locomotive, a railroad car, a train, or equipment of**

21 **a railroad company being operated on a railroad**

22 **right-of-way;**

23 **(B) a part of any railroad signal system, train control**

24 **system, centralized dispatching system, or highway**

25 **railroad grade crossing warning signal on a railroad**

26 **right-of-way owned, leased, or operated by a railroad**

27 **company; or**

28 **(C) any rail, switch, roadbed, viaduct, bridge, trestle,**

29 **culvert, or embankment on a right-of-way owned,**

30 **leased, or operated by a railroad company.**

31 **(e) Criminal vandalism is a Level 5 felony if one (1) or more of**

32 **the following apply:**

33 **(1) The damage is to property described in subsection (c)(2),**

34 **and the pecuniary loss (or property damage, in the case of an**

35 **agricultural operation or a scientific research facility) is at**

36 **least fifty thousand dollars (\$50,000).**

37 **(2) The person damages property:**

38 **(A) during the dealing or manufacture of or attempted**

39 **dealing or manufacture of a controlled substance;**

40 **(B) by means of a fire or an explosion; and**

41 **(C) resulting in moderate bodily injury to any person**

42 **other than a defendant.**



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

(4) 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;

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

(f) Criminal vandalism is a Level 4 felony if the person

(I) the pecuniary loss is at least fifty thousand dollars

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

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

ges or devices.

- (1) a locomotive, a railroad car, a train, or equipment of a railroad company being operated on a railroad right-of-way;
- (2) 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
- (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

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1 **involves the use of graffiti, the court may, in addition to any other**
 2 **penalty, order that the person's driver's license or learner's permit**
 3 **be suspended or invalidated by the bureau of motor vehicles for**
 4 **not more than one (1) year.**

5 (j) The court may rescind an order for suspension or
 6 invalidation under subsection (i) and allow the person to receive a
 7 license or permit before the period of suspension or invalidation
 8 ends if the court determines that the person has removed or
 9 painted over the graffiti or has made other suitable restitution.
 10 However, the offense is:

11 (1) a Class A misdemeanor if the pecuniary loss is at least seven
 12 hundred fifty dollars (\$750) but less than fifty thousand dollars
 13 (\$50,000); and

14 (2) a Level 6 felony if:

15 (A) the pecuniary loss is at least fifty thousand dollars
 16 (\$50,000);

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

19 (C) the damage is to a public record;

20 (D) the damage is to a law enforcement animal (as defined
 21 in IC 35-46-3-4.5); or

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

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

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

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

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

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

37 (5) the grounds:

38 (A) adjacent to; and

39 (B) owned or rented in common with;

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



1 (6) personal property contained in a structure or located at a
 2 facility identified in subdivisions (1) through (4) without the
 3 consent of the owner, possessor, or occupant of the property that
 4 is damaged;
 5 (7) property that is vacant real property (as defined in
 6 IC 36-7-36-5) or a vacant structure (as defined in IC 36-7-36-6);
 7 or
 8 (8) property after the person has been denied entry to the
 9 property by a court order that was issued:
 10 (A) to the person; or
 11 (B) to the general public by conspicuous posting on or
 12 around the property in areas where a person could observe
 13 the order when the property has been designated by a
 14 municipality or county enforcement authority to be a vacant
 15 property, an abandoned property, or an abandoned structure
 16 (as defined in IC 36-7-36-1);
 17 commits institutional criminal mischief, a Class A misdemeanor.
 18 However, the offense is a Level 6 felony if the pecuniary loss (or
 19 property damage, in the case of an agricultural operation or a scientific
 20 research facility) is at least seven hundred fifty dollars (\$750) but less
 21 than fifty thousand dollars (\$50,000); and a Level 5 felony if the
 22 pecuniary loss (or property damage, in the case of an agricultural
 23 operation or a scientific research facility) is at least fifty thousand
 24 dollars (\$50,000).
 25 (c) A person who recklessly, knowingly, or intentionally damages
 26 property:
 27 (1) during the dealing or manufacture of or attempted dealing or
 28 manufacture of a controlled substance; and
 29 (2) by means of a fire or an explosion;
 30 commits controlled substances criminal mischief, a Level 6 felony.
 31 However, the offense is a Level 5 felony if the offense results in
 32 moderate bodily injury to any person other than a defendant.
 33 (d) If a person is convicted of an offense under this section that
 34 involves the use of graffiti, the court may, in addition to any other
 35 penalty, order that the person's driver's license be suspended or
 36 invalidated by the bureau of motor vehicles for not more than one (1)
 37 year.
 38 (e) The court may rescind an order for suspension or invalidation
 39 under subsection (d) and allow the person to receive a license or permit
 40 before the period of suspension or invalidation ends if the court
 41 determines that the person has removed or painted over the graffiti or

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1 has made other suitable restitution:

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

3 (1) the total costs incurred in inspecting, cleaning, and
4 decontaminating property contaminated by a pollutant; and
5 (2) a reasonable estimate of all additional costs not already
6 incurred under subdivision (1) that are necessary to inspect,
7 clean, and decontaminate property contaminated by a pollutant,
8 to the extent that the property has not already been:

9 (A) cleaned;
10 (B) decontaminated; or
11 (C) both cleaned and decontaminated.

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

14 SECTION 14. IC 35-43-1-2.1 IS REPEALED [EFFECTIVE JULY
15 1, 2026]. Sec. 2.1. (a) This section does not apply to the following:

16 (1) A person who acts in a proper and acceptable manner as
17 authorized by IC 14-21 other than a person who disturbs the
18 earth for an agricultural purpose under the exemption to
19 IC 14-21 that is provided in IC 14-21-1-24.
20 (2) A person who acts in a proper and acceptable manner as
21 authorized by IC 23-14.
22 (b) A person who recklessly, knowingly, or intentionally:
23 (1) damages a cemetery, a burial ground (as defined in
24 IC 14-21-1-3); or a facility used for memorializing the dead;
25 (2) damages the grounds owned or rented by a cemetery or
26 facility used for memorializing the dead; or
27 (3) disturbs, defaces, or damages a cemetery monument, grave
28 marker, grave artifact, grave ornamentation, or cemetery
29 enclosure;

30 commits cemetery mischief, a Class A misdemeanor. However, the
31 offense is a Level 6 felony if the pecuniary loss is at least seven
32 hundred fifty dollars (\$750) but less than fifty thousand dollars
33 (\$50,000); and a Level 5 felony if the pecuniary loss is at least fifty
34 thousand dollars (\$50,000).

35 SECTION 15. IC 35-43-1-2.3 IS REPEALED [EFFECTIVE JULY
36 1, 2026]. Sec. 2.3. A person who, without the consent of the owner of
37 the property, recklessly, knowingly, or intentionally damages or
38 defaces:

39 (1) a locomotive, a railroad car, a train, or equipment of a
40 railroad company being operated on a railroad right-of-way;
41 (2) a part of any railroad signal system, train control system,



1 centralized dispatching system, or highway railroad grade
 2 crossing warning signal on a railroad right-of-way owned,
 3 leased, or operated by a railroad company; or
 4 (3) any rail, switch, roadbed, viaduct, bridge, trestle, culvert, or
 5 embankment on a right-of-way owned, leased, or operated by a
 6 railroad company;
 7 commits railroad mischief, a Level 6 felony. However, the offense is a
 8 Level 5 felony if the offense results in serious bodily injury to another
 9 person and a Level 2 felony if the offense results in the death of another
 10 person.

11 SECTION 16. IC 35-43-1-3 IS REPEALED [EFFECTIVE JULY
 12 1, 2026]. Sec. 3. (a) As used in this section:

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

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

18 "Scientific purposes" means exploration and research conducted
 19 by persons affiliated with recognized scientific organizations with the
 20 intent to advance knowledge and with the intent to publish the results
 21 of said exploration or research in an appropriate medium.

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

24 (1) disfigures, destroys, or removes any stalagmite, stalactite, or
 25 other naturally occurring mineral deposit or formation, or
 26 archeological or paleontological artifact in a cave, for other than
 27 scientific purposes;

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

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

32 commits a Class A misdemeanor.

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

39 SECTION 17. IC 35-43-4-9 IS REPEALED [EFFECTIVE JULY
 40 1, 2026]. Sec. 9. (a) This section applies only to real property in
 41 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).

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

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

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

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

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

18 (b) A person who:

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

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

24 commits a Class C infraction.

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

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

30 SECTION 19. IC 35-46-10-3 IS REPEALED [EFFECTIVE JULY
 31 1, 2026]. Sec. 3. A person who recklessly, knowingly, or intentionally
 32 damages or defaces property of a critical infrastructure facility commits
 33 critical infrastructure facility mischief, a Level 5 felony. However, the
 34 offense is a Level 4 felony if:

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

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

39 SECTION 20. IC 35-46-10-4, AS ADDED BY P.L.276-2019,
 40 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2026]: Sec. 4. Except as provided in IC 35-50-2, if a person



1 commits the offense of conspiracy (as described in IC 35-41-5-2) to
2 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 21. IC 35-46-10-5, AS ADDED BY P.L.276-2019,
12 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2026]: Sec. 5. (a) A person aggrieved by a violation under:

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

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

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

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

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

