



POLICE / PROSECUTOR UPDATE

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2002 Indiana Legislature - Amendments to existing crimes, effective July 1, 2002.

P.L. 59-2002 amended **IC 35-42-3-3** to make **criminal confinement** a *Class B felony* if committed on an aircraft.

P.L. 88-2002 amended **IC 35-42-2-6** to make it **battery by body waste** when a person places human blood, semen, urine, or fecal waste on another person. A *Class A misdemeanor*. The offense is a *Class D, C, or B felony* if certain additional requirements are satisfied.

P.L. 118-2002 amended **IC 35-42-4-5** to create the crime of **fondling in the presence of a minor**, a *Class D felony*. This offense is committed when a person 18 years of age or older touches or fondles himself in the presence of a child less than 14 years of age with the intent to arouse or satisfy the sexual desires of the child or the older person.

The **child solicitation** law, **IC 35-42-4-6**, was also amended. It provides that "solicit" means to command, authorize, urge, incite, request, or advise an individual: in person, by telephone, in writing, by using a computer network, by advertisement of any kind, or by any other means to perform a prohibited act. Also, the victim will now include, "or an individual the person believes to be a child under 14 years of age."

A number of statutes were amended by P.L. 123-2002. **Arson**, **IC 35-43-1-1**, may now also be committed by means of a "destructive device," as can false reporting under **IC 35-44-2-2(b)(1)**.

Disorderly conduct, **IC 35-45-1-3**, will be a *Class D felony* if it adversely affects airport security and is committed in an airport or on the premises of an airport, including in a parking area, a maintenance bay, or an aircraft hangar.

Money laundering, **IC 35-45-15-5**, will be a *Class C felony* if the person commits the crime

with the intent to commit or promote an act of terrorism or to obtain or transport a weapon of mass destruction. It will be a *Class B felony* if the value of the proceeds or funds is at least \$50,000 and the person commits the crime with the intent to commit or promote an act of terrorism or to obtain or transport a weapon of mass destruction.

IC 35-47-5-1 was repealed, effective July 1. **IC 35-47-5-8** and **IC 35-47-5-9** were amended to delete any reference to a bomb.

Finally, the crimes of **terrorism**, **IC 35-47-12-1**, and agricultural terrorism, **IC 35-47-12-2**, were amended to expand the means by which they can be committed to include possessing a weapon of mass destruction.

P.L. 133-2002 expanded the means by which **involuntary manslaughter**, **IC 35-42-1-4**, may be committed. It will be a *Class D felony* if a child care provider recklessly supervises a child and the child dies as a result of the child care provider's reckless supervision.

P.L. 3-2002 amended **IC 35-42-4-4**, **IC 35-49-1-3**, and **IC 35-49-3-3**. The amendments prohibit making available to another person a computer containing material harmful to minors. The penalty for **child exploitation** is raised to a *Class C felony* and for possession of child pornography to a *Class D felony*. It specifies that the laws concerning child exploitation, possession of child pornography, and obscenity and pornography apply to digitized images. It excludes from the crime of dissemination of matter harmful to minors material sent over the Internet, *unless* the matter is obscene, is child pornography, or was deliberately sent to a child the sender knows is less than 18 years of age.

Finally, P.L. 132-2002 restricts **cruelty to an animal** under **IC 35-46-3-12** to the act of beating a vertebrate animal. But it increases the penalty to a *Class D felony* if the person tortures or mutilates a vertebrate animal.