



POLICE / PROSECUTOR UPDATE

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This month we will look at some new legislation. Unless indicated otherwise, all new or amended legislation is effective **July 1, 2002**. The restrictions of space preclude an in-depth examination of any legislation. First, we will examine the new crimes:

P.L. 71-2002 added **IC 35-45-2-5**, creating the *Class A misdemeanor* of interference with reporting of crime. It prevents a person from interfering with or preventing another person from making a 911 telephone call, obtaining medical assistance, or making a report to a law enforcement officer.

P.L.88-2002 creates the new crimes of malicious mischief, a *Class B misdemeanor*, and malicious mischief with food, a *Class A misdemeanor*. The crimes increase in severity to *Class B felonies* if certain requirements are met. The new crime will be found in **IC 35-45-16-2**.

P.L. 76-2002 creates the new crimes of: possession of animal fighting paraphernalia, **IC 35-46-3-8.5**, a *Class B misdemeanor*; promoting an animal fighting contest, **IC 35-46-3-9.5**, a *Class D felony*; and cruelty to an animal for removing the vocal cords of a trained attack dog, **IC 35-46-3-13**, a *Class A misdemeanor*.

P.L. 123-2002 is the huge antiterrorism law. It created the crimes of terroristic deception, **IC 35-43-5-3.6**, a *Class C felony*, and terroristic mischief, **IC 35-47-12-3**, a *Class C felony*.

P.L. 59-2002 creates three new crimes dealing with airports and aircraft. **IC 35-47-6-1.4** will criminalize the act of entering an area of an airport to which access is controlled by the inspection of persons or property without submitting to the inspection. This offense will be a *Class A misdemeanor*. **IC 35-47-6-1.6(a)** creates a *Class B felony* for a person who uses force or violence, or the threat of force or violence, to disrupt the operation of an aircraft. **IC 35-47-6-1.6(b)** makes it a *Class A felony* for a person who uses force or violence, or the threat of force or violence, to hijack an aircraft in flight.

P.L. 123-2002 also created a new Article in Title 35 - **IC 35-47.5, Controlled Explosives**. The definitions applicable to this Article will be found in **IC 35-47.5-2**. **IC 35-47.5-2** creates a *Class C felony* for possessing, manufacturing, transporting, distributing, possessing with the intent to distribute, or offering to distribute a destructive device. **IC 35-47.5-3** makes it a *Class C felony* for a convicted felon to possess, manufacture, transport, distribute, possess with the intent to distribute, or offer to distribute a regulated explosive. **IC 35-47.5-4** makes it a *Class C felony* for a person to distribute a regulated explosive to a convicted felon. **IC 35-47.5-5** makes it a *Class B felony* for a person to distribute or offer to distribute a destructive device, an explosive, or a detonator to a person who is less than 18 years of age. **IC 35-47.5-6** creates a *Class D felony* for a person who manufactures, possesses, transports, distributes, or uses a hoax device or replica with the intent to cause another to believe that the hoax device or replica is a destructive device or detonator. **IC 35-47.5-7** makes it a *Class B felony* for a person to hinder or obstruct a law enforcement officer, a fire official, an emergency management official, an animal trained to detect destructive devices, or a robot or mechanical device designed or used by a law enforcement officer, fire official, or emergency management official, in the detection, disarming, or destruction of a destructive device. It is a *Class A felony* under **IC 35-47.5-8** for a person to possess, transport, receive, place, or detonate a destructive device or explosive with the knowledge or intent that it will be used to kill, injure, or intimidate an individual or to destroy property. It is a *Class A misdemeanor* for a person to use an overpressure device. **IC 35-47.5-9**. Finally, **IC 35-47.5-10** makes it a *Class D felony* for a person to deploy a booby trap.

P.L. 35-2002 adds **IC 35-45-3-3**, making it a *Class A infraction* to throw a lighted cigarette, cigar, match, or other burning material from a moving motor vehicle.

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