

# Police Prosecutor Update

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We will take a quick look at more new legislation. Unless noted otherwise, all laws are effective July 1, 2005.

H.E.A. 1099, P.L. 7-2005 amends IC 35-45-4-5 to make **Voyeurism** a Class D felony if the person has a prior unrelated conviction for voyeurism (or a conviction in another jurisdiction for a substantially similar offense).

H.E.A. 1501, P.L. 222-2005 amended the **Official Misconduct** statute, IC 35-44-1-2 (effective now) to make the offense a Class D felony (was a Class A misdemeanor). It also amended IC 35-44-1-7 (effective now), making **Profiteering from Public Service** a Class D felony (was a Class A infraction).

S.E.A. 233, P.L. 124-2005 amended the **Child Solicitation** statute, IC 35-42-4-6. It added subsection (c) criminalizing the solicitation of a child at least age 14 but less than 16 years of age (or believed to be) by a person at least 21 years old.

S.E.A. 92, P.L. 70-2005 amended IC 35-45-5-2, adding subsection (c) making use of the Internet to engage in unlawful **Gambling** in Indiana or with a person located in Indiana a Class D felony. It also amended IC 35-45-5-3, adding subsection (b), creating the offense of **Professional Gambling** over the Internet, a Class D felony, in Indiana or in a transaction directly involving a person located in Indiana.

S.E.A. 15, P.L. 103-2005 amended the **Bribery** statute, IC 35-44-1-1, adding subsection (a)(9). It is bribery to confer or offer or agree to confer any property on an individual for casting a ballot or refraining from casting a ballot, or voting for a political party, for a candidate, or for or against a public question, in an election or at a convention of a political party.

S.E.A. 117, P.L. 50-2005 added IC 35-47-6-1.1, **Undisclosed Transport of a Dangerous Device**. A person commits this offense who checks an item to be transported on a commercial passenger airline and who (1) knows the item contains a dangerous device and (2) knowingly or intentionally fails to disclose orally or in writing to the person to whom possession of the item is delivered for carriage that the item contains a dangerous device. It is a Class A misdemeanor. A "dangerous device" is a firearm, a destructive device (IC 35-47.5-2-4), or a weapon of mass destruction (IC 35-41-1-29.4). It also amends the arrest statute, IC 35-33-1-1, to allow police to arrest a person when the officer has probable cause to believe that the person is violating or has violated IC 35-47-6-1.1.

H.E.A. 1098, P.L. 212-2005 created two new Legend Drug offenses. IC 35-43-10-3 is **Legend Drug Deception**, a Class D felony. A person commits this offense who knowingly or intentionally: (1) possesses a contraband legend drug; or (2) sells, delivers or possesses with intent to sell or deliver a contraband legend drug; or (3) forges, counterfeits, or falsely creates a label for a legend drug or falsely represents a factual matter contained on a label of a legend drug; or (4) manufactures, purchases, sells, delivers, brings into Indiana, or possesses a contraband legend drug. IC 35-43-10-4 creates legend drug deception resulting in death, a Class A felony. A person commits this offense who knowingly or intentionally: (1) manufactures, purchases, sells, delivers, brings into Indiana, or possesses a contraband legend drug; and (2) the act results in the death of an individual. "Contraband legend drug" is defined at IC 25-26-14-4.3 (new).

S.E.A. 47, P.L. 45-2005 amended IC 35-43-5-2 to add the crime of Counterfeiting. S.E.A. 268, P.L. 126-2005 added the new crimes of "unlawful participation in **human cloning**," a Class D felony, IC 35-46-5-2, and "unlawful transfer of a human organism," a Class C felony, IC 35-46-5-3. Both statutes are in effect now.

H.E.A. 1159, P.L. 140-2005 amended the **False Informing** statute to include giving a false report concerning a missing endangered adult, IC 35-44-2-2(d)(4), and added a new chapter, IC 35-45-17, concerning **Panhandling**. Finally, H.E.A. 1403, P.L. 181-2005 added a new **Insurance Fraud** offense, IC 35-43-5-4.5.

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