

IC 35-43

ARTICLE 43. OFFENSES AGAINST PROPERTY

IC 35-43-1

Chapter 1. Arson, Mischief, and Tampering

IC 35-43-1-0.1

Repealed

(Repealed by P.L.63-2012, SEC.50.)

IC 35-43-1-1

Arson

Sec. 1. (a) A person who, by means of fire, explosive, or destructive device, knowingly or intentionally damages:

- (1) a dwelling of another person without the other person's consent;
- (2) property of any person under circumstances that endanger human life;
- (3) property of another person without the other person's consent if the pecuniary loss is at least five thousand dollars (\$5,000); or
- (4) a structure used for religious worship without the consent of the owner of the structure;

commits arson, a Level 4 felony. However, the offense is a Level 3 felony if it results in bodily injury to any person other than a defendant and a Level 2 felony if it results in serious bodily injury to any person other than a defendant.

(b) A person who commits arson for hire commits a Level 4 felony. However, the offense is:

- (1) a Level 3 felony if it results in bodily injury to any other person; and
- (2) a Level 2 felony if it results in serious bodily injury to any other person.

(c) A person who, by means of fire, explosive, or destructive device, knowingly or intentionally damages property of any person with intent to defraud commits arson, a Level 6 felony.

(d) A person who, by means of fire, explosive, or destructive device, knowingly or intentionally damages property of another person without the other person's consent so that the resulting pecuniary loss is at least two hundred fifty dollars (\$250) but less than five thousand dollars (\$5,000) commits arson, a Level 6 felony.

(e) A person who commits an offense under subsection (a), (b), (c), or (d) commits a separate offense for each person who suffers a bodily injury or serious bodily injury that is caused by the violation of subsection (a), (b), (c), or (d).

As added by Acts 1976, P.L.148, SEC.3. Amended by Acts 1977, P.L.340, SEC.40; Acts 1980, P.L.159, SEC.4; Acts 1981, P.L.302, SEC.1; Acts 1982, P.L.204, SEC.35; P.L.88-1999, SEC.1; P.L.123-2002, SEC.36; P.L.158-2013, SEC.452; P.L.168-2014,

SEC.75.

IC 35-43-1-2

Criminal mischief; institutional criminal mischief

Sec. 2. (a) A person who recklessly, knowingly, or intentionally damages or defaces property of another person without the other person's consent commits criminal 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:

(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; or

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

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

(1) a structure used for religious worship;

(2) a school or community center;

(3) the property of an agricultural operation (as defined in IC 32-30-6-1);

(4) the grounds:

(A) adjacent to; and

(B) owned or rented in common with;

a structure or facility identified in subdivisions (1) through (3);
or

(5) personal property contained in a structure or located at a facility identified in subdivisions (1) through (3);

without the consent of the owner, possessor, or occupant of the property that is damaged, commits institutional criminal mischief, a Class A misdemeanor. However, the offense is a Level 6 felony if the pecuniary loss (or property damage, in the case of an agricultural operation) is at least seven hundred fifty dollars (\$750) but less than fifty thousand dollars (\$50,000), and a Level 5 felony if the pecuniary loss (or property damage, in the case of an agricultural operation) is at least fifty thousand dollars (\$50,000).

(c) 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 operator's license be suspended or invalidated by the bureau of motor vehicles for not more than one (1) year.

(d) The court may rescind an order for suspension or invalidation under subsection (c) 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.

As added by Acts 1976, P.L.148, SEC.3. Amended by Acts 1977,

P.L.340, SEC.41; P.L.326-1983, SEC.1; P.L.319-1985, SEC.1; P.L.151-1989, SEC.11; P.L.180-1991, SEC.6; P.L.94-1996, SEC.5; P.L.213-1997, SEC.1; P.L.100-1999, SEC.2; P.L.108-2002, SEC.1; P.L.116-2002, SEC.24; P.L.123-2002, SEC.37; P.L.1-2003, SEC.95; P.L.140-2006, SEC.33 and P.L.173-2006, SEC.33; P.L.216-2007, SEC.48; P.L.158-2013, SEC.453; P.L.21-2014, SEC.2.

IC 35-43-1-2.1

Cemetery mischief

Sec. 2.1. (a) This section does not apply to the following:

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

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

- (1) damages a cemetery, a burial ground (as defined in IC 14-21-1-3), or a facility used for memorializing the dead;
- (2) damages the grounds owned or rented by a cemetery or facility used for memorializing the dead; or
- (3) disturbs, defaces, or damages a cemetery monument, grave marker, grave artifact, grave ornamentation, or cemetery enclosure;

commits cemetery mischief, a Class A misdemeanor. However, the offense is a Level 6 felony if the pecuniary loss is at least two thousand five hundred dollars (\$2,500).

As added by P.L.100-1999, SEC.3. Amended by P.L.177-2001, SEC.4; P.L.158-2013, SEC.454.

IC 35-43-1-2.3

Railroad mischief

Sec. 2.3. A person who, without the consent of the owner of the property, recklessly, knowingly, or intentionally damages or defaces:

- (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;

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

As added by P.L.158-2013, SEC.455.

IC 35-43-1-3

Unlawful acts relating to caves; offense

Sec. 3. (a) As used in this section:

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

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

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

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

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

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

(3) deposits trash, rubbish, chemicals, or other litter in a cave;
or

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

commits a Class A misdemeanor.

As added by P.L.177-1983, SEC.2.

IC 35-43-1-4

Repealed

(Repealed by P.L.158-2013, SEC.456.)

IC 35-43-1-5

Tampering with a water supply; poisoning

Sec. 5. (a) A person who, with the intent to cause serious bodily injury, tampers with a:

(1) water supply;

(2) water treatment plant (as defined in IC 13-11-2-264); or

(3) water distribution system (as defined in IC 13-11-2-259);

commits tampering with a water supply, a Level 4 felony. However, the offense is a Level 2 felony if it results in the death of any person.

(b) A person who recklessly, knowingly, or intentionally poisons a public water supply with the intent to cause serious bodily injury commits poisoning, a Level 3 felony.

As added by P.L.137-2007, SEC.35. Amended by P.L.231-2007, SEC.3; P.L.158-2013, SEC.457.

IC 35-43-1-6

Altering historic property

Sec. 6. A person who knowingly or intentionally alters, without a permit, historic property located on property owned or leased by

the state commits a Class B misdemeanor.
As added by P.L.167-2011, SEC.30.

IC 35-43-1-7

Offense against intellectual property

Sec. 7. A person who knowingly or intentionally and who without authorization:

- (1) modifies data, a computer program, or supporting documentation;
- (2) destroys data, a computer program, or supporting documentation; or
- (3) discloses or takes data, a computer program, or supporting documentation that is:
 - (A) a trade secret (as defined in IC 24-2-3-2); or
 - (B) otherwise confidential as provided by law;

and that resides or exists internally or externally on a computer, computer system, or computer network, commits an offense against intellectual property, a Level 6 felony.

As added by P.L.158-2013, SEC.458. Amended by P.L.168-2014, SEC.76.

IC 35-43-1-8

Offense against computer users

Sec. 8. (a) A person who knowingly or intentionally and who without authorization:

- (1) disrupts, denies, or causes the disruption or denial of computer system services to an authorized user of the computer system services that are:
 - (A) owned by;
 - (B) under contract to; or
 - (C) operated for, on behalf of, or in conjunction with; another person in whole or part;
- (2) destroys, takes, or damages equipment or supplies used or intended to be used in a computer, computer system, or computer network;
- (3) destroys or damages a computer, computer system, or computer network; or
- (4) introduces a computer contaminant into a computer, computer system, or computer network;

commits an offense against computer users, a Level 6 felony.

(b) However, the offense is:

- (1) a Level 5 felony if:
 - (A) the pecuniary loss caused by the offense is at least five thousand dollars (\$5,000);
 - (B) the offense was committed for the purpose of devising or executing any scheme or artifice to defraud or obtain property; or
 - (C) the offense interrupts or impairs:
 - (i) a governmental operation; or
 - (ii) the public communication, transportation, or supply of

water, gas, or another public service; and
(2) a Level 4 felony if the offense endangers human life.
As added by P.L.158-2013, SEC.459.