

IC 35-45-16

Chapter 16. Malicious Mischief

IC 35-45-16-0.1

Repealed

(Repealed by P.L.63-2012, SEC.65.)

IC 35-45-16-1

"HIV"

Sec. 1. (a) As used in this chapter, "HIV" refers to the human immunodeficiency virus.

(b) The term includes acquired immune deficiency syndrome (AIDS) and AIDS related complex.

As added by P.L.88-2002, SEC.2.

IC 35-45-16-2

Malicious mischief

Sec. 2. (a) As used in this section, "body fluid" means:

- (1) blood;
- (2) saliva;
- (3) sputum;
- (4) semen;
- (5) vaginal secretions;
- (6) human milk;
- (7) urine;
- (8) sweat;
- (9) tears;
- (10) any other liquid produced by the body; or
- (11) any aerosol generated form of liquids listed in this subsection.

(b) As used in this section, "infectious hepatitis" means:

- (1) hepatitis A;
- (2) hepatitis B;
- (3) hepatitis C;
- (4) hepatitis D;
- (5) hepatitis E; or
- (6) hepatitis G.

(c) A person who recklessly, knowingly, or intentionally places human:

- (1) body fluid; or
- (2) fecal waste;

in a location with the intent that another person will involuntarily touch the body fluid or fecal waste commits malicious mischief, a Class B misdemeanor.

(d) An offense described in subsection (c) is a:

- (1) Level 6 felony if the person knew or recklessly failed to know that the body fluid or fecal waste was infected with:
 - (A) infectious hepatitis;
 - (B) HIV; or
 - (C) tuberculosis;

(2) Level 5 felony if:

(A) the person knew or recklessly failed to know that the body fluid or fecal waste was infected with infectious hepatitis and the offense results in the transmission of infectious hepatitis to the other person; or

(B) the person knew or recklessly failed to know that the body fluid or fecal waste was infected with tuberculosis and the offense results in the transmission of tuberculosis to the other person; and

(3) Level 4 felony if:

(A) the person knew or recklessly failed to know that the body fluid or fecal waste was infected with HIV; and

(B) the offense results in the transmission of HIV to the other person.

(e) A person who recklessly, knowingly, or intentionally places human:

(1) body fluid; or

(2) fecal waste;

in a location with the intent that another person will ingest the body fluid or fecal waste commits malicious mischief with food, a Class A misdemeanor.

(f) An offense described in subsection (e) is:

(1) a Level 6 felony if the person knew or recklessly failed to know that the body fluid or fecal waste was infected with:

(A) infectious hepatitis;

(B) HIV; or

(C) tuberculosis;

(2) a Level 5 felony if:

(A) the person knew or recklessly failed to know that the body fluid or fecal waste was infected with infectious hepatitis and the offense results in the transmission of infectious hepatitis to the other person; or

(B) the person knew or recklessly failed to know that the body fluid or fecal waste was infected with tuberculosis and the offense results in the transmission of tuberculosis to the other person; and

(3) a Level 4 felony if:

(A) the person knew or recklessly failed to know that the body fluid or fecal waste was infected with HIV; and

(B) the offense results in the transmission of HIV to the other person.

As added by P.L.88-2002, SEC.2. Amended by P.L.158-2013, SEC.545.