

IC 35-43

ARTICLE 43. OFFENSES AGAINST PROPERTY

IC 35-43-1

Chapter 1. Arson, Mischief, and Tampering

IC 35-43-1-0.1

Application of certain amendments to chapter

Sec. 0.1. The following amendments to this chapter apply as follows:

- (1) The amendments made to section 4 of this chapter by P.L.156-2001 apply only to crimes committed after June 30, 2001.
- (2) The amendments made to section 2 of this chapter by P.L.108-2002 apply only to acts committed after June 30, 2002.
- (3) The amendments made to section 2 of this chapter by P.L.116-2002 apply only to acts committed after June 30, 2002.
- (4) The amendments made to section 2 of this chapter by P.L.123-2002 apply only to acts committed after June 30, 2002.
- (5) The amendments made to section 2 of this chapter by P.L.140-2006 apply only to crimes committed after June 30, 2006.
- (6) The amendments made to section 2 of this chapter by P.L.173-2006 apply only to crimes committed after June 30, 2006.

As added by P.L.220-2011, SEC.596.

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 Class B felony. However, the offense is a Class A felony if it results in either bodily injury or serious bodily injury to any person other than a defendant.

(b) A person who commits arson for hire commits a Class B felony. However, the offense is a Class A felony if it results in 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 Class C 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 Class D felony. *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.*

IC 35-43-1-2

Criminal mischief; penalties

Sec. 2. (a) A person who:

- (1) recklessly, knowingly, or intentionally damages or defaces property of another person without the other person's consent; or
- (2) knowingly or intentionally causes another to suffer pecuniary loss by deception or by an expression of intention to injure another person or to damage the property or to impair the rights of another person;

commits criminal mischief, a Class B misdemeanor. However, the offense is:

(A) a Class A misdemeanor if:

- (i) the pecuniary loss is at least two hundred fifty dollars (\$250) but less than two thousand five hundred dollars (\$2,500);
- (ii) the property damaged was a moving motor vehicle;
- (iii) the property damaged contained data relating to a person required to register as a sex or violent offender under IC 11-8-8 and the person is not a sex or violent offender or was not required to register as a sex or violent offender;
- (iv) the property damaged was a locomotive, a railroad car, a train, or equipment of a railroad company being operated on a railroad right-of-way;
- (v) the property damaged was 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;
- (vi) the property damaged was any rail, switch, roadbed, viaduct, bridge, trestle, culvert, or embankment on a right-of-way owned, leased, or operated by a railroad company; or
- (vii) the property damage or defacement was caused by paint or other markings; and

(B) a Class D felony if:

- (i) the pecuniary loss is at least two thousand five hundred dollars (\$2,500);
- (ii) the damage causes a substantial interruption or impairment of utility service rendered to the public;

- (iii) the damage is to a public record;
- (iv) the property damaged contained data relating to a person required to register as a sex or violent offender under IC 11-8-8 and the person is a sex or violent offender or was required to register as a sex or violent offender;
- (v) the damage causes substantial interruption or impairment of work conducted in a scientific research facility;
- (vi) the damage is to a law enforcement animal (as defined in IC 35-46-3-4.5); or
- (vii) the damage causes substantial interruption or impairment of work conducted in a food processing facility.

- (b) A person who recklessly, knowingly, or intentionally damages:
- (1) a structure used for religious worship;
 - (2) a school or community center;
 - (3) the grounds:
 - (A) adjacent to; and
 - (B) owned or rented in common with;
 - a structure or facility identified in subdivision (1) or (2); or
 - (4) personal property contained in a structure or located at a facility identified in subdivision (1) or (2);

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 Class D felony if the pecuniary loss is at least two hundred fifty dollars (\$250) but less than two thousand five hundred dollars (\$2,500), and a Class C felony if the pecuniary loss is at least two thousand five hundred dollars (\$2,500).

(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:

- (1) the person has removed or painted over the graffiti or has made other suitable restitution; and
- (2) the person who owns the property damaged or defaced by the criminal mischief or institutional criminal mischief is satisfied with the removal, painting, or other restitution performed by the person.

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.

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 Class D 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.

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

Computer tampering

Sec. 4. (a) As used in this section:

"Computer network" and "computer system" have the meanings set forth in IC 35-43-2-3.

"Computer program" means an ordered set of instructions or statements that, when executed by a computer, causes the computer to process data.

"Data" means a representation of information, facts, knowledge, concepts, or instructions that:

- (1) may take any form, including computer printouts, magnetic storage media, punched cards, or stored memory;
- (2) has been prepared or is being prepared; and
- (3) has been processed, is being processed, or will be processed; in a computer system or computer network.

(b) A person who knowingly or intentionally alters or damages a computer program or data, which comprises a part of a computer system or computer network without the consent of the owner of the computer system or computer network commits computer tampering, a Class D felony. However, the offense is a:

- (1) Class C felony if the offense is committed for the purpose of terrorism; and
- (2) Class B felony if the offense is committed for the purpose of terrorism and results in serious bodily injury to a person.

As added by P.L.35-1986, SEC.2. Amended by P.L.156-2001, SEC.11.

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 Class B felony. However, the offense is a Class A 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 Class B felony.

As added by P.L.137-2007, SEC.35. Amended by P.L.231-2007, SEC.3.

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.