

## ANIMAL PROTECTION LAWS OF INDIANA



# Animal Protection Laws of Indiana

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*This chapter contains Indiana’s general animal protection and related statutes with an effective date on or before September 1, 2020. It begins with a detailed overview of the provisions contained in these laws, followed by the full text of the statutes themselves. The various provisions are organized into categories with the relevant part of each statute italicized.*

*Indiana may employ similar provisions within other non-animal-specific criminal and civil statutes; may have other more specific statutes in addition to those included; and may have a variety of animal-related regulations in effect. Because the law is continually evolving, always review an official source for the most current language of any statute.*

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| <p><b>1. <u>DEFINITION OF "ANIMAL"</u></b></p> | <p>"Animal" does not include a human being.<br/> IND. CODE § 35-46-3-3</p> <p><b><i>But note:</i></b> <i>general cruelty statutes apply only to vertebrate animals</i></p>  |
| <p><b>2. <u>GENERAL CRUELTY *</u></b></p>      | <p>Abandonment or neglect of vertebrate animals<br/> IND. CODE § 35-46-3-0.5(1),(4)<br/> IND. CODE § 35-46-3-7<br/> <i>1<sup>st</sup> offense: Class A misdemeanor</i><br/> <i>Subsequent offenses: Class D/Level 6 felony</i></p> <p>Abusing vertebrate animal<br/> IND. CODE § 35-46-3-0.5(2)<br/> IND. CODE § 35-46-3-12(b)<br/> <i>1<sup>st</sup> offense: Class A misdemeanor</i><br/> <i>Subsequent offenses: Class D/Level 6 felony</i></p> <p>Torture, mutilation of vertebrate animals<br/> IND. CODE § 35-46-3-0.5(3),(5)<br/> IND. CODE § 35-46-3-12(c)<br/> <i>Class D/Level 6 felony</i></p> <p>Knowingly or intentionally killing a domestic animal without the consent of the owner<br/> IND. CODE § 35-46-3-12(d)(1),(2)<br/> <i>Class D/Level 6 felony</i></p> <p>Killing vertebrate animal with intent to threaten a family or household member<br/> IND. CODE § 35-46-3-12.5<br/> <i>Class D/Level 6 felony</i></p> <p>Removing attack dog's vocal cords<br/> IND. CODE § 35-46-3-13<br/> <i>Class A misdemeanor</i></p> |

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| <p><b>3. <u>EXEMPTIONS</u></b></p>                  | <p>Veterinary practice, research animals, wildlife, accepted farm animal husbandry practices, slaughter, pest control, other<br/> <b>IND. CODE § 35-46-3-5</b></p> <p>Other<br/> <b>IND. CODE § 35-46-3-7(b), (c)</b><br/> <b>IND. CODE § 35-46-3-11(c)</b><br/> <b>IND. CODE § 35-46-3-11.3(d)</b><br/> <b>IND. CODE § 35-46-3-11.5(d)</b><br/> <b>IND. CODE § 35-46-3-12(a), (d), (e)</b></p> <p>Research animals, slaughter<br/> <b>IND. CODE § 35-46-3-15</b></p>   |
| <p><b>4. <u>FIGHTING &amp; RACKETEERING</u></b></p> | <p>“Animal fighting contest” means a conflict with two or more animals, not accidental.<br/> <b>IND. CODE § 35-46-3-4</b></p> <p>“Animal fighting paraphernalia” means equipment used to train or condition animals for participation in an animal fighting contest.<br/> <b>IND. CODE § 35-46-3-4.3</b></p> <p>Purchasing or possessing animals for fighting<br/> <b>IND. CODE § 35-46-3-8</b><br/> <i>Level 6 felony</i></p> <p>Possession of animal fighting paraphernalia<br/> <b>IND. CODE § 35-46-3-8.5</b><br/> <i>1<sup>st</sup> offense: Class B misdemeanor</i><br/> <i>Subsequent offenses: Class A misdemeanor</i></p> <p>Various animal fighting activities<br/> <b>IND. CODE §§ 35-46-3-9, -9.5</b><br/> <i>Level 6 felonies</i></p> <p>Attending an animal fighting contest<br/> <b>IND. CODE § 35-46-3-10</b><br/> <i>1<sup>st</sup> offense: Class A misdemeanor</i><br/> <i>Subsequent offenses: Level 6 felony</i></p> |
| <p><b>5. <u>SEXUAL ASSAULT</u></b></p>              | <p>Directing, aiding, inducing, or causing a child under the age of sixteen to engage in sexual conduct with an animal other than a human being</p>   |

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|  | <p>with intent to arouse or satisfy the sexual desires of a child or the older person<br/> <b>IND. CODE § 35-42-4-5(b)</b><br/> <i>Generally: Level 4 felony</i><br/> <i>If the child is under 14: Level 3 felony</i><br/> <i>If other aggravating factors present: Level 2 felony</i></p> <p>Bestiality is a Level 6 felony.<br/> <b>IND. CODE § 35-46-3-14</b><br/> <i>Level 6 felony</i></p>   |
| <p><b>6. <u>CRUELTY TO WORKING ANIMALS</u></b></p>                       | <p>Mistreatment or interference with a law enforcement animal; "law enforcement animal" defined<br/> <b>IND. CODE § 35-46-3-4.5</b><br/> <b>IND. CODE § 35-46-3-11</b><br/> <i>Generally: Class A misdemeanor</i><br/> <i>If causes serious injury/death: Level 6 felony</i></p> <p>Mistreatment or interference with a search and rescue dog<br/> <b>IND. CODE § 35-46-3-11.3</b><br/> <i>Generally: Class A misdemeanor</i><br/> <i>If causes serious injury/death: Level 6 felony</i></p> <p>Mistreatment or interference with a service animal<br/> <b>IND. CODE § 35-46-3-11.5</b><br/> <i>Generally: Class A misdemeanor</i><br/> <i>If causes serious injury/death: Level 6 felony</i></p> |
| <p><b>7. <u>MAXIMUM PENALTIES &amp; STATUTE OF LIMITATIONS**</u></b></p> | <p>Class B misdemeanor<br/> <i>180 days imprisonment and \$1,000 fine</i><br/> <b>IND. CODE § 35-50-3-3</b></p> <p>Class A misdemeanor<br/> <i>1 year imprisonment and \$5,000 fine</i><br/> <b>IND. CODE § 35-50-3-2</b></p> <p>Class D (Level 6) felony:<br/> <i>3 years (2 1/2 years) and \$10,000 fine</i><br/> <b>IND. CODE § 35-50-2-7</b></p>  |

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|   | <p>Level 4 felony<br/>2-12 years imprisonment and \$10,000 fine<br/>IND. CODE § 35-50-2-5.5</p> <p>Level 3 felony<br/>3-16 years imprisonment and \$10,000 fine<br/>IND. CODE § 35-50-2-5</p> <p>Level 2 felony<br/>10-30 years imprisonment and \$10,000 fine<br/>IND. CODE § 35-50-2-4.5</p> <p>Statute of Limitations<br/><i>Misdemeanor: 2 years</i><br/>Ind. Code § 35-41-4-2(a)(2)<br/><i>Felony: 5 years</i><br/>Ind. Code § 35-41-4-2(a)(1)</p> |
| <p><b>8. <u>CROSS ENFORCEMENT &amp; REPORTING</u></b></p>     | <p>Reporting observed or suspected animal cruelty by adult protective services.<br/>IND. CODE § 12-10-3-8.5</p> <p>Reporting observed or suspected animal cruelty by juvenile caseworkers.<br/>IND. CODE § 31-33-8-7.5</p>  |
| <p><b>9. <u>VETERINARIAN REPORTING &amp; IMMUNITY</u></b></p> | <p>A veterinarian or veterinary technician who, in good faith and in the normal course of business, reports a suspected incident of animal cruelty is immune from civil or criminal liability for such reporting.<br/>IND. CODE § 25-38.1-4-8.5</p>   |
| <p><b>10. <u>LAW ENFORCEMENT POLICIES</u></b></p>             | <p>State Board of Animal Health has the power and duty to assist law enforcement agencies investigating allegations of cruelty and neglect of animals.<br/>IND. CODE § 15-17-3-13(30)</p> <p>Humane officer is to be appointed from members of police department and shall arrest persons violating humane statutes.<br/>IND. CODE § 36-8-3-18</p>  |

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| <p><b>11. <u>SEIZURE</u></b></p>                           | <p>Law enforcement officer or other person with authority to impound may seize animal for probable cause; if court later determines no probable cause existed, the court shall order animal returned.<br/> <b>IND. CODE § 35-46-3-6(b),(d)</b></p> <p>Upon filing of abuse charges, the state veterinarian or designee must investigate the condition of the mistreated animal and make a recommendation concerning a seizure.<br/> <b>IND. CODE § 35-46-3-6(e)-(g)</b></p>   |
| <p><b>12. <u>COURTROOM ANIMAL ADVOCATE PROGRAM</u></b></p> | <p>-----</p>  |
| <p><b>13. <u>PROTECTION ORDERS†</u></b></p>                | <p>If the parole board prohibits a parolee from having contact with an individual, the parole board may also prohibit the parolee from having direct or indirect contact with any animal belonging to the individual.<br/> <b>IND. CODE § 11-13-3-4(l)</b></p> <p>“Crime involving domestic or family violence” includes a crime involving animal cruelty and a family or household member under IC 35-46-3-12(b)(2) or IC 35-46-3-12.5.<br/> <b>IND. CODE §§ 31-9-2-29.5, 35-31.5-2-76(14)</b></p> <p>When there is a crime involving animal cruelty and a family or household member, a protective order may be issued.<br/> <b>IND. CODE § 34-26-5-2</b></p> <p>Court can order possession and custody of animal in a protective order.<br/> <b>IND. CODE § 34-26-5-9</b></p> <p>As a condition of bail, the court may require the defendant to refrain from any direct or indirect contact with an individual and, if the defendant has been charged with an offense under IC 35-46-3, any animal belonging to the individual, including if the defendant has not been released from lawful detention.<br/> <b>IND. CODE § 35-33-8-3.2(a)</b></p> <p>As a condition of probation, the court may order the defendant to refrain from any direct or indirect contact with an individual and, if</p> |

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|   | <p>convicted of an offense under IC 35-46-3, any animal belonging to the individual.<br/> IND. CODE § 35-38-2-2.3(a)(18)</p> <p>Definitions<br/> IND. CODE § 35-38-2-2.8</p>  |
| <p><b>14. <u>RESTITUTION †</u></b></p>                      | <p>Owner may prevent disposition of impounded animal by posting a renewable bond for costs of care within 10 days of impoundment.<br/> IND. CODE § 35-46-3-6(c),(d)</p> <p>Upon conviction the court may require cost of care to be paid.<br/> IND. CODE § 35-46-3-6(h)(1)</p> <p>Restitution for mistreatment or interference with law enforcement animal<br/> IND. CODE § 35-46-3-11</p> <p>Replacement and veterinary costs for disabled or killed search and rescue dogs.<br/> IND. CODE § 35-46-3-11.3(e)</p>  |
| <p><b>15. <u>FORFEITURE &amp; POSSESSION BANS †</u></b></p> | <p>As a condition of parole, the parole board may prohibit an offender convicted under IC 35-46-3 from owning, harboring, or training an animal.<br/> IND. CODE § 11-13-3-4(l)</p> <p>As a condition of probation or parole, the parole board or court shall prohibit a person convicted of an animal abuse offense from owning, harboring, or training a companion animal<br/> IND. CODE § 11-13-3-4(p)<br/> IND. CODE § 35-38-2-2.8</p> <p>As a condition of bail, the court may require a defendant to refrain from owning, harboring, or training an animal.<br/> IND. CODE § 35-33-8-3.2(a)(8)</p> <p>Failure to post or renew a bond for costs of care allows shelter to determine disposition of impounded animal, subject to court order.<br/> IND. CODE § 35-46-3-6(c)</p> |

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|   | <p>Upon conviction the court may order forfeiture of animal involved in the offense and any other animal in the care or custody of the offender.</p> <p>IND. CODE § 35-46-3-6(h)(2), (i)</p> |
| <b>16. <u>COURT-ORDERED TREATMENT</u><sup>†</sup></b> | <p>The court shall consider ordering psychological, behavioral, or other counseling for offenders.</p> <p>IND. CODE § 35-46-3-12(f)</p>  |
| <b>17. <u>HOT CARS</u></b>                            | <p>Definitions</p> <p>IND. CODE § 34-30-30-1; IND. CODE § 34-30-30-2</p> <p>Civil immunity for removing animal from vehicle.</p> <p>IND. CODE § 34-30-30-3</p>                               |
| <b>18. <u>CIVIL NUISANCE ABATEMENT</u></b>            | -----  |
| <b>19. <u>AG-GAG LAWS</u></b>                         | -----  |
| <b>20. <u>BREED SPECIFIC LEGISLATION</u></b>          | -----  |

\* States may have other more specific statutes in addition to the general animal protection statutes referenced in this table.

\*\* Despite statutory maximums, states often employ sentencing guidelines that may significantly alter the allowable sentence.

† This table generally references only those provisions that are within each state's animal protection statutes. States may employ similar provisions within other non-animal-specific criminal and civil statutes, and may also have a variety of animal-related regulations in effect.



## ANIMAL PROTECTION LAWS OF INDIANA

### 1. DEFINITION OF “ANIMAL”

#### IND. CODE § 35-46-3-3. “Animal” defined.

*As used in this chapter, “animal” does not include a human being.*

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### 2. GENERAL CRUELTY

#### IND. CODE § 35-46-3-0.5. Definitions.

The following definitions apply throughout this chapter:

- (1) *“Abandon” means to desert an animal or to leave the animal without making provision for adequate long term care of the animal. The term does not include leaving an animal in a place that is temporarily vacated for the protection of human life during a disaster.*
- (2) *“Abuse” means to knowingly or intentionally beat, torment, injure, or otherwise harm an animal. The term includes destruction of an animal by any means other than humane euthanasia if the person who destroys the animal is:*
  - (A) *a humane society;*
  - (B) *an animal control agency; or*
  - (C) *a governmental entity operating an animal shelter or other animal impounding facility.*
- (3) *“Humane euthanasia” means the humane destruction of an animal using sodium pentobarbital or a derivative, administered in a manner that causes painless loss of consciousness and death. The term does not include a method:*
  - (A) *prohibited by section 15 of this chapter; or*
  - (B) *involving the use of carbon monoxide, carbon dioxide, or any other nonanesthetic inhalant.*
- (4) *“Mutilate” means to wound, injure, maim, or disfigure an animal by irreparably damaging the animal’s body parts or to render any part of the animal’s body useless. The term includes bodily injury involving:*
  - (A) *serious permanent disfigurement;*
  - (B) *serious temporary disfigurement;*
  - (C) *permanent or protracted loss or impairment of the function of a bodily part or organ; or*
  - (D) *a fracture.*
- (5) *“Neglect” means:*
  - (A) *endangering an animal’s health by failing to provide or arrange to provide the animal with food or drink, if the animal is dependent upon the person for the provision of food or drink;*
  - (B) *restraining an animal for more than a brief period in a manner that endangers the animal’s life or health by the use of a rope, chain, or tether that:*
    - (i) *is less than three (3) times the length of the animal;*
    - (ii) *is too heavy to permit the animal to move freely; or*
    - (iii) *causes the animal to choke;*
  - (C) *restraining an animal in a manner that seriously endangers the animal’s life or health;*
  - (D) *failing to:*
    - (i) *provide reasonable care for; or*

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- (ii) *seek veterinary care for; an injury or illness to a dog or cat that seriously endangers the life or health of the dog or cat; or*
- (E) *leaving a dog or cat outside and exposed to:*
  - (i) *excessive heat without providing the animal with a means of shade from the heat; or*
  - (ii) *excessive cold if the animal is not provided with straw or another means of protection from the cold;**regardless of whether the animal is restrained or kept in a kennel.*
- (6) *“Torture” means:*
  - (A) *to inflict extreme physical pain or injury on an animal with the intent of increasing or prolonging the animal’s pain; or*
  - (B) *to administer poison to a domestic animal (as defined in section 12(d) of this chapter) or expose domestic animal to a poisonous substance with the intent that the domestic animal ingest the substance;*
  - (C) *to destroy an animal by electrocution; or*
  - (D) *to intentionally freeze or heat an animal to death.*

### IND. CODE § 35-46-3-7. Abandonment or neglect of vertebrate animals.

- (a) *A person who:*
  - (1) *has a vertebrate animal in the person’s custody; and*
  - (2) *recklessly, knowingly, or intentionally abandons or neglects the animal; commits cruelty to an animal, a Class A misdemeanor. However, except for a conviction under section 1 of this chapter, the offense is a Level 6 felony if the person has a prior unrelated conviction under this chapter.*
- (b) *It is a defense to a prosecution for abandoning a vertebrate animal under this section that the person who had the animal in the person’s custody reasonably believed that the vertebrate animal was capable of surviving on its own.*
- (c) *For purposes of this section, an animal that is feral is not in a person’s custody.*

### IND. CODE § 35-46-3-12. Abusing vertebrate animal.

- (a) *This section does not apply to a person who euthanizes an injured, a sick, a homeless, or an unwanted domestic animal if:*
  - (1) *the person is employed by a humane society, an animal control agency, or a governmental entity operating an animal shelter or other animal impounding facility; and*
  - (2) *the person euthanizes the domestic animal in accordance with guidelines adopted by the humane society, animal control agency, or governmental entity operating the animal shelter or other animal impounding facility.*

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- (b) *A person who knowingly or intentionally abuses a vertebrate animal commits cruelty to an animal, a Class A misdemeanor. However, the offense is a Level 6 felony if:*
- (1) *the person has a previous, unrelated conviction under this section; or*
  - (2) *the person committed the offense with the intent to threaten, intimidate, coerce, harass, or terrorize a family or household member.*
- (c) *A person who knowingly or intentionally tortures or mutilates a vertebrate animal commits torturing or mutilating a vertebrate animal, a Level 6 felony.*
- (d) *As used in this subsection, “domestic animal” means an animal that is not wild. The term is limited to:*
- (1) *cattle, calves, horses, mules, swine, sheep, goats, dogs, cats, poultry, ostriches, rhea, and emus; and*
  - (2) *an animal of the bovine, equine, ovine, caprine, porcine, canine, feline, camelid, cervidae, or bison species. A person who knowingly or intentionally kills a domestic animal without the consent of the owner of the domestic animal commits killing a domestic animal, a Level 6 felony.*
- (e) It is a defense to a prosecution under this section that the accused person:
- (1) reasonably believes the conduct was necessary to:
    - (A) prevent injury to the accused person or another person;
    - (B) protect the property of the accused person from destruction or substantial damage; or
    - (C) prevent a seriously injured vertebrate animal from prolonged suffering;
 or
  - (2) engaged in a reasonable and recognized act of training, handling, or disciplining the vertebrate animal.
- (f) When a court imposes a sentence or enters a dispositional decree under this section, the court:
- (1) shall consider requiring:
    - (A) a person convicted of an offense under this section; or
    - (B) a child adjudicated a delinquent child for committing an act that would be a crime under this section if committed by an adult; to receive psychological, behavioral, or other counseling as a part of the sentence or dispositional decree; and
  - (2) may order an individual described in subdivision (1) to receive psychological, behavioral, or other counseling as a part of the sentence or dispositional decree.

### **IND. CODE § 35-46-3-12.5. Domestic violence animal cruelty.**

*A person who knowingly or intentionally kills a vertebrate animal with the intent to threaten, intimidate, coerce, harass, or terrorize a family or household member commits domestic violence animal cruelty, a Level 6 felony.*

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### IND. CODE § 35-46-3-13. Removing vocal cords of trained attack dog.

- (a) *A person who knowingly or intentionally removes the vocal cords of a trained attack dog commits cruelty to an animal; a Class A misdemeanor.*
- (b) It is a defense to a prosecution under this section that the accused person reasonably believes the conduct was necessary to prevent a seriously injured dog from prolonged injury.

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### 3. EXEMPTIONS

#### IND. CODE § 35-46-3-5. Exceptions from chapter; electrocution.

- (a) *Except as provided in subsections (b) through (c), this chapter does not apply to the following:*
- (1) *Fishing, hunting, trapping, or other conduct authorized under IC 14-22.*
  - (2) *Conduct authorized under IC 15-20-2.*
  - (3) *Veterinary practices authorized by standards adopted under IC 25-38.1-2-14.*
  - (4) *Conduct authorized by a local ordinance.*
  - (5) *Acceptable farm management practices.*
  - (6) *Conduct authorized by IC 15-17, and rules adopted under IC 15-17 for state or federally inspected livestock slaughtering facilities and state or federal animal disease control programs.*
  - (7) *A research facility registered with the United States Department of Agriculture under the federal Animal Welfare Act (7 U.S.C. 2131 et seq.).*
  - (8) *Destruction of a vertebrate defined as a pest under IC 15-16-5-24.*
  - (9) *Destruction of or injury to a fish.*
  - (10) *Destruction of a vertebrate animal that is:*
    - (A) *endangering, harassing, or threatening livestock or a domestic animal; or*
    - (B) *destroying or damaging a person's property.*
  - (11) *Humane euthanasia of an animal by:*
    - (A) *a humane society;*
    - (B) *an animal control agency; or*
    - (C) *a governmental entity operating an animal shelter or other animal impounding facility.*
  - (12) *Destruction of an injured or ill animal by an individual to prevent the animal from prolonged suffering.*
  - (13) *Conduct not resulting in serious injury or illness to the animal that is incidental to exhibiting an animal for show, competition, or display, or that is incidental to transporting the animal for show, competition, or display.*
  - (14) *Parking an animal.*
  - (15) *Humane destruction of an animal that the person owns.*
- (b) *Section 1 of this chapter applies to conduct described in subsection (a).*
- (c) *Destruction of an animal by electrocution is authorized under this section only if it is conducted by a person who is engaged in an acceptable farm management practice, by a research facility registered with the United States Department of Agriculture under the Animal Welfare Act, or for the animal disease diagnostic laboratory established under IC 21-46-3-1, a research facility licensed by the United States Department of Agriculture, a college, or a university.*

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### IND. CODE § 35-46-3-7. Abandonment or neglect of vertebrate animals.

- (a) A person who:
  - (1) has a vertebrate animal in the person's custody; and
  - (2) recklessly, knowingly, or intentionally abandons or neglects the animal; commits cruelty to an animal, a Class A misdemeanor. However, except for a conviction under section 1 of this chapter, the offense is a Level 6 felony if the person has a prior unrelated conviction under this chapter.
- (b) *It is a defense to a prosecution for abandoning a vertebrate animal under this section that the person who had the animal in the person's custody reasonably believed that the vertebrate animal was capable of surviving on its own.*
- (c) *For purposes of this section, an animal that is feral is not in a person's custody.*

### IND. CODE § 35-46-3-11. Law enforcement animal; mistreatment or interference

- (a) A person who knowingly or intentionally:
  - (1) strikes, torments, injures, or otherwise mistreats a law enforcement animal; or
  - (2) interferes with the actions of a law enforcement animal while the animal is engaged in assisting a law enforcement officer in the performance of the officer's duties;
 commits a Class A misdemeanor.
- (b) An offense under subsection (a)(1) is a Level 6 felony if the act results in:
  - (1) serious permanent disfigurement;
  - (2) unconsciousness;
  - (3) permanent or protracted loss or impairment of the function of a bodily member or organ; or
  - (4) death;
 of the law enforcement animal.
- (c) *It is a defense that the accused person:*
  - (1) *engaged in a reasonable act of training, handling, or discipline; and*
  - (2) *acted as an employee or agent of a law enforcement agency.*
- (d) In addition to any sentence or fine imposed for a conviction of an offense under this section, the court:
  - (1) may order the person convicted to make restitution to the person or law enforcement agency owning the animal for reimbursement of veterinary bills; and
  - (2) shall order the person convicted to make restitution to the person or law enforcement agency owning the animal for reimbursement of the cost of replacing the animal, which may include the cost of training the animal, if the animal is permanently disabled or killed.

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### IND. CODE § 35-46-3-11.3. Search and rescue dog; mistreatment or interference

- (a) As used in this section, “search and rescue dog” means a dog that receives special training to locate or attempt to locate by air scent or ground or water tracking a person who is an offender or is lost, trapped, injured, or incapacitated.
- (b) A person who knowingly or intentionally:
  - (1) interferes with the actions of a search and rescue dog while the dog is performing or is attempting to perform a search and rescue task; or
  - (2) strikes, torments, injures, or otherwise mistreats a search and rescue dog; commits a Class A misdemeanor.
- (c) An offense under subsection (b)(2) is a Level 6 felony if the act results in:
  - (1) serious permanent disfigurement;
  - (2) unconsciousness;
  - (3) permanent or protracted loss or impairment of the function of a bodily member or organ; or
  - (4) death;
 of the search and rescue dog.
- (d) *It is a defense that the accused person:*
  - (1) *engaged in a reasonable act of training, handling, or disciplining the search and rescue dog; or*
  - (2) *reasonably believed the conduct was necessary to prevent injury to the accused person or another person.*
- (e) In addition to any sentence or fine imposed for a conviction of an offense under this section, the court may order the person to make restitution to the person who owns the search and rescue dog for reimbursement of:
  - (1) veterinary bills; and
  - (2) replacement costs of the dog if the dog is disabled or killed.

### IND. CODE § 35-46-3-11.5. Interference with or mistreatment of service animal; defenses

- (a) As used in this section, “service animal” means an animal that a person who is impaired by:
  - (1) blindness or any other visual impairment;
  - (2) deafness or any other aural impairment;
  - (3) a physical disability; or
  - (4) a medical condition;
 relies on for navigation, assistance in performing daily activities, or alert signals regarding the onset of the person's medical condition.
- (b) A person who knowingly or intentionally:
  - (1) interferes with the actions of a service animal; or
  - (2) strikes, torments, injures, or otherwise mistreats a service animal;



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while the service animal is engaged in assisting an impaired person described in subsection (a) commits a Class A misdemeanor.

- (c) An offense under subsection (b)(2) is a Level 6 felony if the act results in the:
- (1) serious permanent disfigurement;
  - (2) unconsciousness;
  - (3) permanent or protracted loss or impairment of the function of a bodily member or organ; or
  - (4) death;
- of the service animal.
- (d) *It is a defense that the accused person:*
- (1) *engaged in a reasonable act of training, handling, or disciplining the service animal; or*
  - (2) *reasonably believed the conduct was necessary to prevent injury to the accused person or another person.*

### IND. CODE § 35-46-3-12. Abusing vertebrate animal.

- (a) *This section does not apply to a person who euthanizes an injured, a sick, a homeless, or an unwanted domestic animal if:*
- (1) *the person is employed by a humane society, an animal control agency, or a governmental entity operating an animal shelter or other animal impounding facility; and*
  - (2) *the person euthanizes the domestic animal in accordance with guidelines adopted by the humane society, animal control agency, or governmental entity operating the animal shelter or other animal impounding facility.*
- (b) A person who knowingly or intentionally abuses a vertebrate animal commits cruelty to an animal, a Class A misdemeanor. However, the offense is a Level 6 felony if:
- (1) the person has a previous, unrelated conviction under this section; or
  - (2) the person committed the offense with the intent to threaten, intimidate, coerce, harass, or terrorize a family or household member.
- (c) A person who knowingly or intentionally tortures or mutilates a vertebrate animal commits torturing or mutilating a vertebrate animal, a Level 6 felony.
- (d) *As used in this subsection, “domestic animal” means an animal that is not wild. The term is limited to:*
- (1) *cattle, calves, horses, mules, swine, sheep, goats, dogs, cats, poultry, ostriches, rhea, and emus; and*
  - (2) *an animal of the bovine, equine, ovine, caprine, porcine, canine, feline, camelid, cervidae, or bison species. A person who knowingly or intentionally kills a domestic animal without the consent of the owner of the domestic animal commits killing a domestic animal, a Level 6 felony.*
- (e) *It is a defense to a prosecution under this section that the accused person:*
- (1) *reasonably believes the conduct was necessary to:*

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- (A) *prevent injury to the accused person or another person;*
  - (B) *protect the property of the accused person from destruction or substantial damage; or*
  - (C) *prevent a seriously injured vertebrate animal from prolonged suffering; or*
  - (2) *engaged in a reasonable and recognized act of training, handling, or disciplining the vertebrate animal.*
- (f) When a court imposes a sentence or enters a dispositional decree under this section, the court:
- (1) shall consider requiring:
    - (A) a person convicted of an offense under this section; or
    - (B) a child adjudicated a delinquent child for committing an act that would be a crime under this section if committed by an adult; to receive psychological, behavioral, or other counseling as a part of the sentence or dispositional decree; and
  - (2) may order an individual described in subdivision (1) to receive psychological, behavioral, or other counseling as a part of the sentence or dispositional decree.

### IND. CODE § 35-46-3-13. Removing vocal cords of trained attack dog.

- (a) A person who knowingly or intentionally removes the vocal cords of a trained attack dog commits cruelty to an animal; a Class A misdemeanor.
- (b) *It is a defense to a prosecution under this section that the accused person reasonably believes the conduct was necessary to prevent a seriously injured dog from prolonged injury.*

### IND. CODE § 35-46-3-15. Destruction of animal by decompression chamber

- (a) *This section does not apply to the following:*
  - (1) *A state or federally inspected livestock slaughtering facility (for conduct authorized by IC 15-17-5 and rules adopted under that chapter).*
  - (2) *An animal disease diagnostic laboratory established under IC 21-46-3-1.*
  - (3) *A postsecondary educational institution.*
  - (4) *A research facility licensed by the United States Department of Agriculture.*
- (b) *As used in this section, "animal" has the meaning set forth in IC 35-46-3-3.*
- (c) *A person who knowingly or intentionally destroys or authorizes the destruction of an animal by placing the animal in a decompression chamber and lowering the pressure of or the oxygen content in the air surrounding the animal; or commits a Class B misdemeanor.*

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### 4. FIGHTING AND RACKETEERING

#### **IND. CODE § 35-46-3-4. “Animal fighting contest” defined.**

*As used in this chapter, “animal fighting contest” means a conflict between two (2) or more animals. The term does not include a conflict that is unorganized or accidental.*

#### **IND. CODE § 35-46-3-4.3. “Animal fighting paraphernalia” defined.**

*As used in this chapter, “animal fighting paraphernalia” means equipment used to train or condition animals for participation in an animal fighting contest.*

#### **IND. CODE § 35-46-3-8. Purchase or possession of animals for fighting contests.**

*A person who knowingly or intentionally purchases or possesses an animal for the purpose of using the animal in an animal fighting contest commits a Level 6 felony.*

#### **IND. CODE § 35-46-3-8.5. Possession of animal fighting paraphernalia**

*A person who knowingly or intentionally possesses animal fighting paraphernalia with the intent to commit a violation of [IC 35-46-3-9] commits possession of animal fighting paraphernalia, a Class B misdemeanor. However, the offense is a Class A misdemeanor if the person has a prior unrelated conviction under this section.*

#### **IND. CODE § 35-46-3-9. Promotion, use of animals or attendance with animal at animal fighting contest.**

*A person who knowingly or intentionally:*

- (1) promotes or stages an animal fighting contest;*
- (2) uses an animal in a fighting contest; or*
- (3) attends an animal fighting contest having an animal in the person’s possession;*

*commits a Level 6 felony.*

#### **IND. CODE § 35-46-3-9.5. Promoting animal fighting contest.**

*A person who knowingly or intentionally:*

- (1) possesses animal fighting paraphernalia with the intent to commit a violation of*

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*[IC 35-46-3-9]; and*

*(2) possesses, harbors, or trains a dog, cock, fowl, or bird bearing:*

*(A) a scar;*

*(B) a wound; or*

*(C) an injury;*

*consistent with participation in or training for an animal fighting contest;*

*commits promoting an animal fighting contest, a Level 6 felony.*

### **IND. CODE § 35-46-3-10. Attendance at fighting contest.**

*A person who knowingly or intentionally attends a fighting contest involving animals commits cruelty to an animal, a Class A misdemeanor. However, except for a conviction under section 1 of this chapter, the offense is a Level 6 felony if the person has a prior unrelated conviction under this chapter.*

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## 5. SEXUAL ASSAULT

**IND. CODE § 35-42-4-5. Vicarious sexual gratification; fondling in the presence of a minor.**

- (a) A person eighteen (18) years of age or older who knowingly or intentionally directs, aids, induces, or causes a child under the age of sixteen (16) to touch or fondle himself or herself or another child under the age of sixteen (16) with intent to arouse or satisfy the sexual desires of a child or the older person commits vicarious sexual gratification, a Level 5 felony. However, the offense is:
- (1) a Level 4 felony if a child involved in the offense is under the age of fourteen (14); and
  - (2) a Level 3 felony if:
    - (A) the offense is committed by using or threatening the use of deadly force or while armed with a deadly weapon; or
    - (B) the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge; or
    - (C) the commission of the offense results in serious bodily injury.
- (b) *A person eighteen (18) years of age or older who knowingly or intentionally directs, aids, induces, or causes a child under the age of sixteen (16) to:*
- (1) engage in sexual intercourse with another child under sixteen (16) years of age;
  - (2) *engage in sexual conduct with an animal other than a human being;* or
  - (3) engage in other sexual conduct (as defined in IC 35-31.5-2-221.5) with another person;
- with intent to arouse or satisfy the sexual desires of a child or the older person commits vicarious sexual gratification, a Level 4 felony. However, the offense is a Level 3 felony if any child involved in the offense is less than fourteen (14) years of age, and it is a Level 2 felony if the offense is committed by using or threatening the use of deadly force, if it is committed while armed with a deadly weapon, if it results in serious bodily injury, or if the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.*
- (c) A person eighteen (18) years of age or older who knowingly or intentionally:
- (1) engages in sexual intercourse;
  - (2) engages in other sexual conduct (as defined in IC 35-31.5-2-221.5); or
  - (3) touches or fondles the person's own body;
- in the presence of a child less than fourteen (14) years of age with the intent to arouse or satisfy the sexual desires of the child or the older person commits performing sexual conduct in the presence of a minor, a Level 6 felony.

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### **IND. CODE § 35-46-3-14. Bestiality.**

*A person who knowingly or intentionally performs an act involving:*

- (1) a sex organ of a person and the mouth or anus of an animal;*
  - (2) a sex organ of an animal and the mouth or anus of a person;*
  - (3) any penetration of the human female sex organ by an animal's sex organ; or*
  - (4) any penetration of an animal's sex organ by the human male sex organ;*
- commits bestiality, a Level 6 felony.*

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## 6. CRUELTY TO WORKING ANIMALS

**IND. CODE § 35-46-3-4.5. "Law enforcement animal."**

- (a) As used in this chapter, "law enforcement animal" means an animal that is owned or used by a law enforcement agency for the principal purposes of:
- (1) aiding in
    - (A) the detection of criminal activity
    - (B) the enforcement of laws; and
    - (C) the apprehension of offenders; and
  - (2) ensuring the public welfare.
- (b) The term includes, but is not limited to, the following
- (1) A horse.
  - (2) An arson investigation dog.
  - (3) A bomb detection dog.
  - (4) A narcotics detection dog.
  - (5) A patrol dog.

**IND. CODE § 35-46-3-11. Law enforcement animal; mistreatment or interference**

- (a) *A person who knowingly or intentionally:*
- (1) *strikes, torments, injures, or otherwise mistreats a law enforcement animal; or*
  - (2) *interferes with the actions of a law enforcement animal while the animal is engaged in assisting a law enforcement officer in the performance of the officer's duties;*
- commits a Class A misdemeanor.*
- (b) *An offense under subsection (a)(1) is a Level 6 felony if the act results in:*
- (1) *serious permanent disfigurement;*
  - (2) *unconsciousness;*
  - (3) *permanent or protracted loss or impairment of the function of a bodily member or organ; or*
  - (4) *death;*
- of the law enforcement animal.*
- (c) It is a defense that the accused person:
- (1) engaged in a reasonable act of training, handling, or discipline; and
  - (2) acted as an employee or agent of a law enforcement agency.
- (d) In addition to any sentence or fine imposed for a conviction of an offense under this section, the court:
- (1) may order the person convicted to make restitution to the person or law enforcement agency owning the animal for reimbursement of veterinary bills; and
  - (2) shall order the person convicted to make restitution to the person or law enforcement agency owning the animal for reimbursement of the cost of

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replacing the animal, which may include the cost of training the animal, if the animal is permanently disabled or killed.

### IND. CODE § 35-46-3-11.3. Search and rescue dog; mistreatment or interference

- (a) *As used in this section, “search and rescue dog” means a dog that receives special training to locate or attempt to locate by air scent or ground or water tracking a person who is an offender or is lost, trapped, injured, or incapacitated.*
- (b) *A person who knowingly or intentionally:*
- (1) *interferes with the actions of a search and rescue dog while the dog is performing or is attempting to perform a search and rescue task; or*
  - (2) *strikes, torments, injures, or otherwise mistreats a search and rescue dog; commits a Class A misdemeanor.*
- (d) *An offense under subsection (b)(2) is a Level 6 felony if the act results in:*
- (1) *serious permanent disfigurement;*
  - (2) *unconsciousness;*
  - (3) *permanent or protracted loss or impairment of the function of a bodily member or organ; or*
  - (4) *death;*
- of the search and rescue dog.*
- (e) *It is a defense that the accused person:*
- (1) *engaged in a reasonable act of training, handling, or disciplining the search and rescue dog; or*
  - (2) *reasonably believed the conduct was necessary to prevent injury to the accused person or another person.*
- (f) *In addition to any sentence or fine imposed for a conviction of an offense under this section, the court may order the person to make restitution to the person who owns the search and rescue dog for reimbursement of:*
- (1) *veterinary bills; and*
  - (2) *replacement costs of the dog if the dog is disabled or killed.*

### IND. CODE § 35-46-3-11.5. Interference with or mistreatment of service animal; defenses

- (a) *As used in this section, “service animal” means an animal that a person who is impaired by:*
- (1) *blindness or any other visual impairment;*
  - (2) *deafness or any other aural impairment;*
  - (3) *a physical disability; or*
  - (4) *a medical condition;*
- relies on for navigation, assistance in performing daily activities, or alert signals regarding the onset of the person's medical condition.*



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- (b) *A person who knowingly or intentionally:*
- (1) *interferes with the actions of a service animal; or*
  - (2) *strikes, torments, injures, or otherwise mistreats a service animal;*
- while the service animal is engaged in assisting an impaired person described in subsection (a) commits a Class A misdemeanor.*
- (c) *An offense under subsection (b)(2) is a Level 6 felony if the act results in the:*
- (1) *serious permanent disfigurement;*
  - (2) *unconsciousness;*
  - (3) *permanent or protracted loss or impairment of the function of a bodily member or organ; or*
  - (4) *death;*
- of the service animal.*
- (d) *It is a defense that the accused person:*
- (1) *engaged in a reasonable act of training, handling, or disciplining the service animal; or*
  - (2) *reasonably believed the conduct was necessary to prevent injury to the accused person or another person.*

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### 7. MAXIMUM PENALTIES & STATUTES OF LIMITATIONS

#### IND. CODE § 35-50-2-4.5. Level 2 felony; penalty.

*A person who commits a Level 2 felony shall be imprisoned for a fixed term of between ten (10) and thirty (30) years, with the advisory sentence being seventeen and one-half (17 ½) years. In addition, the person may be fined not more than ten thousand dollars (\$10,000).*

#### IND. CODE § 35-50-2-5. Class B/Level 3 felony.

- (a) *A person who commits a Class B felony (for a crime committed before July 1, 2014) shall be imprisoned for a fixed term of between six (6) and twenty (20) years, with the advisory sentence being ten (10) years. In addition, the person may be fined not more than ten thousand dollars (\$10,000).*
- (b) *A person who commits a Level 3 felony (for a crime committed after June 30, 2014) shall be imprisoned for a fixed term of between three (3) and sixteen (16) years, with the advisory sentence being nine (9) years. In addition, the person may be fined not more than ten thousand dollars (\$10,000).*

#### IND. CODE § 35-50-2-5.5. Level 4 felony; penalty.

*A person who commits a Level 4 felony shall be imprisoned for a fixed term of between two (2) and twelve (12) years, with the advisory sentence being six (6) years. In addition, the person may be fined not more than ten thousand dollars (\$10,000).*

#### IND. CODE § 35-50-2-7. Class D/Level 6 felony.

- (a) *A person who commits a Class D felony (for a crime committed before July 1, 2014) shall be imprisoned for a fixed term of between six (6) months and three (3) years, with the advisory sentence being one and one-half (1 1/2) years. In addition, the person may be fined not more than ten thousand dollars (\$10,000).*
- (b) *A person who commits a Level 6 felony (for a crime committed after June 30, 2014) shall be imprisoned for a fixed term of between six (6) months and two and one-half years (2 1/2 years), with the advisory sentence being one (1) year. In addition, the person may be fined not more than ten thousand dollars (\$10,000).*
- (c) *Notwithstanding subsection (a) and (b), if a person has committed a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014), the court may enter judgment of conviction of a Class A misdemeanor and sentence accordingly. However, the court shall enter a judgment of conviction of a*

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Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) if:

- (1) the court finds that:
  - i. the person has committed a prior, unrelated felony for which judgment was entered as a conviction of a Class A misdemeanor; and
  - ii. the prior felony was committed less than three (3) years before the second felony was committed;
- (2) the offense is domestic battery as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-42-2-1.3; or
- (3) the offense is possession of child pornography (IC 35-42-4-4(d)).

The court shall enter in the record, in detail, the reason for its action whenever it exercises the power to enter judgment of conviction of a Class A misdemeanor granted in this subsection.

- (d) Notwithstanding subsections (a) and (b), the sentencing court may convert a Class D felony conviction (for a crime committed before July 1, 2014) or a Level 6 felony conviction (for a crime committed after June 30, 2014) to a Class A misdemeanor conviction if, after receiving a verified petition as described in subsection (e) and after conducting a hearing of which the prosecuting attorney has been notified, the court makes the following findings:
- (1) The person is not a sex or violent offender (as defined in IC 11-8-8-5).
  - (2) The person was not convicted of a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) that resulted in bodily injury to another person.
  - (3) The person has not been convicted of perjury under IC 35-44.1-2-1 (or IC 35-44-2-1 before its repeal) or official misconduct under IC 35-44.1-1-1 (or IC 35-44-1-2 before its repeal).
  - (4) The person has not been convicted of domestic battery as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-42-2-1.3 in the fifteen (15) year period immediately preceding the commission of the current offense.
  - (5) At least three (3) years have passed since the person:
    - (A) completed the person's sentence; and
    - (B) satisfied any other obligation imposed on the person as part of the sentence; for the Class D or Level 6 felony.
  - (6) The person has not been convicted of a felony since the person:
    - (A) completed the person's sentence; and
    - (B) satisfied any other obligation imposed on the person as part of the sentence; for the Class D or Level 6 felony.
  - (7) No criminal charges are pending against the person.
- (e) A petition filed under subsection (d) or (f) must be verified and set forth:
- (1) the crime the person has been convicted of;
  - (2) the date of the conviction;

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- (3) the date the person completed the person's sentence;
  - (4) any obligations imposed on the person as part of the sentence;
  - (5) the date the obligations were satisfied; and
  - (6) a verified statement that there are no criminal charges pending against the person.
- (f) If a person whose Class D or Level 6 felony conviction has been converted to a Class A misdemeanor conviction under subsection (d) is convicted of a felony not later than five (5) years after the conversion under subsection (d), a prosecuting attorney may petition a court to convert the person's Class A misdemeanor conviction back to a Class D felony conviction (*for a crime committed before July 1, 2014*) or a Level 6 felony conviction (*for a crime committed after June 30, 2014*).

### IND. CODE § 35-50-3-2. Class A misdemeanor.

*A person who commits a Class A misdemeanor shall be imprisoned for a fixed term of not more than one (1) year; in addition, he may be fined not more than five thousand dollars (\$5,000).*

### IND. CODE § 35-50-3-3. Class B misdemeanor.

*A person who commits a Class B misdemeanor shall be imprisoned for a fixed term of not more than one hundred eighty (180) days; in addition, he may be fined not more than one thousand dollars (\$1,000).*

### IND. CODE § 35-41-4-2. Periods of limitation.

- (a) *Except as otherwise provided in this section, a prosecution for an offense is barred unless it is commenced:*
- (1) *within five (5) years after the commission of the offense, in the case of a Class B, Class C, or Class D felony (for a crime committed before July 1, 2014) or a Level 3, Level 4, Level 5, or Level 6 felony (for a crime committed after June 30, 2014); or*
  - (2) *within two (2) years after the commission of the offense, in the case of a misdemeanor.*
- (b) A prosecution for a Class B or Class C felony (for a crime committed before July 1, 2014) or a Level 3, Level 4, or Level 5 felony (for a crime committed after June 30, 2014) that would otherwise be barred under this section may be commenced within one (1) year after the earlier of the date on which the state:
- (1) first discovers evidence sufficient to charge the offender with the offense through DNA (deoxyribonucleic acid) analysis; or
  - (2) could have discovered evidence sufficient to charge the offender with the offense through DNA (deoxyribonucleic acid) analysis by the exercise of due diligence.

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- (c) Except as provided in subsection (e), a prosecution for a Class A felony (for a crime committed before July 1, 2014) or a Level 1 felony or Level 2 felony (for a crime committed after June 30, 2014) may be commenced at any time.
- (d) A prosecution for murder may be commenced:
  - (1) at any time; and
  - (2) regardless of the amount of time that passes between:
    - A. the date a person allegedly commits the elements of murder; and
    - B. the date the alleged victim of the murder dies.
- (e) Except as provided in subsection (p), a prosecution for the following offenses is barred unless commenced before the date that the alleged victim of the offense reaches thirty-one (31) years of age:
  - (1) IC 35-42-4-3 (Child molesting).
  - (2) *IC 35-42-4-5 (Vicarious sexual gratification)*.
  - (3) IC 35-42-4-6 (Child solicitation).
  - (4) IC 35-42-4-7 (Child seduction).
  - (5) IC 35-42-4-9 (Sexual misconduct with a minor).
  - (6) IC 35-46-1-3 (Incest).
- (f) A prosecution for forgery of an instrument for payment of money, or for the uttering of a forged instrument, under IC 35-43-5-2, is barred unless it is commenced within five (5) years after the maturity of the instrument.
- (g) If a complaint, indictment, or information is dismissed because of an error, defect, insufficiency, or irregularity, a new prosecution may be commenced within ninety (90) days after the dismissal even if the period of limitation has expired at the time of dismissal, or will expire within ninety (90) days after the dismissal.
- (h) The period within which a prosecution must be commenced does not include any period in which:
  - (1) the accused person is not usually and publicly resident in Indiana or so conceals himself or herself that process cannot be served;
  - (2) the accused person conceals evidence of the offense, and evidence sufficient to charge the person with that offense is unknown to the prosecuting authority and could not have been discovered by that authority by exercise of due diligence; or
  - (3) the accused person is a person elected or appointed to office under statute or constitution, if the offense charged is theft or conversion of public funds or bribery while in public office.
- (i) For purposes of tolling the period of limitation only, a prosecution is considered commenced on the earliest of these dates:
  - (1) The date of filing of an indictment, information, or complaint before a court having jurisdiction.
  - (2) The date of issuance of a valid arrest warrant.
  - (3) The date of arrest of the accused person by a law enforcement officer without a warrant, if the officer has authority to make the arrest.
- (j) A prosecution is considered timely commenced for any offense to which the defendant enters a plea of guilty, notwithstanding that the period of limitation has expired.

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- (k) The following apply to the specified offenses:
- (1) A prosecution for an offense under IC 30-2-9-7(b) (misuse of funeral trust funds) is barred unless commenced within five (5) years after the date of death of the settlor (as described in IC 30-2-9).
  - (2) A prosecution for an offense under IC 30-2-10-9(b) (misuse of funeral trust funds) is barred unless commenced within five (5) years after the date of death of the settlor (as described in IC 30-2-10).
  - (3) A prosecution for an offense under IC 30-2-13-38(f) (misuse of funeral trust or escrow account funds) is barred unless commenced within five (5) years after the date of death of the purchaser (as defined in IC 30-2-13-9).
- (l) A prosecution for an offense under IC 23-2-6, IC 23-2.5, IC 23-14-48-9, or IC 23-19 is barred unless commenced within five (5) years after the earlier of the date on which the state:
- (1) first discovers evidence sufficient to charge the offender with the offense; or
  - (2) could have discovered evidence sufficient to charge the offender with the offense by the exercise of due diligence.
- (m) A prosecution for a sex offense listed in IC 11-8-8-4.5 that is committed against a child and that is not:
- (1) a Class A felony (for a crime committed before July 1, 2014) or a Level 1 felony or Level 2 felony (for a crime committed after June 30, 2014); or
  - (2) listed in subsection (e);
- is barred unless commenced within ten (10) years after the commission of the offense, or within four (4) years after the person ceases to be a dependent of the person alleged to have committed the offense, whichever occurs later.
- (n) A prosecution for rape (IC 35-42-4-1) as a Class B felony (for a crime committed before July 1, 2014) or as a Level 3 felony (for a crime committed after June 30, 2014) that would otherwise be barred under this section may be commenced not later than five (5) years after the earlier of the date on which:
- (1) the state first discovers evidence sufficient to charge the offender with the offense through DNA (deoxyribonucleic acid) analysis;
  - (2) the state first becomes aware of the existence of a recording (as defined in IC 35-31.5-2-273) that provides evidence sufficient to charge the offender with the offense; or
  - (3) a person confesses to the offense.
- (o) A prosecution for criminal deviate conduct (IC 35-42-4-2) (repealed) as a Class B felony for a crime committed before July 1, 2014, that would otherwise be barred under this section may be commenced not later than five (5) years after the earliest of the date on which:
- (1) the state first discovers evidence sufficient to charge the offender with the offense through DNA (deoxyribonucleic acid) analysis;
  - (2) the state first becomes aware of the existence of a recording (as defined in IC 35-31.5-2-273) that provides evidence sufficient to charge the offender with the offense; or

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- (3) a person confesses to the offense.
- (p) *A prosecution for an offense described in subsection (e) that would otherwise be barred under this section may be commenced not later than five (5) years after the earliest of the date on which:*
  - (1) *the state first discovers evidence sufficient to charge the offender with the offense through DNA (deoxyribonucleic acid) analysis;*
  - (2) *the state first becomes aware of the existence of a recording (as defined in IC 35-31.5-2-273) that provides evidence sufficient to charge the offender with the offense; or*
  - (3) *a person confesses to the offense.*

## ANIMAL PROTECTION LAWS OF INDIANA

### 8. CROSS ENFORCEMENT & REPORTING

#### **IND. CODE § 12-10-3-8.5. Report observed or suspected animal cruelty, abandonment, or neglect; contents; no duty to investigate; immunity from liability; confidentiality.**

- (a) *If, during an investigation under section 8 of this chapter, an adult protective services unit observes, or has reason to believe, that an animal is a victim of animal cruelty, abandonment, or neglect, the adult protective services unit may make a report of the observed or suspected animal cruelty, abandonment, or neglect to:*
  - (1) *the local law enforcement agency; or*
  - (2) *the local animal control officer.*
- (b) The information provided in a report under subsection (a) must include the following:
  - (1) A name and description of the animal and the animal's condition.
  - (2) The name and contact number, if known, of the owner or custodian of the animal.
  - (3) The address or location of the observed or suspected animal cruelty, abandonment, or neglect.
  - (4) The nature and apparent extent of the observed or suspected animal cruelty, abandonment, or neglect.
- (c) This section does not impose a duty or obligation on the adult protective services unit to investigate known or suspected animal cruelty, abandonment, or neglect.
- (d) *An adult protective services unit that makes a report of an animal that may be a victim of animal cruelty, abandonment, or neglect is immune from any civil or criminal liability unless the adult protective services unit made the report as a result of gross negligence or willful and wanton misconduct.*
- (e) The identity of any adult protective services unit that makes a report under this section is confidential.
- (f) This section does not expand or limit other laws concerning confidentiality requirements.

#### **IND. CODE § 31-33-8-7.5. Report of observed or suspected animal cruelty; abandonment, or neglect; contents; no duty to investigate; immunity from liability; confidentiality.**

- (a) *If, during the assessment, a caseworker observes, or has reason to believe, that an animal is a victim of animal cruelty, abandonment, or neglect, the caseworker may make a report of the observed or suspected animal cruelty, abandonment, or neglect to:*
  - (1) *the local law enforcement agency; or*
  - (2) *the local animal control officer.*
- (b) The information provided in a report under subsection (a) must include the following:
  - (1) A name and description of the animal and the animal's condition.
  - (2) The name and contact number, if known, of the owner or custodian of the animal.



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**ANIMAL PROTECTION LAWS OF INDIANA**

- (3) The address or location of the observed or suspected animal cruelty, abandonment, or neglect.
- (4) The nature and apparent extent of the observed or suspected animal cruelty, abandonment, or neglect.
- (c) This section does not impose a duty or obligation on the caseworker to investigate known or suspected animal cruelty, abandonment, or neglect.
- (d) *A caseworker who makes a report of an animal that may be a victim of animal cruelty, abandonment, or neglect is immune from any civil or criminal liability unless the caseworker made the report as a result of gross negligence or willful and wanton misconduct.*
- (e) The identity of any caseworker who makes a report under this section is confidential
- (f) This section does not expand or limit other laws concerning confidentiality requirements.

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**ANIMAL PROTECTION LAWS OF INDIANA****9. VETERINARY REPORTING & IMMUNITY****IND. CODE § 25-38.1-4-8.5. Good faith reporting of animal cruelty; immunity from liability.**

*A veterinarian or registered veterinary technician who reports in good faith and in the normal course of business a suspected incident of animal cruelty under IC 35-46-3 to a law enforcement officer is immune from liability in any civil or criminal action brought for reporting the incident.*

## ANIMAL PROTECTION LAWS OF INDIANA

### 10. LAW ENFORCEMENT POLICIES

#### IND. CODE § 15-17-3-13. Additional powers and duties.

*In addition to the powers and duties given the board in this article and by law, the board has the powers and duties reasonable and necessary to do the following:*

- (1) Provide for the quarantine of animals and objects to prevent, control, and eradicate diseases and pests of animals.
- (2) Develop, adopt, and implement programs and procedures for establishing and maintaining accredited, certified, validated, or designated disease or pest free or disease or pest monitored animals, herds, flocks, or areas, including the following:
  - (A) The establishment and maintenance of herds that are monitored for disease or pest syndromes.
  - (B) The establishment and maintenance of certified or validated brucellosis free herds, animals, and areas.
  - (C) The establishment and maintenance of accredited tuberculosis free herds, animals, and areas.
- (3) Develop, adopt, and implement programs and plans for the prevention, detection, control, and eradication of diseases and pests of animals.
- (4) Control or prohibit, by permit or other means, the movement and transportation into, out of, or within Indiana of animals and objects in order to prevent, detect, control, or eradicate diseases and pests of animals. When implementing controls or prohibitions the board may consider whether animals or objects are diseased, suspected to be diseased, or under quarantine, or whether the animals or objects originated from a country, a state, an area, or a premises that is known or suspected to harbor animals or objects infected with or exposed to a disease or pest of animals.
- (5) Control or prohibit the public and private sale of animals and objects in order to prevent the spread of disease and pests of animals.
- (6) Control the use, sanitation, and disinfection of:
  - (A) public stockyards; and
  - (B) vehicles used to transport animals and objects into and within Indiana; to accomplish the objectives of this article.
- (7) Control the use, sanitation, and disinfection of premises, facilities, and equipment to accomplish the objectives of this article.
- (8) Control the movement of animals and objects to, from, and within premises where diseases or pests of animals may exist.
- (9) Control the movement and disposal of carcasses of animals and objects.
- (10) Control the manufacture, sale, storage, distribution, handling, and use of serums, vaccines, and other biologics and veterinary drugs, except those drugs for human consumption regulated under IC 16-42-19, to be used for the prevention, detection, control, and eradication of disease and pests of animals.
- (11) Control and prescribe the means, methods, and procedures for the vaccination or other

## ANIMAL PROTECTION LAWS OF INDIANA

- treatment of animals and objects and the conduct of tests for diseases and pests of animals.
- (12) Develop, adopt, and implement plans and programs for the identification of animals, objects, premises, and means of conveyances. Plans and programs may include identification:
    - (A) of animals or objects that have been condemned under this article; and
    - (B) related to classification as to disease, testing, vaccination, or treatment status.
  - (13) Establish the terms and method of appraisal or other determination of value of animals and objects condemned under this article, the payment of any indemnities that may be provided for the animals and objects, and the regulation of the sale or other disposition of the animals or objects.
  - (14) Control the sale of baby chicks.
  - (15) Cooperate and enter into agreements with the appropriate departments and agencies of this state, any other state, or the federal government to prevent, detect, control, and eradicate diseases and pests of animals.
  - (16) Control or prohibit the movement and transportation into, out of, or within Indiana of wild animals, including birds, that might carry or disseminate diseases or pests of animals.
  - (17) Provide for condemning or abating conditions that cause, aggravate, spread, or harbor diseases or pests of animals.
  - (18) Establish and designate, in addition to the animal disease diagnostic laboratory under IC 21-46-3-1, other laboratories necessary to make tests of any nature for diseases and pests of animals.
  - (19) Investigate, develop, and implement the best methods for the prevention, detection, control, suppression, or eradication of diseases and pests of animals.
  - (20) Investigate, gather, and compile information concerning the organization, business conduct, practices, and management of any registrant, licensee, permittee, applicant for a license, or applicant for a permit.
  - (21) Investigate allegations of unregistered, unlicensed, and unpermitted activities.
  - (22) Institute legal action in the name of the state of Indiana necessary to enforce:
    - (A) the board's orders and rules; and
    - (B) this article.
  - (23) Control the collection, transportation, and cooking of garbage to be fed to swine or other animals and all matters of sanitation relating to the collection, transportation, and cooking of garbage affecting the health of swine or other animals and affecting public health and comfort.
  - (24) Adopt an appropriate seal.
  - (25) Issue orders as an aid to enforcement of the powers granted by this article, IC 15-18-1, and IC 15-19-6.
  - (26) Control disposal plants and byproducts collection services and all matters connected to disposal plants and byproducts collection services.
  - (27) Abate biological or chemical substances that:
    - (A) remain in or on any animal before or at the time of slaughter as a result of

## ANIMAL PROTECTION LAWS OF INDIANA

- treatment or exposure; and
- (B) are found by the board to be or have the potential of being injurious to the health of animals or humans.
- (28) Regulate the production, manufacture, processing, and distribution of products derived from animals to control health hazards that may threaten:
- (A) animal health;
  - (B) the public health and welfare of the citizens of Indiana; and
  - (C) the trade in animals and animal products in and from Indiana.
- (29) Cooperate and coordinate with local, state, and federal emergency management agencies to plan and implement disaster emergency plans and programs as the plans and programs relate to animals in Indiana.
- (30) *Assist law enforcement agencies investigating allegations of cruelty and neglect of animals.*
- (31) Assist organizations that represent livestock and poultry producers with issues and programs related to the care of livestock and poultry.
- (32) Establish a registry of commercial dog brokers and commercial dog breeders in Indiana.
- (33) Establish a registry of animal care facilities (as defined in IC 15-20-4-1).

### **IND. CODE § 36-8-3-18. Humane officers; appointment; powers and duties.**

*A humane officer shall be appointed in every city from among the members of the police department. The humane officer shall detect and arrest persons violating humane statutes. The humane officer is entitled to the same pay as other police officers of the city and is subject to the control and discipline of the police department. If there is an incorporated humane society in the city, the humane officer shall attend the stated and special meetings of the society and shall report to it, at least once a month, on all matters relating to the humane officer's duties under law for the previous month. If a humane statute or ordinance has, to the humane officer's knowledge, been violated, The Humane Officer shall, if directed by the president of the humane society, file the humane officer's affidavits before a court charging the person violating the law with the violation.*

## ANIMAL PROTECTION LAWS OF INDIANA

## 11. SEIZURE

**IND. CODE § 35-46-3-6. Impoundment of animals for chapter violation; probable cause hearing; penalties; award of custody of animals.**

- (a) This section does not apply to a violation of section 1 [IC 35-46-3-1] of this chapter.
- (b) *Any law enforcement officer or any other person having authority to impound animals who has probable cause to believe there has been a violation of this chapter or IC 15-20-1-4 may take custody of the animal involved.*
- (c) The owner of an animal that has been impounded under this section may prevent disposition of the animal by an animal shelter that is caring for the animal by posting, not later than ten (10) days after the animal has been impounded, a bond with the court in an amount sufficient to provide for the animal's care and keeping for at least thirty (30) days, beginning from the date the animal was impounded. The owner may renew a bond by posting a new bond, in an amount sufficient to provide for the animal's care and keeping for at least an additional thirty (30) days, not later than ten (10) days after the expiration of the period for which a previous bond was posted. If a bond expires and is not renewed, the animal shelter may determine disposition of the animal, subject to court order. If the owner of an animal impounded under this section is convicted of an offense under this chapter or IC 15-20-1-4, the owner shall reimburse the animal shelter for the expense of the animal's care and keeping. If the owner has paid a bond under this subsection, the animal shelter may euthanize an animal if a veterinarian determines that an animal is suffering extreme pain.
- (d) *If the owner requests, the court having jurisdiction of criminal charges filed under this chapter or IC 15-20-1 shall hold a hearing to determine whether probable cause exists to believe that a violation of this chapter or IC 15-20-1 has occurred. If the court determines that probable cause does not exist, the court shall order the animal returned to its owner, and the return of any bond posted by its owner.*
- (e) *Whenever charges are filed under this chapter, the court shall appoint the state veterinarian under IC 15-17-4-1 or the state veterinarian's designee to:*
  - (1) *investigate the condition of the animal and the circumstances relating to the animal's condition; and*
  - (2) *make a recommendation to the court under subsection (f) regarding the confiscation of the animal.*
- (f) *The state veterinarian or the state veterinarian's designee who is appointed under subsection (e) shall do the following:*
  - (1) *Make a recommendation to the court concerning whether confiscation is necessary to protect the safety and well-being of the animal.*
  - (2) *If confiscation is recommended under subdivision (1), recommend a manner for handling the confiscation and disposition of the animal that is in the best interests of the animal.*

The state veterinarian or the state veterinarian's designee who submits a

## ANIMAL PROTECTION LAWS OF INDIANA

recommendation under this subsection shall articulate to the court the reasons supporting the recommendation.

(g) *The court:*

(1) *shall give substantial weight to; and*

(2) *may enter an order based upon;*

*a recommendation submitted under subsection (f).*

(h) If a person is convicted of an offense under this chapter or IC 15-20-1, the court may impose the following additional penalties against the person:

(1) A requirement that the person pay the costs of caring for an animal involved in the offenses that are incurred during a period of impoundment authorized under subsection (b).

(2) An order terminating or imposing conditions on the person's right to possession, title, custody, or care of:

(A) an animal that was involved in the offense; or

(B) any other animal in the custody or care of the person.

(i) If a person's right to possession, title, custody, or care of an animal is terminated under subsection (h), the court may:

(1) award the animal to a humane society or other organization that has as its principal purpose the humane treatment of animals; or

(2) order the disposition of the animal as recommended under subsection (f).

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**ANIMAL PROTECTION LAWS OF INDIANA**

**12. COURTROOM ANIMAL ADVOCATE PROGRAM**

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## ANIMAL PROTECTION LAWS OF INDIANA

## 13. PROTECTION ORDERS

**IND. CODE § 11-13-3-4. Parole Conditions; Expenses.**

**NOTE:** irrelevant portions of this statute have been omitted.

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- (k) As a condition of parole, the parole board may prohibit, in accordance with IC 35-38-2-2.6, a parolee who has been convicted of stalking from residing within one thousand (1,000) feet of the residence of the victim of the stalking for a period that does not exceed five (5) years.
- (l) *As a condition of parole, the parole board may prohibit a parolee convicted of an offense under IC 35-46-3 from owning, harboring, or training an animal, and, if the parole board prohibits a parolee convicted of an offense under IC 35-46-3 from having direct or indirect contact with an individual, the parole board may also prohibit the parolee from having direct or indirect contact with any animal belonging to the individual.*
- (m) As a condition of parole, the parole board may require a parolee to receive:
  - (1) addiction counseling;
  - (2) inpatient detoxification;
  - (3) case management;
  - (4) daily living skills; and
  - (5) medication assisted treatment, including a federal Food and Drug Administration approved long acting, nonaddictive medication for the treatment of opioid or alcohol dependence.
- (n) A parolee may be responsible for the reasonable expenses, as determined by the department, of the parolee's participation in a treatment or other program required as a condition of parole under this section. However, a person's parole may not be revoked solely on the basis of the person's inability to pay for a program required as a condition of parole under this section.
- (o) When an offender is placed on lifetime parole, the parole board shall inform the sheriff and the prosecuting attorney of the county in which the offender committed the offense:
  - (1) that the offender has been placed on lifetime parole; and
  - (2) whether the offender is required to wear a monitoring device as described in subsection (j).
- (p) *As a condition of parole, the parole board shall prohibit a person convicted of an animal abuse offense (as defined in IC 35-38-2-2.8) from owning, harboring, or training a companion animal (as defined in IC 35-38-2-2.8).*

## ANIMAL PROTECTION LAWS OF INDIANA

### IND. CODE § 31-9-2-29.5. “Crimes involving domestic or family violence.”

*“Crime involving domestic or family violence” means a crime that occurs when a family or household member commits, attempts to commit, or conspires to commit any of the following against another family or household member:*

- (1) A homicide offense under IC 35-42-1.
- (2) A battery offense under IC 35-42-2.
- (3) Kidnapping or confinement under IC 35-42-3.
- (4) A sex offense under IC 35-42-4.
- (5) Robbery under IC 35-42-5.
- (6) Arson or mischief under IC 35-43-1.
- (7) Burglary or trespass under IC 35-43-2.
- (8) Disorderly conduct under IC 35-45-1.
- (9) Intimidation or harassment under IC 35-45-2.
- (10) Voyeurism under IC 35-45-4.
- (11) Stalking under IC 35-45-10.
- (12) An offense against the family under IC 35-46-1-2 through IC 35-46-1-8, IC 35-46-1-12, IC 35-46-1-15.1 or IC 35-46-1-15.3.
- (13) Human and sexual trafficking crimes under IC 35-42-3.5.
- (14) *A crime involving animal cruelty and a family or household member under IC 35-46-3-12(b)(2) or IC 35-46-3-12.5.*

### IND. CODE § 34-26-5-2. Persons authorized to file petition; relief sought against unemancipated minor.

- (a) *A person who is or has been a victim of domestic or family violence may file a petition for an order for protection against a:*
  - (1) *family or household member who commits an act of domestic or family violence;*  
*or*
  - (2) *person who has committed stalking under IC 35-45-10-5 or a sex offense under IC 35-42-4 against the petitioner.*
- (b) *A person who is or has been subject to harassment may file a petition for an order for protection against a person who has committed repeated acts of harassment against the petitioner.*
- (c) *A parent, a guardian, or another representative may file a petition for an order for protection on behalf of a child against a:*
  - (1) *family or household member who commits an act of domestic or family violence;*
  - (2) *person who has committed stalking under IC 35-45-10-5 or a sex offense under IC 35-42-4 against the child;*
  - (3) *person who has committed repeated acts of harassment against the child; or*
  - (4) *person who has engaged in a course of conduct involving repeated or continuing contact with a child that is intended to prepare or condition a child for sexual*

## ANIMAL PROTECTION LAWS OF INDIANA

activity (as defined in IC 35-42-4-13).

- (d) A court may issue only one (1) order for each respondent. If a petitioner files a petition against more than one (1) respondent, the court shall:
- (1) assign a new case number; and
  - (2) maintain a separate court file;
- for each respondent.
- (e) If a petitioner seeks relief against an unemancipated minor, the case may originate in any court of record and, if it is an emergency matter, be processed the same as an ex parte petition. When a hearing is set, the matter may be transferred to a court with juvenile jurisdiction.

**IND. CODE § 34-26-5-9. Ex parte orders; authority and jurisdiction of court; relief available; notification and effectiveness of order; subsequent case or hearings.**

**NOTE:** irrelevant portions of this statute have been omitted.

- (a) *If it appears from a petition for an order for protection or from a petition to modify an order for protection that domestic or family violence has occurred or that a modification of an order for protection is required, a court may:*

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- (5) *Order that a petitioner has the exclusive possession, care, custody, or control of any animal owned, possessed, kept, or cared for by the petitioner, respondent, minor child of either the petitioner or respondent, or any other family or household member.*
- (6) *Prohibit a respondent from removing, transferring, injuring, concealing, harming, attacking, mistreating, threatening to harm, or otherwise disposing of an animal described in subdivision (5).*
- (7) *Order possession and use of the residence, an automobile, and other essential personal effects, regardless of the ownership of the residence, automobile, and essential personal effects. If possession is ordered under this subdivision or subdivision (5), the court may direct a law enforcement officer to accompany a petitioner to the residence of the parties to:*
  - (A) *ensure that a petitioner is safely restored to possession of the residence, automobile, animal, and other essential personal effects; or*
  - (B) *supervise a petitioner's or respondent's removal of personal belongings and animal.*

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## ANIMAL PROTECTION LAWS OF INDIANA

### IND. CODE § 35-31.5-2-76. “Crime involving domestic or family violence.”

“Crime involving domestic or family violence” means a crime that occurs when a family or household member commits, attempts to commit, or conspires to commit any of the following against another family or household member:

- (1) A homicide offense under IC 35-42-1.
- (2) A battery offense under IC 35-42-2.
- (3) Kidnapping or confinement under IC 35-42-3.
- (4) Human and sexual trafficking crimes under IC 35-42-3.5.
- (5) A sex offense under IC 35-42-4.
- (6) Robbery under IC 35-42-5.
- (7) Arson or mischief under IC 35-43-1.
- (8) Burglary or trespass under IC 35-43-2.
- (9) Disorderly conduct under IC 35-45-1.
- (10) Intimidation or harassment under IC 35-45-2.
- (11) Voyeurism under IC 35-45-4.
- (12) Stalking under IC 35-45-10.
- (13) An offense against family under IC 35-46-1-2 through IC 35-46-1-8, IC 35-46-1-12, IC 35-46-1-15.1 or IC 35-46-1-15.3.
- (14) A crime involving animal cruelty and a family or household member under IC 35-46-3-12(b)(2) or IC 35-46-3-12.5.

### IND. CODE § 35-33-8-3.2. Conditions to assure appearance; remittance of deposition, collection of Fees.

(a) *After considering the results of the Indiana pretrial risk assessment system (if available), other relevant factors, and bail guidelines described in section 3.8 of this chapter, a court may admit a defendant to bail and impose any of the following conditions to assure the defendant’s appearance at any stage of the legal proceedings, or, upon a showing of clear and convincing evidence that the defendant poses a risk of physical danger to another person or the community, to assure the public’s physical safety:*

- (1) Require the defendant to:
  - (A) execute a bail bond with sufficient solvent sureties;
  - (B) deposit cash or securities in an amount equal to the bail;
  - (C) execute a bond secured by real estate in the county, where thirty-three hundredths (0.33) of the true tax value less encumbrances is at least equal to the amount of the bail;
  - (D) post a real estate bond; or
  - (E) perform any combination of the requirements described in clauses (A) through (D).

If the court requires the defendant to deposit cash or cash and another form of security as bail, the court may require the defendant and each person who makes the deposit on

## ANIMAL PROTECTION LAWS OF INDIANA

behalf of the defendant to execute an agreement that allows the court to retain all or a part of the cash to pay publicly paid costs of representation and fines, costs, fees, and restitution that the court may order the defendant to pay if the defendant is convicted. The defendant must also pay the fee required by subsection (d).

(2) Require the defendant to execute:

- (A) a bail bond by depositing cash or securities with the clerk of the court in an amount not less than ten percent (10%) of the bail; and
- (B) an agreement that allows the court to retain all or a part of the cash or securities to pay fines, costs, fees, and restitution that the court may order the defendant to pay if the defendant is convicted.

A portion of the deposit, not to exceed ten percent (10%) of the monetary value of the deposit or fifty dollars (\$50), whichever is the lesser amount, may be retained as an administrative fee. The clerk shall also retain from the deposit under this subdivision fines, costs, fees, and restitution as ordered by the court, publicly paid costs of representation that shall be disposed of in accordance with subsection (b), and the fee required by subsection (d). In the event of the posting of a real estate bond, the bond shall be used only to insure the presence of the defendant at any stage of the legal proceedings, but shall not be foreclosed for the payment of fines, costs, fees, or restitution. The individual posting bail for the defendant or the defendant admitted to bail under this subdivision must be notified by the sheriff, court, or clerk that the defendant's deposit may be forfeited under section 7 of this chapter or retained under subsection (b).

- (3) Impose reasonable restrictions on the activities, movements, associations, and residence of the defendant during the period of release.
- (4) *Except as provided in section 3.6 of this chapter, require the defendant to refrain from any direct or indirect contact with an individual and, if the defendant has been charged with an offense under IC 35-46-3, any animal belonging to the individual, including if the defendant has not been released from lawful detention.*
- (5) Place the defendant under the reasonable supervision of a probation officer, pretrial services agency, or other appropriate public official. If the court places the defendant under the supervision of a probation officer or pretrial services agency, the court shall determine whether the defendant must pay the pretrial services fee under section 3.3 of this chapter.
- (6) Release the defendant into the care of a qualified person or organization responsible for supervising the defendant and assisting the defendant in appearing in court. The supervisor shall maintain reasonable contact with the defendant in order to assist the defendant in making arrangements to appear in court and, where appropriate, shall accompany the defendant to court. The supervisor need not be financially responsible for the defendant.
- (7) Release the defendant on personal recognizance unless:

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- (A) the state presents evidence relevant to a risk by the defendant:
  - (i) of nonappearance; or
  - (ii) to the physical safety of the public; and
- (B) the court finds by a preponderance of the evidence that the risk exists.
- (8) Require a defendant charged with an offense under IC 35-46-3 to refrain from owning, harboring, or training an animal.
- (9) *Impose any other reasonable restrictions designed to assure the defendant's presence in court or the physical safety of another person or the community.*
- (b) Within thirty (30) days after disposition of the charges against the defendant, the court that admitted the defendant to bail shall order the clerk to remit the amount of the deposit remaining under subsection (a)(2) to the defendant. The portion of the deposit that is not remitted to the defendant shall be deposited by the clerk in the supplemental public defender services fund established under IC 33-40-3.
- (c) For purposes of subsection (b), "disposition" occurs when the indictment or information is dismissed or the defendant is acquitted or convicted of the charges.
- (d) Except as provided in subsection (e), the clerk of the court shall:
  - (1) collect a fee of five dollars (\$5) from each bond or deposit required under subsection (a)(1); and
  - (2) retain a fee of five dollars (\$5) from each deposit under subsection (a)(2). The clerk of the court shall semiannually remit the fees collected under this subsection to the board of trustees of the public employees' retirement fund for deposit in the special death benefit fund. The fee required by subdivision (2) is in addition to the administrative fee retained under subsection (a)(2).
- (e) With the approval of the clerk of the court, the county sheriff may collect the bail posted under this section. The county sheriff shall remit the bail to the clerk of the court by the following business day and remit monthly the five dollar (\$5) special death benefit fee to the county auditor.
- (f) When a court imposes a condition of bail described in subsection (a)(4):
  - (1) the clerk of the court shall comply with IC 5-2-9; and
  - (2) the prosecuting attorney shall file a confidential form prescribed or approved by the office of judicial administration with the clerk.

### **IND. CODE § 35-38-2-2.3. Conditions of probation; statement of conditions; term of imprisonment; intermittent service; transfers and retransfers of supervision.**

- (a) *As a condition of probation, the court may require a person to do a combination of the following:*
  - (1) Work faithfully at suitable employment or faithfully pursue a course of study or career and technical education that will equip the person for suitable employment.
  - (2) Undergo available medical or psychiatric treatment and remain in a specified institution if required for that purpose.

## ANIMAL PROTECTION LAWS OF INDIANA

- (3) Attend or reside in a facility established for the instruction, recreation, or residence of persons on probation.
- (4) Participate in a treatment program, educational class, or rehabilitative service provided by a probation department or by referral to an agency.
- (5) Support the person's dependents and meet other family responsibilities.
- (6) Make restitution or reparation to the victim of the crime for damage or injury that was sustained by the victim. When restitution or reparation is a condition of probation, the court shall fix the amount, which may not exceed an amount the person can or will be able to pay, and shall fix the manner of performance.
- (7) Execute a repayment agreement with the appropriate governmental entity to repay the full amount of public relief or assistance wrongfully received, and make repayments according to a repayment schedule set out in the agreement.
- (8) Pay a fine authorized by IC 35-50.
- (9) Refrain from possessing a firearm or other deadly weapon unless granted written permission by the court or the person's probation officer.
- (10) Report to a probation officer at reasonable times as directed by the court or the probation officer.
- (11) Permit the person's probation officer to visit the person at reasonable times at the person's home or elsewhere.
- (12) Remain within the jurisdiction of the court, unless granted permission to leave by the court or by the person's probation officer.
- (13) Answer all reasonable inquiries by the court or the person's probation officer and promptly notify the court or probation officer of any change in address or employment.
- (14) Perform uncompensated work that benefits the community.
- (15) Satisfy other conditions reasonably related to the person's rehabilitation.
- (16) Undergo home detention under IC 35-38-2.5.
- (17) Undergo a laboratory test or series of tests approved by the state department of health to detect and confirm the presence of the human immunodeficiency virus (HIV) antigen or antibodies to the human immunodeficiency virus (HIV), if:
  - (A) the person had been convicted of an offense relating to a criminal sexual act and the offense created an epidemiologically demonstrated risk of transmission of the human immunodeficiency virus (HIV); or
  - (B) the person had been convicted of an offense relating to a controlled substance and the offense involved:
    - (i) the delivery by any person to another person; or
    - (ii) the use by any person on another person; of a contaminated sharp (as defined in IC 16-41-16-2) or other paraphernalia that creates an epidemiologically demonstrated risk of transmission of HIV by involving percutaneous contact.
- (18) *Refrain from any direct or indirect contact with an individual and, if convicted of an offense under IC 35-46-3, any animal belonging to the individual.*
- (19) Execute a repayment agreement with the appropriate governmental entity or



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- with a person for reasonable costs incurred because of the taking, detention, or return of a missing child (as defined in IC 10-13-5-4).
- (20) Periodically undergo a laboratory chemical test (as defined in IC 9-13-2-22) or series of chemical tests as specified by the court to detect and confirm the presence of a controlled substance (as defined in IC 35-48-1-9). The person on probation is responsible for any charges resulting from a test and shall have the results of any test under this subdivision reported to the person's probation officer by the laboratory.
- (21) If the person was confined in a penal facility, execute a reimbursement plan as directed by the court and make repayments under the plan to the authority that operates the penal facility for all or part of the costs of the person's confinement in the penal facility. The court shall fix an amount that:
- (A) may not exceed an amount the person can or will be able to pay;
  - (B) does not harm the person's ability to reasonably be self-supporting or to reasonably support any dependent of the person; and
  - (C) takes into consideration and gives priority to any other restitution, reparation, repayment, or fine the person is required to pay under this section.
- (22) *Refrain from owning, harboring, or training an animal.*
- (23) Participate in a reentry court program.
- (24) Receive:
- (A) addiction counseling;
  - (B) mental health counseling;
  - (C) inpatient detoxification; and
  - (D) medication assisted treatment, including a federal Food and Drug Administration approved long acting, nonaddictive medication for the treatment of opioid or alcohol dependence.
- (b) When a person is placed on probation, the person shall be given a written statement specifying:
- (1) the conditions of probation; and
  - (2) that if the person violates a condition of probation during the probationary period, a petition to revoke probation may be filed before the earlier of the following:
    - (A) One (1) year after the termination of probation.
    - (B) Forty-five (45) days after the state receives notice of the violation.
- (c) As a condition of probation, the court may require that the person serve a term of imprisonment in an appropriate facility at the time or intervals (consecutive or intermittent) within the period of probation the court determines.
- (d) Intermittent service may be required only for a term of not more than sixty (60) days and must be served in the county or local penal facility. The intermittent term is computed on the basis of the actual days spent in confinement and shall be completed within one (1) year. A person does not earn credit time while serving an intermittent term of imprisonment under this subsection. When the court orders intermittent



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service, the court shall state:

- (1) the term of imprisonment;
  - (2) the days or parts of days during which a person is to be confined; and
  - (3) the conditions.
- (e) Supervision of a person may be transferred from the court that placed the person on probation to a court of another jurisdiction, with the concurrence of both courts. Retransfers of supervision may occur in the same manner. This subsection does not apply to transfers made under IC 11-13-4 or IC 11-13-5.
- (f) When a court imposes a condition of probation described in subsection (a)(18):
- (1) the clerk of the court shall comply with IC 5-2-9; and
  - (2) the prosecuting attorney shall file a confidential form prescribed or approved by the office of judicial administration with the clerk.
- (g) As a condition of probation, a court shall require a person:
- (1) convicted of an offense described in IC 10-13-6-10;
  - (2) who has not previously provided a DNA sample in accordance with IC 10-13-6; and
  - (3) whose sentence does not involve a commitment to the department of correction; to provide a DNA sample as a condition of probation.
- (h) If a court imposes a condition of probation described in subsection (a)(4), the person on probation is responsible for any costs resulting from the participation in a program, class, or service. Any costs collected for services provided by the probation department shall be deposited in the county or local supplemental adult services fund.

### IND. CODE § 35-38-2-2.8. Definitions; conditions of probation for animal abuse offense

- (a) The following definitions apply throughout this section:
- (1) "Animal abuse offense" means one (1) or more of the following:
    - (A) IC 35-46-3-7 (abandonment or neglect of a vertebrate animal).
    - (B) IC 35-46-3-8 (purchase or possession of an animal for use in an animal fighting contest).
    - (C) IC 35-46-3-8.5 (possession of animal fighting paraphernalia).
    - (D) IC 35-46-3-9 (promotion, use of animals, or attendance with animal at animal fighting contest).
    - (E) IC 35-46-3-9.5 (promoting an animal fighting contest).
    - (F) IC 35-46-3-11 (cruelty to a law enforcement animal).
    - (G) IC 35-46-3-11.3 (cruelty to a search and rescue dog).
    - (H) IC 35-46-3-11.5 (cruelty to a service animal).
    - (I) IC 35-46-3-12 (torture or mutilation of a vertebrate animal; killing a domestic animal).
    - (J) IC 35-46-3-12.5 (domestic violence animal cruelty).
    - (K) IC 35-46-3-13 (removal of attack dog's vocal cords; animal cruelty).

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(L) IC 35-46-3-14 (bestiality).

(M) IC 35-46-3-15 (electrocution or decompression of animals).

- (2) "Companion animal" means a dog or cat that is not a service animal (as defined in IC 35-46-3-11.5).
- (b) As a condition of probation or parole after conviction for an animal abuse offense, the court shall prohibit the convicted person from owning, harboring, or training a companion animal.

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## 14. RESTITUTION

**IND. CODE § 35-46-3-6. Impoundment of animals for chapter violation; probable cause hearing; penalties; award of custody of animals.**

- (a) This section does not apply to a violation of section 1 [IC 35-46-3-1] of this chapter.
- (b) Any law enforcement officer or any other person having authority to impound animals who has probable cause to believe there has been a violation of this chapter or IC 15-20-1-4 may take custody of the animal involved.
- (c) *The owner of an animal that has been impounded under this section may prevent disposition of the animal by an animal shelter that is caring for the animal by posting, not later than ten (10) days after the animal has been impounded, a bond with the court in an amount sufficient to provide for the animal's care and keeping for at least thirty (30) days, beginning from the date the animal was impounded. The owner may renew a bond by posting a new bond, in an amount sufficient to provide for the animal's care and keeping for at least an additional thirty (30) days, not later than ten (10) days after the expiration of the period for which a previous bond was posted. If a bond expires and is not renewed, the animal shelter may determine disposition of the animal, subject to court order. If the owner of an animal impounded under this section is convicted of an offense under this chapter or IC 15-20-1-4, the owner shall reimburse the animal shelter for the expense of the animal's care and keeping. If the owner has paid a bond under this subsection, the animal shelter may euthanize an animal if a veterinarian determines that an animal is suffering extreme pain.*
- (d) If the owner requests, the court having jurisdiction of criminal charges filed under this chapter or IC 15-20-1 shall hold a hearing to determine whether probable cause exists to believe that a violation of this chapter or IC 15-20-1 has occurred. *If the court determines that probable cause does not exist, the court shall order the animal returned to its owner, and the return of any bond posted by its owner.*
- (e) Whenever charges are filed under this chapter, the court shall appoint the state veterinarian under IC 15-17-4-1 or the state veterinarian's designee to:
  - (1) investigate the condition of the animal and the circumstances relating to the animal's condition; and
  - (2) make a recommendation to the court under subsection (f) regarding the confiscation of the animal.
- (f) The state veterinarian or the state veterinarian's designee who is appointed under subsection (e) shall do the following:
  - (1) Make a recommendation to the court concerning whether confiscation is necessary to protect the safety and well-being of the animal.
  - (2) If confiscation is recommended under subdivision (1), recommend a manner for handling the confiscation and disposition of the animal that is in the best interests of the animal.

The state veterinarian or the state veterinarian's designee who submits a

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recommendation under this subsection shall articulate to the court the reasons supporting the recommendation.

- (g) The court:
- (1) shall give substantial weight to; and
  - (2) may enter an order based upon;
- a recommendation submitted under subsection (f).
- (h) *If a person is convicted of an offense under this chapter or IC 15-20-1, the court may impose the following additional penalties against the person:*
- (1) *A requirement that the person pay the costs of caring for an animal involved in the offenses that are incurred during a period of impoundment authorized under subsection (b).*
  - (2) An order terminating or imposing conditions on the person's right to possession, title, custody, or care of:
    - (A) an animal that was involved in the offense; or
    - (B) any other animal in the custody or care of the person.
- (i) If a person's right to possession, title, custody, or care of an animal is terminated under subsection (h), the court may:
- (1) award the animal to a humane society or other organization that has as its principal purpose the humane treatment of animals; or
  - (2) order the disposition of the animal as recommended under subsection (f).

### IND. CODE § 35-46-3-11. Law enforcement animal; mistreatment or interference

- (a) A person who knowingly or intentionally:
- (1) strikes, torments, injures, or otherwise mistreats a law enforcement animal; or
  - (2) interferes with the actions of a law enforcement animal while the animal is engaged in assisting a law enforcement officer in the performance of the officer's duties;
- commits a Class A misdemeanor.
- (b) An offense under subsection (a)(1) is a Level 6 felony if the act results in:
- (1) serious permanent disfigurement;
  - (2) unconsciousness;
  - (3) permanent or protracted loss or impairment of the function of a bodily member or organ; or
  - (4) death;
- of the law enforcement animal.
- (c) It is a defense that the accused person:
- (1) engaged in a reasonable act of training, handling, or discipline; and
  - (2) acted as an employee or agent of a law enforcement agency.
- (d) *In addition to any sentence or fine imposed for a conviction of an offense under this section, the court:*

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- (1) *may order the person convicted to make restitution to the person or law enforcement agency owning the animal for reimbursement of veterinary bills; and*
- (2) *shall order the person convicted to make restitution to the person or law enforcement agency owning the animal for reimbursement of the cost of replacing the animal, which may include the cost of training the animal, if the animal is permanently disabled or killed.*

### IND. CODE § 35-46-3-11.3. Search and rescue dog; mistreatment or interference

- (a) As used in this section, “search and rescue dog” means a dog that receives special training to locate or attempt to locate by air scent or ground or water tracking a person who is an offender or is lost, trapped, injured, or incapacitated.
- (b) A person who knowingly or intentionally:
  - (1) interferes with the actions of a search and rescue dog while the dog is performing or is attempting to perform a search and rescue task; or
  - (2) strikes, torments, injures, or otherwise mistreats a search and rescue dog; commits a Class A misdemeanor.
- (c) An offense under subsection (b)(2) is a Level 6 felony if the act results in:
  - (1) serious permanent disfigurement;
  - (2) unconsciousness;
  - (3) permanent or protracted loss or impairment of the function of a bodily member or organ; or
  - (4) death;
 of the search and rescue dog.
- (d) It is a defense that the accused person:
  - (1) engaged in a reasonable act of training, handling, or disciplining the search and rescue dog; or
  - (2) reasonably believed the conduct was necessary to prevent injury to the accused person or another person.
- (e) *In addition to any sentence or fine imposed for a conviction of an offense under this section, the court may order the person to make restitution to the person who owns the search and rescue dog for reimbursement of:*
  - (1) *veterinary bills; and*
  - (2) *replacement costs of the dog if the dog is disabled or killed.*

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## 15. FORFEITURE &amp; POSSESSION BANS

**IND. CODE § 11-13-3-4. Parole Conditions; Expenses.**

*NOTE: irrelevant portions of this statute has been omitted.*

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- (k) As a condition of parole, the parole board may prohibit, in accordance with IC 35-38-2-2.6, a parolee who has been convicted of stalking from residing within one thousand (1,000) feet of the residence of the victim of the stalking for a period that does not exceed five (5) years.
- (l) *As a condition of parole, the parole board may prohibit a parolee convicted of an offense under IC 35-46-3 from owning, harboring, or training an animal, and, if the parole board prohibits a parolee convicted of an offense under IC 35-46-3 from having direct or indirect contact with an individual, the parole board may also prohibit the parolee from having direct or indirect contact with any animal belonging to the individual.*
- (m) As a condition of parole, the parole board may require a parolee to receive:
  - (1) addiction counseling;
  - (2) inpatient detoxification;
  - (3) case management;
  - (4) daily living skills; and
  - (5) medication assisted treatment, including a federal Food and Drug administration approved long acting, nonaddictive medication for the treatment of opioid or alcohol dependence.
- (n) A parolee may be responsible for the reasonable expenses, as determined by the department, of the parolee's participation in a treatment or other program required as a condition of parole under this section. However, a person's parole may not be revoked solely on the basis of the person's inability to pay for a program required as a condition of parole under this section.
- (o) When an offender is placed on lifetime parole, the parole board shall inform the sheriff and the prosecuting attorney of the county in which the offender committed the offense:
  - (1) that the offender has been placed on lifetime parole; and
  - (2) whether the offender is required to wear a monitoring device as described in subsection (j).
- (p) *As a condition of parole, the parole board shall prohibit a person convicted of an animal abuse offense (as defined in IC 35-38-2-2.8) from owning, harboring, or training a companion animal (as defined in IC 35-38-2-2.8).*

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### IND. CODE § 35-33-8-3.2. Conditions to assure appearance; remittance of deposition, collection of Fees.

(a) *After considering the results of the Indiana pretrial risk assessment system (if available), other relevant factors, and bail guidelines described in section 3.8 of this chapter a court may admit a defendant to bail and impose any of the following conditions to assure the defendant's appearance at any stage of the legal proceedings, or, upon a showing of clear and convincing evidence that the defendant poses a risk of physical danger to another person or the community, to assure the public's physical safety:*

(1) Require the defendant to:

- (A) execute a bail bond with sufficient solvent sureties;
- (B) deposit cash or securities in an amount equal to the bail;
- (C) execute a bond secured by real estate in the county, where thirty-three hundredths (0.33) of the true tax value less encumbrances is at least equal to the amount of the bail;
- (D) post a real estate bond; or
- (E) perform any combination of the requirements described in clauses (A) through (D).

If the court requires the defendant to deposit cash or cash and another form of security as bail, the court may require the defendant and each person who makes the deposit on behalf of the defendant to execute an agreement that allows the court to retain all or a part of the cash to pay publicly paid costs of representation and fines, costs, fees, and restitution that the court may order the defendant to pay if the defendant is convicted. The defendant must also pay the fee required by subsection (d).

(2) Require the defendant to execute:

- (A) a bail bond by depositing cash or securities with the clerk of the court in an amount not less than ten percent (10%) of the bail; and
- (B) an agreement that allows the court to retain all or a part of the cash or securities to pay fines, costs, fees, and restitution that the court may order the defendant to pay if the defendant is convicted.

A portion of the deposit, not to exceed ten percent (10%) of the monetary value of the deposit or fifty dollars (\$50), whichever is the lesser amount, may be retained as an administrative fee. The clerk shall also retain from the deposit under this subdivision fines, costs, fees, and restitution as ordered by the court, publicly paid costs of representation that shall be disposed of in accordance with subsection (b), and the fee required by subsection (d). In the event of the posting of a real estate bond, the bond shall be used only to insure the presence of the defendant at any stage of the legal proceedings, but shall not be foreclosed for the payment of fines, costs, fees, or restitution. The individual posting bail for the defendant or the defendant admitted to bail under this subdivision must be notified by the sheriff, court, or clerk that the defendant's deposit may be forfeited

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- under section 7 of this chapter or retained under subsection (b).
- (3) Impose reasonable restrictions on the activities, movements, associations, and residence of the defendant during the period of release.
  - (4) Except as provided in section 3.6 of this chapter, require the defendant to refrain from any direct or indirect contact with an individual *and, if the defendant has been charged with an offense under IC 35-46-3, any animal belonging to the individual*, including if the defendant has not been released from lawful detention.
  - (5) Place the defendant under the reasonable supervision of a probation officer, pretrial services agency, or other appropriate public official. If the court places the defendant under the supervision of a probation officer or pretrial services agency, the court shall determine whether the defendant must pay the pretrial services fee under section 3.3 of this chapter.
  - (6) Release the defendant into the care of a qualified person or organization responsible for supervising the defendant and assisting the defendant in appearing in court. The supervisor shall maintain reasonable contact with the defendant in order to assist the defendant in making arrangements to appear in court and, where appropriate, shall accompany the defendant to court. The supervisor need not be financially responsible for the defendant.
  - (7) Release the defendant on personal recognizance unless:
    - (A) the state presents evidence relevant to a risk by the defendant:
      - (i) of nonappearance; or
      - (ii) to the physical safety of the public; and
    - (B) the court finds by a preponderance of the evidence that the risk exists.
  - (8) *Require a defendant charged with an offense under IC 35-46-3 to refrain from owning, harboring, or training an animal.*
  - (9) Impose any other reasonable restrictions designed to assure the defendant's presence in court or the physical safety of another person or the community.
- (b) Within thirty (30) days after disposition of the charges against the defendant, the court that admitted the defendant to bail shall order the clerk to remit the amount of the deposit remaining under subsection (a)(2) to the defendant. The portion of the deposit that is not remitted to the defendant shall be deposited by the clerk in the supplemental public defender services fund established under IC 33-40-3.
- (c) For purposes of subsection (b), "disposition" occurs when the indictment or information is dismissed or the defendant is acquitted or convicted of the charges.
- (d) Except as provided in subsection (e), the clerk of the court shall:
- (1) collect a fee of five dollars (\$5) from each bond or deposit required under subsection (a)(1); and
  - (2) retain a fee of five dollars (\$5) from each deposit under subsection (a)(2). The clerk of the court shall semiannually remit the fees collected under this subsection to the board of trustees of the Indiana public retirement system for deposit in the special death benefit fund. The fee required by subdivision (2) is in addition to the administrative fee retained under subsection (a)(2).



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- (e) With the approval of the clerk of the court, the county sheriff may collect the bail posted under this section. The county sheriff shall remit the bail to the clerk of the court by the following business day and remit monthly the five dollar (\$5) special death benefit fee to the county auditor.
- (f) When a court imposes a condition of bail described in subsection (a)(4):
  - (1) the clerk of the court shall comply with IC 5-2-9; and
  - (2) the prosecuting attorney shall file a confidential form prescribed or approved by the office of judicial administration with the clerk.

### IND. CODE § 35-38-2-2.8. Definitions; conditions of probation for animal abuse offense

- (a) The following definitions apply throughout this section:
  - (1) “Animal abuse offense” means one (1) or more of the following:
    - (A) IC 35-46-3-7 (abandonment or neglect of a vertebrate animal).
    - (B) IC 35-46-3-8 (purchase or possession of an animal for use in an animal fighting contest).
    - (C) IC 35-46-3-8.5 (possession of animal fighting paraphernalia).
    - (D) IC 35-46-3-9 (promotion, use of animals, or attendance with animal at animal fighting contest).
    - (E) IC 35-46-3-9.5 (promoting an animal fighting contest).
    - (F) IC 35-46-3-11 (cruelty to a law enforcement animal).
    - (G) IC 35-46-3-11.3 (cruelty to a search and rescue dog).
    - (H) IC 35-46-3-11.5 (cruelty to a service animal).
    - (I) IC 35-46-3-12 (torture or mutilation of a vertebrate animal; killing a domestic animal).
    - (J) IC 35-46-3-12.5 (domestic violence animal cruelty).
    - (K) IC 35-46-3-13 (removal of attack dog's vocal cords; animal cruelty).
    - (L) IC 35-46-3-14 (bestiality).
    - (M) IC 35-46-3-15 (electrocution or decompression of animals).
  - (2) “Companion animal” means a dog or cat that is not a service animal (as defined in IC 35-46-3-11.5).
- (b) *As a condition of probation or parole after conviction for an animal abuse offense, the court shall prohibit the convicted person from owning, harboring, or training a companion animal.*

### IND. CODE § 35-46-3-6. Impoundment of animals for chapter violation; probable cause hearing; penalties; award of custody of animals.

- (a) This section does not apply to a violation of section 1 [IC 35-46-3-1] of this chapter.
- (b) Any law enforcement officer or any other person having authority to impound animals who has probable cause to believe there has been a violation of this chapter or IC 15-20-

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1-4 may take custody of the animal involved.

- (c) *The owner of an animal that has been impounded under this section may prevent disposition of the animal by an animal shelter that is caring for the animal by posting, not later than ten (10) days after the animal has been impounded, a bond with the court in an amount sufficient to provide for the animal's care and keeping for at least thirty (30) days, beginning from the date the animal was impounded. The owner may renew a bond by posting a new bond, in an amount sufficient to provide for the animal's care and keeping for at least an additional thirty (30) days, not later than ten (10) days after the expiration of the period for which a previous bond was posted. If a bond expires and is not renewed, the animal shelter may determine disposition of the animal, subject to court order. If the owner of an animal impounded under this section is convicted of an offense under this chapter or IC 15-20-1-4, the owner shall reimburse the animal shelter for the expense of the animal's care and keeping. If the owner has paid a bond under this subsection, the animal shelter may euthanize an animal if a veterinarian determines that an animal is suffering extreme pain.*
- (d) If the owner requests, the court having jurisdiction of criminal charges filed under this chapter or IC 15-20-1 shall hold a hearing to determine whether probable cause exists to believe that a violation of this chapter or IC 15-20-1 has occurred. If the court determines that probable cause does not exist, the court shall order the animal returned to its owner, and the return of any bond posted by its owner.
- (e) Whenever charges are filed under this chapter, the court shall appoint the state veterinarian under IC 15-17-4-1 or the state veterinarian's designee to:
- (1) investigate the condition of the animal and the circumstances relating to the animal's condition; and
  - (2) make a recommendation to the court under subsection (f) regarding the confiscation of the animal.
- (f) The state veterinarian or the state veterinarian's designee who is appointed under subsection (e) shall do the following:
- (1) Make a recommendation to the court concerning whether confiscation is necessary to protect the safety and well-being of the animal.
  - (2) If confiscation is recommended under subdivision (1), recommend a manner for handling the confiscation and disposition of the animal that is in the best interests of the animal.
- The state veterinarian or the state veterinarian's designee who submits a recommendation under this subsection shall articulate to the court the reasons supporting the recommendation.
- (g) The court:
- (1) shall give substantial weight to; and
  - (2) may enter an order based upon;
- a recommendation submitted under subsection (f).
- (h) *If a person is convicted of an offense under this chapter or IC 15-20-1, the court may impose the following additional penalties against the person:*
- (1) A requirement that the person pay the costs of caring for an animal involved in

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the offenses that are incurred during a period of impoundment authorized under subsection (b).

- (2) *An order terminating or imposing conditions on the person's right to possession, title, custody, or care of:*
  - (A) *an animal that was involved in the offense; or*
  - (B) *any other animal in the custody or care of the person.*
- (i) *If a person's right to possession, title, custody, or care of an animal is terminated under subsection (h), the court may:*
  - (1) *award the animal to a humane society or other organization that has as its principal purpose the humane treatment of animals; or*
  - (2) *order the disposition of the animal as recommended under subsection (f).*

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## 16. COURT-ORDERED TREATMENT

## IND. CODE § 35-46-3-12. Abusing vertebrate animal.

- (a) This section does not apply to a person who euthanizes an injured, a sick, a homeless, or an unwanted domestic animal if:
- (1) the person is employed by a humane society, an animal control agency, or a governmental entity operating an animal shelter or other animal impounding facility; and
  - (2) the person euthanizes the domestic animal in accordance with guidelines adopted by the humane society, animal control agency, or governmental entity operating the animal shelter or other animal impounding facility.
- (b) A person who knowingly or intentionally abuses a vertebrate animal commits cruelty to an animal, a Class A misdemeanor. However, the offense is a Level 6 felony if:
- (1) the person has a previous, unrelated conviction under this section; or
  - (2) the person committed the offense with the intent to threaten, intimidate, coerce, harass, or terrorize a family or household member.
- (c) A person who knowingly or intentionally tortures or mutilates a vertebrate animal commits torturing or mutilating a vertebrate animal, a Level 6 felony.
- (d) As used in this subsection, “domestic animal” means an animal that is not wild. The term is limited to:
- (1) cattle, calves, horses, mules, swine, sheep, goats, dogs, cats, poultry, ostriches, rhea, and emus; and
  - (2) an animal of the bovine, equine, ovine, caprine, porcine, canine, feline, camelid, cervidae, or bison species. A person who knowingly or intentionally kills a domestic animal without the consent of the owner of the domestic animal commits killing a domestic animal, a Level 6 felony.
- (e) It is a defense to a prosecution under this section that the accused person:
- (1) reasonably believes the conduct was necessary to:
    - (A) prevent injury to the accused person or another person;
    - (B) protect the property of the accused person from destruction or substantial damage; or
    - (C) prevent a seriously injured vertebrate animal from prolonged suffering;
 or
  - (2) engaged in a reasonable and recognized act of training, handling, or disciplining the vertebrate animal.
- (f) *When a court imposes a sentence or enters a dispositional decree under this section, the court:*
- (1) *shall consider requiring:*
    - (A) *a person convicted of an offense under this section; or*
    - (B) *a child adjudicated a delinquent child for committing an act that would be a crime under this section if committed by an adult; to receive*

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*psychological, behavioral, or other counseling as a part of the sentence or dispositional decree; and*

*(2) may order an individual described in subdivision (1) to receive psychological, behavioral, or other counseling as a part of the sentence or dispositional decree.*

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### 17. HOT CARS

#### IND. CODE § 34-30-30-1. Domestic animal.

- (a) As used in this chapter, "domestic animal" means a dog, cat, or other vertebrate animal that is domesticated and:
- (1) kept as a household pet; or
  - (2) intended to be kept as a household pet.
- (b) The term does not include an animal to which the definition of "livestock" set forth in IC 15-11-5-1 applies.

#### IND. CODE § 34-30-30-2. Motor vehicle.

As used in this chapter, "motor vehicle" means an automobile, truck, or other conveyance that:

- (1) is designed to transport people or objects on roads and highways; and
- (2) contains an enclosed space in which an animal may be put.

#### IND. CODE § 34-30-30-3. Procedure for removing domestic animal from motor vehicle.

- (a) *Except as provided in subsection (c), a person who forcibly enters a motor vehicle to remove a domestic animal from the motor vehicle:*
- (1) *is liable to the owner or lessee of the motor vehicle for one-half ( ½ ) of the cost of repairing the damage to the motor vehicle directly caused by the person's forcible entry, unless the owner or lessee of the motor vehicle waives the person's liability under this subdivision; and*
  - (2) *is immune from any other criminal or civil liability for other property damage resulting from the person's forcible entry of the motor vehicle; if all the conditions set forth in subsection (b) are satisfied.*
- (b) For subsection (a)(1) and (a)(2) to apply to a person who forcibly enters a motor vehicle to remove a domestic animal from the motor vehicle, all the following conditions must be satisfied:
- (1) *A domestic animal must be present in the enclosed space of the motor vehicle, and the person must reasonably believe that the domestic animal is in imminent danger of suffering serious bodily harm if the domestic animal remains in the motor vehicle.*
  - (2) *The person must determine that:*
    - (A) *the motor vehicle is locked; and*
    - (B) *forcible entry of the motor vehicle is necessary to remove the domestic animal from the motor vehicle.*

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- (3) *The person must call telephone number 911 or otherwise attempt to contact:*
    - (A) *a law enforcement officer;*
    - (B) *a firefighter;*
    - (C) *an animal control officer; or*
    - (D) *another emergency responder; before the person forcibly enters the motor vehicle.*
  - (4) *The person must use no more force than is reasonably necessary to enter the motor vehicle and remove the domestic animal from the motor vehicle.*
  - (5) *The person must remain with the domestic animal until a law enforcement officer, firefighter, animal control officer, or other emergency responder arrives at the scene.*
- (c) *If any of the following persons, acting in the course and scope of the person's employment, forcibly enters a motor vehicle to remove a domestic animal from the motor vehicle, the person is not liable for the cost of repairing damage to the motor vehicle caused by the person's forcible entry:*
- (1) *A law enforcement officer.*
  - (2) *A firefighter.*
  - (3) *A government officer or employee whose primary duty is to ensure public safety.*
  - (4) *An emergency responder other than those identified in subdivisions (1) through (3).*
  - (5) *An animal control officer.*
  - (6) *A veterinarian who is licensed or otherwise authorized to practice veterinary medicine in Indiana under IC 25-38.1-3.*
  - (7) *A veterinary assistant, as defined in IC 25-38.1-1-14.7.*

For the purposes of this subsection, a law enforcement officer may be considered to be acting in the course and scope of the law enforcement officer's employment even if the law enforcement officer is off duty.

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**18. CIVIL NUISANCE ABATEMENT**

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**ANIMAL PROTECTION LAWS OF INDIANA**

**19. AG-GAG LAWS**

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**ANIMAL PROTECTION LAWS OF INDIANA**

**20. BREED SPECIFIC LEGISLATION**

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