

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 355 be amended to read as follows:

1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 16-41-7-4.5 IS ADDED TO THE INDIANA
4 CODE AS A NEW SECTION TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 1998]: **Sec. 4.5. (a) A prosecuting attorney**
6 **may pursue a prosecution for a violation of this chapter if any of**
7 **the following apply:**
8 **(1) A carrier has been ordered by a health directive or court**
9 **order to seek certain mental health interventions and the**
10 **carrier refuses to comply with any part of the health**
11 **directive or court order.**
12 **(2) A carrier continues to engage in noncompliant behavior**
13 **and a mental health professional determines that the carrier**
14 **does not have a treatable mental health diagnosis that will**
15 **allow for the carrier's detainment in the mental health**
16 **system.**
17 **(3) A mental health professional determines that a carrier:**
18 **(A) will not respond to mental health treatment; and**
19 **(B) is likely to continue engaging in noncompliant**
20 **behavior.**
21 **(b) It is recommended that a carrier described in subsection**
22 **(a) who is sentenced for a violation of this chapter receive**
23 **counseling while confined by the department of correction.**
24 SECTION 2. IC 16-41-7-5 IS AMENDED TO READ AS
25 FOLLOWS [EFFECTIVE JULY 1, 1998]: **Sec. 5. (a) Except as**
26 **otherwise provided, a person who recklessly violates or fails to comply**
27 **with this chapter commits a Class B misdemeanor.**

1 (b) Each day a violation continues constitutes a separate offense.
2 **A person who violates this chapter is subject to IC 35-42-1-9 and**
3 **any other criminal penalty in which the elements of the offense**
4 **include an action or omission prohibited by this chapter.**

5 Page 4, between lines 21 and 22, begin a new paragraph and
6 insert:

7 SECTION 4. IC 35-42-1-9 IS ADDED TO THE INDIANA CODE
8 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
9 1, 1998]: **Sec. 9. (a) Except as provided in this section, a person who**
10 **recklessly violates or fails to comply with IC 16-41-7 commits a**
11 **Class B misdemeanor.**

12 (b) **A person who knowingly or intentionally violates or fails**
13 **to comply with IC 16-41-7-1 commits a Class D felony.**

14 (c) **Each day a violation described in this section continues**
15 **constitutes a separate offense."**

16 Renumber all SECTIONS consecutively.

(Reference is to Engrossed Senate Bill 355 as printed February 16,
1998.)

Representative AVERY