

Adopted	Rejected
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# COMMITTEE REPORT

<b>YES:</b>	<b>14</b>
<b>NO:</b>	<b>0</b>

**MR. SPEAKER:**

*Your Committee on Courts and Criminal Code, to which was referred House Bill 1126, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning
- 3 health.
- 4 Delete everything after the enacting clause and insert the
- 5 following:
- 6 SECTION 1. IC 16-41-7-4.5 IS ADDED TO THE INDIANA
- 7 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 8 [EFFECTIVE JULY 1, 1998]: **Sec. 4.5. (a) A prosecuting attorney**
- 9 **may pursue a prosecution for a violation of this chapter if any of**
- 10 **the following apply:**
- 11 **(1) A carrier has been ordered by a health directive or court**
- 12 **order to seek certain mental health interventions and the**
- 13 **carrier refuses to comply with any part of the health**
- 14 **directive or court order.**
- 15 **(2) A carrier continues to engage in noncompliant behavior**
- 16 **and a mental health professional determines that the carrier**

1           **does not have a treatable mental health diagnosis that will**  
2           **allow for the carrier's detainment in the mental health**  
3           **system.**

4           **(3) A mental health professional determines that a carrier:**  
5                   **(A) will not respond to mental health treatment; and**  
6                   **(B) is likely to continue engaging in noncompliant**  
7                   **behavior.**

8           **(b) It is recommended that a carrier described in subsection**  
9           **(a) who is sentenced for a violation of this chapter receive**  
10           **counseling while confined by the department of correction.**

11           SECTION 2. IC 16-41-7-5 IS AMENDED TO READ AS  
12           FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 5. (a) Except as  
13           otherwise provided, a person who recklessly violates or fails to comply  
14           with this chapter commits a Class B misdemeanor.

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

19           SECTION 3. IC 35-42-1-9 IS ADDED TO THE INDIANA CODE  
20           AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
21           1, 1998]: Sec. 9. (a) Except as provided in this section, a person who  
22           recklessly violates or fails to comply with IC 16-41-7 commits a  
23           Class B misdemeanor.

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

26                   (c) Each day a violation described in this section continues  
27           constitutes a separate offense.

(Reference is to HB 1126 as introduced.)

**and when so amended that said bill do pass.**

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Representative Dvorak