

# HOUSE BILL No. 1261

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 35-45-4-1.

**Synopsis:** Public indecency. Requires a court to order a person to be imprisoned for at least ten days or place a person on probation for at least 30 days and require the person to participate in a community service program, if: (1) the person commits public indecency involving sexual intercourse, deviate sexual conduct, or fondling the genitals of the person or another person; and (2) the person has a prior conviction for committing public indecency involving sexual intercourse, deviate sexual conduct, or fondling the genitals of the person or another person.

**Effective:** July 1, 1998.

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**Burton**

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January 13, 1998, read first time and referred to Committee on Courts and Criminal Code.

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Introduced

Second Regular Session 110th General Assembly (1998)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

## HOUSE BILL No. 1261

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 35-45-4-1, AS AMENDED BY P.L.215-1997,  
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 1998]: Sec. 1. (a) A person who knowingly or intentionally, in  
4 a public place:  
5 (1) engages in sexual intercourse;  
6 (2) engages in deviate sexual conduct;  
7 (3) appears in a state of nudity; or  
8 (4) fondles the person's genitals or the genitals of another person;  
9 commits public indecency, a Class A misdemeanor. However, the offense  
10 is a Class D felony if the person commits the offense by appearing in the  
11 state of nudity with the intent to arouse the sexual desires of the person or  
12 another person in or on a public place where a child less than sixteen (16)  
13 years of age is present.  
14 (b) "Nudity" means the showing of the human male or female genitals,  
15 pubic area, or buttocks with less than a fully opaque covering, the  
16 showing of the female breast with less than a fully opaque covering of any  
17 part of the nipple, or the showing of covered male genitals in a discernibly

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2 (c) A person who, in a place other than a public place, with the intent  
3 to be seen by persons other than invitees and occupants of that place:

4 (1) engages in sexual intercourse;

5 (2) engages in deviate sexual conduct; or

6 (3) fondles the person's genitals or the genitals of another person;

7 where the person can be seen by persons other than invitees and occupants  
8 of that place commits indecent exposure, a Class C misdemeanor.

9 (d) **Notwithstanding IC 35-50-2-2, IC 35-50-2-2.1, and**  
10 **IC 35-50-3-1, if a person is convicted of committing public indecency**  
11 **under subsection (a)(1), (a)(2), or (a)(4) and the person has at least**  
12 **one (1) previous conviction of committing public indecency under**  
13 **subsection (a)(1), (a)(2), or (a)(4), the sentencing court shall:**

14 (1) **order the person to be imprisoned for not less than ten (10)**  
15 **days; or**

16 (2) **place the person on probation for not less than thirty (30)**  
17 **days and require the person to participate in a community**  
18 **service program approved for the person by the court.**

19 **A court may not suspend a term of imprisonment imposed under this**  
20 **subsection.**

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