

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WITHDRAWN	Noes _____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

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1210 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 20-5-2-8 IS AMENDED TO READ AS
- 4 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 8. (a) This section
- 5 applies to:
- 6 (1) a school corporation; and
- 7 (2) an entity:
- 8 (A) with which the school corporation contracts for services;
- 9 and
- 10 (B) that has employees who are likely to have direct, ongoing
- 11 contact with children within the scope of the employees'
- 12 employment.
- 13 (b) A school corporation or entity may use information obtained
- 14 under section 7 of this chapter concerning an individual's conviction for
- 15 one (1) of the following offenses as grounds to not employ or contract
- 16 with the individual:
- 17 (1) Murder (IC 35-42-1-1).
- 18 (2) Causing suicide (IC 35-42-1-2).
- 19 (3) Assisting suicide (IC 35-42-1-2.5).
- 20 (4) Voluntary manslaughter (IC 35-42-1-3).
- 21 (5) Reckless homicide (IC 35-42-1-5).
- 22 (6) Battery (IC 35-42-2-1) unless ten (10) years have elapsed from
- 23 the date the individual was discharged from probation,

- 1 imprisonment, or parole, whichever is later.
 2 (7) Aggravated battery (IC 35-42-2-1.5).
 3 (8) Kidnapping (IC 35-42-3-2).
 4 (9) Criminal confinement (IC 35-42-3-3).
 5 (10) A sex offense under IC 35-42-4.
 6 (11) Carjacking (IC 35-42-5-2).
 7 (12) Arson (IC 35-43-1-1) unless ten (10) years have elapsed from
 8 the date the individual was discharged from probation,
 9 imprisonment, or parole, whichever is later.
 10 (13) Incest (IC 35-46-1-3).
 11 (14) Neglect of a dependent (~~IC 35-46-1-4(a)(1) and~~
 12 ~~IC 35-46-1-4(a)(2)~~) **as a Class A or Class B felony** unless ten
 13 (10) years have elapsed from the date the individual was
 14 discharged from probation, imprisonment, or parole, whichever
 15 is later.
 16 (15) Child selling (~~IC 35-46-1-4(b)~~): **(IC 35-46-1-4(c))**.
 17 (16) Contributing to the delinquency of a minor (IC 35-46-1-8)
 18 unless ten (10) years have elapsed from the date the individual
 19 was discharged from probation, imprisonment, or parole,
 20 whichever is later.
 21 (17) An offense involving a weapon under IC 35-47 unless ten
 22 (10) years have elapsed from the date the individual was
 23 discharged from probation, imprisonment, or parole, whichever
 24 is later.
 25 (18) An offense relating to controlled substances under
 26 IC 35-48-4 unless ten (10) years have elapsed from the date the
 27 individual was discharged from probation, imprisonment, or
 28 parole, whichever is later.
 29 (19) An offense relating to material or a performance that is
 30 harmful to minors or obscene under IC 35-49-3 unless ten (10)
 31 years have elapsed from the date the individual was discharged
 32 from probation, imprisonment, or parole, whichever is later.
 33 (20) An offense relating to operating a motor vehicle while
 34 intoxicated under IC 9-30-5 unless five (5) years have elapsed
 35 from the date the individual was discharged from probation,
 36 imprisonment, or parole, whichever is later.
 37 (21) An offense that is substantially equivalent to any of the
 38 offenses listed in this subsection in which the judgment of
 39 conviction was entered under the law of any other jurisdiction.
 40 (c) An individual employed by a school corporation or an entity
 41 described in subsection (a) shall notify the governing body of the
 42 school corporation if during the course of the individual's employment
 43 the individual is convicted in Indiana or another jurisdiction of an
 44 offense described in subsection (b).
 45 SECTION 2. IC 31-19-9-10 IS AMENDED TO READ AS
 46 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. A court shall

- 1 determine that consent to adoption is not required from a parent if:
 2 (1) the parent is convicted of and incarcerated at the time of the
 3 filing of a petition for adoption for:
 4 (A) murder (IC 35-42-1-1);
 5 (B) causing suicide (IC 35-42-1-2);
 6 (C) voluntary manslaughter (IC 35-42-1-3);
 7 (D) rape (IC 35-42-4-1);
 8 (E) criminal deviate conduct (IC 35-42-4-2);
 9 (F) child molesting as a Class A or Class B felony
 10 (IC 35-42-4-3);
 11 (G) incest as a Class B felony (IC 35-46-1-3);
 12 (H) neglect of a dependent as a **Class A or Class B** felony
 13 (IC 35-46-1-4);
 14 (I) battery of a child as a Class C felony (IC 35-42-2-1(a)(3));
 15 or
 16 (J) an attempt under IC 35-41-5-1 to commit an offense
 17 described in clauses (A) through (I);
 18 (2) the child or the child's sibling, half-blood sibling, or
 19 step-sibling of the parent's current marriage is the victim of the
 20 offense; and
 21 (3) after notice to the parent and a hearing, the court determines
 22 that dispensing with the parent's consent to adoption is in the
 23 child's best interests.".
- 24 Page 3, line 13, before "However" begin a new paragraph and insert:
 25 "**(b)**".
- 26 Page 3, line 14, after "offense" insert ":".
- 27 Page 3, line 14, before "under" begin a new line block indented and
 28 insert:
 29 "**(1)**".
- 30 Page 3, line 14, delete "subdivision (3)" and insert "**subsection**
 31 **(a)(3)**".
- 32 Page 3, line 16, delete "." and insert "; **and**".
- 33 Page 3, line 16, before "It" begin a new line block indented and
 34 insert:
 35 "**(2) under subsections (a)(1) through (a)(3) is a Class A felony**
 36 **if it results in the death of the dependent.**".

- 1 Page 3, line 16, beginning with "It", begin a new line blocked left.
- 2 Page 3, line 20, strike "(b)" and insert "(c)".
- 3 Renumber all SECTIONS consecutively.
(Reference is to HB 1210 as printed February 23, 1999.)

Representative Foley