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| Adopted | Rejected |
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COMMITTEE REPORT

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| YES: | 10 |
| NO: | 1 |

MR. SPEAKER:

*Your Committee on Courts and Criminal Code, to which was referred House Bill 1738, 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 Page 2, after line 6, begin a new paragraph and insert:
- 2 "SECTION 2. IC 35-46-1-20 IS ADDED TO THE INDIANA CODE
- 3 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 4 1, 1999]: **Sec. 20. (a) As used in this section, "child" means a person**
- 5 **who is less than seventeen (17) years of age.**
- 6 **(b) A person who commits or attempts to commit the offense of:**
- 7 **(1) battery as a class A misdemeanor (IC 35-42-2-1(a)(1));**
- 8 **(2) battery as a Class D felony (IC 35-42-2-1(a)(2));**
- 9 **(3) stalking (IC 35-45-10-5);**
- 10 **(4) invasion of privacy (IC 35-46-1-15.1); or**
- 11 **(5) pointing a firearm (IC 35-47-4-3);**
- 12 **while the person who commits the offense knew the act would be**
- 13 **committed in the presence of a child commits domestic violence in**
- 14 **the presence of a child, a Class A misdemeanor.**
- 15 **(c) A person who commits or attempts to commit the offense of:**

- 1 **(1) murder (IC 35-42-1-1);**
- 2 **(2) voluntary manslaughter (IC 35-42-1-3);**
- 3 **(3) battery as a Class C felony (IC 35-42-2-1(a)(3));**
- 4 **(4) aggravated battery (IC 35-42-2-1.5);**
- 5 **(5) kidnapping (IC 35-42-3-2);**
- 6 **(6) criminal confinement (IC 35-42-3-3);**
- 7 **(7) rape (IC 35-42-4-1);**
- 8 **(8) criminal deviate conduct (IC 35-42-4-2); or**
- 9 **(9) arson (IC 35-43-1-1);**
- 10 **while the person who commits the offense knew the act would be**
- 11 **committed in the presence of a child commits domestic violence in**
- 12 **the presence of a child, a Class D felony."**

(Reference is to HB 1738 as introduced.)

and when so amended that said bill do pass.

Representative Dvorak