



February 14, 2000

ENGROSSED
SENATE BILL No. 74

DIGEST OF SB 74 (Updated February 10, 2000 2:22 PM - DI 76)

Citations Affected: IC 35-45.

Synopsis: Public indecency. Increases the penalty for public indecency from a Class A misdemeanor to a Class D felony if the person commits the offense: (1) in a public park; (2) in or on school property; or (3) in department of natural resources owned or managed property; and the person has a prior, unrelated public indecency conviction that was entered after June 30, 2000.

Effective: July 1, 2000.

Long, Meeks R, Craycraft,
Riegsecker, Meeks C, Wyss, Antich
(HOUSE SPONSORS — MOSES, DVORAK, GOEGLEIN, ESPICH)

November 17, 1999, read first time and referred to Committee on Corrections, Criminal and Civil Procedures.
January 13, 2000, amended, reported favorably — Do Pass.
January 20, 2000, read second time, amended, ordered engrossed.
January 21, 2000, engrossed.
January 24, 2000, read third time, passed. Yeas 48, nays 1.
HOUSE ACTION
January 27, 2000, read first time and referred to Committee on Courts and Criminal Code.
February 14, 2000, amended, reported — Do Pass.

ES 74—LS 6376/DI 76+



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February 14, 2000

Second Regular Session 111th General Assembly (2000)

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 1999 General Assembly.

ENGROSSED SENATE BILL No. 74



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 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 1. (a) A person who
3 knowingly or intentionally, in a public place:
4 (1) engages in sexual intercourse;
5 (2) engages in deviate sexual conduct;
6 (3) appears in a state of nudity; or
7 (4) fondles the person's genitals or the genitals of another person;
8 commits public indecency, a Class A misdemeanor.
9 (b) However, the offense **under subsection (a)** is a Class D felony
10 if the person commits the offense:
11 (1) by appearing in the state of nudity with the intent to arouse the
12 sexual desires of the person or another person in or on a public
13 place where a child less than sixteen (16) years of age is present;
14 (2) **in a public park and has a prior unrelated conviction that**
15 **was entered after June 30, 2000, for an offense under this**
16 **section;**
17 (3) **in or on school property and has a prior unrelated**

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1 conviction that was entered after June 30, 2000, for an offense
2 under this section; or
3 (4) in department of natural resources owned or managed
4 property and has a prior unrelated conviction that was
5 entered after June 30, 2000, for an offense under this section.
6 (b) (c) "Nudity" means the showing of the human male or female
7 genitals, pubic area, or buttocks with less than a fully opaque covering,
8 the showing of the female breast with less than a fully opaque covering
9 of any part of the nipple, or the showing of covered male genitals in a
10 discernibly turgid state.
11 (c) (d) A person who, in a place other than a public place, with the
12 intent to be seen by persons other than invitees and occupants of that
13 place:
14 (1) engages in sexual intercourse;
15 (2) engages in deviate sexual conduct; or
16 (3) fondles the person's genitals or the genitals of another person;
17 where the person can be seen by persons other than invitees and
18 occupants of that place commits indecent exposure, a Class C
19 misdemeanor.

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SENATE MOTION

Mr. President: I move that Senators Craycraft and Riegsecker be added as coauthors of Senate Bill 74.

LONG

SENATE MOTION

Mr. President: I move that Senators Meeks C and Wyss be added as coauthors of Senate Bill 74.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Corrections, Criminal and Civil Procedures, to which was referred Senate Bill No. 74, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, delete lines 14 through 16, begin a new line block indented and insert:

**"(2) in a public park and has a prior unrelated conviction for an offense under this section; or
(3) in, on, or within one thousand (1,000) feet of school property and has a prior unrelated conviction for an offense under this section."**

and when so amended that said bill do pass.

(Reference is to SB 74 as introduced.)

MEEKS R, Chairperson

Committee Vote: Yeas 10, Nays 1.

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SENATE MOTION

Mr. President: I move that Senate Bill 74 be amended to read as follows:

Page 1, line 14, after "conviction" insert "**that was entered after June 30, 2000,**".

Page 1, line 15, delete "or".

Page 1, line 17, after "conviction" insert "**that was entered after June 30, 2000,**".

Page 2, line 1, delete "." and insert "; or

(4) in a state park and has a prior unrelated conviction that was entered after June 30, 2000, for an offense under this section.".

(Reference is to SB 74 as printed January 14, 2000.)

WASHINGTON

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SENATE MOTION

Mr. President: I move that Senator Antich be added as coauthor of Senate Bill 74.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 74, 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:

Page 1, line 17, after "in" delete "," and insert "**or**".

Page 1, line 17, delete ", or within one thousand (1,000) feet of".

Page 2, line 4, delete "a state park" and insert "**department of natural resources owned or managed property**".

and when so amended that said bill do pass.

(Reference is to SB 74 as reprinted January 21, 2000.)

DVORAK, Chair

Committee Vote: yeas 13, nays 0.

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