

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WITHDRAWN	Noes _____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

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 122 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 35-42-2-1.3, AS AMENDED BY P.L.129-2006,
- 4 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5 JULY 1, 2007]: Sec. 1.3. (a) A person who knowingly or intentionally
- 6 touches an individual who:
- 7 (1) is or was a spouse of the other person;
- 8 (2) is or was living as if a spouse of the other person as provided
- 9 in subsection (c); or
- 10 (3) has a child in common with the other person;
- 11 (1) is a current or former spouse of the other person;
- 12 (2) is dating or has dated the other person;
- 13 (3) is or was engaged in a sexual relationship with the other
- 14 person;
- 15 (4) is related by blood or adoption to the other person;
- 16 (5) is or was related by marriage to the other person;
- 17 (6) has or previously had an established legal relationship:
- 18 (A) as a guardian of the other person;
- 19 (B) as a ward of the other person;
- 20 (C) as a custodian of the other person;
- 21 (D) as a foster parent of the other person; or
- 22 (E) in a capacity with respect to the other person similar to
- 23 those listed in clauses (A) through (D); or
- 24 (7) has a child in common with the other person;

1 in a rude, insolent, or angry manner that results in bodily injury to the
 2 person described in ~~subdivision subdivisions~~ (1) ~~(2)~~; or ~~(3)~~ **through**
 3 **(7)** commits domestic battery, a Class A misdemeanor.

4 (b) However, the offense under subsection (a) is a Class D felony if
 5 the person who committed the offense:

6 (1) has a previous, unrelated conviction:

7 (A) under this section (or IC 35-42-2-1(a)(2)(E) before its
 8 repeal); or

9 (B) in any other jurisdiction, including a military court, in
 10 which the elements of the crime for which the conviction was
 11 entered are substantially similar to the elements described in
 12 this section; or

13 (2) committed the offense in the physical presence of a child less
 14 than sixteen (16) years of age, knowing that the child was present
 15 and might be able to see or hear the offense.

16 (c) ~~In considering whether a person is or was living as a spouse of~~
 17 ~~another individual in subsection (a)(2); the court shall review the~~
 18 ~~following:~~

19 ~~(1) the duration of the relationship;~~

20 ~~(2) the frequency of contact;~~

21 ~~(3) the financial interdependence;~~

22 ~~(4) whether the two (2) individuals are raising children together;~~

23 ~~(5) whether the two (2) individuals have engaged in tasks directed~~
 24 ~~toward maintaining a common household; and~~

25 ~~(6) other factors the court considers relevant."~~

26 Page 3, line 33, after "2007]" insert "**IC 35-42-2-1.3 and**".

27 Page 3, line 33, after "IC 35-42-2-6," insert "**both**".

28 Page 3, line 34, delete "applies" and insert "**apply**".

(Reference is to ESB 122 as printed March 23, 2007.)

Representative Foley