

# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Engrossed House Bill 1386 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 11-8-1-11 IS ADDED TO THE INDIANA CODE  
4 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
5 1, 2007]: **Sec. 11. "Tier 1 sex offender" means a sex offender who  
6 is not a Tier 2 or Tier 3 sex offender.**  
7           SECTION 2. IC 11-8-1-12 IS ADDED TO THE INDIANA CODE  
8 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
9 1, 2007]: **Sec. 12. "Tier 2 sex offender" means:**  
10           **(1) a person who has been convicted of one (1) or more of the**  
11 **following offenses:**  
12           **(A) Promotion of human trafficking (IC 35-42-3.5-1(a)(2)),**  
13 **if the victim is less than eighteen (18) years of age.**  
14           **(B) Sexual trafficking of a minor (IC 35-42-3.5-1(b)).**  
15           **(C) Human trafficking (IC 35-42-3.5-1(c)(3)), if the victim**  
16 **is less than eighteen (18) years of age.**  
17           **(D) Promoting prostitution (IC 35-45-4-4), if the victim is**  
18 **less than eighteen (18) years of age.**  
19           **(E) Sexual battery (IC 35-42-4-8), if the victim is at least**  
20 **thirteen (13) years of age but less than eighteen (18) years**  
21 **of age.**  
22           **(F) Vicarious sexual gratification involving:**  
23           **(i) the use of force or a controlled substance**  
24 **(IC 35-42-4-5(a)(2)); or**  
25           **(ii) serious bodily injury (IC 35-42-4-5(a)(3));**  
26 **if the victim is at least thirteen (13) years of age.**  
27           **(G) Child exploitation (IC 35-42-4-4(b)).**  
28           **(H) Child seduction (IC 35-42-4-7).**  
29           **(I) An attempt or a conspiracy to commit an offense**  
30 **described in clauses (A) through (H); or**  
31 **(2) a person who, being a Tier 1 sex offender, is convicted of**

- 1           **a subsequent sex offense.**  
 2       **The term does not include a person who is a Tier 3 sex offender.**  
 3       SECTION 3. IC 11-8-1-13 IS ADDED TO THE INDIANA CODE  
 4       AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 5       1, 2007]: **Sec. 13. "Tier 3 sex offender" means the following:**  
 6           **(1) A person convicted of one (1) of the following offenses:**  
 7               **(A) Rape (IC 35-42-4-1).**  
 8               **(B) Criminal deviate conduct (IC 35-42-4-2).**  
 9               **(C) Child molesting (IC 35-42-4-3).**  
 10              **(D) Kidnapping (IC 35-42-3-2), if the victim is less than**  
 11              **eighteen (18) years of age, and the person who kidnapped**  
 12              **the victim is not the victim's parent or guardian.**  
 13              **(E) Criminal confinement (IC 35-42-3-3), if the victim is**  
 14              **less than eighteen (18) years of age, and the person who**  
 15              **confined or removed the victim is not the victim's parent**  
 16              **or guardian.**  
 17              **(F) Sexual battery (IC 35-42-4-8), if the victim is less than**  
 18              **thirteen (13) years of age.**  
 19              **(G) Vicarious sexual gratification involving:**  
 20                  **(i) the use of force or a controlled substance**  
 21                  **(IC 35-42-4-5(a)(2)); or**  
 22                  **(ii) serious bodily injury (IC 35-42-4-5(a)(3);**  
 23                  **if the victim is less than thirteen (13) years of age.**  
 24              **(H) An attempt or a conspiracy to commit an offense**  
 25              **described in clauses (A) through (G).**  
 26           **(2) A child who is adjudicated as a delinquent child for an act**  
 27           **that, if committed by an adult, would constitute:**  
 28               **(A) rape (IC 35-42-4-1);**  
 29               **(B) criminal deviate conduct (IC 35-42-4-2); or**  
 30               **(C) child molesting involving sexual intercourse**  
 31               **(IC 35-42-4-3(a));**  
 32           **if the child was at least fourteen (14) years of age at the time**  
 33           **the offense was committed.**  
 34           **(3) A person who, being a Tier 2 sex offender, is convicted of**  
 35           **a subsequent sex offense."**  
 36           Page 2, line 36, after "(C)" insert "**unless the delinquent act**  
 37           **committed by the child would, if committed by an adult, be:**  
 38               **(i) rape (IC 35-42-4-1);**  
 39               **(ii) criminal deviate conduct (IC 35-42-4-2); or**  
 40               **(iii) child molesting involving sexual intercourse**  
 41               **(IC 35-42-4-3(a));"**  
 42           Page 2, line 36, begin a new line double block indented beginning  
 43           with "is".  
 44           Page 2, delete lines 39 through 42.  
 45           Page 3, delete lines 1 through 31, begin a new paragraph, and insert:  
 46           "SECTION 5. IC 11-8-8-7, AS ADDED BY P.L.173-2006,  
 47           SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

1 JULY 1, 2007]: Sec. 7. (a) Subject to section 19 of this chapter, the  
2 following persons must register under this chapter:

3 (1) A sex offender who resides in Indiana. A sex offender resides  
4 in Indiana if either of the following applies:

5 (A) The sex offender spends or intends to spend at least seven  
6 (7) days (including part of a day) in Indiana during a one  
7 hundred eighty (180) day period.

8 (B) The sex offender owns real property in Indiana and returns  
9 to Indiana at any time.

10 (2) A sex offender who works or carries on a vocation or intends  
11 to work or carry on a vocation full-time or part-time for a period:

12 (A) exceeding fourteen (14) consecutive days; or

13 (B) for a total period exceeding thirty (30) days;

14 during any calendar year in Indiana, whether the sex offender is  
15 financially compensated, volunteered, or is acting for the purpose  
16 of government or educational benefit.

17 (3) A sex offender who is enrolled or intends to be enrolled on a  
18 full-time or part-time basis in any public or private educational  
19 institution, including any secondary school, trade, or professional  
20 institution, or institution of higher education in Indiana.

21 (b) Except as provided in subsection (e), a sex offender who resides  
22 in Indiana shall register with the local law enforcement authority in the  
23 county where the sex offender resides. If a sex offender resides in more  
24 than one (1) county, the sex offender shall register with the local law  
25 enforcement authority in each county in which the sex offender resides.  
26 If the sex offender is also required to register under subsection (a)(2)  
27 or (a)(3), the sex offender shall also register with the local law  
28 enforcement authority in the county in which the offender is required  
29 to register under subsection (c) or (d).

30 (c) A sex offender described in subsection (a)(2) shall register with  
31 the local law enforcement authority in the county where the sex  
32 offender is or intends to be employed or carry on a vocation. If a sex  
33 offender is or intends to be employed or carry on a vocation in more  
34 than one (1) county, the sex offender shall register with the local law  
35 enforcement authority in each county. If the sex offender is also  
36 required to register under subsection (a)(1) or (a)(3), the sex offender  
37 shall also register with the local law enforcement authority in the  
38 county in which the offender is required to register under subsection  
39 (b) or (d).

40 (d) A sex offender described in subsection (a)(3) shall register with  
41 the local law enforcement authority in the county where the sex  
42 offender is enrolled or intends to be enrolled as a student. If the sex  
43 offender is also required to register under subsection (a)(1) or (a)(2),  
44 the sex offender shall also register with the local law enforcement  
45 authority in the county in which the offender is required to register  
46 under subsection (b) or (c).

47 (e) A sex offender described in subsection (a)(1)(B) shall register

1 with the local law enforcement authority in the county in which the real  
 2 property is located. If the sex offender is also required to register under  
 3 subsection (a)(1)(A), (a)(2), or (a)(3), the sex offender shall also  
 4 register with the local law enforcement authority in the county in which  
 5 the offender is required to register under subsection (b), (c), or (d).

6 (f) A sex offender committed to the department shall register with  
 7 the department before the sex offender is released from incarceration.  
 8 The department shall forward the sex offender's registration  
 9 information to the local law enforcement authority of every county in  
 10 which the sex offender is required to register.

11 (g) ~~This subsection does not apply to a sex offender who is a~~  
 12 ~~sexually violent predator.~~ A sex offender not committed to the  
 13 department shall register not more than ~~seven (7) days~~ **seventy-two**  
 14 **(72) hours** after the sex offender:

- 15 (1) is released from a penal facility (as defined in IC 35-41-1-21);
- 16 (2) is released from a secure private facility (as defined in  
 17 IC 31-9-2-115);
- 18 (3) is released from a juvenile detention facility;
- 19 (4) is transferred to a community transition program;
- 20 (5) is placed on parole;
- 21 (6) is placed on probation;
- 22 (7) is placed on home detention; or
- 23 (8) arrives at the place where the sex offender is required to  
 24 register under subsection (b), (c), or (d);

25 whichever occurs first. A sex offender required to register in more than  
 26 one (1) county under subsection (b), (c), (d), or (e) shall register in  
 27 each appropriate county not more than seventy-two (72) hours after the  
 28 sex offender's arrival in that county or acquisition of real estate in that  
 29 county.

30 (h) ~~This subsection applies to a sex offender who is a sexually~~  
 31 ~~violent predator.~~ A sex offender who is a sexually violent predator shall  
 32 register not more than ~~seventy-two (72) hours~~ after the sex offender:

- 33 (1) is released from a penal facility (as defined in ~~IC 35-41-1-21~~);
- 34 (2) is released from a secure private facility (as defined in  
 35 ~~IC 31-9-2-115~~);
- 36 (3) is released from a juvenile detention facility;
- 37 (4) is transferred to a community transition program;
- 38 (5) is placed on parole;
- 39 (6) is placed on probation;
- 40 (7) is placed on home detention; or
- 41 (8) arrives at the place where the sexually violent predator is  
 42 required to register under subsection (b); (c); or (d);

43 whichever occurs first. A sex offender who is a sexually violent  
 44 predator required to register in more than one (1) county under  
 45 subsection (b); (c); (d); or (e) shall register in each appropriate county  
 46 not more than ~~seventy-two (72) hours~~ after the offender's arrival in that  
 47 county or acquisition of real estate in that county.

1           (†) **(h)** The local law enforcement authority with whom a sex  
 2 offender registers under this section shall make and publish a  
 3 photograph of the sex offender on the Indiana sex offender registry web  
 4 site established under IC 36-2-13-5.5. The local law enforcement  
 5 authority shall make a photograph of the sex offender that complies  
 6 with the requirements of IC 36-2-13-5.5 ~~at least once per year.~~ **every**  
 7 **time the sex offender registers in person.** The sheriff of a county  
 8 containing a consolidated city shall provide the police chief of the  
 9 consolidated city with all photographic and computer equipment  
 10 necessary to enable the police chief of the consolidated city to transmit  
 11 sex offender photographs (and other identifying information required  
 12 by IC 36-2-13-5.5) to the Indiana sex offender registry web site  
 13 established under IC 36-2-13-5.5. In addition, the sheriff of a county  
 14 containing a consolidated city shall provide all funding for the county's  
 15 financial obligation for the establishment and maintenance of the  
 16 Indiana sex offender registry web site established under  
 17 IC 36-2-13-5.5.

18           (†) **(i)** When a sex offender registers **or updates a registration**, the  
 19 local law enforcement authority shall:

20           (1) immediately update the Indiana sex offender registry web site  
 21 established under IC 36-2-13-5.5; **and**

22           (2) notify every law enforcement agency having jurisdiction in the  
 23 county where the sex offender resides; **and**

24           **(3) notify every school and public housing agency in each**  
 25 **county where the sex offender is required to register.**

26 The local law enforcement authority shall provide the department, ~~and~~  
 27 a law enforcement agency described in subdivision (2), **and a school**  
 28 **and public housing agency described in subdivision (3)** with the  
 29 information provided by the sex offender during registration.

30           SECTION 6. IC 11-8-8-8, AS ADDED BY P.L.173-2006,  
 31 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 32 JULY 1, 2007]: Sec. 8. The registration required under this chapter  
 33 must include the following information:

34           (1) The sex offender's full name, alias, any name by which the sex  
 35 offender was previously known, date of birth, sex, race, height,  
 36 weight, hair color, eye color, any scars, marks, or tattoos, Social  
 37 Security number, driver's license number or state identification  
 38 number, principal residence address, and mailing address, if  
 39 different from the sex offender's principal residence address.

40           (2) A description of the offense for which the sex offender was  
 41 convicted, the date of conviction, the county of the conviction, the  
 42 cause number of the conviction, and the sentence imposed, if  
 43 applicable.

44           (3) If the person is required to register under section 7(a)(2) or  
 45 7(a)(3) of this chapter, the name and address of each of the sex  
 46 offender's employers in Indiana, the name and address of each  
 47 campus or location where the sex offender is enrolled in school in

1 Indiana, and the address where the sex offender stays or intends  
2 to stay while in Indiana.

3 (4) A recent photograph of the sex offender.

4 (5) If the sex offender is a sexually violent predator, that the sex  
5 offender is a sexually violent predator.

6 (6) If the sex offender is required to register for life, that the sex  
7 offender is required to register for life.

8 **(7) The license plate number and a description of any vehicle  
9 owned or operated by the sex offender.**

10 ~~(7)~~ **(8)** Any other information required by the department.

11 SECTION 7. IC 11-8-8-14, AS ADDED BY P.L.173-2006,  
12 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
13 JULY 1, 2007]: Sec. 14. ~~At least once per calendar year;~~ **(a)** A sex  
14 offender who is required to register under this chapter shall:

15 (1) report in person to the local law enforcement authority;

16 (2) register; and

17 (3) be photographed by the local law enforcement authority;

18 in each location where the offender is required to register **as often as  
19 required under subsection (b).**

20 **(b) A sex offender shall report, register, and be photographed  
21 as required under subsection (a) as follows:**

22 **(1) A tier 1 sex offender shall report, register, and be  
23 photographed at least one (1) time per year.**

24 **(2) A tier 2 sex offender shall report, register, and be  
25 photographed at least one (1) time every one hundred eighty  
26 (180) days.**

27 **(3) A tier 3 sex offender shall report, register, and be  
28 photographed at least one (1) time every ninety (90) days.**

29 SECTION 8. IC 11-8-8-19, AS ADDED BY P.L.173-2006,  
30 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
31 JULY 1, 2007]: Sec. 19. (a) ~~Except as provided in subsections (b)  
32 through (e); a sex offender is required to register under this chapter  
33 until the expiration of ten (10) years after the date~~ **The registration  
34 period for a sex offender required to register under this chapter  
35 begins on the date the sex offender:**

36 (1) is released from a penal facility (as defined in IC 35-41-1-21)  
37 or a secure juvenile detention facility of a state or another  
38 jurisdiction;

39 (2) is placed in a community transition program;

40 (3) is placed in a community corrections program;

41 (4) is placed on parole; or

42 (5) is placed on probation;

43 whichever occurs last. The department shall ensure that an offender  
44 who is no longer required to register as a sex offender is notified that  
45 the obligation to register has expired.

46 **(b) Except as provided in subsection (e), a tier 1 sex offender  
47 shall register for fifteen (15) years.**

1 (c) A tier 2 sex offender shall register for twenty-five (25) years.

2 (d) Except as provided in subsection (f), a tier 3 sex offender  
3 shall register for life.

4 (e) The fifteen (15) year registration period for a tier 1 sex  
5 offender shall be reduced to ten (10) years if the following  
6 conditions are met during the first ten (10) years of the registration  
7 period:

8 (1) The sex offender is not convicted of a:

9 (A) felony; or

10 (B) sex offense.

11 (2) The sex offender successfully completes any period of  
12 probation, parole, community corrections, community  
13 transition, or other period of supervised release, if applicable.

14 (3) The sex offender successfully completes a sex offender  
15 treatment program approved by:

16 (A) a court;

17 (B) a community corrections program; or

18 (C) the department.

19 (f) The lifetime registration period for a tier 3 sex offender who  
20 is classified as a tier 3 sex offender based on the sex offender's  
21 adjudication as a delinquent shall be reduced to the period during  
22 which the sex offender has already registered as a sex offender if  
23 the following conditions are met during any twenty-five (25) year  
24 period in which the sex offender is required to register as a tier 3  
25 sex offender:

26 (1) The sex offender is not convicted of a:

27 (A) felony; or

28 (B) sex offense.

29 (2) The sex offender successfully completes any period of  
30 probation, parole, community corrections, community  
31 transition, or other period of supervised release, if applicable.

32 (3) The sex offender successfully completes a sex offender  
33 treatment program approved by:

34 (A) a court;

35 (B) a community corrections program; or

36 (C) the department.

37 (b) A sex offender who is a sexually violent predator is required to  
38 register for life:

39 (c) A sex offender who is convicted of at least one (1) sex offense  
40 that the sex offender committed:

41 (1) when the person was at least eighteen (18) years of age; and

42 (2) against a victim who was less than twelve (12) years of age at  
43 the time of the crime;

44 is required to register for life:

45 (d) A sex offender who is convicted of at least one (1) sex offense  
46 in which the sex offender:

47 (1) proximately caused serious bodily injury or death to the  
48 victim;

1           (2) used force or the threat of force against the victim or a  
2           member of the victim's family; or  
3           (3) rendered the victim unconscious or otherwise incapable of  
4           giving voluntary consent;  
5           is required to register for life.  
6           (e) A sex offender who is convicted of at least two (2) unrelated sex  
7           offenses is required to register for life."  
8           Re-number all SECTIONS consecutively.  
            (Reference is to EHB 1386 as printed March 13, 2007.)

---

Senator STEELE