

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Rules and Legislative Procedure, to which was referred Engrossed Senate Bill No. 65, 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:

- 1 Delete the title and insert the following:
 2 A BILL FOR AN ACT to amend the Indiana Code concerning
 3 corrections.
 4 Delete everything after the enacting clause and insert the following:
 5 SECTION 1. IC 12-7-2-82.2 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 82.2. "Family or
 7 household member", for purposes of IC 12-18-8, has the meaning set
 8 forth in ~~IC 12-18-8-3~~. **IC 35-41-1-10.6.**
 9 SECTION 2. IC 12-18-8-3 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) As used in this
 11 chapter, an individual is a "family or household member" of another
 12 person if the individual:
 13 (1) is a current or former spouse of the other person;
 14 (2) is dating or has dated the other person;
 15 (3) is or was engaged in a sexual relationship with the other
 16 person;
 17 (4) is related by blood or adoption to the other person;
 18 (5) is or was related by marriage to the other person;
 19 (6) cohabits or formerly cohabited with the other person; or
 20 (7) has or previously had an established legal relationship:
 21 (A) as a guardian of the other person;
 22 (B) as a ward of the other person;
 23 (C) as a custodian of the other person;
 24 (D) as a foster parent of the other person; or
 25 (E) in a capacity with respect to the other person similar to

1 those listed in clauses (A) through (D):

2 (b) As used in this chapter, an individual is a "family or household
3 member" of both persons to whom subsection (a)(1); (a)(2); (a)(3);
4 (a)(4); (a)(5); (a)(6); or (a)(7) applies if the individual is a minor child
5 of one (1) of the persons: **has the meaning set forth in**
6 **IC 35-41-1-10.6.**

7 SECTION 3. IC 31-9-2-44.5 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 44.5. (a) An individual
9 is a "Family or household member" of another person if the individual:

- 10 (1) is a current or former spouse of the other person;
11 (2) is dating or has dated the other person;
12 (3) is engaged or was engaged in a sexual relationship with the
13 other person;
14 (4) is related by blood or adoption to the other person;
15 (5) is or was related by marriage to the other person;
16 (6) has or previously had an established legal relationship:
17 (A) as a guardian of the other person;
18 (B) as a ward of the other person;
19 (C) as a custodian of the other person;
20 (D) as a foster parent of the other person; or
21 (E) in a capacity with respect to the other person similar to
22 those listed in clauses (A) through (D); or
23 (7) has a child in common with the other person:

24 (b) An individual is a "family or household member" of both
25 persons to whom subsection (a)(1); (a)(2); (a)(3); (a)(4); (a)(5); (a)(6);
26 or (a)(7) applies if the individual is a minor child of one (1) of the
27 persons: **has the meaning set forth in IC 35-41-1-10.6.**

28 SECTION 4. IC 34-6-2-44.8 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 44.8. (a) An individual
30 is a "Family or household member" of another person if the individual:

- 31 (1) is a current or former spouse of the other person;
32 (2) is dating or has dated the other person;
33 (3) is engaged or was engaged in a sexual relationship with the
34 other person;
35 (4) is related by blood or adoption to the other person;
36 (5) is or was related by marriage to the other person;
37 (6) has or previously had an established legal relationship:
38 (A) as a guardian of the other person;
39 (B) as a ward of the other person;
40 (C) as a custodian of the other person;
41 (D) as a foster parent of the other person; or
42 (E) in a capacity with respect to the other person similar to
43 those listed in clauses (A) through (D); or
44 (7) has a child in common with the other person:

45 (b) An individual is a "family or household member" of both
46 persons to whom subsection (a)(1); (a)(2); (a)(3); (a)(4); (a)(5); (a)(6);
47 or (a)(7) applies if the individual is a minor child of one (1) of the
48 persons: **has the meaning set forth in IC 35-41-1-10.6.**

49 SECTION 5. IC 35-41-1-10.6 IS AMENDED TO READ AS
50 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10.6. (a) An individual

- 1 is a "family or household member" of another person if the individual:
 2 (1) is a current or former spouse of the other person;
 3 (2) is dating or has dated the other person;
 4 (3) is or was engaged in a sexual relationship with the other
 5 person;
 6 (4) is related by blood or adoption to the other person;
 7 (5) is or was related by marriage to the other person;
 8 (6) has or previously had an established legal relationship:
 9 (A) as a guardian of the other person;
 10 (B) as a ward of the other person;
 11 (C) as a custodian of the other person;
 12 (D) as a foster parent of the other person; or
 13 (E) in a capacity with respect to the other person similar to
 14 those listed in clauses (A) through (D); ~~or~~
 15 (7) has a child in common with the other person;
 16 **(8) lives or formerly lived in the same household as the other**
 17 **person; or**
 18 **(9) is the present spouse of a former spouse of the other**
 19 **person.**

20 (b) An individual is a "family or household member" of both
 21 persons to whom subsection (a)(1), (a)(2), (a)(3), (a)(4), (a)(5), (a)(6),
 22 ~~or~~ (a)(7), **or (a)(8)** applies if the individual is a minor child of one (1)
 23 of the persons.

24 SECTION 6. IC 35-42-2-1.3, AS AMENDED BY P.L.129-2006,
 25 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2007]: Sec. 1.3. (a) A person who knowingly or intentionally
 27 touches an individual who **is a family or household member of the**
 28 **person**

- 29 ~~(1) is or was a spouse of the other person;~~
 30 ~~(2) is or was living as if a spouse of the other person as provided~~
 31 ~~in subsection (c); or~~
 32 ~~(3) has a child in common with the other person;~~

33 in a rude, insolent, or angry manner that results in bodily injury to the
 34 person described in subdivision ~~(1); (2); or (3)~~ **individual who is a**
 35 **family or household member of the person** commits domestic
 36 battery, a Class A misdemeanor.

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

- 39 (1) has a previous, unrelated conviction:
 40 (A) under this section (or IC 35-42-2-1(a)(2)(E) before its
 41 repeal); or
 42 (B) in any other jurisdiction, including a military court, in
 43 which the elements of the crime for which the conviction
 44 was entered are substantially similar to the elements
 45 described in this section; or
 46 (2) committed the offense in the physical presence of a child less
 47 than sixteen (16) years of age, knowing that the child was
 48 present and might be able to see or hear the offense.

49 ~~(c) In considering whether a person is or was living as a spouse of~~
 50 ~~another individual in subsection (a)(2); the court shall review the~~

1 following:
2 (1) the duration of the relationship;
3 (2) the frequency of contact;
4 (3) the financial interdependence;
5 (4) whether the two (2) individuals are raising children together;
6 (5) whether the two (2) individuals have engaged in tasks
7 directed toward maintaining a common household; and
8 (6) other factors the court considers relevant.
9 SECTION 7. [EFFECTIVE JULY 1, 2007] **IC 35-42-2-1.3, as**
10 **amended by this act, applies only to crimes committed after June**
11 **30, 2007.**
(Reference is to SB 65 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Corrections, Criminal, and Civil Matters.

LONG, Chairperson