
HOUSE BILL No. 1122

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-30; IC 31-37-4-4.

Synopsis: Juvenile offenders and detention facilities. Provides that the juvenile law does not apply to a child who: (1) is alleged to have committed a crime that would be a felony if committed by an adult; and (2) has previously been waived to a court having felony jurisdiction. (Under current law, the juvenile law does not apply to felonies and misdemeanors committed under these circumstances.) Provides that the juvenile law applies to a child who allegedly committed a violation of traffic law. Provides that a juvenile court does not have jurisdiction over an alleged violation of a child charged with carrying a handgun without a license and dangerous possession of a firearm as a felony (rather than a felony or misdemeanor). Provides that a juvenile court may waive jurisdiction if a child is charged with certain acts that are felonies (rather than felonies and misdemeanors). Provides that any facility that is used or has been used to detain juveniles shall give the Indiana criminal justice institute access to inspect and monitor the facility.

Effective: July 1, 2008.

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January 8, 2008, read first time and referred to Committee on Judiciary.

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Second Regular Session 115th General Assembly (2008)

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 2007 Regular Session of the General Assembly.

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HOUSE BILL No. 1122



A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 31-30-1-2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. Except as provided
3 in IC 33-33-45-6 and section 8 of this chapter, the juvenile law does
4 not apply to the following:

- 5 ~~(1)~~ **(1)** A child at least sixteen ~~(16)~~ years of age who allegedly
- 6 committed a violation of a traffic law, the violation of which is a
- 7 misdemeanor, unless the violation is an offense under IC 9-30-5.
- 8 ~~(2)~~ **(1)** A child who is alleged to have committed a violation of a
- 9 statute defining an infraction, except as provided under
- 10 IC 7.1-5-7.
- 11 ~~(3)~~ **(2)** A child who is alleged to have committed a violation of an
- 12 ordinance.
- 13 ~~(4)~~ **(3)** A child who:
- 14 (A) is alleged to have committed an act that would be a ~~crime~~
- 15 **felony** if committed by an adult; and
- 16 (B) has previously been waived under IC 31-30-3 (or
- 17 IC 31-6-2-4 before its repeal) to a court having ~~misdemeanor~~



1 or felony jurisdiction.

2 SECTION 2. IC 31-30-1-4, AS AMENDED BY P.L.216-2007,

3 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

4 JULY 1, 2008]: Sec. 4. (a) The juvenile court does not have jurisdiction

5 over an individual for an alleged violation of:

6 (1) IC 35-41-5-1(a) (attempted murder);

7 (2) IC 35-42-1-1 (murder);

8 (3) IC 35-42-3-2 (kidnapping);

9 (4) IC 35-42-4-1 (rape);

10 (5) IC 35-42-4-2 (criminal deviate conduct);

11 (6) IC 35-42-5-1 (robbery) if:

12 (A) the robbery was committed while armed with a deadly

13 weapon; or

14 (B) the robbery results in bodily injury or serious bodily

15 injury;

16 (7) IC 35-42-5-2 (carjacking);

17 (8) IC 35-45-9-3 (criminal gang activity);

18 (9) IC 35-45-9-4 (criminal gang intimidation);

19 (10) IC 35-47-2-1 (carrying a handgun without a license), **if**

20 **charged as a felony;**

21 (11) IC 35-47-10 (children and firearms), **if charged as a felony;**

22 (12) IC 35-47-5-4.1 (dealing in a sawed-off shotgun); or

23 (13) any offense that may be joined under IC 35-34-1-9(a)(2) with

24 any crime listed in subdivisions (1) through (12);

25 if the individual was at least sixteen (16) years of age at the time of the

26 alleged violation.

27 (b) The juvenile court does not have jurisdiction for an alleged

28 violation of manufacturing or dealing in cocaine or a narcotic drug

29 (IC 35-48-4-1), dealing in methamphetamine (IC 35-48-4-1.1), dealing

30 in a schedule I, II, or III controlled substance (IC 35-48-4-2), or dealing

31 in a schedule IV controlled substance (IC 35-48-4-3), if:

32 (1) the individual has a prior unrelated conviction under

33 IC 35-48-4-1, IC 35-48-4-1.1, IC 35-48-4-2, or IC 35-48-4-3; or

34 (2) the individual has a prior unrelated juvenile adjudication that,

35 if committed by an adult, would be a crime under IC 35-48-4-1,

36 IC 35-48-4-1.1, IC 35-48-4-2, or IC 35-48-4-3;

37 and the individual was at least sixteen (16) years of age at the time of

38 the alleged violation.

39 (c) Once an individual described in subsection (a) or (b) has been

40 charged with any crime listed in subsection (a) or (b), the court having

41 adult criminal jurisdiction shall retain jurisdiction over the case even

42 if the individual pleads guilty to or is convicted of a lesser included

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1 offense. A plea of guilty to or a conviction of a lesser included offense
2 does not vest jurisdiction in the juvenile court.

3 SECTION 3. IC 31-30-3-2 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. Upon motion of the
5 prosecuting attorney and after full investigation and hearing, the
6 juvenile court may waive jurisdiction if it finds that:

- 7 (1) the child is charged with an act **that is a felony:**
 - 8 (A) that is heinous or aggravated, with greater weight given to
 - 9 acts against the person than to acts against property; or
 - 10 (B) that is a part of a repetitive pattern of delinquent acts, even
 - 11 though less serious;
- 12 (2) the child was at least fourteen (14) years of age when the act
- 13 charged was allegedly committed;
- 14 (3) there is probable cause to believe that the child committed the
- 15 act;
- 16 (4) the child is beyond rehabilitation under the juvenile justice
- 17 system; and
- 18 (5) it is in the best interests of the safety and welfare of the
- 19 community that the child stand trial as an adult.

20 SECTION 4. IC 31-37-4-4 IS ADDED TO THE INDIANA CODE
21 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
22 1, 2008]: **Sec. 4. Any facility that is used or has been used to detain
23 juveniles shall give a representative of the Indiana criminal justice
24 institute's compliance monitoring program reasonable access to
25 inspect and monitor the facility to ensure that the requirements of
26 the Juvenile Justice and Delinquency Prevention Act are
27 maintained.**

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