
SENATE BILL No. 217

DIGEST OF INTRODUCED BILL

Citations Affected: IC 10-13-3-27; IC 35-41; IC 35-42-3.5-1; IC 35-45.

Synopsis: Human and sexual trafficking. Allows a court to order the: (1) dissolution or reorganization of; or (2) suspension, revocation, or forfeiture of a license, permit, charter, or prior approval granted by an agency of the state to; a corporation, a limited liability company, a partnership, or an unincorporated association if an agent of the corporation, company, partnership, or association commits a human or sexual trafficking offense while acting within the scope of the agent's authority. Provides that it is a defense that a person who engaged in criminal conduct did so because the person was a victim of a human or sexual trafficking offense. Makes it promotion of human trafficking, a Class B felony, for a person to recruit, harbor, or transport another person by force, threat of force, or fraud to force the other person into appearing in a state of nudity or engaging in or participating in an obscene performance or a performance that is harmful to minors. Makes it human trafficking, a Class C felony, for a person to pay, offer to pay, or agree to pay money or other property to another person for an individual whom the person knows has been forced into appearing in a state of nudity or engaging in or participating in an obscene performance or a performance that is harmful to minors. Makes it promoting prostitution, a Class C felony, for a person to sell or offer to sell travel services that include or facilitate travel for the purpose of patronizing a prostitute in Indiana or another jurisdiction. Requires an international matchmaking organization to provide a copy of a client's criminal history information and marital history declaration and certain other information to a recruit of the organization in the recruit's native language and English.

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Effective: July 1, 2008.

Simpson

January 8, 2008, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.



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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SENATE BILL No. 217



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 10-13-3-27, AS AMENDED BY P.L.216-2007,
- 2 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2008]: Sec. 27. (a) Except as provided in subsection (b), on
- 4 request, a law enforcement agency shall release a limited criminal
- 5 history to or allow inspection of a limited criminal history by
- 6 noncriminal justice organizations or individuals only if the subject of
- 7 the request:
- 8 (1) has applied for employment with a noncriminal justice
- 9 organization or individual;
- 10 (2) has applied for a license and has provided criminal history
- 11 data as required by law to be provided in connection with the
- 12 license;
- 13 (3) is a candidate for public office or a public official;
- 14 (4) is in the process of being apprehended by a law enforcement
- 15 agency;
- 16 (5) is placed under arrest for the alleged commission of a crime;
- 17 (6) has charged that the subject's rights have been abused



1 repeatedly by criminal justice agencies;

2 (7) is the subject of a judicial decision or determination with
3 respect to the setting of bond, plea bargaining, sentencing, or
4 probation;

5 (8) has volunteered services that involve contact with, care of, or
6 supervision over a child who is being placed, matched, or
7 monitored by a social services agency or a nonprofit corporation;

8 (9) is currently residing in a location designated by the
9 department of child services (established by IC 31-25-1-1) or by
10 a juvenile court as the out-of-home placement for a child at the
11 time the child will reside in the location;

12 (10) has volunteered services at a public school (as defined in
13 IC 20-18-2-15) or nonpublic school (as defined in IC 20-18-2-12)
14 that involve contact with, care of, or supervision over a student
15 enrolled in the school;

16 (11) is being investigated for welfare fraud by an investigator of
17 the division of family resources or a county office of family and
18 children;

19 (12) is being sought by the parent locator service of the child
20 support bureau of the department of child services;

21 (13) is or was required to register as a sex or violent offender
22 under IC 11-8-8;

23 **(14) has been requested by an international matchmaking
24 organization to provide a copy of the individual's criminal
25 history information under IC 35-45-19; or**

26 ~~(14)~~ (15) has been convicted of any of the following:

27 (A) Rape (IC 35-42-4-1), if the victim is less than eighteen
28 (18) years of age.

29 (B) Criminal deviate conduct (IC 35-42-4-2), if the victim is
30 less than eighteen (18) years of age.

31 (C) Child molesting (IC 35-42-4-3).

32 (D) Child exploitation (IC 35-42-4-4(b)).

33 (E) Possession of child pornography (IC 35-42-4-4(c)).

34 (F) Vicarious sexual gratification (IC 35-42-4-5).

35 (G) Child solicitation (IC 35-42-4-6).

36 (H) Child seduction (IC 35-42-4-7).

37 (I) Sexual misconduct with a minor as a felony (IC 35-42-4-9).

38 (J) Incest (IC 35-46-1-3), if the victim is less than eighteen
39 (18) years of age.

40 However, limited criminal history information obtained from the
41 National Crime Information Center may not be released under this
42 section except to the extent permitted by the Attorney General of the

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United States.
(b) A law enforcement agency shall allow inspection of a limited criminal history by and release a limited criminal history to the following noncriminal justice organizations:
(1) Federally chartered or insured banking institutions.
(2) Officials of state and local government for any of the following purposes:
(A) Employment with a state or local governmental entity.
(B) Licensing.
(3) Segments of the securities industry identified under 15 U.S.C. 78q(f)(2).

(c) Any person who knowingly or intentionally uses limited criminal history for any purpose not specified under this section commits a Class A misdemeanor.

SECTION 2. IC 35-41-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. (a) A corporation, a limited liability company, a partnership, or an unincorporated association may be:

- (1) prosecuted for any offense; it ~~may be~~ and
- (2) convicted of an offense only if it is proved that the offense was committed by its agent acting within the scope of ~~his~~ **the agent's** authority.

(b) Recovery of a fine, costs, or forfeiture from a corporation, a limited liability company, a partnership, or an unincorporated association is limited to the property of the corporation, limited liability company, partnership, or unincorporated association.

(c) In addition to any other penalty, if it is proved that a human or sexual trafficking offense under IC 35-42-3.5-1 was committed by an agent of a corporation, a limited liability company, a partnership, or an unincorporated association while the agent was acting within the scope of the agent's authority, a court may order the:

- (1) dissolution or reorganization of; or**
- (2) suspension, revocation, or forfeiture of a license, permit, charter, or prior approval granted by an agency of the state to;**

the corporation, limited liability company, partnership, or unincorporated association.

SECTION 3. IC 35-41-3-8.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 8.5. It is a defense that a person who engaged in prohibited conduct did so because the person was a victim of a**

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1 **human or sexual trafficking offense under IC 35-42-3.5-1.**
2 SECTION 4. IC 35-42-3.5-1, AS ADDED BY P.L.173-2006,
3 SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2008]: Sec. 1. (a) A person who knowingly or intentionally
5 recruits, harbors, or transports another person by force, threat of force,
6 or fraud:
7 (1) to engage the other person in:
8 (A) forced labor; or
9 (B) involuntary servitude; or
10 (2) to force the other person into:
11 (A) marriage; or
12 (B) prostitution;
13 **(C) appearing in a state of nudity (as defined in**
14 **IC 35-49-1-5); or**
15 **(D) engaging in or participating in:**
16 **(i) an obscene performance (as described in**
17 **IC 35-49-2-1); or**
18 **(ii) a performance that is harmful to minors (as**
19 **described in IC 35-49-2-2);**
20 commits promotion of human trafficking, a Class B felony.
21 (b) A parent, guardian, or custodian of a child less than eighteen
22 (18) years of age who knowingly or intentionally sells or transfers
23 custody of the child for the purpose of prostitution commits sexual
24 trafficking of a minor, a Class A felony.
25 (c) A person who knowingly or intentionally pays, offers to pay, or
26 agrees to pay money or other property to another person for an
27 individual who the person knows has been forced into:
28 (1) forced labor;
29 (2) involuntary servitude; or
30 (3) prostitution;
31 **(4) appearing in a state of nudity (as defined in IC 35-49-1-5);**
32 **or**
33 **(5) engaging in or participating in:**
34 **(A) an obscene performance (as described in IC 35-49-2-1);**
35 **or**
36 **(B) a performance that is harmful to minors (as described**
37 **in IC 35-49-2-2);**
38 commits human trafficking, a Class C felony.
39 SECTION 5. IC 35-45-4-4 IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. A person who:
41 (1) knowingly or intentionally entices or compels another person
42 to become a prostitute;

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- 1 (2) knowingly or intentionally procures, or offers or agrees to
- 2 procure, a person for another person for the purpose of
- 3 prostitution;
- 4 (3) having control over the use of a place, knowingly or
- 5 intentionally permits another person to use the place for
- 6 prostitution;
- 7 (4) receives money or other property from a prostitute, without
- 8 lawful consideration, knowing it was earned in whole or in part
- 9 from prostitution; or
- 10 (5) knowingly or intentionally conducts or directs another person
- 11 to a place for the purpose of prostitution; or

12 **(6) knowingly or intentionally sells or offers to sell travel**
 13 **services that include or facilitate travel for the purpose of**
 14 **patronizing a prostitute in Indiana or another jurisdiction;**
 15 commits promoting prostitution, a Class C felony. However, the
 16 offense is a Class B felony under subdivision (1) if the person enticed
 17 or compelled is under eighteen (18) years of age.

18 SECTION 6. IC 35-45-19 IS ADDED TO THE INDIANA CODE
 19 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2008]:

21 **Chapter 19. International Matchmaking Organizations**

22 **Sec. 1. As used in this chapter, "international matchmaking**
 23 **organization" means a sole proprietorship, a corporation, a**
 24 **partnership, or other enterprise that transacts business in the**
 25 **United States and offers to Indiana residents dating, matrimonial,**
 26 **or social referral services involving a citizen of another country by:**

- 27 (1) exchanging:
 - 28 (A) names;
 - 29 (B) telephone numbers;
 - 30 (C) addresses;
 - 31 (D) personal statistics; or
 - 32 (E) personal photographs; or
- 33 (2) providing a social environment in a country other than the
- 34 United States for an Indiana resident to meet a citizen of
- 35 another country.

36 **Sec. 2. As used in this chapter, "marital history declaration"**
 37 **means a declaration of an individual stating:**

- 38 (1) the individual's current marital status;
- 39 (2) the number of times the individual has been married; and
- 40 (3) whether a previous marriage has occurred as a result of
- 41 receiving services from an international matchmaking
- 42 organization.

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Sec. 3. As used in this chapter, "recruit" means an individual who:

- (1) is not a citizen of the United States; and**
- (2) is recruited by an international matchmaking organization for the purpose of meeting, dating, or marrying another individual.**

Sec. 4. (a) If an international matchmaking organization transacts business with an individual in Indiana, the international matchmaking organization shall:

- (1) require the individual in Indiana:**
 - (A) to:**
 - (i) obtain a copy of the individual's criminal history information under IC 10-13-3-27; and**
 - (ii) prepare a marital history declaration; and**
 - (B) to forward the criminal history information and marital history declaration to the international matchmaking organization;**
- (2) provide a copy of the individual's criminal history information and marital history declaration to the recruit in:**
 - (A) the recruit's native language; and**
 - (B) English;**
- (3) provide copies of relevant federal and state laws and assistance programs concerning immigration, domestic violence, and human and sexual trafficking to the recruit in:**
 - (A) the recruit's native language; and**
 - (B) English; and**
- (4) refrain from providing any further services to a recruit or the Indiana resident until the international matchmaking organization has provided the documents described in this section to the recruit.**

(b) A person who violates this section commits a Class A infraction.

SECTION 7. [EFFECTIVE JULY 1, 2008] IC 35-42-3.5-1 and IC 35-45-4-4, both as amended by this act, apply only to offenses committed after June 30, 2008.

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