

Adopted Rejected

COMMITTEE REPORT

YES: 12
NO: 0

MR. SPEAKER:

*Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1388, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 2, line 33, after "July 1," delete "2011." and insert "**2013**."
- 2 Page 3, delete lines 36 through 42.
- 3 Page 4, delete lines 1 through 34.
- 4 Page 4, line 35, reset in roman "(c)".
- 5 Page 4, line 35, delete "(d)".
- 6 Page 4, line 36, after "(b)" insert ",".
- 7 Page 4, line 36, delete "or (c)".
- 8 Page 5, line 3, reset in roman "(d)".
- 9 Page 5, line 3, delete "(e)".
- 10 Page 5, line 3, after "(a)" delete ",".
- 11 Page 5, line 3, reset in roman "or".
- 12 Page 5, line 3, delete "or (c)".
- 13 Page 5, line 15, reset in roman "(e)".
- 14 Page 5, line 15, delete "(f)".

1 Page 5, between lines 15 and 16, begin a new paragraph and insert:
 2 "SECTION 3. IC 31-27-4-13, AS AMENDED BY P.L.138-2007,
 3 SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 4 JULY 1, 2009]: Sec. 13. (a) The department shall deny a license when
 5 an applicant fails to meet the requirements for a license. The
 6 department shall deny a license to an applicant who has been convicted
 7 of any of the following felonies:

- 8 (1) Murder (IC 35-42-1-1).
- 9 (2) Causing suicide (IC 35-42-1-2).
- 10 (3) Assisting suicide (IC 35-42-1-2.5).
- 11 (4) Voluntary manslaughter (IC 35-42-1-3).
- 12 (5) Reckless homicide (IC 35-42-1-5).
- 13 (6) Battery (IC 35-42-2-1).
- 14 (7) Domestic battery (IC 35-42-2-1.3).
- 15 (8) Aggravated battery (IC 35-42-2-1.5).
- 16 (9) Kidnapping (IC 35-42-3-2).
- 17 (10) Criminal confinement (IC 35-42-3-3).
- 18 (11) A felony sex offense under IC 35-42-4.
- 19 (12) Carjacking (IC 35-42-5-2).
- 20 ~~(13) Arson (IC 35-43-1-1).~~
- 21 ~~(14)~~ (13) Incest (IC 35-46-1-3).
- 22 ~~(15)~~ (14) Neglect of a dependent (IC 35-46-1-4(a)(1) and
 23 IC 35-46-1-4(a)(2)).
- 24 ~~(16)~~ (15) Child selling (IC 35-46-1-4(d)).
- 25 ~~(17) A felony involving a weapon under IC 35-47 or IC 35-47.5.~~
- 26 ~~(18) A felony relating to controlled substances under IC 35-48-4.~~
- 27 ~~(19) An offense relating to material or a performance that is
 28 harmful to minors or obscene under IC 35-49-3.~~
- 29 ~~(20)~~ (16) A felony that is substantially equivalent to a felony
 30 listed in subdivisions (1) through ~~(19)~~ (15) for which the
 31 conviction was entered in another state.

32 **Except for crimes listed in subsections (b) and (c),** the department
 33 may deny a license to an applicant who has been convicted of a felony
 34 that is not listed in this subsection.

35 **(b) The department shall deny a license to an applicant if less**
 36 **than ten (10) years have elapsed since the date the applicant was**
 37 **convicted of any of the following felonies:**

- 38 (1) Reckless homicide (IC 35-42-1-5).

- 1 **(2) Battery (IC 35-42-2-1) as a Class C or Class D felony.**
 2 **(3) Criminal confinement (IC 35-42-3-3) as a Class C or Class**
 3 **D felony.**
 4 **(4) Arson (IC 35-43-1-1) as a Class A or Class B felony.**
 5 **(5) A felony involving a weapon under IC 35-47 or IC 35-47.5.**
 6 **(c) The department shall deny a license to an applicant if less**
 7 **than five (5) years have elapsed since the date the applicant was**
 8 **convicted of a felony relating to controlled substances under**
 9 **IC 35-48-4.**
 10 **(d) An application for a license may be denied if the applicant**
 11 **has an employee or volunteer who has direct contact on a regular**
 12 **and continuous basis with children under the direct supervision of**
 13 **the applicant and who has been convicted of any of the following:**
 14 **(1) The following felonies:**
 15 **(A) Murder (IC 35-42-1-1).**
 16 **(B) Causing suicide (IC 35-42-1-2).**
 17 **(C) Assisting suicide (IC 35-42-1-2.5).**
 18 **(D) Voluntary manslaughter (IC 35-42-1-3).**
 19 **(E) Battery (IC 35-42-2-1) as a Class A or Class B felony.**
 20 **(F) Domestic battery (IC 35-42-2-1.3).**
 21 **(G) Aggravated battery (IC 35-42-2-1.5).**
 22 **(H) Kidnapping (IC 35-42-3-2).**
 23 **(I) Criminal confinement (IC 35-42-3-3) as a Class B**
 24 **felony.**
 25 **(J) A felony sex offense under IC 35-42-4.**
 26 **(K) Carjacking (IC 35-42-5-2).**
 27 **(L) Incest (IC 35-46-1-3).**
 28 **(M) Neglect of a dependent (IC 35-46-1-4(a)(1) and**
 29 **IC 35-46-1-4(a)(2)).**
 30 **(N) Child selling (IC 35-46-1-4(d)).**
 31 **(O) An offense relating to material or a performance that**
 32 **is harmful to minors or obscene under IC 35-49-3.**
 33 **(2) The following felonies if less than ten (10) years have**
 34 **elapsed since the date the employee or volunteer was**
 35 **convicted of the felony:**
 36 **(A) Reckless homicide (IC 35-42-1-5).**
 37 **(B) Battery (IC 35-42-2-1) as a Class C or Class D felony.**
 38 **(C) Criminal confinement (IC 35-42-3-3) as a Class C or**

- 1 **Class D felony.**
- 2 **(D) Arson (IC 35-43-1-1) as a Class A or Class B felony.**
- 3 **(E) A felony involving a weapon under IC 35-47 or**
- 4 **IC 35-47.5.**
- 5 **(3) A felony relating to controlled substances under**
- 6 **IC 35-48-4 if less than five (5) years have elapsed since the**
- 7 **date the employee or volunteer was convicted of the felony.**
- 8 **(4) Any other felony or misdemeanor relating to the health**
- 9 **and safety of a child, unless the applicant is granted a waiver**
- 10 **by the department to employ or assign the person as a**
- 11 **volunteer in a position described in this subsection.**
- 12 ~~(b)~~ **(e)** The department shall send written notice by certified mail
- 13 that the application has been denied and give the reasons for the denial.
- 14 ~~(c)~~ **(f)** An administrative hearing concerning the denial of a license
- 15 shall be provided upon written request by the applicant. The request
- 16 must be made not more than thirty (30) days after receiving the written
- 17 notice under subsection ~~(b)~~ **(e)**.
- 18 ~~(d)~~ **(g)** An administrative hearing shall be held not more than sixty
- 19 (60) days after receiving a written request.
- 20 ~~(e)~~ **(h)** An administrative hearing shall be held in accordance with
- 21 IC 4-21.5-3.
- 22 ~~(f)~~ **(i)** The department shall issue a decision not more than sixty (60)
- 23 days after the conclusion of a hearing."
- 24 Page 6, delete lines 17 through 42.
- 25 Page 7, delete lines 1 through 14.
- 26 Page 9, line 11, reset in roman "a felony listed in IC 31-27-4-13 or
- 27 had a".
- 28 Page 9, reset in roman line 12.
- 29 Page 9, line 13, reset in roman "IC 31-27-4-13 if committed by an
- 30 adult."
- 31 Page 9, line 13, delete "any of the following:".

- 1 Page 9, delete lines 14 through 42.
- 2 Page 10, delete lines 1 through 4.
- 3 Renumber all SECTIONS consecutively.
(Reference is to HB 1388 as introduced.)

and when so amended that said bill do pass.

Representative VanDenburgh