

Adopted Rejected

COMMITTEE REPORT

YES: 6
NO: 4

MR. SPEAKER:

Your Committee on Judiciary, to which was referred House Bill 1175, 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 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 35-36-7-3 IS AMENDED TO READ AS
- 4 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) This section
- 5 applies to criminal actions ~~for felonies under IC 35-42~~, for:
- 6 (1) an offense listed in IC 11-8-8-4.5(a);
- 7 (2) neglect of a dependent (IC 35-46-1-4);
- 8 (3) battery (IC 35-42-2-1) if the victim is:
- 9 (A) less than eighteen (18) years of age; or
- 10 (B) an endangered adult (as defined in IC 12-10-3-2); and
- 11 for
- 12 (4) attempts of ~~those felonies (IC 35-41-5-1)~~ the crimes listed in
- 13 subdivisions (1) through (3).
- 14 (b) If a motion is made to postpone a trial or other court proceeding
- 15 that involves an offense listed in subsection (a), the court shall consider
- 16 whether a postponement will have an adverse impact upon an

1 **endangered adult (as defined in IC 12-10-3-2) or a child who is less**
2 **than ~~ten (10)~~ sixteen (16) years of age and who:**

3 (1) is the alleged victim of an offense listed in subsection (a); or

4 (2) will be a witness in the trial."

5 Page 1, delete lines 7 through 12.

6 Page 1, line 16, after "victim" insert "**or alleged victim**".

7 Page 2, delete lines 1 through 9, begin a new paragraph and insert:

8 "**(b) After charges are filed against a defendant, if counsel for a**
9 **defendant would like to depose or interview a child described in**
10 **subsection (a), the defendant or counsel for the defendant must**
11 **arrange the deposition or interview through the prosecuting**
12 **attorney's office.**

13 (c) **The response to a request for deposition or interview of a**
14 **child described in subsection (a) shall be communicated to the**
15 **defense attorney by the prosecutor or deputy prosecutor.**

16 (d) **Before any deposition or interview of a child described in**
17 **subsection (a) by counsel for the defendant, the child through the**
18 **prosecuting attorney or a deputy prosecuting attorney may request**
19 **conditions for the deposition or interview regarding:**

20 (1) **The specification of a reasonable date, time, duration, and**
21 **location of an interview or deposition, including requirements**
22 **that the interview or deposition take place at the prosecutor's**
23 **office or a location in the courthouse.**

24 (2) **Whether the defendant is permitted to be present at the**
25 **interview or deposition.**

26 (3) **The right of the child, the child's attorney, the prosecuting**
27 **attorney, or a deputy prosecuting attorney to terminate the**
28 **interview or deposition if the interview or deposition is not**
29 **conducted in a professional and dignified manner or is**
30 **conducted in violation of the court's conditions.**

31 (e) **If the parties are unable to agree to the terms of the**
32 **deposition or interview, the parties may petition the court for a**
33 **hearing on the terms of the deposition or interview prior to the**
34 **deposition or interview taking place. The court shall review the**
35 **terms suggested by the parties and consider the age of the child,**
36 **any special considerations, and the rights of victims provided by**
37 **IC 35-40-5-1 in setting reasonable terms for the deposition or**
38 **interview."**

- 1 Renumber all SECTIONS consecutively.
 (Reference is to HB 1175 as introduced.)

and when so amended that said bill do pass.

Representative Lawson L