

HOUSE BILL No. 1437

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-28-5-8; IC 35-46-9.

Synopsis: Inappropriate relationships with students. Provides that a teacher or coach in a primary or secondary school who knowingly or intentionally has sexual contact with an individual who is less than 19 years of age and who is a student in the primary or secondary school commits having an inappropriate relationship with a student, a Class A misdemeanor. Requires the department of education to revoke a teacher's teaching license if the teacher is convicted of having an inappropriate relationship with a student.

Effective: July 1, 2009.

Noe, Friend

January 13, 2009, read first time and referred to Committee on Interstate and International Cooperation.

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First Regular Session 116th General Assembly (2009)

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 2008 Regular Session of the General Assembly.

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HOUSE BILL No. 1437



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 20-28-5-8, AS AMENDED BY P.L.151-2006,
2 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2009]: Sec. 8. (a) This section applies when a prosecuting
4 attorney knows that a licensed employee of a public school or a
5 nonpublic school has been convicted of an offense listed in subsection
6 (c). The prosecuting attorney shall immediately give written notice of
7 the conviction to the following:
8 (1) The state superintendent.
9 (2) Except as provided in subdivision (3), the superintendent of
10 the school corporation that employs the licensed employee or the
11 equivalent authority if a nonpublic school employs the licensed
12 employee.
13 (3) The presiding officer of the governing body of the school
14 corporation that employs the licensed employee, if the convicted
15 licensed employee is the superintendent of the school corporation.
16 (b) The superintendent of a school corporation, presiding officer of
17 the governing body, or equivalent authority for a nonpublic school shall



1 immediately notify the state superintendent when the individual knows
2 that a current or former licensed employee of the public school or
3 nonpublic school has been convicted of an offense listed in subsection
4 (c).

5 (c) The department, after holding a hearing on the matter, shall
6 permanently revoke the license of a person who is known by the
7 department to have been convicted of any of the following felonies:

- 8 (1) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen
9 (18) years of age.
- 10 (2) Criminal confinement (IC 35-42-3-3), if the victim is less than
11 eighteen (18) years of age.
- 12 (3) Rape (IC 35-42-4-1), if the victim is less than eighteen (18)
13 years of age.
- 14 (4) Criminal deviate conduct (IC 35-42-4-2), if the victim is less
15 than eighteen (18) years of age.
- 16 (5) Child molesting (IC 35-42-4-3).
- 17 (6) Child exploitation (IC 35-42-4-4(b)).
- 18 (7) Vicarious sexual gratification (IC 35-42-4-5).
- 19 (8) Child solicitation (IC 35-42-4-6).
- 20 (9) Child seduction (IC 35-42-4-7).
- 21 (10) Sexual misconduct with a minor (IC 35-42-4-9).
- 22 (11) Incest (IC 35-46-1-3), if the victim is less than eighteen (18)
23 years of age.
- 24 (12) Dealing in or manufacturing cocaine or a narcotic drug
25 (IC 35-48-4-1).
- 26 (13) Dealing in methamphetamine (IC 35-48-4-1.1).
- 27 (14) Dealing in a schedule I, II, or III controlled substance
28 (IC 35-48-4-2).
- 29 (15) Dealing in a schedule IV controlled substance
30 (IC 35-48-4-3).
- 31 (16) Dealing in a schedule V controlled substance (IC 35-48-4-4).
- 32 (17) Dealing in a counterfeit substance (IC 35-48-4-5).
- 33 (18) Dealing in marijuana, hash oil, or hashish
34 (IC 35-48-4-10(b)).

35 **(d) The department, after holding a hearing on the matter, shall**
36 **permanently revoke the license of a person who is known by the**
37 **department to have been convicted of having an inappropriate**
38 **relationship with a student (IC 35-46-9-2).**

39 ~~(d)~~ (e) A license may be suspended by the state superintendent as
40 specified in IC 20-28-7-7.

41 SECTION 2. IC 35-46-9 IS ADDED TO THE INDIANA CODE AS
42 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY

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Chapter 9. Offenses Related to Teacher and Student Relationships

Sec. 1. The following definitions apply throughout this chapter:

(1) "Coach" means an individual who trains an athlete or a team of athletes in a primary or secondary school athletic program.

(2) "Teacher" means an individual:

(A) whose contract with a school corporation requires that the person hold a license or permit from the division of professional standards of the department of education under IC 20-28; or

(B) who is employed as a teacher by a charter school established under IC 20-24.

Sec. 2. (a) As used in this section, "sexual contact" means:

(1) sexual intercourse (as defined in IC 35-41-1-26);

(2) deviate sexual conduct (as defined in IC 35-41-1-9); or

(3) any fondling or touching intended to arouse or satisfy the sexual desires of either the individual performing the fondling or touching or the individual being fondled or touched.

(b) A person who:

(1) is a teacher or coach in a primary or secondary school; and

(2) knowingly or intentionally has sexual contact with a person who is:

(A) a student in the primary or secondary school; and

(B) less than nineteen (19) years of age;

commits having an inappropriate relationship with a student, a Class A misdemeanor.

SECTION 3. [EFFECTIVE JULY 1, 2009] IC 35-46-9-2, as added by this act, applies only to crimes committed after June 30, 2009.

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