



April 1, 2011

**ENGROSSED
HOUSE BILL No. 1083**

DIGEST OF HB 1083 (Updated March 29, 2011 1:27 pm - DI 106)

Citations Affected: Noncode.

Synopsis: Child solicitation and child trafficking. Requires the criminal code evaluation commission to study certain sex crimes against children during the 2011 interim.

Effective: July 1, 2011.

Crouch, Lawson L

(SENATE SPONSORS — HEAD, YOUNG R MICHAEL, TAYLOR)

January 5, 2011, read first time and referred to Committee on Courts and Criminal Code.
January 27, 2011, amended, reported — Do Pass.
February 3, 2011, read second time, amended, ordered engrossed.
February 4, 2011, engrossed.
February 7, 2011, read third time, passed. Yeas 96, nays 0.

SENATE ACTION

February 17, 2011, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.
March 31, 2011, amended, reported favorably — Do Pass.

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EH 1083—LS 6491/DI 69+



April 1, 2011

First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1083

A BILL FOR AN ACT concerning the criminal code evaluation committee.

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

- 1 SECTION 1. P.L.182-2009(ss), SECTION 493 IS AMENDED TO
- 2 READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: SECTION 493.
- 3 (a) As used in this SECTION, "commission" refers to the criminal code
- 4 evaluation commission established by subsection (b).
- 5 (b) The criminal code evaluation commission is established to
- 6 evaluate the criminal laws of Indiana. If, based on the commission's
- 7 evaluation, the commission determines that changes are necessary or
- 8 appropriate, the commission shall make recommendations to the
- 9 general assembly for the modification of the criminal laws.
- 10 **(c) For the 2011 interim, the commission shall study:**
- 11 **(1) child solicitation (IC 35-42-4-6), including whether or not**
- 12 **there should be an increased penalty for a person who is at**
- 13 **least twenty-one (21) years of age to knowingly or**
- 14 **intentionally solicit a child less than fourteen (14) years of age,**
- 15 **or an individual the person believes to be a child less than**
- 16 **fourteen (14) years of age;**
- 17 **(2) child trafficking, including whether the general assembly**

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1 **should enact a crime of promotion of child trafficking and if**
 2 **promotion of child trafficking should be added to the list of**
 3 **sex offenders under IC 11-8-8-4.5; and**
 4 **(3) sex crimes against children, including whether there**
 5 **should be an increased penalty, or creation of a new crime, for**
 6 **the commission of a sex crime by a person at least twenty-one**
 7 **(21) years of age with whom the child victim has a**
 8 **relationship of trust or emotional dependence, including a**
 9 **school employee, school volunteer, counselor, therapist,**
 10 **member of the clergy, and medical personnel.**

11 (⌘) **(d)** The commission may study other topics assigned by the
 12 legislative council or as directed by the commission chair.

13 (⌘) **(e)** The commission may meet during the months of:
 14 (1) July, August, and September of 2009;
 15 (2) April, May, June, July, August, and September of 2010; and
 16 (3) June, July, August, and September of 2011.

17 (⌘) **(f)** The commission consists of seventeen (17) members
 18 appointed as follows:
 19 (1) Four (4) members of the senate, not more than two (2) of
 20 whom may be affiliated with the same political party, to be
 21 appointed by the president pro tempore of the senate.
 22 (2) Four (4) members of the house of representatives, not more
 23 than two (2) of whom may be affiliated with the same political
 24 party, to be appointed by the speaker of the house of
 25 representatives.
 26 (3) The attorney general or the attorney general's designee.
 27 (4) The commissioner of the department of correction or the
 28 commissioner's designee.
 29 (5) The executive director of the prosecuting attorneys council of
 30 Indiana or the executive director's designee.
 31 (6) The executive director of the public defender council of
 32 Indiana or the executive director's designee.
 33 (7) The chief justice of the supreme court or the chief justice's
 34 designee.
 35 (8) Two (2) judges who exercise criminal jurisdiction, who may
 36 not be affiliated with the same political party, to be appointed by
 37 the governor.
 38 (9) Two (2) professors employed by a law school in Indiana
 39 whose expertise includes criminal law, to be appointed by the
 40 governor.

41 (⌘) **(g)** The chairman of the legislative council shall appoint a
 42 legislative member of the commission to serve as chair of the

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1 commission. Whenever there is a new chairman of the legislative
2 council, the new chairman may remove the chair of the commission
3 and appoint another chair.

4 ~~(g)~~ **(h)** If a legislative member of the commission ceases to be a
5 member of the chamber from which the member was appointed, the
6 member also ceases to be a member of the commission.

7 ~~(h)~~ **(i)** A legislative member of the commission may be removed at
8 any time by the appointing authority who appointed the legislative
9 member.

10 ~~(i)~~ **(j)** If a vacancy exists on the commission, the appointing
11 authority who appointed the former member whose position is vacant
12 shall appoint an individual to fill the vacancy.

13 ~~(j)~~ **(k)** The commission shall submit a final report of the results of
14 its study to the legislative council before November 1, 2011. The report
15 must be in an electronic format under IC 5-14-6.

16 ~~(k)~~ **(l)** The Indiana criminal justice institute shall provide staff
17 support to the commission to prepare:

- 18 (1) minutes of each meeting; and
- 19 (2) the final report.

20 ~~(l)~~ **(m)** The legislative services agency shall provide staff support to
21 the commission to:

- 22 (1) advise the commission on legal matters, criminal procedures,
23 and legal research; and
- 24 (2) draft potential legislation.

25 ~~(m)~~ **(n)** Each member of the commission is entitled to receive the
26 same per diem, mileage, and travel allowances paid to individuals who
27 serve as legislative and lay members, respectively, of interim study
28 committees established by the legislative council.

29 ~~(n)~~ **(o)** The affirmative votes of a majority of all the members who
30 serve on the commission are required for the commission to take action
31 on any measure, including the final report.

32 ~~(o)~~ **(p)** Except as otherwise specifically provided by this SECTION,
33 the commission shall operate under the rules of the legislative council.
34 All funds necessary to carry out this SECTION shall be paid from
35 appropriations to the legislative council and the legislative services
36 agency.

37 ~~(p)~~ **(q)** This SECTION expires December 31, 2011.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1083, 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:

Delete the title and insert the following:

A BILL FOR AN ACT concerning the criminal code evaluation committee.

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to HB 1083 as introduced.)

STEUERWALD, Chair

Committee Vote: yeas 11, nays 0.

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1083 be amended to read as follows:

Page 1, line 10, delete "study" and insert "**study:**

(1)".

Page 1, line 15, delete "age." and insert "**age; and**

(2) child trafficking, including whether the general assembly should enact a crime of promotion of child trafficking and if promotion of child trafficking should be added to the list of sex offenders under IC 11-8-8-4.5."

(Reference is to HB 1083 as printed January 28, 2011.)

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COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred House Bill No. 1083, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 16, delete "and".

Page 2, line 3, delete "11-8-8-4.5." and insert "**11-8-8-4.5; and (3) sex crimes against children, including whether there should be an increased penalty, or creation of a new crime, for the commission of a sex crime by a person at least twenty-one (21) years of age with whom the child victim has a relationship of trust or emotional dependence, including a school employee, school volunteer, counselor, therapist, member of the clergy, and medical personnel.**".

and when so amended that said bill do pass.

(Reference is to HB 1083 as reprinted February 4, 2011.)

STEELE, Chairperson

Committee Vote: Yeas 10, Nays 0.

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