



April 18, 2011

ENGROSSED
SENATE BILL No. 217

DIGEST OF SB 217 (Updated April 18, 2011 10:25 am - DI 69)

Citations Affected: IC 35-44.

Synopsis: Official misconduct. Specifies that a public servant commits official misconduct if the public servant knowingly or intentionally commits a crime in the performance of the public servant's official duties.

Effective: July 1, 2011.

Bray, Head, Arnold, Randolph
(HOUSE SPONSORS — KOCH, GRUBB)

January 5, 2011, read first time and referred to Committee on Public Policy.
February 14, 2011, reported favorably — Do Pass.
February 17, 2011, read second time, amended, ordered engrossed.
February 18, 2011, engrossed.
February 22, 2011, read third time, passed. Yeas 49, nays 0.

HOUSE ACTION

March 28, 2011, read first time and referred to Committee on Courts and Criminal Code.
April 18, 2011, reported — Do Pass.

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ES 217—LS 6999/DI 106+



April 18, 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 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 35-44-1-2, AS AMENDED BY P.L.222-2005,
 2 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2011]: Sec. 2. A public servant who **knowingly or**
 4 **intentionally:**
 5 (1) knowingly or intentionally performs an act that the public
 6 servant is forbidden by law to perform;
 7 (1) commits an offense in the performance of the public
 8 servant's official duties;
 9 (2) performs an act the public servant is not authorized by law to
 10 perform; with intent to obtain any property for himself or herself;
 11 (3) knowingly or intentionally (2) solicits, accepts, or agrees to
 12 accept from an appointee or employee any property other than
 13 what the public servant is authorized by law to accept as a
 14 condition of continued employment;
 15 (4) knowingly or intentionally (3) acquires or divests himself or
 16 herself of a pecuniary interest in any property, transaction, or
 17 enterprise or aids another person to do so based on information

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1 obtained by virtue of the public servant's office that official action
2 that has not been made public is contemplated; **or**
3 ~~(5) (4) knowingly or intentionally~~ fails to deliver public records
4 and property in the public servant's custody to the public servant's
5 successor in office when that successor qualifies; ~~or~~
6 ~~(6) knowingly or intentionally violates IC 36-6-4-17(b)~~
7 commits official misconduct, a Class D felony.

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COMMITTEE REPORT

Madam President: The Senate Committee on Public Policy, to which was referred Senate Bill No. 217, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 217 as introduced.)

ALTING, Chairperson

Committee Vote: Yeas 8, Nays 0.

SENATE MOTION

Madam President: I move that Senate Bill 217 be amended to read as follows:

Page 2, line 2, after ";" insert "or".

Page 2, line 5, after ";" strike "or".

Page 2, line 6, delete "(5)".

Page 2, line 6, delete "fails".

Page 2, delete line 7.

(Reference is to SB 217 as printed February 14, 2011.)

BRAY

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 217, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

STEUERWALD, Chair

Committee Vote: yeas 7, nays 0.

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