Reprinted
February 4, 2011

HOUSE BILL No. 1083

DIGEST OF HB 1083 (Updated February 3, 2011 11:38 am - DI 107)

Citations Affected: Noncode.

Synopsis: Child solicitation and child trafficking. Requires the criminal code evaluation commission to study child solicitation and child trafficking during the 2011 interim.

Effective: July 1, 2011.

Crouch, Lawson L

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.

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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.

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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:

SECTION 1. P.L.182-2009(ss), SECTION 493 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: SECTION 493. (a) As used in this SECTION, "commission" refers to the criminal code evaluation commission established by subsection (b).

(b) The criminal code evaluation commission is established to evaluate the criminal laws of Indiana. If, based on the commission's evaluation, the commission determines that changes are necessary or appropriate, the commission shall make recommendations to the general assembly for the modification of the criminal laws.

(c) For the 2011 interim, the commission shall study:

(1) child solicitation (IC 35-42-4-6), including whether or not there should be an increased penalty for a person who is at least twenty-one (21) years of age to knowingly or intentionally solicit a child less than fourteen (14) years of age, or an individual the person believes to be a child less than fourteen (14) years of 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.

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

~~(d)~~ **(e)** The commission may meet during the months of:

(1) July, August, and September of 2009;

(2) April, May, June, July, August, and September of 2010; and

(3) June, July, August, and September of 2011.

~~(e)~~ **(f)** The commission consists of seventeen (17) members appointed as follows:

(1) Four (4) members of the senate, not more than two (2) of whom may be affiliated with the same political party, to be appointed by the president pro tempore of the senate.

(2) Four (4) members of the house of representatives, not more than two (2) of whom may be affiliated with the same political party, to be appointed by the speaker of the house of representatives.

(3) The attorney general or the attorney general's designee.

(4) The commissioner of the department of correction or the commissioner's designee.

(5) The executive director of the prosecuting attorneys council of Indiana or the executive director's designee.

(6) The executive director of the public defender council of Indiana or the executive director's designee.

(7) The chief justice of the supreme court or the chief justice's designee.

(8) Two (2) judges who exercise criminal jurisdiction, who may not be affiliated with the same political party, to be appointed by the governor.

(9) Two (2) professors employed by a law school in Indiana whose expertise includes criminal law, to be appointed by the governor.

~~(f)~~ **(g)** The chairman of the legislative council shall appoint a legislative member of the commission to serve as chair of the commission. Whenever there is a new chairman of the legislative council, the new chairman may remove the chair of the commission and appoint another chair.

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

~~(h)~~ **(i)** A legislative member of the commission may be removed at

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any time by the appointing authority who appointed the legislative member.

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

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

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

(1) minutes of each meeting; and

(2) the final report.

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

(1) advise the commission on legal matters, criminal procedures, and legal research; and

(2) draft potential legislation.

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

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

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

~~(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.

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.)

DELANEY

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