
SENATE BILL No. 29

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-42-4-6.

Synopsis: Child solicitation. Makes it child solicitation, a Class C felony, for a person who is at least 21 years of age to: (1) knowingly or intentionally solicit a child less than 14 years of age, or an individual the person believes to be a child less than 14 years of age, to engage in sexual intercourse, deviate sexual conduct, or any fondling or touching intended to arouse or satisfy the sexual desires of either the child or the older person; and (2) perform an overt act demonstrating an intent to physically meet the child. Makes the offense: (1) a Class B felony if it is committed by means of a computer network; and (2) a Class A felony if it is committed by means of a computer network by a person who has a prior conviction for child solicitation by means of a computer network.

Effective: July 1, 2011.

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January 5, 2011, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

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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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SENATE BILL No. 29



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 35-42-4-6, AS AMENDED BY P.L.216-2007,
- 2 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2011]: Sec. 6. (a) As used in this section, "solicit" means to
- 4 command, authorize, urge, incite, request, or advise an individual:
- 5 (1) in person;
- 6 (2) by telephone;
- 7 (3) in writing;
- 8 (4) by using a computer network (as defined in IC 35-43-2-3(a));
- 9 (5) by advertisement of any kind; or
- 10 (6) by any other means;
- 11 to perform an act described in subsection (b), ~~or~~ (c), **or (d)**.
- 12 (b) **Except as provided in subsection (c)**, a person **at least** eighteen
- 13 (18) years of age ~~or older~~ who knowingly or intentionally solicits a
- 14 child ~~under less than~~ fourteen (14) years of age, or an individual the
- 15 person believes to be a child ~~under less than~~ fourteen (14) years of age,
- 16 to engage in:
- 17 (1) sexual intercourse;



1 (2) deviate sexual conduct; or
 2 (3) any fondling or touching intended to arouse or satisfy the
 3 sexual desires of either the child or the older person;
 4 commits child solicitation, a Class D felony. However, the offense is
 5 a Class C felony if it is committed by using a computer network (as
 6 defined in IC 35-43-2-3(a)), and a Class B felony if the person commits
 7 the offense by using a computer network (as defined in
 8 IC 35-43-2-3(a)) and has a previous unrelated conviction for
 9 committing the offense by using a computer network (as defined in
 10 IC 35-43-2-3(a)).

11 **(c) A person at least twenty-one (21) years of age who:**

12 **(1) knowingly or intentionally solicits a child less than**
 13 **fourteen (14) years of age, or an individual the person believes**
 14 **to be a child less than fourteen (14) years of age, to engage in:**

15 **(A) sexual intercourse;**

16 **(B) deviate sexual conduct; or**

17 **(C) any fondling or touching intended to arouse or satisfy**
 18 **the sexual desires of either the child or the older person;**
 19 **and**

20 **(2) performs an overt act demonstrating an intent to**
 21 **physically meet the child;**

22 **commits child solicitation, a Class C felony. However, the offense**
 23 **is a Class B felony if it is committed by using a computer network**
 24 **(as defined in IC 35-43-2-3(a)), and a Class A felony if the person**
 25 **commits the offense by using a computer network (as defined in**
 26 **IC 35-43-2-3(a)) and has a previous unrelated conviction for**
 27 **committing the offense by using a computer network (as defined in**
 28 **IC 35-43-2-3(a)).**

29 ~~(c)~~ **(d) A person at least twenty-one (21) years of age who**
 30 **knowingly or intentionally solicits a child at least fourteen (14) years**
 31 **of age but less than sixteen (16) years of age, or an individual the**
 32 **person believes to be a child at least fourteen (14) years of age but less**
 33 **than sixteen (16) years of age, to engage in:**

34 **(1) sexual intercourse;**

35 **(2) deviate sexual conduct; or**

36 **(3) any fondling or touching intended to arouse or satisfy the**
 37 **sexual desires of either the child or the older person;**

38 **commits child solicitation, a Class D felony. However, the offense is**
 39 **a Class C felony if it is committed by using a computer network (as**
 40 **defined in IC 35-43-2-3(a)), and a Class B felony if the person commits**
 41 **the offense by using a computer network (as defined in**
 42 **IC 35-43-2-3(a)) and has a previous unrelated conviction for**

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1 committing the offense by using a computer network (as defined in
2 IC 35-43-2-3(a)).

3 ~~(d)~~ (e) In a prosecution under this section, including a prosecution
4 for attempted solicitation, the state is not required to prove that the
5 person solicited the child to engage in an act described in subsection
6 (b), ~~or~~ (c), **or** (d) at some immediate time.

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