
HOUSE BILL No. 1108

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-38-2-2.2.

Synopsis: Certain sex offenders and school property. Provides that, as a condition of probation, a sex offender who is a sexually violent predator or an offender against children (sex offender) is prohibited from being on the property of an elementary or a secondary school. Provides that: (1) if the sex offender attends an elementary or a secondary school, the sex offender is prohibited from being on the property of an elementary or a secondary school other than the school that the sex offender attends; and (2) if the sex offender is a parent or guardian of a child who attends an elementary or a secondary school, the sex offender is required to notify the school (and, if the school is a public school, the school corporation) in writing that the sex offender is a sexually violent predator or an offender against children, and is prohibited from being on the property of the school that the child attends unless the sex offender is attending a meeting with a teacher or school administrator and is escorted by an employee of the school or school district while on school property.

Effective: July 1, 2011.

Richardson

January 6, 2011, read first time and referred to Committee on Courts and Criminal Code.

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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. 1108



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 35-38-2-2.2, AS AMENDED BY P.L.119-2008,
2 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2011]: Sec. 2.2. (a) As a condition of probation for a sex
4 offender (as defined in IC 11-8-8-4.5), the court shall:
5 (1) require the sex offender to register with the local law
6 enforcement authority under IC 11-8-8;
7 (2) prohibit the sex offender from residing within one thousand
8 (1,000) feet of school property (as defined in IC 35-41-1-24.7), as
9 measured from the property line of the sex offender's residence to
10 the property line of the school property, for the period of
11 probation, unless the sex offender obtains written approval from
12 the court;
13 (3) require the sex offender to consent:
14 (A) to the search of the sex offender's personal computer at
15 any time; and
16 (B) to the installation on the sex offender's personal computer
17 or device with Internet capability, at the sex offender's



- 1 expense, of one (1) or more hardware or software systems to
- 2 monitor Internet usage; and
- 3 (4) prohibit the sex offender from:
- 4 (A) accessing or using certain web sites, chat rooms, or instant
- 5 messaging programs frequented by children; and
- 6 (B) deleting, erasing, or tampering with information on the sex
- 7 offender's personal computer with intent to conceal an activity
- 8 prohibited by clause (A).

9 If the court allows the sex offender to reside within one thousand
 10 (1,000) feet of school property under subdivision (2), the court shall
 11 notify each school within one thousand (1,000) feet of the sex
 12 offender's residence of the order. However, a court may not allow a sex
 13 offender who is a sexually violent predator (as defined in
 14 IC 35-38-1-7.5) or an offender against children under IC 35-42-4-11 to
 15 reside within one thousand (1,000) feet of school property.

16 **(b) Except as provided in subsections (c) and (d), as a condition**
 17 **of probation for a sex offender who is a sexually violent predator**
 18 **(as defined in IC 35-38-1-7.5) or an offender against children under**
 19 **IC 35-42-4-11, the court shall prohibit the sex offender from being**
 20 **on the property of an elementary or a secondary school.**

21 **(c) If a sex offender who is a sexually violent predator (as**
 22 **defined in IC 35-38-1-7.5) or an offender against children under**
 23 **IC 35-42-4-11 attends an elementary or a secondary school, the**
 24 **court, as a condition of probation, shall prohibit the sex offender**
 25 **from being on the property of an elementary or a secondary school**
 26 **other than the elementary or secondary school that the sex**
 27 **offender attends.**

28 **(d) As a condition of probation for a sex offender who is a**
 29 **sexually violent predator (as defined in IC 35-38-1-7.5) or an**
 30 **offender against children under IC 35-42-4-11 and is a parent or**
 31 **guardian of a child who attends an elementary or a secondary**
 32 **school, the court shall:**

- 33 **(1) require the sex offender to provide written notification**
- 34 **that the sex offender is a sexually violent predator or an**
- 35 **offender against children to:**
 - 36 **(A) the school; and**
 - 37 **(B) the school corporation, if the school is a public school;**
 - 38 **and**
- 39 **(2) prohibit the sex offender from being on the school**
- 40 **property of the elementary or secondary school that the sex**
- 41 **offender's child attends unless the sex offender is:**
 - 42 **(A) attending a meeting with a teacher or school**

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1 **administrator; and**
2 **(B) escorted by an employee of the school or school district**
3 **while on school property.**

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