
HOUSE BILL No. 1324

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-42-4-3.

Synopsis: Child molesting. Elevates child molesting to a Class B felony if the child is compelled to submit to the fondling or touching by force or the threat of force.

Effective: July 1, 2011.

Steuerwald

January 13, 2011, read first time and referred to Committee on Courts and Criminal Code.

C
O
P
Y



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.

C
o
p
y

HOUSE BILL No. 1324



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 35-42-4-3, AS AMENDED BY P.L.216-2007,
2 SECTIONs6 42, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2011]: Sec. 3. (a) A person who, with a child
4 under fourteen (14) years of age, performs or submits to sexual
5 intercourse or deviate sexual conduct commits child molesting, a Class
6 B felony. However, the offense is a Class A felony if:
7 (1) it is committed by a person at least twenty-one (21) years of
8 age;
9 (2) it is committed by using or threatening the use of deadly force
10 or while armed with a deadly weapon;
11 (3) it results in serious bodily injury; or
12 (4) the commission of the offense is facilitated by furnishing the
13 victim, without the victim's knowledge, with a drug (as defined in
14 IC 16-42-19-2(1)) or a controlled substance (as defined in
15 IC 35-48-1-9) or knowing that the victim was furnished with the
16 drug or controlled substance without the victim's knowledge.
17 (b) A person who, with a child under fourteen (14) years of age,



1 performs or submits to any fondling or touching, of either the child or
2 the older person, with intent to arouse or to satisfy the sexual desires of
3 either the child or the older person, commits child molesting, a Class
4 C felony. However, the offense:

5 **(1) is a Class B felony if the person compels the child to**
6 **submit to the fondling or touching by using or threatening to**
7 **use force; and**

8 **(2) is a Class A felony if:**

9 ~~(1)~~ **(A)** it is committed by using or threatening the use of
10 deadly force;

11 ~~(2)~~ **(B)** it is committed while armed with a deadly weapon; or

12 ~~(3)~~ **(C)** the commission of the offense is facilitated by
13 furnishing the victim, without the victim's knowledge, with a
14 drug (as defined in IC 16-42-19-2(1)) or a controlled substance
15 (as defined in IC 35-48-1-9) or knowing that the victim was
16 furnished with the drug or controlled substance without the
17 victim's knowledge.

18 (c) It is a defense that the accused person reasonably believed that
19 the child was sixteen (16) years of age or older at the time of the
20 conduct, unless:

21 (1) the offense is committed by using or threatening the use of
22 deadly force or while armed with a deadly weapon;

23 (2) the offense results in serious bodily injury; or

24 (3) the commission of the offense is facilitated by furnishing the
25 victim, without the victim's knowledge, with a drug (as defined in
26 IC 16-42-19-2(1)) or a controlled substance (as defined in
27 IC 35-48-1-9) or knowing that the victim was furnished with the
28 drug or controlled substance without the victim's knowledge.

C
o
p
y

