

SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1001 be amended to read as follows:

- 1 Page 99, between lines 33 and 34, begin a new paragraph and
2 insert:
3 "SECTION 37. IC 2-2.1-4 IS ADDED TO THE INDIANA CODE
4 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2011]:
6 **Chapter 4. Quorum Breaking**
7 **Sec. 1. This chapter does not apply to a day that a member is:**
8 **(1) excused by the member's presiding officer; or**
9 **(2) has a verified illness or injury diagnosed by a licensed**
10 **physician that prevents the member from attending session.**
11 **Sec. 2. As used in this chapter, "body" refers to either of the**
12 **following:**
13 **(1) The house of representatives.**
14 **(2) The senate.**
15 **Sec. 3. As used in this chapter, "chamber" refers to either of**
16 **the following:**
17 **(1) The floor of the house of representatives.**
18 **(2) The floor of the senate.**
19 **Sec. 4. As used in this chapter, "election district" has the**
20 **meaning set forth in IC 3-5-2-19.**
21 **Sec. 5. As used in this chapter, "final week of session" is**
22 **defined as the period of April 22-29 in odd-numbered years, and**
23 **March 7-14 in even-numbered years.**
24 **Sec. 6. As used in this chapter, "member" refers to either of**
25 **the following:**
26 **(1) A member of the house of representatives.**
27 **(2) A member of the senate.**
28 **Sec. 7. As used in this chapter, "presiding officer" refers to the**
29 **following:**
30 **(1) For the house of representatives, the speaker of the house**
31 **of representatives.**
32 **(2) For the senate, the president pro tempore of the senate.**

1 **Sec. 8. (a) Except during the final week of session or during**
2 **special session, this section does not apply to an absence of fewer**
3 **than three (3) consecutive session days, regardless of the reason for**
4 **the absence.**

5 **(b) A member who, with the intent to defeat, delay, or obstruct**
6 **legislative action, is absent from the member's chamber with the**
7 **result that the member's body is unable to form a quorum,**
8 **commits the act of legislative bolting and is liable for a civil**
9 **penalty.**

10 **Sec. 9. (a) A citizen who resides in the election district of a**
11 **member described in section 8 of this chapter has a cause of action**
12 **against the member in a court of a county that has territory in the**
13 **member's election district.**

14 **(b) A citizen, without the intent to subvert this section, who**
15 **brings an action must show by a preponderance of the evidence**
16 **that the member has violated section 8 of this chapter and is**
17 **entitled to the following:**

18 **(1) An order imposing a civil penalty of one thousand dollars**
19 **(\$1,000) for each day the member has violated section 8 of**
20 **this chapter.**

21 **(2) Attorney's fees and court costs.**

22 **(c) A civil penalty imposed under this section shall be paid to**
23 **the state general fund.**

24 **Sec. 10. A penalty imposed under this chapter on a member**
25 **who violates section 8 of this chapter is in addition to any penalties**
26 **imposed by the member's body under the Constitution of the State**
27 **of Indiana and the rules adopted by the member's chamber."**

28 Page 247, between lines 24 and 25, begin a new paragraph and
29 insert:

30 "SECTION 243. IC 35-32-2-1, AS AMENDED BY P.L.115-2005,
31 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
32 JULY 1, 2011]: Sec. 1. (a) Criminal actions shall be tried in the county
33 where the offense was committed, except as otherwise provided by law.

34 (b) If a person committing an offense upon the person of another
35 is located in one (1) county and the person's victim is located in another
36 county at the time of the commission of the offense, the trial may be in
37 either of the counties.

38 (c) If the offense involves killing or causing the death of another
39 human being, the trial may be in the county in which the:

40 (1) cause of death is inflicted;

41 (2) death occurs; or

42 (3) victim's body is found.

43 (d) If an offense is committed in Indiana and it cannot readily be
44 determined in which county the offense was committed, trial may be in
45 any county in which an act was committed in furtherance of the
46 offense.

47 (e) If an offense is commenced outside Indiana and completed
48 within Indiana, the offender may be tried in any county where any act
49 in furtherance of the offense occurred.

50 (f) If an offense commenced inside Indiana is completed outside
51 Indiana, the offender shall be tried in any county where an act in
52 furtherance of the offense occurred.

1 (g) If an offense is committed on the portions of the Ohio or
 2 Wabash Rivers where they form a part of the boundaries of this state,
 3 trial may be in the county that is adjacent to the river and whose
 4 boundaries, if projected across the river, would include the place where
 5 the offense was committed.

6 (h) If an offense is committed at a place which is on or near a
 7 common boundary which is shared by two (2) or more counties and it
 8 cannot be readily determined where the offense was committed, then
 9 the trial may be in any county sharing the common boundary.

10 (i) If an offense is committed on a public highway (as defined in
 11 IC 9-25-2-4) that runs on and along a common boundary shared by two
 12 (2) or more counties, the trial may be held in any county sharing the
 13 common boundary.

14 (j) If an offense is committed by use of the Internet or another
 15 computer network (as defined in IC 35-43-2-3), the trial may be held
 16 in any county:

17 (1) from which or to which access to the Internet or other
 18 computer network was made; or

19 (2) in which any computer, computer data, computer software,
 20 or computer network that was used to access the Internet or other
 21 computer network is located.

22 (k) If an offense:

23 (1) is committed by use of:

24 (A) the Internet or another computer network (as defined in
 25 IC 35-43-2-3); or

26 (B) another form of electronic communication; and

27 (2) occurs outside Indiana and the victim of the offense resides
 28 in Indiana at the time of the offense;

29 the trial may be held in the county where the victim resides at the time
 30 of the offense.

31 **(l) The definitions in IC 2-2.1-4 apply in this subsection. If an**
 32 **offense is a violation of IC 2-2.1-4-7, the trial may be held in any of**
 33 **the following:**

34 **(1) Marion County.**

35 **(2) Any county that has territory in the member's election**
 36 **district."**

37 Renumber all SECTIONS consecutively.

(Reference is to EHB 1001 as printed April 19, 2011.)

Senator YOUNG R MICHAEL