

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 287 be amended to read as follows:

- 1 Page 4, between lines 36 and 37, begin a new paragraph and insert:
2 "SECTION 3. IC 5-2-6.1-7.5 IS ADDED TO THE INDIANA CODE
3 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
4 1, 2012]: **Sec. 7.5. As used in this chapter, "victim of a child sex
5 crime" means an individual who was the victim of:**
6 **(1) child molesting (IC 35-42-4-3(a));**
7 **(2) vicarious sexual gratification (IC 35-42-4-5);**
8 **(3) child solicitation (IC 35-42-4-6);**
9 **(4) child seduction (IC 35-42-4-7); or**
10 **(5) incest (IC 35-46-1-3);**
11 **and was less than eighteen (18) years of age at the time the crime**
12 **occurred.**
13 SECTION 4. IC 5-2-6.1-8, AS AMENDED BY P.L.129-2009,
14 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2012]: **Sec. 8. As used in this chapter, "violent crime" means**
16 **the following:**
17 **(1) A crime under the Indiana Code that is a felony of any kind or**
18 **a Class A misdemeanor that results in bodily injury or death to the**
19 **victim but does not include any of the following:**
20 **(A) A crime under IC 9-30-5 resulting from the operation of a**
21 **vehicle other than a motor vehicle.**
22 **(B) Involuntary manslaughter resulting from the operation of**
23 **a motor vehicle by a person who was not intoxicated (IC**
24 **35-42-1-4).**

- 1 (C) Reckless homicide resulting from the operation of a motor
 2 vehicle by a person who was not intoxicated (IC 35-42-1-5).
 3 (D) Criminal recklessness involving the use of a motor
 4 vehicle, unless the offense was intentional or the person using
 5 the motor vehicle was intoxicated (IC 35-42-2-2).
 6 (E) A crime involving the operation of a motor vehicle if the
 7 driver of the motor vehicle was not charged with an offense
 8 under IC 9-30-5.
 9 **(F) Battery upon a child (IC 35-42-2-1(a)(2)(B)).**
 10 **(G) Child molesting (IC 35-42-4-3).**
 11 **(H) Child seduction (IC 35-42-4-7).**
 12 (2) A crime in another jurisdiction in which the elements of the
 13 crime are substantially similar to the elements of a crime that, if
 14 the crime results in death or bodily injury to the victim, would be
 15 a felony or a Class A misdemeanor if committed in Indiana.
 16 However, the term does not include any of the following:
 17 (A) A crime in another jurisdiction resulting from operating a
 18 vehicle, other than a motor vehicle, while intoxicated.
 19 (B) A crime in another jurisdiction with elements substantially
 20 similar to involuntary manslaughter resulting from the
 21 operation of a motor vehicle if the crime was committed by a
 22 person who was not intoxicated.
 23 (C) A crime in another jurisdiction with elements substantially
 24 similar to reckless homicide resulting from the operation of a
 25 motor vehicle if the crime was committed by a person who was
 26 not intoxicated.
 27 (D) A crime in another jurisdiction with elements substantially
 28 similar to criminal recklessness involving the use of a motor
 29 vehicle unless the offense was intentional or the person using
 30 the motor vehicle was intoxicated.
 31 (E) A crime involving the operation of a motor vehicle if the
 32 driver of the motor vehicle was not charged with an offense
 33 under IC 9-30-5.
 34 (3) A terrorist act.
 35 SECTION 5. IC 5-2-6.1-16, AS AMENDED BY P.L.121-2006,
 36 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2012]: Sec. 16. (a) A person eligible for assistance under
 38 section 12 of this chapter may file an application for assistance with the
 39 division if the violent crime was committed in Indiana.
 40 (b) **Except as provided in subsection (e)**, the application must be
 41 received by the division not more than one hundred eighty (180) days
 42 after the date the crime was committed. The division may grant an
 43 extension of time for good cause shown by the claimant. However, **and**
 44 **except as provided in subsection (e)**, the division may not accept an
 45 application that is received more than two (2) years after the date the
 46 crime was committed.

1 (c) The application must be filed in the office of the division in
2 person, through the division's web site, or by first class or certified
3 mail. If requested, the division shall assist a victim in preparing the
4 application.

5 (d) The division shall accept all applications filed in compliance
6 with this chapter. Upon receipt of a complete application, the division
7 shall promptly begin the investigation and processing of an application.

8 (e) **An alleged victim of a child sex crime may submit an**
9 **application to the division until the victim becomes thirty-one (31)**
10 **years of age.**

11 (f) **An alleged victim of a battery upon a child under**
12 **IC 35-42-2-1(a)(2)(B) may submit an application to the division not**
13 **later than five (5) years after the commission of the offense.**

14 SECTION 6. IC 5-2-6.1-17, AS AMENDED BY P.L.129-2009,
15 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2012]: Sec. 17. (a) **Except for an alleged victim of a child**
17 **sex crime**, the division may not award compensation under this chapter
18 unless the violent crime was reported to a law enforcement officer not
19 more than seventy-two (72) hours after the occurrence of the crime.

20 (b) The division may not award compensation under this chapter
21 until:

- 22 (1) law enforcement and other records concerning the
23 circumstances of the crime are available; and
- 24 (2) any criminal investigation directly related to the crime has
25 been substantially completed.

26 (c) If the crime involved a motor vehicle, the division may not
27 award compensation under this chapter until an information or
28 indictment alleging the commission of a crime has been filed by a
29 prosecuting attorney."

30 Renumber all SECTIONS consecutively.
(Reference is to ESB 287 as printed February 24, 2012.)

Representative Lawson L