

SENATE BILL No. 264

DIGEST OF INTRODUCED BILL

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

Synopsis: Child solicitation. Increases the penalty for child solicitation to a Class B felony if a person commits the offense by using a computer network and travels to meet the child. Increases the penalty for child solicitation to a Class B felony if the person committing the crime has a previous unrelated conviction for child solicitation.

Effective: July 1, 2012.

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January 4, 2012, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

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Second Regular Session 117th General Assembly (2012)

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 2011 Regular Session of the General Assembly.

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SENATE BILL No. 264



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, 2012]: 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).
12 (b) A person eighteen (18) years of age or older who knowingly or
13 intentionally solicits a child under fourteen (14) years of age, or an
14 individual the person believes to be a child under fourteen (14) years
15 of age, to engage in
16 (1) sexual intercourse,
17 (2) deviate sexual conduct, or



1 (3) any fondling or touching intended to arouse or satisfy the
2 sexual desires of either the child or the older person,
3 commits child solicitation, a Class D felony. However, the offense is
4 a Class C felony if it is committed by using a computer network (as
5 defined in IC 35-43-2-3(a)), and a Class B felony if the person:
6 (1) commits the offense by using a computer network (as defined
7 in IC 35-43-2-3(a)) and **travels to meet the child or individual**
8 **the person believes to be a child; or**
9 (2) has a previous unrelated conviction for committing ~~the an~~
10 offense **under this section. by using a computer network (as**
11 **defined in IC 35-43-2-3(a)).**
12 (c) A person at least twenty-one (21) years of age who knowingly or
13 intentionally solicits a child at least fourteen (14) years of age but less
14 than sixteen (16) years of age, or an individual the person believes to
15 be a child at least fourteen (14) years of age but less than sixteen (16)
16 years of age, to engage in
17 (+) sexual intercourse,
18 (2) deviate sexual conduct, or
19 (3) any fondling or touching intended to arouse or satisfy the
20 sexual desires of either the child or the older person, commits
21 child solicitation, a Class D felony. However, the offense is a
22 Class C felony if it is committed by using a computer network (as
23 defined in IC 35-43-2-3(a)), and a Class B felony if the person:
24 (1) commits the offense by using a computer network (as defined
25 in IC 35-43-2-3(a)) and **travels to meet the child or individual**
26 **the person believes to be a child; or**
27 (2) has a previous unrelated conviction for committing ~~the an~~
28 offense **under this section. by using a computer network (as**
29 **defined in IC 35-43-2-3(a)).**
30 (d) In a prosecution under this section, including a prosecution for
31 attempted solicitation, the state is not required to prove that the person
32 solicited the child to engage in an act described in subsection (b) or (c)
33 at some immediate time.

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