

SENATE BILL No. 339

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-42-4-7.

Synopsis: Child seduction. Provides that a law enforcement officer who engages in sexual conduct with a child who is at least 16 years of age but less than 18 years of age and at least five years younger than the law enforcement officer commits child seduction, a Class D felony.

Effective: July 1, 2012.

Yoder

January 9, 2012, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

C
o
p
y



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.

C
O
P
Y

SENATE BILL No. 339



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 35-42-4-7, AS AMENDED BY P.L.125-2009,
- 2 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2012]: Sec. 7. (a) As used in this section, "adoptive parent"
- 4 has the meaning set forth in IC 31-9-2-6.
- 5 (b) As used in this section, "adoptive grandparent" means the parent
- 6 of an adoptive parent.
- 7 (c) As used in this section, "charter school" has the meaning set
- 8 forth in IC 20-18-2-2.5.
- 9 (d) As used in this section, "child care worker" means a person who:
- 10 (1) provides care, supervision, or instruction to a child within the
- 11 scope of the person's employment in a shelter care facility;
- 12 (2) is employed by a:
- 13 (A) school corporation;
- 14 (B) charter school;
- 15 (C) nonpublic school; or
- 16 (D) special education cooperative;
- 17 attended by a child who is the victim of a crime under this



- 1 chapter; or
 2 (3) is:
 3 (A) affiliated with a:
 4 (i) school corporation;
 5 (ii) charter school;
 6 (iii) nonpublic school; or
 7 (iv) special education cooperative;
 8 attended by a child who is the victim of a crime under this
 9 chapter, regardless of how or whether the person is
 10 compensated;
 11 (B) in a position of trust in relation to a child who attends the
 12 school or cooperative;
 13 (C) engaged in the provision of care or supervision to a child
 14 who attends the school or cooperative; and
 15 (D) at least four (4) years older than the child who is the
 16 victim of a crime under this chapter.
 17 The term does not include a student who attends the school or
 18 cooperative.
 19 (e) As used in this section, "custodian" means any person who
 20 resides with a child and is responsible for the child's welfare.
 21 (f) As used in this section, "military recruiter" means a member of
 22 the armed forces of the United States (as defined in IC 20-33-10-2) or
 23 the Indiana National Guard whose primary job function, classification,
 24 or specialty is recruiting individuals to enlist with the armed forces of
 25 the United States or the Indiana National Guard.
 26 (g) As used in this section, "nonpublic school" has the meaning set
 27 forth in IC 20-18-2-12.
 28 (h) As used in this section, "school corporation" has the meaning set
 29 forth in IC 20-18-2-16.
 30 (i) As used in this section, "special education cooperative" has the
 31 meaning set forth in IC 20-35-5-1.
 32 (j) As used in this section, "stepparent" means an individual who is
 33 married to a child's custodial or noncustodial parent and is not the
 34 child's adoptive parent.
 35 (k) If a person who:
 36 (1) is at least eighteen (18) years of age; and
 37 (2) is:
 38 (A) the:
 39 (i) guardian, adoptive parent, adoptive grandparent,
 40 custodian, or stepparent of; or
 41 (ii) child care worker for; or
 42 (B) a military recruiter who is attempting to enlist;

C
O
P
Y

1 a child at least sixteen (16) years of age but less than eighteen
2 (18) years of age;
3 engages with the child in sexual intercourse, deviate sexual conduct,
4 (as defined in IC 35-41-1-9), or any fondling or touching with the intent
5 to arouse or satisfy the sexual desires of either the child or the adult,
6 the person commits child seduction, a Class D felony.
7 **(l) A law enforcement officer who:**
8 **(1) engages with a child at least sixteen (16) years of age but**
9 **less than eighteen (18) years of age in sexual intercourse,**
10 **deviate sexual conduct, or any fondling or touching with the**
11 **intent to arouse or satisfy the sexual desires of either the child**
12 **or the law enforcement officer; and**
13 **(2) is at least five (5) years older than the child;**
14 **commits child seduction, a Class D felony.**

C
o
p
y

