

HOUSE BILL No. 1253

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-46-1-4.

Synopsis: Reporting missing children. Makes it neglect of a dependent, a Class D felony, to wait more than 24 hours before reporting that a child less than 12 years of age is missing.

Effective: July 1, 2012.

**VanNatter, Heaton, Ubelhor,
Mahan**

January 9, 2012, read first time and referred to Committee on Courts and Criminal Code.

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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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HOUSE BILL No. 1253



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 35-46-1-4, AS AMENDED BY P.L.109-2007,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2012]: Sec. 4. (a) A person having the care of a dependent,
4 whether assumed voluntarily or because of a legal obligation, who
5 knowingly or intentionally:
6 (1) places the dependent in a situation that endangers the
7 dependent's life or health;
8 (2) abandons or cruelly confines the dependent;
9 (3) deprives the dependent of necessary support; ~~or~~
10 (4) deprives the dependent of education as required by law; **or**
11 **(5) knowing a dependent child less than twelve (12) years of**
12 **age is missing, waits more than twenty-four (24) hours before**
13 **reporting to a law enforcement agency that the child is**
14 **missing;**
15 commits neglect of a dependent, a Class D felony.
16 (b) However, the offense is:
17 (1) a Class C felony if it is committed under subsection (a)(1),



- 1 (a)(2), or (a)(3) and:
 2 (A) results in bodily injury; or
 3 (B) is:
 4 (i) committed in a location where a person is violating
 5 IC 35-48-4-1 (delivery, financing, or manufacture of
 6 cocaine, methamphetamine, or a narcotic drug); or
 7 (ii) the result of a violation of IC 35-48-4-1 (delivery,
 8 financing, or manufacture of cocaine, methamphetamine, or
 9 a narcotic drug);
 10 (2) a Class B felony if it is committed under subsection (a)(1),
 11 (a)(2), or (a)(3) and results in serious bodily injury;
 12 (3) a Class A felony if it is committed under subsection (a)(1),
 13 (a)(2), or (a)(3) by a person at least eighteen (18) years of age and
 14 results in the death of a dependent who is less than fourteen (14)
 15 years of age; and
 16 (4) a Class C felony if it is committed under subsection (a)(2) and
 17 consists of cruel confinement or abandonment that:
 18 (A) deprives a dependent of necessary food, water, or sanitary
 19 facilities;
 20 (B) consists of confinement in an area not intended for human
 21 habitation; or
 22 (C) involves the unlawful use of handcuffs, a rope, a cord,
 23 tape, or a similar device to physically restrain a dependent.
 24 (c) It is a defense to a prosecution based on an alleged act under this
 25 section that:
 26 (1) the accused person left a dependent child who was, at the time
 27 the alleged act occurred, not more than thirty (30) days of age
 28 with an emergency medical provider who took custody of the
 29 child under IC 31-34-2.5 when:
 30 (A) the prosecution is based solely on the alleged act of
 31 leaving the child with the emergency medical services
 32 provider; and
 33 (B) the alleged act did not result in bodily injury or serious
 34 bodily injury to the child; or
 35 (2) the accused person, in the legitimate practice of the accused
 36 person's religious belief, provided treatment by spiritual means
 37 through prayer, in lieu of medical care, to the accused person's
 38 dependent.
 39 (d) Except for property transferred or received:
 40 (1) under a court order made in connection with a proceeding
 41 under IC 31-15, IC 31-16, IC 31-17, or IC 31-35 (or IC 31-1-11.5
 42 or IC 31-6-5 before their repeal); or

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1 (2) under ~~IC 35-46-1-9(b)~~; **section 9(b) of this chapter;**
2 a person who transfers or receives any property in consideration for the
3 termination of the care, custody, or control of a person's dependent
4 child commits child selling, a Class D felony.

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