CONFERENCE COMMITTEE REPORT
DIGEST FOR EHB 1006

Citations Affected: IC 35-50-2-2.2.

Synopsis: Various changes to the criminal code. Conference committee report for Engrossed House Bill 1006. Makes various changes to the criminal code, including changes to the law concerning community corrections, probation, sentencing, probation funding, drug and alcohol program funding, involuntary manslaughter, communicable disease crimes, battery, hazing, obstruction of traffic crimes, interference with medical services crimes, kidnapping, confinement, criminal mischief, railroad mischief, computer crimes, theft, deception and fraud crimes, timber spiking, offenses against general public administration, criminal gang activity crimes, stalking, offenses against public health, child care provider crimes, weapon crimes, drug crimes, protection zones, and rape. Repeals the law concerning criminal deviate conduct, and consolidates the crime of criminal deviate conduct into the crime of rape. Changes the phrase "deviate sexual conduct" to "other sexual conduct". Repeals laws concerning carjacking, and failure of a student athlete to disclose recruitment. Removes the current four level felony penalty classification and replaces that classification with a six level felony penalty classification. Assigns new felony penalties to each crime. Permits a judge to contact the local department of child services directly to report suspected cases of child abuse or neglect under certain conditions, and provides that a child who lives in the same household as a person charged with and awaiting trial for certain sex offenses is a child in need of services. Removes the misdemeanor penalty for the entry or attempted entry by a person under the age of 21 into certain facilities that permit gambling and makes the violation an infraction. Urges the legislative council to: (1) require an existing study committee to evaluate the criminal law statutes in IC 7.1 and IC 9 and to make recommendations to the general assembly for the modification of the criminal law statutes in those titles; (2) study recidivism in Indiana; (3) study criminal justice funding issues; (4) study advisory sentences; and (5) study the suspendibility of sentences. Makes technical corrections. Makes conforming amendments. (The introduced version of this bill was prepared by the criminal code evaluation commission.) **(This conference committee report: (1) reestablishes advisory sentences; (2) returns the suspendibility provisions to the form they had when the bill left the senate committee; (3) permits a judge to directly contact a local office of family and children to report suspected cases of abuse or neglect, after first attempting to use the child abuse hotline, and makes this provision effective July 1, 2013; (4) urges the legislative council to have a study committee study issues concerning advisory sentences, suspendible sentences, criminal justice funding, recidivism, and other**

issues related to sentencing; and (5) makes technical corrections and resolves conflicts.)

Effective: July 1, 2013; July 1, 2014.

Adopted	Rejected

CONFERENCE COMMITTEE REPORT

MR. SPEAKER:

Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill No. 1006 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Page 65, line 23, delete "P.L.125-2012," and insert "SEA 538-2013, SECTION 56,".
Page 65, line 24, delete "SECTION 220,".
Page 65, line 26, after "chapter" insert "by a person whose driving privileges were suspended under IC 9-30-6-9(c) or IC 35-48-4-15".
Page 65, delete lines 37 through 38.
Page 65, line 39, delete "(3)" and insert "(2)".
Page 65, line 41, delete "(4)" and insert "(3)".
Page 65, after line 42, begin a new line block indented and insert:
"(4) The driving privileges of the person have not previously been suspended more than one (1) time for any reason.".
Page 66, line 9, delete "probationary" and insert "restricted".
Page 66, line 14, delete "probationary" and insert "restricted".
Page 66, line 15, delete "probationary" and insert "restricted".
Page 71, line 7, after "IC 9-30-10-17" insert ", AS AMENDED BY SEA 538-2013, SECTION 106,".
Page 71, line 8, after "17." insert "(a)".
Page 71, between lines 12 and 13, begin a new paragraph and insert:
"(b) In addition to any criminal penalties imposed for a conviction of an offense described in subsection (a), the bureau shall suspend the person's driving privileges for the life of the person.".
Page 71, line 13, delete "P.L.125-2012," and insert "SEA 538-2013,

SECTION 108,".

Page 71, line 14, delete "SECTION 367,".

Page 71, line 20, after "years." insert "If the court recommends a fixed term of suspension that is less than the minimum term required by statute, the bureau shall impose the minimum period of suspension under this section.".

Page 119, line 3, after "(IC 35-42-2-1(b)(2))" insert "**,**".

Page 125, line 8, delete "P.L.78-2012," and insert "SEA 536-2013, SECTION 6,".

Page 125, line 9, delete "SECTION 5,".

Page 126, line 12, after "hashish," insert "or".

Page 126, line 12, delete "or a synthetic".

Page 126, line 13, delete "drug".

Page 126, between lines 13 and 14, begin a new line block indented and insert:

"(19) Dealing in a synthetic drug or synthetic drug lookalike substance (IC 35-48-4-10.5, or IC 35-48-4-10(b) before its amendment in 2013).".

Page 126, line 14, delete "(19)" and insert "(20)".

Page 126, line 15, delete "(20)" and insert "(21)".

Page 126, line 16, delete "(21)" and insert "(22)".

Page 126, line 17, delete "(22)" and insert "(23)".

Page 126, line 18, delete "(23)" and insert "(24)".

Page 126, line 28, delete "(24)" and insert "(25)".

Page 126, line 29, delete "(25)" and insert "(26)".

Page 126, line 30, delete "(26)" and insert "(27)".

Page 126, line 31, delete "(27)" and insert "(28)".

Page 126, line 35, delete "(28)" and insert "(29)".

Page 126, line 39, delete "(29)" and insert "(30)".

Page 126, line 40, delete "subdivisions (1) through (28)." and insert "this subsection.".

Page 126, line 41, delete "(30)" and insert "(31)".

Page 126, line 42, delete "subdivisions (1) through (28)." and insert "this subsection.".

Page 144, line 17, delete "P.L.90-2007," and insert "SEA 589-2013, SECTION 9,".

Page 144, line 18, delete "SECTION 3,".

Page 146, line 5, delete "a" and insert "an approved".

Page 146, line 5, delete "accredited by an" and insert "described in IC 25-27.5-2-2;".

Page 146, delete line 6.

Page 149, line 11, strike "his" and insert "**the warehouseman's**".

Page 156, line 4, delete "two-family" and insert "two **(2)** family".

Page 164, line 26, reset in roman "(20)".

Page 164, line 26, delete "(19)".

Page 166, line 18, reset in roman "(12);".

Page 166, line 18, delete "(11);".

Page 167, line 21, delete "UPON PASSAGE]:" and insert "JULY 1, 2013]:".

Page 167, line 22, delete "neglect, any:" and insert "**neglect, a judge**

who wishes to contact the department shall first use the child abuse hotline to report the suspected child abuse or neglect to the department. If the:

(1) judge does not obtain a response from the child abuse hotline; or

(2) response the judge obtains from the hotline will not, in the opinion of the judge, serve the best interests of the child;

the judge may contact a local office of the department directly to report the suspected child abuse or neglect.".

Page 167, delete lines 23 through 28.

Page 168, line 18, delete "[EFFECTIVE UPON PASSAGE]" and insert "[EFFECTIVE JULY 1, 2013]".

Page 171, line 4, reset in roman "(vii)".

Page 171, line 4, delete "(vi)".

Page 172, line 36, reset in roman "(vii)".

Page 172, line 36, delete "(vi)".

Page 176, line 41, reset in roman "(vii)".

Page 176, line 41, delete "(vi)".

Page 181, line 41, reset in roman "(vi)".

Page 181, line 41, delete "(v)".

Page 188, line 3, reset in roman "Class A or Class B".

Page 188, line 3, before "Level" insert "**felony (for a crime committed before July 1, 2014) or a**".

Page 188, line 4, after "4 felony" insert "**(for a crime committed after June 30, 2014)**".

Page 214, line 18, delete "Confinement" and insert "**Criminal confinement**".

Page 214, line 34, after "hundred" insert "**(500)**".

Page 214, line 35, delete "(500)".

Page 216, line 23, after "has" insert "been convicted for the first time of a Class C or ~~a~~ Class D felony **(for a crime committed before July 1, 2014) or a Level 5 or Level 6 felony (for a crime committed after June 30, 2014);** and".

Page 216, delete lines 24 through 25.

Page 329, line 9, delete "~~Class B~~" and insert "~~Class B~~".

Page 357, line 42, delete "afer" and insert "**after**".

Page 395, line 19, reset in roman "However, except for crimes of".

Page 395, reset in roman lines 20 through 25.

Page 397, line 39, delete "thirty (30)" and insert "**twenty (20)**".

Page 397, line 41, delete "twenty (20)" and insert "**ten (10)**".

Page 398, line 1, delete "twelve (12)" and insert "**three (3)**".

Page 398, line 3, delete "six (6)" and insert "**two (2)**".

Page 398, line 5, delete "two (2) years;" and insert "**one (1) year;**".

Page 401, delete lines 12 through 30, begin a new paragraph, and insert:

"SECTION 654. IC 35-50-2-2.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 2.2. (a) Except as provided in subsection (b) or (c), the court may suspend any part of a sentence for a felony.**

(b) If a person is convicted of a Level 1 felony or a Level 2 felony and has any prior unrelated felony conviction, the court may suspend only that part of a sentence that is in excess of the minimum sentence for the:

(1) Level 1 felony; or

(2) Level 2 felony.

(c) The court may suspend only that part of a sentence for murder that is in excess of the minimum sentence for murder.".

Page 401, line 36, delete "years." and insert "years,".

Page 401, line 36, reset in roman "with the advisory".

Page 401, line 37, reset in roman "sentence being thirty (30) years.".

Page 402, line 1, delete "years." and insert "**years, with the advisory sentence being seventeen and one-half (17 1/2) years.**".

Page 402, line 7, delete "years." and insert "years,".

Page 402, line 7, reset in roman "with the advisory".

Page 402, line 8, reset in roman "sentence being ten (10) years.".

Page 402, line 12, delete "years." and insert "**years, with the advisory sentence being six (6) years.**".

Page 402, line 18, delete "years." and insert "**years, with the advisory sentence being four (4) years.**".

Page 402, line 24, delete "years." and insert "years,".

Page 402, line 24, reset in roman "with the advisory".

Page 402, line 25, reset in roman "sentence being four (4) years.".

Page 402, line 37, delete "years." and insert "**years, with the advisory sentence being two (2) years.**".

Page 403, line 10, delete "years." and insert "years,".

Page 403, line 10, reset in roman "with the advisory sentence being one and one-half (1 1/2) years.".

Page 403, line 15, delete "years." and insert "**years, with the advisory sentence being one (1) year.**".

Page 410, line 40, delete "Before July 1, 2014, battery" and insert "Battery **committed before July 1, 2014,**".

Page 410, line 41, after "or" insert "**battery committed**".

Page 410, line 42, delete "battery".

Page 414, line 13, after "or" insert "~~a~~".

Page 417, line 11, delete ":" and insert "**the following:**".

Page 425, delete lines 9 through 24, begin a new line double block indented and insert:

"(A) a Class A felony;

(B) a Class B felony;

(C) a Class C felony; ~~or~~

(D) at least two (2) Class D felonies; ~~or~~

(E) a Level 1 felony;

(F) a Level 2 felony;

(G) a Level 3 felony;

(H) a Level 4 felony;

(I) a Level 5 felony; or

(J) at least two (2) Level 6 felonies; or

(2) has been adjudicated as a delinquent child for:

(A) an act that would be:

(i) a Class A felony;
(ii) a Class B felony; ~~or~~
(iii) a Class C felony; ~~or~~
(iv) a Level 1 felony;
(v) a Level 2 felony;
(vi) a Level 3 felony;
(vii) a Level 4 felony; or
(viii) a Level 5 felony; or
(B) acts that would be at least two (2):
(i) Class D felonies; **or**
(ii) Level 6 felonies;
if committed by an adult;".

Page 430, line 17, delete "to evaluate the" and insert "**to do the following:**
(1) Evaluate the".

Page 430, line 20, delete "IC 9." and insert "**IC 9.**
(2) Study and make recommendations to the general assembly concerning advisory sentences, including whether the Indiana criminal code should use advisory sentences.
(3) Study and make recommendations to the general assembly concerning the suspendibility of sentences.
(4) Study the issue of recidivism as it applies to Indiana inmates.
(5) Study and make recommendations to the general assembly concerning criminal justice funding.
(6) Study and make recommendations to the general assembly concerning sentencing laws and other issues related to sentencing.".

Page 430, delete line 22 and insert:

"SECTION 684. [EFFECTIVE JULY 1, 2013] **The legislative services agency shall prepare legislation for introduction in the 2014 regular session of the general assembly that corrects statutes affected by this act, if necessary.**".

(Reference is to EHB 1006 as reprinted April 10, 2013.)

Conference Committee Report
on
Engrossed House Bill 1006

Signed by:

Representative Steuerwald Chairperson	Senator Steele
Representative Pierce	Senator Hume
House Conferees	**Senate Conferees**