

## SENATE BILL No. 53

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 35-31.5-2; IC 35-42-4-7.

**Synopsis:** Child seduction. Provides that the offense of child seduction, a Class D felony, includes a mental health professional engaging in certain sexual behavior with a patient who is at least 16 years of age but less than 18 years of age.

**Effective:** July 1, 2013.

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### Boots

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January 7, 2013, read first time and referred to Committee on Corrections & Criminal Law.

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First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

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## SENATE BILL No. 53



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 35-31.5-2-197.5 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2013]: **Sec. 197.5. "Mental health**  
4 **professional", for purposes of IC 35-42-4-7, has the meaning set**  
5 **forth in IC 35-42-4-7(f).**

6 SECTION 2. IC 35-31.5-2-200, AS ADDED BY P.L.114-2012,  
7 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
8 JULY 1, 2013]: Sec. 200. "Military recruiter", for purposes of  
9 IC 35-42-4-7, has the meaning set forth in ~~IC 35-42-4-7(f)~~.  
10 **IC 35-42-4-7(g).**

11 SECTION 3. IC 35-31.5-2-211, AS ADDED BY P.L.114-2012,  
12 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
13 JULY 1, 2013]: Sec. 211. "Nonpublic school", for purposes of  
14 IC 35-42-4-7, has the meaning set forth in ~~IC 35-42-4-7(g)~~.  
15 **IC 35-42-4-7(h).**

16 SECTION 4. IC 35-31.5-2-284, AS ADDED BY P.L.114-2012,  
17 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2013]: Sec. 284. "School corporation", for purposes of  
 2 IC 35-42-4-7, has the meaning set forth in ~~IC 35-42-4-7(h)~~.  
 3 **IC 35-42-4-7(i).**

4 SECTION 5. IC 35-31.5-2-309, AS ADDED BY P.L.114-2012,  
 5 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6 JULY 1, 2013]: Sec. 309. "Special education cooperative", for purposes  
 7 of IC 35-42-4-7, has the meaning set forth in ~~IC 35-42-4-7(i)~~.  
 8 **IC 35-42-4-7(j).**

9 SECTION 6. IC 35-31.5-2-313, AS ADDED BY P.L.114-2012,  
 10 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 11 JULY 1, 2013]: Sec. 313. "Stepparent", for purposes of IC 35-42-4-7,  
 12 has the meaning set forth in ~~IC 35-42-4-7(j)~~. **IC 35-42-4-7(k).**

13 SECTION 7. IC 35-42-4-7, AS AMENDED BY P.L.114-2012,  
 14 SECTION 138, IS AMENDED TO READ AS FOLLOWS  
 15 [EFFECTIVE JULY 1, 2013]: Sec. 7. (a) As used in this section,  
 16 "adoptive parent" has the meaning set forth in IC 31-9-2-6.

17 (b) As used in this section, "adoptive grandparent" means the parent  
 18 of an adoptive parent.

19 (c) As used in this section, "charter school" has the meaning set  
 20 forth in IC 20-18-2-2.5.

21 (d) As used in this section, "child care worker" means a person who:

22 (1) provides care, supervision, or instruction to a child within the  
 23 scope of the person's employment in a shelter care facility;

24 (2) is employed by a:

25 (A) school corporation;

26 (B) charter school;

27 (C) nonpublic school; or

28 (D) special education cooperative;

29 attended by a child who is the victim of a crime under this  
 30 chapter; or

31 (3) is:

32 (A) affiliated with a:

33 (i) school corporation;

34 (ii) charter school;

35 (iii) nonpublic school; or

36 (iv) special education cooperative;

37 attended by a child who is the victim of a crime under this  
 38 chapter, regardless of how or whether the person is  
 39 compensated;

40 (B) in a position of trust in relation to a child who attends the  
 41 school or cooperative;

42 (C) engaged in the provision of care or supervision to a child

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1                   who attends the school or cooperative; and  
 2                   (D) at least four (4) years older than the child who is the  
 3                   victim of a crime under this chapter.  
 4           The term does not include a student who attends the school or  
 5           cooperative.  
 6           (e) As used in this section, "custodian" means any person who  
 7           resides with a child and is responsible for the child's welfare.  
 8           **(f) As used in this section, "mental health professional" means:**  
 9               **(1) a mental health counselor licensed under IC 25-23.6-8.5;**  
 10               **(2) a psychologist; or**  
 11               **(3) a psychiatrist.**  
 12           (f) **(g)** As used in this section, "military recruiter" means a member  
 13           of the armed forces of the United States (as defined in IC 20-33-10-2)  
 14           or the Indiana National Guard whose primary job function,  
 15           classification, or specialty is recruiting individuals to enlist with the  
 16           armed forces of the United States or the Indiana National Guard.  
 17           (g) **(h)** As used in this section, "nonpublic school" has the meaning  
 18           set forth in IC 20-18-2-12.  
 19           (h) **(i)** As used in this section, "school corporation" has the meaning  
 20           set forth in IC 20-18-2-16.  
 21           (i) **(j)** As used in this section, "special education cooperative" has  
 22           the meaning set forth in IC 20-35-5-1.  
 23           (j) **(k)** As used in this section, "stepparent" means an individual who  
 24           is married to a child's custodial or noncustodial parent and is not the  
 25           child's adoptive parent.  
 26           (k) **(l)** If a person who:  
 27               (1) is at least eighteen (18) years of age; and  
 28               (2) is:  
 29                   (A) the:  
 30                       (i) guardian, adoptive parent, adoptive grandparent,  
 31                       custodian, or stepparent of; or  
 32                       (ii) child care worker for; **or**  
 33                   (B) a military recruiter who is attempting to enlist; **or**  
 34                   **(C) a mental health professional for a patient who is;**  
 35               a child at least sixteen (16) years of age but less than eighteen  
 36               (18) years of age;  
 37           engages with the child in sexual intercourse, deviate sexual conduct (as  
 38           defined in IC 35-31.5-2-94), or any fondling or touching with the intent  
 39           to arouse or satisfy the sexual desires of either the child or the adult,  
 40           the person commits child seduction, a Class D felony.

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