

SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1179 be amended to read as follows:

- 1 Page 5, between lines 41 and 42, begin a new paragraph and insert:
2 "SECTION 2. IC 23-19-5-8, AS AMENDED BY P.L.156-2009,
3 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2013]: Sec. 8. (a) A person who knowingly violates this
5 article, or a rule adopted under this article, except ~~section sections 4~~
6 **and 11** of this chapter or the notice filing requirements of IC 23-19-3-2
7 or IC 23-19-4-5, commits a Class C felony.
8 (b) A person who knowingly violates section 1 of this chapter
9 commits a Class B felony if the person harmed, defrauded, misled, or
10 deceived by the violation is at least sixty (60) years of age.
11 (c) A person who knowingly violates section 1 of this chapter:
12 (1) while using or taking advantage of; or
13 (2) in connection with;
14 a relationship that is based on religious affiliation or worship commits
15 a Class B felony.
16 (d) It is the duty of a prosecuting attorney, as well as of the attorney
17 general, to assist the commissioner upon the commissioner's request in
18 the prosecution to final judgment of a violation of the penal provisions
19 of this article. If the commissioner determines that an action based on
20 the securities division's investigations is meritorious:
21 (1) the commissioner or a designee empowered by the
22 commissioner shall refer the facts drawn from the investigation to
23 the prosecuting attorney of the judicial circuit in which the crime
24 may have been committed;
25 (2) the commissioner and the securities division shall assist the
26 prosecuting attorney in prosecuting an action under this section,
27 which may include a securities division attorney serving as a
28 special deputy prosecutor appointed by the prosecuting attorney;
29 (3) a prosecuting attorney to whom facts concerning fraud are
30 referred under subdivision (1) may refer the matter to the attorney

1 general;
2 (4) if a matter has been referred to the attorney general under
3 subdivision (3), the attorney general may:
4 (A) file an information in a court with jurisdiction over the
5 matter in the county in which the offense is alleged to have
6 been committed; and
7 (B) prosecute the alleged offense; and
8 (5) if a matter has been referred to the attorney general under
9 subdivision (3), the commissioner and the securities division shall
10 assist the attorney general in prosecuting an action under this
11 section, which may include a securities division attorney serving
12 as a special deputy attorney general appointed by the attorney
13 general.
14 (e) This article does not limit the power of this state to punish a
15 person for conduct that constitutes a crime under other laws of this
16 state."
17 Renumber all SECTIONS consecutively.
(Reference is to HB 1179 as reprinted March 27, 2013.)

Senator SMITH J