SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 347 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 11-10-11.5-11, AS AMENDED BY P.L.3-2008, SECTION 89, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. **(a)** While assigned to a community transition program, a person must comply with:

(1) the rules concerning the conduct of persons in the community transition program, including rules related to payments described in section 12 of this chapter, that are adopted by the community corrections advisory board establishing the program or, in counties that are not served by a community corrections program, that are jointly adopted by the courts in the county with felony jurisdiction; and

(2) any conditions established by the sentencing court for the person.

(b) As a rule of the community transition program, a person convicted of a sex offense (as defined in IC 11-8-8-5.2) may not use a social networking web site (as defined in IC 35-31.5-2-307) or an instant messaging or chat room program (as defined in IC 35-31.5-2-173) to communicate, directly or through an intermediary, with a child less than sixteen (16) years of age. However, the rules of the community transition program may permit the offender to communicate using a social networking web site or an instant messaging or chat room program with the person's own child, stepchild, or sibling or another relative of the person specifically named in the rules applicable to that person.".

Page 1, strike line 4.

Page 1, line 15, after "IC 35-42-4-12(c)." insert "**means a software program that requires a person to register or create an account, a username, or a password to become a member or registered user**

of the program and allows two (2) or more members or authorized users to communicate over the Internet in real time using typed text. The term does not include an electronic mail program or message board program.".

Page 1, line 5, delete "IC 35-42-4-12.".

Page 1, line 8, strike "for purposes of" and insert "**means an Internet web site that:**

(1) facilitates the social introduction between two (2) or more persons;

(2) requires a person to register or create an account, a username, or a password to become a member of the web site and to communicate with other members;

(3) allows a member to create a web page or a personal profile; and

(4) provides a member with the opportunity to communicate with another person.

The term does not include an electronic mail program or message board program.".

Page 1, line 9, strike "IC 35-42-4-12, has the meaning set forth in".

Page 1, delete line 10, begin a new paragraph and insert:

"SECTION 3. IC 35-38-2-2.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2.7. As a condition of probation or parole after conviction for a sex offense (as defined in IC 11-8-8-5.2), the court shall prohibit the convicted person from using a social networking web site or an instant messaging or chat room program to communicate, directly or through an intermediary, with a child less than sixteen (16) years of age. However, the court may permit the offender to communicate using a social networking web site or an instant messaging or chat room program with the person's own child, stepchild, or sibling or another relative of the person specifically named in the court's order.**".

Page 3, line 9, strike "does not apply to a person to" and insert "**applies only to a sex offender (as defined in IC 11-8-8-4.5).**".

Page 3, strike lines 10 through 34, begin a new paragraph and insert:

"**(b) A sex offender who knowingly or intentionally violates a:**

(1) condition of probation;

(2) condition of parole; or

(3) rule of a community transition program;

that prohibits the offender from using a social networking web site or an instant messaging or chat room program to communicate, directly or through an intermediary, with a child less than sixteen (16) years of age, commits a sex offender internet offense, a Class A misdemeanor. However, the offense is a Class D felony if the person has a prior unrelated conviction under this section.".

Page 4, line 14, delete "(b)".

Page 4, line 14, strike "As used in this section, "instant messaging or chat room".

Page 4, strike lines 15 through 20.

Page 4, line 21, delete "(c)".

Page 4, line 21, strike "As used in this section, "social networking web site" means".

Page 4, strike lines 22 through 33.

Page 5, delete lines 1 through 25.

Page 5, line 34, delete "(f)" and insert "**(c)**".

Page 5, line 34, delete "(e)" and insert "**(b)**".

Page 5, after line 36, begin a new paragraph and insert:

"SECTION 5. IC 35-42-4-13, AS ADDED BY P.L.119-2008, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 13. (a) This section does not apply to the following:

(1) A parent, guardian, or custodian of a child.

(2) A person who acts with the permission of a child's parent, guardian, or custodian.

(3) A person to whom a child makes a report of abuse or neglect.

(4) A person to whom a child reports medical symptoms that relate to or may relate to sexual activity.

(b) As used in this section, "sexual activity" means sexual intercourse, deviate sexual conduct, or the fondling or touching of the buttocks, genitals, or female breasts.

(c) A person at least ~~twenty-one (21)~~ **eighteen (18)** years of age who knowingly or intentionally communicates with an individual whom the person believes to be a child less than fourteen (14) years of age concerning sexual activity with the intent to gratify the sexual desires of the person or the individual commits inappropriate communication with a child, a Class B misdemeanor. However, the offense is a Class A misdemeanor if the person commits the offense by using a computer network (as defined in IC 35-43-2-3(a)), **and a Class D felony if the person has a prior unrelated conviction for a sex offense (as**

defined in IC 11-8-8-5.2).

SECTION 6. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

(Reference is to SB 347 as printed February 8, 2013.)

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Senator TALLIAN