



Reprinted
February 19, 2013

SENATE BILL No. 114

DIGEST OF SB 114 (Updated February 18, 2013 2:30 pm - DI 106)

Citations Affected: IC 12-7; IC 12-17.2.

Synopsis: National criminal background checks for child care. Requires child care provider applicants, employees, and volunteers to undergo national criminal history background checks. Amends the list of convictions for which an individual is prohibited from being employed by or volunteering for certain entities that supervise children. Allows the state police department to collect fees or costs charged by the FBI or a private entity for national criminal history background checks related to child care. Requires child care providers to maintain records of the response to national criminal history checks. (The introduced version of this bill was prepared by the committee on child care.)

Effective: July 1, 2013.

**Holdman, Head, Miller Patricia,
Brodén, Randolph**

January 7, 2013, read first time and referred to Committee on Judiciary.
February 14, 2013, amended, reported favorably — Do Pass.
February 18, 2013, read second time, amended, ordered engrossed.

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SB 114—LS 6299/DI 97+



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.

SENATE BILL No. 114

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 12-7-2-53.2 IS ADDED TO THE INDIANA CODE
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2013]: **Sec. 53.2. "Dangerous felony", for purposes of IC 12-17.2,**
4 **means one (1) or more of the following felonies:**
5 (1) Murder (IC 35-42-1-1).
6 (2) Attempted murder (IC 35-41-5-1).
7 (3) Voluntary manslaughter (IC 35-42-1-3).
8 (4) Involuntary manslaughter (IC 35-42-1-4).
9 (5) Reckless homicide (IC 35-42-1-5).
10 (6) Aggravated battery (IC 35-42-2-1.5).
11 (7) Kidnapping (IC 35-42-3-2).
12 (8) Rape (IC 35-42-4-1).
13 (9) Criminal deviate conduct (IC 35-42-4-2).
14 (10) Child molesting (IC 35-42-4-3).
15 (11) Sexual misconduct with a minor as a Class A felony
16 under IC 35-42-4-9(a)(2) or a Class B felony under
17 IC 35-42-4-9(b)(2).

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- 1 (12) Robbery as a Class A or Class B felony (IC 35-42-5-1).
- 2 (13) Burglary as a Class A or Class B felony (IC 35-43-2-1).
- 3 (14) A felony committed in another jurisdiction that is
- 4 substantially similar to a felony in this section.

5 SECTION 2. IC 12-7-2-131.8 IS ADDED TO THE INDIANA
 6 CODE AS A NEW SECTION TO READ AS FOLLOWS
 7 [EFFECTIVE JULY 1, 2013]: Sec. 131.8. "National criminal history
 8 background check", for purposes of IC 12-17.2, means a national
 9 criminal history background check conducted by the state police
 10 department under IC 10-13-3-39.

11 SECTION 3. IC 12-17.2-2-1, AS AMENDED BY P.L.1-2009,
 12 SECTION 105, IS AMENDED TO READ AS FOLLOWS
 13 [EFFECTIVE JULY 1, 2013]: Sec. 1. The division shall perform the
 14 following duties:

- 15 (1) Administer the licensing and monitoring of child care centers
 16 or child care homes in accordance with this article.
- 17 (2) Ensure that a national criminal history background check of
 18 the applicant is completed through the state police department
 19 under ~~IC 10-13-3-39~~ before issuing a license.
- 20 (3) Ensure that a national criminal history background check of
 21 a child care ministry applicant for registration is completed before
 22 registering the child care ministry.
- 23 (4) Provide for the issuance, denial, suspension, and revocation of
 24 licenses.
- 25 (5) Cooperate with governing bodies of child care centers and
 26 child care homes and their staffs to improve standards of child
 27 care.
- 28 (6) Prepare at least biannually a directory of licensees with a
 29 description of the program capacity and type of children served
 30 that will be distributed to the legislature, licensees, and other
 31 interested parties as a public document.
- 32 (7) Deposit all license application fees collected under section 2
 33 of this chapter in the division of family resources child care fund
 34 established by ~~IC 12-17.2-2-3~~: **section 3 of this chapter.**
- 35 (8) Require each child care center or child care home to record
 36 proof of a child's date of birth before accepting the child. A child's
 37 date of birth may be proven by the child's original birth certificate
 38 or other reliable proof of the child's date of birth, including a duly
 39 attested transcript of a birth certificate.
- 40 (9) Provide an Internet site through which members of the public
 41 may obtain the following information:
 42 (A) Information concerning violations of this article by a

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- 1 licensed child care provider, including:
 2 (i) the identity of the child care provider;
 3 (ii) the date of the violation; and
 4 (iii) action taken by the division in response to the violation.
 5 (B) Current status of a child care provider's license.
 6 (C) Other relevant information.
- 7 The Internet site may not contain the address of a child care home
 8 or information identifying an individual child. However, the site
 9 may include the county and ZIP code in which a child care home
 10 is located.
- 11 (10) Provide or approve training concerning safe sleeping
 12 practices for children to:
 13 (A) a provider who operates a child care program in the
 14 provider's home as described in IC 12-17.2-3.5-5.5(b); and
 15 (B) a child care home licensed under IC 12-17.2-5;
 16 including practices to reduce the risk of sudden infant death
 17 syndrome.
- 18 SECTION 4. IC 12-17.2-3.5-12, AS AMENDED BY P.L.142-2006,
 19 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2013]: Sec. 12. (a) Except as provided in subsection (f), a
 21 provider shall ~~at no expense to the state~~, maintain and make available
 22 to the division upon request a copy of **the response to a limited**
 23 **national criminal history background check** for:
 24 (1) the provider, if the provider is an individual;
 25 (2) if the provider operates a child care program in the provider's
 26 home, any individual who resides with the provider and who is:
 27 (A) at least eighteen (18) years of age; or
 28 (B) less than eighteen (18) years of age but has previously
 29 been waived from juvenile court to adult court; and
 30 (3) any individual who:
 31 (A) is employed; or
 32 (B) volunteers;
 33 as a ~~caregiver~~ at the facility where the provider operates a child
 34 care program.
- 35 A provider shall apply for a **limited national criminal history**
 36 **background check** for an individual described in subdivision (3)
 37 before the individual is employed or allowed to volunteer. ~~as a~~
 38 ~~caregiver~~.
- 39 (b) In addition to the requirement under subsection (a), a provider
 40 shall report to the division any:
 41 (1) police investigations;
 42 (2) arrests; and

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1 (3) criminal convictions;
 2 ~~not listed on a limited criminal history obtained under subsection (a) of~~
 3 **which the provider is aware** regarding any of the persons listed in
 4 subsection (a).

5 (c) A provider that meets the other eligibility requirements of this
 6 chapter is temporarily eligible to receive voucher payments until the
 7 provider receives the ~~limited national~~ criminal history **background**
 8 **check** required under subsection (a) from the state police department
 9 if:

10 (1) the provider:

11 (A) has applied for the ~~limited national~~ criminal history
 12 **background check** required under subsection (a); and

13 (B) obtains a local criminal history for the individuals
 14 described in subsection (a) from each individual's local law
 15 enforcement agency before the individual is employed or
 16 allowed to volunteer as a caregiver; and

17 (2) the local criminal history does not reveal that an individual
 18 has been convicted of a:

19 (A) felony:

20 (i) **related to the health or safety of a child;**

21 (ii) **that is a sex offense (as defined in IC 11-8-8-5.2);**

22 (iii) **that is a dangerous felony; or**

23 (iv) **that is not a felony otherwise described in item (i)**
 24 **through (iii), and less than five (5) years have elapsed**
 25 **from the date the person was discharged from probation,**
 26 **imprisonment, or parole, whichever is latest;**

27 (B) misdemeanor related to the health or safety of a child;

28 (C) misdemeanor for operating a child care center without a
 29 license under IC 12-17.2-4-35, **or of a substantially similar**
 30 **offense committed in another jurisdiction, if the offense is**
 31 **directly or indirectly related to jeopardizing the health or**
 32 **safety of a child; or**

33 (D) misdemeanor for operating a child care home without a
 34 license under IC 12-17.2-5-35, **or of a substantially similar**
 35 **offense committed in another jurisdiction, if the offense is**
 36 **directly or indirectly related to jeopardizing the health or**
 37 **safety of a child.**

38 (d) A provider is ineligible to receive a voucher payment if an
 39 individual for whom a ~~limited national~~ criminal history **background**
 40 **check** is required under this section has been convicted of a:

41 (1) felony:

42 (A) **related to the health or safety of a child;**

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- 1 **(B) that is a sex offense (as defined in IC 11-8-8-5.2);**
- 2 **(C) that is a dangerous felony; or**
- 3 **(D) that is not a felony otherwise described in clause (A)**
- 4 **through (C), and less than five (5) years have elapsed from**
- 5 **the date the person was discharged from probation,**
- 6 **imprisonment, or parole, whichever is latest;**
- 7 (2) misdemeanor related to the health or safety of a child;
- 8 (3) misdemeanor for operating a child care center without a
- 9 license under IC 12-17.2-4-35, **or of a substantially similar**
- 10 **offense committed in another jurisdiction, if the offense is**
- 11 **directly or indirectly related to jeopardizing the health or**
- 12 **safety of a child; or**
- 13 (4) misdemeanor for operating a child care home without a
- 14 license under IC 12-17.2-5-35, **or of a substantially similar**
- 15 **offense committed in another jurisdiction, if the offense is**
- 16 **directly or indirectly related to jeopardizing the health or**
- 17 **safety of a child.**

18 until the individual is dismissed from employment or volunteer service
 19 at the facility where the provider operates a child care program or no
 20 longer resides with the provider.

21 (e) A provider shall maintain a written policy requiring an
 22 individual for whom a ~~limited~~ **national criminal history background**
 23 **check** is required under this section to report any criminal convictions
 24 of the individual to the provider.

25 (f) The state police department may not charge a church or religious
 26 society any fees or costs (**other than fees or costs charged by the**
 27 **Federal Bureau of Investigation or a private entity**) for responding
 28 to a request for a release of a ~~limited~~ **national criminal history**
 29 **background check** record of a prospective or current employee or a
 30 prospective or current volunteer of a child care ministry registered
 31 under IC 12-17.2-6 if the conditions set forth in IC 10-13-3-36(f) are
 32 met.

33 SECTION 5. IC 12-17.2-4-3, AS AMENDED BY P.L.145-2006,
 34 SECTION 97, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2013]: Sec. 3. (a) An applicant must apply for a child care
 36 center license on forms provided by the division.

37 (b) An applicant must submit the required information as part of the
 38 application.

39 (c) The applicant must submit with the application a statement
 40 attesting that the applicant:

- 41 (1) has not been convicted of:
- 42 (A) a felony:

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- 1 (i) related to the health or safety of a child;
- 2 (ii) that is a sex offense (as defined in IC 11-8-8-5.2);
- 3 (iii) that is a dangerous felony; or
- 4 (iv) that is not a felony otherwise described in item (i)
- 5 through (iii), and less than five (5) years have elapsed
- 6 from the date the person was discharged from probation,
- 7 imprisonment, or parole, whichever is latest;
- 8 (B) a misdemeanor relating to the health or safety of children;
- 9 (C) a misdemeanor for operating a child care center without a
- 10 license under section 35 of this chapter, **or of a substantially**
- 11 **similar offense committed in another jurisdiction, if the**
- 12 **offense is directly or indirectly related to jeopardizing the**
- 13 **health or safety of a child; or**
- 14 (D) a misdemeanor for operating a child care home without a
- 15 license under IC 12-17.2-5-35, **or of a substantially similar**
- 16 **offense committed in another jurisdiction, if the offense is**
- 17 **directly or indirectly related to jeopardizing the health or**
- 18 **safety of a child; and**
- 19 (2) has not been charged with:
 - 20 (A) a felony;
 - 21 (B) a misdemeanor relating to the health or safety of children;
 - 22 (C) a misdemeanor for operating a child care center without a
 - 23 license under section 35 of this chapter, **or with a**
 - 24 **substantially similar offense in another jurisdiction, if the**
 - 25 **offense is directly or indirectly related to jeopardizing the**
 - 26 **health or safety of a child; or**
 - 27 (D) a misdemeanor for operating a child care home without a
 - 28 license under IC 12-17.2-5-35, **or with a substantially**
 - 29 **similar offense in another jurisdiction, if the offense is**
 - 30 **directly or indirectly related to jeopardizing the health or**
 - 31 **safety of a child;**
 - 32 during the pendency of the application.
 - 33 (d) An applicant must submit the necessary information, forms, or
 - 34 consents for the division to obtain a national criminal history
 - 35 background check on the applicant. ~~through the state police department~~
 - 36 ~~under IC 10-13-3-39.~~
 - 37 (e) The applicant must do the following:
 - 38 (1) Conduct a **national** criminal history **background** check of the
 - 39 applicant's employees and volunteers.
 - 40 (2) Maintain records of **the response to** each criminal history
 - 41 check.
 - 42 SECTION 6. IC 12-17.2-5-3, AS AMENDED BY P.L.145-2006,

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1 SECTION 100, IS AMENDED TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2013]: Sec. 3. (a) An applicant must apply for
 3 a child care home license on forms provided by the division.

4 (b) An applicant must submit the required information as part of the
 5 application.

6 (c) An applicant must submit with the application a statement
 7 attesting that the applicant has not been:

8 (1) convicted of:

9 (A) a felony:

10 (i) **related to the health or safety of a child;**

11 (ii) **that is a sex offense (as defined in IC 11-8-8-5.2);**

12 (iii) **that is a dangerous felony; or**

13 (iv) **that is not a felony otherwise described in item (i)**
 14 **through (iii), and less than five (5) years have elapsed**
 15 **from the date the person was discharged from probation,**
 16 **imprisonment, or parole, whichever is latest;**

17 (B) a misdemeanor relating to the health or safety of children;

18 (C) a misdemeanor for operating a child care center without a
 19 license under IC 12-17.2-4-35, **or of a substantially similar**
 20 **offense committed in another jurisdiction, if the offense is**
 21 **directly or indirectly related to jeopardizing the health or**
 22 **safety of a child; or**

23 (D) a misdemeanor for operating a child care home without a
 24 license under section 35 of this chapter, **or of a substantially**
 25 **similar offense committed in another jurisdiction, if the**
 26 **offense is directly or indirectly related to jeopardizing the**
 27 **health or safety of a child; and**

28 (2) charged with:

29 (A) a felony;

30 (B) a misdemeanor relating to the health or safety of children;

31 (C) a misdemeanor for operating a child care center without a
 32 license under IC 12-17.2-4-35, **or with a substantially**
 33 **similar offense in another jurisdiction, if the offense is**
 34 **directly or indirectly related to jeopardizing the health or**
 35 **safety of a child; or**

36 (D) a misdemeanor for operating a child care home without a
 37 license under section 35 of this chapter, **or with a**
 38 **substantially similar offense in another jurisdiction, if the**
 39 **offense is directly or indirectly related to jeopardizing the**
 40 **health or safety of a child;**

41 during the pendency of the application.

42 (d) An applicant must submit the necessary information, forms, or

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- 1 consents for the division to:
- 2 (1) conduct a **national** criminal history **background** check on the
- 3 applicant's spouse; and
- 4 (2) obtain a national criminal history background check on the
- 5 applicant. ~~through the state police department under~~
- 6 ~~IC 10-13-3-39.~~
- 7 (e) An applicant must do the following:
- 8 (1) Conduct a **national** criminal history **background** check of the
- 9 applicant's:
- 10 (A) employees;
- 11 (B) volunteers; and
- 12 (C) household members who are:
- 13 (i) at least eighteen (18) years of age; or
- 14 (ii) less than eighteen (18) years of age but have previously
- 15 been waived from juvenile court to adult court.
- 16 (2) Maintain records of **the response to** each criminal history
- 17 check.
- 18 SECTION 7. IC 12-17.2-6-14, AS AMENDED BY P.L.124-2007,
- 19 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 20 JULY 1, 2013]: Sec. 14. The child care ministry must do the following:
- 21 (1) Conduct a **national** criminal history **background** check of the
- 22 child care ministry's employees and volunteers.
- 23 (2) Refrain from employing, or allowing to serve as a volunteer,
- 24 an individual who:
- 25 (A) has been convicted of **any of the following felonies**:
- 26 (i) ~~Murder (IC 35-42-1-1).~~
- 27 (ii) ~~Causing suicide (IC 35-42-1-2).~~
- 28 (iii) ~~Assisting suicide (IC 35-42-1-2.5).~~
- 29 (iv) ~~Voluntary manslaughter (IC 35-42-1-3).~~
- 30 (v) ~~Reckless homicide (IC 35-42-1-5).~~
- 31 (vi) ~~Battery (IC 35-42-2-1).~~
- 32 (vii) ~~Aggravated battery (IC 35-42-2-1.5).~~
- 33 (viii) ~~Kidnapping (IC 35-42-3-2).~~
- 34 (ix) ~~Criminal confinement (IC 35-42-3-3).~~
- 35 (x) ~~A felony sex offense under IC 35-42-4.~~
- 36 (xi) ~~Carjacking (IC 35-42-5-2).~~
- 37 (xii) ~~Arson (IC 35-43-1-1).~~
- 38 (xiii) ~~Incest (IC 35-46-1-3).~~
- 39 (xiv) ~~Neglect of a dependent (IC 35-46-1-4(a)(1) and~~
- 40 ~~IC 35-46-1-4(a)(2)).~~
- 41 (xv) ~~Child selling (IC 35-46-1-4(d)).~~
- 42 (xvi) ~~A felony involving a weapon under IC 35-47 or~~

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1 IC 35-47.5:
 2 (xvii) A felony relating to controlled substances under
 3 IC 35-48-4.
 4 (xviii) An offense relating to material or a performance that
 5 is harmful to minors or obscene under IC 35-49-3.
 6 (xix) A felony that is substantially equivalent to a felony
 7 listed in items (i) through (xviii) for which the conviction
 8 was entered in another state: a felony:
 9 (i) related to the health or safety of a child;
 10 (ii) that is a sex offense (as defined in IC 11-8-8-5.2);
 11 (iii) that is a dangerous felony; or
 12 (iv) that is not a felony otherwise described in item (i)
 13 through (iii), and less than five (5) years have elapsed
 14 from the date the person was discharged from probation,
 15 imprisonment, or parole, whichever is latest;
 16 (B) has been convicted of a misdemeanor related to the health
 17 or safety of a child;
 18 (C) has been convicted of a misdemeanor under
 19 IC 12-17.2-4-35 for operating a child care center without
 20 a license, or of a substantially similar offense committed in
 21 another jurisdiction, if the offense is directly or indirectly
 22 related to jeopardizing the health or safety of a child;
 23 (D) has been convicted of a misdemeanor under
 24 IC 12-17.2-5-35 for operating a child care home without a
 25 license, or of a substantially similar offense committed in
 26 another jurisdiction, if the offense is directly or indirectly
 27 related to jeopardizing the health or safety of a child; or
 28 (E) is a person against whom an allegation of child abuse
 29 or neglect has been substantiated under IC 31-33, or under a
 30 substantially similar provision in another jurisdiction;
 31 (3) Maintain records of **the response to** each criminal history
 32 check.

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COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 114, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 13, strike "IC 12-17.2-2-3." and insert "**section 3 of this chapter.**".

Page 2, line 42, after "shall" delete ",".

Page 2, line 42, strike "at no expense to the state,".

Page 3, line 1, after "of" insert "**the response to**".

Page 3, line 12, strike "as a caregiver".

Page 3, line 16, after "volunteer" insert ".".

Page 3, line 16, strike "as a".

Page 3, strike line 17.

Page 3, line 23, strike "not listed on a".

Page 3, line 23, delete "national".

Page 3, line 23, strike "criminal history".

Page 3, line 23, delete "background check".

Page 3, line 24, strike "obtained under subsection (a)" and insert "**of which the provider is aware**".

Page 4, line 1, delete "IC 12-17.2-4-35;" and insert "IC 12-17.2-4-35, **or of a substantially similar offense committed in another jurisdiction;**".

Page 4, line 3, delete "IC 12-17.2-5-35." and insert "IC 12-17.2-5-35, **or of a substantially similar offense committed in another jurisdiction.**".

Page 4, line 10, delete "IC 12-17.2-4-35;" and insert "IC 12-17.2-4-35, **or of a substantially similar offense committed in another jurisdiction;**".

Page 4, line 12, delete "IC 12-17.2-5-35;" and insert "IC 12-17.2-5-35, **or of a substantially similar offense committed in another jurisdiction;**".

Page 4, line 21, after "costs" insert "**(other than fees or costs charged by the Federal Bureau of Investigation or a private entity)**".

Page 4, line 38, delete "chapter;" and insert "chapter, **or of a substantially similar offense committed in another jurisdiction;**".

Page 4, line 40, delete "IC 12-17.2-5-35;" and insert "IC 12-17.2-5-35, **or of a substantially similar offense committed in another jurisdiction;**".

Page 5, line 3, delete "chapter;" and insert "chapter, **or with a**

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substantially similar offense in another jurisdiction;".

Page 5, line 5, delete "IC 12-17.2-5-35;" and insert "IC 12-17.2-5-35, **or with a substantially similar offense in another jurisdiction;"**.

Page 5, line 14, after "of" insert "**the response to**".

Page 5, line 27, delete "IC 12-17.2-4-35;" and insert "IC 12-17.2-4-35, **or of a substantially similar offense committed in another jurisdiction;"**.

Page 5, line 29, delete "chapter;" and insert "chapter, **or of a substantially similar offense committed in another jurisdiction;"**.

Page 5, line 34, delete "IC 12-17.2-4-35;" and insert "IC 12-17.2-4-35, **or with a substantially similar offense in another jurisdiction;"**.

Page 5, line 36, delete "chapter;" and insert "chapter, **or with a substantially similar offense in another jurisdiction;"**.

Page 6, line 12, after "of" insert "**the response to**".

Page 7, line 8, delete "license;" and insert "license, **or of a substantially similar offense committed in another jurisdiction;"**.

Page 7, line 11, delete "license;" and insert "license, **or of a substantially similar offense committed in another jurisdiction;"**.

Page 7, line 13, delete "IC 31-33." and insert "IC 31-33, **or under a substantially similar provision in another jurisdiction;"**.

Page 7, line 14, after "of" insert "**the response to**".

and when so amended that said bill do pass.

(Reference is to SB 114 as introduced.)

STEELE, Chairperson

Committee Vote: Yeas 9, Nays 0.

SENATE MOTION

Madam President: I move that Senate Bill 114 be amended to read as follows:

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

"SECTION 1. IC 12-7-2-53.2 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 53.2. "Dangerous felony", for purposes of IC 12-17.2, means one (1) or more of the following**

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felonies:

- (1) Murder (IC 35-42-1-1).
- (2) Attempted murder (IC 35-41-5-1).
- (3) Voluntary manslaughter (IC 35-42-1-3).
- (4) Involuntary manslaughter (IC 35-42-1-4).
- (5) Reckless homicide (IC 35-42-1-5).
- (6) Aggravated battery (IC 35-42-2-1.5).
- (7) Kidnapping (IC 35-42-3-2).
- (8) Rape (IC 35-42-4-1).
- (9) Criminal deviate conduct (IC 35-42-4-2).
- (10) Child molesting (IC 35-42-4-3).
- (11) Sexual misconduct with a minor as a Class A felony under IC 35-42-4-9(a)(2) or a Class B felony under IC 35-42-4-9(b)(2).
- (12) Robbery as a Class A or Class B felony (IC 35-42-5-1).
- (13) Burglary as a Class A or Class B felony (IC 35-43-2-1).
- (14) A felony committed in another jurisdiction that is substantially similar to a felony in this section."

Page 3, line 40, delete "felony;" and insert "felony:

- (i) related to the health or safety of a child;
- (ii) that is a sex offense (as defined in IC 11-8-8-5.2);
- (iii) that is a dangerous felony; or
- (iv) that is not a felony otherwise described in item (i) through (iii), and less than five (5) years have elapsed from the date the person was discharged from probation, imprisonment, or parole, whichever is latest;"

Page 4, line 2, delete "jurisdiction;" and insert "**jurisdiction, if the offense is directly or indirectly related to jeopardizing the health or safety of a child;**".

Page 4, line 5, delete "jurisdiction." and insert "**jurisdiction, if the offense is directly or indirectly related to jeopardizing the health or safety of a child.**".

Page 4, line 9, delete "felony;" and insert "felony:

- (A) related to the health or safety of a child;
- (B) that is a sex offense (as defined in IC 11-8-8-5.2);
- (C) that is a dangerous felony; or
- (D) that is not a felony otherwise described in clause (A) through (C), and less than five (5) years have elapsed from the date the person was discharged from probation, imprisonment, or parole, whichever is latest;"

Page 4, line 13, delete "jurisdiction;" and insert "**jurisdiction, if the offense is directly or indirectly related to jeopardizing the health**

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or safety of a child;".

Page 4, line 16, delete "jurisdiction;" and insert "**jurisdiction, if the offense is directly or indirectly related to jeopardizing the health or safety of a child.**".

Page 4, line 41, delete "felony;" and insert "felony:

- (i) related to the health or safety of a child;
- (ii) that is a sex offense (as defined in IC 11-8-8-5.2);
- (iii) that is a dangerous felony; or
- (iv) that is not a felony otherwise described in item (i) through (iii), and less than five (5) years have elapsed from the date the person was discharged from probation, imprisonment, or parole, whichever is latest;".

Page 5, line 3, delete "jurisdiction;" and insert "**jurisdiction, if the offense is directly or indirectly related to jeopardizing the health or safety of a child;**".

Page 5, line 6, delete "jurisdiction;" and insert "**jurisdiction, if the offense is directly or indirectly related to jeopardizing the health or safety of a child;**".

Page 5, line 12, delete "jurisdiction;" and insert "**jurisdiction, if the offense is directly or indirectly related to jeopardizing the health or safety of a child;**".

Page 5, line 15, delete "jurisdiction;" and insert "**jurisdiction, if the offense is directly or indirectly related to jeopardizing the health or safety of a child;**".

Page 5, line 35, delete "felony;" and insert "felony:

- (i) related to the health or safety of a child;
- (ii) that is a sex offense (as defined in IC 11-8-8-5.2);
- (iii) that is a dangerous felony; or
- (iv) that is not a felony otherwise described in item (i) through (iii), and less than five (5) years have elapsed from the date the person was discharged from probation, imprisonment, or parole, whichever is latest;".

Page 5, line 39, delete "jurisdiction;" and insert "**jurisdiction, if the offense is directly or indirectly related to jeopardizing the health or safety of a child;**".

Page 5, line 42, delete "jurisdiction;" and insert "**jurisdiction, if the offense is directly or indirectly related to jeopardizing the health or safety of a child;**".

Page 6, line 6, delete "jurisdiction;" and insert "**jurisdiction, if the offense is directly or indirectly related to jeopardizing the health or safety of a child;**".

Page 6, line 9, delete "jurisdiction;" and insert "**jurisdiction, if the**

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offense is directly or indirectly related to jeopardizing the health or safety of a child;".

Page 7, line 19, delete "felony;" and insert "**felony:**

- (i) related to the health or safety of a child;**
- (ii) that is a sex offense (as defined in IC 11-8-8-5.2);**
- (iii) that is a dangerous felony; or**
- (iv) that is not a felony otherwise described in item (i) through (iii), and less than five (5) years have elapsed from the date the person was discharged from probation, imprisonment, or parole, whichever is latest;"**.

Page 7, line 25, delete "jurisdiction;" and insert "**jurisdiction, if the offense is directly or indirectly related to jeopardizing the health or safety of a child;"**.

Page 7, line 29, delete "jurisdiction;" and insert "**jurisdiction, if the offense is directly or indirectly related to jeopardizing the health or safety of a child;"**.

Renumber all SECTIONS consecutively.

(Reference is to SB 114 as printed February 15, 2013.)

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