

# COMMITTEE REPORT

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## MADAM PRESIDENT:

The Senate Committee on Corrections and Criminal Law, to which was referred Senate Bill No. 53, 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:

- 1           Page 1, between lines 15 and 16, begin a new paragraph and insert:  
2           "SECTION 4. IC 35-31.5-2-248.5 IS ADDED TO THE INDIANA  
3           CODE AS A NEW SECTION TO READ AS FOLLOWS  
4           [EFFECTIVE JULY 1, 2013]: **Sec. 248.5. "Professional**  
5           **relationship", for purposes of IC 35-42-4-7, has the meaning set**  
6           **forth in IC 35-42-4-7."**
- 7           Page 3, between lines 18 and 19, begin a new paragraph and insert:  
8           **"(i) For purposes of this section, a person has a "professional**  
9           **relationship" with a child if:**
- 10           **(1) the person:**
- 11                   **(A) has a license issued by the state or a political**  
12                   **subdivision on the basis of the person's training and**  
13                   **experience that authorizes the person to carry out a**  
14                   **particular occupation; or**
- 15                   **(B) is employed in a position in which counseling,**  
16                   **supervising, instructing, or recruiting children forms a**  
17                   **significant part of the employment; and**
- 18           **(2) the person has a relationship with a child that is based on**  
19           **the person's employment or licensed status as described in**  
20           **subdivision (1).**
- 21           **The term includes a relationship between a child and a mental**

1 **health professional or military recruiter. The term does not include**  
 2 **a coworker relationship between a child and a person described in**  
 3 **subdivision (1)(B)."**

4 Page 3, line 19, delete "(i)" and insert "(j)".

5 Page 3, line 21, delete "(j)" and insert "(k)".

6 Page 3, line 23, delete "(k)" and insert "(l)".

7 Page 3, line 26, delete "(l)" and insert "(m)".

8 Page 3, strike lines 28 through 31, begin a new line block indented  
 9 and insert:

10 **"(2) is the:**

11 **(A) guardian, adoptive parent, adoptive grandparent,**  
 12 **custodian, or stepparent of; or**

13 **(B) child care worker for;"**.

14 Page 3, line 32, strike "(ii) child care worker for;"

15 Page 3, line 33, strike "(B) a military recruiter who is attempting to  
 16 enlist;"

17 Page 3, line 33, delete "or".

18 Page 3, delete line 34.

19 Page 3, line 40, delete ",".

20 Page 3, line 40, strike "a Class D felony."

21 Page 3, after line 40, begin a new paragraph and insert:

22 **"(n) A person who:**

23 **(1) has or had a professional relationship with a child at least**  
 24 **sixteen (16) but less than eighteen (18) years of age whom the**  
 25 **person knows to be at least sixteen (16) but less than eighteen**  
 26 **(18) years of age;**

27 **(2) may exert undue influence on the child because of the**  
 28 **person's current or previous professional relationship with**  
 29 **the child; and**

30 **(3) uses or exerts the person's professional relationship to**  
 31 **engage in sexual intercourse, deviate sexual conduct, or any**  
 32 **fondling or touching with a child at least sixteen (16) but less**  
 33 **than eighteen (18) years of age with the intent to arouse or**  
 34 **satisfy the sexual desires of the child or the adult;**

35 **commits child seduction.**

36 **(o) In determining whether a person used or exerted the**  
 37 **person's professional relationship with the child to engage in sexual**  
 38 **intercourse, deviate sexual conduct, or any fondling or touching**  
 39 **with the intent to arouse or satisfy the sexual desires of the child or**  
 40 **the adult under subsection (n), the trier of fact may consider one**  
 41 **(1) or more of the following:**

42 **(1) The age difference between the person and the child.**

- 1           **(2) Whether the person was in a position of trust with respect**  
 2           **to the child.**  
 3           **(3) Whether the person's conduct with the child violated any**  
 4           **ethical obligations of the person's profession or occupation.**  
 5           **(4) The authority that the person had over the child.**  
 6           **(5) Whether the person exploited any particular vulnerability**  
 7           **of the child.**  
 8           **(6) Any other evidence relevant to the person's ability to exert**  
 9           **undue influence of the child.**  
 10          **(p) Child seduction under this section is:**  
 11           **(1) a Class D felony if the person engaged in any fondling or**  
 12           **touching with the intent to arouse or satisfy the sexual desires**  
 13           **of the child or the adult; and**  
 14           **(2) a Class C felony if the person engaged in sexual**  
 15           **intercourse or deviate sexual conduct with the child."**  
 16          Renumber all SECTIONS consecutively.  
             (Reference is to SB 53 as introduced.)

**and when so amended that said bill do pass .**

Committee Vote: Yeas 8, Nays 0.

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**Senator Young R Michael, Chairperson**