



PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1256 be amended to read as follows:

- 1 Page 1, between lines 9 and 10, begin a new paragraph and insert:
- 2 "SECTION 2. IC 35-45-4-6, AS ADDED BY P.L.168-2014,
- 3 SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2021]: Sec. 6. (a) This section applies only to a person to
- 5 whom all of the following apply:
- 6 (1) The person is less than eighteen (18) years of age.
- 7 (2) The person is not more than four (4) years older than the
- 8 individual who is depicted in the image or who received the
- 9 image.
- 10 (3) The relationship between the person and the individual who
- 11 received the image or who is depicted in the image was a dating
- 12 relationship or an ongoing personal relationship. For purposes of
- 13 this subdivision, the term "ongoing personal relationship" does
- 14 not include a family relationship.
- 15 (4) The individual receiving the image or who is depicted in the
- 16 image acquiesced in the person's conduct.
- 17 (b) The following definitions apply throughout this section:
- 18 (1) "Disseminate" means to transfer possession for no direct or
- 19 indirect consideration.
- 20 (2) "Matter" has the meaning set forth in IC 35-49-1-3.
- 21 (3) "Performance" has the meaning set forth in IC 35-49-1-7.

- 1 (4) "Sexual conduct" means sexual intercourse, other sexual  
 2 conduct, exhibition of the uncovered genitals intended to satisfy  
 3 or arouse the sexual desires of any person, sadomasochistic abuse,  
 4 sexual intercourse or other sexual conduct with an animal, or any  
 5 fondling or touching of a child by another person or of another  
 6 person by a child intended to arouse or satisfy the sexual desires  
 7 of either the child or the other person.
- 8 (c) A person who, on or by means of a cellular telephone, social  
 9 media web site, or another wireless or cellular communications device,  
 10 knowingly or intentionally:
- 11 (1) produces, presents, exhibits, photographs, records, or creates  
 12 a digitized image of any performance or incident that includes  
 13 sexual conduct by a child at least twelve (12) years of age;  
 14 (2) disseminates, exhibits to another person, or offers to  
 15 disseminate or exhibit to another person, matter that depicts or  
 16 describes sexual conduct by a child at least twelve (12) years of  
 17 age; or  
 18 (3) possesses:
- 19 (A) a picture;  
 20 (B) a drawing;  
 21 (C) a photograph;  
 22 (D) a motion picture;  
 23 (E) a digitized image; or  
 24 (F) any pictorial representation;  
 25 that depicts or describes sexual conduct by a child at least twelve  
 26 (12) years of age who the person knows is less than sixteen (16)  
 27 years of age or who appears to be less than sixteen (16) years of  
 28 age, and that lacks serious literary, artistic, political, or scientific  
 29 value;
- 30 commits indecent display by a youth, a Class A misdemeanor.
- 31 (d) Subsection (c) does not apply to a bona fide ~~school~~, museum or  
 32 ~~public library~~ that qualifies for certain property tax exemptions under  
 33 IC 6-1.1-10, or to an employee of that ~~school~~, museum or ~~public library~~  
 34 acting within the scope of the employee's employment when the  
 35 possession of the listed materials is for legitimate scientific or  
 36 educational purposes."
- 37 Renumber all SECTIONS consecutively.  
 (Reference is to HB 1256 as printed February 4, 2021.)

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Representative Nisly