



SENATE MOTION

MADAM PRESIDENT:

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

- 1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 31-30-1-4, AS AMENDED BY P.L.28-2016,
4 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2021]: Sec. 4. (a) The juvenile court does not have jurisdiction
6 over an individual for an alleged violation of:
7 (1) IC 35-41-5-1(a) (attempted murder);
8 (2) IC 35-42-1-1 (murder);
9 (3) IC 35-42-3-2 (kidnapping);
10 (4) IC 35-42-4-1 (rape);
11 (5) IC 35-42-4-2 (criminal deviate conduct) (before its repeal);
12 (6) IC 35-42-5-1 (robbery) if:
13 (A) the robbery was committed while armed with a deadly
14 weapon; or
15 (B) the robbery results in bodily injury or serious bodily
16 injury;
17 (7) IC 35-42-5-2 (carjacking) (before its repeal);
18 (8) IC 35-47-2-1 (carrying a handgun without a license), if
19 charged as a felony; **or**
20 ~~(9) IC 35-47-10 (children and firearms), if charged as a felony; or~~
21 **(9)** any offense that may be joined under IC 35-34-1-9(a)(2)
22 with any crime listed in this subsection;
23 if the individual was at least sixteen (16) years of age but less than
24 eighteen (18) years of age at the time of the alleged violation.
25 (b) Once an individual described in subsection (a) has been charged
26 with any offense listed in subsection (a), the court having adult

1 criminal jurisdiction shall retain jurisdiction over the case if the
 2 individual pleads guilty to or is convicted of any offense listed in
 3 subsection (a)(1) through ~~(a)(9)~~: **(a)(8)**.

4 (c) If:

5 (1) an individual described in subsection (a) is charged with one

6 (1) or more offenses listed in subsection (a);

7 (2) all the charges under subsection (a)(1) through ~~(a)(9)~~ **(a)(8)**

8 resulted in an acquittal or were dismissed; and

9 (3) the individual pleads guilty to or is convicted of any offense

10 other than an offense listed in subsection (a)(1) through ~~(a)(9)~~;

11 **(a)(8)**;

12 the court having adult criminal jurisdiction may withhold judgment and
 13 transfer jurisdiction to the juvenile court for adjudication and
 14 disposition. In determining whether to transfer jurisdiction to the
 15 juvenile court for adjudication and disposition, the court having adult
 16 criminal jurisdiction shall consider whether there are appropriate
 17 services available in the juvenile justice system, whether the child is
 18 amenable to rehabilitation under the juvenile justice system, and
 19 whether it is in the best interests of the safety and welfare of the
 20 community that the child be transferred to juvenile court. All orders
 21 concerning release conditions remain in effect until a juvenile court
 22 detention hearing, which must be held not later than forty-eight (48)
 23 hours, excluding Saturdays, Sundays, and legal holidays, after the order
 24 of transfer of jurisdiction."

25 Renumber all SECTIONS consecutively.

(Reference is to EHB 1256 as printed March 19, 2021.)

Senator TALLIAN