

SENATE MOTION

MADAM PRESIDENT:

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

 paragraph and insert: "SECTION 1. IC 31-30-1-4, AS AMENDED BY P.L.28-2016, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 4. (a) The juvenile court does not have jurisdiction over an individual for an alleged violation of: (1) IC 35-41-5-1(a) (attempted murder); (2) IC 35-42-1-1 (murder); (3) IC 35-42-3-2 (kidnapping); (4) IC 35-42-4-1 (rape); (5) IC 35-42-4-2 (criminal deviate conduct) (before its repeal); (6) IC 35-42-5-1 (robbery) if: (A) the robbery was committed while armed with a deadly weapon; or (B) the robbery results in bodily injury or serious bodily injury; (7) IC 35-42-5-2 (carjacking) (before its repeal); (8) IC 35-47-2-1 (carrying a handgun without a license), if charged as a felony; or (9) IE 35-47-10 (children and firearms), if charged as a felony; or (10) (9) any offense that may be joined under IC 35-34-1-9(a)(2) with any crime listed in this subsection; if the individual was at least sixteen (16) years of age but less than eighteen (18) years of age at the time of the alleged violation. 	1	Page 1, between the enacting clause and line 1, begin a new
 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 4. (a) The juvenile court does not have jurisdiction over an individual for an alleged violation of: (1) IC 35-41-5-1(a) (attempted murder); (2) IC 35-42-1-1 (murder); (3) IC 35-42-3-2 (kidnapping); (4) IC 35-42-4-1 (rape); (5) IC 35-42-4-2 (criminal deviate conduct) (before its repeal); (6) IC 35-42-5-1 (robbery) if: (A) the robbery was committed while armed with a deadly weapon; or (B) the robbery results in bodily injury or serious bodily injury; (7) IC 35-42-5-2 (carjacking) (before its repeal); (8) IC 35-47-2-1 (carrying a handgun without a license), if charged as a felony; or (9) HC 35-47-10 (children and firearms); if charged as a felony; or (10) (9) any offense that may be joined under IC 35-34-1-9(a)(2) with any crime listed in this subsection; if the individual was at least sixteen (16) years of age but less than eighteen (18) years of age at the time of the alleged violation. 	2	paragraph and insert:
 JULY 1, 2021]: Sec. 4. (a) The juvenile court does not have jurisdiction over an individual for an alleged violation of: (1) IC 35-41-5-1(a) (attempted murder); (2) IC 35-42-1-1 (murder); (3) IC 35-42-3-2 (kidnapping); (4) IC 35-42-4-1 (rape); (5) IC 35-42-4-2 (criminal deviate conduct) (before its repeal); (6) IC 35-42-5-1 (robbery) if: (A) the robbery was committed while armed with a deadly weapon; or (B) the robbery results in bodily injury or serious bodily injury; (7) IC 35-42-5-2 (carjacking) (before its repeal); (8) IC 35-47-2-1 (carrying a handgun without a license), if charged as a felony; or (9) IC 35-47-10 (children and firearms), if charged as a felony; or (10) (9) any offense that may be joined under IC 35-34-1-9(a)(2) with any crime listed in this subsection; if the individual was at least sixteen (16) years of age but less than eighteen (18) years of age at the time of the alleged violation. 	3	"SECTION 1. IC 31-30-1-4, AS AMENDED BY P.L.28-2016,
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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 deadly14weapon; or15(B) the robbery results in bodily injury or serious bodily16injury;17(7) IC 35-42-5-2 (carjacking) (before its repeal);18(8) IC 35-47-2-1 (carrying a handgun without a license), if19charged as a felony; or20(9) IC 35-47-10 (children and firearms), if charged as a felony; or21(10) (9) any offense that may be joined under IC 35-34-1-9(a)(2)22with any crime listed in this subsection;23if the individual was at least sixteen (16) years of age but less than24eighteen (18) years of age at the time of the alleged violation.	5	JULY 1, 2021]: Sec. 4. (a) The juvenile court does not have jurisdiction
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 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 weapon; or 15 (B) the robbery results in bodily injury or serious bodily 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 (10) (9) any offense that may be joined under IC 35-34-1-9(a)(2) with any crime listed in this subsection; 23 if the individual was at least sixteen (16) years of age but less than eighteen (18) years of age at the time of the alleged violation. 		(1) IC 35-41-5-1(a) (attempted murder);
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 (5) IC 35-42-4-2 (criminal deviate conduct) (before its repeal); (6) IC 35-42-5-1 (robbery) if: (A) the robbery was committed while armed with a deadly weapon; or (B) the robbery results in bodily injury or serious bodily injury; (7) IC 35-42-5-2 (carjacking) (before its repeal); (8) IC 35-47-2-1 (carrying a handgun without a license), if charged as a felony; or (9) IC 35-47-10 (children and firearms), if charged as a felony; or (10) (9) any offense that may be joined under IC 35-34-1-9(a)(2) with any crime listed in this subsection; if the individual was at least sixteen (16) years of age but less than eighteen (18) years of age at the time of the alleged violation. 	9	(3) IC 35-42-3-2 (kidnapping);
 (6) IC 35-42-5-1 (robbery) if: (A) the robbery was committed while armed with a deadly weapon; or (B) the robbery results in bodily injury or serious bodily injury; (7) IC 35-42-5-2 (carjacking) (before its repeal); (8) IC 35-47-2-1 (carrying a handgun without a license), if charged as a felony; or (9) IC 35-47-10 (children and firearms), if charged as a felony; or (10) (9) any offense that may be joined under IC 35-34-1-9(a)(2) with any crime listed in this subsection; if the individual was at least sixteen (16) years of age but less than eighteen (18) years of age at the time of the alleged violation. 	10	(4) IC 35-42-4-1 (rape);
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 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 (10) (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. 	12	(6) IC 35-42-5-1 (robbery) if:
 (B) the robbery results in bodily injury or serious bodily injury; (7) IC 35-42-5-2 (carjacking) (before its repeal); (8) IC 35-47-2-1 (carrying a handgun without a license), if charged as a felony; or (9) IC 35-47-10 (children and firearms), if charged as a felony; or (10) (9) any offense that may be joined under IC 35-34-1-9(a)(2) with any crime listed in this subsection; if the individual was at least sixteen (16) years of age but less than eighteen (18) years of age at the time of the alleged violation. 		(A) the robbery was committed while armed with a deadly
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 (8) IC 35-47-2-1 (carrying a handgun without a license), if (9) IC 35-47-10 (children and firearms), if charged as a felony; or (9) IC 35-47-10 (children and firearms), if charged as a felony; or (10) (9) any offense that may be joined under IC 35-34-1-9(a)(2) with any crime listed in this subsection; if the individual was at least sixteen (16) years of age but less than eighteen (18) years of age at the time of the alleged violation. 		injury;
 19 charged as a felony; or 20 (9) IC 35-47-10 (children and firearms), if charged as a felony; or 21 (10) (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. 		(7) IC 35-42-5-2 (carjacking) (before its repeal);
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 with any crime listed in this subsection; if the individual was at least sixteen (16) years of age but less than eighteen (18) years of age at the time of the alleged violation. 		(9) IC 35-47-10 (children and firearms), if charged as a felony; or
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eighteen (18) years of age at the time of the alleged violation.		with any crime listed in this subsection;
		if the individual was at least sixteen (16) years of age but less than
25 (b) One on individual described in subsection (a) has been shared		eighteen (18) years of age at the time of the alleged violation.
2.5 (b) Once an individual described in subsection (a) has been charged	25	(b) Once an individual described in subsection (a) has been charged
26 with any offense listed in subsection (a), the court having adult	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 $\frac{(a)(9)}{(a)(9)}$. (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