



# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Senate Bill 197 be amended to read as follows:

- 1           Page 21, between lines 28 and 29, begin a new paragraph and insert:  
2           "SECTION 26. IC 31-30-1-4, AS AMENDED BY P.L.28-2016,  
3           SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4           JULY 1, 2021]: Sec. 4. (a) The juvenile court does not have jurisdiction  
5           over an individual for an alleged violation of:  
6           (1) IC 35-41-5-1(a) (attempted murder);  
7           (2) IC 35-42-1-1 (murder);  
8           (3) IC 35-42-3-2 (kidnapping);  
9           (4) IC 35-42-4-1 (rape);  
10           (5) IC 35-42-4-2 (criminal deviate conduct) (before its repeal);  
11           (6) IC 35-42-5-1 (robbery) if:  
12           (A) the robbery was committed while armed with a deadly  
13           weapon; or  
14           (B) the robbery results in bodily injury or serious bodily  
15           injury;  
16           (7) IC 35-42-5-2 (carjacking) (before its repeal);  
17           (8) IC 35-47-2-1 (carrying a handgun without a license), if  
18           charged as a felony; **or**  
19           (9) ~~IC 35-47-10 (children and firearms)~~; if charged as a felony; **or**  
20           (10) any offense that may be joined under IC 35-34-1-9(a)(2) with  
21           any crime listed in this subsection;  
22           if the individual was at least sixteen (16) years of age but less than  
23           eighteen (18) years of age at the time of the alleged violation.  
24           (b) Once an individual described in subsection (a) has been charged  
25           with any offense listed in subsection (a), the court having adult  
26           criminal jurisdiction shall retain jurisdiction over the case if the  
27           individual pleads guilty to or is convicted of any offense listed in

- 1 subsection (a)(1) through ~~(a)(9)~~: **(a)(8)**.
- 2 (c) If:
- 3 (1) an individual described in subsection (a) is charged with one
- 4 (1) or more offenses listed in subsection (a);
- 5 (2) all the charges under subsection (a)(1) through ~~(a)(9)~~ **(a)(8)**
- 6 resulted in an acquittal or were dismissed; and
- 7 (3) the individual pleads guilty to or is convicted of any offense
- 8 other than an offense listed in subsection (a)(1) through ~~(a)(9)~~;
- 9 **(a)(8)**;
- 10 the court having adult criminal jurisdiction may withhold judgment and
- 11 transfer jurisdiction to the juvenile court for adjudication and
- 12 disposition. In determining whether to transfer jurisdiction to the
- 13 juvenile court for adjudication and disposition, the court having adult
- 14 criminal jurisdiction shall consider whether there are appropriate
- 15 services available in the juvenile justice system, whether the child is
- 16 amenable to rehabilitation under the juvenile justice system, and
- 17 whether it is in the best interests of the safety and welfare of the
- 18 community that the child be transferred to juvenile court. All orders
- 19 concerning release conditions remain in effect until a juvenile court
- 20 detention hearing, which must be held not later than forty-eight (48)
- 21 hours, excluding Saturdays, Sundays, and legal holidays, after the order
- 22 of transfer of jurisdiction.
- 23 SECTION 27. IC 31-30-3-5, AS AMENDED BY P.L.158-2013,
- 24 SECTION 316, IS AMENDED TO READ AS FOLLOWS
- 25 [EFFECTIVE JULY 1, 2021]: Sec. 5. Except for those cases in which
- 26 the juvenile court has no jurisdiction in accordance with IC 31-30-1-4,
- 27 the court shall, upon motion of the prosecuting attorney and after full
- 28 investigation and hearing, waive jurisdiction if it finds that:
- 29 (1) the child is charged with an act that, if committed by an adult,
- 30 would be:
- 31 (A) a Level 1 felony, Level 2 felony, Level 3 felony, or Level
- 32 4 felony, except a felony defined by IC 35-48-4;
- 33 (B) involuntary manslaughter as a Level 5 felony under
- 34 IC 35-42-1-4; ~~or~~
- 35 (C) reckless homicide as a Level 5 felony under IC 35-42-1-5;
- 36 **or**
- 37 **(D) a violation under IC 35-47-10, governing children and**
- 38 **firearms, if charged as a felony;**
- 39 (2) there is probable cause to believe that the child has committed
- 40 the act; and
- 41 (3) the child was at least sixteen (16) years of age when the act
- 42 charged was allegedly committed;

1 unless it would be in the best interests of the child and of the safety and  
2 welfare of the community for the child to remain within the juvenile  
3 justice system."

4 Renumber all SECTIONS consecutively.  
(Reference is to SB 197 as printed February 12, 2021.)

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Senator YOUNG M