



February 8, 2019

HOUSE BILL No. 1014

DIGEST OF HB 1014 (Updated February 6, 2019 2:06 pm - DI 131)

Citations Affected: IC 35-46.

Synopsis: Unauthorized adoption advertising. Provides that the unauthorized adoption advertising statute does not apply to a person seeking to adopt a child on the person's own behalf. Removes a provision that requires an attorney licensed to practice in Indiana and a child placing agency licensed under the laws of Indiana to include certain information in an advertisement regarding adoption. Makes conforming amendments.

Effective: Upon passage.

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January 3, 2019, read first time and referred to Committee on Courts and Criminal Code.
February 7, 2019, amended, reported — Do Pass.

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First Regular Session of the 121st General Assembly (2019)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2018 Regular and Special Session of the General Assembly.

HOUSE BILL No. 1014

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-46-1-21, AS AMENDED BY P.L.113-2017,
2 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 21. (a) As used in this section,
4 "advertisement" means any communication by any medium within the
5 borders of Indiana, including print advertisements, digital
6 advertisements, radio, television, and outdoor advertising signs.
7 (b) Except as provided in subsection ~~(c)~~, **(d)**, only a person that is
8 an attorney licensed to practice law in Indiana or a child placing agency
9 licensed under the laws of Indiana may place an advertisement that:
10 (1) a child is offered or wanted for adoption; or
11 (2) the person is able to place, locate, or receive a child for
12 adoption.
13 ~~(c)~~ A person described in subsection ~~(b)~~ that places an
14 advertisement in Indiana shall include the following in the
15 advertisement:
16 ~~(1)~~ For an attorney licensed to practice law in Indiana, the
17 person's attorney number.

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1 (2) For a child placing agency licensed under the laws of Indiana;
2 the number on the person's child placing agency license.
3 ~~(d)~~ (c) A person who knowingly or intentionally violates subsection
4 (b) commits unauthorized adoption advertising, a Level 6 felony.
5 ~~(e)~~ (d) Subsection (b) may not be enforced against:
6 (1) a federal agency; ~~or~~
7 (2) the Indiana department of child services; **or**
8 (3) **a person seeking to adopt a child on the person's own**
9 **behalf.**
10 SECTION 2. **An emergency is declared for this act.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1014, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.

Page 2, delete lines 1 through 16, begin a new paragraph and insert:

"SECTION 1. IC 35-46-1-21, AS AMENDED BY P.L.113-2017, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 21. (a) As used in this section, "advertisement" means any communication by any medium within the borders of Indiana, including print advertisements, digital advertisements, radio, television, and outdoor advertising signs.

(b) Except as provided in subsection ~~(c)~~; **(d)**, only a person that is an attorney licensed to practice law in Indiana or a child placing agency licensed under the laws of Indiana may place an advertisement that:

- (1) a child is offered or wanted for adoption; or
- (2) the person is able to place, locate, or receive a child for adoption.

~~(c)~~ **(c)** A person described in subsection (b) that places an advertisement in Indiana shall include the following in the advertisement:

~~(1)~~ **(1)** For an attorney licensed to practice law in Indiana, the person's attorney number.

~~(2)~~ **(2)** For a child placing agency licensed under the laws of Indiana, the number on the person's child placing agency license.

~~(d)~~ **(c)** A person who knowingly or intentionally violates subsection (b) commits unauthorized adoption advertising, a Level 6 felony.

~~(e)~~ **(d)** Subsection (b) may not be enforced against:

- (1)** a federal agency; ~~or~~
- (2)** the Indiana department of child services; ~~or~~
- (3)** a person seeking to adopt a child on the person's own behalf."

and when so amended that said bill do pass.

(Reference is to HB 1014 as introduced.)

MCNAMARA

Committee Vote: yeas 8, nays 1.

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