

HOUSE BILL No. 1067

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-26-5-11; IC 31-9-2-84.8; IC 31-19-9; IC 31-35-3-4; IC 33-37-5; IC 35-31.5-2; IC 35-42-1-2.

Synopsis: Inducing suicide. Defines "individual with suicidal ideation" and "undue influence". Provides that a person who, with the intent to cause an individual to commit suicide, persuades, encourages, or induces the individual to commit suicide, commits inducing suicide, a Level 5 felony, if: (1) the person knows that the individual is an individual with suicidal ideation; (2) the person has undue influence over the individual; and (3) the individual commits or attempts to commit suicide. Makes conforming amendments.

Effective: July 1, 2021.

Olthoff

January 4, 2021, read first time and referred to Committee on Courts and Criminal Code.



First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

HOUSE BILL No. 1067

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 20-26-5-11, AS AMENDED BY P.L.142-2020,
2 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2021]: Sec. 11. (a) This section applies to:
4 (1) a school corporation;
5 (2) a charter school; and
6 (3) an entity:
7 (A) with which the school corporation contracts for services;
8 and
9 (B) that has employees who are likely to have direct, ongoing
10 contact with children within the scope of the employees'
11 employment.
12 (b) A school corporation, charter school, or entity may use
13 information obtained under section 10 of this chapter concerning an
14 individual's conviction for one (1) of the following offenses as grounds
15 to not employ or contract with the individual:
16 (1) Murder (IC 35-42-1-1).
17 (2) **Inducing or** causing suicide (IC 35-42-1-2).



- 1 (3) Assisting suicide (IC 35-42-1-2.5).
- 2 (4) Voluntary manslaughter (IC 35-42-1-3).
- 3 (5) Reckless homicide (IC 35-42-1-5).
- 4 (6) Battery (IC 35-42-2-1) unless ten (10) years have elapsed from
- 5 the date the individual was discharged from probation,
- 6 imprisonment, or parole, whichever is later.
- 7 (7) Aggravated battery (IC 35-42-2-1.5).
- 8 (8) Kidnapping (IC 35-42-3-2).
- 9 (9) Criminal confinement (IC 35-42-3-3).
- 10 (10) A sex offense under IC 35-42-4.
- 11 (11) Carjacking (IC 35-42-5-2) (repealed).
- 12 (12) Arson (IC 35-43-1-1), unless ten (10) years have elapsed
- 13 from the date the individual was discharged from probation,
- 14 imprisonment, or parole, whichever is later.
- 15 (13) Incest (IC 35-46-1-3).
- 16 (14) Neglect of a dependent as a Class B felony (for a crime
- 17 committed before July 1, 2014) or a Level 1 felony or Level 3
- 18 felony (for a crime committed after June 30, 2014) (IC
- 19 35-46-1-4(b)(2)), unless ten (10) years have elapsed from the date
- 20 the individual was discharged from probation, imprisonment, or
- 21 parole, whichever is later.
- 22 (15) Child selling (IC 35-46-1-4(d)).
- 23 (16) Contributing to the delinquency of a minor (IC 35-46-1-8),
- 24 unless ten (10) years have elapsed from the date the individual
- 25 was discharged from probation, imprisonment, or parole,
- 26 whichever is later.
- 27 (17) An offense involving a weapon under IC 35-47 or
- 28 IC 35-47.5, unless ten (10) years have elapsed from the date the
- 29 individual was discharged from probation, imprisonment, or
- 30 parole, whichever is later.
- 31 (18) An offense relating to controlled substances under
- 32 IC 35-48-4, unless ten (10) years have elapsed from the date the
- 33 individual was discharged from probation, imprisonment, or
- 34 parole, whichever is later.
- 35 (19) An offense relating to material or a performance that is
- 36 harmful to minors or obscene under IC 35-49-3, unless ten (10)
- 37 years have elapsed from the date the individual was discharged
- 38 from probation, imprisonment, or parole, whichever is later.
- 39 (20) An offense relating to operating a motor vehicle while
- 40 intoxicated under IC 9-30-5, unless five (5) years have elapsed
- 41 from the date the individual was discharged from probation,
- 42 imprisonment, or parole, whichever is later.



1 (21) Domestic battery (IC 35-42-2-1.3), unless ten (10) years have
 2 elapsed from the date the individual was discharged from
 3 probation, imprisonment, or parole, whichever is latest.

4 (c) An individual employed by a school corporation, charter school,
 5 or entity described in subsection (a) shall notify the governing body of
 6 the school corporation, if during the course of the individual's
 7 employment, the individual is convicted in Indiana or another
 8 jurisdiction of an offense described in subsection (b).

9 (d) A school corporation, charter school, or entity may use
 10 information obtained under section 10 of this chapter concerning an
 11 individual being the subject of a substantiated report of child abuse or
 12 neglect as grounds to not employ or contract with the individual.

13 (e) An individual employed by a school corporation, charter school,
 14 or entity described in subsection (a) shall notify the governing body of
 15 the school corporation, if during the course of the individual's
 16 employment, the individual is the subject of a substantiated report of
 17 child abuse or neglect.

18 SECTION 2. IC 31-9-2-84.8, AS AMENDED BY P.L.142-2020,
 19 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2021]: Sec. 84.8. "Nonwaivable offense", for purposes of this
 21 title, means a conviction of any of the following felonies:

- 22 (1) Murder (IC 35-42-1-1).
- 23 (2) **Inducing or** causing suicide (IC 35-42-1-2).
- 24 (3) Assisting suicide (IC 35-42-1-2.5).
- 25 (4) Voluntary manslaughter (IC 35-42-1-3).
- 26 (5) Involuntary manslaughter (IC 35-42-1-4).
- 27 (6) Reckless homicide (IC 35-42-1-5).
- 28 (7) Feticide (IC 35-42-1-6).
- 29 (8) Battery (IC 35-42-2-1) within the past five (5) years.
- 30 (9) Domestic battery (IC 35-42-2-1.3).
- 31 (10) Aggravated battery (IC 35-42-2-1.5).
- 32 (11) Criminal recklessness (IC 35-42-2-2) within the past five (5)
 33 years.
- 34 (12) Strangulation (IC 35-42-2-9).
- 35 (13) Kidnapping (IC 35-42-3-2).
- 36 (14) Criminal confinement (IC 35-42-3-3) within the past five (5)
 37 years.
- 38 (15) Human and sexual trafficking (IC 35-42-3.5).
- 39 (16) A felony sex offense under IC 35-42-4.
- 40 (17) Arson (IC 35-43-1-1) within the past five (5) years.
- 41 (18) Incest (IC 35-46-1-3).
- 42 (19) Neglect of a dependent (IC 35-46-1-4(a) and



- 1 IC 35-46-1-4(b)).
 2 (20) Child selling (IC 35-46-1-4(d)).
 3 (21) Reckless supervision (IC 35-46-1-4.1).
 4 (22) Nonsupport of a dependent child (IC 35-46-1-5) within the
 5 past five (5) years.
 6 (23) Operating a motorboat while intoxicated (IC 35-46-9-6)
 7 within the past five (5) years.
 8 (24) A felony involving a weapon under IC 35-47 within the past
 9 five (5) years.
 10 (25) A felony relating to controlled substances under IC 35-48-4
 11 within the past five (5) years.
 12 (26) An offense relating to material or a performance that is
 13 harmful to minors or obscene under IC 35-49-3.
 14 (27) A felony under IC 9-30-5 within the past five (5) years.
 15 (28) A felony related to the health or safety of a child (as defined
 16 in IC 31-9-2-13(h)) or an endangered adult (as defined in
 17 IC 12-10-3-2).

18 SECTION 3. IC 31-19-9-9, AS AMENDED BY P.L.142-2020,
 19 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2021]: Sec. 9. A court shall determine that consent to adoption
 21 is not required from a parent if the:

- 22 (1) parent is convicted of and incarcerated at the time of the filing
 23 of a petition for adoption for:
 24 (A) murder (IC 35-42-1-1);
 25 (B) **inducing or** causing suicide (IC 35-42-1-2); or
 26 (C) voluntary manslaughter (IC 35-42-1-3);
 27 (2) victim of the crime is the child's other parent; and
 28 (3) court determines, after notice to the convicted parent and a
 29 hearing, that dispensing with the parent's consent to adoption is
 30 in the child's best interests.

31 SECTION 4. IC 31-19-9-10, AS AMENDED BY P.L.142-2020,
 32 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2021]: Sec. 10. A court shall determine that consent to
 34 adoption is not required from a parent if:

- 35 (1) the parent is convicted of and incarcerated at the time of the
 36 filing of a petition for adoption for:
 37 (A) murder (IC 35-42-1-1);
 38 (B) **inducing or** causing suicide (IC 35-42-1-2);
 39 (C) voluntary manslaughter (IC 35-42-1-3);
 40 (D) rape (IC 35-42-4-1);
 41 (E) criminal deviate conduct (IC 35-42-4-2) (before its repeal);
 42 (F) child molesting (IC 35-42-4-3) as a:



- 1 (i) Class A or Class B felony, for a crime committed before
 2 July 1, 2014; or
 3 (ii) Level 1, Level 2, Level 3, or Level 4 felony, for a crime
 4 committed after June 30, 2014;
 5 (G) incest (IC 35-46-1-3) as a:
 6 (i) Class B felony, for a crime committed before July 1,
 7 2014; or
 8 (ii) Level 4 felony, for a crime committed after June 30,
 9 2014;
 10 (H) neglect of a dependent (IC 35-46-1-4) as a:
 11 (i) Class B felony, for a crime committed before July 1,
 12 2014; or
 13 (ii) Level 1 or Level 3 felony, for a crime committed after
 14 June 30, 2014;
 15 (I) battery (IC 35-42-2-1) of a child as a:
 16 (i) Class C felony, for a crime committed before July 1,
 17 2014; or
 18 (ii) Level 5 felony, for a crime committed after June 30,
 19 2014;
 20 (J) battery (IC 35-42-2-1) as a:
 21 (i) Class A or Class B felony, for a crime committed before
 22 July 1, 2014; or
 23 (ii) Level 2, Level 3, or Level 4 felony, for a crime
 24 committed after June 30, 2014;
 25 (K) domestic battery (IC 35-42-2-1.3) as a Level 5, Level 4,
 26 Level 3, or Level 2 felony; or
 27 (L) aggravated battery (IC 35-42-2-1.5) as a Level 3 or Level
 28 1 felony;
 29 (2) the child or the child's sibling, half-blood sibling, or
 30 step-sibling of the parent's current marriage is the victim of the
 31 offense; and
 32 (3) after notice to the parent and a hearing, the court determines
 33 that dispensing with the parent's consent to adoption is in the
 34 child's best interests.
- 35 SECTION 5. IC 31-35-3-4, AS AMENDED BY P.L.214-2013,
 36 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2021]: Sec. 4. If:
 38 (1) an individual is convicted of the offense of:
 39 (A) murder (IC 35-42-1-1);
 40 (B) **inducing or** causing suicide (IC 35-42-1-2);
 41 (C) voluntary manslaughter (IC 35-42-1-3);
 42 (D) involuntary manslaughter (IC 35-42-1-4);



- 1 (E) rape (IC 35-42-4-1);
 2 (F) criminal deviate conduct (IC 35-42-4-2) (repealed);
 3 (G) child molesting (IC 35-42-4-3);
 4 (H) child exploitation (IC 35-42-4-4);
 5 (I) sexual misconduct with a minor (IC 35-42-4-9); or
 6 (J) incest (IC 35-46-1-3); and
 7 (2) the victim of the offense:
 8 (A) was less than sixteen (16) years of age at the time of the
 9 offense; and
 10 (B) is:
 11 (i) the individual's biological or adoptive child; or
 12 (ii) the child of a spouse of the individual who has
 13 committed the offense;
- 14 the attorney for the department, the child's guardian ad litem, or the
 15 court appointed special advocate may file a petition with the juvenile
 16 or probate court to terminate the parent-child relationship of the
 17 individual who has committed the offense with the victim of the
 18 offense, the victim's siblings, or any biological or adoptive child of that
 19 individual.
- 20 SECTION 6. IC 33-37-5-12, AS AMENDED BY P.L.65-2016,
 21 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2021]: Sec. 12. The court shall order a person to pay a child
 23 abuse prevention fee of one hundred dollars (\$100) to the clerk in each
 24 criminal action in which:
 25 (1) the person is found to have committed the offense of:
 26 (A) murder (IC 35-42-1-1);
 27 (B) **inducing or** causing suicide (IC 35-42-1-2);
 28 (C) voluntary manslaughter (IC 35-42-1-3);
 29 (D) reckless homicide (IC 35-42-1-5);
 30 (E) battery (IC 35-42-2-1);
 31 (F) strangulation (IC 35-42-2-9);
 32 (G) domestic battery (IC 35-42-2-1.3);
 33 (H) aggravated battery (IC 35-42-2-1.5);
 34 (I) rape (IC 35-42-4-1);
 35 (J) criminal deviate conduct (IC 35-42-4-2) (repealed);
 36 (K) child molesting (IC 35-42-4-3);
 37 (L) child exploitation (IC 35-42-4-4);
 38 (M) vicarious sexual gratification (IC 35-42-4-5);
 39 (N) child solicitation (IC 35-42-4-6);
 40 (O) incest (IC 35-46-1-3);
 41 (P) neglect of a dependent (IC 35-46-1-4);
 42 (Q) child selling (IC 35-46-1-4); or



- 1 (R) child seduction (IC 35-42-4-7); and
 2 (2) the victim of the offense is less than eighteen (18) years of
 3 age.

4 SECTION 7. IC 33-37-5-13, AS AMENDED BY P.L.15-2016,
 5 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2021]: Sec. 13. The court shall order a person to pay a
 7 domestic violence prevention and treatment fee of fifty dollars (\$50) to
 8 the clerk in each criminal action in which:

- 9 (1) the person is found to have committed the offense of:
 10 (A) murder (IC 35-42-1-1);
 11 (B) **inducing or** causing suicide (IC 35-42-1-2);
 12 (C) voluntary manslaughter (IC 35-42-1-3);
 13 (D) reckless homicide (IC 35-42-1-5);
 14 (E) battery (IC 35-42-2-1);
 15 (F) domestic battery (IC 35-42-2-1.3);
 16 (G) strangulation (IC 35-42-2-9); or
 17 (H) rape (IC 35-42-4-1); and
 18 (2) the victim:
 19 (A) is a spouse or former spouse of the person who committed
 20 an offense under subdivision (1);
 21 (B) is or was living as if a spouse of the person who committed
 22 the offense of domestic battery under subdivision (1)(F); or
 23 (C) has a child in common with the person who committed the
 24 offense of domestic battery under subdivision (1)(F).

25 SECTION 8. IC 35-31.5-2-169.3 IS ADDED TO THE INDIANA
 26 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 27 [EFFECTIVE JULY 1, 2021]: **Sec. 169.3. "Individual with suicidal**
 28 **ideation", for purposes of IC 35-42-1-2, has the meaning set forth**
 29 **in IC 35-42-1-2.**

30 SECTION 9. IC 35-31.5-2-339.5 IS ADDED TO THE INDIANA
 31 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 32 [EFFECTIVE JULY 1, 2021]: **Sec. 339.5. "Undue influence", for**
 33 **purposes of IC 35-42-1-2, has the meaning set forth in**
 34 **IC 35-42-1-2.**

35 SECTION 10. IC 35-42-1-2, AS AMENDED BY P.L.158-2013,
 36 SECTION 411, IS AMENDED TO READ AS FOLLOWS
 37 [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) **As used in this section,**
 38 **"individual with suicidal ideation" means an individual who is**
 39 **considering or planning to commit suicide.**

40 (b) **For purposes of this section, a person exercises "undue**
 41 **influence" over an individual if the person:**

- 42 (1) **has a personal, professional, or familial relationship with**



- 1 **the individual; and**
2 **(2) exercises substantial control over the individual by:**
3 **(A) controlling where the individual lives or material**
4 **circumstances of the individual's life; or**
5 **(B) deceptively or fraudulently manipulating the**
6 **individuals's fears, affections, or sympathies.**
7 **(c) A person who, with the intent to cause an individual to**
8 **commit suicide, persuades, encourages, or induces the individual**
9 **to commit suicide, commits inducing suicide, a Level 5 felony, if:**
10 **(1) the person knows that the individual is an individual with**
11 **suicidal ideation;**
12 **(2) the person exercises undue influence over the individual;**
13 **and**
14 **(3) the individual commits or attempts to commit suicide.**
15 **(d) A person who intentionally causes another human being, by**
16 **force, duress, or deception, to commit suicide commits causing suicide,**
17 **a Level 3 felony.**

