

HOUSE BILL No. 1137

DIGEST OF INTRODUCED BILL

Citations Affected: IC 2-5-36-9; IC 16-18-2-88.5; IC 16-19-13-7.

Synopsis: Reporting of sex crimes against children. Requires the commission on improving the status of children in Indiana to study and evaluate the underreporting of crimes against children. Requires the state department of health or the office of women's health to conduct a study to determine the number of persons who are the victims of crimes of domestic and sexual violence, the reasons why these crimes are underreported, best practices to improve reporting, and the most effective means to connect victims with appropriate treatment services. Establishes a framework for the study, and permits the department of health or the office of women's health to contract with a third party to conduct the study. (The introduced version of this bill was prepared by the criminal law and sentencing policy study committee.)

Effective: July 1, 2014.

Hale, Turner, McMillin, Macer

January 9, 2014, read first time and referred to Committee on Family, Children and Human Affairs.



Second Regular Session 118th General Assembly (2014)

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 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

HOUSE BILL No. 1137

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 2-5-36-9, AS ADDED BY P.L.119-2013,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2014]: Sec. 9. The commission shall do the following:
4 (1) Study and evaluate the following:
5 (A) Access to services for vulnerable youth.
6 (B) Availability of services for vulnerable youth.
7 (C) Duplication of services for vulnerable youth.
8 (D) Funding of services available for vulnerable youth.
9 (E) Barriers to service for vulnerable youth.
10 (F) Communication and cooperation by agencies concerning
11 vulnerable youth.
12 (G) Implementation of programs or laws concerning
13 vulnerable youth.
14 (H) The consolidation of existing entities that serve vulnerable
15 youth.
16 (I) Data from state agencies relevant to evaluating progress,



targeting efforts, and demonstrating outcomes.

(J) Underreporting of crimes against children, including the reasons for underreporting.

(2) Review and make recommendations concerning pending legislation.

(3) Promote information sharing concerning vulnerable youth across the state.

(4) Promote best practices, policies, and programs.

(5) Cooperate with:

(A) other child focused commissions;

(B) the judicial branch of government;

(C) the executive branch of government;

(D) stakeholders; and

(E) members of the community.

(6) Submit a report not later than July 1 of each year regarding the commission's work during the previous year. The report shall be submitted to the legislative council, the governor, and the chief justice of Indiana. The report to the legislative council must be in an electronic format under IC 5-14-6.

SECTION 2. IC 16-18-2-88.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 88.5. "Crime of domestic or sexual violence" means a sex offense (as defined in IC 11-8-8-5.2) or a crime of domestic violence (as defined in IC 35-31.5-2-78). The term includes a delinquent act that would be a sex offense or a crime of domestic violence if committed by an adult.**

SECTION 3. IC 16-19-13-7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 7. (a) Before July 1, 2015, the office or the state department shall conduct a study to do the following:**

(1) Determine the extent to which crimes of domestic and sexual violence are underreported.

(2) Identify which crimes of domestic and sexual violence are more commonly underreported.

(3) Investigate differences between the reporting of crimes of domestic and sexual violence committed:

(A) against children;

(B) against adults;

(C) in urban areas;

(D) in suburban areas; and

(E) in rural areas.

(4) Investigate and identify reasons why the victims of



1 unreported crimes of domestic and sexual violence do not
2 report these crimes, both in general and with reference to
3 specific crimes.

4 **(5) Study and evaluate methods for improving the reporting**
5 **of underreported crimes of domestic and sexual violence.**

6 **(6) Study and evaluate resources available to educate**
7 **potential victims of crimes of domestic and sexual violence.**

8 **(7) Evaluate best practices to connect victims of crimes of**
9 **domestic and sexual violence with appropriate therapeutic**
10 **and other resources.**

11 **(8) Make recommendations concerning best practices to:**

12 **(A) improve the reporting of underreported crimes of**
13 **domestic and sexual violence;**

14 **(B) provide resources for persons who are the victims of**
15 **crimes of domestic and sexual violence; and**

16 **(C) make educational, therapeutic, and other resources**
17 **available to victims of crimes of domestic and sexual**
18 **violence who may have not reported the crimes.**

19 **(b) The study described in subsection (a) must include the**
20 **following:**

21 **(1) The use of GIS (as defined in IC 25-21.5-1-3.5) mapping to**
22 **detect patterns of reported and unreported crimes of domestic**
23 **and sexual violence, and followup investigations to study areas**
24 **with high and low reporting rates.**

25 **(2) At least two (2) separate surveys to quantify**
26 **underreporting.**

27 **(3) One (1) of the surveys described in subdivision (2) must:**

28 **(A) be conducted by professionals who have expertise in**
29 **analyzing communication and understanding the social**
30 **norms and cultural pressures that affect whether the**
31 **victim of a crime of domestic and sexual violence reports**
32 **the crime or not; and**

33 **(B) in order to capture unreported crimes of domestic and**
34 **sexual violence, focus on surveying individuals (including**
35 **teachers, coaches, pastors, and other mentors) who may**
36 **know of unreported crimes of domestic and sexual**
37 **violence, with the purpose of studying the perspective that**
38 **these individuals have concerning the reasons the victims**
39 **did not report the crimes. These surveys shall be conducted**
40 **anonymously, and, to the extent that the person**
41 **interviewed had a duty to report the crime and did not**
42 **report the crime, the survey must determine what factors**



- 1 made the person reluctant to report the crime.
- 2 **(4) The second survey described in subdivision (2) must be**
- 3 **modeled on studies conducted by the national Centers for**
- 4 **Disease Control and Prevention's Academic Centers of**
- 5 **Excellence and involve a survey of persons who were the**
- 6 **victims of a crime of domestic and sexual violence when they**
- 7 **were younger, but who did not report the crime until they**
- 8 **were older. The purpose of this survey is to obtain the victim's**
- 9 **insight into the reason the victim did not report the crime of**
- 10 **domestic and sexual violence.**
- 11 **(5) After evaluating the surveys described in subdivision (2),**
- 12 **researchers performing the study must conduct in depth**
- 13 **interviews with individuals and focus groups. The interviews**
- 14 **and focus groups must be conducted in different geographical**
- 15 **areas of the state, and contain a mix of urban, suburban, and**
- 16 **rural areas. Persons interviewed must include:**
- 17 **(A) groups or individuals who have reported crimes of**
- 18 **domestic and sexual violence;**
- 19 **(B) groups or individuals who have not reported crimes of**
- 20 **domestic and sexual violence; and**
- 21 **(C) teachers and other persons who have insight into**
- 22 **students' lives and have perspective into the cultural**
- 23 **dynamics that give rise to the problem of crimes of**
- 24 **domestic and sexual violence as well as the reasons a**
- 25 **person may have for not reporting the crime.**
- 26 **The professionals who conduct these interviews must have**
- 27 **diverse backgrounds and must be skilled at eliciting subtle**
- 28 **information from the persons they interview.**
- 29 **(6) At the conclusion of the interviews described in**
- 30 **subdivision (5), the information from the surveys and**
- 31 **interviews shall be evaluated and assembled by a data analysis**
- 32 **group that shall draw conclusions and make appropriate**
- 33 **recommendations.**
- 34 **(c) The office or state department may contract with a third**
- 35 **party to conduct the study described in this section.**
- 36 **(d) Information contained in a study described in this section**
- 37 **that identifies or could be used to determine the identity of a child**
- 38 **or adult participating in the study is confidential. All other**
- 39 **information contained in the study is not confidential and is**
- 40 **available for inspection and copying under IC 5-14-3.**
- 41 **(e) The office or state department shall provide a copy of the**
- 42 **study to:**



- 1 **(1) the department of child services;**
- 2 **(2) the commission on improving the status of children;**
- 3 **(3) the department of education; and**
- 4 **(4) the legislative council.**
- 5 **The study provided to the legislative council must be in an**
- 6 **electronic format under IC 5-14-6.**
- 7 **(f) This section expires June 30, 2016.**

