

HOUSE BILL No. 1156

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-50-2.

Synopsis: Penalties for sex offenses. Provides that a person who commits certain sex offenses in which the victim of an offense is less than 18 years of age shall be sentenced to: (1) a nonsuspendible sentence; or (2) life imprisonment without parole. Increases the penalty range for the offense of child sexual trafficking.

Effective: July 1, 2022.

Jacob, Borders

January 6, 2022, read first time and referred to Committee on Courts and Criminal Code.



Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

HOUSE BILL No. 1156

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 35-50-2-2.2, AS AMENDED BY P.L.119-2021,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2022]: Sec. 2.2. (a) Except as provided in subsection (b), ~~or~~
4 (c), **(d)**, the court may suspend any part of a sentence for a felony.
5 (b) If a person is convicted of a Level 2 felony or a Level 3 felony
6 and has any prior unrelated felony conviction, other than a conviction
7 for a felony involving marijuana, hashish, hash oil, or salvia divinorum,
8 the court may suspend only that part of a sentence that is in excess of
9 the minimum sentence for the:
10 (1) Level 2 felony; or
11 (2) Level 3 felony.
12 (c) The court may suspend only that part of a sentence for murder
13 or a Level 1 felony conviction that is in excess of the minimum
14 sentence for murder or the Level 1 felony conviction.
15 **(d) The court may not suspend any part of a sentence for an**
16 **offense committed under any of the following:**
17 **(1) Promotion of child sexual trafficking (IC 35-42-3.5-1.2).**



1 **(2) Child sexual trafficking (IC 35-42-3.5-1.3).**

2 (3) Child molesting (IC 35-42-4-3).

3 (4) Child exploitation (IC 35-42-4-4(b) or IC 35-42-4-4(c)).

4 (5) Child solicitation (IC 35-42-4-6).

5 (6) Child seduction (IC 35-42-4-7).

6 SECTION 2. IC 35-50-2-3.5 IS ADDED TO THE INDIANA CODE
7 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
8 1, 2022]: **Sec. 3.5. (a) Notwithstanding any other law, a person who
9 commits child sexual trafficking (IC 35-42-3.5-1.3) shall be
10 imprisoned for:**

11 **(1) a fixed term of between twenty (20) and forty (40) years,
12 with the advisory sentence being thirty (30) years;**

13 **(2) a fixed term of between twenty-five (25) and forty-five (45)
14 years, with the advisory sentence being thirty-five (35) years
15 if a person has a prior unrelated felony conviction; and**

16 **(3) a fixed term of between thirty (30) and fifty (50) years,
17 with the advisory sentence being forty (40) years if a person
18 has two (2) or more prior unrelated felony convictions.**

19 **(b) Notwithstanding any other law, a person who commits:**

20 **(1) child sexual trafficking (IC 35-42-3.5-1.3);**

21 **(2) child molesting (IC 35-42-4-3); or**

22 **(3) child exploitation (IC 35-42-4-4(b)); and**

23 **has a prior unrelated conviction for an offense described in this
24 subsection shall be sentenced to life imprisonment without parole.**

25 **(c) Notwithstanding any other law, if a person commits child
26 sexual trafficking (IC 35-42-3.5-1.3), child molesting (IC
27 35-42-4-3), or child exploitation (IC 35-42-4-4(b)) and:**

28 **(1) the offense is committed by a person at least twenty-one
29 (21) years of age;**

30 **(2) the offense is committed by using or threatening the use of
31 deadly force or while armed with a deadly weapon;**

32 **(3) the offense results in serious bodily injury;**

33 **(4) the commission of the offense is facilitated by furnishing
34 the victim, without the victim's knowledge, with a drug (as
35 defined in IC 16-42-19-2(1)) or a controlled substance (as
36 defined in IC 35-48-1-9) or knowing that the victim was
37 furnished with the drug or controlled substance without the
38 victim's knowledge; or**

39 **(5) the offense results in the transmission of a serious sexually
40 transmitted disease and the person knew that the person was
41 infected with the disease;**

42 **the person shall be sentenced to life imprisonment without parole.**



1 **(d) Except as provided in subsections (a) through (c), a person**
2 **who committed an offense described in this section when the**
3 **person was less than eighteen (18) years of age may be sentenced**
4 **to life imprisonment without parole.**

5 **(e) A person described in this section may be fined not more**
6 **than ten thousand dollars (\$10,000).**

