

# HOUSE BILL No. 1161

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 35-42-4-8.

**Synopsis:** Sexual battery. Provides that a person who, with the intent to arouse or satisfy the person's own sexual desires or the sexual desires of another person: (1) touches the other person's genitals, pubic area, buttocks, or breast; and (2) knew or reasonably should have known it was against the consent of the other person; commits sexual battery, a Level 6 felony.

**Effective:** July 1, 2020.

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## Errington, Negele, Campbell

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January 8, 2020, read first time and referred to Committee on Courts and Criminal Code.

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Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

# HOUSE BILL No. 1161

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 35-42-4-8, AS AMENDED BY P.L.158-2013,  
2 SECTION 444, IS AMENDED TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2020]: Sec. 8. (a) A person who, with **the** intent  
4 to arouse or satisfy the person's own sexual desires or the sexual desires  
5 of another person:  
6 **(1) touches the other person's genitals, pubic area, buttocks,**  
7 **or breast; and**  
8 **(2) knew or reasonably should have known it was against the**  
9 **consent of the other person;**  
10 **(1) touches another person when that person is:**  
11 **(A) compelled to submit to the touching by force or the**  
12 **imminent threat of force; or**  
13 **(B) so mentally disabled or deficient that consent to the**  
14 **touching cannot be given; or**  
15 **(2) touches another person's genitals, pubic area, buttocks, or**  
16 **female breast when that person is unaware that the touching is**  
17 **occurring;**



1 commits sexual battery, a Level 6 felony.  
2 (b) An offense described in subsection (a) is a Level 4 felony if:  
3 (1) it is committed by using or threatening the use of deadly force;  
4 (2) it is committed while armed with a deadly weapon; or  
5 (3) the commission of the offense is facilitated by furnishing the  
6 victim, without the victim's knowledge, with a drug (as defined in  
7 IC 16-42-19-2(1)) or a controlled substance (as defined in  
8 IC 35-48-1-9) or knowing that the victim was furnished with the  
9 drug or controlled substance without the victim's knowledge.

