

HOUSE BILL No. 1218

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-45-4-1.

Synopsis: Indecent displays by incarcerated individuals. Creates the crime of indecent exposure in a penal facility, a Class C misdemeanor.

Effective: July 1, 2024.

Heaton

January 9, 2024, read first time and referred to Committee on Courts and Criminal Code.



Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

HOUSE BILL No. 1218

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 35-45-4-1, AS AMENDED BY P.L.142-2020,
2 SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2024]: Sec. 1. (a) A person who knowingly or intentionally,
4 in a public place:
5 (1) engages in sexual intercourse;
6 (2) engages in other sexual conduct (as defined in
7 IC 35-31.5-2-221.5);
8 (3) appears in a state of nudity with the intent to arouse the sexual
9 desires of the person or another person; or
10 (4) fondles the person's genitals or the genitals of another person;
11 commits public indecency, a Class A misdemeanor.
12 (b) A person at least eighteen (18) years of age who knowingly or
13 intentionally, in a public place, appears in a state of nudity with the
14 intent to be seen by a child less than sixteen (16) years of age commits
15 public indecency, a Class A misdemeanor.
16 (c) However, the offense under subsection (a) or (b) is a Level 6
17 felony if the person who commits the offense has a prior unrelated



1 conviction under subsection (a) or (b).

2 (d) As used in this section, "nudity" means the showing of the
3 human male or female genitals, pubic area, or buttocks with less than
4 a fully opaque covering, the showing of the female breast with less than
5 a fully opaque covering of any part of the nipple, or the showing of
6 covered male genitals in a discernibly turgid state.

7 (e) A person who, in a place other than a public place, with the
8 intent to be seen by persons other than invitees and occupants of that
9 place:

10 (1) engages in sexual intercourse;

11 (2) engages in other sexual conduct (as defined in
12 IC 35-31.5-2-221.5);

13 (3) fondles the person's genitals or the genitals of another person;
14 or

15 (4) appears in a state of nudity;

16 where the person can be seen by persons other than invitees and
17 occupants of that place commits indecent exposure, a Class C
18 misdemeanor.

19 **(f) A person who, in a penal facility, with the intent to be seen by**
20 **persons other than inmates:**

21 **(1) engages in sexual intercourse;**

22 **(2) engages in other sexual conduct (as defined in**
23 **IC 35-31.5-2-221.5); or**

24 **(3) fondles the person's genitals or the genitals of another**
25 **person;**

26 **where the person can be seen by persons other than inmates**
27 **commits indecent exposure in a penal facility, a Class C**
28 **misdemeanor.**

