

# HOUSE BILL No. 1353

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 31-30.5-1-3.

**Synopsis:** Student interrogations. Provides that a statement made during a custodial interrogation of a juvenile that is conducted at a school or another place where the juvenile is detained in connection with an investigation and that is not a place of detention is admissible against the juvenile in a felony criminal prosecution or in a juvenile proceeding only if: (1) the juvenile's parent, guardian, or custodian is notified and present during questioning; (2) the juvenile's rights are waived under certain circumstances; and (3) the interrogation complies with requirements under Indiana Evidence Rule 617.

**Effective:** July 1, 2019.

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January 14, 2019, read first time and referred to Committee on Courts and Criminal Code.

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First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

## HOUSE BILL No. 1353

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A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 31-30.5-1-3, AS ADDED BY P.L.187-2015,  
2 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2019]: Sec. 3. (a) This section applies only to the custodial  
4 interrogation of a juvenile that is:  
5 (1) not conducted at a place of detention; and  
6 (2) conducted at a school or another place where a juvenile is  
7 detained in connection with the investigation.  
8 **(b) This section includes the custodial interrogation of a juvenile**  
9 **that is conducted by a school resource officer (as defined in**  
10 **IC 20-26-18.2-1).**  
11 ~~(b)~~ (c) A statement made during a custodial interrogation described  
12 in subsection (a) is admissible against the juvenile in a felony criminal  
13 prosecution or in a juvenile proceeding only if:  
14 (1) **the juvenile's parent, guardian, or custodian is notified**  
15 **and present during questioning;**  
16 (2) **the juvenile's rights are waived under IC 31-32-5-1 and in**  
17 **accordance with IC 31-32-5-4; and**



1           (+) **(3)** the interrogation:  
2                **(A)** complies with Indiana Evidence Rule 617; or  
3           (2) the interrogation:  
4                (+) **(B)** is:  
5                    **(i)** recorded by using audio equipment; and  
6                    (+) **(ii)** complies with every requirement of Indiana  
7                    Evidence Rule 617, except for the requirement that an  
8                    electronic recording be an audio-visual recording.

