

HOUSE BILL No. 1424

DIGEST OF INTRODUCED BILL

Citations Affected: IC 11-10-12-4; IC 35-31.5-2-258.5;
IC 35-42-4-14.

Synopsis: Sex offenders and parks. Provides that the offense of unlawful entry by a serious sex offender includes when a serious sex offender knowingly or intentionally enters a public park or a public pool.

Effective: July 1, 2021.

Smaltz

January 14, 2021, read first time and referred to Committee on Courts and Criminal Code.



First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

HOUSE BILL No. 1424

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 11-10-12-4, AS AMENDED BY P.L.235-2015,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2021]: Sec. 4. Upon the discharge of a criminal offender, the
4 department shall do the following:
- 5 (1) Certify the discharge to the clerk of the sentencing court, who
6 shall make an entry on the record of judgment that the sentence
7 has been satisfied.
 - 8 (2) Inform the criminal offender in writing of the right to register
9 to vote under IC 3-7-13-5.
 - 10 (3) Provide the criminal offender with a copy of the voter's bill of
11 rights prescribed by the Indiana election commission under
12 IC 3-5-8.
 - 13 (4) If the criminal offender is a serious sex offender (as defined in
14 IC 35-42-4-14(a)), inform the criminal offender that:
 - 15 (A) a serious sex offender who knowingly or intentionally
16 enters school property, **a public park, or a public pool**
17 commits unlawful entry by a serious sex offender, a Level 6



felony, under IC 35-42-4-14(b); and

(B) a serious sex offender may be eligible to vote by mail or absentee ballot.

SECTION 2. IC 35-31.5-2-258.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 258.5. "Public pool" means a public swimming pool operated by a political subdivision for park purposes (as defined in IC 36-10-1-2).**

SECTION 3. IC 35-42-4-14, AS AMENDED BY P.L.142-2020, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 14. (a) As used in this section, "serious sex offender" means a person required to register as a sex offender under IC 11-8-8 who is:

(1) found to be a sexually violent predator under IC 35-38-1-7.5; or

(2) convicted of one (1) or more of the following offenses:

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

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

(C) Possession of child pornography (IC 35-42-4-4(d) or IC 35-42-4-4(e)).

(D) Vicarious sexual gratification (IC 35-42-4-5(a) and IC 35-42-4-5(b)).

(E) Performing sexual conduct in the presence of a minor (IC 35-42-4-5(c)).

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

(G) Child seduction (IC 35-42-4-7).

(H) Sexual misconduct with a minor (IC 35-42-4-9).

(b) A serious sex offender who knowingly or intentionally enters:

(1) school property;

(2) **a public park; or**

(3) **a public pool;**

commits unlawful entry by a serious sex offender, a Level 6 felony.

(c) It is a defense to a prosecution under ~~subsection (b)~~ **subsection (b)(1)** that:

(1) a religious institution or house of worship is located on the school property; and

(2) the person:

(A) enters the school property or other entity described in IC 35-31.5-2-285(1)(A) through IC 35-31.5-2-285(1)(D) when classes, extracurricular activities, or any other school activities are not being held:

(i) for the sole purpose of attending worship services or



1 receiving religious instruction; and
2 (ii) not earlier than thirty (30) minutes before the beginning
3 of the worship services or religious instruction; and
4 (B) leaves the school property not later than thirty (30)
5 minutes after the conclusion of the worship services or
6 religious instruction.

