

HOUSE BILL No. 1617

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-44.1-2-1.5.

Synopsis: Child custody perjury. Makes it child custody perjury, a Level 6 felony, for a person to knowingly make a material and false statement relating to the well-being of a child in connection with a child custody, parenting time, or protection order proceeding if the false statement causes the court to order the child to receive therapy or medical treatment.

Effective: July 1, 2019.

Cherry

January 22, 2019, read first time and referred to Committee on Courts and Criminal Code.



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.

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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 35-44.1-2-1.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2019]: **Sec. 1.5. (a) This section applies only**
4 **to a statement made in connection with a judicial proceeding**
5 **involving, directly or indirectly:**
6 (1) **child custody;**
7 (2) **parenting time; or**
8 (3) **an order for protection, if the petitioner and respondent**
9 **have a child in common.**
10 (b) **A person who:**
11 (1) **makes a false, material statement relating to the physical**
12 **or mental well-being of a child to:**
13 (A) **a court;**
14 (B) **an officer of the court; or**
15 (C) **a person appointed by the court to assist in a matter**
16 **over which the court has jurisdiction;**
17 **knowing the statement to be false or not believing it to be**



1 **true; and**
2 **(2) causes the court to order the child to receive therapy or**
3 **medical care;**
4 **commits child custody perjury, a Level 6 felony.**
5 **(c) It is not a defense to a prosecution under this section that the**
6 **statement was not made under oath or affirmation.**

