

SENATE BILL No. 91

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-42-4-13.

Synopsis: Grooming. Provides that a person at least 18 years of age commits sexual grooming, a Class A misdemeanor, if the person, with the intent to prepare or condition the child for future sexual activity, communicates with a child less than 14 years of age concerning sexual activity. Increases the penalty to a Level 6 felony if the grooming is committed by using a computer network, and to a Level 5 felony if the person has a prior conviction for a sex offense. Renames the offense of inappropriate communication with a child "sexual grooming", and increases the penalty to: (1) a Class A misdemeanor for the base offense; (2) a Level 6 felony if the offense is committed by using a computer network; and (3) a Level 5 felony if the person has a prior conviction for a sex offense.

Effective: July 1, 2025.

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January 8, 2025, read first time and referred to Committee on Corrections and Criminal Law.



First Regular Session of the 124th General Assembly (2025)

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 2024 Regular Session of the General Assembly.

SENATE BILL No. 91

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 35-42-4-13, AS AMENDED BY P.L.168-2014,
2 SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2025]: Sec. 13. (a) This section does not apply to the
4 following:

- 5 (1) A parent, guardian, or custodian of a child.
- 6 (2) A person who acts with the permission of a child's parent,
7 guardian, or custodian.
- 8 (3) A person to whom a child makes a report of abuse or neglect.
- 9 (4) A person to whom a child reports medical symptoms that
10 relate to or may relate to sexual activity.

11 (b) As used in this section, "sexual activity" means sexual
12 intercourse, other sexual conduct (as defined in IC 35-31.5-2-221.5),
13 or the fondling or touching of the buttocks, genitals, or female breasts.

14 (c) A person at least eighteen (18) years of age who knowingly or
15 intentionally communicates with an individual whom the person
16 believes to be a child less than fourteen (14) years of age concerning
17 sexual activity with the intent to:



1 (1) gratify the sexual desires of the person or the individual; or
2 (2) **prepare or condition the individual for future sexual**
3 **activity;**
4 commits ~~inappropriate communication with a child;~~ a ~~Class B~~
5 ~~misdemeanor; sexual grooming, a Class A misdemeanor, except as~~
6 **provided in subsection (d).**
7 **(d) However, The offense described in subsection (c) is:**
8 (1) ~~a Class A misdemeanor~~ **Level 6 felony** if the person commits
9 the offense by using a computer network (as defined in
10 IC 35-43-2-3(a); and
11 (2) ~~a Level 6 felony~~ **Level 5 felony** if the person has a prior
12 unrelated conviction for a sex offense (as defined in
13 IC 11-8-8-5.2).

