

SENATE BILL No. 160

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-30-1-4.

Synopsis: Waiver to adult court. Requires an adult court having jurisdiction over a minor (adult court) who commits an offense that results in the automatic transfer of jurisdiction to the adult court to transfer jurisdiction to the juvenile court for disposition if a minor pleads guilty to or is convicted of any offense other than an offense that results in the automatic transfer of jurisdiction to the adult court.

Effective: July 1, 2016.

Young R Michael

January 5, 2016, read first time and referred to Committee on Judiciary.



Second Regular Session 119th General Assembly (2016)

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 2015 Regular Session of the General Assembly.

SENATE BILL No. 160

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 31-30-1-4, AS AMENDED BY P.L.84-2015,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2016]: Sec. 4. (a) The juvenile court does not have jurisdiction
4 over an individual for an alleged violation of:
5 (1) IC 35-41-5-1(a) (attempted murder);
6 (2) IC 35-42-1-1 (murder);
7 (3) IC 35-42-3-2 (kidnapping);
8 (4) IC 35-42-4-1 (rape);
9 (5) IC 35-42-4-2 (criminal deviate conduct) (before its repeal);
10 (6) IC 35-42-5-1 (robbery) if:
11 (A) the robbery was committed while armed with a deadly
12 weapon; or
13 (B) the robbery results in bodily injury or serious bodily
14 injury;
15 (7) IC 35-42-5-2 (carjacking) (before its repeal);
16 (8) IC 35-47-2-1 (carrying a handgun without a license), if
17 charged as a felony;



1 (9) IC 35-47-10 (children and firearms), if charged as a felony; or
2 (10) any offense that may be joined under IC 35-34-1-9(a)(2) with
3 any crime listed in this subsection;
4 if the individual was at least sixteen (16) years of age **but less than**
5 **eighteen (18) years of age** at the time of the alleged violation.

6 (b) Once an individual described in subsection (a) has been charged
7 with any **crime offense** listed in subsection (a), the court having adult
8 criminal jurisdiction shall retain jurisdiction over the case ~~even~~ if the
9 individual pleads guilty to or is convicted of a ~~lesser included offense~~.
10 ~~A plea of guilty to or a conviction of a lesser included offense does not~~
11 ~~vest jurisdiction in the juvenile court.~~ **any offense listed in subsection**
12 **(a).**

13 **(c) If an individual described in subsection (a):**

14 **(1) is charged with one (1) or more offenses listed in**
15 **subsection (a);**

16 **(2) was tried and all the charges under subdivision (1)**
17 **resulted in an acquittal or the dismissal of the charges; and**

18 **(3) pleads guilty to or is convicted of any offense other than an**
19 **offense listed in subsection (a);**

20 **the court having adult criminal jurisdiction shall enter judgment**
21 **finding that the individual is a delinquent child and transfer**
22 **jurisdiction to the juvenile court for sentencing. All orders**
23 **concerning release conditions remain in effect until a juvenile court**
24 **detention hearing, which must be held not later than forty-eight**
25 **(48) hours, excluding Saturdays, Sundays, and legal holidays, after**
26 **the order of transfer of jurisdiction.**

