



Reprinted
February 2, 2016

SENATE BILL No. 160

DIGEST OF SB 160 (Updated February 1, 2016 2:40 pm - DI 106)

Citations Affected: IC 31-30.

Synopsis: Waiver to adult court. Permits an adult court having jurisdiction over a minor (adult court) charged with an offense requiring the automatic transfer of jurisdiction to the adult court to withhold judgment and transfer jurisdiction to the juvenile court for disposition if the minor is convicted of an offense, but not convicted of an offense requiring the automatic transfer of jurisdiction to the adult court.

Effective: July 1, 2016.

**Young R Michael,
Randolph Lonnie M**

January 5, 2016, read first time and referred to Committee on Judiciary.
January 21, 2016, reassigned to Committee on Corrections & Criminal Law pursuant to Rule 68(b).
January 28, 2016, amended, reported favorably — Do Pass.
February 1, 2016, read second time, amended, ordered engrossed.

SB 160—LS 6623/DI 125



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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;

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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)(1) through (a)(9).**

13 (c) **If:**

- 14 (1) **an individual described in subsection (a) is charged with**
 15 **one (1) or more offenses listed in subsection (a);**
 16 (2) **all the charges under subsection (a)(1) through (a)(9)**
 17 **resulted in an acquittal or were dismissed; and**
 18 (3) **the individual pleads guilty to or is convicted of any**
 19 **offense other than an offense listed in subsection (a)(1)**
 20 **through (a)(9);**

21 **the court having adult criminal jurisdiction may withhold**
 22 **judgment and transfer jurisdiction to the juvenile court for**
 23 **disposition. In determining whether to transfer jurisdiction to the**
 24 **juvenile court for disposition, the court having adult criminal**
 25 **jurisdiction shall consider whether there are appropriate services**
 26 **available in the juvenile justice system, whether the child is**
 27 **amenable to rehabilitation under the juvenile justice system, and**
 28 **whether it is in the best interests of the safety and welfare of the**
 29 **community that the child be transferred to juvenile court. All**
 30 **orders concerning release conditions remain in effect until a**
 31 **juvenile court detention hearing, which must be held not later than**
 32 **forty-eight (48) hours, excluding Saturdays, Sundays, and legal**
 33 **holidays, after the order of transfer of jurisdiction.**



Report of the President
Pro Tempore

Madam President: Pursuant to Senate Rule 68(b), I hereby report that Senate Bill 160, currently assigned to the Committee on Judiciary, be reassigned to the Committee on Corrections & Criminal Law.

LONG

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred Senate Bill No. 160, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 12, delete "(a)." and insert "**(a)(1) through (a)(9)**".

Page 2, line 13, delete "If an individual described in subsection (a):" and insert "**If:**".

Page 2, line 14, after "(1)" insert "**an individual described in subsection (a)**".

Page 2, line 16, delete "was tried and".

Page 2, line 16, delete "subdivision (1)" and insert "**subsection (a)(1) through (a)(9)**".

Page 2, line 17, delete "the dismissal of the charges;" and insert "**were dismissed;**".

Page 2, line 18, after "(3)" insert "**the individual**".

Page 2, line 19, delete "(a);" and insert "**(a)(1) through (a)(9);**".

Page 2, line 20, delete "shall enter" and insert "**may withhold**".

Page 2, line 21, delete "finding that the individual is a delinquent child".

Page 2, line 22, delete "sentencing." and insert "**disposition.**".

and when so amended that said bill do pass.

(Reference is to SB 160 as introduced.)

YOUNG R MICHAEL, Chairperson

Committee Vote: Yeas 8, Nays 0.



SENATE MOTION

Madam President: I move that Senate Bill 160 be amended to read as follows:

Page 2, line 23, after "disposition." insert "**In determining whether to transfer jurisdiction to the juvenile court for disposition, the court having adult criminal jurisdiction shall consider whether there are appropriate services available in the juvenile justice system, whether the child is amenable to rehabilitation under the juvenile justice system, and whether it is in the best interests of the safety and welfare of the community that the child be transferred to juvenile court.**".

(Reference is to SB 160 as printed January 29, 2016.)

YOUNG R MICHAEL

