

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 ENROLLED ACT No. 160

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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:*

SECTION 1. IC 31-30-1-4, AS AMENDED BY P.L.84-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) The juvenile court does not have jurisdiction over an individual for an alleged violation of:

- (1) IC 35-41-5-1(a) (attempted murder);
- (2) IC 35-42-1-1 (murder);
- (3) IC 35-42-3-2 (kidnapping);
- (4) IC 35-42-4-1 (rape);
- (5) IC 35-42-4-2 (criminal deviate conduct) (before its repeal);
- (6) IC 35-42-5-1 (robbery) if:
  - (A) the robbery was committed while armed with a deadly weapon; or
  - (B) the robbery results in bodily injury or serious bodily injury;
- (7) IC 35-42-5-2 (carjacking) (before its repeal);
- (8) IC 35-47-2-1 (carrying a handgun without a license), if charged as a felony;
- (9) IC 35-47-10 (children and firearms), if charged as a felony; or
- (10) any offense that may be joined under IC 35-34-1-9(a)(2) with any crime listed in this subsection;

if the individual was at least sixteen (16) years of age **but less than**

SEA 160 — Concur



**eighteen (18) years of age** at the time of the alleged violation.

(b) Once an individual described in subsection (a) has been charged with any **crime offense** listed in subsection (a), the court having adult criminal jurisdiction shall retain jurisdiction over the case ~~even if the individual pleads guilty to or is convicted of a lesser included offense. A plea of guilty to or a conviction of a lesser included offense does not vest jurisdiction in the juvenile court.~~ **any offense listed in subsection (a)(1) through (a)(9).**

(c) **If:**

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

**the court having adult criminal jurisdiction may withhold judgment and transfer jurisdiction to the juvenile court for adjudication and disposition. In determining whether to transfer jurisdiction to the juvenile court for adjudication and 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. All orders concerning release conditions remain in effect until a juvenile court detention hearing, which must be held not later than forty-eight (48) hours, excluding Saturdays, Sundays, and legal holidays, after the order of transfer of jurisdiction.**

SECTION 2. IC 31-37-5-5, AS AMENDED BY P.L.158-2013, SECTION 328, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) If the child was not taken into custody under an order of the court, an intake officer shall investigate the reasons for the child's detention. The intake officer ~~shall~~ **may** release the child to the child's parent, guardian, or custodian upon the person's written promise to bring the child before the juvenile court at a time specified **and may impose additional conditions upon the child, including:**

- (1) **home detention;**
- (2) **electronic monitoring;**
- (3) **a curfew restriction;**

SEA 160 — Concur



- (4) a directive to avoid contact with specified individuals until the child's return to the juvenile court at a specified time;**
- (5) a directive to comply with Indiana law; or**
- (6) any other reasonable conditions on the child's actions or behavior.**

**(b) If the intake officer imposes additional conditions upon the child under subsection (a), the court shall hold a detention hearing under IC 31-37-6 within forty-eight (48) hours of the imposition of the additional conditions, excluding Saturdays, Sundays, and legal holidays.**

**(c) However,** The intake officer may place the child in detention if the intake officer reasonably believes that the child is a delinquent child and that:

- (1) the child is unlikely to appear before the juvenile court for subsequent proceedings;
- (2) the child has committed an act that would be murder or a Level 1 felony, Level 2 felony, Level 3 felony, or Level 4 felony if committed by an adult;
- (3) detention is essential to protect the child or the community;
- (4) the parent, guardian, or custodian:
  - (A) cannot be located; or
  - (B) is unable or unwilling to take custody of the child; or
- (5) the child has a reasonable basis for requesting that the child not be released.

~~(b)~~ **(d)** If a child is detained for a reason specified in subsection ~~(a)(4)~~ **(c)(4)** or ~~(a)(5)~~, **(c)(5)**, the child shall be detained under IC 31-37-7-1.



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President of the Senate

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President Pro Tempore

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Speaker of the House of Representatives

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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