



January 29, 2016

SENATE BILL No. 178

DIGEST OF SB 178 (Updated January 26, 2016 1:17 pm - DI 106)

Citations Affected: IC 11-12; IC 20-28; IC 31-19; IC 31-34; IC 35-42; IC 35-45; IC 35-46.

Synopsis: Battery and neglect of a dependent. Increases the penalty for neglect of a dependent and battery if the crime is committed against an endangered adult or a person with a serious physical or mental disability.

Effective: July 1, 2016.

Messmer, Steele, Young R Michael

January 6, 2016, read first time and referred to Committee on Corrections & Criminal Law.
January 28, 2016, amended, reported favorably — Do Pass.

SB 178—LS 6503/DI 106



January 29, 2016

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. 178

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 11-12-3.7-6, AS AMENDED BY P.L.158-2013,
2 SECTION 178, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2016]: Sec. 6. As used in this chapter, "violent
4 offense" means one (1) or more of the following offenses:
5 (1) Murder (IC 35-42-1-1).
6 (2) Attempted murder (IC 35-41-5-1).
7 (3) Voluntary manslaughter (IC 35-42-1-3).
8 (4) Involuntary manslaughter (IC 35-42-1-4).
9 (5) Reckless homicide (IC 35-42-1-5).
10 (6) Aggravated battery (IC 35-42-2-1.5).
11 (7) Battery (IC 35-42-2-1) as a:
12 (A) Class A felony, Class B felony, or Class C felony (for a
13 crime committed before July 1, 2014); or
14 (B) Level 2 felony, Level 3 felony, **Level 4 felony**, or Level 5
15 felony (for a crime committed after June 30, 2014).
16 (8) Kidnapping (IC 35-42-3-2).
17 (9) A sex crime listed in IC 35-42-4-1 through IC 35-42-4-8 that

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- 1 is a:
- 2 (A) Class A felony, Class B felony, or Class C felony (for a
- 3 crime committed before July 1, 2014); or
- 4 (B) Level 1 felony, Level 2 felony, Level 3 felony, Level 4
- 5 felony, or Level 5 felony (for a crime committed after June 30,
- 6 2014).
- 7 (10) Sexual misconduct with a minor (IC 35-42-4-9) as a:
- 8 (A) Class A felony or Class B felony (for a crime committed
- 9 before July 1, 2014); or
- 10 (B) Level 1 felony, Level 2 felony, or Level 4 felony (for a
- 11 crime committed after June 30, 2014).
- 12 (11) Incest (IC 35-46-1-3).
- 13 (12) Robbery (IC 35-42-5-1) as a:
- 14 (A) Class A felony or a Class B felony (for a crime committed
- 15 before July 1, 2014); or
- 16 (B) Level 2 felony or Level 3 felony (for a crime committed
- 17 after June 30, 2014).
- 18 (13) Burglary (IC 35-43-2-1) as a:
- 19 (A) Class A felony or a Class B felony (for a crime committed
- 20 before July 1, 2014); or
- 21 (B) Level 1 felony, Level 2 felony, Level 3 felony, or Level 4
- 22 felony (for a crime committed after June 30, 2014).
- 23 (14) Carjacking (IC 35-42-5-2) (repealed).
- 24 (15) Assisting a criminal (IC 35-44.1-2-5) as a:
- 25 (A) Class C felony (for a crime committed before July 1,
- 26 2014); or
- 27 (B) Level 5 felony (for a crime committed after June 30,
- 28 2014).
- 29 (16) Escape (IC 35-44.1-3-4) as a:
- 30 (A) Class B felony or Class C felony (for a crime committed
- 31 before July 1, 2014); or
- 32 (B) Level 4 felony or Level 5 felony (for a crime committed
- 33 after June 30, 2014).
- 34 (17) Trafficking with an inmate (IC 35-44.1-3-5) as a:
- 35 (A) Class C felony (for a crime committed before July 1,
- 36 2014); or
- 37 (B) Level 5 felony (for a crime committed after June 30,
- 38 2014).
- 39 (18) Causing death when operating a vehicle (IC 9-30-5-5).
- 40 (19) Criminal confinement (IC 35-42-3-3) as a:
- 41 (A) Class B felony (for a crime committed before July 1,
- 42 2014); or



- 1 (B) Level 3 felony (for a crime committed after June 30,
2 2014).
- 3 (20) Arson (IC 35-43-1-1) as a:
4 (A) Class A or Class B felony (for a crime committed before
5 July 1, 2014); or
6 (B) Level 2, Level 3, or Level 4 felony (for a crime committed
7 after June 30, 2014).
- 8 (21) Possession, use, or manufacture of a weapon of mass
9 destruction (IC 35-47-12-1).
- 10 (22) Terroristic mischief (IC 35-47-12-3) as a:
11 (A) Class B felony (for a crime committed before July 1,
12 2014); or
13 (B) Level 4 felony (for a crime committed after June 30,
14 2014).
- 15 (23) Hijacking or disrupting an aircraft (IC 35-47-6-1.6).
- 16 (24) A violation of IC 35-47.5 (controlled explosives) as a:
17 (A) Class A or Class B felony (for a crime committed before
18 July 1, 2014); or
19 (B) Level 2 or Level 4 felony (for a crime committed after
20 June 30, 2014).
- 21 (25) A crime under the laws of another jurisdiction, including a
22 military court, that is substantially similar to any of the offenses
23 listed in this subdivision.
- 24 (26) Any other crimes evidencing a propensity or history of
25 violence.
- 26 SECTION 2. IC 20-28-5-8, AS AMENDED BY P.L.238-2015,
27 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2016]: Sec. 8. (a) This section applies when a prosecuting
29 attorney knows that a licensed employee of a public school or a
30 nonpublic school has been convicted of an offense listed in subsection
31 (c). The prosecuting attorney shall immediately give written notice of
32 the conviction to the following:
33 (1) The state superintendent.
34 (2) Except as provided in subdivision (3), the superintendent of
35 the school corporation that employs the licensed employee or the
36 equivalent authority if a nonpublic school employs the licensed
37 employee.
38 (3) The presiding officer of the governing body of the school
39 corporation that employs the licensed employee, if the convicted
40 licensed employee is the superintendent of the school corporation.
41 (b) The superintendent of a school corporation, presiding officer of
42 the governing body, or equivalent authority for a nonpublic school shall



1 immediately notify the state superintendent when the individual knows
 2 that a current or former licensed employee of the public school or
 3 nonpublic school has been convicted of an offense listed in subsection
 4 (c), or when the governing body or equivalent authority for a nonpublic
 5 school takes any final action in relation to an employee who engaged
 6 in any offense listed in subsection (c).

7 (c) The department, after holding a hearing on the matter, shall
 8 permanently revoke the license of a person who is known by the
 9 department to have been convicted of any of the following felonies:

- 10 (1) Kidnapping (IC 35-42-3-2).
- 11 (2) Criminal confinement (IC 35-42-3-3).
- 12 (3) Rape (IC 35-42-4-1).
- 13 (4) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
- 14 (5) Child molesting (IC 35-42-4-3).
- 15 (6) Child exploitation (IC 35-42-4-4(b)).
- 16 (7) Vicarious sexual gratification (IC 35-42-4-5).
- 17 (8) Child solicitation (IC 35-42-4-6).
- 18 (9) Child seduction (IC 35-42-4-7).
- 19 (10) Sexual misconduct with a minor (IC 35-42-4-9).
- 20 (11) Incest (IC 35-46-1-3).
- 21 (12) Dealing in or manufacturing cocaine or a narcotic drug
 22 (IC 35-48-4-1).
- 23 (13) Dealing in methamphetamine (IC 35-48-4-1.1).
- 24 (14) Dealing in a schedule I, II, or III controlled substance
 25 (IC 35-48-4-2).
- 26 (15) Dealing in a schedule IV controlled substance
 27 (IC 35-48-4-3).
- 28 (16) Dealing in a schedule V controlled substance (IC 35-48-4-4).
- 29 (17) Dealing in a counterfeit substance (IC 35-48-4-5).
- 30 (18) Dealing in marijuana, hash oil, hashish, or salvia as a felony
 31 (IC 35-48-4-10).
- 32 (19) Dealing in a synthetic drug or synthetic drug lookalike
 33 substance (IC 35-48-4-10.5, or IC 35-48-4-10(b) before its
 34 amendment in 2013).
- 35 (20) Possession of child pornography (IC 35-42-4-4(c)).
- 36 (21) Homicide (IC 35-42-1).
- 37 (22) Voluntary manslaughter (IC 35-42-1-3).
- 38 (23) Reckless homicide (IC 35-42-1-5).
- 39 (24) Battery (**IC 35-42-2-1**) as any of the following:
 40 (A) A Class A felony (for a crime committed before July 1,
 41 2014) or a Level 2 felony (for a crime committed after June
 42 30, 2014).



- 1 (B) A Class B felony (for a crime committed before July 1,
2 2014) or a Level 3 felony **or Level 4 felony** (for a crime
3 committed after June 30, 2014).
4 (C) A Class C felony (for a crime committed before July 1,
5 2014) or a Level 5 felony (for a crime committed after June
6 30, 2014).
7 (25) Aggravated battery (IC 35-42-2-1.5).
8 (26) Robbery (IC 35-42-5-1).
9 (27) Carjacking (IC 35-42-5-2) (before its repeal).
10 (28) Arson as a Class A felony or Class B felony (for a crime
11 committed before July 1, 2014) or as a Level 2, Level 3, or Level
12 4 felony (for a crime committed after June 30, 2014)
13 (IC 35-43-1-1(a)).
14 (29) Burglary as a Class A felony or Class B felony (for a crime
15 committed before July 1, 2014) or as a Level 1, Level 2, Level 3,
16 or Level 4 felony (for a crime committed after June 30, 2014)
17 (IC 35-43-2-1).
18 (30) Attempt under IC 35-41-5-1 to commit an offense listed in
19 this subsection.
20 (31) Conspiracy under IC 35-41-5-2 to commit an offense listed
21 in this subsection.
22 (d) The department, after holding a hearing on the matter, shall
23 permanently revoke the license of a person who is known by the
24 department to have been convicted of a federal offense or an offense in
25 another state that is comparable to a felony listed in subsection (c).
26 (e) A license may be suspended by the state superintendent as
27 specified in IC 20-28-7.5.
28 (f) The department shall develop a data base of information on
29 school corporation employees who have been reported to the
30 department under this section.
31 SECTION 3. IC 31-19-9-10, AS AMENDED BY P.L.168-2014,
32 SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 JULY 1, 2016]: Sec. 10. A court shall determine that consent to
34 adoption is not required from a parent if:
35 (1) the parent is convicted of and incarcerated at the time of the
36 filing of a petition for adoption for:
37 (A) murder (IC 35-42-1-1);
38 (B) causing suicide (IC 35-42-1-2);
39 (C) voluntary manslaughter (IC 35-42-1-3);
40 (D) rape (IC 35-42-4-1);
41 (E) criminal deviate conduct (IC 35-42-4-2) (before its repeal);
42 (F) child molesting (IC 35-42-4-3) as a:



- 1 (i) Class A or Class B felony, for a crime committed before
 2 July 1, 2014; or
 3 (ii) Level 1, Level 2, Level 3, or Level 4 felony, for a crime
 4 committed after June 30, 2014;
 5 (G) incest (IC 35-46-1-3) as a:
 6 (i) Class B felony, for a crime committed before July 1,
 7 2014; or
 8 (ii) Level 4 felony, for a crime committed after June 30,
 9 2014;
 10 (H) neglect of a dependent (IC 35-46-1-4) as a:
 11 (i) Class B felony, for a crime committed before July 1,
 12 2014; or
 13 (ii) Level 1 or Level 3 felony, for a crime committed after
 14 June 30, 2014;
 15 (I) battery (IC 35-42-2-1) of a child as a:
 16 (i) Class C felony, for a crime committed before July 1,
 17 2014; or
 18 (ii) Level 5 felony, for a crime committed after June 30,
 19 2014;
 20 (J) battery (IC 35-42-2-1) as a:
 21 (i) Class A or Class B felony, for a crime committed before
 22 July 1, 2014; or
 23 (ii) Level 2 or Level 3 felony, for a crime committed after
 24 June 30, 2014; or
 25 (K) an attempt under IC 35-41-5-1 to commit an offense
 26 described in clauses (A) through (J);
 27 (2) the child or the child's sibling, half-blood sibling, or
 28 step-sibling of the parent's current marriage is the victim of the
 29 offense; and
 30 (3) after notice to the parent and a hearing, the court determines
 31 that dispensing with the parent's consent to adoption is in the
 32 child's best interests.
 33 SECTION 4. IC 31-34-21-5.6, AS AMENDED BY P.L.158-2013,
 34 SECTION 323, IS AMENDED TO READ AS FOLLOWS
 35 [EFFECTIVE JULY 1, 2016]: Sec. 5.6. (a) A court may make a finding
 36 described in this section at any phase of a child in need of services
 37 proceeding.
 38 (b) Reasonable efforts to reunify a child with the child's parent,
 39 guardian, or custodian or preserve a child's family as described in
 40 section 5.5 of this chapter are not required if the court finds any of the
 41 following:
 42 (1) A parent, guardian, or custodian of a child who is a child in



- 1 need of services has been convicted of:
- 2 (A) an offense described in IC 31-35-3-4(1)(B) or
- 3 IC 31-35-3-4(1)(D) through IC 31-35-3-4(1)(J) against a
- 4 victim who is:
- 5 (i) a child described in IC 31-35-3-4(2); or
- 6 (ii) a parent of the child; or
- 7 (B) a comparable offense as described in clause (A) in any
- 8 other state, territory, or country by a court of competent
- 9 jurisdiction.
- 10 (2) A parent, guardian, or custodian of a child who is a child in
- 11 need of services:
- 12 (A) has been convicted of:
- 13 (i) the murder (IC 35-42-1-1) or voluntary manslaughter
- 14 (IC 35-42-1-3) of a victim who is a child described in
- 15 IC 31-35-3-4(2)(B) or a parent of the child; or
- 16 (ii) a comparable offense described in item (i) in any other
- 17 state, territory, or country; or
- 18 (B) has been convicted of:
- 19 (i) aiding, inducing, or causing another person;
- 20 (ii) attempting; or
- 21 (iii) conspiring with another person;
- 22 to commit an offense described in clause (A).
- 23 (3) A parent, guardian, or custodian of a child who is a child in
- 24 need of services has been convicted of:
- 25 (A) battery (**IC 35-42-2-1**) as a Class A felony (for a crime
- 26 committed before July 1, 2014) or Level 2 felony (for a crime
- 27 committed after June 30, 2014);
- 28 (B) battery (**IC 35-42-2-1**) as a Class B felony (for a crime
- 29 committed before July 1, 2014) or Level 3 or Level 4 felony
- 30 (for a crime committed after June 30, 2014);
- 31 (C) battery (**IC 35-42-2-1**) as a Class C felony (for a crime
- 32 committed before July 1, 2014) or Level 5 felony (for a crime
- 33 committed after June 30, 2014);
- 34 (D) aggravated battery (IC 35-42-2-1.5);
- 35 (E) criminal recklessness (IC 35-42-2-2) as a Class C felony
- 36 (for a crime committed before July 1, 2014) or a Level 5
- 37 felony (for a crime committed after June 30, 2014);
- 38 (F) neglect of a dependent (IC 35-46-1-4) as a Class B felony
- 39 (for a crime committed before July 1, 2014) or a Level 1 or
- 40 Level 3 felony (for a crime committed after June 30, 2014); or
- 41 (G) a comparable offense described in clauses (A) through (F)
- 42 in another state, territory, or country;



1 against a child described in IC 31-35-3-4(2)(B).

2 (4) The parental rights of a parent with respect to a biological or
3 adoptive sibling of a child who is a child in need of services have
4 been involuntarily terminated by a court under:

5 (A) IC 31-35-2 (involuntary termination involving a
6 delinquent child or a child in need of services);

7 (B) IC 31-35-3 (involuntary termination involving an
8 individual convicted of a criminal offense); or

9 (C) any comparable law described in clause (A) or (B) in any
10 other state, territory, or country.

11 (5) The child is an abandoned infant, provided that the court:

12 (A) has appointed a guardian ad litem or court appointed
13 special advocate for the child; and

14 (B) after receiving a written report and recommendation from
15 the guardian ad litem or court appointed special advocate, and
16 after a hearing, finds that reasonable efforts to locate the
17 child's parents or reunify the child's family would not be in the
18 best interests of the child.

19 SECTION 5. IC 35-42-2-1, AS AMENDED BY P.L.147-2014,
20 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 JULY 1, 2016]: Sec. 1. (a) As used in this section, "public safety
22 official" means:

23 (1) a law enforcement officer, including an alcoholic beverage
24 enforcement officer;

25 (2) an employee of a penal facility or a juvenile detention facility
26 (as defined in IC 31-9-2-71);

27 (3) an employee of the department of correction;

28 (4) a probation officer;

29 (5) a parole officer;

30 (6) a community corrections worker;

31 (7) a home detention officer;

32 (8) a department of child services employee;

33 (9) a firefighter;

34 (10) an emergency medical services provider; or

35 (11) a judicial officer.

36 (b) Except as provided in subsections (c) through (j), a person who
37 knowingly or intentionally:

38 (1) touches another person in a rude, insolent, or angry manner;
39 or

40 (2) in a rude, insolent, or angry manner places any bodily fluid or
41 waste on another person;

42 commits battery, a Class B misdemeanor.

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1 (c) The offense described in subsection (b)(1) or (b)(2) is a Class A
2 misdemeanor if it results in bodily injury to any other person.

3 (d) The offense described in subsection (b)(1) or (b)(2) is a Level 6
4 felony if one (1) or more of the following apply:

5 (1) The offense results in moderate bodily injury to any other
6 person.

7 (2) The offense is committed against a public safety official while
8 the official is engaged in the official's official duty.

9 (3) The offense is committed against a person less than fourteen
10 (14) years of age and is committed by a person at least eighteen
11 (18) years of age.

12 ~~(4) The offense is committed against a person of any age who has
13 a mental or physical disability and is committed by a person
14 having the care of the person with the mental or physical
15 disability, whether the care is assumed voluntarily or because of
16 a legal obligation.~~

17 ~~(5) The offense is committed against an endangered adult (as
18 defined in IC 12-10-3-2).~~

19 ~~(6)~~ (4) The offense is committed against a family or household
20 member (as defined in IC 35-31.5-2-128) if the person who
21 committed the offense:

22 (A) is at least eighteen (18) years of age; and

23 (B) committed the offense in the physical presence of a child
24 less than sixteen (16) years of age, knowing that the child was
25 present and might be able to see or hear the offense.

26 (e) The offense described in subsection (b)(2) is a Level 6 felony if
27 the person knew or recklessly failed to know that the bodily fluid or
28 waste placed on another person was infected with hepatitis,
29 tuberculosis, or human immunodeficiency virus.

30 (f) The offense described in subsection (b)(1) or (b)(2) is a Level 5
31 felony if one (1) or more of the following apply:

32 (1) The offense results in serious bodily injury to another person.

33 (2) The offense is committed with a deadly weapon.

34 (3) The offense results in bodily injury to a pregnant woman if the
35 person knew of the pregnancy.

36 (4) The person has a previous conviction for battery against the
37 same victim.

38 (5) The offense results in bodily injury to one (1) or more of the
39 following:

40 (A) A public safety official while the official is engaged in the
41 official's official duties.

42 (B) A person less than fourteen (14) years of age if the offense



1 is committed by a person at least eighteen (18) years of age.

2 ~~(C) A person who has a mental or physical disability if the~~
 3 ~~offense is committed by an individual having care of the~~
 4 ~~person with the disability, regardless of whether the care is~~
 5 ~~assumed voluntarily or because of a legal obligation.~~

6 ~~(D) An endangered adult (as defined in IC 12-10-3-2).~~

7 **(6) The offense is committed against a person of any age who**
 8 **has a serious mental or physical disability and is committed**
 9 **by a person having the care of the person with the serious**
 10 **mental or physical disability, whether the care is assumed**
 11 **voluntarily or because of a legal obligation.**

12 **(7) The offense is committed against an endangered adult (as**
 13 **defined in IC 12-10-3-2).**

14 (g) The offense described in subsection (b)(2) is a Level 5 felony if:

- 15 (1) the person knew or recklessly failed to know that the bodily
 16 fluid or waste placed on another person was infected with
 17 hepatitis, tuberculosis, or human immunodeficiency virus; and
 18 (2) the person placed the bodily fluid or waste on a public safety
 19 official.

20 (h) The offense described in subsection (b)(1) or (b)(2) is a Level 4
 21 felony if it results in ~~serious~~ bodily injury to:

- 22 **(1) an endangered adult (as defined in IC 12-10-3-2); or**
 23 **(2) a person of any age who has a serious mental or physical**
 24 **disability if the offense is committed by a person having the**
 25 **care of the person with the serious mental or physical**
 26 **disability, whether the care is assumed voluntarily or because**
 27 **of a legal obligation.**

28 (i) The offense described in subsection (b)(1) or (b)(2) is a Level 3
 29 felony if it results in serious bodily injury to:

- 30 **(1) a person less than fourteen (14) years of age if the offense is**
 31 **committed by a person at least eighteen (18) years of age;**
 32 **(2) an endangered adult (as defined in IC 12-10-3-2); or**
 33 **(3) a person of any age who has a serious mental or physical**
 34 **disability if the offense is committed by a person having the**
 35 **care of the person with the serious mental or physical**
 36 **disability, whether the care is assumed voluntarily or because**
 37 **of a legal obligation.**

38 (j) The offense described in subsection (b)(1) or (b)(2) is a Level 2
 39 felony if it results in the death of one (1) or more of the following:

- 40 (1) A person less than fourteen (14) years of age if the offense is
 41 committed by a person at least eighteen (18) years of age.
 42 (2) An endangered adult (as defined in IC 12-10-3-2).



1 SECTION 6. IC 35-45-6-1, AS AMENDED BY P.L.168-2014,
 2 SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2016]: Sec. 1. (a) The definitions in this section apply
 4 throughout this chapter.

5 (b) "Documentary material" means any document, drawing,
 6 photograph, recording, or other tangible item containing compiled data
 7 from which information can be either obtained or translated into a
 8 usable form.

9 (c) "Enterprise" means:

10 (1) a sole proprietorship, corporation, limited liability company,
 11 partnership, business trust, or governmental entity; or

12 (2) a union, an association, or a group, whether a legal entity or
 13 merely associated in fact.

14 (d) "Pattern of racketeering activity" means engaging in at least two
 15 (2) incidents of racketeering activity that have the same or similar
 16 intent, result, accomplice, victim, or method of commission, or that are
 17 otherwise interrelated by distinguishing characteristics that are not
 18 isolated incidents. However, the incidents are a pattern of racketeering
 19 activity only if at least one (1) of the incidents occurred after August
 20 31, 1980, and if the last of the incidents occurred within five (5) years
 21 after a prior incident of racketeering activity.

22 (e) "Racketeering activity" means to commit, to attempt to commit,
 23 to conspire to commit a violation of, or aiding and abetting in a
 24 violation of any of the following:

25 (1) A provision of IC 23-19, or of a rule or order issued under
 26 IC 23-19.

27 (2) A violation of IC 35-45-9.

28 (3) A violation of IC 35-47.

29 (4) A violation of IC 35-49-3.

30 (5) Murder (IC 35-42-1-1).

31 (6) Battery as a Class C felony before July 1, 2014, or a Level 5
 32 felony, **Level 4 felony, Level 3 felony, or Level 2 felony** after
 33 June 30, 2014 (IC 35-42-2-1).

34 (7) Kidnapping (IC 35-42-3-2).

35 (8) Human and sexual trafficking crimes (IC 35-42-3.5).

36 (9) Child exploitation (IC 35-42-4-4).

37 (10) Robbery (IC 35-42-5-1).

38 (11) Carjacking (IC 35-42-5-2) (before its repeal).

39 (12) Arson (IC 35-43-1-1).

40 (13) Burglary (IC 35-43-2-1).

41 (14) Theft (IC 35-43-4-2).

42 (15) Receiving stolen property (IC 35-43-4-2).



- 1 (16) Forgery (IC 35-43-5-2).
 2 (17) Fraud (IC 35-43-5-4(1) through IC 35-43-5-4(10)).
 3 (18) Bribery (IC 35-44.1-1-2).
 4 (19) Official misconduct (IC 35-44.1-1-1).
 5 (20) Conflict of interest (IC 35-44.1-1-4).
 6 (21) Perjury (IC 35-44.1-2-1).
 7 (22) Obstruction of justice (IC 35-44.1-2-2).
 8 (23) Intimidation (IC 35-45-2-1).
 9 (24) Promoting prostitution (IC 35-45-4-4).
 10 (25) Professional gambling (IC 35-45-5-3).
 11 (26) Maintaining a professional gambling site
 12 (IC 35-45-5-3.5(b)).
 13 (27) Promoting professional gambling (IC 35-45-5-4).
 14 (28) Dealing in or manufacturing cocaine or a narcotic drug
 15 (IC 35-48-4-1).
 16 (29) Dealing in or manufacturing methamphetamine
 17 (IC 35-48-4-1.1).
 18 (30) Dealing in a schedule I, II, or III controlled substance
 19 (IC 35-48-4-2).
 20 (31) Dealing in a schedule IV controlled substance
 21 (IC 35-48-4-3).
 22 (32) Dealing in a schedule V controlled substance (IC 35-48-4-4).
 23 (33) Dealing in marijuana, hash oil, hashish, or salvia
 24 (IC 35-48-4-10).
 25 (34) Money laundering (IC 35-45-15-5).
 26 (35) A violation of IC 35-47.5-5.
 27 (36) A violation of any of the following:
 28 (A) IC 23-14-48-9.
 29 (B) IC 30-2-9-7(b).
 30 (C) IC 30-2-10-9(b).
 31 (D) IC 30-2-13-38(f).
 32 (37) Practice of law by a person who is not an attorney
 33 (IC 33-43-2-1).
 34 (38) Dealing in a synthetic drug or synthetic drug lookalike
 35 substance (IC 35-48-4-10.5, or IC 35-48-4-10 before its
 36 amendment in 2013).
 37 SECTION 7. IC 35-46-1-1, AS AMENDED BY P.L.99-2007,
 38 SECTION 210, IS AMENDED TO READ AS FOLLOWS
 39 [EFFECTIVE JULY 1, 2016]: Sec. 1. As used in this chapter:
 40 "Dependent" means:
 41 (1) an unemancipated person who is under eighteen (18) years of
 42 age; or



- 1 (2) a person of any age who has a **serious** mental or physical
 2 disability; **or**
 3 **(3) an endangered adult, if the endangered adult is under the**
 4 **care of another person.**
 5 "Endangered adult" has the meaning set forth in IC 12-10-3-2.
 6 "Support" means food, clothing, shelter, or medical care.
 7 "Tobacco business" means a sole proprietorship, corporation,
 8 partnership, or other enterprise in which:
 9 (1) the primary activity is the sale of tobacco, tobacco products,
 10 and tobacco accessories; and
 11 (2) the sale of other products is incidental.
 12 SECTION 8. IC 35-46-1-4, AS AMENDED BY P.L.168-2014,
 13 SECTION 85, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2016]: Sec. 4. (a) A person having the care of a dependent,
 15 whether assumed voluntarily or because of a legal obligation, who
 16 knowingly or intentionally:
 17 (1) places the dependent in a situation that endangers the
 18 dependent's life or health;
 19 (2) abandons or cruelly confines the dependent;
 20 (3) deprives the dependent of necessary support; or
 21 (4) deprives the dependent of education as required by law;
 22 commits neglect of a dependent, a Level 6 felony.
 23 (b) However, the offense is:
 24 (1) a Level 5 felony if it is committed under subsection (a)(1),
 25 (a)(2), or (a)(3) and:
 26 (A) results in bodily injury; **or**
 27 (B) is:
 28 (i) committed in a location where a person is violating
 29 IC 35-48-4-1 (dealing in cocaine or a narcotic drug) or
 30 IC 35-48-4-1.1 (dealing in methamphetamine); or
 31 (ii) the result of a violation of IC 35-48-4-1 (dealing in
 32 cocaine or a narcotic drug) or IC 35-48-4-1.1 (dealing in
 33 methamphetamine); **or**
 34 **(C) is committed against a dependent who is:**
 35 **(i) an endangered adult (as defined in IC 12-10-3-2); or**
 36 **(ii) a person of any age who has a serious mental or**
 37 **physical disability;**
 38 (2) a Level 3 felony if it is committed under subsection (a)(1),
 39 (a)(2), or (a)(3) and results in serious bodily injury;
 40 (3) a Level 1 felony if it is committed under subsection (a)(1),
 41 (a)(2), or (a)(3) by a person at least eighteen (18) years of age and
 42 results in the death of a dependent who is less than fourteen (14)



- 1 years of age; and
- 2 (4) a Level 5 felony if it is committed under subsection (a)(2) and
- 3 consists of cruel confinement or abandonment that:
- 4 (A) deprives a dependent of necessary food, water, or sanitary
- 5 facilities;
- 6 (B) consists of confinement in an area not intended for human
- 7 habitation; or
- 8 (C) involves the unlawful use of handcuffs, a rope, a cord,
- 9 tape, or a similar device to physically restrain a dependent;
- 10 **and**
- 11 **(5) a Level 4 felony if it is committed under:**
- 12 **(A) subsection (a)(1), (a)(2), or (a)(3) and results in bodily**
- 13 **injury to:**
- 14 **(i) an endangered adult (as defined in IC 12-10-3-2); or**
- 15 **(ii) a person of any age who has a serious mental or**
- 16 **physical disability; or**
- 17 **(B) subsection (a)(2) against an endangered adult (as**
- 18 **defined in IC 12-10-3-2) or a person of any age who has a**
- 19 **serious mental or physical disability if the offense consists**
- 20 **of cruel confinement or abandonment that:**
- 21 **(i) deprives a dependent of necessary food, water, or**
- 22 **sanitary facilities;**
- 23 **(ii) consists of confinement in an area not intended for**
- 24 **human habitation; or**
- 25 **(iii) involves the unlawful use of handcuffs, a rope, a**
- 26 **cord, tape, or a similar device to physically restrain a**
- 27 **dependent.**
- 28 (c) It is a defense to a prosecution based on an alleged act under this
- 29 section that:
- 30 (1) the accused person left a dependent child who was, at the time
- 31 the alleged act occurred, not more than thirty (30) days of age
- 32 with an emergency medical provider who took custody of the
- 33 child under IC 31-34-2.5 when:
- 34 (A) the prosecution is based solely on the alleged act of
- 35 leaving the child with the emergency medical services
- 36 provider; and
- 37 (B) the alleged act did not result in bodily injury or serious
- 38 bodily injury to the child; or
- 39 (2) the accused person, in the legitimate practice of the accused
- 40 person's religious belief, provided treatment by spiritual means
- 41 through prayer, in lieu of medical care, to the accused person's
- 42 dependent.



1 (d) Except for property transferred or received:

2 (1) under a court order made in connection with a proceeding
3 under IC 31-15, IC 31-16, IC 31-17, or IC 31-35 (or IC 31-1-11.5
4 or IC 31-6-5 before their repeal); or

5 (2) under section 9(b) of this chapter;

6 a person who transfers or receives any property in consideration for the
7 termination of the care, custody, or control of a person's dependent
8 child commits child selling, a Level 6 felony.

9 SECTION 9. IC 35-46-1-13, AS AMENDED BY P.L.238-2015,
10 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2016]: Sec. 13. (a) A person who:

12 (1) believes or has reason to believe that an endangered adult or
13 person of any age who has a **serious** mental or physical disability
14 is the victim of battery, neglect, or exploitation as prohibited by
15 this chapter or IC 35-42-2-1; and

16 (2) knowingly fails to report the facts supporting that belief to the
17 division of disability and rehabilitative services, the division of
18 aging, the adult protective services unit designated under
19 IC 12-10-3, or a law enforcement agency having jurisdiction over
20 battery, neglect, or exploitation of an endangered adult;

21 commits a Class B misdemeanor.

22 (b) An officer or employee of the division or adult protective
23 services unit who unlawfully discloses information contained in the
24 records of the division of aging under IC 12-10-3-12 through
25 IC 12-10-3-15 commits a Class C infraction.

26 (c) A law enforcement agency that receives a report that an
27 endangered adult or person of any age who has a **serious** mental or
28 physical disability is or may be a victim of battery, neglect, or
29 exploitation as prohibited by this chapter or IC 35-42-2-1 shall
30 immediately communicate the report to the adult protective services
31 unit designated under IC 12-10-3.

32 (d) An individual who discharges, demotes, transfers, prepares a
33 negative work performance evaluation, reduces benefits, pay, or work
34 privileges, or takes other action to retaliate against an individual who
35 in good faith makes a report under IC 12-10-3-9 concerning an
36 endangered individual commits a Class A infraction.



COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred Senate Bill No. 178, 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 1, line 14, delete "Level 1 felony,".
- Page 4, line 42, delete "Level 1 or".
- Page 6, line 14, delete ", Level 2,".
- Page 6, line 24, delete "Level 1,".
- Page 6, line 24, delete "Level 2," and insert "Level 2".
- Page 7, line 27, delete "as a Level 1 or".
- Page 7, line 40, delete "Level 1," and insert "Level 1".
- Page 7, line 41, delete "Level 2,".
- Page 8, line 38, reset in roman "(j),".
- Page 8, line 38, delete "(k),".
- Page 10, line 10, delete "mental" and insert **"serious mental"**.
- Page 10, line 11, delete "mental" and insert **"serious mental"**.
- Page 10, line 25, delete "mental" and insert **"serious mental"**.
- Page 10, line 27, delete "mental" and insert **"serious mental"**.
- Page 10, line 34, delete "mental" and insert **"serious mental"**.
- Page 10, line 36, delete "mental" and insert **"serious mental"**.
- Page 10, line 39, reset in roman "one (1) or more of the following:".
- Page 10, line 40, reset in roman "(1) A".
- Page 10, line 40, delete "a".
- Page 10, reset in roman line 42.
- Page 11, delete lines 1 through 8.
- Page 11, line 40, delete "Level 2 felony, or Level" and insert **"or Level 2 felony"**.
- Page 11, line 41, delete "1 felony".
- Page 13, between lines 2 and 3, begin a new paragraph and insert:
"SECTION 7. IC 35-46-1-1, AS AMENDED BY P.L.99-2007,
SECTION 210, IS AMENDED TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2016]: Sec. 1. As used in this chapter:
"Dependent" means:
 - (1) an unemancipated person who is under eighteen (18) years of age; **or**
 - (2) a person of any age who has a **serious** mental or physical disability; **or**
 - (3) **an endangered adult, if the endangered adult is under the care of another person.**



"Endangered adult" has the meaning set forth in IC 12-10-3-2.

"Support" means food, clothing, shelter, or medical care.

"Tobacco business" means a sole proprietorship, corporation, partnership, or other enterprise in which:

(1) the primary activity is the sale of tobacco, tobacco products, and tobacco accessories; and

(2) the sale of other products is incidental."

Page 13, line 27, delete "mental" and insert "**serious mental**".

Page 13, line 32, delete "(a)(3):" and insert "(a)(3)".

Page 13, line 33, delete "(A)".

Page 13, line 35, delete "or".

Page 13, delete lines 36 through 38.

Page 13, line 39, delete "disability;".

Page 13, line 39, reset in roman "and".

Page 13, run in lines 32 through 39.

Page 14, line 5, after "dependent;" insert "**and**".

Page 14, line 10, delete "mental" and insert "**serious mental**".

Page 14, line 14, delete "mental" and insert "**serious mental**".

Page 14, line 22, delete "dependent; and" and insert "**dependent.**".

Page 14, delete lines 23 through 26.

Page 15, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 9. IC 35-46-1-13, AS AMENDED BY P.L.238-2015, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 13. (a) A person who:

(1) believes or has reason to believe that an endangered adult or person of any age who has a **serious** mental or physical disability is the victim of battery, neglect, or exploitation as prohibited by this chapter or IC 35-42-2-1; and

(2) knowingly fails to report the facts supporting that belief to the division of disability and rehabilitative services, the division of aging, the adult protective services unit designated under IC 12-10-3, or a law enforcement agency having jurisdiction over battery, neglect, or exploitation of an endangered adult;

commits a Class B misdemeanor.

(b) An officer or employee of the division or adult protective services unit who unlawfully discloses information contained in the records of the division of aging under IC 12-10-3-12 through IC 12-10-3-15 commits a Class C infraction.

(c) A law enforcement agency that receives a report that an endangered adult or person of any age who has a **serious** mental or physical disability is or may be a victim of battery, neglect, or exploitation as prohibited by this chapter or IC 35-42-2-1 shall



immediately communicate the report to the adult protective services unit designated under IC 12-10-3.

(d) An individual who discharges, demotes, transfers, prepares a negative work performance evaluation, reduces benefits, pay, or work privileges, or takes other action to retaliate against an individual who in good faith makes a report under IC 12-10-3-9 concerning an endangered individual commits a Class A infraction."

Page 15, delete lines 8 through 42.

Delete pages 16 through 22.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 178 as introduced.)

YOUNG R MICHAEL, Chairperson

Committee Vote: Yeas 7, Nays 0.

