

SENATE BILL No. 367

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-38-2-2.2.

Synopsis: Conditions of probation for certain sex offenders. Provides that as a condition of probation for a sex offender who is a sexually violent predator or an offender against children, the court shall prohibit contact with juveniles.

Effective: July 1, 2015.

Waltz

January 12, 2015, read first time and referred to Committee on Corrections & Criminal Law.



First Regular Session 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

SENATE BILL No. 367

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 35-38-2-2.2, AS AMENDED BY P.L.114-2012,
2 SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2015]: Sec. 2.2. **(a)** As a condition of probation for a sex
4 offender (as defined in IC 11-8-8-4.5), the court shall:
5 (1) require the sex offender to register with the local law
6 enforcement authority under IC 11-8-8;
7 (2) prohibit the sex offender from residing within one thousand
8 (1,000) feet of school property (as defined in IC 35-31.5-2-285),
9 as measured from the property line of the sex offender's residence
10 to the property line of the school property, for the period of
11 probation, unless the sex offender obtains written approval from
12 the court;
13 (3) require the sex offender to consent:
14 (A) to the search of the sex offender's personal computer at
15 any time; and
16 (B) to the installation on the sex offender's personal computer



- 1 or device with Internet capability, at the sex offender's
2 expense, of one (1) or more hardware or software systems to
3 monitor Internet usage; and
4 (4) prohibit the sex offender from:
5 (A) accessing or using certain web sites, chat rooms, or instant
6 messaging programs frequented by children; and
7 (B) deleting, erasing, or tampering with information on the sex
8 offender's personal computer with intent to conceal an activity
9 prohibited by clause (A).
- 10 If the court allows the sex offender to reside within one thousand
11 (1,000) feet of school property under subdivision (2), the court shall
12 notify each school within one thousand (1,000) feet of the sex
13 offender's residence of the order. However, a court may not allow a sex
14 offender who is a sexually violent predator, as defined in
15 IC 35-38-1-7.5, or an offender against children under IC 35-42-4-11 to
16 reside within one thousand (1,000) feet of school property.
- 17 **(b) As a condition of probation for a sex offender who is a**
18 **sexually violent predator, as defined in IC 35-38-1-7.5, or an**
19 **offender against children under IC 35-42-4-11, the court shall**
20 **prohibit the sex offender from having any contact with a person**
21 **less than eighteen (18) years of age, including a biological child or**
22 **stepchild of the sex offender.**

