

First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

SENATE ENROLLED ACT No. 415

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 31-30.5-1-6 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2023]: **Sec. 6. (a) Except as provided in subsection (b), a statement that is made by a juvenile during a custodial interrogation is inadmissible against the juvenile in a criminal or juvenile proceeding, if:**

(1) the statement concerns an act:

(A) that was allegedly committed by the juvenile when the juvenile was less than eighteen (18) years of age; and

(B) that:

(i) would be a felony or misdemeanor offense if committed by an adult; or

(ii) is an offense under IC 35-45-4-6 or IC 35-47-10-5; and

(2) the statement is made by the juvenile in response to a law enforcement officer or school resource officer who communicates to the juvenile:

(A) materially false information regarding evidence relating to the act; or

(B) a materially false statement regarding:

(i) the penalty for the act; or

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(ii) leniency in the imposition of a penalty for the act.

(b) This section does not apply:

- (1) if the law enforcement officer or school resource officer communicates materially false information or a materially false statement with a reasonable good faith belief that the information was true at the time it was communicated to the juvenile; or**
- (2) to any evidence discovered as a result of the juvenile's statement.**

SECTION 2. IC 31-37-4-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 3.5. (a) This section does not apply to an emancipated minor.**

(b) This section does not apply if:

- (1) there is a medical emergency involving the child described in subsection (c); or**
- (2) there is an ongoing emergency or concern for student safety.**

(c) This section applies if a law enforcement officer arrests or takes into custody a child less than eighteen (18) years of age for allegedly committing a delinquent or criminal act on school property or at a school-sponsored activity.

(d) A law enforcement officer who arrests a child or takes a child into custody as described in subsection (c) shall make a reasonable attempt to notify, or request a school administrator to make a reasonable attempt to notify:

- (1) the child's parent, guardian, or custodian; or**
- (2) if the arrest or taking into custody occurs during school hours, the emergency contact listed on the child's school record;**

that the child has been arrested or taken into custody.

(e) A law enforcement agency shall inform its law enforcement officers concerning the notification requirements under this section.

SECTION 3. IC 35-33-1-1, AS AMENDED BY P.L.175-2022, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 1. (a) A law enforcement officer may arrest a person when the officer has:**

- (1) a warrant commanding that the person be arrested;**
- (2) probable cause to believe the person has committed or attempted to commit, or is committing or attempting to commit, a felony;**

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(3) probable cause to believe the person has violated the provisions of IC 9-26-1-1.1 or IC 9-30-5;

(4) probable cause to believe the person is committing or attempting to commit a misdemeanor in the officer's presence;

(5) probable cause to believe the person has committed a:

(A) battery resulting in bodily injury under IC 35-42-2-1; or

(B) domestic battery under IC 35-42-2-1.3.

The officer may use an affidavit executed by an individual alleged to have direct knowledge of the incident alleging the elements of the offense of battery to establish probable cause;

(6) probable cause to believe that the person violated IC 35-46-1-15.1 (invasion of privacy) or IC 35-46-1-15.3;

(7) probable cause to believe that the person violated IC 35-47-2-1.5 (unlawful carrying of a handgun) or IC 35-47-2-22 (counterfeit handgun license);

(8) probable cause to believe that the person is violating or has violated an order issued under IC 35-50-7;

(9) probable cause to believe that the person is violating or has violated IC 35-47-6-1.1 (undisclosed transport of a dangerous device);

(10) probable cause to believe that the person is:

(A) violating or has violated IC 35-45-2-5 (interference with the reporting of a crime); and

(B) interfering with or preventing the reporting of a crime involving domestic or family violence (as defined in IC 34-6-2-34.5);

(11) probable cause to believe that the person has committed theft (IC 35-43-4-2);

(12) a removal order issued for the person by an immigration court;

(13) a detainer or notice of action for the person issued by the United States Department of Homeland Security; or

(14) probable cause to believe that the person has been indicted for or convicted of one (1) or more aggravated felonies (as defined in 8 U.S.C. 1101(a)(43)).

(b) A person who:

(1) is employed full time as a federal enforcement officer;

(2) is empowered to effect an arrest with or without warrant for a violation of the United States Code; and

(3) is authorized to carry firearms in the performance of the person's duties;

may act as an officer for the arrest of offenders against the laws of this

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state where the person reasonably believes that a felony has been or is about to be committed or attempted in the person's presence.

(c) A law enforcement officer who arrests a child or takes a child into custody as described in IC 31-37-4-3.5 shall make a reasonable attempt to notify:

- (1) the child's parent, guardian, or custodian; or**
 - (2) the emergency contact listed on the child's school record;**
- that the child has been arrested or taken into custody.**



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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