

## SENATE BILL No. 635

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 11-8-8-7.5; IC 35-52-11-0.5.

**Synopsis:** Notice of sex offender intent to move. Requires certain sex or violent offenders to notify law enforcement at least 30 days before establishing a new residence. Requires a local law enforcement authority, not later than 10 days after receipt of the notice, to inform every household within 500 feet of the new residence: (1) that a sex or violent offender intends to move to the area; (2) of the name and new residence address of the sex or violent offender; (3) of the crime committed by the sex or violent offender; and (4) of the Internet address of the Indiana sex and violent offender registry web site. Makes failure to notify law enforcement a Level 6 felony, and increases the penalty to a Level 5 felony if the person has a prior conviction. Provides a defense if the sex or violent offender: (1) was unable to provide notice 30 days in advance because the offender did not know the new address at that time; (2) notifies law enforcement within three days of learning the new address; and (3) otherwise complies with the notice requirement.

**Effective:** July 1, 2019.

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## Garten, Freeman

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January 15, 2019, read first time and referred to Committee on Corrections and Criminal Law.

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First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

## SENATE BILL No. 635

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 11-8-8-7.5 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2019]: **Sec. 7.5. (a) This section does not apply to a sex or violent  
4 offender:**  
5 (1) moving to a temporary residence (as defined in section 12  
6 of this chapter);  
7 (2) who resides in a multi-unit apartment complex and is  
8 moving to another unit located within the same multi-unit  
9 apartment complex; or  
10 (3) who is incarcerated.  
11 (b) A sex or violent offender who intends to move from one (1)  
12 residence to another residence shall, at least thirty (30) days before  
13 moving into the new residence, notify the local law enforcement  
14 authority having jurisdiction in the county where the new  
15 residence is located of the sex or violent offender's intent to move,  
16 of the date of the move, and of the address of the new residence.  
17 Notification under this subsection must be provided to the local law



1 enforcement authority:

2 (1) in writing; or

3 (2) in person.

4 (c) Not later than ten (10) days after receipt of the notice  
5 described in subsection (b), the local law enforcement authority  
6 shall inform every household that resides within five hundred (500)  
7 feet of the new residence of the following:

8 (1) That a sex or violent offender intends to move to the area.

9 (2) The name and new residence address of the sex or violent  
10 offender.

11 (3) The crime committed by the sex or violent offender that  
12 requires the sex or violent offender to be on the Indiana sex  
13 and violent offender registry web site established under  
14 IC 36-2-13-5.5.

15 (4) The Internet address of the Indiana sex and violent  
16 offender registry web site.

17 Information required by this subsection may be provided by mail,  
18 in person, or by an informational flyer left at the address of the  
19 household, or, in the case of a multi-unit apartment, by leaving  
20 several flyers in the common area of the apartment.

21 (d) A sex or violent offender who knowingly or intentionally  
22 violates this section commits a Level 6 felony. However, the offense  
23 is a Level 5 felony if the sex or violent offender has a prior  
24 unrelated conviction for an offense:

25 (1) under this section;

26 (2) based on the person's failure to comply with any  
27 requirement imposed on a sex or violent offender under this  
28 chapter or under IC 5-2-12 before its repeal; or

29 (3) that:

30 (A) is a crime under the laws of another jurisdiction,  
31 including a military court; and

32 (B) is:

33 (i) the same or substantially similar to an offense under  
34 this section; or

35 (ii) based on the person's failure to comply with a  
36 requirement imposed on the person that is the same or  
37 substantially similar to a requirement imposed on a sex  
38 or violent offender under this chapter or under IC 5-2-12  
39 before its repeal.

40 (e) It is a defense to an action or a prosecution under this section  
41 that the sex or violent offender:

42 (1) was unable to comply with the thirty (30) day notice



1           **requirement because the sex or violent offender did not know:**  
2           **(A) of the move; or**  
3           **(B) the address of the new residence;**  
4           **thirty (30) days in advance;**  
5           **(2) notified the local law enforcement authority of the planned**  
6           **move not later than three (3) days after learning of the**  
7           **address of the new residence; and**  
8           **(3) otherwise complied with subsection (b).**  
9           SECTION 2. IC 35-52-11-0.5 IS ADDED TO THE INDIANA  
10          CODE AS A **NEW SECTION TO READ AS FOLLOWS**  
11          [EFFECTIVE JULY 1, 2019]: **Sec. 0.5. IC 11-8-8-7.5 defines a crime**  
12          **concerning sex offender registration.**

