

Adopted	Rejected
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COMMITTEE REPORT

YES:	11
NO:	1

MR. SPEAKER:

*Your Committee on Human Affairs, to which was referred House Bill 1221, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 31-37-2-7 IS ADDED TO THE INDIANA CODE
- 3 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 4 1, 2001]: **Sec. 7. A child commits a delinquent act if, before**
- 5 **becoming eighteen (18) years of age, the child commits suspension**
- 6 **truancy under IC 31-37-3.5.**
- 7 SECTION 2. IC 31-37-3.5 IS ADDED TO THE INDIANA CODE
- 8 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 9 JULY 1, 2001]:
- 10 **Chapter 3.5. Suspension Truancy**
- 11 **Sec. 1. This chapter does not apply to a student who is:**
- 12 **(1) accompanied by the student's parent, guardian, or**
- 13 **custodian;**
- 14 **(2) engaging in lawful employment under adult supervision;**
- 15 **or**
- 16 **(3) responding to an emergency that requires the student to**

1 leave the student's residence.

2 **Sec. 2. A student who:**

3 (1) has been suspended or expelled from school; and

4 (2) leaves the student's residence or property:

5 (A) while the student is suspended or expelled; and

6 (B) while the school from which the student has been
7 suspended or expelled is in session;

8 commits suspension truancy, a class D infraction.

9 **Sec. 3. (a) A law enforcement officer who observes a student
10 committing suspension truancy shall:**

11 (1) issue a citation to the student;

12 (2) return the student to the student's residence; and

13 (3) notify the student's parent, guardian, or custodian as soon
14 as practically possible.

15 (b) A law enforcement officer who has observed a violation of
16 this chapter shall forward:

17 (1) a copy of the citation; and

18 (2) a report of the incident;

19 to the juvenile probation department of the county.

20 **Sec. 4. The five thousand dollar (\$5,000) cap on damages
21 provided in IC 34-31-4-1 does not apply to the parent or guardian
22 of a student who has committed a violation of this chapter.**

23 **Sec. 5. (a) In addition to the penalty provided in IC 34-28-5-4,
24 a student who has violated the provisions of this chapter may be
25 required to perform:**

26 (1) ten (10) hours of community service, for the student's first
27 violation of this chapter; or

28 (2) twenty (20) hours of community service, for the student's
29 second violation of this chapter.

30 (b) **If a student has committed three (3) or more violations
31 under this chapter, the court shall file a report with the county
32 office of family and children to determine whether the student is a
33 child in need of services under IC 31-34-1.**

34 SECTION 3. IC 34-31-4-1 IS AMENDED TO READ AS
35 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. Except as provided
36 in section 2 of this chapter **or in IC 31-37-3.5**, a parent is liable for not
37 more than five thousand dollars (\$5,000) in actual damages arising
38 from harm to a person or damage to property knowingly, intentionally,

- 1 or recklessly caused by the parent's child if:
- 2 (1) the parent has custody of the child; and
- 3 (2) the child is living with the parent.
- (Reference is to HB 1221 as introduced.)

and when so amended that said bill do pass.

Representative Summers