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# HOUSE BILL No. 1008

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 35-42-4-9.

**Synopsis:** Sexual misconduct with a minor. Provides that a person at least 18 years of age who, with a child at least 14 years of age but less than 18 years of age: (1) performs or submits to sexual intercourse or deviate sexual conduct; or (2) performs or submits to any fondling or touching of either the child or the older person with intent to arouse or to satisfy the sexual desires of either the child or the older person; commits sexual misconduct with a minor. (Current law provides that, for sexual misconduct with a minor to be committed, the child with whom the action is taken must be at least 14 years of age but less than 16 years of age.)

**Effective:** July 1, 2001.

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January 8, 2001, read first time and referred to Committee on Courts and Criminal Code.

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First Regular Session 112th General Assembly (2001)

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 2000 General Assembly.

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# HOUSE BILL No. 1008



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 35-42-4-9 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 9. (a) A person at least  
 3 eighteen (18) years of age who, with a child at least fourteen (14) years  
 4 of age but less than ~~sixteen (16)~~ **eighteen (18)** years of age, performs  
 5 or submits to sexual intercourse or deviate sexual conduct commits  
 6 sexual misconduct with a minor, a Class C felony. However, the  
 7 offense is:  
 8 (1) a Class B felony if it is committed by a person at least  
 9 twenty-one (21) years of age; and  
 10 (2) a Class A felony if it is committed by using or threatening the  
 11 use of deadly force, if it is committed while armed with a deadly  
 12 weapon, if it results in serious bodily injury, or if the commission  
 13 of the offense is facilitated by furnishing the victim, without the  
 14 victim's knowledge, with a drug (as defined in IC 16-42-19-2(1))  
 15 or a controlled substance (as defined in IC 35-48-1-9) or knowing  
 16 that the victim was furnished with the drug or controlled  
 17 substance without the victim's knowledge.



1 (b) A person at least eighteen (18) years of age who, with a child at  
2 least fourteen (14) years of age but less than ~~sixteen (16)~~ **eighteen (18)**  
3 years of age, performs or submits to any fondling or touching, of either  
4 the child or the older person, with intent to arouse or to satisfy the  
5 sexual desires of either the child or the older person, commits sexual  
6 misconduct with a minor, a Class D felony. However, the offense is:

7 (1) a Class C felony if it is committed by a person at least  
8 twenty-one (21) years of age; and

9 (2) a Class B felony if it is committed by using or threatening the  
10 use of deadly force, while armed with a deadly weapon, or if the  
11 commission of the offense is facilitated by furnishing the victim,  
12 without the victim's knowledge, with a drug (as defined in  
13 IC 16-42-19-2(1)) or a controlled substance (as defined in  
14 IC 35-48-1-9) or knowing that the victim was furnished with the  
15 drug or controlled substance without the victim's knowledge.

16 (c) It is a defense that the accused person reasonably believed that  
17 the child was at least ~~sixteen (16)~~ **eighteen (18)** years of age at the time  
18 of the conduct.

19 (d) It is a defense that the child is or has ever been married.

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