COMMITTEE REPORT

MR. PRESIDENT:

    The Senate Committee on Corrections, Criminal and Civil Procedures, to which was referred House Bill No. 1874, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

1	Page 4, line 4, after "in" insert "**IC 5-2-9-6.3.**".
2	Page 4, delete line 5.
3	Page, 4, line 16, after "or" insert "**a**".
4	Page 4, line 29, delete "IC 5-2-9-1.5" and insert "IC 5-2-9-1.6".
5	Page 4, line 31, delete "1.5" and insert "**1.6**".
6	Page 5, line 9, after "IC 31-15-4-3(3)" delete ",".
7	Page 5, line 9, reset in roman "IC 31-16-4-2(a)(2),".
8	Page 5, line 9, reset in roman "IC 31-16-4-2(a)(3),".
9	Page 5, line 25, strike "or IC 31-16-5".
10	Page 5, line 26, after "IC 31-1-11.5-8.2" insert "**or IC 31-16-5**".
11	Page 5, line 26, strike "its" and insert "**their**".
12	Page 6, line 3, delete "protective" and insert "~~Protective~~".
13	Page 7, line 18, reset in roman ",".
14	Page 7, line 27, delete "protection".
15	Page 7, line 29, delete "protection".
16	Page 7, line 31, delete "protection".
17	Page 7, line 35, delete "protection".
18	Page 9, line 26, delete "to" and insert "**of**".
19	Page 9, line 35, delete "to" and insert "**of**".
20	Page 11, line 10, delete ", except the" and insert ";".

1   Page 11, delete lines 11 through 13.

2   Page 11, between lines 26 and 27, begin a new paragraph and insert:

3   "SECTION 12. IC 33-11.6-4-4 IS AMENDED TO READ AS

4 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. The small claims

5 court shall have no jurisdiction in actions seeking injunctive relief or

6 involving partition of real estate, or to declare or enforce any lien

7 thereon except as provided in section 13 of this chapter, and shall have

8 no jurisdiction in cases in which the appointment of a receiver is asked,

9 or in suits for dissolution or annulment of marriage. ~~However, the court~~

10 ~~has jurisdiction to hear petitions filed under IC 34-26-2 (or IC 34-4-5.1~~

11 ~~before its repeal).~~".

12   Page 11, line 28, delete "Subject to".

13   Page 11, line 29, delete "subsection (c), the" and insert "The".

14   Page 11, run in lines 28 through 29.

15   Page 11, line 34, strike "six" and insert "**thirteen**".

16   Page 11, line 34, strike "($6)" and insert "**($13)**".

17   Page 11, line 36, strike "eight" and insert "**thirteen**".

18   Page 11, line 36, strike "($8)" and insert "**($13)**".

19   Page 11, line 37, delete "," and insert ";".

20   Page 11, line 37, strike "with the exception that:".

21   Page 11, line 38, delete "(A)".

22   Page 11, line 38, strike "personal service to execute a warrant for a

23 protective order".

24   Page 11, strike lines 39 through 40.

25   Page 11, line 41, delete "(B)".

26   Page 11, line 41, strike "writs of restitution and writs of replevin

27 shall cost a fee of".

28   Page 11, run in lines 37 through 41.

29   Page 11, strike line 42.

30   Page 12, line 4, delete "Subject to subsection (c), the" and insert

31 "The".

32   Page 12, line 6, delete "Subject to subsection (c), the" and insert

33 "The".

34   Page 12, delete lines 13 through 16.

35   Page 12, line 26, delete "IC 33-19-2-6" and insert "**IC 33-19-4.5**".

36   Page 13, line 3, delete "is prohibited by" and insert "**constitutes**".

37   Page 13, line 22, after "who" insert "**:**".

38   Page 13, line 22, delete "is living or was living with the other

1   person.", begin a new line double block indented and insert:

2   **"(A) is cohabiting or otherwise living with; or**

3   **(B) was cohabiting or otherwise living with;**

4   **the other person as if a spouse under Indiana law.**".

5   Page 13, delete lines 23 through 25, begin a new line block indented

6   and insert:

7   **"(4) A person who is or was in a social relationship of a**

8   **romantic or intimate nature with the other person if the**

9   **person would have been eligible to marry the other person**

10   **under IC 31-11-1.**".

11   Page 13, line 26, delete "(6)" and insert "**(5)**".

12   Page 13, line 26, delete "natural" and insert "**biological**".

13   Page 13, line 27, delete "(7)" and insert "**(6)**".

14   Page 13, line 28, delete "(6)" and insert "**(5)**".

15   Page 13, line 36, delete "is" and insert "**constitutes**".

16   Page 13, line 37, delete "prohibited by" and insert "**a misdemeanor**

17   **or felony under**".

18   Page 13, line 37, delete ", IC 35-44-7 (sexual".

19   Page 13, line 38, delete "misconduct by a service provider with a

20   detainee),".

21   Page 13, line 40, delete "prohibited by".

22   Page 13, line 41, delete "State" and insert "**States**".

23   Page 14, line 6, delete "is" and insert "**constitutes**".

24   Page 14, line 7, delete "prohibited by".

25   Page 14, line 8, delete "prohibited by".

26   Page 14, line 9, delete "State" and insert "**States**".

27   Page 14, line 39, delete "finds evidence of fraud," and insert

28   **"determines that a request for a protective order or the**

29   **enforcement of a foreign protection order is frivolous, fraudulent,**

30   **or groundless,**".

31   Page 15, line 7, delete "section" and insert "**chapter**".

32   Page 15, line 20, delete "." and insert ";".

33   Page 16, line 10, delete "71.5" and insert "**48.5**".

34   Page 16, line 24, delete "IC 34-26-2.5" and insert "**IC 34-13-3**".

35   Page 17, line 30, delete "engaging in".

36   Page 17, line 31, after "(1)" insert "**engaging in**".

37   Page 17, line 32, after "(2)" insert "**engaging in**".

38   Page 17, line 33, after "(3)" insert "**engaging in**".

1   Page 17, line 34, after "(4)" insert "**being in**".

2   Page 17, line 39, after "order" insert "**qualifies as a protective**

3   **order under subsection (a) and**".

4   Page 19, line 14, delete "or court order".

5   Page 19, line 15, delete ", including an arrest or imprisonment

6   related to the".

7   Page 19, line 16, delete "enforcement of a statute or court order,".

8   Page 19, line 17, delete "or court order".

9   Page 20, line 33, delete "and without".

10   Page 20, line 34, delete "malice".

11   Page 20, line 42, delete "or a small claims court established under".

12   Page 21, line 1, delete "IC 33-11.6-1-3".

13   Page 21, line 1, after "person" insert ", **an employee of the**

14   **person,**".

15   Page 21, delete lines 3 through 42.

16   Page 22, delete lines 1 through 12.

17   Page 22, delete lines 27 through 42.

18   Page 23, delete lines 1 through 3.

19   Page 23, line 13, delete "nonconfidential for submitted as part of

20   the"

21   Page 23, line 14, delete "under section 2(2) of this chapter".

22   Page 23, delete lines 16 through 42, begin a new paragraph and

23   insert:

24   "**(c) Before providing a respondent with a copy of the petition,**

25   **the clerk shall separate the confidential form from the petition. If**

26   **the petition and the confidential form are nonseverable or the**

27   **petition contains confidential information, the clerk shall redact all**

28   **parts of the petition that are confidential before delivering the**

29   **petition to the respondent.**".

30   Page 24, delete lines 1 through 33.

31   Page 24, line 39, delete ":".

32   Page 24, delete lines 40 through 41.

33   Page 24, line 42, delete "(2)".

34   Page 24, run in lines 39 through 42.

35   Page 25, line 13, delete "only".

36   Page 25, line 41, delete "it" and insert "**its**".

37   Page 25, line 42, delete "Absence" and insert "**The absence**".

38   Page 26, line 5, after "mutual" insert "**foreign**".

1   Page 26, line 20, delete "Presentation" and insert "**The**
2   **presentation**".
3   Page 27, line 2, delete "an" and insert "**a foreign protection**".
4   Page 27, line 5, delete "Commencement" and insert "**The**
5   **commencement**".
6   Page 27, line 15, after "A" insert "**certified**".
7   Page 27, line 18, delete "protective" and insert "**protection**".
8   Page 27, line 30, delete "provide" and insert "**return to**".
9   Page 27, line 30, delete "with".
10   Page 27, line 30, after "copy" insert "**of the foreign protection**
11   **order**".
12   Page 28, line 8, after "a" insert "**certified**".
13   Page 28, line 31, delete "an" and insert "**public**".
14   Page 28, delete lines 40 through 42.
15   Delete pages 29 through 31.
16   Page 32, delete line 1.
17   Page 32, line 27, delete "An" and insert "**The person's stalking of**
18   **another person violates an**".
19   Page 32, line 30, delete "." and insert "**if the person has been given**
20   **actual notice of the order.**".
21   Page 32, line 31, delete "An" and insert "**The person's stalking of**
22   **another person violates an**".
23   Page 32, line 33, delete "." and insert "**if the person has been given**
24   **actual notice of the order.**".
25   Page 32, line 34, delete "A" and insert "**The person's stalking of**
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30   **another person violates an**".
31   Page 32, line 37, delete "." and insert "**if the person has been given**
32   **actual notice of the order.**".
33   Page 32, line 38, delete "An" and insert "**The person's stalking of**
34   **another person violates an**".
35   Page 33, line 2, after "(E)" insert "**other organized**".
36   Page 33, line 2, delete "that is organized".
37   Page 33, line 8, delete "." and insert "**if the person has been given**

1   **actual notice of the order.**".

2   Page 34, line 5, delete "," and insert "**or**".

3   Page 34, line 6, after "IC 31-15-4-3(3)" delete ",".

4   Page 34, line 6, strike "IC 31-16-4-2(a)(2), or IC 31-16-4-2(a)(3)".

5   Page 34, line 7, strike "or".

6   Page 34, line 7, after "IC 31-1-11.5-7(b)(3)" insert ",

7   **IC 31-16-4-2(a)(2), or IC 31-16-4-2(a)(3)**".

8   Page 34, line 35, delete "," and insert ";".

9   Page 34, line 35, delete "regardless of whether the order was issued

10   in a".

11   Page 34, line 36, delete "criminal or civil proceeding;".

12   Page 35, line 2, after "(E)" insert "**other organized**".

13   Page 35, line 2, delete "that is organized".

14   Page 35, line 8, delete ", regardless of whether the order" and insert

15   "**;**".

16   Page 35, delete line 9.

17   Page 35, line 30, delete "may" and insert "**shall**".

18   Page 35, between lines 32 and 33, begin a new paragraph and insert:

19   "SECTION 42. IC 34-26-2-15 IS REPEALED [EFFECTIVE JULY

20   1, 2001].".

21   Page 35, line 34, delete "IC 34-6-2.5" and insert "**IC 34-26-2.5**".

22   Page 35, line 36, after "." insert "**Notwithstanding IC 5-2-5-12, as**

23   **amended by this act, the state police department has until January**

24   **1, 2002, to modify its computer system to allow for the entry of**

25   **foreign protection orders into the Indiana data communication**

26   **system (IDACS).**".

27   Page 35, line 37, delete "IC 33-19-4-1," and insert "**IC 33-19-4.5,**

28   **as added by this act, and the amendments to**".

29   Page 35, line 37, after "IC 33-19-5-4" delete ",".

30   Page 35, line 37, delete ", all as amended".

31   Page 35, line 38, delete "by this act,".

32   Page 35, delete lines 40 through 42, begin a new paragraph and

33   insert:

34   "**(c) The amendments to IC 34-13-3-3 made by this act apply**

35   **only to a cause of action that accrues after June 30, 2001.**".

36   Page 36, delete lines 4 through 24, begin a new paragraph and

37   insert:

38   "SECTION 44. [EFFECTIVE UPON PASSAGE] **The division of**

1 **state court administration shall:**

2 **(1) prescribe or approve any forms or form changes needed**

3 **to implement IC 33-19-4.5, as added by this act;**

4 **(2) prescribe or approve any forms or form changes needed**

5 **to implement IC 34-26-2-11; and**

6 **(3) make the forms or make information concerning the**

7 **format available to county clerks;**

8 **before July 1, 2001. Forms prescribed or approved under**

9 **subdivision (2) must be designed with a format that allows for the**

10 **easy separation of confidential information concerning the**

11 **petitioner from information that a respondent needs to prepare a**

12 **defense to the allegations raised by the petition.".**

13 Renumber all SECTIONS consecutively.

(Reference is to EHB 1874 as printed March 14, 2001.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

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Long   **Chairperson**