

SENATE BILL No. 385

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-30.

Synopsis: Juvenile sentencing. Provides that juvenile law applies to children at least 16 years of age who are alleged to have committed a misdemeanor traffic offense. Eliminates provisions that provide that juvenile law does not apply to children who have previously been waived to adult court. Limits mandatory waiver to adult court to juveniles at least 16 years of age who are alleged to have committed: (1) murder; (2) kidnapping; (3) rape; (4) criminal deviate conduct; or (5) robbery. Repeals a mandatory waiver provision for certain children with a previous conviction.

Effective: July 1, 2002.

Clark

January 10, 2002, read first time and referred to Committee on Judiciary.

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Second Regular Session 112th General Assembly (2002)

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 2001 General Assembly.

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SENATE BILL No. 385



A BILL FOR 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:

1 SECTION 1. IC 31-30-1-2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2. ~~Except as provided~~
3 ~~in IC 33-5-29.5-4, IC 33-5-35.1-4, and section 8 of this chapter, the~~
4 Juvenile law does not apply to the following:

- 5 (1) ~~A child at least sixteen (16) years of age who allegedly~~
6 ~~committed a violation of a traffic law, the violation of which is a~~
7 ~~misdemeanor, unless the violation is an offense under IC 9-30-5.~~
- 8 (2) ~~(1) Except as provided in IC 7.1-5-7, a child who is alleged~~
9 ~~to have committed a violation of a statute defining an infraction.~~
10 ~~except as provided under IC 7.1-5-7.~~
- 11 (3) ~~(2) A child who is alleged to have committed a violation of~~
12 ~~violated an ordinance.~~
- 13 (4) ~~A child who:~~
 - 14 (A) ~~is alleged to have committed an act that would be a crime~~
15 ~~if committed by an adult; and~~
 - 16 (B) ~~has previously been waived under IC 31-30-3 (or~~
17 ~~IC 31-6-2-4 before its repeal) to a court having misdemeanor~~



1 ~~or felony jurisdiction.~~

2 SECTION 2. IC 31-30-1-4, AS AMENDED BY P.L.17-2001,
3 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2002]: Sec. 4. (a) The juvenile court does not have jurisdiction
5 over an individual for an alleged violation of:

- 6 (1) IC 35-42-1-1 (murder);
7 (2) IC 35-42-3-2 (kidnapping);
8 (3) IC 35-42-4-1 (rape);
9 (4) IC 35-42-4-2 (criminal deviate conduct); **or**
10 (5) IC 35-42-5-1 (robbery) if:

11 (A) the robbery was committed while armed with a deadly
12 weapon; or

13 (B) the robbery results in bodily injury or serious bodily
14 injury;

- 15 ~~(6) IC 35-42-5-2 (carjacking);~~
16 ~~(7) IC 35-45-9-3 (criminal gang activity);~~
17 ~~(8) IC 35-45-9-4 (criminal gang intimidation);~~
18 ~~(9) IC 35-47-2-1 (carrying a handgun without a license);~~
19 ~~(10) IC 35-47-10 (children and firearms);~~
20 ~~(11) IC 35-47-5-4.1 (dealing in a sawed-off shotgun); or~~
21 ~~(12) any offense that may be joined under IC 35-34-1-9(a)(2) with~~
22 ~~any crime listed in subdivisions (1) through (11);~~

23 if the individual was at least sixteen (16) years of age at the time of the
24 alleged violation.

25 (b) The juvenile court does not have jurisdiction for an alleged
26 violation of manufacturing or dealing in cocaine, a narcotic drug, or
27 methamphetamine (IC 35-48-4-1), dealing in a schedule I, H, or HH
28 controlled substance (IC 35-48-4-2), or dealing in a schedule IV
29 controlled substance (IC 35-48-4-3); if:

- 30 (1) the individual has a prior unrelated conviction under
31 IC 35-48-4-1, IC 35-48-4-2, or IC 35-48-4-3; or
32 (2) the individual has a prior unrelated juvenile adjudication that,
33 if committed by an adult, would be a crime under IC 35-48-4-1,
34 IC 35-48-4-2, or IC 35-48-4-3;

35 and the individual was at least sixteen (16) years of age at the time of
36 the alleged violation:

37 ~~(c)~~ (b) Once an individual described in subsection (a) has been
38 charged with any crime listed in subsection (a)(1) through ~~(a)(15)~~
39 (a)(5), the court having adult criminal jurisdiction shall retain
40 jurisdiction over the case even if the individual pleads guilty to or is
41 convicted of a lesser included offense. A plea of guilty to or a
42 conviction of a lesser included offense does not vest jurisdiction in the

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1 juvenile court.
2 SECTION 3. IC 31-30-3-6 IS REPEALED [EFFECTIVE JULY 1,
3 2002].

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