

SENATE BILL No. 344

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-44-1-5.

Synopsis: Penalty for sexual relations with prisoners. Makes it a Class C felony for prison and jail staff to engage in sexual misconduct with a prisoner. (Current law classifies this crime as a Class D felony).

Effective: July 1, 2003.

Lubbers

January 15, 2003, read first time and referred to Committee on Criminal, Civil and Public Policy.

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First Regular Session 113th General Assembly (2003)

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 2002 Regular or Special Session of the General Assembly.

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SENATE BILL No. 344



A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-44-1-5 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. (a) As used in this
 3 section, "service provider" means a public servant or other person
 4 employed by a governmental entity or another person who provides
 5 goods or services to a person who is subject to lawful detention.
 6 (b) A service provider who knowingly or intentionally engages in
 7 sexual intercourse or deviate sexual conduct with a person who is
 8 subject to lawful detention commits sexual misconduct, a ~~Class D~~
 9 **Class C** felony.
 10 (c) It is not a defense that an act described in subsection (b) was
 11 consensual.
 12 (d) This section does not apply to sexual intercourse or deviate
 13 sexual conduct between spouses.
 14 SECTION 2. [EFFECTIVE JULY 1, 2003] **IC 35-44-1-5, as**
 15 **amended by this act, applies only to offenses committed after June**
 16 **30, 2003.**

