



February 18, 2004

**ENGROSSED
HOUSE BILL No. 1449**

DIGEST OF HB 1449 (Updated February 12, 2004 2:04 pm - DI 106)

Citations Affected: IC 31-37.

Synopsis: Curfew violations. Provides that a law enforcement officer may not detain a child or take a child into custody for a curfew violation unless the law enforcement officer reasonably believes: (1) the child has violated the curfew law; and (2) there is not a defense to the curfew violation.

Effective: Upon passage.

Pelath, Ayres

(SENATE SPONSORS — FORD, LANANE)

January 20, 2004, read first time and referred to Committee on Rules and Legislative Procedures.

January 29, 2004, amended, reported — Do Pass.

February 2, 2004, read second time, ordered engrossed.

February 3, 2004, engrossed.

February 4, 2004, read third time, passed. Yeas 80, nays 0.

SENATE ACTION

February 9, 2004, read first time and referred to Committee on Criminal, Civil and Public Policy.

February 17, 2004, amended, reported favorably — Do Pass.

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February 18, 2004

Second Regular Session 113th General Assembly (2004)

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 2003 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1449



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

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

1 SECTION 1. IC 31-37-3-2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. **(a)** It is a curfew
3 violation for a child fifteen (15), sixteen (16), or seventeen (17) years
4 of age to be in a public place:
5 (1) between 1 a.m. and 5 a.m. on Saturday or Sunday;
6 (2) after 11 p.m. on Sunday, Monday, Tuesday, Wednesday, or
7 Thursday; or
8 (3) before 5 a.m. on Monday, Tuesday, Wednesday, Thursday, or
9 Friday.
10 **(b) A law enforcement officer may not detain a child or take a**
11 **child into custody based on a violation of this section unless the law**
12 **enforcement officer, after making a reasonable determination and**
13 **considering the facts and surrounding circumstances, reasonably**
14 **believes that:**
15 (1) **the child has violated this section; and**
16 (2) **there is no legal defense to the violation.**
17 SECTION 2. IC 31-37-3-3 IS AMENDED TO READ AS

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EH 1449—LS 6647/DI 13+



1 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. **(a)** It is a curfew
2 violation for a child less than fifteen (15) years of age to be in a public
3 place after 11 p.m. or before 5 a.m. on any day.
4 **(b) A law enforcement officer may not detain a child or take a**
5 **child into custody based on a violation of this section unless the law**
6 **enforcement officer, after making a reasonable determination and**
7 **considering the facts and surrounding circumstances, reasonably**
8 **believes that:**
9 **(1) the child has violated this section; and**
10 **(2) there is no legal defense to the violation.**
11 **SECTION 3. An emergency is declared for this act.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures, to which was referred House Bill 1449, 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:

Delete the title and insert the following:

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

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to HB 1449 as introduced.)

PELATH, Chair

Committee Vote: yeas 8, nays 0.

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COMMITTEE REPORT

Madam President: The Senate Committee on Criminal, Civil and Public Policy, to which was referred House Bill No. 1449, 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:

Page 1, line 12, delete "speaking with the child" and insert "**making a reasonable determination**".

Page 2, line 5, delete "speaking with the child" and insert "**making a reasonable determination**".

and when so amended that said bill do pass.

(Reference is to HB 1449 as printed January 30, 2004.)

LONG, Chairperson

Committee Vote: Yeas 8, Nays 0.

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