

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 590 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 10-13-3-27 IS AMENDED TO READ AS
- 4 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 27. (a) Except as
- 5 provided in subsection (b), on request, law enforcement agencies shall
- 6 release or allow inspection of a limited criminal history to noncriminal
- 7 justice organizations or individuals only if the subject of the request:
- 8 (1) has applied for employment with a noncriminal justice
- 9 organization or individual;
- 10 (2) has applied for a license and criminal history data as required
- 11 by law to be provided in connection with the license;
- 12 (3) is a candidate for public office or a public official;
- 13 (4) is in the process of being apprehended by a law enforcement
- 14 agency;
- 15 (5) is placed under arrest for the alleged commission of a crime;
- 16 (6) has charged that the subject's rights have been abused
- 17 repeatedly by criminal justice agencies;
- 18 (7) is the subject of a judicial decision or determination with
- 19 respect to the setting of bond, plea bargaining, sentencing, or
- 20 probation;
- 21 (8) has volunteered services that involve contact with, care of, or
- 22 supervision over a child who is being placed, matched, or
- 23 monitored by a social services agency or a nonprofit corporation;
- 24 (9) has volunteered services at a public school (as defined in
- 25 IC 20-10.1-1-2) or nonpublic school (as defined in

- 1 IC 20-10.1-1-3) that involve contact with, care of, or supervision
 2 over a student enrolled in the school;
 3 (10) is being investigated for welfare fraud by an investigator of
 4 the division of family and children or a county office of family
 5 and children;
 6 (11) is being sought by the parent locator service of the child
 7 support bureau of the division of family and children;
 8 (12) is or was required to register as a sex and violent offender
 9 under IC 5-2-12; **or**
 10 (13) has been convicted of any of the following:
 11 (A) Rape (IC 35-42-4-1), if the victim is less than eighteen
 12 (18) years of age.
 13 (B) Criminal deviate conduct (IC 35-42-4-2), if the victim is
 14 less than eighteen (18) years of age.
 15 (C) Child molesting (IC 35-42-4-3).
 16 (D) Child exploitation (IC 35-42-4-4(b)).
 17 (E) Possession of child pornography (IC 35-42-4-4(c)).
 18 (F) Vicarious sexual gratification (IC 35-42-4-5).
 19 (G) Child solicitation (IC 35-42-4-6).
 20 (H) Child seduction (IC 35-42-4-7).
 21 (I) Sexual misconduct with a minor as a felony (IC 35-42-4-9).
 22 (J) Incest (IC 35-46-1-3), if the victim is less than eighteen
 23 (18) years of age; **or**
 24 **(14) is an owner or employee (as defined in IC 24-4-14-1) of a**
 25 **teen club (as defined in IC 24-4-14-2) that is regulated by a**
 26 **city, town, or county that has adopted an ordinance under**
 27 **IC 24-4-14.**

28 However, limited criminal history information obtained from the
 29 National Crime Information Center may not be released under this
 30 section except to the extent permitted by the Attorney General of the
 31 United States.

32 (b) A law enforcement agency shall allow inspection of a limited
 33 criminal history by and release a limited criminal history to the
 34 following noncriminal justice organizations:

- 35 (1) Federally chartered or insured banking institutions.
 36 (2) Officials of state and local government for any of the
 37 following purposes:
 38 (A) Employment with a state or local governmental entity.
 39 (B) Licensing.
 40 (3) Segments of the securities industry identified under 15 U.S.C.
 41 78q(f)(2).

42 (c) Any person who uses limited criminal history for any purpose
 43 not specified under this section commits a Class A misdemeanor."

44 Page 9, between lines 3 and 4, begin a new paragraph and insert:
 45 "SECTION 16. IC 24-4-14 IS ADDED TO THE INDIANA CODE
 46 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 47 JULY 1, 2005]:

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Chapter 14. Regulation of Teen Clubs

Sec. 1. As used in this chapter, "employee" means a person employed or permitted to work or perform any service in a teen club for remuneration or under any contract of hire, written or oral, express or implied, by an owner of a teen club.

Sec. 2. As used in this chapter, "teen club" means a for-profit establishment that:

- (1) is open to the public for the primary purpose of:**
 - (A) offering an individual who is under the legal age for purchasing or consuming alcoholic beverages an opportunity to engage in social activities; and**
 - (B) providing entertainment, food, or nonalcoholic beverages for a profit; and**
- (2) does not serve alcoholic beverages.**

Sec. 3. A city, town, or county may adopt an ordinance to regulate a teen club and impose one (1) or more of the following:

- (1) A requirement that a teen club be licensed.**
- (2) A requirement that an owner or employee of a teen club submit to a criminal history check.**
- (3) A requirement that an owner of a teen club require, and provide to third parties upon request, a statement from each employee that the employee has not been convicted of a:**
 - (A) felony; or**
 - (B) crime involving children.**
- (4) An age restriction for individuals who may enter a teen club.**
- (5) A restriction on the hours of operation of a teen club."**

Renumber all SECTIONS consecutively.
(Reference is to ESB 590 as printed March 18, 2005.)

Representative Avery