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# SENATE BILL No. 232

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 5-2-6-3.5; IC 5-2-12-4.

**Synopsis:** Sex offender directory. Adds registered neighborhood associations to the list of entities that are entitled to receive the sex and violent offender directory published by the criminal justice institute. Requires a person convicted of possession of child pornography who has a prior conviction for possession of child pornography to register as a sex offender.

**Effective:** July 1, 2005.

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### Drozda

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January 4, 2005, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

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First Regular Session 114th General Assembly (2005)

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 2004 Regular Session of the General Assembly.

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## SENATE BILL No. 232



A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

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

- 1 SECTION 1. IC 5-2-6-3.5 IS AMENDED TO READ AS
- 2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3.5. (a) The sex and
- 3 violent offender directory established under section 3 of this chapter
- 4 must include the names of each offender who is or has been required
- 5 to register under IC 5-2-12.
- 6 (b) The institute shall do the following:
- 7 (1) Update the directory at least one (1) time every six (6) months.
- 8 (2) Publish the directory on the Internet through the computer
- 9 gateway administered by the intelenet commission under
- 10 IC 5-21-2 and known as accessIndiana.
- 11 (3) Make the directory available on a computer disk and, at least
- 12 one (1) time every six (6) months, send a copy of the computer
- 13 disk to the following:
- 14 (A) All school corporations (as defined in IC 20-1-6-1).
- 15 (B) All nonpublic schools (as defined in IC 20-10.1-1-3).
- 16 (C) All state agencies that license individuals who work with
- 17 children.



- 1 (D) The state personnel department to screen individuals who
- 2 may be hired to work with children.
- 3 (E) All child care facilities licensed by or registered in the
- 4 state.
- 5 **(F) A neighborhood association that:**
- 6 **(i) registers with the institute;**
- 7 **(ii) identifies the geographic boundaries of the**
- 8 **neighborhood association; and**
- 9 **(iii) requests the directory.**
- 10 ~~(F)~~ **(G) Other entities that:**
- 11 (i) provide services to children; and
- 12 (ii) request the directory.
- 13 (4) Maintain a hyperlink on the institute's computer web site that
- 14 permits users to connect to the Indiana sheriffs' sex offender
- 15 registry web site established under IC 36-2-13-5.5.
- 16 (5) Make a paper copy of the directory available upon request.
- 17 (c) A copy of the directory:
- 18 (1) provided to a child care facility under subsection (b)(3)(E);
- 19 (2) provided to another entity that provides services to children
- 20 under subsection ~~(b)(3)(F)~~; **(b)(3)(G)**; or
- 21 (3) that is published on the Internet under subsection (b)(2);
- 22 must include the home address of an offender whose name appears in
- 23 the directory.
- 24 (d) When the institute publishes on the Internet or distributes a copy
- 25 of the directory under subsection (b), the institute shall include a notice
- 26 using the following or similar language:
- 27 "Based on information submitted to the criminal justice institute,
- 28 a person whose name appears in this directory has been convicted
- 29 of a sex offense or a violent offense or has been adjudicated a
- 30 delinquent child for an act that would be a sex offense or violent
- 31 offense if committed by an adult."
- 32 SECTION 2. IC 5-2-12-4 IS AMENDED TO READ AS FOLLOWS
- 33 [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) As used in this chapter,
- 34 "offender" means a person convicted of any of the following sex and
- 35 violent offenses:
- 36 (1) Rape (IC 35-42-4-1).
- 37 (2) Criminal deviate conduct (IC 35-42-4-2).
- 38 (3) Child molesting (IC 35-42-4-3).
- 39 (4) Child exploitation (IC 35-42-4-4(b)).
- 40 (5) Vicarious sexual gratification (IC 35-42-4-5).
- 41 (6) Child solicitation (IC 35-42-4-6).
- 42 (7) Child seduction (IC 35-42-4-7).

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- 1 (8) Sexual misconduct with a minor as a Class A, Class B, or
- 2 Class C felony (IC 35-42-4-9).
- 3 (9) Incest (IC 35-46-1-3).
- 4 (10) Sexual battery (IC 35-42-4-8).
- 5 (11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen
- 6 (18) years of age.
- 7 (12) Criminal confinement (IC 35-42-3-3), if the victim is less
- 8 than eighteen (18) years of age.
- 9 **(13) Possession of child pornography (IC 35-42-4-4(c)) if the**
- 10 **person has a prior unrelated conviction for possession of child**
- 11 **pornography (IC 35-42-4-4(c)).**
- 12 ~~(13)~~ **(14)** An attempt or conspiracy to commit a crime listed in
- 13 subdivisions (1) through ~~(12)~~: **(13)**.
- 14 ~~(14)~~ **(15)** A crime under the laws of another jurisdiction,
- 15 including a military court, that is substantially equivalent to any
- 16 of the offenses listed in subdivisions (1) through ~~(13)~~: **(14)**.
- 17 (b) The term includes a child who has committed a delinquent act
- 18 and who:
  - 19 (1) is at least fourteen (14) years of age;
  - 20 (2) is on probation, is on parole, or is discharged from a facility by
  - 21 the department of correction, is discharged from a secure private
  - 22 facility (as defined in IC 31-9-2-115), or is discharged from a
  - 23 juvenile detention facility as a result of an adjudication as a
  - 24 delinquent child for an act that would be an offense described in
  - 25 subsection (a) if committed by an adult; and
  - 26 (3) is found by a court by clear and convincing evidence to be
  - 27 likely to repeat an act that would be an offense described in
  - 28 subsection (a) if committed by an adult.

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