



February 11, 2005

SENATE BILL No. 233

DIGEST OF SB 233 (Updated February 10, 2005 9:08 am - DI 106)

Citations Affected: IC 35-42; noncode.

Synopsis: Child solicitation. Provides that a person at least 21 years of age commits the crime of soliciting a child if the person solicits a child at least 14 but less than 16 years of age. (Does not change current law that a person at least 18 years of age commits the crime of soliciting a child if the person solicits a child under 14 years of age).

Effective: July 1, 2005.

Drozda

January 4, 2005, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.
February 10, 2005, amended, reported favorably — Do Pass.

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SB 233—LS 6518/DI 107+



February 11, 2005

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. 233

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 35-42-4-6 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) As used in this
3 section, "solicit" means to command, authorize, urge, incite, request,
4 or advise an individual:
5 (1) in person;
6 (2) by telephone;
7 (3) in writing;
8 (4) by using a computer network (as defined in IC 35-43-2-3(a));
9 (5) by advertisement of any kind; or
10 (6) by any other means;
11 to perform an act described in subsection (b) **or** (c).
12 (b) A person eighteen (18) years of age or older who knowingly or
13 intentionally solicits a child under fourteen (14) years of age, or an
14 individual the person believes to be a child under fourteen (14) years
15 of age, to engage in:
16 (1) sexual intercourse;
17 (2) deviate sexual conduct; or

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1 (3) any fondling or touching intended to arouse or satisfy the
 2 sexual desires of either the child or the older person;
 3 commits child solicitation, a Class D felony. However, the offense is
 4 a Class C felony if it is committed by using a computer network (as
 5 defined in IC 35-43-2-3(a)).

6 **(c) A person at least twenty-one (21) years of age who knowingly
 7 or intentionally solicits a child at least fourteen (14) years of age
 8 but less than sixteen (16) years of age, or an individual the person
 9 believes to be a child at least fourteen (14) years of age but less
 10 than sixteen (16) years of age, to engage in:**

- 11 **(1) sexual intercourse;**
- 12 **(2) deviate sexual conduct; or**
- 13 **(3) any fondling or touching intended to arouse or satisfy the
 14 sexual desires of either the child or the older person;
 15 commits child solicitation, a Class D felony. However, the offense
 16 is a Class C felony if it is committed by using a computer network
 17 (as defined in IC 35-43-2-3(a)).**

18 ~~(c)~~ **(d)** In a prosecution under this section, including a prosecution
 19 for attempted solicitation, the state is not required to prove that the
 20 person solicited the child to engage in an act described in subsection
 21 (b) or (c) at some immediate time.

22 **SECTION 2. [EFFECTIVE JULY 1, 2005] IC 35-42-4-6, as
 23 amended by this act, applies to offenses committed after June 30,
 24 2005.**

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COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill No. 233, 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 11, delete "(b)." insert "(b) or (c).".

Page 1, line 13, reset in roman "fourteen (14)".

Page 1, line 13, delete "sixteen (16)".

Page 1, line 14, reset in roman "fourteen".

Page 1, line 15, reset in roman "(14)".

Page 1, line 15, delete "sixteen (16)".

Page 2, between lines 5 and 6, begin a new paragraph and insert:

"(c) A person at least twenty-one (21) years of age who knowingly or intentionally solicits a child at least fourteen (14) years of age but less than sixteen (16) years of age, or an individual the person believes to be a child at least fourteen (14) years of age but less than sixteen (16) years of age, to engage in:

(1) sexual intercourse;

(2) deviate sexual conduct; or

(3) any fondling or touching intended to arouse or satisfy the sexual desires of either the child or the older person;

commits child solicitation, a Class D felony. However, the offense is a Class C felony if it is committed by using a computer network (as defined in IC 35-43-2-3(a))."

Page 2, line 6, strike "(c)" and insert "(d)".

Page 2, line 8, after "(b)" insert "or (c)".

and when so amended that said bill do pass.

(Reference is to SB 233 as introduced.)

LONG, Chairperson

Committee Vote: Yeas 9, Nays 0.

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