

**CONFERENCE COMMITTEE REPORT
DIGEST FOR ESB 233**

Citations Affected: IC 35-42-4-6.

Synopsis: Child solicitation. Conference committee report for ESB 233. 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.) **(This conference committee report removes provisions concerning intimidation and panhandling.)**

Effective: July 1, 2005.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT:

Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill No. 233 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

- 1 Delete everything after the enacting clause and insert the following:
2 SECTION 1. IC 35-42-4-6 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) As used in this
4 section, "solicit" means to command, authorize, urge, incite, request, or
5 advise an individual:
6 (1) in person;
7 (2) by telephone;
8 (3) in writing;
9 (4) by using a computer network (as defined in IC 35-43-2-3(a));
10 (5) by advertisement of any kind; or
11 (6) by any other means;
12 to perform an act described in subsection (b) **or** (c).
13 (b) A person eighteen (18) years of age or older who knowingly or
14 intentionally solicits a child under fourteen (14) years of age, or an
15 individual the person believes to be a child under fourteen (14) years of
16 age, to engage in:
17 (1) sexual intercourse;
18 (2) deviate sexual conduct; or
19 (3) any fondling or touching intended to arouse or satisfy the
20 sexual desires of either the child or the older person;
21 commits child solicitation, a Class D felony. However, the offense is a
22 Class C felony if it is committed by using a computer network (as
23 defined in IC 35-43-2-3(a)).

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

6 (1) sexual intercourse;

7 (2) deviate sexual conduct; or

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

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

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

17 SECTION 2. [EFFECTIVE JULY 1, 2005] IC 35-42-4-6, as
18 amended by this act, applies only to offenses committed after June
19 30, 2005.

(Reference is to ESB 233 as printed April 1, 2005.)

Conference Committee Report
on
Engrossed Senate Bill 233

Signed by:

Senator Drozda
Chairperson

Representative Ulmer

Senator Lewis

Representative Lawson L

Senate Conferees

House Conferees