



January 18, 2006

HOUSE BILL No. 1020

DIGEST OF HB 1020 (Updated January 11, 2006 7:17 pm - DI 73)

Citations Affected: IC 10-13; IC 24-4.

Synopsis: Regulation of teen clubs. Provides that a city, town, or county may adopt an ordinance requiring: (1) licensing of teen clubs; (2) limited criminal history checks of owners and employees of teen clubs; (3) statements concerning the criminal background of employees of teen clubs; (4) age restrictions on who may enter teen clubs; and (5) restrictions on the hours of operation of teen clubs.

Effective: July 1, 2006.

Avery, Hoy, Crouch

January 4, 2006, read first time and referred to Committee on Local Government.
January 17, 2006, reported — Do Pass.

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HB 1020—LS 6148/DI 110+



January 18, 2006

Second Regular Session 114th General Assembly (2006)

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 2005 Regular Session of the General Assembly.

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HOUSE BILL No. 1020

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

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

- 1 SECTION 1. IC 10-13-3-27, AS AMENDED BY P.L.234-2005,
2 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2006]: Sec. 27. (a) Except as provided in subsection (b), on
4 request, law enforcement agencies shall release or allow inspection of
5 a limited criminal history to noncriminal justice organizations or
6 individuals only if the subject of the request:
7 (1) has applied for employment with a noncriminal justice
8 organization or individual;
9 (2) has applied for a license and criminal history data as required
10 by law to be provided in connection with the license;
11 (3) is a candidate for public office or a public official;
12 (4) is in the process of being apprehended by a law enforcement
13 agency;
14 (5) is placed under arrest for the alleged commission of a crime;
15 (6) has charged that the subject's rights have been abused
16 repeatedly by criminal justice agencies;
17 (7) is the subject of a judicial decision or determination with

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1 respect to the setting of bond, plea bargaining, sentencing, or
 2 probation;
 3 (8) has volunteered services that involve contact with, care of, or
 4 supervision over a child who is being placed, matched, or
 5 monitored by a social services agency or a nonprofit corporation;
 6 (9) is currently residing in a location designated by the
 7 department of child services (established by IC 31-33-1.5-2) or by
 8 a juvenile court as the out-of-home placement for a child at the
 9 time the child will reside in the location;
 10 (10) has volunteered services at a public school (as defined in
 11 IC 20-18-2-15) or nonpublic school (as defined in IC 20-18-2-12)
 12 that involve contact with, care of, or supervision over a student
 13 enrolled in the school;
 14 (11) is being investigated for welfare fraud by an investigator of
 15 the division of family resources or a county office of family and
 16 children;
 17 (12) is being sought by the parent locator service of the child
 18 support bureau of the division of family and children;
 19 (13) is or was required to register as a sex and violent offender
 20 under IC 5-2-12; **or**
 21 (14) has been convicted of any of the following:
 22 (A) Rape (IC 35-42-4-1), if the victim is less than eighteen
 23 (18) years of age.
 24 (B) Criminal deviate conduct (IC 35-42-4-2), if the victim is
 25 less than eighteen (18) years of age.
 26 (C) Child molesting (IC 35-42-4-3).
 27 (D) Child exploitation (IC 35-42-4-4(b)).
 28 (E) Possession of child pornography (IC 35-42-4-4(c)).
 29 (F) Vicarious sexual gratification (IC 35-42-4-5).
 30 (G) Child solicitation (IC 35-42-4-6).
 31 (H) Child seduction (IC 35-42-4-7).
 32 (I) Sexual misconduct with a minor as a felony (IC 35-42-4-9).
 33 (J) Incest (IC 35-46-1-3), if the victim is less than eighteen
 34 (18) years of age; **or**
 35 **(15) is an owner or employee (as defined in IC 24-4-14-1) of a**
 36 **teen club (as defined in IC 24-4-14-2) that is regulated by a**
 37 **city, town, or county that has adopted an ordinance under**
 38 **IC 24-4-14 requiring the owner or employee of a teen club to**
 39 **submit to a limited criminal history check.**
 40 However, limited criminal history information obtained from the
 41 National Crime Information Center may not be released under this
 42 section except to the extent permitted by the Attorney General of the

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- 1 United States.
- 2 (b) A law enforcement agency shall allow inspection of a limited
- 3 criminal history by and release a limited criminal history to the
- 4 following noncriminal justice organizations:
- 5 (1) Federally chartered or insured banking institutions.
- 6 (2) Officials of state and local government for any of the
- 7 following purposes:
- 8 (A) Employment with a state or local governmental entity.
- 9 (B) Licensing.
- 10 (3) Segments of the securities industry identified under 15 U.S.C.
- 11 78q(f)(2).

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

14 SECTION 2. IC 24-4-14 IS ADDED TO THE INDIANA CODE AS
 15 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
 16 1, 2006]:

17 **Chapter 14. Regulation of Teen Clubs**

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

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

- 24 (1) that is open to the public for the primary purpose of:
- 25 (A) offering individuals less than twenty-one (21) years of
- 26 age an opportunity to engage in social activities; and
- 27 (B) providing entertainment, food, or nonalcoholic
- 28 beverages for a profit; and
- 29 (2) that does not serve alcoholic beverages.

30 **Sec. 3. A city, town, or county may adopt an ordinance to**
 31 **regulate teen clubs. An ordinance adopted under this section may**
 32 **impose one (1) or more of the following:**

- 33 (1) A requirement that a teen club be licensed.
- 34 (2) A requirement that the owner or employees of a teen club
- 35 submit to a limited criminal history check under IC 10-13-3.
- 36 (3) A requirement that the owner of a teen club require, and
- 37 provide to third parties upon request, a statement from each
- 38 employee that the employee has not been convicted of a:
- 39 (A) felony; or
- 40 (B) misdemeanor.
- 41 (4) An age restriction on who may enter a teen club.
- 42 (5) A restriction on the hours of operation of a teen club.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1020, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

SAUNDERS, Chair

Committee Vote: yeas 11, nays 0.

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