



January 20, 2006

SENATE BILL No. 2

DIGEST OF SB 2 (Updated January 17, 2006 4:05 pm - DI 106)

Citations Affected: IC 35-49.

Synopsis: Obscenity. Makes it a Class D felony to rent matter that is harmful to a minor within 500 feet of a school or church.

Effective: July 1, 2006.

Drozda

January 9, 2006, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.
January 19, 2006, amended, reported favorably — Do Pass.

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SB 2—LS 6026/DI 107+



January 20, 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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SENATE BILL No. 2



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 35-49-3-3 IS AMENDED TO READ AS
- 2 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) Except as
- 3 provided in subsection (b), a person who knowingly or intentionally:
- 4 (1) disseminates matter to minors that is harmful to minors;
- 5 (2) displays matter that is harmful to minors in an area to which
- 6 minors have visual, auditory, or physical access, unless each
- 7 minor is accompanied by the minor's parent or guardian;
- 8 (3) sells, **rents**, or displays for sale **or rent** to any person matter
- 9 that is harmful to minors within five hundred (500) feet of the
- 10 nearest property line of a school or church;
- 11 (4) engages in or conducts a performance before minors that is
- 12 harmful to minors;
- 13 (5) engages in or conducts a performance that is harmful to
- 14 minors in an area to which minors have visual, auditory, or
- 15 physical access, unless each minor is accompanied by the minor's
- 16 parent or guardian;
- 17 (6) misrepresents the minor's age for the purpose of obtaining

SB 2—LS 6026/DI 107+



1 admission to an area from which minors are restricted because of
2 the display of matter or a performance that is harmful to minors;
3 or
4 (7) misrepresents that the person is a parent or guardian of a
5 minor for the purpose of obtaining admission of the minor to an
6 area where minors are being restricted because of display of
7 matter or performance that is harmful to minors;
8 commits a Class D felony.
9 (b) This section does not apply if a person disseminates, displays,
10 or makes available the matter described in subsection (a) through the
11 Internet, computer electronic transfer, or a computer network unless:
12 (1) the matter is obscene under IC 35-49-2-1;
13 (2) the matter is child pornography under IC 35-42-4-4; or
14 (3) the person distributes the matter to a child less than eighteen
15 (18) years of age believing or intending that the recipient is a
16 child less than eighteen (18) years of age.

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COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill No. 2, 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, delete lines 1 through 17.

Delete pages 2 through 5.

Page 6, delete lines 1 through 10.

Page 6, line 18, after "sale" insert "**or rent**".

Page 7, delete lines 2 through 7.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 2 as introduced.)

LONG, Chairperson

Committee Vote: Yeas 8, Nays 0.

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