

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 327 be amended to read as follows:

- 1 Page 3, after line 42, begin a new paragraph and insert:
- 2 "SECTION 5. IC 35-42-2-1.3, AS AMENDED BY
- 3 P.L.129-2006, SECTION 1, IS AMENDED TO READ AS
- 4 FOLLOWS: Sec. 1.3. (a) A person who knowingly or intentionally
- 5 touches an individual who:
- 6 (1) is or was a spouse of the other person;
- 7 (2) is or was living as if a spouse of the other person as
- 8 provided in subsection (c); or
- 9 (3) has a child in common with the other person;
- 10 (1) is a current or former spouse of the other person;
- 11 (2) is dating or has dated the other person;
- 12 (3) is or was engaged in a sexual relationship with the other
- 13 person;
- 14 (4) is related by blood or adoption to the other person;
- 15 (5) is or was related by marriage to the other person;
- 16 (6) has or previously had an established legal relationship:
- 17 (A) as a guardian of the other person;
- 18 (B) as a ward of the other person;
- 19 (C) as a custodian of the other person;
- 20 (D) as a foster parent of the other person; or
- 21 (E) in a capacity with respect to the other person
- 22 similar to those listed in clauses (A) through (D); or
- 23 (7) has a child in common with the other person;
- 24 in a rude, insolent, or angry manner that results in bodily injury to

1 the person described in ~~subdivision~~ **subdivisions** (1), ~~(2)~~, or ~~(3)~~
2 **through (7)** commits domestic battery, a Class A misdemeanor.
3 (b) However, the offense under subsection (a) is a Class D
4 felony if the person who committed the offense:
5 (1) has a previous, unrelated conviction:
6 (A) under this section (or IC 35-42-2-1(a)(2)(E) before its
7 repeal); or
8 (B) in any other jurisdiction, including a military court, in
9 which the elements of the crime for which the conviction
10 was entered are substantially similar to the elements
11 described in this section; or
12 (2) committed the offense in the physical presence of a child
13 less than sixteen (16) years of age, knowing that the child was
14 present and might be able to see or hear the offense.
15 (c) ~~In considering whether a person is or was living as a spouse~~
16 ~~of another individual in subsection (a)(2), the court shall review the~~
17 ~~following:~~
18 (1) ~~the duration of the relationship;~~
19 (2) ~~the frequency of contact;~~
20 (3) ~~the financial interdependence;~~
21 (4) ~~whether the two (2) individuals are raising children~~
22 ~~together;~~
23 (5) ~~whether the two (2) individuals have engaged in tasks~~
24 ~~directed toward maintaining a common household; and~~
25 (6) ~~other factors the court considers relevant.~~
26 **SECTION 6. [EFFECTIVE JULY 1, 2007] IC 35-42-2-1.3, as**
27 **amended by this act, applies only to offenses committed after**
28 **June 30, 2007."**
(Reference is to ESB 327 as printed March 27, 2007.)

Representative STUTZMAN