
SENATE BILL No. 205

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-41-3-1.

Synopsis: Corporal punishment by parents and guardians. Specifies that a parent or guardian of a child has legal authority to: (1) apply reasonable force to a child; or (2) impose reasonable confinement on a child; if the parent or guardian believes that the reasonable force or confinement is necessary for the proper control, training, or education of the child. Provides that the following factors are relevant in determining whether force or confinement is reasonable: (1) The age of the child. (2) The sex of the child. (3) The physical and mental condition of the child. (4) The nature of the child's misbehavior and the child's motive for the misbehavior. (5) The influence that the child's example may have on other children of the same family or group. (6) Whether the force or confinement is reasonably necessary and appropriate to compel obedience to a proper command. (7) Whether the force or confinement is disproportionate to the misbehavior, unnecessarily degrading, or likely to cause serious or permanent harm.

Effective: July 1, 2009.

Randolph

January 7, 2009, read first time and referred to Committee on Judiciary.

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First Regular Session 116th General Assembly (2009)

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 2008 Regular Session of the General Assembly.

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SENATE BILL No. 205



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 35-41-3-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. **(a)** A person is
3 justified in engaging in conduct otherwise prohibited if ~~he~~ **the person**
4 has legal authority to do so.

5 **(b) A parent or guardian of a child has legal authority to:**
6 **(1) apply reasonable force to; or**
7 **(2) impose reasonable confinement on;**
8 **the child if the parent or guardian believes that the reasonable**
9 **force or confinement is necessary for the proper control, training,**
10 **or education of the child.**

11 **(c) The following nonexhaustive list of factors is relevant in**
12 **determining whether force or confinement is reasonable under**
13 **subsection (b) for the control, training, or education of a child:**
14 **(1) The age of the child.**
15 **(2) The sex of the child.**
16 **(3) The physical and mental condition of the child.**
17 **(4) The nature of the child's misbehavior and the child's**



- 1 **motive for the misbehavior.**
- 2 **(5) The influence that the child's example may have on other**
- 3 **children of the same family or group.**
- 4 **(6) Whether the force or confinement is reasonably necessary**
- 5 **and appropriate to compel obedience to a proper command.**
- 6 **(7) Whether the force or confinement is:**
- 7 **(A) disproportionate to the misbehavior;**
- 8 **(B) unnecessarily degrading; or**
- 9 **(C) likely to cause serious or permanent harm.**

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