

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WITHDRAWN	Noes _____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

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Engrossed Senate Bill 363 be amended to read as follows:

- 1 Page 6, between lines 22 and 23, begin a new paragraph and insert:
- 2 "SECTION 5. IC 20-28-5-8, AS AMENDED BY P.L.121-2009,
- 3 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2011]: Sec. 8. (a) This section applies when a prosecuting
- 5 attorney knows that a licensed employee of a public school or a
- 6 nonpublic school has been convicted of an offense listed in subsection
- 7 (c). The prosecuting attorney shall immediately give written notice of
- 8 the conviction to the following:
- 9 (1) The state superintendent.
- 10 (2) Except as provided in subdivision (3), the superintendent of
- 11 the school corporation that employs the licensed employee or the
- 12 equivalent authority if a nonpublic school employs the licensed
- 13 employee.
- 14 (3) The presiding officer of the governing body of the school
- 15 corporation that employs the licensed employee, if the convicted
- 16 licensed employee is the superintendent of the school corporation.
- 17 (b) The superintendent of a school corporation, presiding officer of
- 18 the governing body, or equivalent authority for a nonpublic school shall
- 19 immediately notify the state superintendent when the individual knows
- 20 that a current or former licensed employee of the public school or
- 21 nonpublic school has been convicted of an offense listed in subsection
- 22 (c), or when the governing body or equivalent authority for a nonpublic
- 23 school takes any final action in relation to an employee who engaged
- 24 in any offense listed in subsection (c).

1 (c) The department, after holding a hearing on the matter, shall  
 2 permanently revoke the license of a person who is known by the  
 3 department to have been convicted of any of the following felonies:

4 (1) Kidnapping (IC 35-42-3-2). ~~if the victim is less than eighteen~~  
 5 ~~(18) years of age.~~

6 (2) Criminal confinement (IC 35-42-3-3). ~~if the victim is less than~~  
 7 ~~eighteen (18) years of age.~~

8 (3) Rape (IC 35-42-4-1). ~~if the victim is less than eighteen (18)~~  
 9 ~~years of age.~~

10 (4) Criminal deviate conduct (IC 35-42-4-2). ~~if the victim is less~~  
 11 ~~than eighteen (18) years of age.~~

12 (5) Child molesting (IC 35-42-4-3).

13 (6) Child exploitation (IC 35-42-4-4(b)).

14 (7) Vicarious sexual gratification (IC 35-42-4-5).

15 (8) Child solicitation (IC 35-42-4-6).

16 (9) Child seduction (IC 35-42-4-7).

17 (10) Sexual misconduct with a minor (IC 35-42-4-9).

18 (11) Incest (IC 35-46-1-3). ~~if the victim is less than eighteen (18)~~  
 19 ~~years of age.~~

20 (12) Dealing in or manufacturing cocaine or a narcotic drug  
 21 (IC 35-48-4-1).

22 (13) Dealing in methamphetamine (IC 35-48-4-1.1).

23 (14) Dealing in a schedule I, II, or III controlled substance  
 24 (IC 35-48-4-2).

25 (15) Dealing in a schedule IV controlled substance  
 26 (IC 35-48-4-3).

27 (16) Dealing in a schedule V controlled substance (IC 35-48-4-4).

28 (17) Dealing in a counterfeit substance (IC 35-48-4-5).

29 (18) Dealing in marijuana, hash oil, or hashish  
 30 (IC 35-48-4-10(b)).

31 (19) Possession of child pornography (IC 35-42-4-4(c)).

32 **(20) Homicide (IC 35-42-1).**

33 **(21) Voluntary manslaughter (IC 35-42-1-3).**

34 **(22) Reckless homicide (IC 35-42-1-5).**

35 **(23) Battery as any of the following:**

36 **(A) A Class A felony (IC 35-42-2-1(a)(5)).**

37 **(B) A Class B felony (IC 35-42-2-1(a)(4)).**

38 **(C) A Class C felony (IC 35-42-2-1(a)(3)).**

39 **(24) Aggravated battery (IC 35-42-2-1.5).**

40 **(25) Robbery (IC 35-42-5-1).**

41 **(26) Carjacking (IC 35-42-5-2).**

42 **(27) Arson as a Class A felony or a Class B felony**  
 43 **(IC 35-43-1-1(a)).**

44 **(28) Burglary as a Class A felony or a Class B felony**  
 45 **(IC 35-43-2-1).**

46 **(29) Attempt under IC 35-41-5-1 to commit an offense listed**

1           **in subdivisions (1) through (28).**  
2           **(30) Conspiracy under IC 35-41-5-2 to commit an offense**  
3           **listed in subdivisions (1) through (28).**  
4           **(d) The department, after holding a hearing on the matter, shall**  
5           **permanently revoke the license of a person who is known by the**  
6           **department to have been convicted of a federal offense or an**  
7           **offense in another state that is comparable to a felony listed in**  
8           **subsection (c).**  
9           ~~(e)~~ **(e)** A license may be suspended by the state superintendent as  
10          specified in IC 20-28-7-7.  
11          ~~(f)~~ **(f)** The department shall develop a data base of information on  
12          school corporation employees who have been reported to the  
13          department under this section."  
14          Renumber all SECTIONS consecutively.  
            (Reference is to ESB 363 as printed April 12, 2011.)

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Representative Goodin