

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6041

BILL NUMBER: HB 1080

NOTE PREPARED: Feb 27, 2012

BILL AMENDED: Feb 27, 2012

SUBJECT: Sexual Battery.

FIRST AUTHOR: Rep. Frye R

FIRST SPONSOR: Sen. Eckerty

BILL STATUS: 2nd Reading - 2nd House

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: State

Summary of Legislation: (Amended) This bill has the following provisions:

- A. *Sexual Misconduct by a Service Provider* – It provides that if a person is: (1) a public servant or other person employed by a governmental entity or another person who provides goods or services to a person who is subject to lawful detention; and (2) convicted of engaging in sexual intercourse or deviate sexual conduct with another person who is subject to lawful detention; the person is considered to be a sex offender who must register as a sex or violent offender with the appropriate law enforcement agency.
- B. *Interim Study Topic* - It urges the Legislative Council to study the topic of sexual battery during the 2012 interim.
- C. *Defense to the Offense of Recruiting, Harboring, or Transporting a Child* – It creates a defense to the offense of recruiting, harboring, or transporting a child less than 16 years of age with the intent of inducing the child to participate in sexual conduct if: (1) the child is 14 or 15 years old and the person is less than 18 years old; or (2) the person is within four years of the child's age, the person was in a dating relationship with the child, and certain other conditions apply.

Effective Date: July 1, 2012.

Explanation of State Expenditures: *Sexual Misconduct by a Service Provider* – The additional costs from this provision should be minimal. Offenders who are sentenced for this crime are currently not required to

register in the Sex Offender Registry. These offenders would now be required to register once they are released from prison. In CY 2011, four offenders were committed for sexual misconduct by a service provider.

Interim Study Topic - A study of sexual battery could likely be accomplished within an interim study committee's budget.

(Revised) *Defense to the Offense of Recruiting, Harboring, or Transporting a Child* – Two offenders were committed to DOC for this offense in CY 2011. This would likely have little effect on Department of Correction's population.

Explanation of State Revenues:

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: Department of Correction.

Local Agencies Affected: County sheriff.

Information Sources: Indiana Sheriffs' Association; Department of Correction.

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