

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 286 be amended to read as follows:

- 1 Page 44, between lines 4 and 5, begin a new paragraph and insert:
2 "SECTION 52. IC 31-33-28 IS ADDED TO THE INDIANA CODE
3 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
4 UPON PASSAGE]:
5 **Chapter 28. Grand Jury**
6 **Sec. 1. (a) A court may call a grand jury under IC 35-34-2 into**
7 **session, at the request of a prosecuting attorney, to hear and**
8 **examine evidence concerning:**
9 **(1) investigations and determinations made by the department**
10 **concerning a child:**
11 **(A) who is a child in need of services; or**
12 **(B) whom the department investigated as a potential child**
13 **in need of services; or**
14 **(2) potential crimes that involved a child:**
15 **(A) who is a child in need of services;**
16 **(B) whom the department investigated as a potential child**
17 **in need of services; or**
18 **(C) who satisfies both clauses (A) and (B).**
19 **Sec. 2. Except as set forth in this chapter, the court shall use the**
20 **procedures set forth under IC 35-34-2 for a grand jury under this**
21 **chapter.**
22 **Sec. 3. (a) If a member of the grand jury has reason to believe**
23 **that the department failed to properly investigate a child in need**
24 **of services or failed to properly request a juvenile court to**

1 authorize the filing of a petition that a child is a child in need of
2 services under IC 31-34-9-1, the juror may report this information
3 to fellow jurors who may then investigate the department's
4 decision.

5 (b) If a member of the grand jury has reason to believe that a
6 crime occurred in the investigation of a child in need of services or
7 involving a child who is the subject of a child in need of services
8 investigation, the juror may report this information to fellow
9 jurors who may then investigate the department's decision.

10 Sec. 4. (a) A grand jury may deliberate whether the department
11 failed to properly investigate a potential child in need of services or
12 failed to properly request a juvenile court to authorize the filing of
13 a petition that a child is a child in need of services.

14 (b) If at least five (5) grand jurors determine that the
15 department failed to investigate whether a child is a child in need
16 of services or if the department failed to properly request a
17 juvenile court to authorize the filing of a petition that a child is a
18 child in need of services, the department shall reopen the
19 investigation and the prosecutor shall request the juvenile court to
20 authorize the filing of a petition that a child is a child in need of
21 services. A determination under this section must be:

22 (1) signed by the prosecuting attorney or a deputy prosecuting
23 attorney; and

24 (2) signed by the foreman of the grand jury or five (5)
25 members of the grand jury.

26 Sec. 5. If a grand jury determines that a crime occurred as
27 described in section 3(b), the indictment procedures set forth in
28 IC 35-34-2 apply."

(Reference is to SB 286 as printed February 24, 2012.)

Representative DeLaney