

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 287 be amended to read as follows:

- 1 Page 119, between lines 40 and 41, begin a new paragraph and
2 insert:
3 "SECTION 156. IC 31-33-28 IS ADDED TO THE INDIANA
4 CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS
5 [EFFECTIVE UPON PASSAGE]:
6 **Chapter 28. Grand Jury**
7 **Sec. 1. (a) A court may call a grand jury under IC 35-34-2 into**
8 **session, at the request of a prosecuting attorney, to hear and**
9 **examine evidence concerning:**
10 **(1) investigations and determinations made by the department**
11 **concerning a child:**
12 **(A) who is a child in need of services; or**
13 **(B) whom the department investigated as a potential child**
14 **in need of services; or**
15 **(2) potential crimes that involved a child:**
16 **(A) who is a child in need of services;**
17 **(B) whom the department investigated as a potential child**
18 **in need of services; or**
19 **(C) who satisfies both clauses (A) and (B).**
20 **Sec. 2. Except as set forth in this chapter, the court shall use the**
21 **procedures set forth under IC 35-34-2 for a grand jury under this**
22 **chapter.**
23 **Sec. 3. (a) If a member of the grand jury has reason to believe**
24 **that the department failed to properly investigate a child in need**

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

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

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

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

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

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

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

30 Page 143, after line 20, begin a new paragraph and insert:

31 "SECTION 185. **An emergency is declared for this act.**"

32 Renumber all SECTIONS consecutively.

(Reference is to ESB 287 as printed February 24, 2012.)

Representative DeLaney