

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 400 be amended to read as follows:

- 1 Page 1, line 4, delete "IC 35-32-4," and insert "**IC 35-32-4 and**
- 2 **IC 35-44.1-6,**".
- 3 Page 1, line 4, delete "IC 35-32-4-2." and insert "**IC 35-32-4-1.**".
- 4 Page 2, line 3, after "Sec. 2." insert "**(a)**".
- 5 Page 2, after line 15, begin a new paragraph and insert:
- 6 "**(b) A state actor may not investigate, prosecute, or detain any**
- 7 **person lawfully in Indiana under a state or federal law that the**
- 8 **state actor knows or reasonably should know deprives a person of**
- 9 **life, liberty, or property without a fair proceeding in violation of**
- 10 **the Due Process Clause of the United States Constitution or the**
- 11 **Due Course of Law Clause of the Constitution of the State of**
- 12 **Indiana.**
- 13 SECTION 3. IC 35-44.1-6 IS ADDED TO THE INDIANA CODE
- 14 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 15 JULY 1, 2013]:
- 16 **Chapter 6. Enforcement of Unconstitutional Laws**
- 17 **Sec. 1. A state actor who knowingly or intentionally violates**

1 **IC 35-32-4-2 (prohibition on enforcing or aiding the enforcement**
2 **of unconstitutional laws) commits enforcing or aiding in the**
3 **enforcement of an unconstitutional law, a Class A misdemeanor."**
(Reference is to SB 400 as printed February 15, 2013.)

Senator STEELE