

# 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.)

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Senator STEELE