

Crisis Connection

2007 Sexual Assault Legislation

HEA1654 Sex crime victims and polygraph examinations. (Dembowski, Steele)

Prohibits a law enforcement officer from requiring an alleged victim of a sex crime to submit to a polygraph or other truth telling device. Provides that a law enforcement officer may not refuse to investigate, charge, or prosecute a sex crime solely because the alleged victim of the sex crime has not submitted to a polygraph or other truth telling device.

Removes restrictions for when the victim services division of the criminal justice institute (institute) may reimburse a medical services provider for the costs in providing forensic services. Creates the secured storage fund to assist counties with paying for the secured storage of a sample (sample) from forensic medical examinations of a sex crime victim (victim). Requires a hospital to give notice to a victim of certain rights and to contact law enforcement. Requires law enforcement to transport the sample to secured storage. Requires the sample to remain in secured storage for specified periods of time. Requires the institute to provide notice to victims regarding the sample. **Requires a prosecuting attorney to appoint a sexual assault response team (SART) if a SART is not established in a county, or to join with one or more other counties to create a regional SART.** Requires a SART to develop a plan regarding evidence of sexual assaults. Provides that the failure to comply with certain statutory provisions, county plans, or SART protocols relating to the collection and preservation of evidence of a sexual assault does not, standing alone, affect the admissibility of evidence in a civil or criminal proceeding.

04/23/2007 Signed by the Governor

HB1509 Lease protections for domestic violence victims. (L. Lawson, Becker)

Provides that a tenant who is a victim or an alleged victim of a crime involving domestic or family violence, a sex offense, or stalking may have the locks of the tenant's dwelling unit changed at the tenant's expense. Prohibits a landlord from taking certain actions related to such a tenant. Provides that such a tenant is entitled to terminate the tenant's rights and obligations under the rental agreement under certain circumstances. Provides such a tenant and the tenant's landlord immunity from civil liability in certain situations and for taking certain actions.

04/04/2007 Signed by the Governor

HB1653 Sexual misconduct with an inmate. (Dembowski, Rogers)

Makes it a Class C felony for a service provider to knowingly or intentionally engage in sexual intercourse or deviate sexual conduct with a person who is lawfully detained. (Under current law, the offense is a Class D felony.) Makes it a Class B felony for a service provider who is at least 18 years of age to knowingly or intentionally engage in sexual intercourse or deviate sexual conduct with a lawfully detained person who is less than 18 years of age.

04/25/2007 Signed by the Governor

HB1386 Sex offenders and criminal procedure. (L. Lawson, Bray, Drozda)

Adds: (1) promoting prostitution as a Class B felony; (2) promotion of human trafficking if the victim is less than 18 years of age; (3) sexual trafficking of a minor; (4) human trafficking if the victim is less than 18 years of age; and (5) possession of child pornography as a first offense; to the list of offenses requiring a person to register as a sex offender. Specifies that registration as a sex offender is not required for: (1) a parent or guardian who is convicted of kidnapping or confining a child of the parent or a child over whom the guardian has guardianship; or (2) a

person convicted of sexual misconduct with a minor as a Class C felony if the person is not more than four or five years older than the victim (depending on when the offense was committed) and the court finds that the person should not be required to register. Specifies that, for purposes of the child pornography statute, a person may not possess certain material depicting or describing sexual conduct by a child who: (1) the person knows is less than 16 years of age; or (2) appears to be less than 16 years of age. Makes it a Class B felony for a person to commit child seduction by using a computer network if the person has a previous unrelated conviction for committing the offense by using a computer network. Removes the lifetime registration requirement for sexual battery as a Class D felony, and imposes the standard ten year registration requirement. Specifies that a person is an offender against children if the person engages in a conspiracy to commit or attempts to commit an offense that would make the person an offender against children. Permits a county to adopt: (1) an annual sex offender registration fee that does not exceed \$50; and (2) a sex offender address change fee that does not exceed \$5. Provides that 90% of each fee is deposited in the county sex offender administration fund, and 10% of each fee is transferred to the state for deposit in the state sex offender administration fund. Specifies that the funds are to be used for expenses related to the operation of the Indiana sex offender registry. Requires a sexually violent predator whose sentence does not include a commitment to the department of correction to be placed on lifetime parole. Permits the department of correction to report certain fingerprint information to the state police department, and makes certain other changes relating to fingerprinting. Requires the department of correction to maintain records on certain sex offenders who are no longer required to register in Indiana. Requires a local law enforcement authority to notify the department of correction and update the National Sex Offender Registry database when a sex offender registers or the registration information changes. Makes numerous other changes to sex offender registration procedures. Requires a court to consider expert testimony before determining that a juvenile is likely to be a repeat sex offender, and establishes a procedure for psychological evaluation of sex offenders to determine if they are sexually violent predators. Provides that a person who is not more than four years older than the victim, was involved in a dating relationship with the victim, and did not use violence in the commission of the offense is not a sexually violent predator if certain other conditions are met, and provides a similar defense to sexual misconduct with a minor. Establishes a procedure to permit an offender against children to petition a court to have the designation removed. Permits a court to suspend the sentence of a person convicted of nonviolent child molesting who is not more than four years older than the victim, who was involved in a dating relationship with the victim, and who meets certain other conditions. Specifies that "school property", for purposes of the offender against children statute, does not include the property of an institution providing postsecondary education. Changes the name of the sex offender registry to the "sex and violent offender registry" and requires persons convicted of murder or voluntary manslaughter to register on the sex and violent offender registry under the same conditions applying to registration by sex offenders. Prohibits the suspension of the first 30 years of the sentence for certain serious child molesting offenses. Provides that the mistake-of-age defense to child molesting does not apply when the offense was committed by means of violence or the use of a drug. Establishes a procedure to permit certain offenders required to register in accordance with older laws to register in accordance with new laws. Adds a culpability standard to a criminal statute relating to the use of limited criminal histories. Requires persons in Indiana convicted of murder or voluntary manslaughter to be placed on lifetime parole. Reestablishes the sentencing policy study committee to evaluate sentencing laws and policies for an additional four years. Provides that a juvenile court does not have jurisdiction over an individual for attempted murder. Makes other changes, conforming amendments, and technical corrections. (The introduced version of this bill was prepared by the sentencing policy study committee.)

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04/29/2007 S: Conf Report Adopted(50-0) S