

# Crisis Connection

## Parent ALERT!



July 9, 2007

### 'Romeo and Juliet' law starts

State measure decriminalizes some instances of consensual teen sex

By Joe Gerrety

The (Lafayette) Journal & Courier

July 9, 2007

For years in Indiana, the age at which a person could legally consent to have sex was 16. But lawyers for young defendants accused of having sex with 14- and 15-year-olds now can pose a defense against charges of sexual misconduct with a minor.

Public Law 216 creates a legal defense, nicknamed the "Romeo and Juliet defense," against charges of sexual misconduct with a minor. The law went into effect July 1.

"The change in the law decriminalizes consensual sex among teenagers in a dating relationship if they are within four years age difference," said Larry Landis, executive director of the Indiana Public Defender Council.

The Indiana Prosecuting Attorneys Council supported and helped write the new defense. Executive Director Stephen J. Johnson said the change doesn't lower the age of consent.

It modifies a 1994 law that made sexual misconduct with a minor a separate offense from child molesting as a way of dealing with teenage sexuality, Johnson said.

"We did not view the new defense as a radical change in the law; rather it created what we believed was a relatively narrow defense for certain sexual acts among young people over the age which would qualify for child molestation," Johnson said.

Sex with a person younger than 14 is still considered child molesting, regardless of the age of the perpetrator. But the new law could protect an 18-year-old from adult felony charges if he has sex with a 15-year-old girlfriend, for instance.

Landis said the law change arose from concern that the ever-widening set of crimes that force people to register as sex offenders was having unintended consequences.

Year after year, more offenses were added to the list of convictions requiring registration. As a result, some teens in consensual, dating relationships wound up with criminal convictions that required lifetime sex offender registration.

"It's debilitating," Landis said. "It affects their ability to get into school, student loans, jobs."



### Man shed sex offender status under new 'Romeo and Juliet' law

The Associated Press

**ST. PETERSBURG, Fla. -**

A 28-year-old man has shed his sex offender status under a new "Romeo and Juliet" law intended to allow certain people convicted of teenage sexual activity to separate themselves from the state's registered sex offenders.

The Florida Department of Law Enforcement said Anthony Croce of St. Petersburg is the only person so far to qualify for removal from Florida's registry of sex offenders under the law nicknamed for William Shakespeare's famous star-crossed teen lovers.

Underage sex is still a crime in Florida, but the law which went into effect in July allows a judge to remove the sex offender designation in certain cases. The victim in the case must be between 14 and 17, a willing participant in the sexual activity and no more than four years younger than the offender. The offense must be the only sex crime on the offender's record.

Croce was 17 when he started having sex with his 15-year-old girlfriend, but her mother pressed charges after he turned 18. Croce pleaded no contest to lewd and lascivious behavior, which required him to register as a sex offender.

"The new law recognizes that those people, who as teenagers experimented with sex with another teenager, should not be lumped in with the predators," said Croce's attorney, Denis Michael DeVlaming of Clearwater. "He didn't deserve to be treated the same as others who really do belong on the registry."

Authorities said very few people will likely qualify for removal under the law. A review of 900 sex offenders in two Florida counties found only three who might qualify, the Orlando Sentinel reported. None of those offenders have asked a judge to remove the designation.

There are more than 43,000 men and women registered as sex offenders or sexual predators in Florida. The offenders must keep their addresses updated, are barred from living close to schools and their photos are easily accessible on law enforcement Web sites.

Many prosecutors, defense attorneys and state lawmakers agreed the state needed to make a clearer distinction between teen lovers and sexual predators.

"You don't want to label a guy or a girl a sex offender for life if they don't truly deserve it," said former state Sen. Nancy Argenziano, the Crystal River Republican who sponsored the bill. "I have no compassion for sexual predators, but on the other hand ... You want to know who is the real menace to your children."

---

Information from: Orlando Sentinel, <http://www.orlandosentinel.com>

*Copyright 2007 The Associated Press. All rights reserved. This material may not be published, broadcast, rewritten or redistributed.*

## **IC 35-42-4-9**

### **Sexual misconduct with a minor**

Sec. 9. (a) A person at least eighteen (18) years of age who, with a child at least fourteen (14) years of age but less than sixteen (16) years of age, performs or submits to sexual intercourse or deviate sexual conduct commits sexual misconduct with a minor, a Class C felony. However, the offense is:

(1) a Class B felony if it is committed by a person at least twenty-one (21) years of age; and

(2) a Class A felony if it is committed by using or threatening the use of deadly force, if it is committed while armed with a deadly weapon, if it results in serious bodily injury, or if the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.

(b) A person at least eighteen (18) years of age who, with a child at least fourteen (14) years of age but less than sixteen (16) years of age, performs or submits to any fondling or touching, of either the child or the older person, with intent to arouse or to satisfy the sexual desires of either the child or the older person, commits sexual misconduct with a minor, a Class D felony. However, the offense is:

(1) a Class C felony if it is committed by a person at least twenty-one (21) years of age; and

(2) a Class B felony if it is committed by using or threatening the use of deadly force, while armed with a deadly weapon, or if the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.

(c) It is a defense that the accused person reasonably believed that the child was at least sixteen (16) years of age at the time of the conduct. However, this subsection does not apply to an offense described in subsection (a)(2) or (b)(2).

**(d) It is a defense that the child is or has ever been married. However, this subsection does not apply to an offense described in subsection (a)(2) or (b)(2).**

**(e) It is a defense to a prosecution under this section if all the following apply:**

**(1) The person is not more than four (4) years older than the victim.**

**(2) The relationship between the person and the victim was a dating relationship or an ongoing personal relationship. The term "ongoing personal relationship" does not include a family relationship.**

(3) The crime:

(A) was not committed by a person who is at least twenty-one (21) years of age;

(B) was not committed by using or threatening the use of deadly force;

(C) was not committed while armed with a deadly weapon;

(D) did not result in serious bodily injury;

(E) was not facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge; and

(F) was not committed by a person having a position of authority or substantial influence over the victim.

(4) The person has not committed another sex offense (as defined in IC 11-8-8-5.2) (including a delinquent act that would be a sex offense if committed by an adult) against any other person.

*As added by P.L.79-1994, SEC.15. Amended by P.L.33-1996, SEC.9; P.L.216-1996, SEC.21; P.L.31-1998, SEC.8; P.L.266-2003, SEC.1; P.L.216-2007, SEC.45.*



**Crisis Connection**  
**24-Hour Hotline**  
**1-800-245-4580**  
[www.crisisconnectioninc.org](http://www.crisisconnectioninc.org)