

HOUSE BILL No. 1079

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-42-4-1.

Synopsis: Elements of rape. Provides that a person commits rape if: (1) the person engages in sexual activity with another person and the other person submits to the sexual activity under the belief that the person committing the act is someone the victim knows, other than the person committing the act, and such belief is intentionally induced by any artifice, pretense, or concealment practiced by the person; or (2) the person engages in sexual activity with another person and the other person has expressed a lack of consent, through words or conduct, to sexual intercourse or other sexual conduct.

Effective: July 1, 2022.

Negele, Errington, Schaibley

January 4, 2022, read first time and referred to Committee on Courts and Criminal Code.



Second Regular Session of the 122nd General Assembly (2022)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2021 Regular Session of the General Assembly.

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A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-42-4-1, AS AMENDED BY P.L.168-2014,
2 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2022]: Sec. 1. (a) Except as provided in subsection (b), a
4 person who knowingly or intentionally has sexual intercourse with
5 another person or knowingly or intentionally causes another person to
6 perform or submit to other sexual conduct (as defined in
7 IC 35-31.5-2-221.5) when:
8 (1) the other person is compelled by force or imminent threat of
9 force;
10 (2) the other person is unaware that the sexual intercourse or other
11 sexual conduct (as defined in IC 35-31.5-2-221.5) is occurring; ~~or~~
12 (3) the other person is so mentally disabled or deficient that
13 consent to sexual intercourse or other sexual conduct (as defined
14 in IC 35-31.5-2-221.5) cannot be given;
15 **(4) the other person submits to the sexual intercourse or other**
16 **sexual conduct (as defined in IC 35-31.5-2-221.5) under the**
17 **belief that the person committing the act is someone the**



1 **victim knows, other than the person committing the act, and**
2 **such belief is intentionally induced by any artifice, pretense,**
3 **or concealment practiced by the person; or**
4 **(5) the other person has expressed a lack of consent, through**
5 **words or conduct, to sexual intercourse or other sexual**
6 **conduct (as defined in IC 35-31.5-2-221.5);**

7 commits rape, a Level 3 felony.

8 (b) An offense described in subsection (a) is a Level 1 felony if:

9 (1) it is committed by using or threatening the use of deadly force;

10 (2) it is committed while armed with a deadly weapon;

11 (3) it results in serious bodily injury to a person other than a
12 defendant; or

13 (4) the commission of the offense is facilitated by furnishing the
14 victim, without the victim's knowledge, with a drug (as defined in
15 IC 16-42-19-2(1)) or a controlled substance (as defined in
16 IC 35-48-1-9) or knowing that the victim was furnished with the
17 drug or controlled substance without the victim's knowledge.

