



February 23, 2018

**ENGROSSED  
HOUSE BILL No. 1270**

DIGEST OF HB 1270 (Updated February 20, 2018 11:29 am - DI 106)

**Citations Affected:** IC 2-5; IC 4-6; IC 11-8; IC 31-9; IC 31-34; IC 32-30; IC 33-37; IC 34-24; IC 35-31.5; IC 35-32; IC 35-37; IC 35-42; IC 35-45; noncode.

**Synopsis:** Criminal law matters. Changes the human and sexual trafficking statute by: (1) reclassifying the term "human and sexual trafficking" to "human trafficking", which includes the offenses of labor and sexual trafficking; (2) creating separate offenses for labor and  
(Continued next page)

**Effective:** Upon passage; July 1, 2018.

**Siegrist, McNamara, Bartlett, Hatfield, Beumer,  
Culver, Engleman, Friend, Gutwein, Heine,  
Huston, Karickhoff, Lehe, Morrison, Negele,  
Ober, Olthoff, Richardson, Schaibley, Slager,  
Sullivan, Washburne, Young J, Brown C,  
Errington, GiaQuinta, Hamilton, Harris, Pierce,  
Pryor, Wright, Burton, Frizzell, Delaney, Torr,  
Mayfield, Bauer, Shackelford, Austin**  
(SENATE SPONSORS — HEAD, BROWN L, RUCKELSHAUS)

January 11, 2018, read first time and referred to Committee on Courts and Criminal Code.  
January 25, 2018, amended, reported — Do Pass.  
January 29, 2018, read second time, ordered engrossed. Engrossed.  
January 31, 2018, read third time, passed. Yeas 94, nays 0.

SENATE ACTION

February 1, 2018, read first time and referred to Committee on Corrections and Criminal Law.  
February 22, 2018, amended, reported favorably — Do Pass.

EH 1270—LS 6924/DI 131



## Digest Continued

sexual trafficking and renaming certain crimes; (3) removing the element of force from forced labor, marriage, prostitution, and participating in sexual conduct; (4) removing involuntary servitude from the human trafficking statute; (5) removing from the sexual trafficking statute the element that a solicitor must know that a person is a human trafficking victim before committing the offense; and (6) adding elements to certain human and sexual trafficking offenses. Expands the rape shield statute to include victims of human trafficking and certain other offenses. Adds an element to the defense of prosecution under the offenses of sexual misconduct with a minor and promotion of sexual trafficking of a younger child. Prohibits certain defenses to a prosecution of making an unlawful proposition. Requires law enforcement to notify the department of child services of a possible child trafficking victim in certain sexual offenses. Urges the legislative council to assign to an appropriate interim study committee the task of studying the topic of human trafficking in Indiana involving law enforcement, creation of programs, and review of the penalties for human trafficking crimes in the criminal code. Requires the commission on improving the status of children in Indiana to study the topic of what specific authority a law enforcement officer has in order to take custody of or detain a child in certain situations where the officer believes a child may be a victim of human trafficking and who is potentially a child in need of services. Provides a defense to the crime of maintaining a common nuisance if: (1) the location was not primarily used for specified unlawful acts; (2) the charged offense involves less than a specified quantity of marijuana, hashish, hash oil, or salvia or involves paraphernalia; and (3) the person does not have a prior unrelated conviction for maintaining a common nuisance. Makes conforming amendments.

**EH 1270—LS 6924/DI 131**



February 23, 2018

Second Regular Session of the 120th General Assembly (2018)

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 2017 Regular Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1270

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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 2-5-36-9, AS AMENDED BY P.L.13-2017,  
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 UPON PASSAGE]: Sec. 9. The commission shall do the following:  
4 (1) Study and evaluate the following:  
5 (A) Access to services for vulnerable youth.  
6 (B) Availability of services for vulnerable youth.  
7 (C) Duplication of services for vulnerable youth.  
8 (D) Funding of services available for vulnerable youth.  
9 (E) Barriers to service for vulnerable youth.  
10 (F) Communication and cooperation by agencies concerning  
11 vulnerable youth.  
12 (G) Implementation of programs or laws concerning  
13 vulnerable youth.  
14 (H) The consolidation of existing entities that serve vulnerable  
15 youth.  
16 (I) Data from state agencies relevant to evaluating progress,  
17 targeting efforts, and demonstrating outcomes.  
18 (J) Crimes of sexual violence against children.

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- 1 (K) The impact of social networking web sites, cellular  
 2 telephones and wireless communications devices, digital  
 3 media, and new technology on crimes against children.  
 4 (2) Review and make recommendations concerning pending  
 5 legislation.  
 6 (3) Promote information sharing concerning vulnerable youth  
 7 across the state.  
 8 (4) Promote best practices, policies, and programs.  
 9 (5) Cooperate with:  
 10 (A) other child focused commissions;  
 11 (B) the judicial branch of government;  
 12 (C) the executive branch of government;  
 13 (D) stakeholders; and  
 14 (E) members of the community.  
 15 (6) Submit a report not later than July 1 of each year regarding the  
 16 commission's work during the previous year. The report shall be  
 17 submitted to the legislative council, the governor, and the chief  
 18 justice of Indiana. The report to the legislative council must be in  
 19 an electronic format under IC 5-14-6.  
 20 **(7) Study the topic of what specific authority a law**  
 21 **enforcement officer has in order to take custody of or detain**  
 22 **a child in certain situations where the officer believes a child**  
 23 **may be a victim of human trafficking (as defined in**  
 24 **IC 35-42-3.5-0.5) and who is potentially a child in need of**  
 25 **services. This subdivision expires November 2, 2018.**

26 SECTION 2. IC 4-6-2-12, AS ADDED BY P.L.162-2014,  
 27 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 28 JULY 1, 2018]: Sec. 12. (a) The attorney general has the same  
 29 authority as a law enforcement agency (as defined in IC 35-47-15-2) to:

- 30 (1) access (as defined in IC 35-43-2-3); and  
 31 (2) maintain;

32 information regarding a violation of IC 35-42-3.5-1 **through**  
 33 **IC 35-42-3.5-1.4** (human trafficking).

34 (b) The attorney general may assist with the investigation and  
 35 prosecution of an alleged violation of IC 35-42-3.5-1 **through**  
 36 **IC 35-42-3.5-1.4** (human trafficking). However, the attorney general  
 37 does not have the power to arrest or criminally prosecute individuals  
 38 for a violation of IC 35-42-3.5-1 **through IC 35-42-3.5-1.4**.

39 SECTION 3. IC 11-8-8-4.5, AS AMENDED BY P.L.13-2016,  
 40 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 41 JULY 1, 2018]: Sec. 4.5. (a) Except as provided in section 22 of this  
 42 chapter, as used in this chapter, "sex offender" means a person



- 1 convicted of any of the following offenses:
- 2 (1) Rape (IC 35-42-4-1).
- 3 (2) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
- 4 (3) Child molesting (IC 35-42-4-3).
- 5 (4) Child exploitation (IC 35-42-4-4(b) or IC 35-42-4-4(c)).
- 6 (5) Vicarious sexual gratification (including performing sexual
- 7 conduct in the presence of a minor) (IC 35-42-4-5).
- 8 (6) Child solicitation (IC 35-42-4-6).
- 9 (7) Child seduction (IC 35-42-4-7).
- 10 (8) Sexual misconduct with a minor (IC 35-42-4-9) as a Class A,
- 11 Class B, or Class C felony (for a crime committed before July 1,
- 12 2014) or a Level 1, Level 2, Level 4, or Level 5 felony (for a
- 13 crime committed after June 30, 2014), unless:
- 14 (A) the person is convicted of sexual misconduct with a minor
- 15 as a Class C felony (for a crime committed before July 1,
- 16 2014) or a Level 5 felony (for a crime committed after June
- 17 30, 2014);
- 18 (B) the person is not more than:
- 19 (i) four (4) years older than the victim if the offense was
- 20 committed after June 30, 2007; or
- 21 (ii) five (5) years older than the victim if the offense was
- 22 committed before July 1, 2007; and
- 23 (C) the sentencing court finds that the person should not be
- 24 required to register as a sex offender.
- 25 (9) Incest (IC 35-46-1-3).
- 26 (10) Sexual battery (IC 35-42-4-8).
- 27 (11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen
- 28 (18) years of age, and the person who kidnapped the victim is not
- 29 the victim's parent or guardian.
- 30 (12) Criminal confinement (IC 35-42-3-3), if the victim is less
- 31 than eighteen (18) years of age, and the person who confined or
- 32 removed the victim is not the victim's parent or guardian.
- 33 (13) Possession of child pornography (IC 35-42-4-4(d) or
- 34 IC 35-42-4-4(e)).
- 35 (14) Promoting prostitution (IC 35-45-4-4) as a Class B felony
- 36 (for a crime committed before July 1, 2014) or a Level 4 felony
- 37 (for a crime committed after June 30, 2014).
- 38 (15) Promotion of human **sexual** trafficking under
- 39 ~~IC 35-42-3.5-1(a)(2)~~; **IC 35-42-3.5-1.1**.
- 40 (16) Promotion of **human child sexual** trafficking of a **minor**
- 41 under ~~IC 35-42-3.5-1(b)(1)(B)~~ or ~~IC 35-42-3.5-1(b)(2)~~;
- 42 **IC 35-42-3.5-1.2(a)**.



- 1           **(17) Promotion of sexual trafficking of a younger child**  
 2           **(IC 35-42-3.5-1.2(c)).**  
 3           ~~(17) (18) Child sexual trafficking of a minor (IC 35-42-3.5-1(c)).~~  
 4           **(IC 35-42-3.5-1.3).**  
 5           ~~(18) (19) Human trafficking under IC 35-42-3.5-1(d)(3)~~  
 6           **IC 35-42-3.5-1.4** if the victim is less than eighteen (18) years of  
 7           age.  
 8           ~~(19) (20) Sexual misconduct by a service provider with a detained~~  
 9           **or supervised child (IC 35-44.1-3-10(c)).**  
 10           ~~(20) (21) An attempt or conspiracy to commit a crime listed in~~  
 11           **this subsection.**  
 12           ~~(21) (22) A crime under the laws of another jurisdiction,~~  
 13           **including a military court, that is substantially equivalent to any**  
 14           **of the offenses listed in this subsection.**  
 15           (b) The term includes:  
 16           (1) a person who is required to register as a sex offender in any  
 17           jurisdiction; and  
 18           (2) a child who has committed a delinquent act and who:  
 19           (A) is at least fourteen (14) years of age;  
 20           (B) is on probation, is on parole, is discharged from a facility  
 21           by the department of correction, is discharged from a secure  
 22           private facility (as defined in IC 31-9-2-115), or is discharged  
 23           from a juvenile detention facility as a result of an adjudication  
 24           as a delinquent child for an act that would be an offense  
 25           described in subsection (a) if committed by an adult; and  
 26           (C) is found by a court by clear and convincing evidence to be  
 27           likely to repeat an act that would be an offense described in  
 28           subsection (a) if committed by an adult.  
 29           (c) In making a determination under subsection (b)(2)(C), the court  
 30           shall consider expert testimony concerning whether a child is likely to  
 31           repeat an act that would be an offense described in subsection (a) if  
 32           committed by an adult.  
 33           SECTION 4. IC 11-8-8-5, AS AMENDED BY P.L.13-2016,  
 34           SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 35           JULY 1, 2018]: Sec. 5. (a) Except as provided in section 22 of this  
 36           chapter, as used in this chapter, "sex or violent offender" means a  
 37           person convicted of any of the following offenses:  
 38           (1) Rape (IC 35-42-4-1).  
 39           (2) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).  
 40           (3) Child molesting (IC 35-42-4-3).  
 41           (4) Child exploitation (IC 35-42-4-4(b) or IC 35-42-4-4(c)).  
 42           (5) Vicarious sexual gratification (including performing sexual



- 1 conduct in the presence of a minor) (IC 35-42-4-5).  
 2 (6) Child solicitation (IC 35-42-4-6).  
 3 (7) Child seduction (IC 35-42-4-7).  
 4 (8) Sexual misconduct with a minor (IC 35-42-4-9) as a Class A,  
 5 Class B, or Class C felony (for a crime committed before July 1,  
 6 2014) or a Level 1, Level 2, Level 4, or Level 5 felony (for a  
 7 crime committed after June 30, 2014), unless:  
 8 (A) the person is convicted of sexual misconduct with a minor  
 9 as a Class C felony (for a crime committed before July 1,  
 10 2014) or a Level 5 felony (for a crime committed after June  
 11 30, 2014);  
 12 (B) the person is not more than:  
 13 (i) four (4) years older than the victim if the offense was  
 14 committed after June 30, 2007; or  
 15 (ii) five (5) years older than the victim if the offense was  
 16 committed before July 1, 2007; and  
 17 (C) the sentencing court finds that the person should not be  
 18 required to register as a sex offender.  
 19 (9) Incest (IC 35-46-1-3).  
 20 (10) Sexual battery (IC 35-42-4-8).  
 21 (11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen  
 22 (18) years of age, and the person who kidnapped the victim is not  
 23 the victim's parent or guardian.  
 24 (12) Criminal confinement (IC 35-42-3-3), if the victim is less  
 25 than eighteen (18) years of age, and the person who confined or  
 26 removed the victim is not the victim's parent or guardian.  
 27 (13) Possession of child pornography (IC 35-42-4-4(d) or  
 28 IC 35-42-4-4(e)).  
 29 (14) Promoting prostitution (IC 35-45-4-4) as a Class B felony  
 30 (for a crime committed before July 1, 2014) or a Level 4 felony  
 31 (for a crime committed after June 30, 2014).  
 32 (15) Promotion of human **sexual** trafficking under  
 33 ~~IC 35-42-3.5-1(a)(2)~~; **IC 35-42-3.5-1.1**.  
 34 (16) Promotion of **human child sexual** trafficking of a **minor**  
 35 under ~~IC 35-42-3.5-1(b)(1)(B)~~ or ~~IC 35-42-3.5-1(b)(2)~~;  
 36 **IC 35-42-3.5-1.2(a)**.  
 37 (17) **Promotion of sexual trafficking of a younger child**  
 38 **(IC 35-42-3.5-1.2(c))**.  
 39 ~~(17) (18) Child~~ **sexual trafficking of a minor (IC 35-42-3.5-1(c))**;  
 40 **(IC 35-42-3.5-1.3)**.  
 41 ~~(18) (19) Human~~ **trafficking under IC 35-42-3.5-1(d)(3)**  
 42 **IC 35-42-3.5-1.4** if the victim is less than eighteen (18) years of



- 1 age.
- 2 ~~(19)~~ **(20)** Murder (IC 35-42-1-1).
- 3 ~~(20)~~ **(21)** Voluntary manslaughter (IC 35-42-1-3).
- 4 ~~(21)~~ **(22)** Sexual misconduct by a service provider with a detained
- 5 or supervised child (IC 35-44.1-3-10(c)).
- 6 ~~(22)~~ **(23)** An attempt or conspiracy to commit a crime listed in
- 7 this subsection.
- 8 ~~(23)~~ **(24)** A crime under the laws of another jurisdiction,
- 9 including a military court, that is substantially equivalent to any
- 10 of the offenses listed in this subsection.
- 11 (b) The term includes:
- 12 (1) a person who is required to register as a sex or violent
- 13 offender in any jurisdiction; and
- 14 (2) a child who has committed a delinquent act and who:
- 15 (A) is at least fourteen (14) years of age;
- 16 (B) is on probation, is on parole, is discharged from a facility
- 17 by the department of correction, is discharged from a secure
- 18 private facility (as defined in IC 31-9-2-115), or is discharged
- 19 from a juvenile detention facility as a result of an adjudication
- 20 as a delinquent child for an act that would be an offense
- 21 described in subsection (a) if committed by an adult; and
- 22 (C) is found by a court by clear and convincing evidence to be
- 23 likely to repeat an act that would be an offense described in
- 24 subsection (a) if committed by an adult.
- 25 (c) In making a determination under subsection (b)(2)(C), the court
- 26 shall consider expert testimony concerning whether a child is likely to
- 27 repeat an act that would be an offense described in subsection (a) if
- 28 committed by an adult.
- 29 SECTION 5. IC 31-9-2-133.1, AS AMENDED BY P.L.86-2017,
- 30 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 31 JULY 1, 2018]: Sec. 133.1. "Victim of human or sexual trafficking",
- 32 for purposes of IC 31-34-1-3.5, refers to a child who is recruited,
- 33 harbored, transported, or engaged in:
- 34 (1) forced labor;
- 35 (2) involuntary servitude;
- 36 (3) prostitution;
- 37 (4) juvenile prostitution, as defined in IC 35-31.5-2-178.5;
- 38 (5) child exploitation, as defined in IC 35-42-4-4(b);
- 39 (6) marriage, unless authorized by a court under IC 31-11-1-6; ~~or~~
- 40 (7) trafficking for the purpose of prostitution, juvenile
- 41 prostitution, or participation in sexual conduct as defined in
- 42 IC 35-42-4-4(a)(4); ~~or~~



1           **(8) human trafficking as defined in IC 35-42-3.5-0.5.**

2           SECTION 6. IC 31-34-1-3, AS AMENDED BY P.L.183-2017,  
3           SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4           JULY 1, 2018]: Sec. 3. (a) A child is a child in need of services if,  
5           before the child becomes eighteen (18) years of age:

6           (1) the child is the victim of an offense under:

7           (A) IC 35-42-4-1;

8           (B) IC 35-42-4-2 (before its repeal);

9           (C) IC 35-42-4-3;

10          (D) IC 35-42-4-4;

11          (E) IC 35-42-4-5;

12          (F) IC 35-42-4-6;

13          (G) IC 35-42-4-7;

14          (H) IC 35-42-4-8;

15          (I) IC 35-42-4-9;

16          (J) IC 35-45-4-1;

17          (K) IC 35-45-4-2;

18          (L) IC 35-45-4-3;

19          (M) IC 35-45-4-4;

20          (N) IC 35-46-1-3; or

21          (O) the law of another jurisdiction, including a military court,  
22          that is substantially equivalent to any of the offenses listed in  
23          clauses (A) through (N); and

24          (2) the child needs care, treatment, or rehabilitation that:

25          (A) the child is not receiving; and

26          (B) is unlikely to be provided or accepted without the coercive  
27          intervention of the court.

28          (b) A child is a child in need of services if, before the child becomes  
29          eighteen (18) years of age, the child:

30          (1) lives in the same household as an adult who:

31          (A) committed an offense described in subsection (a)(1)  
32          against a child and the offense resulted in a conviction or a  
33          judgment under IC 31-34-11-2; or

34          (B) has been charged with an offense described in subsection  
35          (a)(1) against a child and is awaiting trial; and

36          (2) needs care, treatment, or rehabilitation that:

37          (A) the child is not receiving; and

38          (B) is unlikely to be provided or accepted without the coercive  
39          intervention of the court.

40          (c) A child is a child in need of services if, before the child becomes  
41          eighteen (18) years of age:

42          (1) the child lives in the same household as another child who is



- 1 the victim of an offense described in subsection (a)(1);  
 2 (2) the child needs care, treatment, or rehabilitation that:  
 3 (A) the child is not receiving; and  
 4 (B) is unlikely to be provided or accepted without the coercive  
 5 intervention of the court; and  
 6 (3) a caseworker assigned to provide services to the child:  
 7 (A) places the child in a program of informal adjustment or  
 8 other family or rehabilitative services based on the existence  
 9 of the circumstances described in subdivisions (1) and (2), and  
 10 the caseworker subsequently determines further intervention  
 11 is necessary; or  
 12 (B) determines that a program of informal adjustment or other  
 13 family or rehabilitative services is inappropriate.  
 14 (d) A child is a child in need of services if, before the child becomes  
 15 eighteen (18) years of age:  
 16 (1) the child lives in the same household as an adult who:  
 17 (A) committed a human or sexual trafficking offense under  
 18 IC 35-42-3.5-1 **through IC 35-42-3.5-1.4** or the law of  
 19 another jurisdiction, including federal law, that resulted in a  
 20 conviction or a judgment under IC 31-34-11-2; or  
 21 (B) has been charged with a human or sexual trafficking  
 22 offense under IC 35-42-3.5-1 **through IC 35-42-3.5-1.4** or the  
 23 law of another jurisdiction, including federal law, and is  
 24 awaiting trial; and  
 25 (2) the child needs care, treatment, or rehabilitation that:  
 26 (A) the child is not receiving; and  
 27 (B) is unlikely to be provided or accepted without the coercive  
 28 intervention of the court.  
 29 SECTION 7. IC 31-34-21-5.6, AS AMENDED BY P.L.46-2016,  
 30 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 31 JULY 1, 2018]: Sec. 5.6. Except as provided in subsection (c), a court  
 32 may make a finding described in this section at any phase of a child in  
 33 need of services proceeding.  
 34 (b) Reasonable efforts to reunify a child with the child's parent,  
 35 guardian, or custodian or preserve a child's family as described in  
 36 section 5.5 of this chapter are not required if the court finds any of the  
 37 following:  
 38 (1) A parent, guardian, or custodian of a child who is a child in  
 39 need of services has been convicted of:  
 40 (A) an offense described in IC 31-35-3-4(1)(B) or  
 41 IC 31-35-3-4(1)(D) through IC 31-35-3-4(1)(J) against a  
 42 victim who is:



- 1 (i) a child described in IC 31-35-3-4(2); or  
 2 (ii) a parent of the child; or  
 3 (B) a comparable offense as described in clause (A) in any  
 4 other state, territory, or country by a court of competent  
 5 jurisdiction.  
 6 (2) A parent, guardian, or custodian of a child who is a child in  
 7 need of services:  
 8 (A) has been convicted of:  
 9 (i) the murder (IC 35-42-1-1) or voluntary manslaughter  
 10 (IC 35-42-1-3) of a victim who is a child described in  
 11 IC 31-35-3-4(2)(B) or a parent of the child; or  
 12 (ii) a comparable offense described in item (i) in any other  
 13 state, territory, or country; or  
 14 (B) has been convicted of:  
 15 (i) aiding, inducing, or causing another person;  
 16 (ii) attempting; or  
 17 (iii) conspiring with another person;  
 18 to commit an offense described in clause (A).  
 19 (3) A parent, guardian, or custodian of a child who is a child in  
 20 need of services has been convicted of:  
 21 (A) battery as a Class A felony (for a crime committed before  
 22 July 1, 2014) or Level 2 felony (for a crime committed after  
 23 June 30, 2014);  
 24 (B) battery as a Class B felony (for a crime committed before  
 25 July 1, 2014) or Level 3 or Level 4 felony (for a crime  
 26 committed after June 30, 2014);  
 27 (C) battery as a Class C felony (for a crime committed before  
 28 July 1, 2014) or Level 5 felony (for a crime committed after  
 29 June 30, 2014);  
 30 (D) aggravated battery (IC 35-42-2-1.5);  
 31 (E) criminal recklessness (IC 35-42-2-2) as a Class C felony  
 32 (for a crime committed before July 1, 2014) or a Level 5  
 33 felony (for a crime committed after June 30, 2014);  
 34 (F) neglect of a dependent (IC 35-46-1-4) as a Class B felony  
 35 (for a crime committed before July 1, 2014) or a Level 1 or  
 36 Level 3 felony (for a crime committed after June 30, 2014);  
 37 (G) promotion of human **labor** trafficking, promotion of  
 38 human **sexual** trafficking, ~~of a minor, sexual trafficking of a~~  
 39 ~~minor, promotion of child sexual trafficking, promotion of~~  
 40 ~~sexual trafficking of a younger child, child sexual~~  
 41 ~~trafficking, or human trafficking (IC 35-42-3.5-1~~  
 42 **(IC 35-42-3.5-1 through IC 35-42-3.5-1.4)** as a felony; or



- 1 (H) a comparable offense described in clauses (A) through (G)  
 2 under federal law or in another state, territory, or country;  
 3 against a child described in IC 31-35-3-4(2)(B).  
 4 (4) The parental rights of a parent with respect to a biological or  
 5 adoptive sibling of a child who is a child in need of services have  
 6 been involuntarily terminated by a court under:  
 7 (A) IC 31-35-2 (involuntary termination involving a  
 8 delinquent child or a child in need of services);  
 9 (B) IC 31-35-3 (involuntary termination involving an  
 10 individual convicted of a criminal offense); or  
 11 (C) any comparable law described in clause (A) or (B) in any  
 12 other state, territory, or country.  
 13 (5) The child is an abandoned infant, provided that the court:  
 14 (A) has appointed a guardian ad litem or court appointed  
 15 special advocate for the child; and  
 16 (B) after receiving a written report and recommendation from  
 17 the guardian ad litem or court appointed special advocate, and  
 18 after a hearing, finds that reasonable efforts to locate the  
 19 child's parents or reunify the child's family would not be in the  
 20 best interests of the child.  
 21 (c) During or at any time after the first periodic case review under  
 22 IC 31-34-21-2 of a child in need of services proceeding, if the court  
 23 finds that a parent, guardian, or custodian of the child has been charged  
 24 with an offense described in subsection (b)(3) and is awaiting trial, the  
 25 court may make a finding that reasonable efforts to reunify the child  
 26 with the child's parent, guardian, or custodian or preserve the child's  
 27 family as described in section 5.5 of this chapter may be suspended  
 28 pending the disposition of the parent's, guardian's, or custodian's  
 29 criminal charge.  
 30 SECTION 8. IC 32-30-7-1, AS AMENDED BY P.L.237-2015,  
 31 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 32 JULY 1, 2018]: Sec. 1. As used in this chapter, "indecent nuisance"  
 33 means a:  
 34 (1) place in or upon which prostitution (as described in  
 35 IC 35-45-4);  
 36 (2) public place in or upon which other sexual conduct (as defined  
 37 in IC 35-31.5-2-221.5) or sexual intercourse (as defined in  
 38 IC 35-31.5-2-302);  
 39 (3) public place in or upon which the fondling of the genitals of  
 40 a person; or  
 41 (4) public place in or upon which human trafficking (as described  
 42 in IC 35-42-3.5-1 **through IC 35-42-3.5-1.4**);



1 is conducted, permitted, continued, or exists, and the personal property  
2 and contents used in conducting and maintaining the place for such a  
3 purpose.

4 SECTION 9. IC 32-30-7-24.5, AS ADDED BY P.L.237-2015,  
5 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
6 JULY 1, 2018]: Sec. 24.5. Money collected under this chapter  
7 concerning a public place in or upon which human trafficking (as  
8 described in IC 35-42-3.5-1 **through IC 35-42-3.5-1.4**) is conducted,  
9 permitted, continued, or exists, and the personal property and contents  
10 used in conducting and maintaining the place for such a purpose shall  
11 be distributed as follows:

12 (1) Eighty percent (80%) of the money collected shall be  
13 deposited in the human trafficking prevention and victim  
14 assistance fund established by IC 5-2-6-25, to be used for the  
15 purposes of the fund.

16 (2) Twenty percent (20%) of the money collected shall be  
17 transferred to the county auditor for deposit in the county general  
18 fund. Money deposited in the county general fund under this  
19 subdivision may only be appropriated to the prosecuting attorney  
20 to defray expenses incurred in the:

- 21 (A) collection of the funds; and
- 22 (B) investigation or prosecution of human trafficking.

23 SECTION 10. IC 33-37-5-23, AS AMENDED BY P.L.13-2016,  
24 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
25 JULY 1, 2018]: Sec. 23. (a) This section applies to criminal actions.

26 (b) The court shall assess a sexual assault victims assistance fee of  
27 at least five hundred dollars (\$500) and not more than five thousand  
28 dollars (\$5,000) against an individual convicted in Indiana of any of the  
29 following offenses:

- 30 (1) Rape (IC 35-42-4-1).
- 31 (2) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
- 32 (3) Child molesting (IC 35-42-4-3).
- 33 (4) Child exploitation (IC 35-42-4-4(b) or IC 35-42-4-4(c)).
- 34 (5) Vicarious sexual gratification (IC 35-42-4-5).
- 35 (6) Child solicitation (IC 35-42-4-6).
- 36 (7) Child seduction (IC 35-42-4-7).
- 37 (8) Sexual battery (IC 35-42-4-8).
- 38 (9) Sexual misconduct with a minor as a Class A or Class B  
39 felony (for a crime committed before July 1, 2014) or a Level 1  
40 felony or Level 4 felony (for a crime committed after June 30,  
41 2014) (IC 35-42-4-9).
- 42 (10) Incest (IC 35-46-1-3).



- 1 (11) Promotion of human **labor** trafficking (~~IC 35-42-3.5-1(a)~~):  
 2 **(IC 35-42-3.5-1).**  
 3 **(12) Promotion of human sexual trafficking (IC 35-42-3.5-1.1).**  
 4 ~~(12) (13) Promotion of human child sexual trafficking of a minor~~  
 5 ~~(IC 35-42-3.5-1(b))~~: **(IC 35-42-3.5-1.2(a)).**  
 6 **(14) Promotion of sexual trafficking of a younger child**  
 7 **(IC 35-42-3.5-1.2(c)).**  
 8 ~~(13) (15) Child sexual trafficking of a minor (IC 35-42-3.5-1(c))~~:  
 9 **(IC 35-42-3.5-1.3).**  
 10 ~~(14) (16) Human trafficking (IC 35-42-3.5-1(d))~~:  
 11 **(IC 35-42-3.5-1.4).**  
 12 SECTION 11. IC 34-24-1-1, AS AMENDED BY P.L.252-2017,  
 13 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 14 JULY 1, 2018]: Sec. 1. (a) The following may be seized:  
 15 (1) All vehicles (as defined by IC 35-31.5-2-346), if they are used  
 16 or are intended for use by the person or persons in possession of  
 17 them to transport or in any manner to facilitate the transportation  
 18 of the following:  
 19 (A) A controlled substance for the purpose of committing,  
 20 attempting to commit, or conspiring to commit any of the  
 21 following:  
 22 (i) Dealing in or manufacturing cocaine or a narcotic drug  
 23 (IC 35-48-4-1).  
 24 (ii) Dealing in methamphetamine (IC 35-48-4-1.1).  
 25 (iii) Manufacturing methamphetamine (IC 35-48-4-1.2).  
 26 (iv) Dealing in a schedule I, II, or III controlled substance  
 27 (IC 35-48-4-2).  
 28 (v) Dealing in a schedule IV controlled substance  
 29 (IC 35-48-4-3).  
 30 (vi) Dealing in a schedule V controlled substance  
 31 (IC 35-48-4-4).  
 32 (vii) Dealing in a counterfeit substance (IC 35-48-4-5).  
 33 (viii) Possession of cocaine or a narcotic drug  
 34 (IC 35-48-4-6).  
 35 (ix) Possession of methamphetamine (IC 35-48-4-6.1).  
 36 (x) Dealing in paraphernalia (IC 35-48-4-8.5).  
 37 (xi) Dealing in marijuana, hash oil, hashish, or salvia  
 38 (IC 35-48-4-10).  
 39 (xii) Dealing in a synthetic drug or synthetic drug lookalike  
 40 substance (IC 35-48-4-10.5, or IC 35-48-4-10 before its  
 41 amendment in 2013).  
 42 (B) Any stolen (IC 35-43-4-2) or converted property



- 1 (IC 35-43-4-3) if the retail or repurchase value of that property  
 2 is one hundred dollars (\$100) or more.
- 3 (C) Any hazardous waste in violation of IC 13-30-10-1.5.
- 4 (D) A bomb (as defined in IC 35-31.5-2-31) or weapon of  
 5 mass destruction (as defined in IC 35-31.5-2-354) used to  
 6 commit, used in an attempt to commit, or used in a conspiracy  
 7 to commit an offense under IC 35-47 as part of or in  
 8 furtherance of an act of terrorism (as defined by  
 9 IC 35-31.5-2-329).
- 10 (2) All money, negotiable instruments, securities, weapons,  
 11 communications devices, or any property used to commit, used in  
 12 an attempt to commit, or used in a conspiracy to commit an  
 13 offense under IC 35-47 as part of or in furtherance of an act of  
 14 terrorism or commonly used as consideration for a violation of  
 15 IC 35-48-4 (other than items subject to forfeiture under  
 16 IC 16-42-20-5 or IC 16-6-8.5-5.1, before its repeal):
- 17 (A) furnished or intended to be furnished by any person in  
 18 exchange for an act that is in violation of a criminal statute;  
 19 (B) used to facilitate any violation of a criminal statute; or  
 20 (C) traceable as proceeds of the violation of a criminal statute.
- 21 (3) Any portion of real or personal property purchased with  
 22 money that is traceable as a proceed of a violation of a criminal  
 23 statute.
- 24 (4) A vehicle that is used by a person to:
- 25 (A) commit, attempt to commit, or conspire to commit;  
 26 (B) facilitate the commission of; or  
 27 (C) escape from the commission of;  
 28 murder (IC 35-42-1-1), kidnapping (IC 35-42-3-2), criminal  
 29 confinement (IC 35-42-3-3), rape (IC 35-42-4-1), child molesting  
 30 (IC 35-42-4-3), or child exploitation (IC 35-42-4-4), or an offense  
 31 under IC 35-47 as part of or in furtherance of an act of terrorism.
- 32 (5) Real property owned by a person who uses it to commit any of  
 33 the following as a Level 1, Level 2, Level 3, Level 4, or Level 5  
 34 felony:
- 35 (A) Dealing in or manufacturing cocaine or a narcotic drug  
 36 (IC 35-48-4-1).
- 37 (B) Dealing in methamphetamine (IC 35-48-4-1.1).
- 38 (C) Manufacturing methamphetamine (IC 35-48-4-1.2).
- 39 (D) Dealing in a schedule I, II, or III controlled substance  
 40 (IC 35-48-4-2).
- 41 (E) Dealing in a schedule IV controlled substance  
 42 (IC 35-48-4-3).



- 1 (F) Dealing in marijuana, hash oil, hashish, or salvia  
 2 (IC 35-48-4-10).  
 3 (G) Dealing in a synthetic drug or synthetic drug lookalike  
 4 substance (IC 35-48-4-10.5, or IC 35-48-4-10 before its  
 5 amendment in 2013).  
 6 (6) Equipment and recordings used by a person to commit fraud  
 7 under IC 35-43-5-4(10).  
 8 (7) Recordings sold, rented, transported, or possessed by a person  
 9 in violation of IC 24-4-10.  
 10 (8) Property (as defined by IC 35-31.5-2-253) or an enterprise (as  
 11 defined by IC 35-45-6-1) that is the object of a corrupt business  
 12 influence violation (IC 35-45-6-2).  
 13 (9) Unlawful telecommunications devices (as defined in  
 14 IC 35-45-13-6) and plans, instructions, or publications used to  
 15 commit an offense under IC 35-45-13.  
 16 (10) Any equipment, including computer equipment and cellular  
 17 telephones, used for or intended for use in preparing,  
 18 photographing, recording, videotaping, digitizing, printing,  
 19 copying, or disseminating matter in violation of IC 35-42-4.  
 20 (11) Destructive devices used, possessed, transported, or sold in  
 21 violation of IC 35-47.5.  
 22 (12) Tobacco products that are sold in violation of IC 24-3-5,  
 23 tobacco products that a person attempts to sell in violation of  
 24 IC 24-3-5, and other personal property owned and used by a  
 25 person to facilitate a violation of IC 24-3-5.  
 26 (13) Property used by a person to commit counterfeiting or  
 27 forgery in violation of IC 35-43-5-2.  
 28 (14) After December 31, 2005, if a person is convicted of an  
 29 offense specified in IC 25-26-14-26(b) or IC 35-43-10, the  
 30 following real or personal property:  
 31 (A) Property used or intended to be used to commit, facilitate,  
 32 or promote the commission of the offense.  
 33 (B) Property constituting, derived from, or traceable to the  
 34 gross proceeds that the person obtained directly or indirectly  
 35 as a result of the offense.  
 36 (15) Except as provided in subsection (e), a vehicle used by a  
 37 person who operates the vehicle:  
 38 (A) while intoxicated, in violation of IC 9-30-5-1 through  
 39 IC 9-30-5-5, if in the previous five (5) years the person has two  
 40 (2) or more prior unrelated convictions:  
 41 (i) for operating a motor vehicle while intoxicated in  
 42 violation of IC 9-30-5-1 through IC 9-30-5-5; or



- 1 (ii) for an offense that is substantially similar to IC 9-30-5-1  
 2 through IC 9-30-5-5 in another jurisdiction; or  
 3 (B) on a highway while the person's driving privileges are  
 4 suspended in violation of IC 9-24-19-2 through IC 9-24-19-3,  
 5 if in the previous five (5) years the person has two (2) or more  
 6 prior unrelated convictions:  
 7 (i) for operating a vehicle while intoxicated in violation of  
 8 IC 9-30-5-1 through IC 9-30-5-5; or  
 9 (ii) for an offense that is substantially similar to IC 9-30-5-1  
 10 through IC 9-30-5-5 in another jurisdiction.
- 11 If a court orders the seizure of a vehicle under this subdivision,  
 12 the court shall transmit an order to the bureau of motor vehicles  
 13 recommending that the bureau not permit a vehicle to be  
 14 registered in the name of the person whose vehicle was seized  
 15 until the person possesses a current driving license (as defined in  
 16 IC 9-13-2-41).
- 17 (16) The following real or personal property:  
 18 (A) Property used or intended to be used to commit, facilitate,  
 19 or promote the commission of an offense specified in  
 20 IC 23-14-48-9, IC 30-2-9-7(b), IC 30-2-10-9(b), or  
 21 IC 30-2-13-38(f).  
 22 (B) Property constituting, derived from, or traceable to the  
 23 gross proceeds that a person obtains directly or indirectly as a  
 24 result of an offense specified in IC 23-14-48-9, IC 30-2-9-7(b),  
 25 IC 30-2-10-9(b), or IC 30-2-13-38(f).
- 26 (17) An automated sales suppression device (as defined in  
 27 IC 35-43-5-4.6(a)(1) or phantom-ware (as defined in  
 28 IC 35-43-5-4.6(a)(3)).
- 29 (18) Real or personal property, including a vehicle, that is used by  
 30 a person to:  
 31 (A) commit, attempt to commit, or conspire to commit;  
 32 (B) facilitate the commission of; or  
 33 (C) escape from the commission of;  
 34 a violation of IC 35-42-3.5-1 **through IC 35-42-3.5-1.4** (human  
 35 trafficking) or IC 35-45-4-4 (promoting prostitution).
- 36 (b) A vehicle used by any person as a common or contract carrier in  
 37 the transaction of business as a common or contract carrier is not  
 38 subject to seizure under this section, unless it can be proven by a  
 39 preponderance of the evidence that the owner of the vehicle knowingly  
 40 permitted the vehicle to be used to engage in conduct that subjects it to  
 41 seizure under subsection (a).  
 42 (c) Equipment under subsection (a)(10) may not be seized unless it



1 can be proven by a preponderance of the evidence that the owner of the  
 2 equipment knowingly permitted the equipment to be used to engage in  
 3 conduct that subjects it to seizure under subsection (a)(10).

4 (d) Money, negotiable instruments, securities, weapons,  
 5 communications devices, or any property commonly used as  
 6 consideration for a violation of IC 35-48-4 found near or on a person  
 7 who is committing, attempting to commit, or conspiring to commit any  
 8 of the following offenses shall be admitted into evidence in an action  
 9 under this chapter as prima facie evidence that the money, negotiable  
 10 instrument, security, or other thing of value is property that has been  
 11 used or was to have been used to facilitate the violation of a criminal  
 12 statute or is the proceeds of the violation of a criminal statute:

13 (1) IC 35-48-4-1 (dealing in or manufacturing cocaine or a  
 14 narcotic drug).

15 (2) IC 35-48-4-1.1 (dealing in methamphetamine).

16 (3) IC 35-48-4-1.2 (manufacturing methamphetamine).

17 (4) IC 35-48-4-2 (dealing in a schedule I, II, or III controlled  
 18 substance).

19 (5) IC 35-48-4-3 (dealing in a schedule IV controlled substance).

20 (6) IC 35-48-4-4 (dealing in a schedule V controlled substance)  
 21 as a Level 4 felony.

22 (7) IC 35-48-4-6 (possession of cocaine or a narcotic drug) as a  
 23 Level 3, Level 4, or Level 5 felony.

24 (8) IC 35-48-4-6.1 (possession of methamphetamine) as a Level  
 25 3, Level 4, or Level 5 felony.

26 (9) IC 35-48-4-10 (dealing in marijuana, hash oil, hashish, or  
 27 salvia) as a Level 5 felony.

28 (10) IC 35-48-4-10.5 (dealing in a synthetic drug or synthetic  
 29 drug lookalike substance) as a Level 5 felony or Level 6 felony  
 30 (or as a Class C felony or Class D felony under IC 35-48-4-10  
 31 before its amendment in 2013).

32 (e) A vehicle operated by a person who is not:

33 (1) an owner of the vehicle; or

34 (2) the spouse of the person who owns the vehicle;

35 is not subject to seizure under subsection (a)(15) unless it can be  
 36 proven by a preponderance of the evidence that the owner of the  
 37 vehicle knowingly permitted the vehicle to be used to engage in  
 38 conduct that subjects it to seizure under subsection (a)(15).

39 SECTION 12. IC 35-31.5-2-161.3 IS ADDED TO THE INDIANA  
 40 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 41 [EFFECTIVE JULY 1, 2018]: **Sec. 161.3. "Human trafficking" has**  
 42 **the meaning set forth in IC 35-42-3.5-0.5.**



1 SECTION 13. IC 35-31.5-2-161.5 IS ADDED TO THE INDIANA  
 2 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 3 [EFFECTIVE JULY 1, 2018]: **Sec. 161.5. "Human trafficking**  
 4 **victim" has the meaning set forth in IC 35-42-3.5-0.5.**

5 SECTION 14. IC 35-31.5-2-183, AS AMENDED BY P.L.162-2014,  
 6 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 7 JULY 1, 2018]: Sec. 183. (a) "Law enforcement agency," for purposes  
 8 of receiving information concerning a violation of IC 35-42-3.5-1  
 9 **through IC 35-42-3.5-1.4** (human trafficking), means:

10 (1) an agency or department of:

11 (A) the state; or

12 (B) a political subdivision of the state;

13 whose principal function is the apprehension of criminal  
 14 offenders; and

15 (2) the attorney general.

16 (b) "Law enforcement agency", for purposes of IC 35-47-15, has the  
 17 meaning set forth in IC 35-47-15-2.

18 SECTION 15. IC 35-31.5-2-300, AS ADDED BY P.L.114-2012,  
 19 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 20 JULY 1, 2018]: Sec. 300. (a) "Sexual conduct", for purposes of  
 21 **IC 35-42-3.5-0.5 and IC 35-42-4-4**, has the meaning set forth in  
 22 IC 35-42-4-4(a).

23 (b) "Sexual conduct", for purposes of IC 35-49, has the meaning set  
 24 forth in IC 35-49-1-9.

25 SECTION 16. IC 35-32-2-3, AS AMENDED BY P.L.173-2006,  
 26 SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 27 JULY 1, 2018]: Sec. 3. (a) A person who commits the offense of:

28 (1) kidnapping;

29 (2) criminal confinement;

30 (3) **promotion of human labor** trafficking;

31 (4) promotion of human **sexual** trafficking; ~~or~~

32 (5) **promotion of child** sexual trafficking; ~~of a minor;~~

33 (6) **promotion of sexual trafficking of a younger child;**

34 (7) **child sexual trafficking; or**

35 (8) **human trafficking;**

36 may be tried in a county in which the victim has traveled or has been  
 37 confined during the course of the offense.

38 (b) A person who commits the offense of criminal confinement or  
 39 interference with custody may be tried in a county in which the child  
 40 who was removed, taken, concealed, or detained in violation of a child  
 41 custody order:

42 (1) was a legal resident at the time of the taking, concealment, or



- 1 detention;
- 2 (2) was taken, detained, or concealed; or
- 3 (3) was found.
- 4 SECTION 17. IC 35-37-4-4 IS AMENDED TO READ AS
- 5 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 4. (a) In a prosecution
- 6 for a ~~sex crime as defined in IC 35-42-4~~: **an offense described in**
- 7 **IC 11-8-8-4.5(a)**:
- 8 (1) evidence of the victim's past sexual conduct;
- 9 (2) evidence of the past sexual conduct of a witness other than the
- 10 accused;
- 11 (3) opinion evidence of the victim's past sexual conduct;
- 12 (4) opinion evidence of the past sexual conduct of a witness other
- 13 than the accused;
- 14 (5) reputation evidence of the victim's past sexual conduct; and
- 15 (6) reputation evidence of the past sexual conduct of a witness
- 16 other than the accused;
- 17 may not be admitted, nor may reference be made to this evidence in the
- 18 presence of the jury, except as provided in this chapter.
- 19 (b) Notwithstanding subsection (a), evidence:
- 20 (1) of the victim's or a witness's past sexual conduct with the
- 21 defendant;
- 22 (2) which in a specific instance of sexual activity shows that some
- 23 person other than the defendant committed the act upon which the
- 24 prosecution is founded; or
- 25 (3) that the victim's pregnancy at the time of trial was not caused
- 26 by the defendant;
- 27 may be introduced if the judge finds, under the procedure provided in
- 28 subsection (c), ~~of this section~~; that it is material to a fact at issue in the
- 29 case and that its inflammatory or prejudicial nature does not outweigh
- 30 its probative value.
- 31 (c) If the defendant or the state proposes to offer evidence described
- 32 in subsection (b), ~~of this section~~, the following procedure must be
- 33 followed:
- 34 (1) The defendant or the state shall file a written motion not less
- 35 than ten (10) days before trial stating that it has an offer of proof
- 36 concerning evidence described in subsection (b) and its relevancy
- 37 to the case. This motion shall be accompanied by an affidavit in
- 38 which the offer of proof is stated.
- 39 (2) If the court finds that the offer of proof is sufficient, the court
- 40 shall order a hearing out of the presence of the jury, and at the
- 41 hearing allow the questioning of the victim or witness regarding
- 42 the offer of proof made by the defendant or the state.



1 At the conclusion of the hearing, if the court finds that evidence  
 2 proposed to be offered by the defendant or the state regarding the  
 3 sexual conduct of the victim or witness is admissible under subsection  
 4 (b), ~~of this section~~, the court shall make an order stating what evidence  
 5 may be introduced by the defendant or the state and the nature of the  
 6 questions to be permitted. The defendant or the state may then offer  
 7 evidence under the order of the court.

8 (d) If new information is discovered within ten (10) days before trial  
 9 or during the course of the trial that might make evidence described in  
 10 subsection (b) ~~of this chapter~~ admissible, the judge shall order a  
 11 hearing out of the presence of the jury to determine whether the  
 12 proposed evidence is admissible under this chapter.

13 (e) This section does not limit the right of either the state or the  
 14 accused to impeach credibility by a showing of prior felony  
 15 convictions.

16 (f) If:

17 (1) a defendant files a motion under subsection (c)(1) concerning  
 18 evidence described in subsection (b)(3); and

19 (2) the state acknowledges that the victim's pregnancy is not due  
 20 to the conduct of the defendant;

21 the court shall instruct the jury that the victim's pregnancy is not due to  
 22 the conduct of the defendant. However, other evidence concerning the  
 23 pregnancy may not be admitted, and further reference to the pregnancy  
 24 may not be made in the presence of the jury.

25 SECTION 18. IC 35-42-1-1, AS AMENDED BY P.L.252-2017,  
 26 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 27 JULY 1, 2018]: Sec. 1. A person who:

28 (1) knowingly or intentionally kills another human being;

29 (2) kills another human being while committing or attempting to  
 30 commit arson, burglary, child molesting, consumer product  
 31 tampering, criminal deviate conduct (under IC 35-42-4-2 before  
 32 its repeal), kidnapping, rape, robbery, human trafficking,  
 33 promotion of human labor trafficking, **promotion of human  
 34 sexual trafficking, promotion of child sexual trafficking,  
 35 promotion of sexual trafficking of a younger child, child  
 36 sexual trafficking, of a minor,** or carjacking (before its repeal);

37 (3) kills another human being while committing or attempting to  
 38 commit:

39 (A) dealing in or manufacturing cocaine or a narcotic drug  
 40 (IC 35-48-4-1);

41 (B) dealing in methamphetamine (IC 35-48-4-1.1);

42 (C) manufacturing methamphetamine (IC 35-48-4-1.2);



- 1 (D) dealing in a schedule I, II, or III controlled substance  
 2 (IC 35-48-4-2);  
 3 (E) dealing in a schedule IV controlled substance  
 4 (IC 35-48-4-3); or  
 5 (F) dealing in a schedule V controlled substance; or  
 6 (4) knowingly or intentionally kills a fetus that has attained  
 7 viability (as defined in IC 16-18-2-365);  
 8 commits murder, a felony.

9 SECTION 19. IC 35-42-3.5-0.5 IS ADDED TO THE INDIANA  
 10 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 11 [EFFECTIVE JULY 1, 2018]: **Sec. 0.5. (a) The following definitions**  
 12 **apply throughout this chapter:**

- 13 (1) **"Human trafficking" means an offense described in**  
 14 **sections 1 through 1.4 of this chapter.**  
 15 (2) **"Human trafficking victim" means a person who is the**  
 16 **victim of human trafficking.**  
 17 (3) **"Sexual conduct" has the meaning set forth in**  
 18 **IC 35-42-4-4.**

19 (b) **As used in this chapter, "force", "threat of force",**  
 20 **"coercion", or "fraud" means but is not limited to a person:**

- 21 (1) **causing or threatening to cause physical harm to a human**  
 22 **trafficking victim;**  
 23 (2) **physically restraining or threatening to physically restrain**  
 24 **a human trafficking victim;**  
 25 (3) **abusing or threatening to abuse the law or legal process to**  
 26 **further the act of human trafficking;**  
 27 (4) **knowingly destroying, concealing, removing, confiscating,**  
 28 **or possessing any actual or purported passport or other**  
 29 **immigration document, or any other actual or purported**  
 30 **government identification document of the human trafficking**  
 31 **victim;**  
 32 (5) **using blackmail or threatening to cause financial harm for**  
 33 **the purpose of exercising financial control over the human**  
 34 **trafficking victim; or**  
 35 (6) **facilitating or controlling a human trafficking victim's**  
 36 **access to a controlled substance.**

37 SECTION 20. IC 35-42-3.5-1, AS AMENDED BY P.L.86-2017,  
 38 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 39 JULY 1, 2018]: Sec. 1. (†) A person who, by force, threat of force,  
 40 **coercion**, or fraud, knowingly or intentionally recruits, harbors,  
 41 **provides, obtains**, or transports ~~another person:~~ **an individual**  
 42 (†) to engage the ~~other person~~ **individual** in



- 1 (A) forced labor or services or  
 2 (B) involuntary servitude; or  
 3 (2) to force the other person into:  
 4 (A) marriage;  
 5 (B) prostitution; or  
 6 (C) participating in sexual conduct (as defined by  
 7 IC 35-42-4-4);  
 8 commits promotion of human **labor** trafficking, a Level 4 felony.  
 9 (b) A person who knowingly or intentionally recruits, harbors, or  
 10 transports a child less than:  
 11 (1) eighteen (18) years of age with the intent of:  
 12 (A) engaging the child in:  
 13 (i) forced labor; or  
 14 (ii) involuntary servitude; or  
 15 (B) inducing or causing the child to:  
 16 (i) engage in prostitution or juvenile prostitution; or  
 17 (ii) engage in a performance or incident that includes sexual  
 18 conduct in violation of IC 35-42-4-4(b) or IC 35-42-4-4(c)  
 19 (child exploitation); or  
 20 (2) sixteen (16) years of age with the intent of inducing or causing  
 21 the child to participate in sexual conduct (as defined by  
 22 IC 35-42-4-4);  
 23 commits promotion of human trafficking of a minor, a Level 3 felony.  
 24 Except as provided in subsection (c), it is not a defense to a prosecution  
 25 under this subsection that the child consented to engage in prostitution  
 26 or juvenile prostitution or to participate in sexual conduct.  
 27 (c) A person who is at least eighteen (18) years of age who  
 28 knowingly or intentionally sells or transfers custody of a child less than  
 29 eighteen (18) years of age for the purpose of prostitution, juvenile  
 30 prostitution, or participating in sexual conduct (as defined by  
 31 IC 35-42-4-4) commits sexual trafficking of a minor, a Level 2 felony.  
 32 (d) A person who knowingly or intentionally pays, offers to pay, or  
 33 agrees to pay money or other property to another person for an  
 34 individual who the person knows has been forced into:  
 35 (1) forced labor;  
 36 (2) involuntary servitude; or  
 37 (3) prostitution or juvenile prostitution;  
 38 commits human trafficking, a Level 5 felony.  
 39 (e) It is a defense to a prosecution under subsection (b)(2) if:  
 40 (1) the child is at least fourteen (14) years of age but less than  
 41 sixteen (16) years of age and the person is less than eighteen (18)  
 42 years of age; or



1 (2) all the following apply:

2 (A) The person is not more than four (4) years older than the  
3 victim:

4 (B) The relationship between the person and the victim was a  
5 dating relationship or an ongoing personal relationship. The  
6 term "ongoing personal relationship" does not include a family  
7 relationship:

8 (C) The crime:

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

11 (ii) was not committed by using or threatening the use of  
12 deadly force;

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

14 (iv) did not result in serious bodily injury;

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

21 (vi) was not committed by a person having a position of  
22 authority or substantial influence over the victim:

23 (D) The person has not committed another sex offense (as  
24 defined in IC 11-8-8-5.2); including a delinquent act that  
25 would be a sex offense if committed by an adult, against any  
26 other person:

27 SECTION 21. IC 35-42-3.5-1.1 IS ADDED TO THE INDIANA  
28 CODE AS A NEW SECTION TO READ AS FOLLOWS  
29 [EFFECTIVE JULY 1, 2018]: **Sec. 1.1. A person who knowingly or  
30 intentionally uses force, threat of force, coercion, or fraud to  
31 recruit, entice, harbor, or transport an individual with the intent  
32 of causing the individual to:**

33 **(1) marry another person;**

34 **(2) engage in prostitution; or**

35 **(3) participate in sexual conduct;**

36 **commits promotion of human sexual trafficking, a Level 4 felony.**

37 SECTION 22. IC 35-42-3.5-1.2 IS ADDED TO THE INDIANA  
38 CODE AS A NEW SECTION TO READ AS FOLLOWS  
39 [EFFECTIVE JULY 1, 2018]: **Sec. 1.2. (a) A person who knowingly  
40 or intentionally recruits, entices, harbors, or transports a child less  
41 than eighteen (18) years of age with the intent of causing the child  
42 to engage in:**



1           **(1) prostitution or juvenile prostitution; or**  
 2           **(2) a performance or incident that includes sexual conduct in**  
 3           **violation of IC 35-42-4-4(b) or IC 35-42-4-4(c) (child**  
 4           **exploitation);**  
 5       **commits promotion of child sexual trafficking, a Level 3 felony.**

6           **(b) It is not a defense to a prosecution under this section that**  
 7       **the:**

8           **(1) child consented to engage in prostitution or juvenile**  
 9           **prostitution or to participate in sexual conduct; or**

10          **(2) intended victim of the offense is a law enforcement officer.**

11          **(c) A person who knowingly or intentionally recruits, entices,**  
 12       **harbors, or transports a child less than sixteen (16) years of age**  
 13       **with the intent of inducing or causing the child to participate in**  
 14       **sexual conduct commits promotion of sexual trafficking of a**  
 15       **younger child, a Level 3 felony. It is a defense to a prosecution**  
 16       **under this subsection if:**

17           **(1) the child is at least fourteen (14) years of age but less than**  
 18           **sixteen (16) years of age and the person is less than eighteen**  
 19           **(18) years of age; or**

20           **(2) all the following apply:**

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

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

27           **(C) The crime:**

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

30           **(ii) was not committed by using or threatening the use of**  
 31           **deadly force;**

32           **(iii) was not committed while armed with a deadly**  
 33           **weapon;**

34           **(iv) did not result in serious bodily injury;**

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

41           **(vi) was not committed by a person having a position of**  
 42           **authority or substantial influence over the victim.**



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

5           **(E) The person is not promoting prostitution (as defined in**  
 6           **IC 35-45-4-4) with respect to the victim even though the**  
 7           **person has not been charged or convicted with the offense.**

8           SECTION 23. IC 35-42-3.5-1.3 IS ADDED TO THE INDIANA  
 9           CODE AS A NEW SECTION TO READ AS FOLLOWS  
 10          [EFFECTIVE JULY 1, 2018]: **Sec. 1.3. A person who is at least**  
 11          **eighteen (18) years of age who knowingly or intentionally sells or**  
 12          **transfers custody of a child less than eighteen (18) years of age for**  
 13          **the purpose of prostitution, juvenile prostitution, or participating**  
 14          **in sexual conduct commits child sexual trafficking, a Level 2 felony.**

15          SECTION 24. IC 35-42-3.5-1.4 IS ADDED TO THE INDIANA  
 16          CODE AS A NEW SECTION TO READ AS FOLLOWS  
 17          [EFFECTIVE JULY 1, 2018]: **Sec. 1.4. A person who knowingly or**  
 18          **intentionally pays to, offers to pay to, agrees to pay money or other**  
 19          **property to, or benefits in some other manner another person for**  
 20          **a human trafficking victim or an act performed by a human**  
 21          **trafficking victim commits human trafficking, a Level 5 felony.**

22          SECTION 25. IC 35-42-3.5-2, AS ADDED BY P.L.173-2006,  
 23          SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 24          JULY 1, 2018]: **Sec. 2. In addition to any sentence or fine imposed for**  
 25          **a conviction of an offense under ~~section~~ sections 1 through 1.4 of this**  
 26          **chapter, the court shall order the person convicted to make restitution**  
 27          **to the victim of the crime under IC 35-50-5-3.**

28          SECTION 26. IC 35-42-3.5-3, AS AMENDED BY P.L.106-2010,  
 29          SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 30          JULY 1, 2018]: **Sec. 3. (a) If a person is convicted of an offense under**  
 31          **~~section~~ sections 1 through 1.4 of this chapter, the victim of the**  
 32          **offense:**

33               (1) has a civil cause of action against the person convicted of the  
 34               offense; and

35               (2) may recover the following from the person in the civil action:

36                   (A) Actual damages.

37                   (B) Court costs (including fees).

38                   (C) Punitive damages, when determined to be appropriate by  
 39                   the court.

40                   (D) Reasonable attorney's fees.

41               (b) An action under this section must be brought not more than two  
 42               (2) years after the date the person is convicted of the offense under



1 ~~section sections 1 through 1.4~~ of this chapter.

2 SECTION 27. IC 35-42-3.5-4, AS AMENDED BY P.L.23-2015,  
3 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JULY 1, 2018]: Sec. 4. (a) An alleged victim of an offense under  
5 ~~section sections 1 through 1.4~~ of this chapter:

6 (1) may not be detained in a facility that is inappropriate to the  
7 victim's status as a crime victim;

8 (2) may not be jailed, fined, or otherwise penalized due to having  
9 been the victim of the offense; and

10 (3) shall be provided protection if the victim's safety is at risk or  
11 if there is danger of additional harm by recapture of the victim by  
12 the person who allegedly committed the offense, including:

13 (A) taking measures to protect the alleged victim and the  
14 victim's family members from intimidation and threats of  
15 reprisals and reprisals from the person who allegedly  
16 committed the offense or the person's agent; and

17 (B) ensuring that the names and identifying information of the  
18 alleged victim and the victim's family members are not  
19 disclosed to the public.

20 This subsection shall be administered by law enforcement agencies and  
21 the Indiana criminal justice institute as appropriate.

22 (b) Not more than fifteen (15) days after the date a law enforcement  
23 agency first encounters an alleged victim of an offense under ~~section~~  
24 ~~sections 1 through 1.4~~ of this chapter, the law enforcement agency  
25 shall provide the alleged victim with a completed Declaration of Law  
26 Enforcement Officer for Victim of Trafficking in Persons (LEA  
27 Declaration, Form I-914 Supplement B) in accordance with 8 CFR  
28 214.11(f)(1). However, if the law enforcement agency finds that the  
29 grant of an LEA Declaration is not appropriate for the alleged victim,  
30 the law enforcement agency shall, not more than fifteen (15) days after  
31 the date the agency makes the finding, provide the alleged victim with  
32 a letter explaining the grounds for the denial of the LEA Declaration.  
33 After receiving a denial letter, the alleged victim may submit additional  
34 evidence to the law enforcement agency. If the alleged victim submits  
35 additional evidence, the law enforcement agency shall reconsider the  
36 denial of the LEA Declaration not more than seven (7) days after the  
37 date the agency receives the additional evidence.

38 (c) If a law enforcement agency detains an alleged victim of an  
39 offense under ~~section sections 1 through 1.4~~ of this chapter who is less  
40 than eighteen (18) years of age, the law enforcement agency shall  
41 immediately notify the department of child services that the alleged  
42 victim:



1 (1) has been detained; and

2 (2) may be a victim of child abuse or neglect.

3 SECTION 28. IC 35-42-4-9, AS AMENDED BY P.L.158-2013,  
4 SECTION 445, IS AMENDED TO READ AS FOLLOWS  
5 [EFFECTIVE JULY 1, 2018]: Sec. 9. (a) A person at least eighteen  
6 (18) years of age who, with a child at least fourteen (14) years of age  
7 but less than sixteen (16) years of age, performs or submits to sexual  
8 intercourse or other sexual conduct (as defined in IC 35-31.5-2-221.5)  
9 commits sexual misconduct with a minor, a Level 5 felony. However,  
10 the offense is:

11 (1) a Level 4 felony if it is committed by a person at least  
12 twenty-one (21) years of age; and

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

21 (b) A person at least eighteen (18) years of age who, with a child at  
22 least fourteen (14) years of age but less than sixteen (16) years of age,  
23 performs or submits to any fondling or touching, of either the child or  
24 the older person, with intent to arouse or to satisfy the sexual desires of  
25 either the child or the older person, commits sexual misconduct with  
26 a minor, a Level 6 felony. However, the offense is:

27 (1) a Level 5 felony if it is committed by a person at least  
28 twenty-one (21) years of age; and

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

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

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



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

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

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

9 (3) The crime:

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

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

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

15 (D) did not result in serious bodily injury;

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

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

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

27 **(5) The person is not promoting prostitution (as defined in**  
28 **IC 35-45-4-4) with respect to the victim even though the**  
29 **person has not been charged or convicted with the offense.**

30 SECTION 29. IC 35-45-1-5, AS AMENDED BY P.L.86-2017,  
31 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
32 JULY 1, 2018]: Sec. 5. (a) As used in this section, "common nuisance"  
33 means a building, structure, vehicle, or other place that is used for (1)  
34 or more of the following purposes:

35 (1) To buy an alcoholic beverage in violation of IC 7.1-5-10-5.

36 (2) To unlawfully use, keep, or sell a legend drug.

37 (3) To unlawfully:

38 (A) use;

39 (B) manufacture;

40 (C) keep;

41 (D) offer for sale;

42 (E) sell;



- 1 (F) deliver; or  
 2 (G) finance the delivery of;  
 3 a controlled substance or an item of drug paraphernalia (as  
 4 described in IC 35-48-4-8.5).  
 5 (4) To provide a location for a person to pay, offer to pay, or agree  
 6 to pay money or other property to another person for ~~an individual~~  
 7 ~~whom the person knows has been forced into:~~ **a human**  
 8 **trafficking victim or an act performed by a human trafficking**  
 9 **victim.**  
 10 (A) forced labor;  
 11 (B) involuntary servitude; or  
 12 (C) prostitution or juvenile prostitution;  
 13 (5) To provide a location for a person to commit a violation of  
 14 ~~IC 35-42-3.5-1(a)~~ **IC 35-42-3.5-1** through ~~IC 35-42-3.5-1(d)~~  
 15 **IC 35-42-3.5-1.4** (human trafficking).  
 16 (b) A person who knowingly or intentionally visits a common  
 17 nuisance described in subsections (a)(1) through (a)(4) commits  
 18 visiting a common nuisance. The offense is a:  
 19 (1) Class B misdemeanor if the common nuisance is used for the  
 20 unlawful:  
 21 (A) sale of an alcoholic beverage as set forth in subsection  
 22 (a)(1);  
 23 (B) use, keeping, or sale of a legend drug as set forth in  
 24 subsection (a)(2); or  
 25 (C) use, manufacture, keeping, offer for sale, sale, delivery, or  
 26 financing the delivery of a controlled substance or item of drug  
 27 paraphernalia (as described in IC 35-48-4-8.5), as set forth in  
 28 subsection (a)(3);  
 29 (2) Class A misdemeanor if:  
 30 (A) the common nuisance is used as a location for a person to  
 31 pay, offer to pay, or agree to pay for ~~a person who has been~~  
 32 ~~forced into forced labor, involuntary servitude, prostitution, or~~  
 33 ~~juvenile prostitution~~ **a human trafficking victim or an act**  
 34 **performed by a human trafficking victim** as set forth in  
 35 subsection (a)(4); or  
 36 (B) the person knowingly, intentionally, or recklessly takes a  
 37 person less than eighteen (18) years of age or an endangered  
 38 adult (as defined in IC 12-10-3-2) into a common nuisance  
 39 used to unlawfully:  
 40 (i) use;  
 41 (ii) manufacture;  
 42 (iii) keep;



- 1 (iv) offer for sale;  
 2 (v) sell;  
 3 (vi) deliver; or  
 4 (vii) finance the delivery of;  
 5 a controlled substance or an item of drug paraphernalia, as set  
 6 forth in subsection (a)(3); and  
 7 (3) Level 6 felony if the person:  
 8 (A) knowingly, intentionally, or recklessly takes a person less  
 9 than eighteen (18) years of age or an endangered adult (as  
 10 defined in IC 12-10-3-2) into a common nuisance used to  
 11 unlawfully:  
 12 (i) use;  
 13 (ii) manufacture;  
 14 (iii) keep;  
 15 (iv) offer for sale;  
 16 (v) sell;  
 17 (vi) deliver; or  
 18 (vii) finance the delivery of;  
 19 a controlled substance or an item of drug paraphernalia, as set  
 20 forth in subsection (a)(3); and  
 21 (B) has a prior unrelated conviction for a violation of this  
 22 section involving a controlled substance or drug paraphernalia.  
 23 (c) A person who knowingly or intentionally maintains a common  
 24 nuisance commits maintaining a common nuisance, a Level 6 felony.  
 25 **(d) It is a defense to a prosecution under subsection (c) that:**  
 26 **(1) the building, structure, vehicle, or other place is not**  
 27 **primarily used for an unlawful purpose described in**  
 28 **subsection (a);**  
 29 **(2) the offense involves the unlawful use or keeping of:**  
 30 **(A) less than:**  
 31 **(i) thirty (30) grams of marijuana; or**  
 32 **(ii) five (5) grams of hash oil, hashish, or salvia; or**  
 33 **(B) an item of drug paraphernalia (as described in**  
 34 **IC 35-48-4-8.5) that is designed for use with, or intended to**  
 35 **be used for, marijuana, hash oil, hashish, or salvia; and**  
 36 **(3) the person does not have a prior unrelated conviction for**  
 37 **a violation of subsection (c).**  
 38 SECTION 30. IC 35-45-4-2, AS AMENDED BY P.L.86-2017,  
 39 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 40 JULY 1, 2018]: Sec. 2. (a) A person at least eighteen (18) years of age  
 41 who knowingly or intentionally:  
 42 (1) performs, or offers or agrees to perform, sexual intercourse or



1 other sexual conduct (as defined in IC 35-31.5-2-221.5); or  
 2 (2) fondles, or offers or agrees to fondle, the genitals of another  
 3 person;  
 4 for money or other property commits prostitution, a Class A  
 5 misdemeanor. However, the offense is a Level 6 felony if the person  
 6 has two (2) prior convictions under this section.

7 (b) It is a defense to a prosecution under this section that the person  
 8 was a victim or an alleged victim of an offense under IC 35-42-3.5-1  
 9 **through IC 35-42-3.5-1.4** at the time the person engaged in the  
 10 prohibited conduct.

11 SECTION 31. IC 35-45-4-3, AS AMENDED BY P.L.48-2017,  
 12 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 13 JULY 1, 2018]: Sec. 3. (a) A person who knowingly or intentionally  
 14 pays, or offers or agrees to pay, money or other property to another  
 15 person:

16 (1) for having engaged in, or on the understanding that the other  
 17 person will engage in, sexual intercourse or other sexual conduct  
 18 (as defined in IC 35-31.5-2-221.5) with the person or with any  
 19 other person; or

20 (2) for having fondled, or on the understanding that the other  
 21 person will fondle, the genitals of the person or any other person;  
 22 commits making an unlawful proposition, a Class A misdemeanor.  
 23 However, the offense is a Level 6 felony if the person has two (2) prior  
 24 convictions under this section.

25 (b) **It is not a defense to a prosecution under this section that**  
 26 **the:**

27 (1) **child consented to engage in prostitution or juvenile**  
 28 **prostitution or to participate in sexual conduct; or**

29 (2) **intended victim of the offense is a law enforcement officer.**

30 SECTION 32. IC 35-45-4-7 IS ADDED TO THE INDIANA CODE  
 31 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 32 1, 2018]: Sec. 7. **If a law enforcement agency detains an alleged**  
 33 **victim of an offense under this chapter who is less than eighteen**  
 34 **(18) years of age, the law enforcement agency shall immediately**  
 35 **notify the department of child services that the alleged victim:**

36 (1) **has been detained; and**

37 (2) **may be a victim of child abuse or neglect.**

38 SECTION 33. [EFFECTIVE UPON PASSAGE] (a) **As used in this**  
 39 **SECTION, "human trafficking" means an offense described in**  
 40 **IC 35-42-3.5-1 through IC 35-42-3.5-1.4.**

41 (b) **The legislative council is urged to assign to an appropriate**  
 42 **interim study committee the task of studying the following topics:**



- 1           **(1) Creating a single point of contact for law enforcement**
- 2           **during an investigation when there is a potential human**
- 3           **trafficking victim involved.**
- 4           **(2) Determining whether a state agency should provide**
- 5           **oversight and administer programs to stop human trafficking**
- 6           **in Indiana.**
- 7           **(3) Establishing a program for helping adult victims of human**
- 8           **trafficking in Indiana, similar to how the department of child**
- 9           **services handles child victims of human trafficking.**
- 10          **(4) Review of the penalties for human trafficking crimes in the**
- 11          **Indiana criminal code.**
- 12          **(c) This SECTION expires November 2, 2018.**
- 13          **SECTION 34. An emergency is declared for this act.**



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1270, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 27, delete lines 4 through 42.

Delete pages 28 through 31.

Page 32, delete lines 1 through 22.

Page 36, line 20, delete "Except as provided in subsection (b), a" and insert "A".

Page 36, line 29, reset in roman "Class A misdemeanor."

Page 36, line 30, delete "Level 6 felony."

Page 36, line 30, reset in roman "However,".

Page 36, line 31, delete "(b) The" and insert "the".

Page 36, line 31, reset in roman "Level 6 felony if the person has two (2) prior".

Page 36, line 32, reset in roman "convictions under this section;".

Page 36, line 32, delete "section;" and insert "section.".

Page 36, line 32, delete "Level 5 felony if the other person".

Page 36, run in lines 30 through 32.

Page 36, delete lines 33 through 34.

Page 36, line 35, delete "(c)" and insert "(b)".

Page 37, delete lines 6 through 42.

Delete pages 38 through 39.

Page 40, delete lines 1 through 41.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1270 as introduced.)

WASHBURNE

Committee Vote: yeas 10, nays 0.



## COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred House Bill No. 1270, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 29, between lines 25 and 26, begin a new paragraph and insert:

**"(d) It is a defense to a prosecution under subsection (c) that:**

**(1) the building, structure, vehicle, or other place is not primarily used for an unlawful purpose described in subsection (a);**

**(2) the offense involves the unlawful use or keeping of:**

**(A) less than:**

**(i) thirty (30) grams of marijuana; or**

**(ii) five (5) grams of hash oil, hashish, or salvia; or**

**(B) an item of drug paraphernalia (as described in IC 35-48-4-8.5) that is designed for use with, or intended to be used for, marijuana, hash oil, hashish, or salvia; and**

**(3) the person does not have a prior unrelated conviction for a violation of subsection (c)."**

and when so amended that said bill do pass.

(Reference is to HB 1270 as printed January 26, 2018.)

YOUNG M, Chairperson

Committee Vote: Yeas 8, Nays 0.

