

HOUSE BILL No. 1580

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-2-6-24; IC 12-23-19-2; IC 31-30; IC 31-39-3-2; IC 35-50-2-17.

Synopsis: Direct filing of juvenile cases in adult court. Eliminates a requirement that the case of a juvenile who is: (1) 16 or 17 years of age; and (2) accused of certain offenses; must be filed directly in a court with adult criminal jurisdiction. Provides that an individual: (1) whose case was directly filed in a court with adult criminal jurisdiction; and (2) who has not been sentenced; before the effective date of this act must (rather than may, under current law) be sentenced under provisions concerning sentencing alternatives for certain offenders under criminal court jurisdiction.

Effective: July 1, 2021.

Hatcher

January 14, 2021, read first time and referred to Committee on Courts and Criminal Code.



First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

HOUSE BILL No. 1580

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

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

1 SECTION 1. IC 5-2-6-24, AS AMENDED BY P.L.142-2018,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2021]: Sec. 24. (a) As used in this section, "criminal code
4 reform" refers to statutory provisions relating to criminal law enacted
5 by P.L.158-2013 and HEA 1006-2014.
6 (b) The institute shall monitor and evaluate criminal code reform as
7 described in this section.
8 (c) The institute shall annually gather data and analyze the impact
9 of criminal code reform on:
10 (1) local units of government;
11 (2) the department of correction; and
12 (3) the office of judicial administration.
13 (d) The institute shall prepare an annual report, in conjunction with
14 the justice reinvestment advisory council (established by
15 IC 33-38-9.5-2), containing the results of its analysis before December
16 1 of each year. The report shall be provided to the governor, the chief
17 justice, and the legislative council. The report provided to the



1 legislative council must be in an electronic format under IC 5-14-6.

2 (e) The report required under this section must:

3 (1) include an analysis of:

4 (A) the effect of criminal code reform on:

5 (i) county jails;

6 (ii) community corrections programs;

7 (iii) probation departments; and

8 (iv) courts;

9 (B) recidivism rates;

10 (C) reentry court programs; and

11 (D) data relevant to the availability and effectiveness of mental
12 health and addiction programs for persons who are at risk of
13 entering the criminal justice system, who are in the criminal
14 justice system, and who have left the criminal justice system;

15 (2) track the number of requests for sentence modification that are
16 set for hearing by the court, including the relief granted by the
17 court, if any. The report must include whether the grant or denial
18 of a request for sentence modification was discretionary or
19 mandatory, and whether the prosecuting attorney opposed the
20 request for sentence modification, agreed to the request for
21 sentence modification, or took no position on the request for
22 sentence modification;

23 (3) track, by age and offense, the number of juveniles under the
24 jurisdiction of an adult court due to

25 ~~(A) lack of jurisdiction under IC 31-30-1-4; or~~

26 ~~(B) waiver of jurisdiction under IC 31-30-3-2 through~~
27 ~~IC 31-30-3-6; and~~

28 ~~(4) track the number of juveniles under the jurisdiction of adult~~
29 ~~court due to a juvenile court not having jurisdiction of the cases~~
30 ~~in accordance with IC 31-30-1-4; by:~~

31 ~~(A) age;~~

32 ~~(B) sex;~~

33 ~~(C) race;~~

34 ~~(D) county of prosecution;~~

35 ~~(E) offenses charged;~~

36 ~~(F) convictions received; and~~

37 ~~(G) sentences received; and~~

38 ~~(5) (4) track the number of waivers of juvenile court jurisdiction~~
39 ~~granted under IC 31-30-3-2 through IC 31-30-3-6 by:~~

40 (A) age;

41 (B) sex;

42 (C) race;



- 1 (D) charges filed in juvenile court in which a waiver was
 2 sought;
 3 (E) charges filed in adult court following the waiver of
 4 juvenile court jurisdiction;
 5 (F) county of prosecution;
 6 (G) convictions received; and
 7 (H) sentences received.
- 8 (f) All local units of government and local elected officials,
 9 including sheriffs, prosecuting attorneys, judges, and county fiscal
 10 bodies, shall cooperate with the institute by providing data as requested
 11 by the institute.
- 12 (g) State agencies, including the department of correction, the
 13 Indiana prosecuting attorneys council, the Indiana public defender
 14 council, and the office of judicial administration, shall assist the
 15 institute by providing requested data in a timely manner.
- 16 (h) Based on their analysis, the institute and the justice reinvestment
 17 advisory council shall include recommendations to improve the
 18 criminal justice system in Indiana, with particular emphasis being
 19 placed on recommendations that relate to sentencing policies and
 20 reform.
- 21 (i) The institute and the justice reinvestment advisory council shall
 22 include research data relevant to their analysis and recommendations
 23 in the report.
- 24 (j) The institute shall:
- 25 (1) make the data collected under subsection (e)(4) ~~and (e)(5)~~
 26 available to the public in an annual report, by fiscal year, due by
 27 October 30 of each year;
 28 (2) post the annual report required by subdivision (1) on the
 29 institute's Internet web site; and
 30 (3) provide a copy of the annual report required by subdivision (1)
 31 to the commission on improving the status of children in Indiana
 32 established by IC 2-5-36-3.
- 33 SECTION 2. IC 12-23-19-2, AS AMENDED BY P.L.65-2018,
 34 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2021]: Sec. 2. (a) An individual is eligible for mental health
 36 and addiction forensic treatment services if:
- 37 (1) subject to subsection (d), the individual:
- 38 (A) is a member of a household with an annual income that
 39 does not exceed two hundred percent (200%) of the federal
 40 income poverty level;
 41 (B) is a resident of Indiana;
 42 (C) is:



- 1 (i) at least eighteen (18) years of age; or
 2 (ii) subject to the approval of the Indiana commission to
 3 combat drug abuse, less than eighteen (18) years of age and
 4 the individual is a defendant whose case is **either** waived
 5 from juvenile court to adult court or **whose case was**
 6 directly filed in adult court **before July 1, 2021**; and
 7 (D) has entered the criminal justice system as a felon or with
 8 a prior felony conviction; and
 9 (2) subject to subsection (b), reimbursement for the service is not
 10 available to the individual through any of the following:
 11 (A) A policy of accident and sickness insurance (IC 27-8-5).
 12 (B) A health maintenance organization contract (IC 27-13).
 13 (C) The Medicaid program (IC 12-15), excluding the Medicaid
 14 rehabilitation program and the Behavioral and Primary Health
 15 Coordination Program under Section 1915(i) of the Social
 16 Security Act.
 17 (D) The federal Medicare program or any other federal
 18 assistance program.
- 19 (b) If an individual is not entitled to reimbursement from the sources
 20 described in subsection (a)(2) of the full amount of the cost of the
 21 mental health and addiction forensic treatment services, grants and
 22 vouchers under this chapter may be used to provide those services to
 23 the extent that the costs of those services exceed the reimbursement the
 24 individual is entitled to receive from the sources described in
 25 subsection (a)(2), excluding any copayment or deductible that the
 26 individual is required to pay.
- 27 (c) The division shall determine the extent to which an individual
 28 who is provided mental health and addiction forensic treatment
 29 services under this chapter is entitled to receive reimbursement from
 30 the sources described in subsection (a)(2).
- 31 (d) Notwithstanding subsection (a)(1)(D), subject to available
 32 funding and on the recommendation of the justice reinvestment
 33 advisory council (established by IC 33-38-9.5-2), the division may
 34 operate a pilot program applying the eligibility criteria in this section
 35 to individuals who are charged with a misdemeanor. If the division
 36 operates a pilot program under this subsection, the division shall issue
 37 annual reports to the justice reinvestment advisory council.
- 38 SECTION 3. IC 31-30-1-4 IS REPEALED [EFFECTIVE JULY 1,
 39 2021]. Sec. 4. (a) ~~The juvenile court does not have jurisdiction over an~~
 40 ~~individual for an alleged violation of:~~
 41 ~~(1) IC 35-41-5-1(a) (attempted murder);~~
 42 ~~(2) IC 35-42-1-1 (murder);~~



- 1 (3) IC 35-42-3-2 (kidnapping);
 2 (4) IC 35-42-4-1 (rape);
 3 (5) IC 35-42-4-2 (criminal deviate conduct) (before its repeal);
 4 (6) IC 35-42-5-1 (robbery) if:
 5 (A) the robbery was committed while armed with a deadly
 6 weapon; or
 7 (B) the robbery results in bodily injury or serious bodily
 8 injury;
 9 (7) IC 35-42-5-2 (earjacking) (before its repeal);
 10 (8) IC 35-47-2-1 (carrying a handgun without a license); if
 11 charged as a felony;
 12 (9) IC 35-47-10 (children and firearms); if charged as a felony; or
 13 (10) any offense that may be joined under IC 35-34-1-9(a)(2) with
 14 any crime listed in this subsection;

15 if the individual was at least sixteen (16) years of age but less than
 16 eighteen (18) years of age at the time of the alleged violation.

17 (b) Once an individual described in subsection (a) has been charged
 18 with any offense listed in subsection (a), the court having adult
 19 criminal jurisdiction shall retain jurisdiction over the case if the
 20 individual pleads guilty to or is convicted of any offense listed in
 21 subsection (a)(1) through (a)(9).

22 (c) If:

- 23 (1) an individual described in subsection (a) is charged with one
 24 (1) or more offenses listed in subsection (a);
 25 (2) all the charges under subsection (a)(1) through (a)(9) resulted
 26 in an acquittal or were dismissed; and
 27 (3) the individual pleads guilty to or is convicted of any offense
 28 other than an offense listed in subsection (a)(1) through (a)(9);

29 the court having adult criminal jurisdiction may withhold judgment and
 30 transfer jurisdiction to the juvenile court for adjudication and
 31 disposition. In determining whether to transfer jurisdiction to the
 32 juvenile court for adjudication and disposition, the court having adult
 33 criminal jurisdiction shall consider whether there are appropriate
 34 services available in the juvenile justice system; whether the child is
 35 amenable to rehabilitation under the juvenile justice system; and
 36 whether it is in the best interests of the safety and welfare of the
 37 community that the child be transferred to juvenile court. All orders
 38 concerning release conditions remain in effect until a juvenile court
 39 detention hearing, which must be held not later than forty-eight (48)
 40 hours, excluding Saturdays, Sundays, and legal holidays, after the order
 41 of transfer of jurisdiction.

42 SECTION 4. IC 31-30-3-5, AS AMENDED BY P.L.158-2013,



1 SECTION 316, IS AMENDED TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2021]: Sec. 5. ~~Except for those cases in which~~
 3 ~~the juvenile court has no jurisdiction in accordance with IC 31-30-1-4;~~
 4 The court shall, upon motion of the prosecuting attorney and after full
 5 investigation and hearing, waive jurisdiction if it finds that:

6 (1) the child is charged with an act that, if committed by an adult,
 7 would be:

8 (A) a Level 1 felony, Level 2 felony, Level 3 felony, or Level
 9 4 felony, except a felony defined by IC 35-48-4;

10 (B) involuntary manslaughter as a Level 5 felony under
 11 IC 35-42-1-4; or

12 (C) reckless homicide as a Level 5 felony under IC 35-42-1-5;

13 (2) there is probable cause to believe that the child has committed
 14 the act; and

15 (3) the child was at least sixteen (16) years of age when the act
 16 charged was allegedly committed;

17 unless it would be in the best interests of the child and of the safety and
 18 welfare of the community for the child to remain within the juvenile
 19 justice system.

20 SECTION 5. IC 31-30-4-1, AS ADDED BY P.L.104-2013,
 21 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2021]: Sec. 1. This chapter applies to the following:

23 (1) An offender who:

24 (A) is less than eighteen (18) years of age;

25 (B) has been waived to a court with criminal jurisdiction under
 26 IC 31-30-3; and

27 (C) is charged as an adult offender.

28 (2) An offender who:

29 (A) is less than eighteen (18) years of age; and

30 (B) ~~does not come under the jurisdiction of a juvenile court~~
 31 ~~because the offender is charged with an offense listed in~~
 32 ~~whose case was filed directly in a court with criminal~~
 33 ~~jurisdiction under IC 31-30-1-4 (before its repeal).~~

34 SECTION 6. IC 31-30-4-2, AS AMENDED BY P.L.168-2014,
 35 SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2021]: Sec. 2. (a) ~~Subject to subsection (c), if:~~

37 ~~(+)~~ **This section applies to** an offender **who** is:

38 ~~(A)~~ **(1)** less than eighteen (18) years of age;

39 ~~(B)~~ **(2)** waived to a court with criminal jurisdiction under
 40 IC 31-30-3 because the offender committed an act that would
 41 be a felony if committed by an adult; and

42 ~~(C)~~ **(3)** convicted of committing the felony or enters a plea of



- 1 guilty to committing the felony. or
 2 ~~(2)~~ an offender is:
 3 (A) less than eighteen (18) years of age;
 4 (B) charged with a felony over which a juvenile court does not
 5 have jurisdiction under IC 31-30-1-4; and
 6 ~~(C)~~ convicted of committing the felony by a court with
 7 criminal jurisdiction or enters a plea of guilty to committing
 8 the felony with the court;
 9 the court may, upon its own motion, a motion of the prosecuting
 10 attorney, or a motion of the offender's legal representative, impose a
 11 sentence upon the conviction of the offender under this chapter.
 12 (b) If a court elects to impose a sentence upon conviction of an
 13 offender under subsection (a) and, before the offender is sentenced, **If**
 14 the department of correction determines, **before an offender**
 15 **described in subsection (a) is sentenced**, that there is space available
 16 for the offender in a juvenile facility of the division of youth services
 17 of the department, the sentencing court may, **upon its own motion, a**
 18 **motion of the prosecuting attorney, or a motion of the offender's**
 19 **legal representative:**
 20 (1) impose an appropriate criminal sentence on the offender under
 21 IC 35-50-2;
 22 (2) suspend the criminal sentence imposed, notwithstanding
 23 IC 35-50-2-2 (before its repeal), IC 35-50-2-2.1, and
 24 IC 35-50-2-2.2;
 25 (3) order the offender to be placed into the custody of the
 26 department of correction to be placed in the juvenile facility of the
 27 division of youth services; and
 28 (4) provide that the successful completion of the placement of the
 29 offender in the juvenile facility is a condition of the suspended
 30 criminal sentence.
 31 (c) The court may not impose a sentence on an offender under
 32 subsection ~~(a)~~ (b) until:
 33 (1) the prosecuting attorney has notified the victim of the felony
 34 of the possible imposition of a sentence on the offender under this
 35 chapter; and
 36 (2) either:
 37 (A) the probation department of the court has conducted a
 38 presentence investigation concerning the offender and reported
 39 its findings to the court; or
 40 (B) the department of correction has conducted a diagnostic
 41 evaluation of the offender and reported its findings to the
 42 court.



1 SECTION 7. IC 31-30-4-2.1 IS ADDED TO THE INDIANA CODE
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2021]: **Sec. 2.1. (a) This section applies to an offender:**

4 **(1) who is:**

5 **(A) less than eighteen (18) years of age; and**

6 **(B) charged with a felony;**

7 **(2) whose case was filed directly in a court with criminal**
8 **jurisdiction under IC 31-30-1-4 (before its repeal); and**

9 **(3) who is convicted of committing the felony or enters a plea**
10 **of guilty to committing the felony with the court.**

11 **(b) The court shall:**

12 **(1) impose an appropriate criminal sentence on the offender**
13 **under IC 35-50-2;**

14 **(2) suspend the criminal sentence imposed, notwithstanding**
15 **IC 35-50-2-2 (before its repeal), IC 35-50-2-2.1, and**
16 **IC 35-50-2-2.2;**

17 **(3) order the offender to be placed into the custody of the**
18 **department of correction;**

19 **(4) order the department of correction to:**

20 **(A) place the offender in a juvenile facility of the division**
21 **of youth services of the department of correction if the**
22 **department of correction determines, before the sentencing**
23 **of the offender, that there is space available for the**
24 **offender in a juvenile facility of the division of youth**
25 **services; or**

26 **(B) if the department of correction determines, before the**
27 **sentencing of the offender, that there is not space available**
28 **for the offender in a juvenile facility of the division of**
29 **youth services of the department of correction:**

30 **(i) place the offender in a facility that meets the**
31 **requirements under IC 31-31-8-2(2); and**

32 **(ii) transfer the offender to a juvenile facility of the**
33 **division of youth services when the department of**
34 **correction determines that there is space available for**
35 **the offender in the juvenile facility; and**

36 **(5) provide that the successful completion of the placement of**
37 **the offender in the juvenile facility is a condition of the**
38 **suspended criminal sentence.**

39 **(c) The court may not impose a sentence on an offender under**
40 **subsection (b) until the prosecuting attorney has notified the victim**
41 **of the felony of the possible imposition of a sentence on the**
42 **offender under this section.**



1 SECTION 8. IC 31-30-4-3, AS ADDED BY P.L.104-2013,
 2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2021]: Sec. 3. (a) If there is probable cause to believe that an
 4 offender ~~described~~ **sentenced** under section 2(b) **or 2.1(b)** of this
 5 chapter has:

6 (1) violated a condition of the offender's suspended criminal
 7 sentence; or

8 (2) committed a new offense;

9 the court shall conduct a review hearing to determine if the offender
 10 has committed the violation or the new offense unless the offender
 11 waives the hearing.

12 (b) If the court finds by a preponderance of the evidence after a
 13 review hearing conducted under subsection (a) that the offender has
 14 violated a condition of the offender's suspended criminal sentence or
 15 committed a new offense or if the offender waives the hearing, the
 16 court may:

17 (1) continue the offender's placement in the juvenile facility under
 18 section 2(b) **or 2.1(b)** of this chapter;

19 (2) order execution of all or part of the offender's previously
 20 suspended criminal sentence in an adult facility recommended by
 21 the department of correction; or

22 (3) make any other modifications to the sentence imposed on the
 23 offender under section 2(b) **or 2.1(b)** of this chapter the court
 24 considers appropriate.

25 SECTION 9. IC 31-30-4-4, AS ADDED BY P.L.104-2013,
 26 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2021]: Sec. 4. (a) The department of correction may reclassify
 28 an offender placed in a juvenile facility under section 2(b) **or 2.1(b)** of
 29 this chapter and transfer the offender to an appropriate adult facility if
 30 the department determines that placement of the offender in any
 31 juvenile facility of the division of youth services is no longer
 32 appropriate.

33 (b) If the department of correction reclassifies and transfers an
 34 offender under this section:

35 (1) the department shall notify the sentencing court of the
 36 circumstances of the reclassification and transfer; and

37 (2) the sentencing court:

38 (A) shall hold a review hearing concerning the reclassification
 39 and transfer of the offender; and

40 (B) after the hearing is conducted under clause (A), may order
 41 execution of all or part of the offender's suspended criminal
 42 sentence in an adult facility of the department of correction.



1 SECTION 10. IC 31-30-4-5, AS AMENDED BY P.L.168-2014,
 2 SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2021]: Sec. 5. (a) At the request of a sentencing court, the
 4 department of correction shall provide a progress report to the
 5 sentencing court concerning an offender sentenced and placed in a
 6 juvenile facility under section 2(b) or 2.1(b) of this chapter. When the
 7 offender becomes eighteen (18) years of age:

- 8 (1) the department shall notify the sentencing court; and
 9 (2) the sentencing court shall hold a review hearing concerning
 10 the offender before the offender becomes nineteen (19) years of
 11 age.

12 (b) Except as provided in subsection (c), after a hearing conducted
 13 under subsection (a), the sentencing court may:

- 14 (1) continue the offender's placement in a juvenile facility until
 15 the objectives of the sentence imposed on the offender have been
 16 met, if the sentencing court finds that the objectives of the
 17 sentence imposed on the offender have not been met;
 18 (2) discharge the offender if the sentencing court finds that the
 19 objectives of the sentence imposed on the offender have been
 20 met;
 21 (3) order execution of all or part of the offender's suspended
 22 criminal sentence in an adult facility of the department of
 23 correction; or
 24 (4) place the offender:
 25 (A) in home detention under IC 35-38-2.5;
 26 (B) in a community corrections program under IC 35-38-2.6;
 27 (C) on probation under IC 35-50-7; or
 28 (D) in any other appropriate alternative sentencing program.

29 (c) This subsection applies to an offender ~~over whom a juvenile~~
 30 ~~court lacks whose case is filed directly in a court with criminal~~
 31 ~~jurisdiction under IC 31-30-1-4 (before its repeal) and~~ who is
 32 convicted **by the court** of one (1) or more of the following offenses:

- 33 (1) Murder (IC 35-42-1-1).
 34 (2) Attempted murder (IC 35-41-5-1).
 35 (3) Kidnapping (IC 35-42-3-2).
 36 (4) Rape as a Class A felony (for a crime committed before July
 37 1, 2014) or a Level 1 felony (for a crime committed after June 30,
 38 2014) (IC 35-42-4-1(b)).
 39 (5) Criminal deviate conduct as a Class A felony (IC
 40 35-42-4-2(b)) (before its repeal).
 41 (6) Robbery as a Class A felony (for a crime committed before
 42 July 1, 2014) or a Level 2 felony (for a crime committed after



1 June 30, 2014) (IC 35-42-5-1), if:

2 (A) the offense was committed while armed with a deadly
3 weapon; and

4 (B) the offense resulted in bodily injury to any person other
5 than a defendant.

6 The court may not modify the original sentence of an offender to whom
7 this subsection applies if the prosecuting attorney objects in writing to
8 the modification. The prosecuting attorney shall set forth in writing the
9 prosecuting attorney's reasons for objecting to the sentence
10 modification.

11 SECTION 11. IC 31-30-4-6, AS ADDED BY P.L.104-2013,
12 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2021]: Sec. 6. (a) At any time before an offender placed in a
14 juvenile facility under section 2(b) **or 2.1(b)** of this chapter becomes
15 twenty-one (21) years of age, the department of correction may transfer
16 the offender to an adult facility if the department of correction believes
17 the offender is a safety or security risk to:

18 (1) the other offenders or the staff at the juvenile facility; or

19 (2) the public.

20 (b) If the department of correction transfers an offender to an adult
21 facility under this section, the department shall notify the sentencing
22 court of the circumstances of the transfer.

23 SECTION 12. IC 31-39-3-2 IS AMENDED TO READ AS
24 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. The following
25 information contained in records involving allegations of delinquency
26 that would be a crime if committed by an adult is considered public
27 information:

28 (1) The nature of the offense allegedly committed and the
29 circumstances immediately surrounding the alleged offense,
30 including the time, location, and property involved.

31 (2) The identity of any victim.

32 (3) A description of the method of apprehension.

33 (4) Any instrument of physical force used.

34 (5) The identity of any officers assigned to the investigation,
35 except for the undercover units.

36 (6) The age and sex of any child apprehended or sought for the
37 alleged commission of the offense.

38 (7) The identity of a child, if the child is apprehended or sought
39 for the alleged commission of:

40 (A) an offense over which a juvenile court does not have
41 jurisdiction under IC 31-30-1-2; ~~and IC 31-30-1-4;~~ ~~or~~

42 (B) an act specified under IC 31-30-3-3; **or**



- 1 (C) any of the following offenses if the child was at least
- 2 sixteen (16) years of age but less than eighteen (18) years
- 3 of age at the time of the alleged commission:
- 4 (i) IC 35-41-5-1(a) (attempted murder).
- 5 (ii) IC 35-42-1-1 (murder).
- 6 (iii) IC 35-42-3-2 (kidnapping).
- 7 (iv) IC 35-42-4-1 (rape).
- 8 (v) IC 35-42-4-2 (criminal deviate conduct) (before its
- 9 repeal).
- 10 (vi) IC 35-42-5-1 (robbery), if the robbery was
- 11 committed while armed with a deadly weapon or results
- 12 in bodily injury or serious bodily injury.
- 13 (vii) IC 35-42-5-2 (carjacking) (before its repeal).
- 14 (viii) IC 35-47-2-1 (carrying a handgun without a
- 15 license), if charged as a felony.
- 16 (ix) IC 35-47-10 (children and firearms), if charged as a
- 17 felony.
- 18 (x) Any offense that may be joined under
- 19 IC 35-34-1-9(a)(2) with any offense listed in this clause.

20 SECTION 13. IC 35-50-2-17, AS ADDED BY P.L.104-2013,
 21 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2021]: Sec. 17. Notwithstanding any other provision of this
 23 chapter: if:

- 24 (1) if an offender is:
- 25 (A) less than eighteen (18) years of age;
- 26 (B) waived to a court with criminal jurisdiction under
- 27 IC 31-30-3 because the offender committed an act that would
- 28 be a felony if committed by an adult; and
- 29 (C) convicted of committing the felony or enters a plea of
- 30 guilty to committing the felony; or
- 31 **the court may impose a sentence under IC 31-30-4-2 upon**
- 32 **conviction of the offender; and**

- 33 (2) if:
- 34 (A) an offender is:
- 35 ~~(A)~~ (i) less than eighteen (18) years of age; **and**
- 36 ~~(B)~~ (ii) charged with a felony; ~~over which a juvenile court~~
- 37 ~~does not have jurisdiction~~
- 38 **(B) the offender's case was filed directly in a court with**
- 39 **criminal jurisdiction under IC 31-30-1-4 (before its repeal);**
- 40 **and**
- 41 **(C) the offender is convicted of committing the felony by a**
- 42 **court with criminal jurisdiction or enters a plea of guilty to**



1 committing the felony with the court;
2 the court ~~may~~ **shall** impose a sentence ~~upon the conviction of the~~
3 ~~offender under IC 31-30-4 concerning sentencing alternatives for~~
4 ~~certain offenders under criminal court jurisdiction.~~ **under**
5 **IC 31-30-4-2.1 upon conviction of the offender.**

