

# SENATE BILL No. 339

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 31-34.

**Synopsis:** Human trafficking. Provides that if a petition alleges that a child is a child in need of services as a victim of human or sexual trafficking, the juvenile court shall make a determination on the petition and: (1) the child shall not be required to admit or deny the allegation; and (2) the petitioner must prove the allegation by a preponderance of the evidence. Requires that before or at the initial hearing, the court shall appoint an attorney for a child alleged to be a child in need of services as a victim of human or sexual trafficking.

**Effective:** July 1, 2021.

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January 11, 2021, read first time and referred to Committee on Corrections and Criminal Law.

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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.

## SENATE BILL No. 339

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 31-34-1-3.5, AS AMENDED BY P.L.142-2020,  
2 SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2021]: Sec. 3.5. (a) A child is a child in need of services if,  
4 before the child becomes eighteen (18) years of age:  
5 (1) the child is the victim of human or sexual trafficking (as  
6 defined in IC 31-9-2-133.1); and  
7 (2) the child needs care, treatment, or rehabilitation that:  
8 (A) the child is not receiving; and  
9 (B) is unlikely to be provided or accepted without the coercive  
10 intervention of the court.  
11 (b) A child is considered a victim of human or sexual trafficking  
12 regardless of whether the child consented to the conduct described in  
13 subsection (a)(1).  
14 **(c) Before or at the initial hearing described in IC 31-34-10-2,**  
15 **the court shall appoint an attorney for the child under this section.**  
16 SECTION 2. IC 31-34-10-7, AS AMENDED BY P.L.46-2016,  
17 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2021]: Sec. 7. **(a)** If a petition alleges that the child is a child  
2 in need of services under IC 31-34-1-6, ~~or IC 31-34-1-3.5~~, the juvenile  
3 court shall determine whether the child admits or denies the  
4 allegations. A failure to respond constitutes a denial.

5 **(b) If a petition alleges that a child is a child in need of services**  
6 **under IC 31-34-1-3.5, the juvenile court shall make a**  
7 **determination on the petition and the child shall not be required to**  
8 **admit or deny the allegation. The petitioner must prove the**  
9 **allegation by a preponderance of the evidence.**

