

HOUSE BILL No. 1574

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-31.5-2-217.3; IC 35-42-4-8.5.

Synopsis: Lewd touching. Provides that a person who, without the consent of the other person, knowingly or intentionally rubs or fondles another person's covered or uncovered genitals, buttocks, pubic area, or female breast, commits lewd touching, a Class A misdemeanor. Enhances the penalty for lewd touching if: (1) it is committed by using or threatening the use of deadly force; (2) it is committed while armed with a deadly weapon; (3) the commission of the offenses is facilitated with a drug or controlled substance; (4) it is committed by an officeholder; or (5) it is committed by an individual who has a previous unrelated conviction for the offense.

Effective: July 1, 2019.

Candelaria Reardon

January 17, 2019, read first time and referred to Committee on Courts and Criminal Code.



First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

HOUSE BILL No. 1574

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

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

1 SECTION 1. IC 35-31.5-2-217.3 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2019]: **Sec. 217.3. "Officeholder", for**
4 **purposes of IC 35-42-4-8.5, has the meaning set forth in**
5 **IC 35-42-4-8.5(a).**

6 SECTION 2. IC 35-42-4-8.5 IS ADDED TO THE INDIANA CODE
7 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
8 1, 2019]: **Sec. 8.5. (a) As used in this section, "officeholder" means**
9 **an individual who is elected, appointed or retained to:**

- 10 (1) a state office as described in IC 3-5-2-48; or
- 11 (2) the legislative branch of state government.

12 (b) A person who, without the consent of the other person,
13 knowingly or intentionally rubs or fondles another person's
14 covered or uncovered genitals, buttocks, pubic area, or female
15 breast, commits lewd touching, a Class A misdemeanor.

- 16 (c) An offense described in subsection (b) is a Level 6 felony if:
17 (1) it is committed by using or threatening the use of deadly



- 1 **force;**
- 2 **(2) it is committed while armed with a deadly weapon;**
- 3 **(3) the commission of the offense is facilitated by furnishing**
- 4 **the victim, without the victim's knowledge, with a drug (as**
- 5 **defined in IC 16-42-19-2(1)) or a controlled substance (as**
- 6 **defined in IC 35-48-1-9) or knowing that the victim was**
- 7 **furnished with the drug or controlled substance without the**
- 8 **victim's knowledge;**
- 9 **(4) it is committed by an officeholder; or**
- 10 **(5) it is committed by an individual who has a previous**
- 11 **unrelated conviction under this section.**

