

# HOUSE BILL No. 1584

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 31-30-4-5; IC 35-31.5-2-305.5; IC 35-42-4-1.

**Synopsis:** Elements of rape. Provides that a person who knowingly or intentionally has sexual intercourse with another person or knowingly or intentionally causes another person to perform or submit to other sexual conduct when the person knows or reasonably should have known that the other person believed that the person is the other person's spouse or significant other, commits rape. Makes conforming amendments.

**Effective:** July 1, 2019.

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

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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. 1584

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 31-30-4-5, AS AMENDED BY P.L.168-2014,  
2 SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2019]: 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) of this chapter. When the offender  
7 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;



(2) discharge the offender if the sentencing court finds that the objectives of the sentence imposed on the offender have been met;

(3) order execution of all or part of the offender's suspended criminal sentence in an adult facility of the department of correction; or

(4) place the offender:

(A) in home detention under IC 35-38-2.5;

(B) in a community corrections program under IC 35-38-2.6;

(C) on probation under IC 35-50-7; or

(D) in any other appropriate alternative sentencing program.

(c) This subsection applies to an offender over whom a juvenile court lacks jurisdiction under IC 31-30-1-4 who is convicted of one (1) or more of the following offenses:

(1) Murder (IC 35-42-1-1).

(2) Attempted murder (IC 35-41-5-1).

(3) Kidnapping (IC 35-42-3-2).

(4) Rape as a Class A felony (for a crime committed before July 1, 2014) or a Level 1 felony (for a crime committed after June 30, 2014) (~~IC 35-42-4-1(b)~~): **(IC 35-42-4-1(c))**.

(5) Criminal deviate conduct as a Class A felony (IC 35-42-4-2(b)) (before its repeal).

(6) Robbery as a Class A felony (for a crime committed before July 1, 2014) or a Level 2 felony (for a crime committed after June 30, 2014) (IC 35-42-5-1), if:

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

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

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

SECTION 2. IC 35-31.5-2-305.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 305.5. "Significant other", for purposes of IC 35-42-4-1, has the meaning set forth in IC 35-42-4-1(a).**

SECTION 3. IC 35-42-4-1, AS AMENDED BY P.L.168-2014, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 1. (a) As used in this section, "significant**



1 other" means a person with whom someone has a dating  
 2 relationship or an ongoing personal relationship. The term  
 3 "ongoing personal relationship" does not include a family  
 4 relationship.

5 ~~(a)~~ (b) Except as provided in subsection ~~(b)~~; (c), a person who  
 6 knowingly or intentionally has sexual intercourse with another person  
 7 or knowingly or intentionally causes another person to perform or  
 8 submit to other sexual conduct (as defined in IC 35-31.5-2-221.5)  
 9 when:

10 (1) the other person is compelled by force or imminent threat of  
 11 force;

12 (2) the other person is unaware that the sexual intercourse or other  
 13 sexual conduct (as defined in IC 35-31.5-2-221.5) is occurring; or

14 (3) the other person is so mentally disabled or deficient that  
 15 consent to sexual intercourse or other sexual conduct (as defined  
 16 in IC 35-31.5-2-221.5) cannot be given; or

17 (4) the person knows or reasonably should have known that  
 18 the other person believed that the person is the other person's  
 19 spouse or significant other;

20 commits rape, a Level 3 felony.

21 ~~(b)~~ (c) An offense described in subsection ~~(a)~~ (b) is a Level 1 felony  
 22 if:

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

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

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

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

