



February 17, 2017

SENATE BILL No. 189

DIGEST OF SB 189 (Updated February 14, 2017 12:25 pm - DI 84)

Citations Affected: IC 35-46.

Synopsis: Contributing to delinquency. Provides that the penalty for the crime of contributing to delinquency is a felony one level higher than that of the delinquent act committed by the child, except that: (1) the penalty for inducing a child to commit a Level 1 felony is a Level 1 felony; and (2) the penalty for inducing a child to commit murder is the penalty for murder.

Effective: July 1, 2017.

Koch, Young M

January 4, 2017, read first time and referred to Committee on Rules and Legislative Procedure.

February 6, 2017, amended; reassigned to Committee on Corrections and Criminal Law.
February 16, 2017, reported favorably — Do Pass.

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February 17, 2017

First Regular Session 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

SENATE BILL No. 189

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 35-46-1-8, AS AMENDED BY P.L.158-2013,
2 SECTION 554, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2017]: Sec. 8. (a) A person at least eighteen
4 (18) years of age who knowingly or intentionally encourages, aids,
5 induces, or causes a person less than eighteen (18) years of age to
6 commit an act of delinquency (as defined by IC 31-37-1 or IC 31-37-2)
7 commits contributing to delinquency, a Class A misdemeanor.
8 (b) However, the offense described in subsection (a) is:
9 (1) a Level 5 felony if:
10 (A) the person committing the offense is at least twenty-one
11 (21) years of age and knowingly or intentionally furnishes:
12 (i) an alcoholic beverage to a person less than eighteen (18)
13 years of age in violation of IC 7.1-5-7-8 when the person
14 committing the offense knew or reasonably should have
15 known that the person furnished the alcoholic beverage was
16 less than eighteen (18) years of age; or
17 (ii) a controlled substance (as defined in IC 35-48-1-9) or a

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- 1 drug (as defined in IC 9-13-2-49.1) in violation of Indiana
 2 law; and
 3 (B) the consumption, ingestion, or use of the alcoholic
 4 beverage, controlled substance, or drug is the proximate cause
 5 of the death of any person; ~~and~~
 6 (2) a Level 6 felony if the person committing the offense
 7 knowingly or intentionally encourages, aids, induces, or causes a
 8 person less than eighteen (18) years of age to commit an act that
 9 would be a ~~felony~~ **misdemeanor** if committed by an adult; ~~under~~
 10 any of the following:
 11 (A) ~~IC 35-48-4-1.~~
 12 (B) ~~IC 35-48-4-1.1.~~
 13 (C) ~~IC 35-48-4-2.~~
 14 (D) ~~IC 35-48-4-3.~~
 15 (E) ~~IC 35-48-4-4.~~
 16 (F) ~~IC 35-48-4-4.5.~~
 17 (G) ~~IC 35-48-4-4.6.~~
 18 (H) ~~IC 35-48-4-5.~~
 19 (3) a Level 5 felony if the person committing the offense
 20 knowingly or intentionally encourages, aids, induces, or
 21 causes a person less than eighteen (18) years of age to commit
 22 an act that would be a Level 6 felony if committed by an
 23 adult;
 24 (4) a Level 4 felony if the person committing the offense
 25 knowingly or intentionally encourages, aids, induces, or
 26 causes a person less than eighteen (18) years of age to commit
 27 an act that would be a Level 5 felony if committed by an
 28 adult;
 29 (5) a Level 3 felony if the person committing the offense
 30 knowingly or intentionally encourages, aids, induces, or
 31 causes a person less than eighteen (18) years of age to commit
 32 an act that would be a Level 4 felony if committed by an
 33 adult;
 34 (6) a Level 2 felony if the person committing the offense
 35 knowingly or intentionally encourages, aids, induces, or
 36 causes a person less than eighteen (18) years of age to commit
 37 an act that would be a Level 3 felony if committed by an
 38 adult;
 39 (7) a Level 1 felony if the person committing the offense
 40 knowingly or intentionally encourages, aids, induces, or
 41 causes a person less than eighteen (18) years of age to commit
 42 an act that would be a Level 1 or 2 felony if committed by an



1 **adult; or**
2 **(8) punishable under IC 35-50-2-3(a) (penalty for murder) if**
3 **the person committing the offense knowingly or intentionally**
4 **encourages, aids, induces, or causes a person less than**
5 **eighteen (18) years of age to commit an act that would be**
6 **murder if committed by an adult.**



COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 189, 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:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill be reassigned to the Senate Committee on Corrections and Criminal Law.

(Reference is to SB 189 as introduced.)

LONG, Chairperson

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred Senate Bill No. 189, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 189 as printed February 7, 2017.)

YOUNG M, Chairperson

Committee Vote: Yeas 7, Nays 1

