

SENATE BILL No. 236

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-46-1-21.

Synopsis: Unauthorized adoption advertising. Provides that the unauthorized adoption advertising statute does not apply to a prospective adoptive parent who places an advertisement on their own behalf.

Effective: July 1, 2019.

Freeman

January 3, 2019, read first time and referred to Committee on Judiciary.



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.

SENATE BILL No. 236

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 35-46-1-21, AS AMENDED BY P.L.113-2017,
2 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2019]: Sec. 21. (a) As used in this section, "advertisement"
4 means any communication by any medium within the borders of
5 Indiana, including print advertisements, digital advertisements, radio,
6 television, and outdoor advertising signs.
7 (b) Except as provided in subsection (e), only a person that is an
8 attorney licensed to practice law in Indiana or a child placing agency
9 licensed under the laws of Indiana may place an advertisement that:
10 (1) a child is offered or wanted for adoption; or
11 (2) the person is able to place, locate, or receive a child for
12 adoption.
13 (c) A person described in subsection (b) that places an
14 advertisement in Indiana shall include the following in the
15 advertisement:
16 (1) For an attorney licensed to practice law in Indiana, the
17 person's attorney number.



- 1 (2) For a child placing agency licensed under the laws of Indiana,
- 2 the number on the person's child placing agency license.
- 3 (d) A person who knowingly or intentionally violates subsection (b)
- 4 commits unauthorized adoption advertising, a Level 6 felony.
- 5 (e) Subsection (b) may not be enforced against:
- 6 (1) a federal agency; ~~or~~
- 7 (2) the Indiana department of child services; **or**
- 8 (3) **a prospective adoptive parent who places an advertisement**
- 9 **on their own behalf.**

