

## SENATE BILL No. 316

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 3-11; IC 11-10-12-4; IC 35-31.5-2-292.8; IC 35-42-4-14.

**Synopsis:** Serious sex offenders. Defines "serious sex offender". Makes entry on school property by a serious sex offender a Level 6 felony. Provides that a serious sex offender is entitled to vote by mail. Requires a circuit court clerk to, before an election, notify a serious sex offender whose polling place is located on school property: (1) that a serious sex offender who knowingly or intentionally enters school property commits unlawful entry by a serious sex offender, a Level 6 felony; and (2) of other voting alternatives. Provides that a circuit court clerk may arrange transportation to a clerk's office, satellite office, or vote center for a serious sex offender whose polling place is located on school property. Requires the department of correction to inform a serious sex offender at the time of discharge from the department: (1) that a serious sex offender who knowingly or intentionally enters school property commits unlawful entry by a serious sex offender, a Level 6 felony; and (2) of voting options for the serious sex offender.

**Effective:** July 1, 2014.

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## Mrvan

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January 14, 2014, read first time and referred to Committee on Corrections & Criminal Law.

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Second Regular Session 118th General Assembly (2014)

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 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

# SENATE BILL No. 316

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 3-11-10-24, AS AMENDED BY P.L.225-2011,  
2 SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2014]: Sec. 24. (a) Except as provided in subsection (b), a  
4 voter who satisfies any of the following is entitled to vote by mail:  
5 (1) The voter has a specific, reasonable expectation of being  
6 absent from the county on election day during the entire twelve  
7 (12) hours that the polls are open.  
8 (2) The voter will be absent from the precinct of the voter's  
9 residence on election day because of service as:  
10 (A) a precinct election officer under IC 3-6-6;  
11 (B) a watcher under IC 3-6-8, IC 3-6-9, or IC 3-6-10;  
12 (C) a challenger or pollbook holder under IC 3-6-7; or  
13 (D) a person employed by an election board to administer the  
14 election for which the absentee ballot is requested.  
15 (3) The voter will be confined on election day to the voter's  
16 residence, to a health care facility, or to a hospital because of an



- 1 illness or injury during the entire twelve (12) hours that the polls  
2 are open.
- 3 (4) The voter is a voter with disabilities.
- 4 (5) The voter is an elderly voter.
- 5 (6) The voter is prevented from voting due to the voter's care of  
6 an individual confined to a private residence because of illness or  
7 injury during the entire twelve (12) hours that the polls are open.
- 8 (7) The voter is scheduled to work at the person's regular place of  
9 employment during the entire twelve (12) hours that the polls are  
10 open.
- 11 (8) The voter is eligible to vote under IC 3-10-11 or IC 3-10-12.
- 12 (9) The voter is prevented from voting due to observance of a  
13 religious discipline or religious holiday during the entire twelve  
14 (12) hours that the polls are open.
- 15 (10) The voter is an address confidentiality program participant  
16 (as defined in IC 5-26.5-1-6).
- 17 (11) The voter is a member of the military or public safety officer.
- 18 **(12) The voter is a serious sex offender (as defined in**  
19 **IC 35-42-4-14(a)).**
- 20 (b) A voter with disabilities who:
- 21 (1) is unable to make a voting mark on the ballot or sign the  
22 absentee ballot secrecy envelope; and
- 23 (2) requests that the absentee ballot be delivered to an address  
24 within Indiana;
- 25 must vote before an absentee voter board under section 25(b) of this  
26 chapter.
- 27 (c) If a voter receives an absentee ballot by mail, the voter shall  
28 personally mark the ballot in secret and seal the marked ballot inside  
29 the envelope provided by the county election board for that purpose.  
30 The voter shall:
- 31 (1) deposit the sealed envelope in the United States mail for  
32 delivery to the county election board; or
- 33 (2) authorize a member of the voter's household or the individual  
34 designated as the voter's attorney in fact to:
- 35 (A) deposit the sealed envelope in the United States mail; or  
36 (B) deliver the sealed envelope in person to the county  
37 election board.
- 38 (d) If a member of the voter's household or the voter's attorney in  
39 fact delivers the sealed envelope containing a voter's absentee ballot to  
40 the county election board, the individual delivering the ballot shall  
41 complete an affidavit in a form prescribed by the commission. The  
42 affidavit must contain the following information:



- 1 (1) The name and residence address of the voter whose absentee  
2 ballot is being delivered.
- 3 (2) A statement of the full name, residence and mailing address,  
4 and daytime and evening telephone numbers (if any) of the  
5 individual delivering the absentee ballot.
- 6 (3) A statement indicating whether the individual delivering the  
7 absentee ballot is a member of the voter's household or is the  
8 attorney in fact for the voter. If the individual is the attorney in  
9 fact for the voter, the individual must attach a copy of the power  
10 of attorney for the voter, unless a copy of this document has  
11 already been filed with the county election board.
- 12 (4) The date and location at which the absentee ballot was  
13 delivered by the voter to the individual delivering the ballot to the  
14 county election board.
- 15 (5) A statement that the individual delivering the absentee ballot  
16 has complied with Indiana laws governing absentee ballots.
- 17 (6) A statement that the individual delivering the absentee ballot  
18 is executing the affidavit under the penalties of perjury.
- 19 (7) A statement setting forth the penalties for perjury.
- 20 (e) The county election board shall record the date and time that the  
21 affidavit under subsection (d) was filed with the board.
- 22 (f) After a voter has mailed or delivered an absentee ballot to the  
23 office of the circuit court clerk, the voter may not recast a ballot, except  
24 as provided in section 1.5 of this chapter.
- 25 SECTION 2. IC 3-11-19 IS ADDED TO THE INDIANA CODE AS  
26 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
27 1, 2014]:
- 28 **Chapter 19. Serious Sex Offender Voting**
- 29 **Sec. 1. At least sixty (60) days before an election, the circuit**  
30 **court clerk shall inform each person in the county who is a serious**  
31 **sex offender (as defined in IC 35-42-4-14(a)) and whose precinct**  
32 **polling place is located on school property that:**
- 33 (1) a serious sex offender who knowingly or intentionally  
34 enters school property commits unlawful entry by a serious  
35 sex offender, a Level 6 felony, under IC 35-42-4-14(b); and
- 36 (2) a serious sex offender may vote by:
- 37 (A) mail under IC 3-11-10-24;
- 38 (B) absentee ballot at a satellite office established under  
39 IC 3-11-10-26.3 that is not a school;
- 40 (C) absentee ballot in the office of the circuit court clerk or  
41 board of elections and registration in a county subject to  
42 IC 3-6-5.2; or



1                   **(D) absentee ballot at a vote center under IC 3-11-18.1.**

2                   **Sec. 2. The circuit court clerk may provide transportation to a**  
 3 **serious sex offender described in section 1 of this chapter to**  
 4 **facilitate the offender's voting at a circuit court clerk's office,**  
 5 **satellite office, or vote center.**

6                   SECTION 3. IC 11-10-12-4 IS AMENDED TO READ AS  
 7 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. Upon the discharge  
 8 of a criminal offender, the department shall do the following:

9                   (1) Certify the discharge to the clerk of the sentencing court, who  
 10 shall make an entry on the record of judgment that the sentence  
 11 has been satisfied.

12                   (2) Inform the criminal offender in writing of the right to register  
 13 to vote under IC 3-7-13-5.

14                   (3) Provide the criminal offender with a copy of the voter's bill of  
 15 rights prescribed by the Indiana election commission under  
 16 IC 3-5-8.

17                   **(4) If the criminal offender is a serious sex offender (as**  
 18 **defined in IC 35-42-4-14(a)), inform the criminal offender**  
 19 **that:**

20                   **(A) a serious sex offender who knowingly or intentionally**  
 21 **enters school property commits unlawful entry by a**  
 22 **serious sex offender, a Level 6 felony, under**  
 23 **IC 35-42-4-14(b); and**

24                   **(B) a serious sex offender may be eligible to vote as**  
 25 **described in IC 3-11-19-1(2).**

26                   SECTION 4. IC 35-31.5-2-292.8 IS ADDED TO THE INDIANA  
 27 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 28 [EFFECTIVE JULY 1, 2014]: **Sec. 292.8. "Serious sex offender", for**  
 29 **purposes of IC 35-42-4-14, has the meaning set forth in**  
 30 **IC 35-42-4-14(a).**

31                   SECTION 5. IC 35-42-4-14 IS ADDED TO THE INDIANA CODE  
 32 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 33 1, 2014]: **Sec. 14. (a) As used in this section, "serious sex offender"**  
 34 **means a person required to register as a sex offender under**  
 35 **IC 11-8-8 who is:**

36                   **(1) found to be a sexually violent predator under**  
 37 **IC 35-38-1-7.5; or**

38                   **(2) convicted of one (1) or more of the following offenses:**

39                   **(A) Child molesting (IC 35-42-4-3).**

40                   **(B) Child exploitation (IC 35-42-4-4(b)).**

41                   **(C) Child solicitation (IC 35-42-4-6).**

42                   **(D) Child seduction (IC 35-42-4-7).**



- 1           **(E) Possession of child pornography (IC 35-42-4-4(c)).**
- 2           **(F) Vicarious sexual gratification (IC 35-42-4-5(a) and**
- 3           **IC 35-42-4-5(b)).**
- 4           **(G) Performing sexual conduct in the presence of a minor**
- 5           **(IC 35-42-4-5(c)).**
- 6           **(H) Sexual misconduct with a minor (IC 35-42-4-9).**
- 7           **(I) A conspiracy or an attempt to commit an offense**
- 8           **described in clauses (A) through (H).**
- 9           **(J) An offense in another jurisdiction that is substantially**
- 10           **similar to an offense described in clauses (A) through (I).**
- 11           **(b) A serious sex offender who knowingly or intentionally enters**
- 12           **school property commits unlawful entry by a serious sex offender,**
- 13           **a Level 6 felony.**

