

# Indiana Coalition *Against* Domestic Violence

Final Report: March 19, 2002

The Indiana General Assembly adjourned its regular session on March 14, 2002. Although it is possible that legislators may be called back into special session to deal with tax restructuring and budget issues in **HB 1004**, legislative work on all other bills is completed.

**HB 1203**, the bill desired by ICADV to create domestic violence fatality review teams, was not heard in the House because of strong opposition from the Prosecuting Attorneys' Council, who feared that this would create a mechanism to criticize and second-guess the criminal justice system. We did resolve concerns raised by the Hoosier Press Association. This issue will need to be the topic of continued discussion with the Prosecuting Attorneys over the coming months.

**HB 1232**, a bill to restructure protective orders, did pass. This bill limits the use of protective orders to victims of domestic or family violence, stalking, or sex offenses.

Below are listed summaries of bills which passed this past session:

## I. Domestic violence and sexual assault

**S.B. 214.** Lubbers. **Interference with emergency communications.** Provides that a person who interferes with or prevents another individual from making a 911 telephone call, obtaining medical treatment, or making a report to a law enforcement officer commits interference with the reporting of a crime, a class A misdemeanor.

**S.B. 367.** Long, Bray, Alexa. **Sex offender registry.** Provides that an offender must register with the county sheriff, or, in a consolidated city, with the police chief (instead of all local law enforcement agencies). Requires sheriffs to jointly maintain a sex offender registry web site containing the photograph, address, and other information relating to an offender. Provides that the jail commissary fund may be used to fund the sex offender registry web site. Requires the criminal justice institute to send a copy of the sex and violent offender directory to certain parties on computer disk, to send a paper copy of the directory upon request, and to provide a computer link to sex offender web sites maintained by county sheriffs. Provides that a person must register in Indiana if the person spends seven or more days in Indiana in a 180 day period or owns real property in Indiana and returns to the property at any time. Provides that a person who damages or defaces a copy of the directory commits criminal mischief: (1) as a Class A misdemeanor if the person is not required to register; and (2) as a Class D felony if the person is required to register. Prohibits an offender on probation or parole from residing within one mile of the victim's home. Provides that the victim's address is confidential. Repeals provisions concerning the current sex and violent offender registry.

**H.B. 1010.** Herrell. **Child pornography.** Permits forfeiture of equipment used in preparing or disseminating child pornography or material harmful to minors. Prohibits making available to another person a computer containing material harmful to minors. Raises the penalty for child exploitation from a Class D felony to a Class C felony. Raises the penalty for possession of child pornography from a Class A misdemeanor to a Class D felony. Specifies that the laws concerning child exploitation, possession of child pornography, and obscenity and pornography apply to digitized images. Provides that a person who makes matter harmful to minors available through the Internet, a computer, or other display or dissemination may not be convicted of dissemination of matter harmful to minors unless: (1) the matter is obscene; (2) the matter is child pornography; or (3) the person distributes the matter believing or intending that the recipient is a child less than eighteen years of age.

**H.B. 1012.** Herrell, Dvorak, Duncan. **Victim's rights at and after sentencing hearings.** Permits a victim representative in a death penalty or life without parole murder case to make a statement concerning the impact of the crime. Provides that the victim representative shall make the statement after the judge has pronounced the sentence.

**H.B. 1202.** Robertson, Torr, Dvorak. **School students and employees.** Enables school corporations to obtain limited and national criminal history checks for all employees rather than only for new employees. Makes conforming changes in the policies that schools may adopt concerning criminal history checks. Requires a prosecuting attorney to notify the state superintendent of public instruction and the employer when a licensed school employee is convicted of certain offenses. Makes changes in the grounds for which teachers' licenses may be revoked and contracts may be canceled. Requires a governmental entity to pay a judgment of a claim or suit against an employee when the act or

omission causing the loss is within the scope of the employee's employment. Requires a governmental entity to pay a compromise or settlement against an employee when: (1) the act or omission causing the loss is within the scope of the employee's employment; and (2) the compromise or settlement is in the best interest of the governmental entity. Provides that a governmental entity or employee acting in the scope of employment is not liable if a loss results from an injury to a person assigned to a pretrial conditional release program. Provides civil immunity for making certain reports concerning a teacher. Changes the law concerning seduction of a child at least 16 years of age to add behaviors that constitute the offense and to expand coverage to all employees of a child's school.

**H.B. 1232.** Lawson, Kuzman, Young, Foley. **Restructuring of protective orders.** Restricts the issuance of protective orders to cases of domestic or family violence, stalking, or sex offenses. Allows a workplace violence restraining order to be issued for the protection of an employee. Provides that a law enforcement officer responding to the scene of a crime involving domestic or family violence may confiscate firearms, ammunition, and deadly weapons. Removes the requirement that an address confidentiality program participant live in Indiana. Allows an emancipated minor to participate in the program. Provides that victims of sexual assault and stalking may participate in the program. Allows participants who obtain a name change to continue participating in the program but requires the participants to provide documentation of the name change to the office of the attorney general. Prohibits the disclosure other than by the office of attorney general of a participant's identifying information to a law enforcement officer. Repeals provisions relating to renewal of program participation following termination of a protective order. Repeals a requirement that a program participant provide a copy of a renewed protective order to continue program participation. Repeals a requirement that the office of attorney general revoke the certification of a program participant who obtains a name change. Repeals certain provisions concerning protective orders. (This conference committee report reinstates existing law which provides that the name, address, telephone number, and other identifying information of a participant in the address confidentiality program is confidential and may not be released by a county voter registration office, except: (1) to a law enforcement agency, upon request; or (2) as directed by a court order. Establishes a new Class D felony for the reckless supervision of a child by a child care worker that results in the death of a child. Provides that the confiscation of firearms, ammunition, and deadly weapons may occur only if certain criteria are satisfied. Removes requirement that a law enforcement officer who confiscates firearms, ammunition, or deadly weapons, shall provide the owner with information on the process for retaking possession of each item removed.

## **II. Other bills**

**S.B. 178.** Ford, Simpson. **Child support.** Amends the effective date of driver's license suspension for delinquent child support obligors and removes a notice requirement. Requires businesses and units of government to comply with subpoenas issued by Title IV-D agencies in other jurisdictions. Requires the child support bureau to: (1) enforce support orders using high volume automated enforcement features; and (2) use a simplified procedure for review and adjustment of support orders. Requires an applicant for a marriage, hunting, trapping, or fishing license to provide the applicant's Social Security number. Requires a court to issue a support order addressing health insurance in certain cases. Requires use of National Medical Support Notice and requires certain employers to electronically transfer funds to the state central collection unit. Authorizes a court to: (1) order a child support obligor found in contempt of court to seek employment; and (2) require a child support obligee to obtain a bank account. Specifies that the clerk of the circuit court may not be required to remit child support payments by electronic funds transfer.

**H.B. 1077.** Ayres, Sturtz, Kuzman, Foley. **Child support arrearage.** Provides that a court may issue an order directing a person to pay a child support arrearage. Provides that the order is enforceable by contempt or any other remedy available for the enforcement of a child support decree. Provides that the county shall forward certain Title IV-D child support payments to FSSA.

**H.B. 1159.** Crawford, Dickinson. **Commission on minority and women's businesses.** Increases the membership on the governor's commission on minority and women's business enterprises from six to nine members with capabilities in business and industry appointed by the governor.