

Laws Effective July 1, 2019

SEA 243 (PL 185) - Non-Consensual Pornography

With Senate Enrolled Act 243 going into effect, it's now a crime to distribute an intimate image of another person without their consent. Doing so is a Class A misdemeanor, carrying a sentence of up to a year in jail and a \$5,000 fine. Repeat offenders will be charged with a felony.

SEA 192 (PL 29) – Non- Consensual Pornography

Also allows for civil action against a person who distributes an intimate image without the consent of the individual depicted in the image.

HEA 1607 (PL 266) - Protective Orders

Allows a person to get a protective order against someone who has been harassing them. Previously, an individual could only get a protective order against someone who had committed violence against them.

SEA 424 (PL36) – Privacy & Tracking of Rape Kits

Privacy and tracking of rape kits. Provides that a hospital or licensed medical services provider that provides forensic medical exams and additional forensic services to a victim (provider) is entitled to reimbursement from the victim services division of the Indiana criminal justice institute (division) if the provider initiates a claim for reimbursement through the sexual assault web based claims reimbursement and tracking system. Provides that personal information: (1) concerning a sexual assault victim; and (2) entered into the division's web based claims reimbursement and sexual assault examination kit tracking system; is confidential in certain instances. Provides that notification of a forensic sample's destruction may be provided by the division through the sexual assault web based claims reimbursement and tracking system. Requires law enforcement agencies and prosecuting attorneys to cooperate with the division by providing storage updates to the division via the sexual assault web based claims reimbursement and tracking system. Allows a victim to register for notifications concerning a sexual assault examination kit through the sexual assault web based claims reimbursement and tracking system. Defines certain terms. Makes conforming amendments. Makes technical corrections.

SEA 258 (PL 220) – Sex Offender Employment and Residence

Sex offender employment and residence. Allows a court to prohibit, as a condition of probation, a sexually violent predator or an offender against children from having: (1) unsupervised contact; or (2) contact; with a child less than 16 years of age. Requires that as a condition of probation, a court shall inform an offender against children of the restrictions on an offender against children residing near: (1) school property; (2) a youth program center; (3) a public park; or (4) the residence of the victim of the offender's sex offense. Prohibits a sexually violent predator or an offender against children from working: (1) as or for a child care provider; (2) as a provider of respite care services and other support services for primary or family caregivers; or (3) as a provider of adult day care services. Prohibits an offender against children from residing in a residence where a person provides child care services, or within 1,000 feet of a licensed day care center.

SEA 551(PL 40) – Victims of Criminal Acts

Victims of criminal acts. Provides that a new registration period may be imposed if a sex or violent offender fails to register or improperly registers as a sex or violent offender. Prohibits records held by the department of child services to be disclosed to any person who requests the record if it related to an ongoing police investigation or criminal prosecution. Provides that a parent, a guardian, or another representative may file a petition for an order for protection on behalf of a child against a person who engages in sexual grooming activity. Amends the definition of "crime of domestic violence". Creates a procedure where a victim of a sex crime and child victim of a sex crime can have their identity protected from the public. Provides that if a child less than 16 years of age is summoned to testify as a witness to any hearing in any criminal matter, the child shall be allowed to have a comfort item or comfort animal while testifying. Expands the list of offenses that may be prosecuted before a victim reaches 31 years of age to include all offenses of child molesting, vicarious sexual gratification, child solicitation, child seduction, sexual misconduct with a minor, and incest. Provides that a person commits the offense of domestic battery, as a Level 6 felony, if the person has a prior unrelated conviction for strangulation. Provides that a person commits the offense of strangulation, as a Level 5 felony, if the person has a prior unrelated conviction for strangulation. Provides that a person commits the offense of kidnapping, as a Level 4 felony, if it results in moderate bodily injury to a person other than the removing person. Provides that a person commits the offense of criminal confinement, as a Level 4 felony, if it results in moderate bodily injury to a person other than the confining person. Amends certain age requirements and adds enhanced offenses to the offense of child seduction. Provides that a person at least 18 years of age who knowingly or intentionally: (1) performs or submits to sexual intercourse or other sexual conduct with a child less than 16 years of age; or (2) performs or submits to any fondling or touching with a child less than 16 years of age with

the intent to arouse or to satisfy the sexual desires of either the child or the older person; commits sexual misconduct with a minor. Prohibits a person who has a Class D felony conviction or a Level 6 felony conviction for domestic battery within the previous 15 years from petitioning the court to reduce the felony conviction to a Class A misdemeanor. Urges the legislative council to assign to an interim study committee the issue of depositions of child victims of sex offenses. Makes conforming amendments.