

APPENDIX 1

TEXT OF STATUTES LISTED IN CHINS CATEGORIES INCLUDING SEX CRIMES

Child Exploitation IC 35-42-4-4

(a) As used in this section:

"Disseminate" means to transfer possession for free or for a consideration.

"Matter" has the same meaning as in IC 35-49-1-3.

"Performance" has the same meaning as in IC 35-49-1-7.

"Sexual conduct" means sexual intercourse, deviate sexual conduct, exhibition of the uncovered genitals intended to satisfy or arouse the sexual desires of any person, sado-masochistic abuse, sexual intercourse or deviate sexual conduct with an animal, or any fondling or touching of a child by another person or of another person by a child intended to arouse or satisfy the sexual desires of either the child or the other person.

(b) A person who knowingly or intentionally:

(1) manages, produces, sponsors, presents, exhibits, photographs, films, or videotapes any performance or incident that includes sexual conduct by a child under eighteen (18) years of age; or

(2) disseminates, exhibits to another person, offers to disseminate or exhibit to another person, or sends or brings into Indiana for dissemination or exhibition matter that depicts or describes sexual conduct by a child under eighteen (18) years of age;

commits child exploitation, a Class D felony. However, the offense is a Class C felony if it is committed by using a computer network (as defined in IC 35-43-2-3(a)).

(c) A person who knowingly or intentionally possesses:

(1) a picture;

(2) a drawing;

(3) a photograph;

(4) a negative image;

(5) undeveloped film;

(6) a motion picture;

(7) a videotape; or

(8) any pictorial representation;

that depicts or describes sexual conduct by a child who is less than sixteen (16) years of age, or appears to be less than sixteen (16) years of age, and that lacks serious literary, artistic, political, or scientific value commits possession of child pornography, a Class A misdemeanor.

(d) Subsections (b) and (c) do not apply to a bona fide school, museum, or public library that qualifies for certain property tax exemptions under IC 6-1.1-10, or to an employee of such a school, museum, or public library acting within the scope of the employee's employment when the possession of the listed materials are for legitimate scientific or educational purposes.

IC 35-42-4-3 Child Molesting

(a) A person who, with a child under fourteen (14) years of age, performs or submits to sexual intercourse or deviate sexual conduct commits child molesting, a Class B felony. However, the offense is a Class A felony if:

(1) it is committed by a person at least twenty-one (21) years of age;

(2) it is committed by using or threatening the use of deadly force or while armed with a deadly weapon;

(3) it results in serious bodily injury; or

(4) the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.

(b) A person who, with a child under fourteen (14) years of age, performs or submits to any fondling or touching, of either the child or the older person, with intent to arouse or to satisfy the sexual desires of either the child or the older person, commits child molesting, a Class C felony. However, the offense is a Class A felony if:

(1) it is committed by using or threatening the use of deadly force;

- (2) it is committed while armed with a deadly weapon; or
- (3) the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.
- (c) It is a defense that the accused person reasonably believed that the child was sixteen (16) years of age or older at the time of the conduct.

Child Seduction IC 35-42-4-7

- (a) As used in this section, "adoptive parent" has the meaning set forth in IC 31-9-2-6.
- (b) As used in this section, "adoptive grandparent" means the parent of an adoptive parent.
- (c) As used in this section, "child care worker" means a person who provides care or supervision of a child within the scope of the person's employment in a public or private school or shelter care facility.
- (d) As used in this section, "custodian" means any person who resides with a child and is responsible for the child's welfare.
- (e) As used in this section, "stepparent" means an individual who is married to a child's custodial or noncustodial parent and is not the child's adoptive parent.
- (f) If a person who is:
 - (1) at least eighteen (18) years of age; and
 - (2) the:
 - (A) guardian, adoptive parent, adoptive grandparent, custodian, or stepparent of; or
 - (B) child care worker for;a child at least sixteen (16) years of age but less than eighteen (18) years of age; engages in sexual intercourse or deviate sexual conduct with the child, the person commits child seduction, a Class D felony.

Criminal Deviate Conduct IC 35-42-4-2

- (a) A person who knowingly or intentionally causes another person to perform or submit to deviate sexual conduct when:
 - (1) the other person is compelled by force or imminent threat of force;
 - (2) the other person is unaware that the conduct is occurring; or
 - (3) the other person is so mentally disabled or deficient that consent to the conduct cannot be given;commits criminal deviate conduct, a Class B felony.
- (b) An offense described in subsection (a) is a Class A felony if:
 - (1) it is committed by using or threatening the use of deadly force;
 - (2) it is committed while armed with a deadly weapon;
 - (3) it results in serious bodily injury to any person other than a defendant; or
 - (4) the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.

Deviate Sexual Conduct Defined IC 35-41-1-9

- "Deviate sexual conduct" means an act involving:
- (1) a sex organ of one person and the mouth or anus of another person;
- or
- (2) the penetration of the sex organ or anus of a person by an object.

Incest IC 35-46-1-3

- (a) A person eighteen (18) years of age or older who engages in sexual intercourse or deviate sexual conduct with another person, when the person knows that the other person is related to the person biologically as a parent, child, grandparent, grandchild, sibling, aunt, uncle, niece, or nephew, commits incest, a Class C felony. However, the offense

is a Class B felony if the other person is less than sixteen (16) years of age.

(b) It is a defense that the accused person's otherwise incestuous relation with the other person was based on their marriage, if it was valid where entered into.

Obscene Performance (Definition) IC 35-49-3-2

A person who knowingly or intentionally engages in, participates in, manages, produces, sponsors, presents, exhibits, photographs, films, or videotapes any obscene performance commits a Class A misdemeanor. However, the offense is a Class D felony if the obscene performance depicts or describes sexual conduct involving any person who is or appears to be under sixteen (16) years of age.

Performance Harmful to Minors (Definition) IC 35-49-2-2

A matter or performance is harmful to minors for purposes of this article if:

- (1) it describes or represents, in any form, nudity, sexual conduct, sexual excitement, or sado-masochistic abuse;
- (2) considered as a whole, it appeals to the prurient interest in sex of minors;
- (3) it is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable matter for or performance before minors; and
- (4) considered as a whole, it lacks serious literary, artistic, political, or scientific value for minors.

Patronizing a prostitute 35-45-4-3

A person who knowingly or intentionally pays, or offers or agrees to pay, money or other property to another person:

- (1) for having engaged in, or on the understanding that the other person will engage in, sexual intercourse or deviate sexual conduct with the person or with any other person; or
- (2) for having fondled, or on the understanding that the other person will fondle, the genitals of the person or any other person:

commits patronizing a prostitute, a Class A misdemeanor. However, the offense is a Class D felony if the person has two (2) prior convictions under this section.

Promoting Prostitution IC 35-45-4-4

A person who:

- (1) knowingly or intentionally entices or compels another person to become a prostitute;
- (2) knowingly or intentionally procures, or offers or agrees to procure, a person for another person for the purpose of prostitution;
- (3) having control over the use of a place, knowingly or intentionally permits another person to use the place for prostitution;
- (4) receives money or other property from a prostitute, without lawful consideration, knowing it was earned in whole or in part from prostitution; or
- (5) knowingly or intentionally conducts or directs another person to a place for the purpose of prostitution;

commits promoting prostitution, a Class C felony. However, the offense is a Class B felony under subdivision (1) if the person enticed or compelled is under eighteen (18) years of age.

Prostitution IC 35-45-4-2

A person who knowingly or intentionally:

- (1) performs, or offers or agrees to perform, sexual intercourse or deviate sexual conduct; or
- (2) fondles, or offers or agrees to fondle, the genitals of another person;

for money or other property commits prostitution, a Class A misdemeanor. However, the offense is a Class D felony if the person has two (2) prior convictions under this section.

Public indecency; indecent exposure 35-45-4-1

- (a) A person who knowingly or intentionally, in a public place:
 - (1) engages in sexual intercourse;
 - (2) engages in deviate sexual conduct;
 - (3) appears in a state of nudity; or
 - (4) fondles the person's genitals or the genitals of another person;
commits public indecency, a Class A misdemeanor.
- (b) However, the offense under subsection (a) is a Class D felony if the person commits offense:
 - (1) By appearing in the state of nudity with the intent to arouse the sexual desires of person or another person in or on a public place where a child less than sixteen (16) years of age is present;
 - (2) In a public park and has a prior unrelated conviction that was entered after June 30, 2000, for an offense under this section;
 - (3) In or on school property and has a prior unrelated conviction that was entered after June 30, 2000, for an offense under this section; or
 - (4) In department of natural resources owned or managed property and has a prior unrelated conviction that was entered after June 30, 2000, for an offense under this section;
- (c) "Nudity" means the showing of the human male or female genitals, pubic area, buttocks with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering on any part of the nipple, or the showing of covered male genitalia in a discernibly turgid state.
- (d) A person who, in a place other than a public place, with the intent to be seen by persons other than invitees and occupants of that place
 - (1) engages in sexual intercourse;
 - (2) engages in deviate sexual conduct; or
 - (3) fondles the person's genitals or the genitals of another person;
where the person can be seen by persons other than invitees and occupants of that place commits indecent exposure, a Class C misdemeanor.

Rape IC 35-42-4-1

- (a) Except as provided in subsection (b), a person who knowingly or intentionally has sexual intercourse with a member of the opposite sex when:
 - (1) the other person is compelled by force or imminent threat of force;
 - (2) the other person is unaware that the sexual intercourse is occurring; or
 - (3) the other person is so mentally disabled or deficient that consent to sexual intercourse cannot be given;
commits rape, a Class B felony.
- (b) An offense described in subsection (a) is a Class A felony if:
 - (1) it is committed by using or threatening the use of deadly force;
 - (2) it is committed while armed with a deadly weapon;
 - (3) it results in serious bodily injury to a person other than a defendant; or
 - (4) the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.

Rules requiring participation in disciplinary action by person caring for dependent student IC 20-8.1-5.1-19

The governing body of a school corporation may adopt rules that require a person having care of a dependent student to participate in an action taken under this chapter in connection with a student's behavior. The rules must include the following:

- (1) Procedures for giving actual notice to the person having care of the dependent student.
- (2) A description of the steps that the person must take to participate in the school corporation's action.
- (3) A description of the additional actions in connection with the student's behavior that are justified in part or in full if the person does not participate in the school corporation's action.

Sexual Misconduct With a Minor IC 35-42-4-9

- (a) A person at least eighteen (18) years of age who, with a child at least fourteen (14) years of age but less than sixteen (16) years of age, performs or submits to sexual intercourse or deviate sexual conduct commits sexual misconduct with a minor, a Class C felony. However, the offense is:
 - (1) a Class B felony if it is committed by a person at least twenty-one (21) years of age; and
 - (2) a Class A felony if it is committed by using or threatening the use of deadly force, if it is committed while armed with a deadly weapon, if it results in serious bodily injury, or if the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.
- (b) A person at least eighteen (18) years of age who, with a child at least fourteen (14) years of age but less than sixteen (16) years of age, performs or submits to any fondling or touching, of either the child or the older person, with intent to arouse or to satisfy the sexual desires of either the child or the older person, commits sexual misconduct with a minor, a Class D felony. However, the offense is:
 - (1) a Class C felony if it is committed by a person at least twenty-one (21) years of age; and
 - (2) a Class B felony if it is committed by using or threatening the use of deadly force, while armed with a deadly weapon, or if the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.
- (c) It is a defense that the accused person reasonably believed that the child was at least sixteen (16) years of age at the time of the conduct.
- (d) It is a defense that the child is or has ever been married.

Voyeurism IC 35-45-4-5

- (a) A person:
 - (1) who:
 - (A) peeps; or
 - (B) goes upon the land of another with the intent to peep; into an occupied dwelling of another person; or
 - (2) who peeps into an area where an occupant of the area reasonably can be expected to disrobe, including:
 - (A) restrooms;
 - (B) baths;
 - (C) showers; and
 - (D) dressing rooms;without the consent of the other person, commits voyeurism, a Class B misdemeanor. However, the offense is a Class D felony if it is knowingly or intentionally committed by means of a camera, a video camera, or any other type of video recording device.
- (b) "Peep" means any looking of a clandestine, surreptitious, prying, or secretive nature.