

APPENDIX 2

TEXT OF OTHER CRIMES INVOLVING CHILDREN INCLUDING REASONABLE EFFORTS EXCEPTIONS FROM ASFA

Aggravated Battery IC 35-42-2-1.5

A person who knowingly or intentionally inflicts injury on a person that creates a substantial risk of death or causes:

- (1) serious permanent disfigurement;
- (2) protracted loss or impairment of the function of a bodily member or organ; or
- (3) the loss of a fetus;

commits aggravated battery, a Class B felony.

Aiding, inducing or causing an offense IC 35-41-2-4

A person who knowingly or intentionally aids, induces, or causes another person to commit an offense commits that offense, even if the other person:

- (1) has not been prosecuted for the offense;
- (2) has not been convicted of the offense; or
- (3) has been acquitted of the offense.

Attempt IC 35-41-5-1

(a) A person attempts to commit a crime when, acting with the culpability required for commission of the crime, he engages in conduct that constitutes a substantial step toward commission of the crime. An attempt to commit a crime is a felony or misdemeanor of the same class as the crime attempted. However, an attempt to commit murder is a Class A felony.

(b) It is no defense that, because of a misapprehension of the circumstances, it would have been impossible for the accused person to commit the crime attempted.

Battery IC 35-42-2-1

(a) A person who knowingly or intentionally touches another person in a rude, insolent, or angry manner commits battery, a class B misdemeanor. However, the offense is:

- (1) a Class A misdemeanor if:
 - (A) it results in bodily injury to an other person;
 - (B) is committed against a law enforcement officer or against a person summoned and directed by the officer while the officer is engaged in the execution of his official duty;
 - (C) it is committed against an employee of a penal facility or a juvenile detention facility (as defined in IC 31-9-2-71) while the employee is engaged in the execution of the employee's official duty; or
 - (D) it is committed against a firefighter (as defined in IC 9-18-34-1) while the firefighter is engaged in the execution of the firefighter's official duty;
- (2) a Class D felony if it results in bodily injury to:
 - (A) a law enforcement officer or a person summoned and directed by a law enforcement officer while the officer is engaged in the execution of his official duty;
 - (B) a person less than fourteen (14) years of age and is committed by a person at least eighteen (18) years of age;
 - (C) a person of any age who is mentally or physically disabled and is committed by a person having the care of the mentally or physically disabled person, whether the care is assumed voluntarily or because of a

legal obligation;

(D) the other person and the person who commits the battery was previously convicted of a battery in which the victim was the other person;

(E) an endangered adult (as defined by IC 35-46-1-1);

(F) an employee of the department of correction while the employee is engaged in the execution of the employee's official duty;

(G) an employee of a school corporation while the employee is engaged in the execution of the employee of the employee's official duty;

(H) a correctional professional while the correctional professional is engaged in the execution of the correctional professional's official duty;

(I) a person who is a health care provider (as defined in IC 16-18-2-163) while the health care provider is engaged in the execution of the health care provider's official duty;

(J) an employee of a penal facility or a juvenile detention facility (as defined in IC 31-9-2-71) while the employee is engaged in the execution of the employee's official duty; or

(K) a firefighter (as defined in IC 9-18-34-1) while the firefighter is engaged in the execution of the firefighter's official duty;

(3) a Class C felony if it results in serious bodily injury to any other person or if it is committed by means of a deadly weapon; and

(4) a Class B felony if it results in serious bodily injury to a person less than fourteen (14) years of age and is committed by a person at least eighteen (18) years of age.

(b) For purposes of this section:

(1) "law enforcement officer" includes an alcoholic beverage enforcement officer; and

(2) "correctional professional" means a:

(A) probation officer;

(B) parole officer;

(C) community corrections worker; or

(D) home detention officer.

Causing Suicide IC 35-42-1-4

A person who intentionally causes another human being, by force, duress, or deception, to commit suicide commits causing suicide, a Class B felony.

Child Solicitation IC 35-42-4-6

A person eighteen (18) years of age or older who knowingly or intentionally solicits a child under fourteen (14) years of age to engage in:

(1) sexual intercourse;

(2) deviate sexual conduct; or

(3) any fondling or touching intended to arouse or satisfy the sexual desires of either the child or the older person; commits child solicitation, 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)).

Compulsory Attendance IC 20-8.1-3-33

(a) It is unlawful for a parent to fail to ensure that his child attends school as required under this chapter

(b) Before proceedings are instituted against a parent for violation of this section, personal notice of the violation shall be served on the parent by the superintendent having jurisdiction over the public school or his designee, where the child has legal settlement or the superintendent of the transferee corporation, or his designee, if the child has been transferred. Personal notice must consist of and take place at the time of the occurrence of one of the following events: (1) the date of personal delivery of notice; (2) the date of receipt of the notice sent by certified mail; or (3) the date of leaving notice at the last and usual place of residence of the parents. If the violation is not terminated within one (1) school day after this notice is given, or if another violation is committed during the notice period, no further notice is necessary, and each day of violation constitutes a separate offense.

Conspiracy IC 35-41-5-2

- (a) A person conspires to commit a felony when, with intent to commit the felony, he agrees with another persons to commit the felony. The conspiracy to commit a felony is a felony of the same class as the underlying felony. However, a conspiracy to commit murder is a Class A felony.
- (b) The state must allege and prove that either the person or the person with whom he agreed performed an overt act in furtherance of the agreement.
- (c) It is no defense that the person with whom the accused person is alleged to have conspired:
- (1) has not been prosecuted;
 - (2) has not been convicted;
 - (3) has been acquitted;
 - (4) has been convicted of a different crime;
 - (5) cannot be prosecuted for any reason; or
 - (6) lacked the capacity to commit the crime

Contributing to the delinquency of a minor IC 35-46-1-8

A person eighteen (18) years of age or older who knowingly or intentionally encourages, aids, induces, or causes a person under eighteen (18) years of age to commit an act of delinquency (as defined by IC 31-37-1 or IC 31-37-2) commits contributing to delinquency, a Class A misdemeanor. However, the offense is a Class C felony if the person knowingly or intentionally encourages, aids, induces, or causes a person less than eighteen (18) years of age to commit an act that would be a felony if committed by an adult under:

- (1) IC 35-48-4-1;
- (2) IC 35-48-4-2;
- (3) IC 35-48-4-3;
- (4) IC 35-48-4-4;
- (5) IC 35-48-4-4.5;
- (6) IC 35-48-4-4.6; or
- (7) IC 35-48-4-5.

Criminal Confinement of a Child IC 35-42-3-3

A person who knowingly or intentionally:

- (1) confines another person without the other person's consent; or
 - (2) removes another person, by fraud, enticement, force, or threat of force, from one (1) place to another;
- commits criminal confinement, a Class D felony. However, the offense is a Class C felony if the other person is less than fourteen (14) years of age and is not the person's child, and a Class B felony if it is committed while armed with a deadly weapon or results in serious bodily injury to another person.

Criminal recklessness; element of hazing IC 35-42-2-2

- (a) As used in this section, "hazing" means forcing or requiring another person:
- (1) with or without the consent of the other person; and
 - (2) as a condition of association with a group or organization ; to perform an act that creates a substantial risk of bodily injury.
- (b) A person who recklessly, knowingly, or intentionally performs:
- (1) An act that creates a substantial risk of bodily injury to another person; or
 - (2) Hazing;
- Commits criminal recklessness, a Class B misdemeanor. However, the offense is a:
- (1) Class A misdemeanor if the conduct includes the use of a vehicle;
 - (2) Class D felony if it is committed while armed with a deadly weapon; or
 - (3) Class C felony if it is committed by shooting a firearm from a vehicle into an inhabited dwelling or other building or place where people are likely to gather.
- (c) A person who recklessly, knowingly, or intentionally:
- (1) Inflicts serious bodily injury on another person; or

(2) Performs hazing that results in serious bodily injury to a person; commits criminal recklessness, a Class D felony. However, the offense is a Class C felony if committed by means of a deadly weapon....

Interference with Custody IC 35-42-3-4

- (a) A person who knowingly or intentionally:
- (1) removes another person who is less than eighteen (18) years of age to a place outside Indiana when the removal violates a child custody order of a court; or
 - (2) removes another person who is less than eighteen (18) years of age to a place outside Indiana and violates a child custody order of a court by failing to return the other person to Indiana; commits interference with custody, a Class D felony. However, the offense is a Class C felony if the other person is less than fourteen (14) years of age and is not the person's child, and a Class B felony if the offense is committed while armed with a deadly weapon or results in serious bodily injury to another person.
- (b) A person who with the intent to deprive another person of custody or visitation rights:
- (1) knowingly or intentionally takes and conceals; or
 - (2) knowingly or intentionally detains and conceals; a person who is less than eighteen (18) years of age commits interference with custody, a Class C misdemeanor. However, the offense is a Class B misdemeanor if the taking and concealment, or the detention and concealment, is in violation of a court order.
- (c) With respect to a violation of this section, a court may consider as a mitigating circumstance the accused person's return of the other person in accordance with the child custody order within seven (7) days after the removal.
- (d) The offenses described in this section continue as long as the child is concealed or detained, or both.
- (e) If a person is convicted of an offense under this section, a court may impose against the defendant reasonable costs incurred by a parent or guardian of the child because of the taking, detention, or concealment of the child.

Involuntary Manslaughter IC 35-42-1-4

- (a) As used in this section, "fetus" means a fetus that has attained viability (as defined in IC 16-18-2-365).
- (b) A person who kills another human being while committing or attempting to commit:
- (1) a Class C or Class D felony that inherently poses a risk of serious bodily injury;
 - (2) a Class A misdemeanor that inherently poses a risk of serious bodily injury; or
 - (3) battery;
- commits involuntary manslaughter, a Class C felony. However, if the killing results from the operation of a vehicle, the offense is a Class D felony.
- (c) A person who kills a fetus while committing or attempting to commit:
- (1) a Class C or Class D felony that inherently poses a risk of serious bodily injury;
 - (2) a Class A misdemeanor that inherently poses a risk of serious bodily injury; or
 - (3) battery;
- commits involuntary manslaughter, a Class C felony. However, if the killing results from the operation of a vehicle, the offense is a Class D felony.

Murder IC 35-42-1-1

A person who:

- (1) knowingly or intentionally kills another human being;
- (2) kills another human being while committing or attempting to commit arson, burglary, child molesting, consumer product tampering, criminal deviate conduct, kidnapping, rape, robbery, or carjacking;
- (3) kills another human being while committing or attempting to commit:
 - (A) dealing in cocaine or a narcotic drug (IC 35-48-4-1);
 - (B) dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2);
 - (C) dealing in a schedule IV controlled substance (IC 35-48-4-3); or
 - (D) dealing in a schedule V controlled substance; or
- (4) knowingly or intentionally kills a fetus that has attained viability (as defined in IC 16-18-2-365); commits murder, a felony.

Neglect of a dependent IC 35-46-1-4

- (a) A person having the care of a dependent, whether assumed voluntarily or because of a legal obligation, who knowingly or intentionally;
- (1) places the dependent in a situation that endangers the dependent's life or health;
 - (2) abandons or cruelly confines the dependent;
 - (3) deprives the dependent of necessary support; or
 - (4) deprives the dependent of education as required by law;
- commits neglect of a dependent, a Class D felony.
- (b) However, the offense is:
- (1) a Class C felony if it is committed under subsection (a)(1), (a)(2), or (a)(3) and results in bodily injury;
 - (2) a Class B felony if it is committed under subsection (a)(1), (a)(2), or (a)(3) and results in serious bodily injury; and
 - (3) a Class C felony if it is committed under subsection (a)(2) and consists of cruel or unusual confinement or abandonment.
- (c) It is a defense to a prosecution based on an alleged act under this section that:
- (1) the accused person left a dependent child who was, at the time the alleged act occurred, not more than thirty (30) days of age with an emergency medical provider who took custody of the child under IC 31-34-2.5 when:
 - (A) the prosecution is based solely on the alleged act of leaving the child with the emergency medical services provider; and
 - (B) the alleged act did not result in bodily injury or serious bodily injury to the child; or
 - (2) the accused person, in the legitimate practice of his religious belief, provided treatment by spiritual means through prayer, in lieu of medical care, to his dependent.
- (d) Except for property transferred or received:
- (1) under a court order made in connection with a proceeding under IC 31-15, IC 31-16, IC 31-17, or IC 31-35 (or IC 35-1-11.5 or IC 31-6-5 before their repeal); or
 - (2) under IC 35-46-1-9(b);

a person who transfers or receives any property in consideration for the termination of the care, custody, or control of a person's dependent child commits child selling, a Class D felony.

Vicarious Sexual Gratification IC 35-42-4-5

- (a) A person eighteen (18) years of age or older who knowingly or intentionally directs, aids, induces, or causes a child under the age of sixteen (16) to touch or fondle himself or another child under the age of sixteen (16) with intent to arouse or satisfy the sexual desires of a child or the older person commits vicarious sexual gratification, a Class D felony. However, the offense is:
- (1) a Class C felony if a child involved in the offense is under the age of fourteen (14);
 - (2) a Class B felony if:
 - (A) the offense is committed by using or threatening the use of deadly force or while armed with a deadly weapon; or
 - (B) 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; and
 - (3) a Class A felony if it results in serious bodily injury.
- (b) A person eighteen (18) years of age or older who knowingly or intentionally directs, aids, induces, or causes a child under the age of sixteen (16) to:
- (1) engage in sexual intercourse with another child under sixteen (16) years of age;
 - (2) engage in sexual conduct with an animal other than a human being; or
 - (3) engage in deviate sexual conduct with another person;
- with intent to arouse or satisfy the sexual desires of a child or the older person commits vicarious sexual gratification, a Class C felony. However, the offense is a Class B felony if any child involved in the offense is less than fourteen (14) years of age, and it is a Class A felony if the offense 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.

IC 35-42-13 Voluntary Manslaughter

(a) A person who knowingly or intentionally:

(1) kills another human being; or

(2) kills a fetus that has attained viability (as defined in IC 16-18-2-365);

while acting under sudden heat commits voluntary manslaughter, a Class B felony. However, the offense is a Class A felony if it is committed by means of a deadly weapon.

(b) The existence of sudden heat is a mitigating factor that reduces what otherwise would be murder under section 1

(1) of this chapter to voluntary manslaughter.