



POLICE / PROSECUTOR UPDATE

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MORE NEW LEGISLATION (2006) - Unless otherwise indicated, all new legislation is effective July 1, 2006.

Trafficking With an Inmate Outside a Facility (IC 35-44-3-9.3) makes delivering contraband directly or indirectly to an inmate who is outside of a penal or juvenile facility a Class A misdemeanor. It is a Class D felony if the contraband is a controlled substance and a Class C felony if it is an item that can be used as a weapon. "Inmate outside a facility" means a person who is incarcerated in a penal facility or detained in a juvenile facility on a full-time basis as the result of a conviction or a juvenile adjudication but who has been or is being transported to another location to participate in or prepare for a judicial proceeding.

Promotion of Human Trafficking (IC 35-42-3.5-1(a)). It is a Class B felony for a person to recruit, harbor, or transport another person to: (1) engage the other person in forced labor or involuntary servitude; or (2) force the other person into marriage or prostitution.

Sexual Trafficking of a Minor IC 35-42-3.5-1(b). It is a Class A felony, for certain individuals to sell or transfer custody of a child less than 18 years of age for the purpose of prostitution.

Human Trafficking IC 35-42-3.5-1(c). It is a Class C felony for a person to pay for an individual whom the person knows has been forced into forced labor, involuntary servitude, or prostitution.

New laws also created crimes involving **sexually violent predators** (IC 35-42-4-10), **offenders against children** (IC 35-42-4-11) and **lifetime parolees** (IC 35-44-3-13).

IC 35-43-5-3.5 (Identity Deception) was amended to include the identifying information of a deceased person. Also makes **Identity Deception** a Class C felony if a person unlawfully obtains the identifying information of more than 100 persons or if the fair market value of the fraud or harm caused is at least \$50,000.

IC 35-43-5-4.3 was also added to make **Possession of a Card Skimming Device** with the intent to commit identity deception or fraud is a Class D felony. It is a Class C felony if the device is possessed with the intent to commit terroristic deception (IC 35-43-5-3.6).

IC 35-49-3-3 was amended to make it a Class D felony to rent **matter that is harmful to minors** within 500 feet of a school or church.

IC 35-46-6-2 was amended to change the name of the crime from **glue sniffing** to "inhaling toxic vapors." It also expanded the list of prohibited substances to ingest or inhale to include amyl butyrate, isobutyl nitrate, freon, chlorinated hydrocarbons, methylene chloride, hexane, ether, chloroform, or halothane, or any other chemical having the property of releasing toxic vapors.

IC 34-24-1-1 was amended to permit the **forfeiture of a motor vehicle** of a person who commits operating a motor vehicle while intoxicated or operating a motor vehicle with a suspended driver's license if the person has at least two prior unrelated convictions in the previous five years for operating while intoxicated. However, a vehicle that is not owned by the driver or spouse may not be seized unless the owner knew that the vehicle would be unlawfully operated.

IC 9-19-11-1 was amended to provide that the **seatbelt laws** for children do not apply to the operator of a motor vehicle used in a funeral procession or the return trip to the funeral home.

This is a publication of the Clark County Prosecuting Attorney, covering various topics of interest to law enforcement officers. It is directed solely toward issues of evidence, criminal law and procedure. Please consult your city, town, or county attorney for legal advice relating to civil liability. Please direct any suggestions you may have for future issues to Steve Stewart at 285-6264.