



February 24, 2023

---

---

## SENATE BILL No. 415

---

DIGEST OF SB 415 (Updated February 21, 2023 12:02 pm - DI 106)

**Citations Affected:** IC 31-30.5; IC 31-37; IC 35-33.

**Synopsis:** Admissibility of statement by juvenile in custody. Provides that a statement made by a juvenile during a custodial interrogation of the juvenile regarding an act allegedly committed when the juvenile was less than 18 years of age is inadmissible for purposes of specified criminal or juvenile proceedings if a law enforcement officer or school resource officer knowingly communicates to the juvenile: (1) false information regarding evidence relating to the act; or (2) false or unauthorized statements regarding penalties for the act or leniency in the imposition of penalties for the act; during the custodial interrogation. Requires that a law enforcement officer who arrests or takes into custody a child on school property or at a school-sponsored activity must make a reasonable attempt to notify: (1) the child's parent, guardian, or custodian; or (2) the emergency contact listed on the child's school record; before the child can be moved to a different location.

**Effective:** July 1, 2023.

---

---

### Pol Jr., Freeman

---

---

January 19, 2023, read first time and referred to Committee on Corrections and Criminal Law.  
February 23, 2023, amended, reported favorably — Do Pass.

---

---

SB 415—LS 7193/DI 119





February 24, 2023

First Regular Session of the 123rd General Assembly (2023)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2022 Regular Session of the General Assembly.

## SENATE BILL No. 415

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 31-30.5-1-6 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2023]: **Sec. 6. A statement that is made by a juvenile:**  
4 **(1) with regard to an act:**  
5 **(A) that was allegedly committed by the juvenile when the**  
6 **juvenile was less than eighteen (18) years of age; and**  
7 **(B) that:**  
8 **(i) would be a felony or misdemeanor offense if**  
9 **committed by an adult; or**  
10 **(ii) is an offense under IC 35-45-4-6 or IC 35-47-10-5;**  
11 **and**  
12 **(2) as a result of a custodial interrogation of the juvenile**  
13 **during which a law enforcement officer or school resource**  
14 **officer knowingly communicates to the juvenile:**  
15 **(A) false information regarding evidence relating to the**  
16 **act, unless at the time the officer communicated the false**  
17 **information, the officer had a reasonable good faith belief**

SB 415—LS 7193/DI 119



1                   that the information was true; or  
 2                   **(B) false statements regarding:**  
 3                    **(i) penalties for the act; or**  
 4                    **(ii) leniency in the imposition of penalties for the act;**  
 5                   **unless at the time the officer communicated the false**  
 6                   **statement, the officer had a reasonable good faith belief**  
 7                   **that the information was true;**  
 8                   **is inadmissible in a criminal or juvenile court proceeding regarding**  
 9                   **the act.**

10                   SECTION 2. IC 31-37-4-3.5 IS ADDED TO THE INDIANA CODE  
 11                   AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 12                   1, 2023]: **Sec. 3.5. (a) This section does not apply to an emancipated**  
 13                   **minor.**

14                   **(b) This section does not apply if:**  
 15                    **(1) there is a medical emergency involving the child described**  
 16                    **in subsection (c); or**  
 17                    **(2) there is an ongoing emergency or concern for student**  
 18                    **safety.**

19                   **(c) This section applies if a law enforcement officer arrests or**  
 20                   **takes into custody a child less than eighteen (18) years of age for**  
 21                   **allegedly committing a delinquent or criminal act on school**  
 22                   **property or at a school-sponsored activity.**

23                   **(d) A law enforcement officer who arrests a child or takes a**  
 24                   **child into custody as described in subsection (c) shall make a**  
 25                   **reasonable attempt to notify:**

26                    **(1) the child's parent, guardian, or custodian; or**  
 27                    **(2) the emergency contact listed on the child's school record;**  
 28                   **that the child has been arrested or taken into custody.**

29                   **(e) The attempt to notify under subsection (d) must occur before**  
 30                   **the child is transported from school property or the location of the**  
 31                   **school-sponsored activity.**

32                   **(f) A law enforcement agency shall inform its law enforcement**  
 33                   **officers concerning the notification requirements under this**  
 34                   **section.**

35                   SECTION 3. IC 35-33-1-1, AS AMENDED BY P.L.175-2022,  
 36                   SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 37                   JULY 1, 2023]: **Sec. 1. (a) A law enforcement officer may arrest a**  
 38                   **person when the officer has:**

39                    **(1) a warrant commanding that the person be arrested;**  
 40                    **(2) probable cause to believe the person has committed or**  
 41                    **attempted to commit, or is committing or attempting to commit,**  
 42                    **a felony;**



- 1 (3) probable cause to believe the person has violated the  
 2 provisions of IC 9-26-1-1.1 or IC 9-30-5;
- 3 (4) probable cause to believe the person is committing or  
 4 attempting to commit a misdemeanor in the officer's presence;
- 5 (5) probable cause to believe the person has committed a:  
 6 (A) battery resulting in bodily injury under IC 35-42-2-1; or  
 7 (B) domestic battery under IC 35-42-2-1.3.
- 8 The officer may use an affidavit executed by an individual alleged  
 9 to have direct knowledge of the incident alleging the elements of  
 10 the offense of battery to establish probable cause;
- 11 (6) probable cause to believe that the person violated  
 12 IC 35-46-1-15.1 (invasion of privacy) or IC 35-46-1-15.3;
- 13 (7) probable cause to believe that the person violated  
 14 IC 35-47-2-1.5 (unlawful carrying of a handgun) or IC 35-47-2-22  
 15 (counterfeit handgun license);
- 16 (8) probable cause to believe that the person is violating or has  
 17 violated an order issued under IC 35-50-7;
- 18 (9) probable cause to believe that the person is violating or has  
 19 violated IC 35-47-6-1.1 (undisclosed transport of a dangerous  
 20 device);
- 21 (10) probable cause to believe that the person is:  
 22 (A) violating or has violated IC 35-45-2-5 (interference with  
 23 the reporting of a crime); and  
 24 (B) interfering with or preventing the reporting of a crime  
 25 involving domestic or family violence (as defined in  
 26 IC 34-6-2-34.5);
- 27 (11) probable cause to believe that the person has committed theft  
 28 (IC 35-43-4-2);
- 29 (12) a removal order issued for the person by an immigration  
 30 court;
- 31 (13) a detainer or notice of action for the person issued by the  
 32 United States Department of Homeland Security; or
- 33 (14) probable cause to believe that the person has been indicted  
 34 for or convicted of one (1) or more aggravated felonies (as  
 35 defined in 8 U.S.C. 1101(a)(43)).
- 36 (b) A person who:  
 37 (1) is employed full time as a federal enforcement officer;  
 38 (2) is empowered to effect an arrest with or without warrant for a  
 39 violation of the United States Code; and  
 40 (3) is authorized to carry firearms in the performance of the  
 41 person's duties;  
 42 may act as an officer for the arrest of offenders against the laws of this



1 state where the person reasonably believes that a felony has been or is  
2 about to be committed or attempted in the person's presence.

3 (c) A law enforcement officer who arrests a child or takes a  
4 child into custody as described in IC 31-37-4-3.5 shall make a  
5 reasonable attempt to notify:

6 (1) the child's parent, guardian, or custodian; or

7 (2) the emergency contact listed on the child's school record;  
8 that the child has been arrested or taken into custody.



## COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred Senate Bill No. 415, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 16, delete "act;" and insert **"act, unless at the time the officer communicated the false information, the officer had a reasonable good faith belief that the information was true;"**.

Page 1, line 17, delete "or unauthorized".

Page 2, between lines 2 and 3, begin a new line double block indented and insert:

**"unless at the time the officer communicated the false statement, the officer had a reasonable good faith belief that the information was true;"**.

Page 2, after line 4, begin a new paragraph and insert:

**"SECTION 2. IC 31-37-4-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 3.5. (a) This section does not apply to an emancipated minor.**

**(b) This section does not apply if:**

- (1) there is a medical emergency involving the child described in subsection (c); or**
- (2) there is an ongoing emergency or concern for student safety.**

**(c) This section applies if a law enforcement officer arrests or takes into custody a child less than eighteen (18) years of age for allegedly committing a delinquent or criminal act on school property or at a school-sponsored activity.**

**(d) A law enforcement officer who arrests a child or takes a child into custody as described in subsection (c) shall make a reasonable attempt to notify:**

- (1) the child's parent, guardian, or custodian; or**
  - (2) the emergency contact listed on the child's school record;**
- that the child has been arrested or taken into custody.**

**(e) The attempt to notify under subsection (d) must occur before the child is transported from school property or the location of the school-sponsored activity.**

**(f) A law enforcement agency shall inform its law enforcement officers concerning the notification requirements under this section.**

SECTION 3. IC 35-33-1-1, AS AMENDED BY P.L.175-2022,

SB 415—LS 7193/DI 119



SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. (a) A law enforcement officer may arrest a person when the officer has:

- (1) a warrant commanding that the person be arrested;
- (2) probable cause to believe the person has committed or attempted to commit, or is committing or attempting to commit, a felony;
- (3) probable cause to believe the person has violated the provisions of IC 9-26-1-1.1 or IC 9-30-5;
- (4) probable cause to believe the person is committing or attempting to commit a misdemeanor in the officer's presence;
- (5) probable cause to believe the person has committed a:
  - (A) battery resulting in bodily injury under IC 35-42-2-1; or
  - (B) domestic battery under IC 35-42-2-1.3.

The officer may use an affidavit executed by an individual alleged to have direct knowledge of the incident alleging the elements of the offense of battery to establish probable cause;

- (6) probable cause to believe that the person violated IC 35-46-1-15.1 (invasion of privacy) or IC 35-46-1-15.3;
- (7) probable cause to believe that the person violated IC 35-47-2-1.5 (unlawful carrying of a handgun) or IC 35-47-2-22 (counterfeit handgun license);
- (8) probable cause to believe that the person is violating or has violated an order issued under IC 35-50-7;
- (9) probable cause to believe that the person is violating or has violated IC 35-47-6-1.1 (undisclosed transport of a dangerous device);
- (10) probable cause to believe that the person is:
  - (A) violating or has violated IC 35-45-2-5 (interference with the reporting of a crime); and
  - (B) interfering with or preventing the reporting of a crime involving domestic or family violence (as defined in IC 34-6-2-34.5);
- (11) probable cause to believe that the person has committed theft (IC 35-43-4-2);
- (12) a removal order issued for the person by an immigration court;
- (13) a detainer or notice of action for the person issued by the United States Department of Homeland Security; or
- (14) probable cause to believe that the person has been indicted for or convicted of one (1) or more aggravated felonies (as defined in 8 U.S.C. 1101(a)(43)).





(b) A person who:

- (1) is employed full time as a federal enforcement officer;
- (2) is empowered to effect an arrest with or without warrant for a violation of the United States Code; and
- (3) is authorized to carry firearms in the performance of the person's duties;

may act as an officer for the arrest of offenders against the laws of this state where the person reasonably believes that a felony has been or is about to be committed or attempted in the person's presence.

**(c) A law enforcement officer who arrests a child or takes a child into custody as described in IC 31-37-4-3.5 shall make a reasonable attempt to notify:**

- (1) the child's parent, guardian, or custodian; or**
  - (2) the emergency contact listed on the child's school record;**
- that the child has been arrested or taken into custody."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 415 as introduced.)

FREEMAN, Chairperson

Committee Vote: Yeas 7, Nays 0.

