

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 ENROLLED ACT No. 415

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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:*

SECTION 1. IC 31-30.5-1-6 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2023]: **Sec. 6. (a) Except as provided in subsection (b), a statement that is made by a juvenile during a custodial interrogation is inadmissible against the juvenile in a criminal or juvenile proceeding, if:**

**(1) the statement concerns an act:**

**(A) that was allegedly committed by the juvenile when the juvenile was less than eighteen (18) years of age; and**

**(B) that:**

**(i) would be a felony or misdemeanor offense if committed by an adult; or**

**(ii) is an offense under IC 35-45-4-6 or IC 35-47-10-5; and**

**(2) the statement is made by the juvenile in response to a law enforcement officer or school resource officer who communicates to the juvenile:**

**(A) materially false information regarding evidence relating to the act; or**

**(B) a materially false statement regarding:**

**(i) the penalty for the act; or**

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(ii) leniency in the imposition of a penalty for the act.

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

- (1) if the law enforcement officer or school resource officer communicates materially false information or a materially false statement with a reasonable good faith belief that the information was true at the time it was communicated to the juvenile; or**
- (2) to any evidence discovered as a result of the juvenile's statement.**

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, or request a school administrator to make a reasonable attempt to notify:**

- (1) the child's parent, guardian, or custodian; or**
- (2) if the arrest or taking into custody occurs during school hours, the emergency contact listed on the child's school record;**

**that the child has been arrested or taken into custody.**

**(e) 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, 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

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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.**



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President of the Senate

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President Pro Tempore

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Speaker of the House of Representatives

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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