



PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Engrossed Senate Bill 233 be amended to read as follows:

1           Page 6, between lines 32 and 33, begin a new paragraph and insert:  
2           "SECTION 6. IC 10-13-3-1 IS AMENDED TO READ AS  
3           FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. As used in this  
4           chapter, "bias **motivated** crime" means ~~an offense a crime~~ in which  
5           the person who commits the ~~offense crime~~ knowingly or intentionally  
6           (1) selected the person who was injured; or  
7           (2) damaged or otherwise affected property;  
8           by the offense because of the color, creed, disability, national origin,  
9           race, religion, or sexual orientation of the injured person or of the  
10          owner or occupant of the affected property or because the injured  
11          person or owner or occupant of the affected property was associated  
12          with any other recognizable group or affiliation: ~~selects:~~  
13          **(1) the individual against whom the crime was committed; or**  
14          **(2) any property damaged or otherwise affected by the crime;**  
15          **in whole or in part because of the actual or perceived race, color,**  
16          **religion, ethnicity, national origin, sexual orientation, gender,**  
17          **gender identity or expression, or disability of the individual or a**  
18          **group of individuals, whether or not the person's belief or**  
19          **perception was correct.**  
20          SECTION 7. IC 10-13-3-38 IS AMENDED TO READ AS  
21          FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 38. (a) ~~Each~~ **Each** law

1 enforcement agency shall collect information concerning bias  
2 **motivated** crimes.

3 (b) At least two (2) times each year, ~~a~~ **each** law enforcement agency  
4 shall submit information collected under subsection (a) to the Indiana  
5 central repository for criminal history information ~~Information shall be~~  
6 ~~reported in the manner and form prescribed using the National~~  
7 **Incident Based Reporting System (NIBRS) format as required by**  
8 the department.

9 (c) **Each law enforcement agency shall submit data regarding**  
10 **the commission of bias motivated crimes to the Federal Bureau of**  
11 **Investigation in accordance with guidelines established under 28**  
12 **U.S.C. 534.**

13 ~~(c)~~ (d) At least one (1) time each year, the Indiana central repository  
14 for criminal history information shall submit a report that includes a  
15 compilation of information obtained under subsection (b) to each law  
16 enforcement agency and to the legislative council. A report submitted  
17 to a law enforcement agency and the legislative council under this  
18 subsection may not contain the name of a person who:

- 19 (1) committed or allegedly committed a bias **motivated** crime; or  
20 (2) was the victim or the alleged victim of a bias **motivated**  
21 crime.

22 A report submitted to the legislative council under this subsection must  
23 be in an electronic format under IC 5-14-6.

24 ~~(d)~~ (e) Except as provided in subsection ~~(c)~~; (f), information  
25 collected, submitted, and reported under this section must be consistent  
26 with guidelines established for the acquisition, preservation, and  
27 exchange of identification records and information by:

- 28 (1) the Attorney General of the United States; or  
29 (2) the Federal Bureau of Investigation;  
30 under 28 U.S.C. 534 and the Hate Crime Statistics Act, as amended (28  
31 U.S.C. 534 note).

32 ~~(e)~~ (f) Information submitted under subsection (b) and reports  
33 issued under subsection ~~(c)~~ (d) shall, in conformity with guidelines  
34 prescribed by the department,

35 ~~(1)~~ be separated in reports on the basis of whether it is an alleged  
36 crime, a charged crime, or a crime for which a conviction has  
37 been obtained. ~~and~~

38 ~~(2) be divided in reports on the basis of whether, in the opinion of~~  
39 ~~the reporting individual and the data collectors, bias was the~~  
40 ~~primary motivation for the crime or only incidental to the crime.~~

41 SECTION 8. IC 22-4.1-27.2 IS ADDED TO THE INDIANA CODE  
42 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
43 JULY 1, 2019]:

44 **Chapter 27.2. Employer Reduction in Barriers to Employment**  
45 **Pilot Program**

46 **Sec. 1. The governor, in consultation with:**

1           (1) the department;  
2           (2) the Indiana economic development corporation;  
3           (3) the Indiana department of transportation; and  
4           (4) the office of the secretary of family and social services;  
5       may establish a pilot program for the purpose of working  
6       cooperatively with employers to obtain data and experience with  
7       various ways to reduce barriers to employment.

8           Sec. 2. The pilot program begins July 1, 2019, and ends July 30,  
9       2021.

10          Sec. 3. The governor may select up to five (5) employers in each  
11       region designated under the WIOA to participate in the pilot  
12       program.

13          Sec. 4. (a) There is appropriated to the budget agency six million  
14       dollars (\$6,000,000) from the state general fund for its use in  
15       making distributions to participating employers for the purpose  
16       described in subsection (b) beginning July 1, 2019, and ending June  
17       30, 2021. For each region designated under the WIOA, the total  
18       amount of distributions made to the participating employers in the  
19       region under the pilot program may not exceed five hundred  
20       thousand dollars (\$500,000).

21          (b) Money distributed to a participating employer under  
22       subsection (a) may be used by the participating employer only to  
23       provide eligible employees with vouchers for:

- 24           (1) public transportation; and  
25           (2) dependent care.

26          (c) For purposes of subsection (b), an eligible employee of an  
27       employer is an employee whose annual compensation does not  
28       exceed thirty thousand dollars (\$30,000) per year.

29          Sec. 5. (a) After the pilot program ends and before January 1,  
30       2022, the department, the Indiana economic development  
31       corporation, the Indiana department of transportation, and the  
32       office of the secretary of family and social services shall cooperate  
33       to:

- 34           (1) prepare a report concerning the efficacy of the pilot  
35       program that includes the elements described in subsection  
36       (b); and  
37           (2) submit the report to the governor and the legislative  
38       council in an electronic format under IC 5-14-6.

39          (b) The report required by subsection (a) must include  
40       discussions of the following indicators of success:

- 41           (1) The extent to which assistance provided under section 4 of  
42       this chapter reduced employee tardiness and absenteeism.  
43           (2) The extent to which assistance provided under section 4 of  
44       this chapter improved retention of employees.  
45           (3) The extent to which candidates for employment cited the  
46       possibility of receiving assistance under section 4 of this  
47       chapter as a motivating factor in seeking employment with a

- 1           **participating employer.**  
2           SECTION 9. IC 35-38-1-7.1, AS AMENDED BY P.L.213-2015,  
3           SECTION 261, IS AMENDED TO READ AS FOLLOWS  
4           [EFFECTIVE JULY 1, 2019]: Sec. 7.1. (a) In determining what  
5           sentence to impose for a crime, the court may consider the following  
6           aggravating circumstances:  
7           (1) The harm, injury, loss, or damage suffered by the victim of an  
8           offense was:  
9           (A) significant; and  
10           (B) greater than the elements necessary to prove the  
11           commission of the offense.  
12           (2) The person has a history of criminal or delinquent behavior.  
13           (3) The victim of the offense was less than twelve (12) years of  
14           age or at least sixty-five (65) years of age at the time the person  
15           committed the offense.  
16           (4) The person:  
17           (A) committed a crime of violence (IC 35-50-1-2); and  
18           (B) knowingly committed the offense in the presence or within  
19           hearing of an individual who:  
20           (i) was less than eighteen (18) years of age at the time the  
21           person committed the offense; and  
22           (ii) is not the victim of the offense.  
23           (5) The person violated a protective order issued against the  
24           person under IC 34-26-5 (or IC 31-1-11.5, IC 34-26-2, or  
25           IC 34-4-5.1 before their repeal), a workplace violence restraining  
26           order issued against the person under IC 34-26-6, or a no contact  
27           order issued against the person.  
28           (6) The person has recently violated the conditions of any  
29           probation, parole, pardon, community corrections placement, or  
30           pretrial release granted to the person.  
31           (7) The victim of the offense was:  
32           (A) a person with a disability (as defined in IC 27-7-6-12), and  
33           the defendant knew or should have known that the victim was  
34           a person with a disability; or  
35           (B) mentally or physically infirm.  
36           (8) The person was in a position having care, custody, or control  
37           of the victim of the offense.  
38           (9) The injury to or death of the victim of the offense was the  
39           result of shaken baby syndrome (as defined in IC 16-41-40-2).  
40           (10) The person threatened to harm the victim of the offense or a  
41           witness if the victim or witness told anyone about the offense.  
42           (11) The person:  
43           (A) committed trafficking with an inmate under  
44           IC 35-44.1-3-5; and  
45           (B) is an employee of the penal facility.  
46           **(12) The person knowingly or intentionally selected:**

- 1                   **(A) the individual against whom the crime was committed;**  
2                   **or**  
3                   **(B) any property damaged or otherwise affected by the**  
4                   **crime;**  
5                   **in whole or in part because of the actual or perceived race,**  
6                   **color, religion, ethnicity, national origin, sexual orientation,**  
7                   **gender, gender identity or expression, or disability of the**  
8                   **individual or a group of individuals, whether or not the**  
9                   **person's belief or perception was correct.**  
10                  (b) The court may consider the following factors as mitigating  
11                  circumstances or as favoring suspending the sentence and imposing  
12                  probation:  
13                   (1) The crime neither caused nor threatened serious harm to  
14                   persons or property, or the person did not contemplate that it  
15                   would do so.  
16                   (2) The crime was the result of circumstances unlikely to recur.  
17                   (3) The victim of the crime induced or facilitated the offense.  
18                   (4) There are substantial grounds tending to excuse or justify the  
19                   crime, though failing to establish a defense.  
20                   (5) The person acted under strong provocation.  
21                   (6) The person has no history of delinquency or criminal activity,  
22                   or the person has led a law-abiding life for a substantial period  
23                   before commission of the crime.  
24                   (7) The person is likely to respond affirmatively to probation or  
25                   short term imprisonment.  
26                   (8) The character and attitudes of the person indicate that the  
27                   person is unlikely to commit another crime.  
28                   (9) The person has made or will make restitution to the victim of  
29                   the crime for the injury, damage, or loss sustained.  
30                   (10) Imprisonment of the person will result in undue hardship to  
31                   the person or the dependents of the person.  
32                   (11) The person was convicted of a crime involving the use of  
33                   force against a person who had repeatedly inflicted physical or  
34                   sexual abuse upon the convicted person and evidence shows that  
35                   the convicted person suffered from the effects of battery as a  
36                   result of the past course of conduct of the individual who is the  
37                   victim of the crime for which the person was convicted.  
38                   (12) The person was convicted of a crime relating to a controlled  
39                   substance and the person's arrest or prosecution was facilitated in  
40                   part because the person:  
41                           (A) requested emergency medical assistance; or  
42                           (B) acted in concert with another person who requested  
43                           emergency medical assistance;  
44                   for an individual who reasonably appeared to be in need of  
45                   medical assistance due to the use of alcohol or a controlled  
46                   substance.

- 1           (13) The person has posttraumatic stress disorder, traumatic brain  
2           injury, or a postconcussive brain injury.
- 3           (c) The criteria listed in subsections (a) and (b) do not limit the  
4 matters that the court may consider in determining the sentence.
- 5           (d) A court may impose any sentence that is:
- 6           (1) authorized by statute; and
- 7           (2) permissible under the Constitution of the State of Indiana;  
8 regardless of the presence or absence of aggravating circumstances or  
9 mitigating circumstances.
- 10          (e) If a court suspends a sentence and orders probation for a person  
11 described in subsection (b)(13), the court may require the person to  
12 receive treatment for the person's injuries.
- 13          SECTION 10. [EFFECTIVE JULY 1, 2019] **(a) Before January 1,**  
14 **2020, the governor shall request that the board of directors of the**  
15 **Indiana secondary market for education loans, as established,**  
16 **incorporated, and designated under IC 21-16-5-1, transfer one**  
17 **hundred twenty million dollars (\$120,000,000) in cash or cash**  
18 **equivalents from the Indiana secondary market for education loans**  
19 **to the treasurer of state for deposit in the state general fund.**  
20          **(b) This SECTION expires July 1, 2020."**  
21          Renumber all SECTIONS consecutively.  
        (Reference is to ESB 233 as printed March 29, 2019.)

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Representative Porter