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# LEGISLATIVE UPDATE 2020

May 29, 2020

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# LEGISLATIVE UPDATE 2020



## Agenda

- 8:30 A.M. Registration & Coffee
- 8:55 A.M. Welcome and Introduction  
- Senator Eric. A. Koch, Program Chair
- 9:00 A.M. Criminal Code Bills; ALJ 2019 Bill that goes into effect July 1, 2020; HB 1225  
Public Safety Issues  
- Representative Gregory E. Steuerwald
- 9:25 A.M. Pension and Labor Bills; Finance; Unemployment; Worker's Comp; Health  
Care Update; Marijuana Bills that didn't pass  
- Senator Karen R. Tallian
- 9:50 A.M. Education Bills; COVID-19 Update; Telemedicine  
- Representative Edward O. DeLaney
- 10:15 A.M. Coffee Break
- 10:30 A.M. SB 39 – Specialized Driving Privileges; SB 47 – Expungement; SB 50 – Various  
Trust and Probate Matters; SB 3023 – Indigency Determinations  
- Senator Aaron M. Freeman
- 10:55 A.M. SB 109 – Sex Crimes and DNA Evidence; SB 335 – The Major Crime Bill;  
SB 249 – Exploitation of Dependents and Endangered Adults  
- Senator R. Michael Young
- 11:20 A.M. Civil Law Changes; Judicial Matters Bill; SB1 – The Hands Free Law;  
Open Door Law; Municipal Utilities; Landlord-Tenant  
- Representative John T. Young
- 11:45 A.M. 2021 Look Ahead  
This panel discussion will include things such as emerging issues (such as lawsuits forthcoming after the pandemic), evolving issues, trends, lessons learned, what should perhaps be re-thought, and unfinished business.
- 12:15 P.M. Adjourn

May 29, 2020

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## LEGISLATIVE UPDATE 2020

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May 29, 2020

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## **Sen. Eric A. Koch**

KOCH & McAULEY P.C., Bloomington



An 8th generation Hoosier, Eric grew up on a grain and livestock farm, where he learned the value of hard work and experienced the risk and rewards of the commodity markets.

He earned a Bachelor's Degree in Finance from Georgetown University and worked on President Ronald Reagan's re-election campaign in the Office of Political Affairs at the Reagan-Bush '84 Committee.

While earning his Juris Doctorate at the Indiana University School of Law, he clerked at the Bloomington law firm of McDonald, Barrett & Dakich.

He has been engaged in the private practice of law with offices in Bloomington since 1989 and Bedford since 2003. He is a member of the Monroe and Lawrence County Bar Associations, the Indiana State Bar Association, the Million Dollar Advocates Forum, the Multi-Million Dollar Advocates Forum, and founded and served as the first President of the Indiana Creditors Bar Association.

In 2002, he was elected to the Indiana House of Representatives, where he served until being elected to the Indiana State Senate in 2016. His legislative service has been recognized by, among others, the Indiana Judges Association (Champion of Justice Award), the Indiana Trial Lawyers Association (Legislator of the Year 2008 and 2015), the Indiana Pro Bono Commission (Randall T. Shepard Award), Kentucky Governor Ernie Fletcher (Kentucky Colonel), and Indiana Governor Mike Pence (Sagamore of the Wabash).

He currently serves as Ranking Member of the Senate Judiciary Committee and as a member of the Corrections & Criminal Law, Commerce & Technology, and Utilities committees.

A nationally-recognized leader in energy policy, he serves as co-chairman of the Energy Supply Task Force of the National Conference of State Legislatures, as a member of the Executive Committee of the National Council on Electricity Policy, and holds a graduate certificate in Energy Policy Planning from the University of Idaho. He focuses on energy, telecommunications, and water policy interactions in Indiana and nationally.

He has served as a member of the Indiana Commission on Courts (2007-2011), the Indiana Probate Code Study Commission (2005-2007; 2013-2014), the Indiana Military Base Planning Council (2005 – present), the Board of Trustees of the Indiana Criminal Justice Institute (2006 – 2011), and the Indiana Public Defenders Commission (2017 – present). He represents Indiana as a Commissioner on The National Conference of Commissioners on Uniform State Laws (2018 – present).

Eric frequently serves as a faculty member teaching continuing legal education courses, including for the Indiana State Bar Association and the Indiana Continuing Legal Education Forum. He enjoys teaching lawyers about new developments in the law and sharing his insights into the legislative process.

He is a registered civil mediator, having earned a civil mediation certificate from the Indiana University McKinney School of Law, studying under ADR expert John Krauss. Eric enjoys using the combination of his mediation skills and litigation experience to help parties settle cases and resolve disputes.

Eric is frequently appointed by judges to serve as a court-appointed fiduciary with responsibilities such as a trustee, federal multidistrict litigation plaintiffs' steering committee member, special administrator, and personal representative.

A licensed Indiana title insurance producer, he founded Koch Title Insurance Company in 2015 and serves as its President. His business experience also includes real estate, as President of White River Properties, Inc.; agriculture, as a partner in Koch Farms; and healthcare, as a former board member and Chairman of the Board of Dunn Memorial Hospital and St. Vincent Dunn Hospital.

His leadership in the non-profit sector includes service as a member of the Board of Governors of the Society of Indiana Pioneers, as a member of the Executive Board of the Hoosier Trails Council of the Boy Scouts of America, as a member of the Mitchell Urban Enterprise Association Board, and as a member of the Georgetown University Alumni Admissions Committee.



## **Rep. Edward O. DeLaney**

DeLaney & DeLaney LLC, Indianapolis



*Representative DeLaney* is a retired lawyer. He has both a bachelor's degree and a master's degree from the State University of New York at Binghamton. Shortly after DeLaney married Ann McGovern, he began his service as a junior officer in the U.S. Navy. He graduated from Harvard Law School with honors in 1973 and began work in Indianapolis at the firm now named Barnes and Thornburg.

DeLaney has served as an advocate for businesses and individuals in matters ranging from business disputes to estate litigation, election law and First Amendment litigation. DeLaney has represented the Federation of Bosnia and Herzegovina in an arbitration hearing under the Dayton Peace Accords. He speaks Russian fluently.

DeLaney currently serves as a member of the Education, Judiciary, and Ways and Means committees. He is also the Assistant Democratic Caucus Chair.

He was the founding lawyer for Investigative Reporters and Editors, Inc., which is now an international organization with thousands of members. He recently retired as a partner in the law firm of DeLaney and DeLaney, where he worked with his wife, Ann, and his daughter, Kathleen. For several years, he was an adjunct faculty member at Indiana University School of Law in Bloomington.

DeLaney has been active in his community. He served former Governor Evan Bayh as chair of the Indiana Development Finance Authority from 1990 to 1996. He has been a member of the Indianapolis Police Merit Board and president of the St. Thomas Aquinas Parish Council, where the family has been a member for 40 years. He served the Indianapolis Bar Association on its Judicial Evaluation Committee.

He has been an election monitor for the International Republican Institute in Russia. For some 25 years, DeLaney has trained both groups and individuals in the skills of being an advocate. His experience has been recognized by the Best Lawyers in America and the Indiana Super Lawyers.

DeLaney and Ann married in 1967 and have been blessed with three adult children:

Kathleen, with whom they practiced law; Jennifer, a physician in St. Louis; and Tim, who is a deputy prosecutor for Marion County. They have eight active grandchildren.

## **Sen. Aaron M. Freeman**

The Freeman Law Office, LLC, Indianapolis



Aaron loves being a lawyer and is driven to help you achieve the best outcome possible. It is a great honor for him to help others with their problems and assist them through the legal process. Aaron has the best interests of his clients in mind with every decision he makes. Aaron's diverse background and understanding of the legal process is an asset to his clients.

In 2009 Aaron began his private practice career, focusing mostly on family law and criminal law cases. Since then, his practice has grown to include many different types of litigation cases, estate planning, and corporate law.

Aaron handles a broad range of cases. From criminal defense cases to estate planning and family law matters, Aaron is the attorney you need by your side.

Aaron began his legal career working as a Deputy Prosecutor in Marion County for nearly five years. Aaron prosecuted all level of crimes, from misdemeanors to murder. He served in the Grand Jury Division of the Marion County Prosecutor's Office for 3 years, prosecuting white collar crimes and other cases resulting from complex investigations. Aaron also served in the Homicide Unit, prosecuting murder and attempted murder cases. Through these positions, he gained valuable courtroom experience and an understanding of how to effectively navigate the legal process.

While in law school, Aaron clerked for Judge Joe Billy McDade, the Chief Federal District Court Judge in the Central District of Illinois. Aaron also clerked for the United States Attorney's Office in the Central District of Illinois, gaining experience prosecuting crimes at the federal level. Prior to his legal career, Aaron was an Emergency 911 Dispatcher in Franklin County, Indiana and an Emergency Medical Technician.

## Greg Steuerwald

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### Indiana House of Representatives: 2007 – Present

#### **Committees/Positions**

- Majority Caucus Chairman since 2018
- Former Chairman, Courts and Criminal Code Committee
- Former Chairman, Ethics Committee
- Former Chairman, Judiciary Committee

#### **Legislator of the Year Awards**

- 2019 Indiana Sheriffs Association
- 2017 Indiana Council of Community Mental Health Centers
- 2016 Indiana Trial Lawyers
- 2015 Indiana Prosecuting Attorneys Council Legislative Excellence Award
- 2015 Indiana Psychologists Association
- 2014 Indiana Farm Bureau
- 2013 Indiana Judges Association Champion of Justice Award
- 2009 Indiana Chiefs of Police

#### **Commensurate Awards**

- 2019 Presidential Citation, Indiana State Bar Association
- 2016 Special recognition from the United Drug Task Force in passing legislation to support law enforcement
- 2013 Special recognition from Indiana Supreme Court

#### **Education**

- Indiana State University (B.S. 1974)
- University of Alabama (Masters in Criminal Justice 1977)
- Indiana University (J.D. 1981)

#### **Activities**

- Avon United Methodist Church
- Avon Chamber of Commerce
- Danville Chamber of Commerce

State Senator Karen Tallian has served in the State Senate since December 2005 when she was elected to fulfill an unexpired term. Tallian was re-elected in 2006, 2010, 2014, and 2018. She represents Senate District 4, which includes portions of Porter and LaPorte counties, and previously included portions of Lake County.

A graduate of the University of Chicago with a bachelor's degree in philosophy and psychology, the senator's postgraduate work includes an associate's degree from Chicago's Harrington Institute of Design. She graduated Magna Cum Laude from Valparaiso University School of Law in 1990. Senator Tallian resides in Portage and has three adult children.

Prior to joining the Senate, Tallian served her community in a variety of capacities including counsel to the Porter County Planning Commission, the BZA, Portage Township Trustee, Portage Fire Department Merit Board and the Portage Police Department Merit Board. Tallian was an adjunct professor at Valparaiso University Law School and taught insurance law. She has also served as President and board member of the Portage Parks Foundation, President of the Porter County League of Women Voters and the Director of the State Board of the League of Women Voters.

During her 30 year law career in NWI, Tallian represented governmental entities and has worked extensively on environmental issues, water and sewer issues, zoning. She has experience in both state and federal court, in both Indiana and Illinois.

In the State Senate, Tallian has taken a leading role on issues important to working families, including labor issues, health care, property tax reform and environmental protection. In 2010, Tallian was awarded the Tommie Blaylock Award for Outstanding Leadership by the United Steelworkers of America (USWA) Local #104. She was also inducted into The Society of Innovators of Northwest Indiana in 2010, having been invited to join the Society after the successful passage of her consumer protection law focused on reducing mortgage foreclosures in Indiana. In 2008, she received the Joan Laskowski Legislator of the Year Award from the American Civil Liberties Union of Indiana. She was the recipient of the Distinguished Service Award in 2017 by The American Legion, Department of Indiana and was honored as a Small Business Champion in 2013 by the Indiana Chamber of Commerce.

Tallian is the Senate Democrat delegate to the State Budget Committee, is on the Justice Reinvestment Advisory Council, and the Pension Management Oversight Commission. Tallian also served as the Co-Chair of the Northwest Indiana Delegation, a bi-partisan group of legislators focused on the advancement of the Region.

Additionally, Tallian has worked on a number of committees of the Conference of State Governments, a bipartisan organization that serves the legislators and staff of the nation's 50 states, and Canadian provinces. She also serves as a member of the Great Lakes Legislative Caucus, the U.S. Canada Relations committee, and a subcommittee on NAFTA.

**Rep. John T. Young**

Young and Young, Franklin



Representative Young serves portions of Johnson and Morgan counties in the 47th District of the Indiana House of Representatives. He has served in the Indiana House of Representatives since 2016.

## **Sen. R. Michael Young**

Indiana State Senate - District 35, Indianapolis



In 1986, *Sen. R. Michael Young* began his career as a public servant after being elected to the Indiana House of Representatives for District 92. Sen. Young served in the House until his election to the Indiana State Senate in 2000 for District 35, representing Guilford and Liberty Townships in Hendricks County as well as Decatur Township and portions of Wayne Township in Marion County.

During his career in the Indiana General Assembly, Sen. Young has been recognized for his service and expertise in the areas of criminal law, pensions, elections, civil rights and veteran's affairs.

In 2012, Sen. Young was appointed Chairman of the prominent Senate Standing Committee on Corrections and Criminal Law. In this position, he has presided over important legislation affecting the implementation of criminal justice in Indiana.

In addition to his work on the Corrections and Criminal law committee, Sen. Young serves on the Senate committees for Elections, Civil Law, and is the ranking member of the Senate Judiciary committee.

Sen. Young received his Juris Doctorate degree from Indiana University School of Law, Indianapolis in 2009 and is a private practice attorney while the legislature is not in session.

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# **Section One**



**Criminal Code Bills; ALJ 2019 Bill  
That Goes Into Effect July 1, 2020;  
HB 1225 Public Safety Issues**

**Representative Gregory E. Steuerwald**  
Steuerwald, Witham & Youngs, LLP  
Danville, Indiana

**Section One**

**Criminal Code Bills; ALJ 2019**

**Bill That Goes Into Effect**

**July 1, 2020; HB 1225**

**Public Safety Issues..... Representative Gregory E. Steuerwald**

Scotts Jail Percentages..... 1

HEA 1047 ..... 3

HEA 1120..... 9

HEA 1223..... 17

HEA 1225..... 28

PowerPoint Presentation – Jail Overcrowding Task Force Presentation on Court  
Information and Data

County Name	11	19	Percentages
Adams	151	100	34
Allen	724	588	19
Bartholomew	250	169	32
Benton	31	18	42
Blackford	51	28	45
Boone	175	109	38
Brown	45	21	53
Carroll	34	25	26
Cass	209	144	31
Clark	476	318	33
Clay	163	130	20
Clinton	153	101	34
Crawford	93	81	13
Daviess	211	118	44
Dearborn	235	186	21
Decatur	143	106	26
Dekalb	97	72	26
Delaware	307	199	35
Dubois	77	68	12
Elkhart	846	603	29
Fayette	151	114	25
Floyd	330	232	30
Fountain	31	7	77
Franklin	56	40	29
Fulton	75	48	36
Gibson	121	81	33
Grant	296	273	8
Greene	111	90	19
Hamilton	300	167	44
Hancock	242	143	41
Harrison	159	107	33
Hendricks	260	159	39
Henry	200	164	18
Howard	434	361	17
Huntington	142	100	30
Jackson	252	151	40
Jasper	77	45	42
Jay	92	72	22
Jefferson	187	88	53
Jennings	157	125	20
Johnson	355	275	23
Knox	264	204	23
Kosciusko	259	224	14
LaGrange	96	60	38
Lake	813	636	22
LaPorte	340	242	29
Lawrence	170	114	33
Madison	338	249	26
Marion	2282	1609	29
Marshall	210	162	23
Martin	81	68	16
Miami	136	82	40
Monroe	272	189	31
Montgomery	218	97	56
Morgan	281	220	22
Newton	47	38	19
Noble	140	102	27
Ohio	0	0	#DIV/0!
Orange	98	64	35
Owen	67	39	42

Parke	71	50	30
Perry	63	36	43
Pike	73	28	62
Porter	290	205	29
Posey	129	85	34
Pulaski	92	87	5
Putnam	85	56	34
Randolph	71	41	42
Ripley	117	93	21
Rush	34	16	53
Scott	197	115	42
Shelby	188	125	34
Spencer	60	53	12
St Joseph	618	406	34
Starke	121	97	20
Steuben	73	49	33
Sullivan	57	43	25
Switzerland	61	38	38
Tippecanoe	513	346	33
Tipton	25	20	20
Union	15	7	53
Vanderburgh	745	574	23
Vermillion	65	24	63
Vigo	315	277	12
Wabash	81	73	10
Warren	29	16	45
Warrick	107	70	35
Washington	156	132	15
Wayne	317	258	19
Wells	85	56	34
White	100	67	33
Whitley	124	72	42
Grand Total	19688	14040	29

Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

## HOUSE ENROLLED ACT No. 1047

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AN ACT to amend the Indiana Code concerning courts and court officers.

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

SECTION 1. IC 33-38-9-6, AS AMENDED BY P.L.179-2015, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. The judicial conference shall do the following:

- (1) Promote an exchange of experience and suggestions regarding the operation of Indiana's judicial system.
- (2) Promote the continuing education of judges.
- (3) Seek to promote a better understanding of the judiciary.
- (4) Act as administrator for probationers participating in the interstate compact for the supervision of parolees and probationers under IC 11-13-4-3.
- (5) Act as compact administrator for probationers participating in the interstate compact on juveniles under IC 11-13-4-3.
- ~~(6) Staff the justice reinvestment advisory council under IC 33-38-9-5.~~

SECTION 2. IC 33-38-9.5-2, AS AMENDED BY P.L.108-2019, SECTION 240, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The justice reinvestment advisory council is established. The advisory council consists of the following members:

- (1) The executive director of the Indiana public defender council

HEA 1047 — Concur



or the executive director's designee.

(2) The executive director of the Indiana prosecuting attorneys council or the executive director's designee.

(3) The director of the division of mental health and addiction or the director's designee.

(4) The president of the Indiana Sheriffs' Association or the president's designee.

(5) The commissioner of the Indiana department of correction or the commissioner's designee.

(6) The chief administrative officer of the office of judicial administration or the chief administrative officer's designee.

(7) The executive director of the Indiana criminal justice institute or the executive director's designee.

(8) The president of the Indiana Association of Community Corrections Act Counties or the president's designee.

(9) The president of the Probation Officers Professional Association of Indiana or the president's designee.

(10) The budget director or the budget director's designee.

**(11) The executive director of the Association of Indiana Counties or the executive director's designee.**

**(12) The president of the Indiana Judges Association or the president's designee.**

**(13) The chair of the Indiana public defender commission or the chair's designee.**

**(14) The chair of the senate corrections and criminal law committee or the chair's designee.**

**(15) The ranking minority member of the senate corrections and criminal law committee or the ranking minority member's designee.**

**(16) The chair of the house courts and criminal code committee or the chair's designee.**

**(17) The ranking minority member of the house courts and criminal code committee or the ranking minority member's designee.**

**(18) The governor or the governor's designee.**

(b) ~~The chief administrative officer of the office of judicial administration~~ **chief justice or the chief justice's designee** shall serve as chairperson of the advisory council.

(c) ~~The purpose duties of the advisory council is to conduct a state level review and evaluation of:~~ **include:**

**(1) reviewing and evaluating state and local criminal justice systems and corrections programs, including pretrial services,**

HEA 1047 — Concur



**behavioral health treatment and recovery services, community corrections, county jails, parole, and probation services; and**

**(2) reviewing the processes used by the department of correction and the division of mental health and addiction in awarding grants;**

**(3) reviewing and evaluating jail overcrowding to identify a range of possible solutions;**

**(4) coordinating with other criminal justice funding sources;**

**(5) establishing committees to inform the work of the advisory council; and**

**(6) performing other relevant duties as determined by the advisory council.**

(d) The advisory council may make a **recommendation recommendations** to:

**(1) the department of correction, community corrections advisory boards, and the division of mental health and addiction concerning the award of grants;**

**(2) criminal justice systems and corrections programs concerning best practices to improve outcomes of persons under supervision;**

**(3) the Indiana general assembly concerning legislation and funding for criminal justice initiatives;**

**(4) the Indiana criminal justice institute concerning criminal justice funding priorities;**

**(5) the office of judicial administration concerning veterans problem-solving court grants; and**

**(6) the county sheriffs concerning strategies to address jail overcrowding and implementing evidence based practices for reducing recidivism for individuals in county jails.**

(e) The office of judicial administration shall staff the advisory council.

(f) The expenses of the advisory council shall be paid by the office of judicial administration from funds appropriated to the office of judicial administration for the administrative costs of the justice reinvestment advisory council.

(g) A member of the advisory council is not entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is, however, entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

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(h) The affirmative votes of a majority of the voting members appointed to the advisory council are required for the advisory council to take action on any measure.

(i) The advisory council shall meet as necessary to:

- (1) work with the department of correction and the division of mental health and addiction to establish the grant criteria and grant reporting requirements described in subsection (l);
- (2) review grant applications;
- (3) make recommendations and provide feedback to the department of correction and the division of mental health and addiction concerning grants to be awarded;
- (4) review grants awarded by the department of correction and the division of mental health and addiction; and
- (5) suggest areas and programs in which the award of future grants might be beneficial.

(j) The advisory council, in conjunction with the Indiana criminal justice institute, shall jointly issue an annual report under IC 5-2-6-24.

(k) Any entity that receives funds:

- (1) recommended by the advisory council; and
- (2) appropriated by the department of correction;

for the purpose of providing additional treatment or supervision services shall provide the information described in subsection (l) to the department of correction to aid in the compilation of the report described in subsection (j).

(l) The department of correction shall provide the advisory council with the following information:

- (1) The total number of participants, categorized by level of most serious offense, who were served by the entity through funds described in subsection (k).
- (2) The percentage of participants, categorized by level of most serious offense, who completed a treatment program, service, or level of supervision.
- (3) The percentage of participants, categorized by level of most serious offense, who were discharged from a treatment program, service, or level of supervision.
- (4) The percentage of participants, categorized by level of most serious offense, who:
  - (A) completed a funded treatment program, service, or level of supervision; and
  - (B) were subsequently committed to the department of correction;
 

within twenty-four (24) months after completing the funded

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treatment program, service, or level of supervision.

(5) The percentage of participants, categorized by level of most serious offense, who were:

(A) discharged from a funded treatment program, service, or level of supervision; and

(B) subsequently committed to the department of correction; within twenty-four (24) months after being discharged from the funded treatment program, service, or level of supervision.

(6) The total number of participants who completed a funded treatment program, service, or level of supervision.

(7) The total number of participants who:

(A) completed a funded treatment program, service, or level of supervision; and

(B) were legally employed.

(8) Any other information relevant to the funding of the entity as described in subsection (k).

SECTION 3. IC 33-38-9.5-3, AS ADDED BY P.L.179-2015, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. The ~~goal purpose~~ of the justice reinvestment advisory council is to ~~develop incarceration review policies, promote state and local collaboration, and provide assistance for use of evidence based practices and best practices in community based alternatives and recidivism reduction programs, at the county and community level by promoting the development of:~~ **including:**

(1) probation services;

(2) problem solving courts;

(3) mental health **and addiction treatment and recovery services;**

~~(4) substance abuse treatment;~~

~~(5) (4) programs providing for court supervision, probation, or pretrial diversion;~~

~~(6) (5) community corrections;~~

~~(7) (6) evidence based recidivism reduction programs for currently incarcerated persons; and~~

~~(8) (7) other alternatives to incarceration: rehabilitation alternatives; and~~

**(8) the incorporation of evidence based decision making into decisions concerning jail overcrowding.**

SECTION 4. An emergency is declared for this act.

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\_\_\_\_\_

Speaker of the House of Representatives

\_\_\_\_\_

President of the Senate

\_\_\_\_\_

President Pro Tempore

\_\_\_\_\_

Governor of the State of Indiana

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

**HEA 1047 — Concur**



Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

## HOUSE ENROLLED ACT No. 1120

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AN ACT to amend the Indiana Code concerning corrections.

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

SECTION 1. IC 35-38-2.6-5, AS AMENDED BY P.L.179-2015, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. **(a)** If a person who is placed under this chapter violates the terms of the placement, the community corrections director may do any of the following:

- (1) Change the terms of the placement.
- (2) Continue the placement.
- (3) Reassign a person assigned to a specific community corrections program to a different community corrections program.
- (4) Request that the court revoke the placement and commit the person to the county jail or department of correction for the remainder of the person's sentence.

The community corrections director shall notify the court if the director changes the terms of the placement, continues the placement, or reassigns the person to a different program.

**(b) If a person who is placed under this chapter violates the terms of the placement, the prosecuting attorney may request that the court revoke the placement and commit the person to the county jail or department of correction for the remainder of the person's sentence.**

SECTION 2. IC 35-50-6-0.5, AS ADDED BY P.L.74-2015,

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SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 0.5. The following definitions apply throughout this chapter:

- (1) "Accrued time" means the amount of time that a person is imprisoned or confined.
- (2) "Credit time" means the sum of a person's accrued time, good time credit, and educational credit.
- (3) "Educational credit" means a reduction in a person's term of imprisonment or confinement awarded for participation in an educational, vocational, rehabilitative, or other program. **The term includes an individualized case management plan.**
- (4) "Good time credit" means a reduction in a person's term of imprisonment or confinement awarded for the person's good behavior while imprisoned or confined.
- (5) **"Individualized case management plan" means educational credit which consists of a plan designed to address an incarcerated person's risk of recidivism, and may include:**
  - (A) addiction recovery treatment;
  - (B) mental health treatment;
  - (C) vocational education programming;
  - (D) adult basic education, a high school or high school equivalency diploma, a college diploma, and any other academic educational goal; or
  - (E) any other programming or activity that encourages productive pursuits while a person is incarcerated and that may reduce the person's likelihood to recidivate after the person's release from incarceration.

SECTION 3. IC 35-50-6-3.1, AS AMENDED BY P.L.44-2016, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3.1. (a) This section applies to a person who commits an offense after June 30, 2014.

(b) A person assigned to Class A earns one (1) day of good time credit for each day the person is imprisoned for a crime or confined awaiting trial or sentencing.

(c) A person assigned to Class B earns one (1) day of good time credit for every three (3) days the person is imprisoned for a crime or confined awaiting trial or sentencing.

(d) A person assigned to Class C earns one (1) day of good time credit for every six (6) days the person is imprisoned for a crime or confined awaiting trial or sentencing.

(e) A person assigned to Class D earns no good time credit.

(f) A person assigned to Class P earns one (1) day of good time

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credit for every four (4) days the person serves on pretrial home detention awaiting trial. **A person assigned to Class P does not earn accrued time for time served on pretrial home detention awaiting trial.**

SECTION 4. IC 35-50-6-3.3, AS AMENDED BY P.L.13-2016, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3.3. (a) In addition to any educational credit a person earns under subsection (b), or good time credit a person earns under section 3 or 3.1 of this chapter, a person earns educational credit if the person:

- (1) is in credit Class I, Class A, or Class B;
- (2) has demonstrated a pattern consistent with rehabilitation; and
- (3) successfully completes requirements to obtain one (1) of the following:

(A) A general educational development (GED) diploma under IC 20-20-6 (before its repeal) or IC 22-4.1-18, if the person has not previously obtained a high school diploma.

(B) Except as provided in subsection (o), a high school diploma, if the person has not previously obtained a general educational development (GED) diploma.

(C) An associate degree from an approved postsecondary educational institution (as defined under IC 21-7-13-6(a)) earned during the person's incarceration.

(D) A bachelor degree from an approved postsecondary educational institution (as defined under IC 21-7-13-6(a)) earned during the person's incarceration.

(b) In addition to any educational credit that a person earns under subsection (a), or good time credit a person earns under section 3 or 3.1 of this chapter, a person may earn educational credit if, while confined by the department of correction, the person:

- (1) is in credit Class I, Class A, or Class B;
- (2) demonstrates a pattern consistent with rehabilitation; and
- (3) successfully completes requirements to obtain for at least one (1) of the following:

(A) **To obtain** a certificate of completion of a career and technical or vocational education program approved by the department of correction.

(B) **To obtain** a certificate of completion of a substance abuse program approved by the department of correction.

(C) **To obtain** a certificate of completion of a literacy and basic life skills program approved by the department of correction.

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(D) **To obtain** a certificate of completion of a reformatory program approved by the department of correction.

(E) **An individualized case management plan approved by the department of correction.**

(c) The department of correction shall establish admissions criteria and other requirements for programs available for earning educational credit under subsection (b). A person may not earn educational credit under ~~both subsections (a) and (b)~~ **this section** for the same program of study. The department of correction, in consultation with the department of workforce development, shall approve a program only if the program is likely to lead to an employable occupation.

(d) The amount of educational credit a person may earn under this section is the following:

(1) Six (6) months for completion of a state of Indiana general educational development (GED) diploma under IC 20-20-6 (before its repeal) or IC 22-4.1-18.

(2) One (1) year for graduation from high school.

(3) Not more than one (1) year for completion of an associate degree.

(4) Not more than two (2) years for completion of a bachelor degree.

(5) Not more than a total of one (1) year, as determined by the department of correction, for the completion of one (1) or more career and technical or vocational education programs approved by the department of correction.

(6) Not more than a total of six (6) months, as determined by the department of correction, for the completion of one (1) or more substance abuse programs approved by the department of correction.

(7) Not more than a total of six (6) months, as determined by the department of correction, for the completion of one (1) or more literacy and basic life skills programs approved by the department of correction.

(8) Not more than a total of six (6) months, as determined by the department of correction, for completion of one (1) or more reformatory programs approved by the department of correction. However, a person who is serving a sentence for an offense listed under IC 11-8-8-4.5 may not earn educational credit under this subdivision.

(9) **An amount determined by the department of correction under a policy adopted by the department of correction concerning the individualized case management plan, not to**



**exceed the maximum amount described in subsection (j).**

However, a person who does not have a substance abuse problem that qualifies the person to earn educational credit in a substance abuse program may earn not more than a total of twelve (12) months of educational credit, as determined by the department of correction, for the completion of one (1) or more career and technical or vocational education programs approved by the department of correction. If a person earns more than six (6) months of educational credit for the completion of one (1) or more career and technical or vocational education programs, the person is ineligible to earn educational credit for the completion of one (1) or more substance abuse programs.

(e) Educational credit earned under this section must be directly proportional to the time served and course work completed while incarcerated. The department of correction shall adopt rules under IC 4-22-2 necessary to implement this subsection.

(f) Educational credit earned by a person under this section is subtracted from the release date that would otherwise apply to the person by the sentencing court after subtracting all other credit time earned by the person.

(g) A person does not earn educational credit under subsection (a) unless the person completes at least a portion of the degree requirements after June 30, 1993.

(h) A person does not earn educational credit under subsection (b) unless the person completes at least a portion of the program requirements after June 30, 1999.

(i) Educational credit earned by a person under subsection (a) for a diploma or degree completed before July 1, 1999, shall be subtracted from:

- (1) the release date that would otherwise apply to the person after subtracting all other credit time earned by the person, if the person has not been convicted of an offense described in subdivision (2); or
- (2) the period of imprisonment imposed on the person by the sentencing court, if the person has been convicted of one (1) of the following crimes:
  - (A) Rape (IC 35-42-4-1).
  - (B) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
  - (C) Child molesting (IC 35-42-4-3).
  - (D) Child exploitation (IC 35-42-4-4(b) or IC 35-42-4-4(c)).
  - (E) Vicarious sexual gratification (IC 35-42-4-5).
  - (F) Child solicitation (IC 35-42-4-6).

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- (G) Child seduction (IC 35-42-4-7).
  - (H) Sexual misconduct with a minor (IC 35-42-4-9) as a:
    - (i) Class A felony, Class B felony, or Class C felony for a crime committed before July 1, 2014; or
    - (ii) Level 1, Level 2, or Level 4 felony, for a crime committed after June 30, 2014.
  - (I) Incest (IC 35-46-1-3).
  - (J) Sexual battery (IC 35-42-4-8).
  - (K) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age.
  - (L) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age.
  - (M) An attempt or a conspiracy to commit a crime listed in clauses (A) through (L).
- (j) The maximum amount of educational credit a person may earn under this section is the lesser of:
- (1) two (2) years; or
  - (2) one-third (1/3) of the person's total applicable credit time.
- (k) Educational credit earned under this section by an offender serving a sentence for stalking (IC 35-45-10-5), a felony against a person under IC 35-42, or for a crime listed in IC 11-8-8-5, shall be reduced to the extent that application of the educational credit would otherwise result in:
- (1) postconviction release (as defined in IC 35-40-4-6); or
  - (2) assignment of the person to a community transition program;
- in less than forty-five (45) days after the person earns the educational credit.
- (l) A person may earn educational credit for multiple degrees at the same education level under subsection (d) only in accordance with guidelines approved by the department of correction. The department of correction may approve guidelines for proper sequence of education degrees under subsection (d).
- (m) A person may not earn educational credit:
- (1) for a general educational development (GED) diploma if the person has previously earned a high school diploma; or
  - (2) for a high school diploma if the person has previously earned a general educational development (GED) diploma.
- (n) A person may not earn educational credit under this section if the person:
- (1) commits an offense listed in IC 11-8-8-4.5 while the person is required to register as a sex or violent offender under IC 11-8-8-7; and

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(2) is committed to the department of correction after being convicted of the offense listed in IC 11-8-8-4.5.

(o) For a person to earn educational credit under subsection (a)(3)(B) for successfully completing the requirements for a high school diploma through correspondence courses, each correspondence course must be approved by the department before the person begins the correspondence course. The department may approve a correspondence course only if the entity administering the course is recognized and accredited by the department of education in the state where the entity is located.

**(p) The department of correction shall, before May 1, 2023, submit a report to the legislative council, in an electronic format under IC 5-14-6, concerning the implementation of the individualized case management plan. The report must include the following:**

**(1) The ratio of case management staff to offenders participating in the individualized case management plan as of January 1, 2023.**

**(2) The average number of days awarded to offenders participating in the individualized case management plan from January 1, 2022, through December 31, 2022.**

**(3) The percentage of the prison population currently participating in an individualized case management plan as of January 1, 2023.**

**(4) Any other data points or information related to the status of the implementation of the individualized case management plan.**

**This subsection expires June 30, 2023.**



\_\_\_\_\_

Speaker of the House of Representatives

\_\_\_\_\_

President of the Senate

\_\_\_\_\_

President Pro Tempore

\_\_\_\_\_

Governor of the State of Indiana

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

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First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

## HOUSE ENROLLED ACT No. 1223

AN ACT to amend the Indiana Code concerning state offices and administration.

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

SECTION 1. IC 4-2-7-3, AS AMENDED BY P.L.72-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. The inspector general shall do the following:

- (1) Initiate, supervise, and coordinate investigations.
- (2) Recommend policies and carry out other activities designed to deter, detect, and eradicate fraud, waste, abuse, mismanagement, and misconduct in state government.
- (3) Receive complaints alleging the following:
  - (A) A violation of the code of ethics.
  - (B) Bribery (IC 35-44.1-1-2).
  - (C) Official misconduct (IC 35-44.1-1-1).
  - (D) Conflict of interest (IC 35-44.1-1-4).
  - (E) Profiteering from public service (IC 35-44.1-1-5).
  - (F) A violation of the executive branch lobbying rules.
  - (G) A violation of a statute or rule relating to the purchase of goods or services by a current or former employee, state officer, special state appointee, lobbyist, or person who has a business relationship with an agency.
- (4) If the inspector general has reasonable cause to believe that a crime has occurred or is occurring, report the suspected crime to:

HEA 1223 — Concur



SECTION 2. IC 4-2-7-9 IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. 9: (a) The inspector general shall adopt rules under IC 4-22-2 establishing a statewide code of judicial conduct for administrative law judges. The statewide code of judicial conduct for administrative law judges must apply to every person acting as an administrative law judge for a state agency:

(b) The inspector general:

(1) shall review 312 IAC 3-1-2.5 and 315 IAC 1-1-2 in adopting a statewide code of judicial conduct for administrative law judges; and

(2) may base the statewide code of judicial conduct for administrative law judges on 312 IAC 3-1-2.5 and 315 IAC 1-1-2.

(c) A state agency may adopt rules under IC 4-22-2 to establish a supplemental code of judicial conduct for a person acting as an administrative law judge for that agency; if the supplemental code is at least as restrictive as the statewide code of judicial conduct for administrative law judges.

(d) The inspector general may adopt emergency rules in the manner provided under IC 4-22-2-37.1 to implement a statewide code of judicial conduct for administrative law judges.

(e) The statewide code of judicial conduct for administrative law judges shall be enforced under IC 4-21.5. The inspector general is not responsible for enforcing the statewide code of judicial conduct for administrative law judges or for investigating a possible violation of the statewide code.

SECTION 3. IC 4-15-2.2-15, AS ADDED BY P.L.229-2011, SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. The director shall do the following:

(1) Direct and supervise all administrative and technical activities of the department.

(2) Survey the administrative organization and procedures, including personnel procedures, of all state agencies, and submit to the governor measures to do the following among state agencies:

(A) Secure greater efficiency and economy.

(B) Minimize the duplication of activities.

(C) Effect better organization and procedures.

(3) Develop personnel policies, methods, procedures, and standards for all state agencies.

(4) Establish and maintain a roster of all employees in the state civil service.

(5) Prepare, or cause to be prepared, a classification and pay plan

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Sec. 1. (a) Beginning July 1, 2020, this chapter applies when an agency is required to assign, appoint, or otherwise make use of an individual to act in the capacity of an administrative law judge to preside over administrative proceedings to review a disputed agency action for the agency.

(b) Except as provided in subsection (c) and section 2 of this chapter, this chapter applies to each state agency that has the authority to employ or engage one (1) or more administrative law judges to adjudicate contested cases.

(c) This chapter does not apply to an agency that uses a board or commission to act in the capacity of an administrative law judge to preside over administrative proceedings, and should not be construed as limiting an agency's ability to use its board or commission to act in the capacity of an administrative law judge to preside over administrative proceedings to review a disputed agency action for the agency.

Sec. 2. This chapter does not apply to:

- (1) the department of workforce development;
- (2) the unemployment insurance review board of the department of workforce development;
- (3) the worker's compensation board of Indiana;
- (4) the Indiana utility regulatory commission;
- (5) the department of state revenue;
- (6) the department of local government finance;
- (7) the Indiana board of tax review;
- (8) the natural resources commission;
- (9) the office of environmental adjudication;
- (10) the Indiana education employment relations board;
- (11) the state employees appeals commission; or
- (12) before July 1, 2022, any other agency or category of proceeding determined by the governor to be exempt from this chapter for good cause.

Sec. 3. As used in this chapter, "administrative law judge" means an individual who presides over an administrative proceeding that results in a finding of fact determining the legal rights, duties, or privileges of a party after an opportunity for an evidentiary hearing.

Sec. 4. As used in this chapter, "agency" means an authority, board, branch, bureau, commission, committee, council, department, division, office, service, or other instrumentality of the executive, including the administrative, department of state government. The term does not include any of the following:

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judges on the code of judicial conduct for administrative law judges, professionalism, administrative practices, and other subjects necessary to carry out the purposes of this chapter.

(8) Render advisory opinions to administrative law judges concerning the code of judicial conduct for administrative law judges. Information and advice contained in an advisory opinion are considered:

(A) specific to the person who requests the opinion and to the facts presented; and

(B) confidential records under IC 5-14-3-4(b)(6).

(9) Consult with agency heads on hiring and performance evaluations of administrative law judges for the agencies of the agency heads.

Sec. 11. The office may:

(1) enter into contracts or agreements; and

(2) adopt rules under IC 4-22-2;

necessary to carry out the purposes of this chapter.

Sec. 12. (a) Beginning July 1, 2020, and except as provided in sections 1 and 2 of this chapter, the office has jurisdiction over all administrative proceedings concerning agency administrative actions under:

(1) IC 4-21.5; or

(2) any other statute that requires or allows the office to take action.

(b) Notwithstanding anything in this chapter or any other statute to the contrary:

(1) the office shall not be considered the ultimate authority in any administrative proceeding; and

(2) a decision by the office in an administrative proceeding is not a final agency action;

unless expressly designated by the agency. This subsection may not be construed as preventing the rescission of an agency's delegation.

Sec. 13. (a) The director shall assign one (1) or more administrative law judges to:

(1) one (1) or more agencies to handle all administrative proceedings filed with that agency or agencies; or

(2) preside over any administrative proceeding filed within an agency.

(b) When assigning an administrative law judge to an agency or an administrative proceeding, the director shall consider an administrative law judge's experience, technical competence, and specialized knowledge.

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**the office of administrative law proceedings.**

SECTION 7. IC 4-21.5-3-7, AS AMENDED BY P.L.6-2012, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7. (a) To qualify for review of a personnel action to which IC 4-15-2.2 applies, a person must comply with IC 4-15-2.2-42. To qualify for review of any other order described in section 4, 5, or 6 of this chapter, a person must petition for review in a writing that does the following:

(1) States facts demonstrating that:

(A) the petitioner is a person to whom the order is specifically directed;

(B) the petitioner is aggrieved or adversely affected by the order; or

(C) the petitioner is entitled to review under any law.

(2) Includes, with respect to determinations of notice of program reimbursement and audit findings described in section 6(a)(3) and 6(a)(4) of this chapter, a statement of issues that includes:

(A) the specific findings, action, or determination of the office of Medicaid policy and planning or of a contractor of the office of Medicaid policy and planning from which the provider is appealing;

(B) the reason the provider believes that the finding, action, or determination of the office of Medicaid policy and planning or of a contractor of the office of Medicaid policy and planning was in error; and

(C) with respect to each finding, action, or determination of the office of Medicaid policy and planning or of a contractor of the office of Medicaid policy and planning, the statutes or rules that support the provider's contentions of error.

Not more than thirty (30) days after filing a petition for review under this section, and upon a finding of good cause by the administrative law judge, a person may amend the statement of issues contained in a petition for review to add one (1) or more additional issues.

(3) Is filed:

(A) with respect to an order described in section 4, 5, 6(a)(1), 6(a)(2), or 6(a)(5) of this chapter, with the ultimate authority for the agency issuing the order within fifteen (15) days after the person is given notice of the order or any longer period set by statute; or

(B) with respect to a determination described in section 6(a)(3) or 6(a)(4) of this chapter, with the office of Medicaid policy



- (1) the agency shall assign the matter to an administrative law judge or, **after June 30, 2020, if the proceeding is subject to the jurisdiction of the office of administrative law proceedings, request assignment of an administrative law judge by the office of administrative law proceedings; or**
- (2) certify the matter to another agency for the assignment of an administrative law judge (if a statute transfers responsibility for a hearing on the matter to another agency).

The agency granting the administrative review or the agency to which the matter is transferred may conduct informal proceedings to settle the matter to the extent allowed by law.

SECTION 8. IC 4-21.5-3-8.5, AS ADDED BY P.L.72-2014, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 8.5. (a) **After June 30, 2020, this section does not apply to an agency that is subject to the jurisdiction of the office of administrative law proceedings.**

(b) An agency may share an administrative law judge with another agency:

- (1) to avoid bias, prejudice, interest in the outcome, or another conflict of interest;
- (2) if a party requests a change of administrative law judge;
- (3) to ease scheduling difficulties; or
- (4) for another good cause.

An agency may adopt rules under IC 4-22-2 to implement this subsection.

(b) (c) To the extent practicable, an administrative law judge must have expertise in the area of law being adjudicated.

(c) (d) An agency shall post on the agency's Internet web site the:

- (1) name;
- (2) salary and other remuneration; and
- (3) relevant professional experience;

of every person who serves as an administrative law judge for the agency.

SECTION 9. IC 4-21.5-3-9, AS AMENDED BY P.L.72-2014, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 9. (a) Except to the extent that a statute other than this article limits an agency's discretion to select an administrative law judge, the ultimate authority for an agency may:

- (1) act as an administrative law judge;
- (2) designate one (1) or more members of the ultimate authority (if the ultimate authority is a panel of individuals) to act as an administrative law judge; or

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determination by the ultimate authority under this subsection is a final order subject to judicial review under IC 4-21.5-5.

(e) (f) If a substitute is required for an administrative law judge who is disqualified or becomes unavailable for any other reason, the substitute must be appointed in accordance with subsection (a).

(f) (g) Any action taken by a duly appointed substitute for a disqualified or unavailable administrative law judge is as effective as if taken by the latter.

(g) (h) If there is a reasonable likelihood that the ultimate authority will be called upon to:

- (1) review; or
- (2) issue a final order with respect to;

a matter pending before or adjudicated by an administrative law judge, the provisions of section 11 of this chapter that apply to an administrative law judge or to a person communicating with an administrative law judge apply to a member of the ultimate authority and to a person communicating with a member of the ultimate authority.

SECTION 10. IC 4-21.5-3-10, AS AMENDED BY P.L.32-2011, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 10. (a) ~~Any individual serving or designated to serve alone or with others as~~ An administrative law judge is subject to disqualification for:

- (1) bias, prejudice, or interest in the outcome of a proceeding;
- (2) failure to dispose of the subject of a proceeding in an orderly and reasonably prompt manner after a written request by a party;
- (3) unless waived or extended with the written consent of all parties or for good cause shown, failure to issue an order not later than ninety (90) days after the latest of:

(A) the filing of a motion to dismiss or a motion for summary judgment under section 23 of this chapter that is filed after June 30, 2011;

(B) the conclusion of a hearing that begins after June 30, 2011;

or

(C) the completion of any schedule set for briefing or for submittal of proposed findings of fact and conclusions of law for a disposition under clauses (A) or (B); or

- (4) any cause for which a judge of a court may be disqualified.

Before July 1, 2020, nothing in this subsection prohibits an individual who is an employee of an agency from serving as an administrative law judge.

(b) This subsection does not apply to a proceeding concerning a

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administrative law judge in the same proceeding, unless a party demonstrates grounds for disqualification under section 10 of this chapter. **This subsection does not apply after June 30, 2020, to an agency whose proceedings are subject to the jurisdiction of the office of administrative law proceedings.**

(d) An individual may serve as an administrative law judge or a person presiding under sections 28, 29, 30, and 31 of this chapter at successive stages of the same proceeding, unless a party demonstrates grounds for disqualification under section 10 of this chapter. **This subsection does not apply after June 30, 2020, to an agency whose proceedings are subject to the jurisdiction of the office of administrative law proceedings.**

(e) A violation of this section is subject to the sanctions under sections 36 and 37 of this chapter.

SECTION 12. IC 4-21.5-3.5-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]; Sec. 21. (a) If the parties do not reach an agreement on any matter as a result of mediation, the mediator shall report the lack of an agreement without comment or recommendation to the administrative law judge assigned to the proceeding. With the consent of the parties, the mediator's report may also identify any pending motions or outstanding legal issues, discovery process, or other action by any party that, if resolved or completed, would facilitate the possibility of a settlement.

(b) An agreement as a result of mediation must be in writing and signed by the parties. The agreement must be filed with the administrative law judge assigned to the proceeding. If the agreement is complete on all issues, it must be accompanied by a joint stipulation of disposition. Upon approval of a joint stipulation of disposition by the administrative law judge, it has the same force and effect as an agreed order approved by ~~an~~ the administrative law judge. ~~from the agency involved.~~

(c) An approved joint stipulation of disposition under this chapter is considered a contract between the parties.

SECTION 13. IC 4-33-3-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]; Sec. 23. (a) A commission member, ~~or before July 1, 2020, an administrative law judge appointed by the commission, or, after June 30, 2020, an administrative law judge (as defined in IC 4-21.5-1-2)~~ may do the following:

(1) Conduct a hearing authorized under this article.

(2) Recommend findings of fact and decisions to the commission.

(b) The commission member or administrative law judge conducting a hearing has all the powers and rights granted to the commission. A

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(8) Depositions.

(9) Notarizations.

(10) **Before July 1, 2020**, administrative law judges.

SECTION 17. IC 5-2-1-12.5, AS ADDED BY P.L.52-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 12.5. (a) The board may revoke a diploma, certificate, badge, or other document showing compliance and qualification issued by the board for any of the following reasons:

(1) The officer has been convicted of:

(A) a felony; or

(B) two (2) or more misdemeanors that would cause a reasonable person to believe that the officer is potentially dangerous or violent or has a propensity to violate the law.

(2) The officer has been found not guilty of a felony by reason of mental disease or defect.

(3) The officer's diploma, certificate, badge, or other document showing compliance and qualification was issued in error or was issued on the basis of information later determined to be false.

(b) A person who knows of cause for the revocation of an officer's diploma, certificate, badge, or other document showing compliance and qualification shall inform the officer's hiring or appointing authority or the board. A person who makes a good faith report of cause for revocation of an officer's diploma, certificate, badge, or other document showing compliance and qualification is immune from civil liability.

(c) If the chief executive officer receives a report of cause for revocation concerning an officer within the chief executive officer's agency, the chief executive officer shall:

(1) cause the internal affairs division (or a similar unit) of the agency to investigate the report without unnecessary delay; or

(2) request that the investigation be conducted by a law enforcement agency other than the law enforcement agency to which the subject of the investigation belongs.

(d) If a hiring or appointing authority receives a report of cause for revocation concerning the chief executive officer, the hiring or appointing authority shall cause an appropriate investigative agency to investigate without unnecessary delay.

(e) If the board receives a report or otherwise learns of cause for revocation concerning a law enforcement officer or chief executive officer, the board shall consider the report and direct the executive director to notify the subject officer's hiring or appointing authority about the report and request an investigation. The hiring or appointing authority shall cause an investigation to be conducted by an appropriate

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answer the question or produce the item. If the court determines that the witness, based upon the witness's privilege against self-incrimination, may properly refuse to answer or produce an item, the commissioner may make a written request that the court grant use immunity to the witness. Upon written request of the commissioner, the court shall grant use immunity to a witness. The court shall instruct the witness, by written order or in open court, that:

(1) any evidence the witness gives, or evidence derived from that evidence, may not be used in any criminal proceedings against that witness, unless the evidence is volunteered by the witness or is not responsive to a question; and

(2) the witness must answer the questions asked and produce the items requested. A grant of use immunity does not prohibit the use of evidence that the witness gives in a hearing, investigation, or inquiry from being used in a prosecution for perjury under IC 35-44.1-2-1. If a witness refuses to give the evidence after the witness has been granted use immunity, the court may find the witness in contempt.

(f) At the request of the securities regulator of another state or a foreign jurisdiction, the commissioner may provide assistance if the requesting regulator states that it is conducting an investigation to determine whether a person has violated, is violating, or is about to violate a law or rule of the other state or foreign jurisdiction relating to securities matters that the requesting regulator administers or enforces. The commissioner may provide the assistance by using the authority to investigate and the powers conferred by this section as the commissioner determines is necessary or appropriate. The assistance may be provided without regard to whether the conduct described in the request would also constitute a violation of this article or other law of this state if occurring in this state. In deciding whether to provide the assistance, the commissioner may consider whether the requesting regulator is permitted and has agreed to provide assistance reciprocally within its state or foreign jurisdiction to the commissioner on securities matters when requested; whether compliance with the request would violate or prejudice the public policy of this state; and the availability of resources and employees of the commissioner to carry out the request for assistance.

(g) In any prosecution, action, suit, or proceeding based upon or arising out of or under the provisions of this article, a certificate duly signed by the commissioner showing compliance or noncompliance with the provisions of this article, respecting the security in question or respecting compliance or noncompliance of this article, by any issuer,

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*Gov. C. DeWitt*

Speaker of the House of Representatives

*Stephen C. Cray*

President of the Senate

*Eric Holcomb*

President Pro Tempore

*Eric Holcomb*

Governor of the State of Indiana

Date: 6-24-19 Time: 2:17 PM

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Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

## HOUSE ENROLLED ACT No. 1225

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AN ACT to amend the Indiana Code concerning public safety and public safety officers.

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

SECTION 1. IC 9-19-13-4, AS AMENDED BY P.L.144-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. A bus used to transport school children must be equipped as follows:

- (1) At least two (2) signal lamps mounted as high and as widely spaced laterally as practicable, capable of displaying the front two (2) alternately flashing red lights located at the same level, and having sufficient intensity to be visible at five hundred (500) feet in normal sunlight.
- ~~(2) Black reflective tape mounted on:~~
  - ~~(A) each side of the school bus;~~
  - ~~(B) the front bumper; and~~
  - ~~(C) the rear bumper.~~
- ~~(3) (2) As required by the state school bus committee under IC 20-27-3-4.~~
- ~~(4) (3) As required by IC 20-27-9.~~

SECTION 2. IC 9-19-14-4, AS AMENDED BY P.L.188-2015, SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. (a) The use of signal equipment described in this chapter imposes upon a driver of another vehicle the duty to yield right-of-way and stop as prescribed in IC 9-21-8-35.

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(b) A driver who fails to yield right-of-way to and stop as prescribed in IC 9-21-8-35 for an emergency vehicle operating in an official capacity commits a Class C infraction. **However, the violation is a Level 6 felony if the person's failure to comply as described in this subsection results in serious bodily injury, catastrophic injury, or death to any person operating, occupying, or affiliated with an emergency vehicle operating in an official capacity.**

SECTION 3. IC 9-21-8-35, AS AMENDED BY P.L.256-2017, SECTION 160, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 35. (a) Upon the immediate approach of an authorized emergency vehicle, when the person who drives the authorized emergency vehicle is giving audible signal by siren or displaying alternately flashing red, red and white, or red and blue lights, a person who drives another vehicle shall do the following unless otherwise directed by a law enforcement officer:

- (1) Yield the right-of-way.
- (2) Immediately drive to a position parallel to and as close as possible to the right-hand edge or curb of the highway clear of any intersection.
- (3) Stop and remain in the position until the authorized emergency vehicle has passed.

(b) Upon approaching a stationary authorized emergency vehicle, when the authorized emergency vehicle is giving a signal by displaying alternately flashing red, red and white, or red and blue lights, a person who drives an approaching vehicle shall:

- (1) proceeding with due caution, yield the right-of-way by making a lane change into a lane not adjacent to that of the authorized emergency vehicle, if possible with due regard to safety and traffic conditions, if on a highway having at least four (4) lanes with not less than two (2) lanes proceeding in the same direction as the approaching vehicle; or
- (2) proceeding with due caution, reduce the speed of the vehicle to a speed at least ten (10) miles per hour less than the posted speed limit, maintaining a safe speed for road conditions, if changing lanes would be impossible or unsafe.

A person who violates this subsection commits a Class A infraction. **However, the violation is a Level 6 felony if the person's failure to comply with this subsection results in serious bodily injury, catastrophic injury, or death to any person operating, occupying, or affiliated with an authorized emergency vehicle described in this subsection.**

(c) Upon approaching a stationary recovery vehicle, a stationary

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utility service vehicle (as defined in IC 8-1-8.3-5), a stationary solid waste hauler, a stationary road, street, or highway maintenance vehicle, or a stationary survey or construction vehicle, when the vehicle is giving a signal by displaying alternately flashing amber lights, a person who drives an approaching vehicle shall:

- (1) proceeding with due caution, yield the right-of-way by making a lane change into a lane not adjacent to that of the recovery vehicle, utility service vehicle, solid waste hauler, or road, street, or highway maintenance vehicle, if possible with due regard to safety and traffic conditions, if on a highway having at least four (4) lanes with not less than two (2) lanes proceeding in the same direction as the approaching vehicle; or
- (2) proceeding with due caution, reduce the speed of the vehicle to a speed at least ten (10) miles per hour less than the posted speed limit, maintaining a safe speed for road conditions, if changing lanes would be impossible or unsafe.

A person who violates this section commits a Class B infraction.

(d) This section does not operate to relieve the person who drives an authorized emergency vehicle, a recovery vehicle, a utility service vehicle, solid waste hauler, a road, street, or highway maintenance vehicle, or a stationary survey or construction vehicle from the duty to operate the vehicle with due regard for the safety of all persons using the highway.

SECTION 4. IC 35-44.1-3-1, AS AMENDED BY P.L.184-2019, SECTION 12, AND AS AMENDED BY P.L.201-2019, SECTION 3, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) A person who knowingly or intentionally:

- (1) forcibly resists, obstructs, or interferes with a law enforcement officer or a person assisting the officer while the officer is lawfully engaged in the execution of the officer's duties;
- (2) forcibly resists, obstructs, or interferes with the authorized service or execution of a civil or criminal process or order of a court; or
- (3) flees from a law enforcement officer after the officer has, by visible or audible means, including operation of the law enforcement officer's siren or emergency lights, identified himself or herself and ordered the person to stop;

commits resisting law enforcement, a Class A misdemeanor, except as provided in ~~subsection (b)~~. *subsection (c) or (d)*.

*(b) A person who, having been denied entry by a law enforcement officer, knowingly or intentionally enters an area that is marked off*

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with barrier tape or other physical barriers, commits interfering with law enforcement, a Class B misdemeanor, except as provided in subsection (c) or ~~(k)~~. **(k)**.

~~(b)~~ (c) The offense under subsection (a) or (b) is a:

(1) Level 6 felony if:

(A) ~~the offense is described in subsection (a)(3) and~~ the person uses a vehicle to commit the offense; or

(B) while committing ~~any the~~ offense, ~~described in subsection (a)~~, the person draws or uses a deadly weapon, inflicts bodily injury on or otherwise causes bodily injury to another person, or operates a vehicle in a manner that creates a substantial risk of bodily injury to another person;

(2) Level 5 felony if, while committing ~~any the~~ offense, ~~described in subsection (a)~~, the person operates a vehicle in a manner that causes serious bodily injury to another person;

(3) Level 3 felony if, while committing ~~any the~~ offense, ~~described in subsection (a)~~, the person operates a vehicle in a manner that causes the death or catastrophic injury of another person; and

(4) Level 2 felony if, while committing any offense described in subsection (a), the person operates a vehicle in a manner that causes the death or catastrophic injury of a law enforcement officer while the law enforcement officer is engaged in the officer's official duties.

**(d) The offense under subsection (a) is a Level 6 felony if, while committing an offense under:**

**(1) subsection (a)(1) or (a)(2), the person:**

**(A) creates a substantial risk of bodily injury to the person or another person; and**

**(B) has two (2) or more prior unrelated convictions under subsection (a); or**

**(2) subsection (a)(3), the person has two (2) or more prior unrelated convictions under subsection (a).**

~~(c)~~ ~~(d)~~ **(e)** If a person uses a vehicle to commit a felony offense under subsection ~~(b)(1)(B)~~, ~~(b)(2)~~, ~~(b)(3)~~, or ~~(b)(4)~~ ~~(c)(1)(B)~~, ~~(c)(2)~~, ~~(c)(3)~~, or ~~(c)(4)~~, as part of the criminal penalty imposed for the offense, the court shall impose a minimum executed sentence of at least:

(1) thirty (30) days, if the person does not have a prior unrelated conviction under this section;

(2) one hundred eighty (180) days, if the person has one (1) prior unrelated conviction under this section; or

(3) one (1) year, if the person has two (2) or more prior unrelated convictions under this section.



~~(d)~~ ~~(e)~~ **(f)** Notwithstanding IC 35-50-2-2.2 and IC 35-50-3-1, the mandatory minimum sentence imposed under subsection ~~(e)~~ ~~(d)~~ **(e)** may not be suspended.

~~(e)~~ ~~(f)~~ **(g)** If a person is convicted of an offense involving the use of a motor vehicle under:

(1) ~~subsection (b)(1)(A)~~, ~~subsection (c)(1)(A)~~, if the person exceeded the speed limit by at least twenty (20) miles per hour while committing the offense;

(2) ~~subsection (b)(2)~~; ~~subsection (c)(2)~~; or

(3) ~~subsection (b)(3)~~; ~~subsection (c)(3)~~;

the court may notify the bureau of motor vehicles to suspend or revoke the person's driver's license and all certificates of registration and license plates issued or registered in the person's name in accordance with IC 9-30-4-6.1(b)(3) for the period described in IC 9-30-4-6.1(d)(1) or IC 9-30-4-6.1(d)(2). The court shall inform the bureau whether the person has been sentenced to a term of incarceration. At the time of conviction, the court may obtain the person's current driver's license and return the license to the bureau of motor vehicles.

~~(f)~~ ~~(g)~~ **(h)** A person may not be charged or convicted of a crime under subsection (a)(3) if the law enforcement officer is a school resource officer acting in the officer's capacity as a school resource officer.

~~(g)~~ **(i)** *A person who commits an offense described in subsection ~~(b)~~ ~~(c)~~ commits a separate offense for each person whose bodily injury, serious bodily injury, catastrophic injury, or death is caused by a violation of subsection ~~(b)~~ ~~(c)~~.*

~~(h)~~ **(j)** *A court may order terms of imprisonment imposed on a person convicted of more than one (1) offense described in subsection ~~(b)~~ ~~(c)~~ to run consecutively. Consecutive terms of imprisonment imposed under this subsection are not subject to the sentencing restrictions set forth in IC 35-50-1-2(c) through IC 35-50-1-2(d).*

~~(h)~~ **(k)** *As used in this subsection, "family member" means a child, grandchild, parent, grandparent, or spouse of the person. It is a defense to a prosecution under subsection (b) that the person reasonably believed that the person's family member:*

(1) *was in the marked off area; and*

(2) *had suffered bodily injury or was at risk of suffering bodily injury;*

*if the person is not charged as a defendant in connection with the offense, if applicable, that caused the area to be secured by barrier tape or other physical barriers.*

SECTION 5. IC 35-52-9-11.3 IS ADDED TO THE INDIANA

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CODE AS A NEW SECTION TO READ AS FOLLOWS  
[EFFECTIVE JULY 1, 2020]: **Sec. 11.3. IC 9-19-14-4 defines a crime concerning traffic regulation.**

SECTION 6. IC 35-52-9-14.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS  
[EFFECTIVE JULY 1, 2020]: **Sec. 14.6. IC 9-21-8-35 defines a crime concerning traffic regulation.**



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Speaker of the House of Representatives

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President of the Senate

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President Pro Tempore

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Governor of the State of Indiana

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

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# Jail Overcrowding Task Force Presentation on Court Information and Data

Office of Judicial Administration

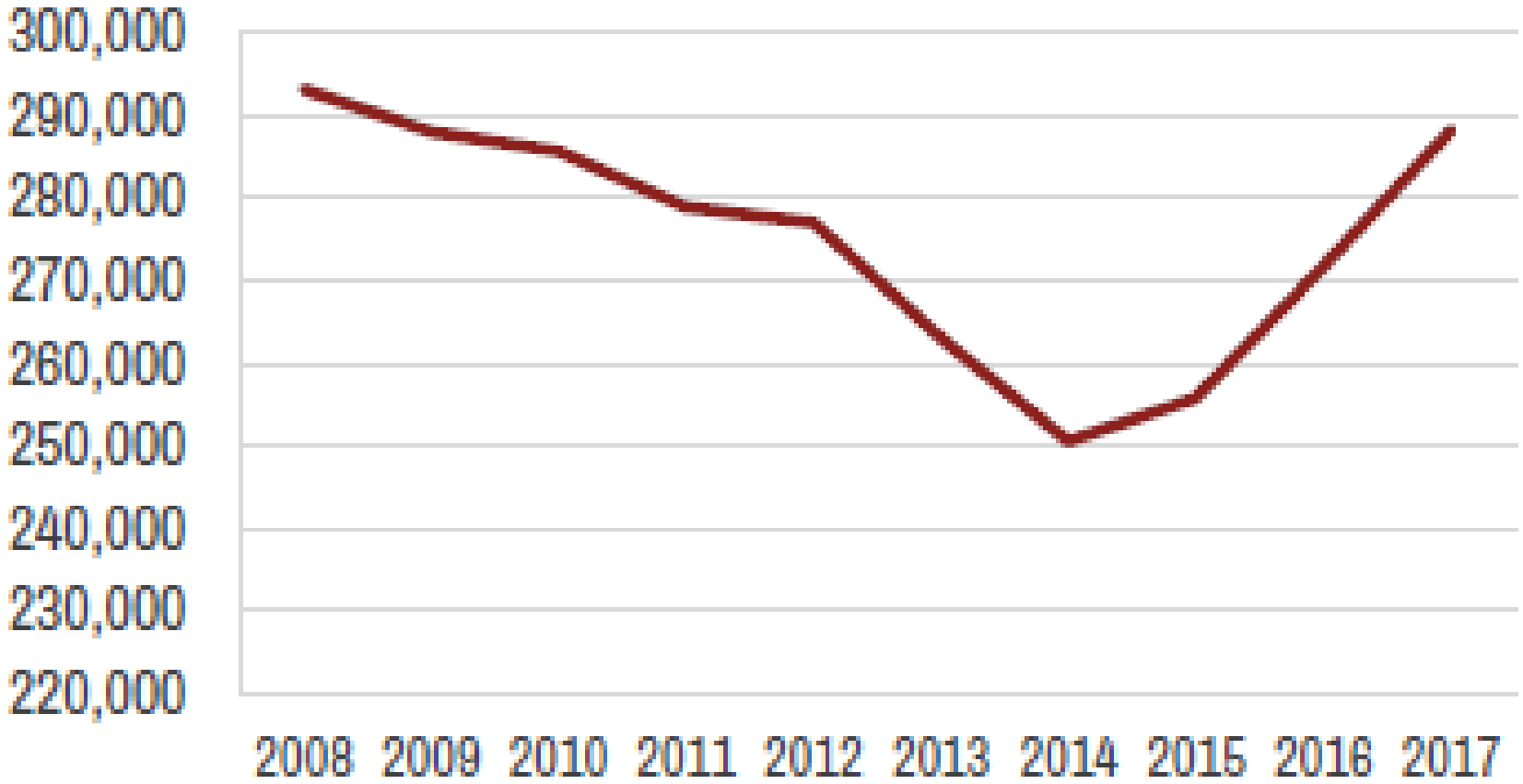
September 2019

# Case Filing Data

# Trend in Criminal Case Filings – 2017

## Judicial Services

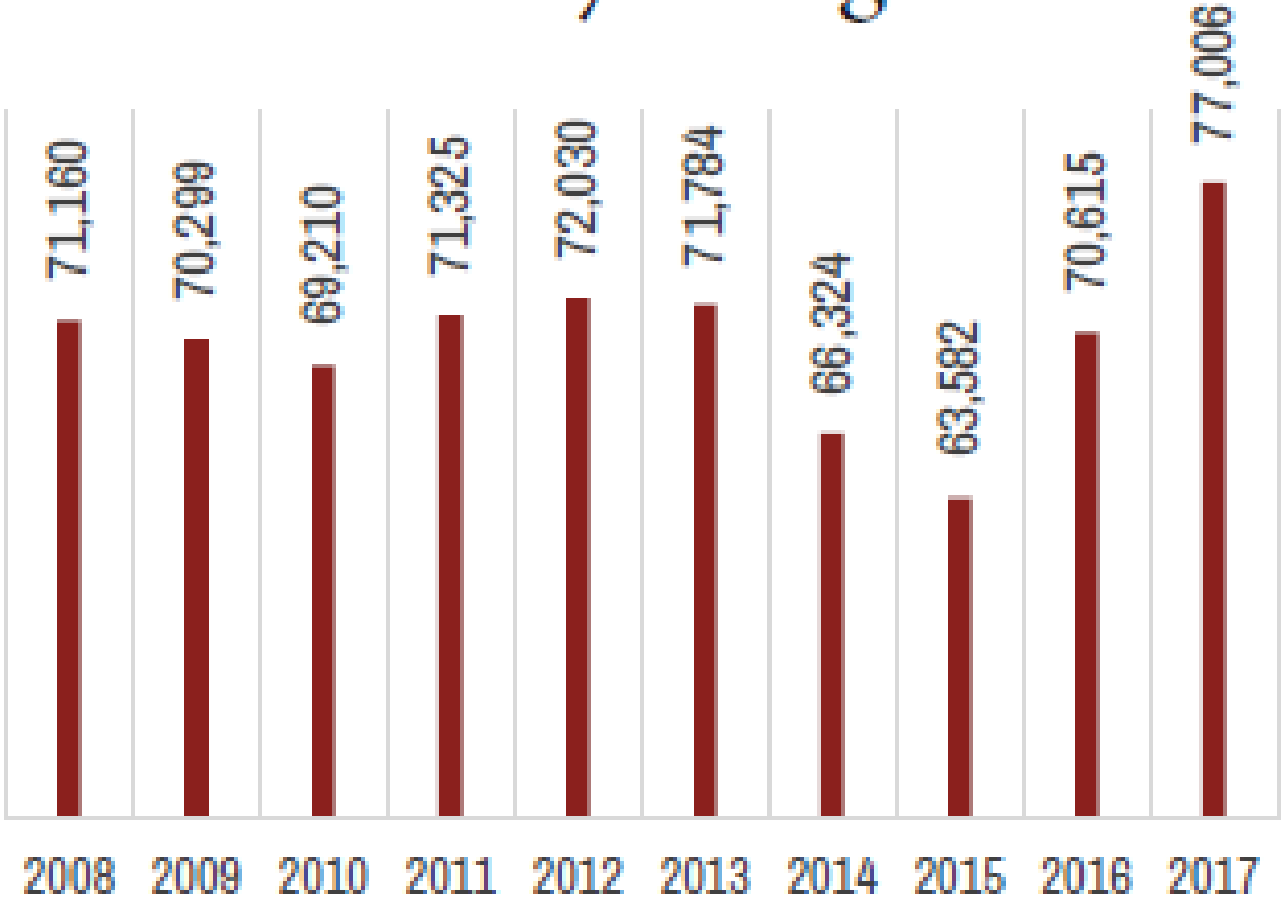
### Criminal Filings



# Trend in Criminal Case Filings – 2017

## Judicial Services

### Felony Filings

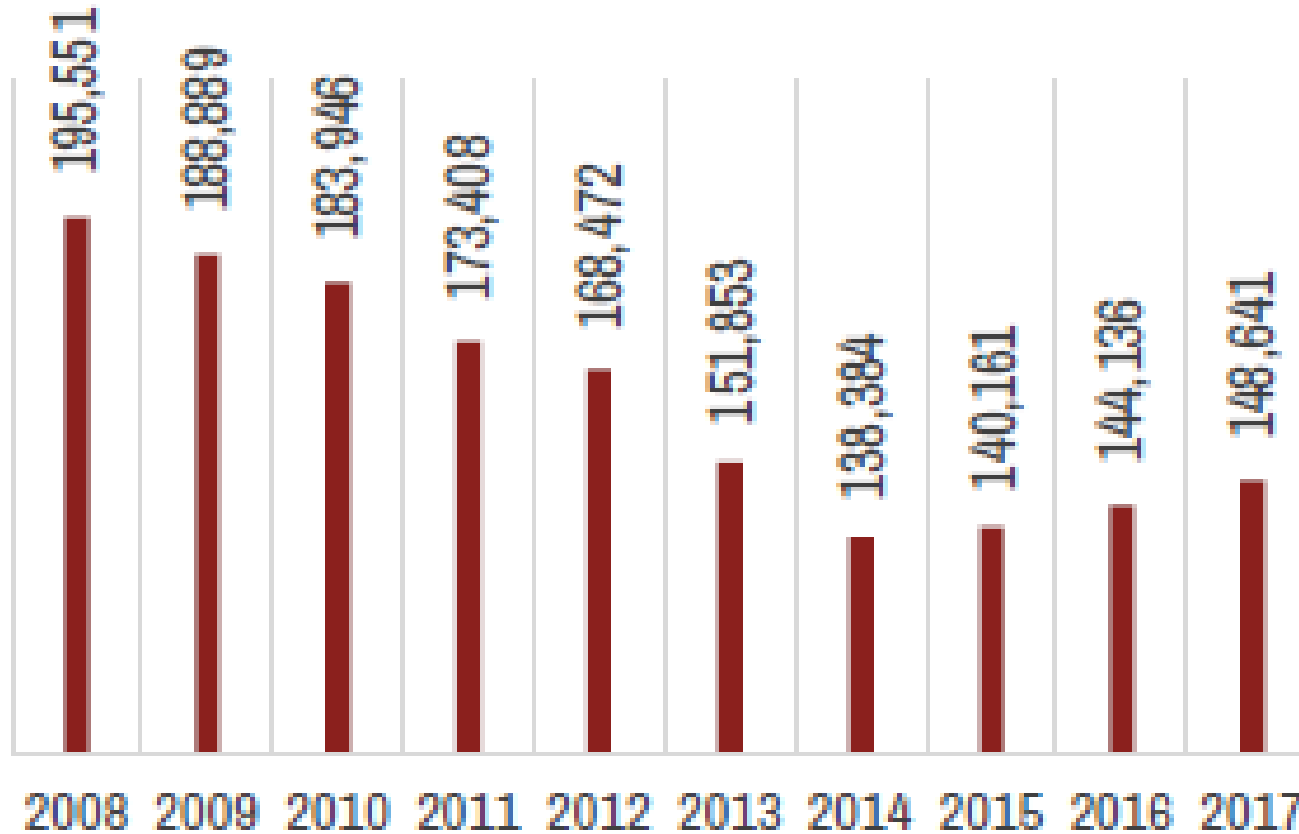




# Trend in Criminal Case Filings – 2017

## Judicial Services

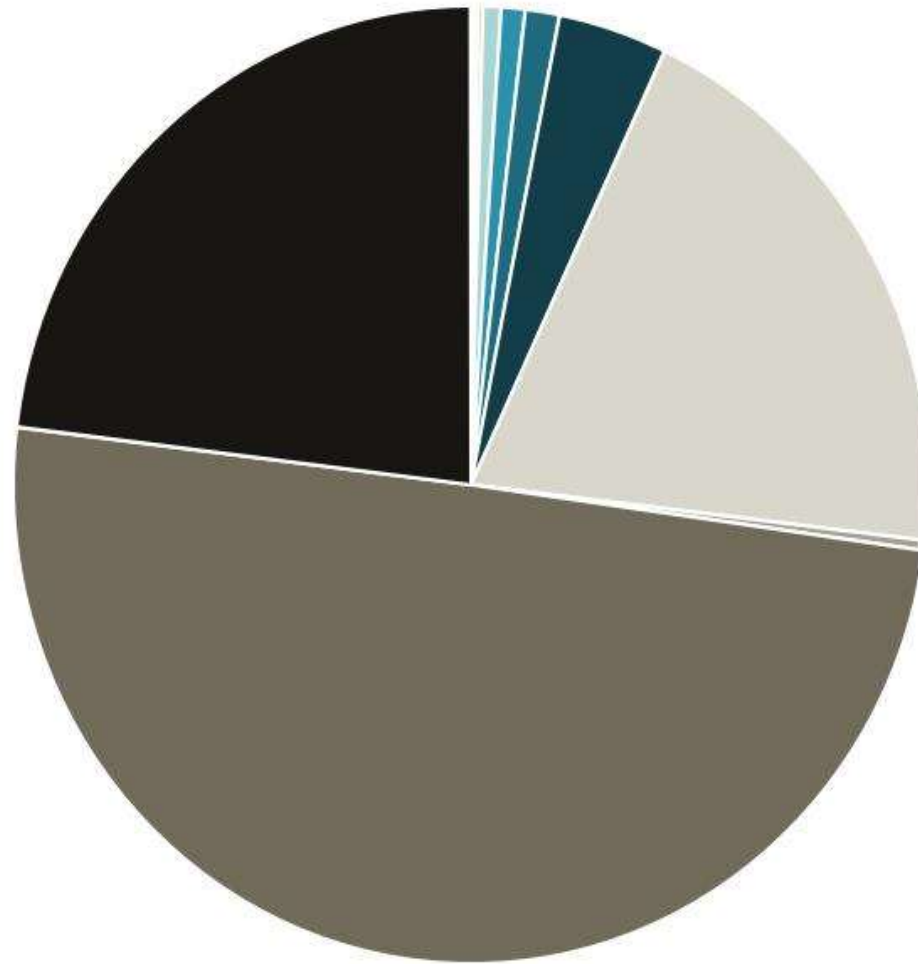
### Misdemeanor Filings



## New Criminal Cases Filed

Overview  
of Case  
filings

2018  
Trial  
Court  
Statistics

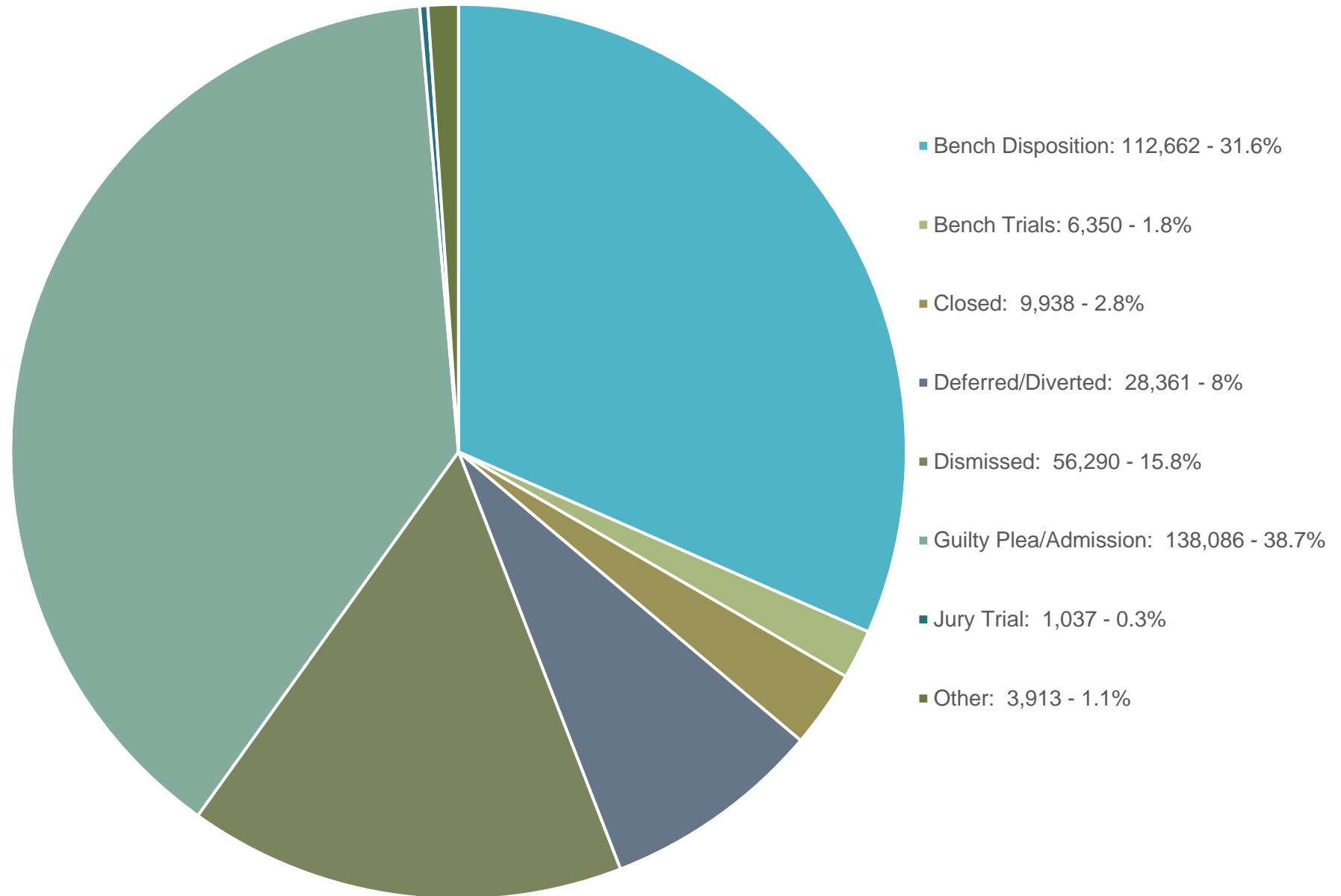


# Case Disposition Data

# Overview of Case Dispositions

## 2018 Trial Court Statistics

Methods of Disposition (Criminal Cases)



# Overview of Sentencing Abstract Data

## Data source:

Abstracts of Judgment – completed for all felony sentencings in Indiana  
Required by statute and Criminal Rule 15.2

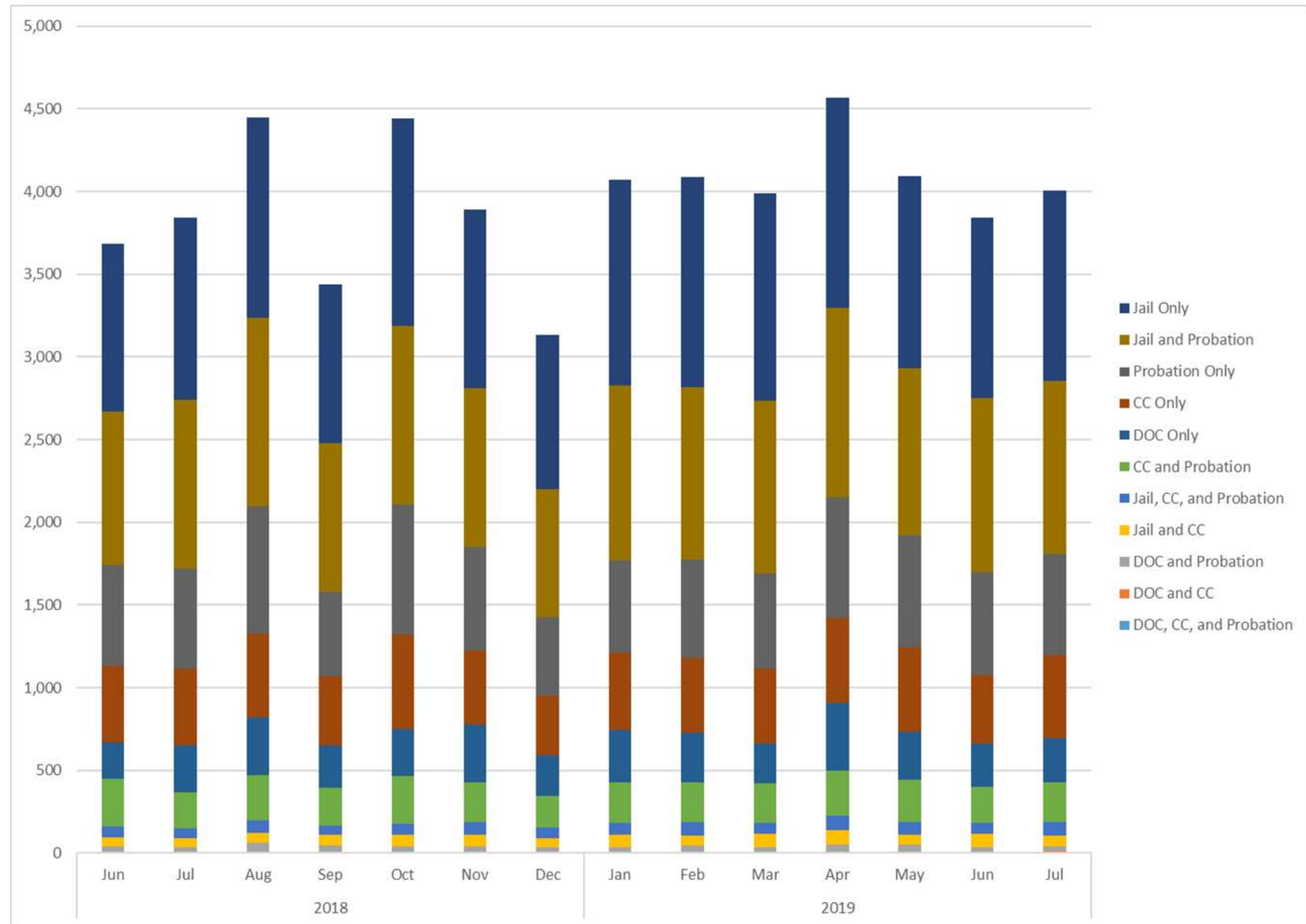
## Date range for this presentation:

6/1/2018 - 7/31/2019

Limitation - Pretrial credit or sentencing information for other cases  
(misdemeanors, contempt, etc.) are not available in an aggregate report

# F6 Abstracts

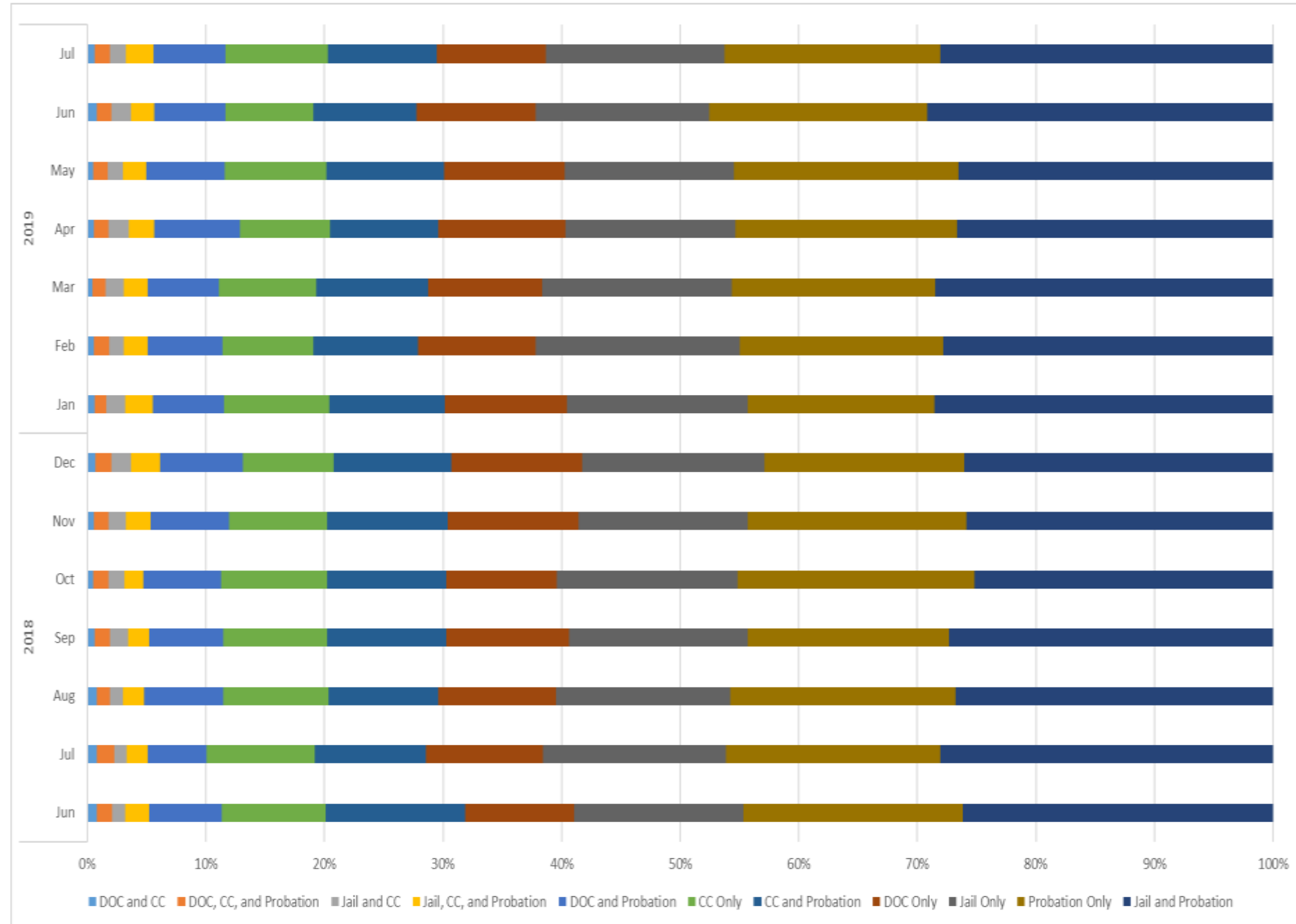
# Total Placements



# F6 Abstracts Total Placements

Count of Abstracts												
	DOC, CC, and Probation	DOC and CC	DOC and Probation	Jail and CC	Jail, CC, and Probation	CC and Probation	DOC Only	CC Only	Probation Only	Jail and Probation	Jail Only	Grand Total
<b>2018</b>	<b>10</b>	<b>29</b>	<b>261</b>	<b>438</b>	<b>457</b>	<b>1,736</b>	<b>1,979</b>	<b>3,227</b>	<b>4,383</b>	<b>6,802</b>	<b>7,558</b>	<b>26,880</b>
Jun	1	4	33	55	70	284	222	460	613	927	1,016	3,685
Jul		1	34	57	55	222	281	465	606	1,018	1,105	3,844
Aug	2	5	53	65	72	277	344	507	770	1,140	1,210	4,445
Sep	4	3	41	63	55	231	255	421	507	899	958	3,437
Oct	1	4	37	72	61	292	285	569	788	1,077	1,258	4,444
Nov	2	7	34	71	76	239	347	448	625	962	1,079	3,890
Dec		5	29	55	68	191	245	357	474	779	932	3,135
<b>2019</b>	<b>17</b>	<b>22</b>	<b>252</b>	<b>513</b>	<b>533</b>	<b>1,709</b>	<b>2,090</b>	<b>3,311</b>	<b>4,366</b>	<b>7,402</b>	<b>8,439</b>	<b>28,654</b>
Jan	2	4	29	75	71	249	315	468	557	1,058	1,242	4,070
Feb	5	1	40	58	82	241	303	451	596	1,040	1,270	4,087
Mar			34	81	69	238	239	453	578	1,042	1,253	3,987
Apr	2	4	43	91	87	271	410	514	728	1,146	1,272	4,568
May	1	3	49	60	76	253	292	510	678	1,011	1,161	4,094
Jun	2	3	30	82	67	215	262	417	619	1,054	1,093	3,844
Jul	5	7	27	66	81	242	269	498	610	1,051	1,148	4,004
<b>Grand Total</b>	<b>27</b>	<b>51</b>	<b>513</b>	<b>951</b>	<b>990</b>	<b>3,445</b>	<b>4,069</b>	<b>6,538</b>	<b>8,749</b>	<b>14,204</b>	<b>15,997</b>	<b>55,534</b>

# Original Abstracts Percentage of Placements





# Original Abstracts Percentage of Placements

Count of Abstracts											
	DOC and CC	DOC, CC, and Probation	Jail and CC	Jail, CC, and Probation	DOC and Probation	CC Only	CC and Probation	DOC Only	Jail Only	Probation Only	Jail and Probation
<b>2018</b>	<b>0.67%</b>	<b>1.29%</b>	<b>1.31%</b>	<b>1.88%</b>	<b>6.34%</b>	<b>8.66%</b>	<b>10.06%</b>	<b>10.05%</b>	<b>14.91%</b>	<b>18.37%</b>	<b>26.45%</b>
Jun	0.80%	1.28%	1.09%	2.02%	6.15%	8.78%	11.76%	9.18%	14.31%	18.49%	26.15%
Jul	0.79%	1.50%	1.03%	1.76%	5.00%	9.11%	9.34%	9.87%	15.45%	18.11%	28.03%
Aug	0.82%	1.08%	1.10%	1.77%	6.71%	8.85%	9.27%	9.91%	14.73%	18.97%	26.78%
Sep	0.62%	1.30%	1.50%	1.77%	6.28%	8.78%	10.05%	10.37%	15.06%	16.97%	27.31%
Oct	0.49%	1.27%	1.40%	1.54%	6.59%	8.92%	10.06%	9.30%	15.29%	19.94%	25.19%
Nov	0.53%	1.27%	1.47%	2.06%	6.62%	8.30%	10.15%	11.04%	14.24%	18.48%	25.84%
Dec	0.66%	1.38%	1.67%	2.42%	7.01%	7.64%	9.94%	11.01%	15.38%	16.86%	26.01%
<b>2019</b>	<b>0.58%</b>	<b>1.20%</b>	<b>1.47%</b>	<b>2.11%</b>	<b>6.34%</b>	<b>8.14%</b>	<b>9.28%</b>	<b>10.02%</b>	<b>15.24%</b>	<b>17.78%</b>	<b>27.85%</b>
Jan	0.61%	1.01%	1.55%	2.36%	5.98%	8.89%	9.73%	10.31%	15.25%	15.76%	28.55%
Feb	0.54%	1.31%	1.20%	2.07%	6.29%	7.68%	8.78%	9.93%	17.22%	17.14%	27.84%
Mar	0.44%	1.11%	1.52%	2.01%	5.99%	8.21%	9.45%	9.58%	16.02%	17.18%	28.47%
Apr	0.56%	1.21%	1.70%	2.15%	7.23%	7.61%	9.13%	10.76%	14.34%	18.68%	26.63%
May	0.47%	1.25%	1.30%	1.95%	6.61%	8.58%	9.91%	10.21%	14.28%	18.94%	26.50%
Jun	0.79%	1.25%	1.66%	1.91%	6.03%	7.42%	8.72%	10.06%	14.59%	18.43%	29.14%
Jul	0.64%	1.26%	1.37%	2.29%	6.08%	8.63%	9.22%	9.14%	15.10%	18.19%	28.08%
<b>Grand Total</b>	<b>0.62%</b>	<b>1.24%</b>	<b>1.39%</b>	<b>2.00%</b>	<b>6.34%</b>	<b>8.40%</b>	<b>9.67%</b>	<b>10.04%</b>	<b>15.08%</b>	<b>18.07%</b>	<b>27.15%</b>

Credit time

# Overview of Credit Time

Indiana Code § 35-50-6 provides the statutory framework for credit time.

Here is a summary of how this works:

Start with total sentence length

*subtract Accrued time (actual days served)*

*subtract Good time credit for days served (if DOC, Jail, Pretrial HD) – based on credit class*

Balance = remainder of executed sentence + suspended sentence

Post sentence credit – start with remainder of total sentence

*subtract any Educational Credit time (DOC/jail program credit awarded)*

*subtract any Home Detention Accrued time (actual days) and Good time credit*

Balance = maximum time remaining on sentence

# Credit time tools

## CREDIT TIME CALCULATOR



### Credit Time Calculator

Offenses committed after June 30, 2014 fall under the new credit time levels as outlined by IC 35-50-6-3.1. The Credit Time Calculator can be used to determine earned credit time based on the highest degree of offense or whether the defendant is a credit restricted felon, in conjunction with either a date range of confinement or a number of actual days served.

According to IC 35-50-6-3.1 and IC 35-50-6-4:

**Credit Class A:** A person (1) who is not a credit restricted felon, and (2) who is imprisoned for a Level 6 felony or a misdemeanor or imprisoned awaiting trial or sentencing for a Level 6 felony or misdemeanor. **Serve 1 actual day; earn 1 credit day.**

**Credit Class B:** A person (1) who is not a credit restricted felon, and (2) who is imprisoned for a crime other than a Level 6 felony or misdemeanor (i.e. Murder, Levels 1-5) or imprisoned awaiting trial or sentencing for a crime other than a Level 6 felony or misdemeanor (i.e. Murder, Levels 1-5). **Serve 3 actual days; earn 1 credit day.**

**Credit Class C:** A person (1) who is a credit restricted felon (see IC 35-31-5-2-72); and (2) who is imprisoned for a crime or imprisoned awaiting trial or sentencing. **Serve 6 actual days; earn 1 credit day.**

**Credit Class D:** Disciplinary level that may be imposed for violations of (1) a rule of the Department of Correction; (2) a rule of the penal facility in which the person is imprisoned; (3) a rule or condition of a community transition program. **Serve 1 actual day; earn 6 credit days.**

For offenses committed prior to July 1, 2014, the default calculation is based on Credit Class I where the defendant earns 1 day of credit time for each day the person is imprisoned for a crime or confined awaiting trial or sentencing.

**Credit Restricted Felon?**  Yes  No

**Highest Degree:**

By Served Dates  From  To

By Actual Days Served

**Earned Credit Days:**

**Calculation Tips**

**Tip 1**  
Earned credit time should be calculated based on the most serious offense of which a person is convicted.

**Tip 2**  
Effective July 1, 2015, a person confined on home detention as a condition of probation receives credit as per IC 35-38-2.5-5(a) and (f). Additionally, a person confined on home detention in a community corrections program receives credit as per IC 35-38-2.8-6(b) and (c).

**Tip 3**  
You may enter either a date range of incarceration to determine the number of days confined or simply the number of actual days served. The calculator will then display the number of credit days earned based on either the highest degree chosen or the selection indicating that the defendant is a credit restricted felon.

## SENTENCING CALCULATOR



### Sentencing Tools

Use the [sentence calculator](#) to estimate the time an offender must serve by providing the sentence given and any time already served. Use the [simple date calculator](#) to count days between dates. [Get help](#) using these calculators and understanding credit classes.

[Sentence calculator](#) [Simple date calculator](#)

### Sentencing Information

Offender Name:  Case Number:

Start Date:  Days Ordered:  Credit Class:

### Previous Time Served

Start Date:  End Date:  Days:  Credit Class:

[+ Add](#)

### Sentencing Adjustments

**Credit Class A : 1 for 1**  
Serve 50% of the Sentence

Days Ordered to Serve:	0
Previous Time Credited:	0
Days Ordered (Adjusted):	0
<b>Total Days to Serve:</b>	<b>0</b>

Sentence End Date:

[Reset](#) [Print](#)

# Aggregate data:

## F1 – F5 abstracts

Jan 1, 2019 –  
July 31, 2019

7,976 F1 – F5 abstracts during this period

6,793 of those spent time incarcerated pretrial

- 1,163,576 days served pretrial
- 171 days average

1,726 of those had no executed sentence, but did have pretrial credit

- 163,465 days spent in jail pretrial by defendants who were not sentenced to a single day in DOC or jail

1,773 individuals had more pretrial credit than sentenced time

- 1,726 of these had no executed time, but averaged 94 days in pretrial custody
- 1,032 individuals with no executed time spent more than 30 days in pretrial custody

Aggregate data:

L6 abstracts

Jan 1, 2019 –  
July 31, 2019

Total abstracts  
in this period:  
28,777

26,346 L6 abstracts without a DOC sentence

16,887 of those had a jail sentence

- 1,990,335 days served in jail, both pretrial and post-sentence
- 1,167,512 days served pretrial
- 822,823 days served post-sentence

5,973 of those had no jail sentence, but did have pretrial credit

- 222,827 days spent in jail pretrial by defendant who were not sentenced to a single day in jail

7,688 individuals had more pretrial credit than sentenced time

- 6,069 of these had no executed time, but averaged 37 days in pretrial custody
- 2,068 individuals with no executed time spent more than 30 days in pretrial custody

Improved data  
collection and  
technology features

# Abstracts and Odyssey

Abstract data

Recent updates based on statutory changes

New Odyssey features:

More efficient tracking of Failure to Appear Warrants

Better track the appearance rates of defendants with TCT's Text Reminder program



Warrant # 02D05-1908-F6-000245 - 1

☆ DETAIL STATUS SERVICE NARRATIVE NOTES WITNESS DOCUMENTS

★ Defendant, Jane

White Female DOB: 07/31/1975 DL: IN-1320139777 SSN: 126-68-8878  
1260 S. Marilyn Street, Martinsville, IN 46151

**issued**

Clerk's Office

Warrant # 02D05-1908-F6-000245 - 1 Issued: 09/10/2019  
Type: Failure to Appear Warrant Served: Unserved  
Administrative Owner: 03/08/2020  
Issuing Judge: Failure to Appear Warrant 02D05-1908-F6-000245  
Affiant: Bench Warrant  
Felony Arrest Warrant  
Misdemeanor Arrest Warrant  
Rearrest Warrant (Misdemeanor Only)  
Writ of Attachment for the Body of a Person

Cross Reference Numbers

Conditions

Charges on this Warrant

Code	Off Date	Offense	Deg	Fine	Bond
02D05-1908-F6-000245					
123217F1	07/13/2019	1. 12-32-1-7/F6: Falsifying App. for Public Benefits by Ill: F6			

Current Balance on Case(s) \$0.00

Setting

Setting Type	Type	Exclusions	Amount	%	Total
Bond Set	Allen Cash Bond		500.00		500.00

Any  Specified

Save

Exit

Warrant Printed

FTA  
Warrant  
fields

# Text Reminder program

Odyssey courts can send text messages to remind defendants in criminal cases of upcoming hearings.

Text messages are sent automatically in any criminal case if there is a cell phone number for the defendant stored electronically by the court and if the county has opted into the text system.

If the county is also using the Supervised Release System (SRS), the process can pull a cell phone number for the defendant from SRS.

Reminders are sent 5 days and 1 day in advance of a hearing. If a text message has been sent but the hearing is cancelled or rescheduled, an updated message is sent. Recipients can opt out by texting STOP in reply.

Fifty-four counties and six city and town courts are currently using this feature.

There is no cost to the county to participate in the text notification system.

# Text reminder reports

Load Data from  
Odyssey Report

Clear Data  
Start Over

Appearance Rate

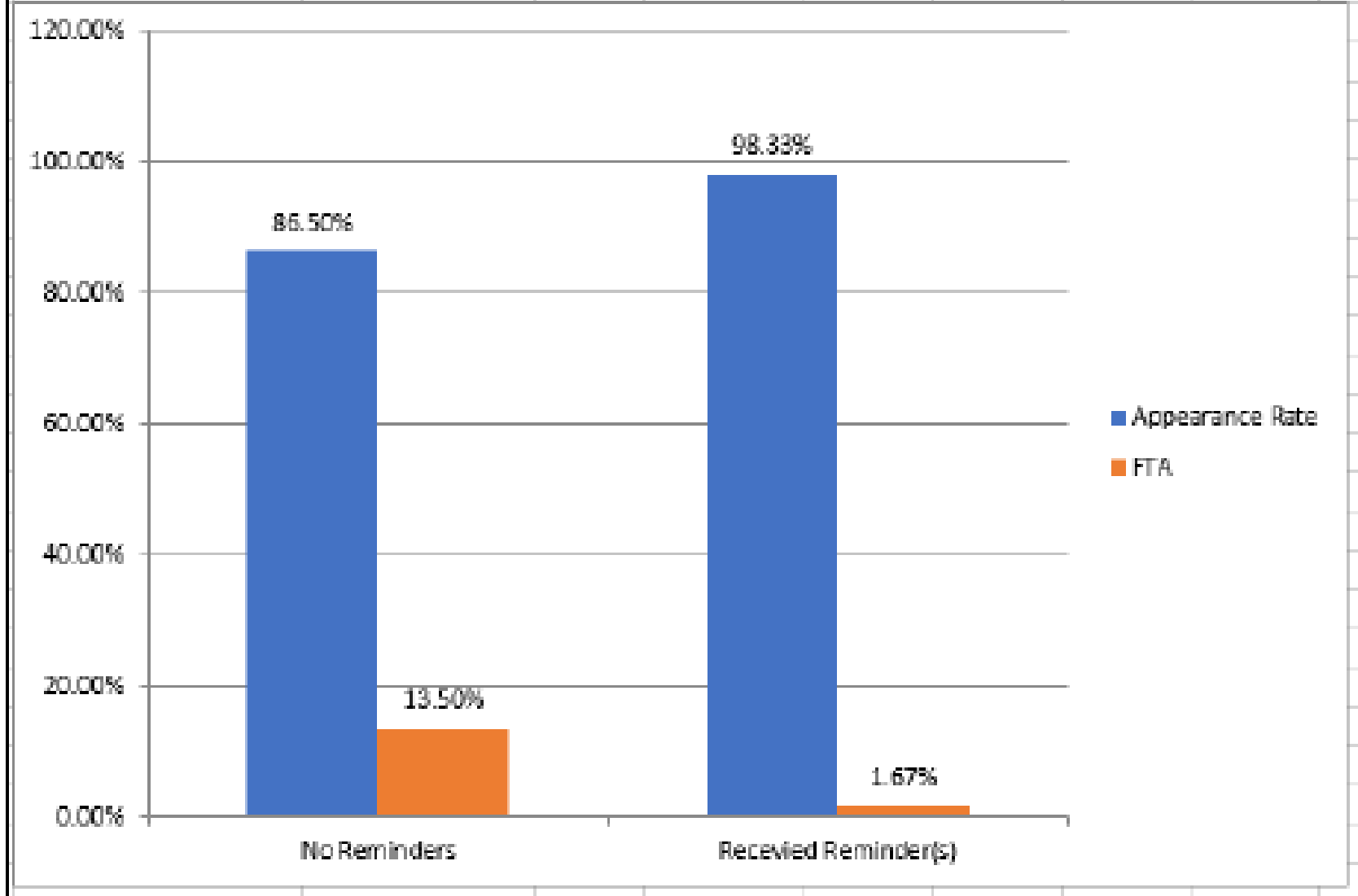
Text Reminder  
Appearance Rate

Text Reminder  
Delivery Rate

Appearance Rate  
by Court

# Text reminder reports

Appearance Rate	Appearance Rate	FTA
No Reminders	86.50%	13.50%
Received Reminder(s)	98.33%	1.67%



# Supervised Release System (SRS)

SRS was designed for community corrections agencies, probation, court alcohol & drug programs, problem-solving courts, and pretrial service entities.

Developed by Trial Court Technology

Web-based that connects to other key features (i.e. Risk Assessment, PSI, etc.) and interfaces with Odyssey court case manager

Collects the necessary data points for required state-level reports

Tracks supervision case activities and financial component

By end of 2020, all community corrections agencies will be using SRS

Probation and other community supervision agencies are also being added and those on Odyssey Supervision will be converted to SRS

# Case study - Examples:

## Individual 1

In County A's jail on theft; Released on bond  
New arrest for drug possession – in County B's jail  
County A places hold on individual after revoking bond due to new arrest  
County C also places hold on individual for failure to appear in court on traffic offense

## Individual 2

In County A's jail on forgery, bond amount hasn't been paid, remains in jail

## Individual 3

In County A's jail on battery; \$500 bond amount hasn't been paid  
Also has hold from County B for community supervision violation  
Person is transported from County A to County B due to capacity issue at jail

## Individual 4

In County A's jail on felony failure to pay child support, bond not posted  
Warrant from another state served on individual while in jail

# Case study - Considerations:

Since data is captured differently for different reports, it is hard to compare reports

We always have a hierarchy of hold types that impact whether someone is eligible for release

Assessment of local jail population is critical to knowing who is in jail and what type of hold or holds are associated with the population numbers

Length of stay is important to determine population trends and characteristics

Viable solutions will involve multi-faceted approaches and are dependent heavily on having specific data elements and information available

# **Section Two**



**Pension and Labor Bills; Finance;  
Unemployment; Worker's Comp;  
Health Care Update; Marijuana Bills  
That Didn't Pass**

**Senator Karen R. Tallian**  
Attorney At Law  
Portage, Indiana

## Section Two

### **Pension and Labor Bills; Finance; Unemployment; Worker’s Comp; Health Care Update; Marijuana Bills That Didn’t Pass..... Senator Karen R. Tallian**

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**The following bills were passed from the Pensions & Labor Committees**

**PENSIONS AND LABOR**

**HEA 1015 (Pressel) Minimum Protections**

Rights of professional firefighters. Provides that a full-time, paid, non-probationary firefighter has certain minimum protections in addition to any protections provided by contract or other law with regard to the following: (1) The conduct of an interview of the firefighter by the fire department (department) regarding a complaint or internal investigation. (2) The giving of notice by the department to the firefighter of a personnel reassignment, personnel action, or disciplinary action. (3) The disclosure of the firefighter's personal financial information for purposes of a personnel assignment or action. (4) The firefighter's engagement in or refusal to engage in political activity. (Currently these statutes apply only to police officers and police departments.) Repeals a provision that makes the provisions applicable only to police officers.

Note: Most of these rights are already included in the statute establishing fire department Merit Commissions. This bill now puts into statute those rights even for Departments that do not have a Merit Commission.

**HEA 1043 (Davisson) Contributions for Volunteer Firemen**

Firefighters and police officers. Provides that a political subdivision served by a volunteer fire department may make contributions to the public employees' defined contribution plan for the members of the volunteer fire department in an amount determined by the governing body of the political subdivision. Provides that a unit's obligation to provide insurance coverage for a volunteer firefighter or member of an emergency medical services personnel supersedes the obligation of another medical insurance carrier. Increases the maximum age for police officers to begin membership in the 1977 police officers' and firefighters' pension and disability fund from 35 to 39 years of age.

Note: Sorts out that insurance provided by local unit for volunteers is primary. Also note the change in age from 35 to 39

**HEA 1063 (Goodrich) Increased Benefits for Line of Duty Death**

Public safety officer death benefits. Increases, from \$150,000 to \$225,000, the special death benefit for certain public safety officers, certain motor carrier inspectors, certain special police employees, members of the 1925 police pension fund, the 1937 firefighters' pension fund, the 1953 police pension fund, and the 1977 police officers' and firefighters' pension and disability fund who die in the line of duty after June 30, 2020. Provides that the board shall determine contributions and contribution rates for individual employers or for a group of employers necessary to adequately maintain the special death benefit fund. Provides that, for certain police officers, firefighters, and emergency medical services providers, the cost of the coverage is in addition to the contribution determined by the board.

**HEA 1111 (Leonard) Employer Rates for UI insurance.**

Unemployment. Provides a new schedule of rates for calendar years after December 31, 2020. Specifies that Schedule C applies for calendar years 2021 through 2025. Provides new contribution rates for calendar years after 2020.

***SPECIAL COVID-19 UPDATES:***

Since the passage of this legislation, significant multiple changes have been made to the Unemployment System. These are expected to be TEMPORARY.

- No 1-week waiting period to obtain benefits. Claimants begin benefits on the first week of lay-off.
- Additional weeks of benefits have been extended from maximum 26 to 39
- Additional payment of \$600/ week extending through end of July
- No requirement for ongoing work-search

In addition, Employer “experience ratings” will not be charged for lay-offs. Currently, it is expected that these will be “mutualized”. There may be additional money coming from the federal government.

The special Pandemic Unemployment Insurance for persons who are self-employed, or “gig economy” jobs is a separate program, fully funded by the federal program, and is not paid out of the IN UI fund. The additional \$600/ week is also not paid out of the IN UI fund.

During the year 2019, at a time of record high employment, DWD processed approximately 50,000 claims all year. During the months through April 30, over 500,000 claims have been processed.

**HEA 1112 (Leonard) Skills Enhancement Fund grants.**

Provides that an increase of wages with a participating employee or group of participating employees negotiated by agreement, regardless of timing, qualifies as an increase of wages for purposes of eligibility for a grant from the skills enhancement fund for a participating employee that is an existing worker.

**HEA 1143 (Morrison) No Mandatory Device Implants**

Prohibits an employer from requiring a candidate for employment or an employee to have a device implanted or otherwise incorporated into the candidate's or employee's body as a condition of employment, as a condition of employment in a particular position, or as a condition of receiving additional compensation or benefits.

**HEA 1148 (Ellington) CPA Exams**

Board of accountancy. Provides that a candidate for the certified public accountant examination (exam) may not apply for or take the exam prior to meeting certain education requirements.

Provides an exception to the application restriction if a candidate applies up to 60 days prior to the candidate's completion of the education requirements. Provides the Indiana board of accountancy (board) may cancel an exam score if a candidate fails to meet certain requirements. Provides that a candidate must attain a grade of at least 75 on the exam. Provides that a candidate may take the required exam sections individually and in any order and that credit for a passed section shall be valid for 18 months. Provides that a candidate must pass all exam sections within a rolling 18 month period and if a candidate does not do so, credit for any section passed outside of the rolling 18 month period expires and the exam section must be retaken. Provides that a candidate shall retain credit for exam sections passed as a candidate of another state if applicable. Provides that a candidate is considered to have passed the exam once the candidate simultaneously holds credit for each passed section. Provides that the board may extend a term of credit validity under certain circumstances. Provides that the board shall notify eligible candidates of the time, place, and procedures for the exam, or that a candidate shall independently contact the board, the board's designee, or a test center operator to schedule the time, place, and procedures for the exam at an approved site. Provides that these requirements expire on July 1, 2021. Requires the agency to adopt rules to implement the provisions in the bill. Voids certain sections of the Indiana Administrative Code.

#### **HEA 1151 (Mayfield) School Resource Officers**

Adds a school resource officer to the definition of "public safety officer" as it relates to the public employee benefits special death benefit fund (fund). Provides that a school resource officer qualifies for the fund if the school resource officer is not otherwise entitled to a line of duty benefit under the 1925 police pension fund, 1953 police pension fund (Indianapolis), or the 1977 police officers' and firefighters' pension and disability fund.

#### **HEA 1244 (Vermillion) Hearings on Unemployment Appeals**

Provides that, in unemployment appeals, the proceedings before an administrative law judge are de novo. Provides that an administrative law judge, review board member, or other individual who adjudicates claims can consider as evidence and include in the record those records of the department of workforce development (department) that are material to the issues being considered in the hearing if the records are made available to the interested parties prior to the hearing through (1) the United States mail or (2) the department's electronic portal. Removes the provision that provides that the department shall define the term "effort to secure full-time work". Provides that an individual has made an effort to secure full-time work with respect to any week in which the individual has completed certain activities directed by the department and affirmed that the individual has made an effort to secure full-time work. Requires the department, not later than December 31, 2021, to adopt rules to define (1) the acceptable types of work search activities, (2) the number of work search activities required to be completed in any week, (3) the requirements for producing documentation, and (4) the requirement to apply to, and accept if offered, suitable jobs referred by the department. Provides that 646 IAC 5-9-3 is void and directs the publisher of the Indiana Administrative Code and the Indiana Register to remove the section from the Indiana Administrative Code.

**HEA 1301: (Carbaugh) Provision of Safety Equipment not Determinative**

Provides that a motor carrier safety improvement that is deployed, implemented, used by, or required by a motor carrier shall not be considered when evaluating an individual's status as an employee, independent contractor, or jointly employed employee.

Note: Some companies provide safety equipment to independent contractor drivers. This is a good thing, and those companies should not be deterred from offering this equipment if it would mean that the independent driver would then be seen as an employee.

**SB 10 (Boots) Withdrawals from Retirement Accounts**

Pension matters. Provides that a member of the public employees' retirement fund (PERF), the Indiana state teachers' retirement fund (TRF), or the legislators' defined contribution plan who meets certain age and service requirements may withdraw all or part of the amount in the member's annuity savings account without consequence to the member's pension benefit under the fund and without separating from a covered position. Removes the requirement that a member of PERF, TRF, or the legislators' defined contribution plan wait 30 days after separating from a covered position to withdraw an amount from the member's annuity saving account. Provides that the board of trustees of the Indiana public retirement system may offer members an alternative option for the payment of the member's retirement benefits that does not include a minimum benefit option. (The introduced version of this bill was prepared by the interim study committee on pension management oversight.)

**SB 25 (Boots) Reviews for PTSD/ Mental Health Claims**

Establishes mental health disability review panels (review panel) for evaluation of members of the 1977 police officers' and firefighters' pension and disability fund (1977 fund) who have been determined to have an impairment for mental illness. Includes mental illness in the description of "occupational diseases" for purposes of determining whether a 1977 fund member has an impairment. Makes the final determination of an impairment for a mental illness provisional for two years: (1) beginning July 1, 2020, for a final determination made after December 31, 2012, and before July 1, 2020; or (2) from the date of the final determination, for a final determination made after June 30, 2020. Requires that, during that time, the 1977 fund member participate in a mental health treatment plan, at the employer's cost, and at the end of the two year period, requires the review panel to evaluate the 1977 fund member to determine if the 1977 fund member: (1) is medically able to return to duty; or (2) may continue for another two year provisional disability period. Requires that, at the end of the second provisional period, the review panel evaluate the 1977 fund member to determine if the 1977 fund member: (1) is medically able to return to duty; or (2) has a permanent impairment. Provides that the evaluations conducted by the mental health disability review panels are confidential. Provides that the board of trustees of the Indiana public retirement system may suspend a 1977 fund member's disability benefits if the member fails to comply with reasonable requests for information by the mental health disability review panel. (The introduced version of this bill was prepared by the interim study committee on pension management oversight.)

### **SB 180 (Walker) Notice Requirements**

Public employees deferred compensation plan. Amends the notice requirement in the statute concerning the public employees deferred compensation plan to provide that notice to an employee of the provisions of the statute: (1) is not required to be in writing; (2) is not required to be provided to the employee with the employee's first paycheck (assumed by the statute to be a paper paycheck); and (3) must include the contact information of the plan administrator, instead of the contact information of the auditor of state.

### **SB 181 (Sandlin, Boots, Freeman) Survivor Benefits**

Survivors' benefits. Provides that a participant in the state excise police, gaming agent, gaming control officer, and conservation enforcement officers' retirement plan (EG&C plan) who dies after January 31, 2018, is not required to have a minimum number of years of creditable service in the EG&C plan at the time of the participant's death in order for the participant's nominated survivor to be entitled to receive survivors' benefits. Provides that if a participant in the EG&C plan dies in the line of duty after January 31, 2018, the participant's nominated survivor is entitled to an annual survivors' allowance for life equal to 100% of the amount to which the participant would have been entitled had the participant retired with 25 years of service at 50 years of age. Provides that in the EG&C plan if: (1) an active participant regardless of the participant's years of creditable service and (2) an inactive participant with at least 15 years of creditable service dies other than in the line of duty after January 31, 2018, the participant's nominated survivor is entitled to an annual survivors' allowance for life equal to 50% of the amount to which the participant would have been entitled had the participant retired with 25 years of service at 50 years of age. Makes technical corrections. (The introduced version of this bill was prepared by the interim study committee on pension management oversight.)

### **SB 269 (Jon Ford, Boots, Grooms) Payments for Work Comp Benefits**

Provides that for worker's compensation and occupational diseases compensation, not later than 14 days from the date that the first installment of compensation is due, an employer or the employer's insurance carrier must file with the worker's compensation board (board) a report of payment of compensation. (Current law provides that not later than 15 days from the date that the first installment of compensation is due, an employer or the employer's insurance carrier must file with the worker's compensation board a compensation agreement.) Provides that for worker's compensation and occupational diseases compensation, the presentation to the employee or to the employee's dependents of certain payments from the employer or the employer's insurance carrier is sufficient tender of the worker's compensation or occupational diseases compensation. Provides that for worker's compensation and occupational diseases coverage, an employer must notify certain employees of the employer's intent to terminate the employee's temporary total disability benefits, and for all instances of termination of benefits, file an electronic notice with the board. (Current law provides that an employer must notify an employee of the employer's intent to terminate temporary total disability benefits in cases not included in statute.) Provides that for worker's compensation and occupational diseases compensation for injuries occurring on or after July 1, 1991, compensation amounts determined for visual impairments shall be: (1) based on the Functional Vision Score; and (2) except in cases of permanent and complete loss of vision by enucleation, be paid as a whole person rating. (Current law provides that for injuries occurring on or after July 1, 1991, compensation amounts determined for: (1) permanent reduction of the sight of an eye less than a total eye



loss shall be paid in an amount proportionate to the degree of a permanent reduction without correction or glasses; and (2) 100% loss of vision shall be paid for 50% of the total loss of vision without glasses, plus an additional amount equal to the proportionate amount of the reduction with glasses.) Removes from the compensation schedule for worker's compensation and occupational diseases compensation, for injuries occurring on or after July 1, 1991, that a reduction of vision to 1/10 of normal vision with glasses is 35 degrees of permanent impairment. Provides that the board may dispose of all papers for files when compensation has been awarded either by agreement or upon hearing two years after the termination of the compensation period for files related to worker's compensation and worker's occupational diseases compensation. (Current law provides for one year.) Provides that all records of insurance coverage related to worker's occupational diseases compensation shall be maintained for 35 years. (Current law provides the records be maintained for 45 years.)

**NOTE:** Most of the above are technical changes. The biggest question before the legislature was the proposal to raise the benefits to employees. There is no automatic cost of living adjustment for Work Comp benefits; increases must be approved by the legislature. The last increase ran out several years ago, and efforts to push an increase have stalled for three consecutive years.

#### **SB 406 (Garten, Boots, Houchin) DROP Program changes**

Survivor benefits. Provides that if a public safety officer enters a deferred retirement option plan (DROP) for the public safety officer's respective pension plan and the public safety officer dies before the public safety officer's DROP exit date, the benefit options for the public safety officer's survivors are made similar, as applicable, to the DROP disability benefit options in: (1) the DROP applicable to the state excise police, gaming agent, gaming control officer, and conservation enforcement officers' retirement plan; and (2) the DROP applicable to the 1925 police pension fund, the 1937 firefighters' pension fund, the 1953 police pension fund (Indianapolis), and the 1977 police officers' and firefighters' pension and disability fund.

#### **SB 409 (Messmer, Doriot) Employment of Minors**

Re-codification: Moves provisions on employment of students from Title 20 (Education) to Title 22 (Labor and Safety).

Hours : Provides that a minor who is at least 14 years of age and less than 16 years of age: (1) may not work before 7 a.m. or after 7 p.m.; and (2) may work until 9 p.m. from June 1 through Labor Day except on a day that precedes a school day when the minor may only work until 7 p.m. (Current law provides that a child who is at least 14 years of age and less than 16 years of age may not work before 7 a.m. or after 7 p.m. on a day that precedes a school day or after 10 p.m. on a day that does not precede a school day.)

Provides that a minor who is at least 16 years of age and less than 18 years of age: (1) may not work for more than nine hours in any one day, 40 hours in a school week, 48 hours in a non-school week, and six days in any one week; (2) may not begin a work day before 6 a.m.; (3) may work in certain occupations until 10 p.m. on nights that are followed by a school day; and (4) may work until 11 p.m. on a night followed by a school day with written permission from the minor's parent. (Current law: (1) provides that a child who is at least 16 years of age and less than 17 years of age: (A) may not work for more than eight hours in any one day, 30 hours in

any one week, and six days in any one week; (B) may not begin a work day before 6 a.m.; and (C) may work until 11 p.m. on a night followed by a school day with written permission from the child's parent; (2) provides that a child who is at least 17 years of age and less than 18 years of age: (A) may not work for more than eight hours in any one day, 30 hours in any one week, and six days in any one week; (B) may not begin a work day before 6 a.m. on a school day; and (C) may work until 11:30 p.m. on nights that are followed by a school day and 1 a.m. on a following day with written permission from the child's parent; and (3) allows a child who is at least 16 years of age and less than 18 years of age to be employed for up to 40 hours during a school week, not exceeding nine hours in any one day, and a total of 48 hours in any one non-school week with written permission from the child's parent.) Provides that an employer may notify the issuing officer if the minor's employment terminates. (Current law provides that an employer must notify the issuing officer.)

Deleted provisions: (1) requiring rest breaks for a child who is less than 18 years of age; (2) prohibiting employment of a child who is less than 18 years of age from 7:30 a.m. to 3:30 p.m. unless the child presents a written exception from the child's school; (3) prohibiting a child who is less than 18 years of age from working after 10 p.m. or before 6 a.m. in an establishment that is open to the public unless another employee at least 18 years of age works in the establishment during the same hours as the child, so long as the establishment is open to the public before 6 a.m. or after 10 p.m.; (4) requiring a child less than 18 years of age who is not a resident of Indiana, a minor who is a resident but attends a non-public school that employs less than one employee, or a minor who is a resident but is enrolled in a career and technical education program as approved by the Indiana state board of education to obtain an employment certificate; (5) allowing the state board of education the ability to revoke a employment certificate; and (6) providing that the state board of education adopt rules and approve forms related to employment certificates.

Recodification Issues: Provides that the transfer in the bill of provisions related to employment certificates and employment of minors from Title 20 (Education) to Title 22 (Labor and Safety) expires June 30, 2021. Provides that after June 30, 2021, certain provisions that were transferred to Title 22 are transferred and relocated to a new chapter within Title 22, including provisions related to: (1) the maximum number of hours a minor may be employed or permitted to work each day of the week and the hours beginning and ending each day; (2) civil penalties; and (3) age restrictions. Renames the bureau of child labor to the "bureau of youth employment". Replaces the term "child labor" throughout the Indiana Code. Provides that a principal of a school may send notice to the bureau of youth employment and the bureau of motor vehicles to revoke the student's employment certificate and driver's license or learner's permit. (Current law provides that the principal must send notice.) Provides that the Indiana department of labor may establish recommendations for rest breaks. Requires certain employers to register with the Indiana department of labor. Provides that the labor education and youth employment fund shall be used for the expenses of hiring and salaries of additional inspectors to enforce the new chapter, including developing and maintaining the data base, and any remaining funds may be used for the purposes of education and awarding grants to provide educational programs. Requires the Indiana department of labor to prepare a report outlining a plan to develop and maintain a data base displaying certain employers that employ minors by August 1, 2020, and develop the data base by July 1, 2021. Removes provisions that allow an employer to pay an employee who has not attained the age of 20 years, during the first 90 consecutive calendar days after the employee is initially employed by the employer, a wage which is not less than the amount payable under the federal Fair Labor Standards Act of 1938. Provides that a minor less than 16 years of age may not be employed or permitted to work during school hours. Provides that a minor may not work in an establishment that is open to the

public after 10 p.m. or before 6 a.m. unless another employer who is at least 18 years of age also works with the minor so long as the establishment is open to the public before 6 a.m. or after 10 p.m. Makes conforming changes.

## **STATE FINANCE ISSUES FOR 2020**

### **Ups and Downs**

The current state biennial budget was enacted at the end of the 2019 session and was supposed to take us through to the end of the 2021 session.

But, during the close out of the fiscal year ending June 30, 2019, we discovered a welcome surprise: Indiana had nearly \$267 Million in unexpected revenue.

Over the summer, there was discussion as to how that money might be spent.

One of the first bills to pass the general assembly in the 2020 session was a bill “re-opening the budget”. It changed certain University projects: Budgeted approved projects that had been set to be funded by bonds would now be funded by cash.

No sooner than the ink had dried on the paper, the nation was met by COVID-19. The cash funding proposal was on hold.

### **Revenue Impact**

**Gaming Revenue:** Since the close of the casinos, gaming revenue is significantly down.

**Sales Tax:** Has taken a significant hit, due in large part to the drop in gasoline tax receipts. This is due not only to the low price of gasoline, but also due to the diminished use of vehicles during the COVID shut down.

Income Tax: The 2019 tax payments that would normally come in April have had deadline extensions. The revenue receipts have been reported as down nearly \$670 Million. Generally, this should be seen as a DELAY and not a Loss. However, this is expected to have a more serious effect on next year's revenues, and those numbers may have to be significantly revised.

#### EFFECTS on LOCAL GOVERNMENT UNITS:

Local Property Tax Delays: The Governor's extension of property tax payment deadlines has been a matter of some consternation. The local units will have a significant delay in receipts, which may affect their ability to pay debts that would normally be due in June.

There is discussion about bridge loans from IFA.

#### Gas Tax Distributions:

Locals depend on gas tax distributions for local road projects. Changes and restrictions made in the past couple of years requiring large portions of this money to be used on "new" projects now seriously constrain locals. The receipts are significantly down, and their ability to do maintenance is now unexpectedly hampered.

#### Federal Impact

Because states are all suffering revenue loss or delay as a result of COVID-19, the Federal CARES money is going to be of significant impact to us. The question is whether the COVID losses will be set off by federal relief.

The federal relief comes to the states in a variety of different Buckets.

The Senate Democrats fiscal team has put together a spread sheet, attached, showing Indiana's shares from the various Buckets. Some of these dollars will come directly; some must be applied for.

And it all comes with complicated bureaucratic restrictions.

At this time, we do not yet know the parameters of all these programs, all designed to pump massive dollars into an economy that is in an induced coma.

My advice is that local units, and the various associations that represent different aspects ... need to pool their resources and quickly begin some Extensive Research on each of these Buckets.

There is a lot of money out there. We just need to figure out how to access and use it.

# Section Three

# **Education Bills; COVID-19 Update; Telemedicine**

**Representative Edward O. DeLaney**  
Of Counsel, DeLaney & DeLaney LLC  
Indianapolis, Indiana



## Section Three

### Education Bills; COVID-19 Update; Telemedicine.....Representative Edward O. DeLaney

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**2020 Education Bills**

Bill Number	Bill Summary	Author	Sponsor	Short Discription	House Roll Call
HB 1002	Teacher evaluations. Removes the requirement that a school corporation's annual performance evaluation plan must be based, in part, on objective measures of student achievement. Authorizes the state board of education to adopt emergency rules. Makes conforming amendments. Makes technical corrections.	Rep. Anthony Cook	Sen. Jeff Raatz, Sen. Brian Buchanan	Teacher evaluations	100-0
HB 1003	Education matters. Provides that the state board of education (state board) shall determine the timing, frequency, and method of certain teacher training requirements, including whether the training should be required for purposes of obtaining or renewing a license or as part of the completion requirements for a teacher preparation program. Provides that the following apply to nonpublic schools accredited by a national or regional accrediting agency recognized by the state board: (1) Indiana secured school fund provisions. (2) Certain sale of school building provisions. (3) Certain textbook assistance provisions. Changes a provision concerning waivers from postsecondary readiness competency requirements that references "nonaccredited nonpublic school" to "nonaccredited nonpublic school that has less than one employee". Provides that the state board and the governing body of a school corporation or nonpublic school may not enter into, renew, or otherwise extend a contract to establish a freeway school after June 30, 2020. Provides that provisions relating to the establishment and administration of freeway schools expire July 1, 2025. Establishes new requirements to accredit a public or private school in Indiana. Provides that the state board may grant an application by a school or group of schools that requests to waive compliance with certain statutes or rules. Requires the state board to annually prepare a report that includes certain information regarding compliance waiver requests and provide the report to the general assembly. Provides that a school corporation may publish in a local newspaper a summary of the annual performance report with a description of how to find and view the full annual performance report on the Internet in lieu of publishing the whole annual performance report. Provides that a school corporation may publish in a local newspaper a summary of the annual financial report with a description of how to find and view the full annual financial report on the Internet in lieu of publishing the whole annual financial report. Repeals a provision that requires the state board to implement a system of recognizing certain education programs of nonpublic schools. Repeals: (1) a provision relating to performance based school accreditation; (2) a provision pertaining to school improvement plans; and (3) a provision pertaining to the recognition of educational programs of nonpublic schools. Makes conforming amendments and technical corrections	Rep. Jack Jordan	Sen. Jeff Raatz, Sen. Brian Buchanan	Education matters	95-0
HB 1066	Various education matters. Provides that a school corporation shall accept a transferring student who does not have legal settlement in the school corporation if the school corporation has the capacity to accept the student and the student's parent is a current employee of the transferee school corporation with an annual salary of at least: (1) \$8,000; or (2) \$3,000 earned due to being included as an employee in the extracurricular portion of the transferee school corporation's current collective bargaining agreement. Provides that for purposes of accepting the transfer of a student who is a child of a school employee when the school corporation has a policy of not accepting transfer students, the school corporation may not enroll and may not report for purposes of state tuition support a student whose parent does not meet certain requirements. Provides that a school corporation, charter school, or nonpublic school with at least one employee may provide a presentation or instruction to students explaining aspects of autism, including behaviors that students with autism may exhibit as well as student interaction with students with autism. Provides that each public school and private school with at least one employee shall provide, upon request of another school in which the student currently attends, the requesting school a copy of a particular student's disciplinary records that are relevant to the safety of students who currently attend the requesting school. Provides that a school corporation may use a special purpose bus or certain other appropriate vehicles to transport students to and from a career or technical education program	Rep. Jeffrey Thompson	Sen. Jeff Raatz, Sen. Brian Buchanan, Sen. Jean Leising	Various education matters	93-0

<p><b>HB 1082</b></p>	<p>Various higher education matters. Makes changes to the: (1) definition of "eligible secondary school student"; and (2) requirements regarding agreements between the commission for higher education (commission) and eligible employers; for purposes of the employment aid readiness network (EARN) Indiana program. Makes changes to the name of the "return and complete" project. Makes changes to the definitions regarding the project, including repealing definitions regarding the return and complete project. Requires the commission to: (1) collect and maintain certain information regarding the project; and (2) submit a report to the general assembly and governor regarding the information. Provides that money in the graduate medical education fund does not revert to any other fund. (Current law provides that money in the graduate medical education fund does not revert to the state general fund.) Repeals provisions that do the following: (1) Require state educational institutions to report annually to the commission regarding return and complete students. (2) Expire the return and complete project provisions</p>	<p>Rep. Robert Heaton</p>	<p>Sen. Jon Ford, Sen. Ronald Grooms</p>	<p>Various higher education matters</p>	<p>91-0</p>
<p><b>HB 1091</b></p>	<p>Education benefits relating to military service. Provides that a student meets the residency requirements for enrollment at a public school if a parent of the student: (1) is transferred to or is pending transfer to a military installation within Indiana while on active duty pursuant to an official military order; and (2) submits to the public school certain information, including official documentation, as determined by the state board of education, regarding the transfer or pending transfer. Provides that the student is considered to have legal settlement in the attendance area of the school corporation in which the parent: (1) has submitted the required application and documentation; and (2) intends to reside. Requires a parent who is transferred to or is pending transfer to a military installation within Indiana to provide proof of residence to the public school not later than 10 instructional days after the arrival date provided on the required documentation. Provides that if the parent of the student fails to provide the proof of residence, the public school may exclude the student from attendance pending an expulsion proceeding. Makes the following changes to provisions concerning resident tuition rate eligibility for active duty armed forces personnel and dependents of active duty armed forces personnel: (1) Defines "dependent". (2) Amends the definition of "qualified course". (3) Provides that spouses of active duty armed forces personnel are eligible for the resident tuition rate. (4) Provides that spouses and dependents of active duty armed forces personnel are eligible, from the date that the state educational institution accepts the spouse or dependent for enrollment, for the resident tuition rate if the spouse or dependent enrolls in the state educational institution within a certain amount of time. (5) Provides that a dependent or spouse of a person who serves on active duty in the armed forces is eligible for the resident tuition rate for the duration of the spouse's or dependent's continuous enrollment at a state educational institution regardless of whether the person serving on active duty continues, after the spouse or dependent is accepted for enrollment in the state educational institution, to satisfy certain resident rate tuition eligibility criteria</p>	<p>Rep. Anthony Cook</p>	<p>Sen. Dennis Kruse, Sen. Jeff Raatz, Sen. John Crane</p>	<p>Education benefits relating to military service.</p>	<p>91-0</p>
<p><b>HB 1153</b></p>	<p>Governor's workforce cabinet. Provides that the governor's workforce cabinet (cabinet) shall, on or before December 1, 2020, create a comprehensive strategic plan to ensure alignment of Indiana's primary, secondary, and postsecondary education systems with Indiana's workforce training programs and employer needs. Requires the cabinet to include early childhood education in the cabinet's: (1) systematic and comprehensive review to determine whether Indiana's educational system is aligned with employer needs; and (2) comprehensive strategic plan to ensure alignment of Indiana's educational system with employer needs.</p>	<p>Rep. Chuck Goodrich</p>	<p>Sen. Jeff Raatz, Sen. Dennis Kruse, Sen. Eric Koch</p>	<p>Governor's workforce cabinet.</p>	<p>93-1</p>
<p><b>HB 1283</b></p>	<p>Teacher preparation program curriculum. Requires a teacher preparation program to include content within the curriculum that: (1) prepares teacher candidates to use evidenced based trauma informed classroom instruction and recognition of social, emotional, and behavioral reactions to trauma that may interfere with a student's academic functioning; and (2) provides information on certain applicable Indiana laws. Requires a teacher preparation program to consider using certain curricula pertaining to student trauma.</p>	<p>Rep. Dale DeVon</p>	<p>Sen. Linda Rogers, Sen. Jeff Raatz</p>	<p>Teacher preparation program curriculum.</p>	<p>98-0</p>

<p><b>HB 1305</b></p>	<p>Graduation rate calculation. Provides that a student who withdraws from school after completing grade 10 may not be included in a school's graduation rate if the student's parent submits to the school the following statements while the student is enrolled in grade 8: (1) A statement from the parent affirming that the parent has a sincerely held religious belief against the taking of a photograph and that the student will be withdrawing from school after completing grade 10 in order to complete a career pathway certification or due to the parent's deeply held religious belief. (2) A statement from a member of the clergy of the religious organization of which the parent is a member regarding the prohibition of photography of members of the religious organization. Requires at least one parent of the student to provide proof that the parent has been issued a photo exempt driver's license or identification card.</p>	<p>Rep. Christy Stutzman</p>	<p>Sen. Black Doriot, Sen. Linda Rogers</p>	<p>Graduation rate calculation.</p>	<p>97-1</p>
<p><b>HB 1341</b></p>	<p>Students with disabilities. Requires the state advisory council on the education of children with disabilities (council) to develop a plan to inform: (1) certain former students who received a certificate of completion or another nondiploma certificate of recognition; and (2) certain former students who had an individualized education program, plan developed under Section 504 of the federal Rehabilitation Act, service plan, or choice scholarship education plan and who withdrew from school; of certain resources and opportunities. Requires the council to submit, not later than October 1, 2020, a copy of the plan to the general assembly.</p>	<p>Rep. Tonya Pfaff</p>	<p>Sen. Dennis Kruse, Sen. Jon Ford, Sen. Mark Stoops</p>	<p>Students with disabilities.</p>	<p>89-0</p>
<p><b>HR7</b></p>	<p>Urging Congress to repeal the federal requirement on standardized testing under the Every Student Succeeds Act.</p>	<p>Rep. Ed DeLaney</p>		<p>Urging Congress to repeal the federal requirement on standardized testing under the Every Student Succeeds Act.</p>	
<p><b>SB 2</b></p>	<p>School accountability. Provides that a school's or school corporation's category or designation of school or school corporation performance assigned by the state board of education for the 2018-2019 school year may not be lower than the school's or school corporation's category or designation of school or school corporation performance for the 2017-2018 school year. Provides that a school's or school corporation's category or designation of school or school corporation performance assigned by the state board of education for the 2019-2020 school year is the higher of the school's or school corporation's: (1) category or designation of school or school corporation performance assigned for the 2018-2019 school year; or (2) category or designation of school or school corporation performance for the 2019-2020 school year. Provides that consequences for school improvement do not apply for the 2018-2019 or 2019-2020 school years. Provides that ILEARN program test scores or a school's category or designation of school improvement for the 2018-2019 or 2019-2020 school year may not be used by a school corporation as part of an annual performance evaluation of a particular certificated employee unless the use of the ILEARN program test scores or a school's category or designation of school improvement would improve the particular certificated employee's annual performance rating</p>	<p>Sen. Jeff Raatz, Sen. Rodric Bray, Sen. Dennis Kruse</p>	<p>Rep. Dale DeVon</p>	<p>School accountability</p>	<p>90-0</p>
<p><b>SB 295</b></p>	<p>Various education matters. Extends the date by which public schools, including charter schools, and accredited nonpublic schools must provide age appropriate research and evidence based or research or evidence based instruction on child abuse and child sexual abuse to students. Provides that, beginning July 1, 2021, the department of workforce development must implement a new Indiana career explorer program (program). Establishes requirements for the program. Requires the department of workforce development to issue, not later than December 31, 2020, a request for proposals regarding the part of the program that includes educational and career assessments or tools. Amends grade levels to which certain career exploration models and career preparation models apply. Removes provisions regarding a pilot program for instruction in and use of the Indiana career explorer program and standards. Requires the department of education (department) to prepare and submit an annual report to the state board of education, general assembly, and commission for higher education regarding certain computer science metrics. Requires the department to post the report on its Internet web site.</p>	<p>Sen. Jeff Raatz, Sen. Linda Rogers, Sen. John Crane</p>	<p>Rep. Robert Behning</p>	<p>Various education matters</p>	<p>92-0</p>

SB 319	Practitioner or accomplished practitioner license. Provides that 15 of the professional growth experience points required to renew a practitioner license or accomplished practitioner license may be obtained through one or more of certain professional development experiences. (Current law provides that 15 of the professional growth experience points required to renew a practitioner license or an accomplished practitioner license must be obtained through one or more of certain professional development experiences.) Amends the list of professional development experiences.	Sen. Linda Rogers, Sen. Vaneta Becker, Sen. Jeff Raatz	Rep. Jack Jordan	Practitioner or accomplished practitioner license.	83-0
SB 346	Students with disabilities. Provides that the department of education (department) must submit any guidance or recommendation to a school corporation or school that attempts to affect in any manner based on statewide assessment accommodations which instructional methods are included or excluded from the student's special education plan or program to the state board of education (state board) for approval. Provides that the department shall, to the extent permitted under federal law, provide the same text-to-speech, screen reader, or human reader and calculator accommodations to a student in grades 6 through 12 on every section of the statewide assessment program if that accommodation is provided as part of the student's special education plan or program. Provides that the state board, in consultation with The Arc of Indiana and the Indiana Council of Administrators of Special Education (ICASE), shall consult with one or more individuals who specialize in special education as part of the state board's oversight of the development and implementation of the Indiana's Learning Evaluation Assessment Readiness Network (ILEARN) program. Provides that a student's score on the statewide assessment may not be the primary factor or measure used to determine whether a student is eligible for a particular course or program.	Sen. Erin Houchin, Sen. Linda Rogers, Sen. Dennis Kruse	Rep. Robert Behning	Students with disabilities.	96-0
SB 398	Provides that, upon request by certain youth membership organizations (organization), a public school shall provide, at least one time each school year, a day and time, which may be during the school day as approved by the public school, for the representative of the organization to provide information to students on school property. Requires a public school to conduct expanded criminal history checks of representatives of organizations. Requires, not later than November 1, 2022, and not later than November 1 each year thereafter, the department of education (department) to report to the general assembly information regarding the pass rate of students who took the naturalization examination and post the pass rate on its Internet web site.	Sen. Jeff Raatz, Sen. Lidna Rogers, Sen. Dennis Kruse	Rep. Jack Jordan	Various education matters	81-0

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 7085**  
**BILL NUMBER: HB 1336**

**NOTE PREPARED: Jan 28, 2020**  
**BILL AMENDED: Jan 23, 2020**

**SUBJECT:** Telemedicine.

**FIRST AUTHOR:** Rep. Vermilion  
**FIRST SPONSOR:** Sen. Charbonneau

**BILL STATUS:** As Passed House

**FUNDS AFFECTED:**     **GENERAL**  
                              **DEDICATED**  
                              **FEDERAL**

**IMPACT:** No Fiscal Impact

**Summary of Legislation:** This bill specifies certain activities that are considered to be health care services for purposes of the telemedicine laws. It amends the definition of "telemedicine". It requires that the medical records under telemedicine must be created and maintained under the same standards of appropriate practice for medical records for patients in an in-person setting.

**Effective Date:** July 1, 2020.

**Explanation of State Expenditures:**

**Explanation of State Revenues:**

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:**

**State Agencies Affected:**

**Local Agencies Affected:**

**Information Sources:**

**Fiscal Analyst:** Adam White, 317-234-1360.

# **Section Four**

**SB 39 – Specialized Driving  
Privileges; SB 47 – Expungement;  
SB 50 – Various Trust and Probate  
Matters; SB 3023 – Indigency  
Determinations**

**Senator Aaron M. Freeman**  
The Freeman Law Office, LLC  
Indianapolis, Indiana



**Section Four**

**SB 39 – Specialized Driving Privileges;  
SB 47 – Expungement; SB 50 – Various  
Trust and Probate Matters; SB 3023 –  
Indigency Determinations..... Senator Aaron M. Freeman**

PowerPoint Presentation

# 2020 Session In Review

State Senator Aaron Freeman

May 29, 2020



# My 2020 Legislative Accomplishments

- Senate Enrolled Act 39: Specialized driving privileges
- Senate Enrolled Act 47 : Expungements
- Senate Enrolled Act 50: Various trust and probate matters
- Senate Enrolled Act 302: Indigency determinations



# SEA 39: Specialized driving privileges

## *Duration of SDP's:*

- Before the enactment of SEA 39, under IC 9-30-16-3(c) specialized driving privileges had to be granted by the court for at least 180 days and not more than 2.5 years.
- SEA 39 gives the judge discretion to grant SDP's for any period of time that he or she sees fit, and also gives the judge the power to set periodic review hearings re. SDP's

## *Staying a driver's license suspension:*

- SEA 39 contains a provision that allows the judge the ability to stay a driving suspension, and grant SDP's for any period of time that he or she sees fit;



# SEA 39: Specialized driving privileges, cont.

## *Initial hearing:*

- IC 9-30-6-8
- Provides that the court shall not forward to the BMV a sworn probable cause affidavit or bureau certificate, demonstrating that there is probable cause of the underlying offense, until the conclusion of the initial hearing.
- Prior to the enactment of this provision, the court had the ability to forward to the BMV a probable cause affidavit and driving privileges could be suspended before the initial hearing had occurred.



# SEA 39: Specialized driving privileges, cont.

This piece of legislation was designed to address a specific concern that came to my office from Judges Altice and Baker on the IN Court of Appeals.

Specifically, the *BMV v. McClung* case presented an issue where SDP's were granted an "indefinite" period of time, and determined by the Court to be unlawful. This legislation will ensure that cases such as this do not bog down the courts in the future, by giving Indiana's judges the proper discretion to grant SDP's.



# SEA 47: Expungements

## *Protection orders:*

- Amends IC 24-4-18-1 to include "protection order records" as part of an individual's "criminal history information."
- Defines "protection order records" as civil protection orders that were granted, as well as petitions for protection orders that were not granted (IC 34-26-7.5-1,2).
- Permits a person to petition the court to have their "protection order records" expunged.



# SEA 47: Expungements, cont.

## *Protection records, cont.:*

- Requires companies that run background checks to periodically review their records, and remove files related to expunged protection order information – the same way they remove expunged criminal records.





# SEA 47: Expungements, cont.

## *Felony conversions:*

- IC 35-38-9-2
- Provides that when a felony is converted to a misdemeanor conviction, the "waiting period" to expunge the record begins 5 years after the original felony conviction, and not the date of the conversion to misdemeanor.

## *Collateral actions:*

- Sets out the mechanism for individuals to expunge collateral actions in other counties, related to previously expunged crimes.



# SEA 47: Expungements, cont.

*Exceptions for law enforcement/corrections agencies:*

- IC 35-38-9-10
- Carves out an exception, for law enforcement and corrections, to the general principle that employers may not question, refuse to hire, or discriminate against an individual based on his or her expunged records.
- Provides that law enforcement and corrections agencies may review expunged records as part of routine background checks.



# SEA 50: Various trust and probate issues

The introduced version of this bill was the product of the Probate Code Study Commission's work over the summer, which I chaired.

The final version of the bill that was passed into law after the 2020 Legislative Session incorporated several ideas that were offered by the State Bar Association and other stakeholders.



# SEA 50: Various trust and probate matters, cont.

## *Proof of title affidavits:*

- IC 6-1.1-5-7
- Sets out the mechanism whereby an individual can file an affidavit to demonstrate proof of title of property that s/he takes under a will, or the intestacy laws.
- Sets out the legal qualifications of the affidavit.



# SEA 50: Various trust and probate matters, cont.

## *Small estate affidavits*

- IC 29-8-1
- Makes various changes to the Indiana Code regarding the legal standards that must be met for the filing of a small estate affidavit.
- Makes conforming and technical changes.



# SEA 50: Various probate and trust matters, cont.

## *Trust execution and elder abuse*

- Various provisions of IC affected.
- Provides that an adult can execute a valid trust on behalf of an incapacitated person, or minor, so long as the following qualifications are met:
  - Disinterested;
  - Adult;
  - Executed in the presence of, and at the direction of, the settlor of the trust;
  - The document must clearly state the above.
- This provision is designed to deter elder abuse, while also encouraging the use of trusts for those who are unable to manage their own assets.



## SEA 50: Various trust and probate matters, cont.

- [Left blank – I did not know how much into the weeds of the bill you wanted to get & there are several provisions related to non-judicial settlements that were difficult for me to understand]



# SEA 302: Indigency determinations

This bill is the result of the work of the summer study committee on Corrections and the Criminal Code. My colleagues, Senators Karen Tallian and Mike Young, are the authors of the bill.

I offered an amendment in Senate Corrections and Criminal Code committee during the 2020 Legislative Session that I felt more completely instructs the courts of their duties in determining whether a defendant is indigent.





# SEA 302: Indigency determinations, cont.

## *Court procedure*

- IC 35-33-7-6.5
- Provides prior to the initial hearing, a court shall determine whether or not the defendant is indigent and appoint counsel.
- Provides that in determining the indigency of a defendant, the court may consider a number of factors, including but not limited to: assets, income, expenses, and enrollment/participation in public assistance programs.



# SEA 302: Indigency determinations, cont.

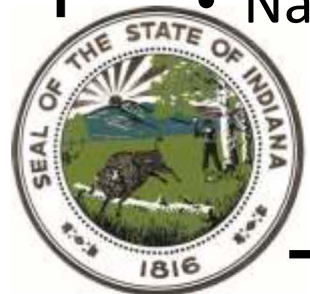
## *My committee amendment*

- IC 35-33-7-6 and 35-33-7-6.5
- Under current law, a court may review the initial indigency determination at any time during the proceedings if new evidence comes to light, and assess fees to the defendant based on those findings.
- My amendment does two things:
  - If the court assesses fees based on its finding that the defendant is not indigent, or at least capable of some payment, it shall determine at sentencing whether or not the defendant has paid the fees, and;
  - Based on those findings, the court shall prorate the fines, fees, and costs, as it reasonably believes the defendant is able to pay.



# Looking Ahead to 2021

- IndyGo accountability
- Business personal property tax assessment
- Statute of limitations for child sexual abuse
- Indiana income tax exemptions
- Redevelopment Commission reform re. conflicts of interest
- National Guard health insurance benefits during emergency declarations



# **Section Five**

**SB 109 – Sex Crimes and DNA  
Evidence; SB 335 – The Major Crime  
Bill; SB 249 – Exploitation of  
Dependents and Endangered Adults**

**Senator R. Michael Young**  
Indiana State Senate - District 35  
Indianapolis, Indiana

## Section Five

### **SB 109 – Sex Crimes and DNA Evidence; SB 335 – The Major Crime Bill; SB 249 – Exploitation of Dependents and Endangered Adults..... Senator R. Michael Young**

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# 2020 Legislative Update CLE

Senator R. Michael Young

ICLEF

May 29, 2020

# Senate Enrolled Act 109 – Sex Crimes Against Minors

A few years ago, the Indiana General Assembly allowed tolling of the statute of limitations for an additional five years, if the State found DNA, became aware of the existence of a recording that produces sufficient evidence to the charge the offender; or a person confesses to the offense.



# Senate Enrolled Act 109: Sex Crimes Against Minors

The year the Indiana General Assembly expanding these conditions to include sex crimes against minors.

First, the bill allowed minors to seek assistance for damages under Indiana Code 5-2-6.1-16:

- Sec. 16. (a) A person eligible for assistance under
- section 12 of this chapter may file an application for assistance with the division if the violent
- crime was committed in Indiana.

# Senate Enrolled Act 109: Sex Crimes Against Minors

Specifically stating that those minors are eligible if:

- **(f) An alleged victim of a child sex crime described in**
- **IC 35-41-4-2(e) which meets the requirements of IC 35-41-4-2(p)**
- **may submit an application to the division not later than five (5)**
- **years after the earliest of the date on which:**
- **(1) the state first discovers evidence sufficient to charge the**
- **offender with the offense through DNA (deoxyribonucleic**
- **acid) analysis;**
- **(2) the state first becomes aware of the existence of a**
- **recording (as defined in IC 35-31.5-2-273) that provides**
- **evidence sufficient to charge the offender with the offense; or**
- **(3) a person confesses to the offense.**

# Senate Enrolled Act 109: Sex Crimes Against Minors

Next, the legislation enlarged the tolling period by amending IC 35-41-4-2:

- (a) Except as otherwise provided in this section, a prosecution for an offense is barred unless it is commenced:
- **(p) A prosecution for an offense described in subsection (e) that**
  - **would otherwise be barred under this section may be commenced**
  - **not later than five (5) years after the earliest of the date on which:**

# Senate Enrolled Act 109: Sex Crimes Against Minors

- **(1) the state first discovers evidence sufficient to charge the offender with the offense through DNA (deoxyribonucleic acid) analysis;**
- **(2) the state first becomes aware of the existence of a recording (as defined in IC 35-31.5-2-273) that provides evidence sufficient to charge the offender with the offense; or**
- **(3) a person confesses to the offense.**

# Senate Enrolled Act 109: Sex Crimes Against Minors

Issues for advocates:

The advocates did not want a statute of limitations. They wanted the victim to ask the prosecutor to bring a charge at any time, no matter how long ago the alleged incident took place with you the three exceptions listed in the bill.

# Senate Enrolled Act 109: Sex Crimes Against Minors

The problems for the committee and the General Assembly to not to have a statute of limitations was the:

1. difficulty of child testimony and
2. loss of possible evidence, if 60 years in the future charges are brought against the person.

Under Indiana law, a child still has until the age of 31 for the prosecutor to bring charges.

# SENATE ENROLLED ACT 249: ENDNAGERED ADULTS

Under Indiana's current Endangered Adult Act (IC 35-46-1-12):

- A prosecutor could not bring an action for a level 6 felony unless the alleged defendant had not first stolen at least \$10,000.00;
- Endangered adult was at least 60 years of age.

Otherwise the crime was a Class A misdemeanor if:

# SENATE ENROLLED ACT 249: ENDNAGERED ADULTS

- The person was over the age of 60;
- The person was a dependent over the age of 18; and
- The amount taken was valued less than \$10,000.00.

Several advocacy groups sought changes to the law because the main aggravator in reaching a



# SENATE ENROLLED ACT 249: ENDNAGERED ADULTS

felony was that the alleged defendant would have to take more than \$10,000.00 in value against the endangered adult.

The Senate Corrections and Criminal Law Committee took several steps to improve the current law:

- First, it took away the theft aspect of the law due to the fact that prosecutors could already charge a person for theft. S. B. 249 took away "knowingly and intentionally" from the law and left recklessly.

# SENATE ENROLLED ACT 249: ENDNAGERED ADULTS

- Second, it removed the sections of the law dealing with pensions and social security, since these acts already fall under theft; and
- Third, removed any references to age.

The new law now deals with any person that takes advantage of any person who is a dependent, or an "Endangered Adult" as defined in Indiana Code.

# SENATE ENROLLED ACT 249: ENDNAGERED ADULTS

The bill added a couple of new definitions to the law:

1. " Person in a position of trust."

I.C. 35-46-12 defines a "Person in a position of trust as:

A person how has or had:

(A) the care of:

(i) an endangered adult; or

(ii) a dependent;

whether assumed voluntarily or because of a legal obligation; or

# SENATE ENROLLED ACT 249: ENDNAGERED ADULTS

(B) a professional relationship with:

(i) an endangered adult; or

(ii) a dependent;

that may permit the person to exert undue influence over the endangered adult or dependent.

The second definitional change for "Self-dealing."

# SENATE ENROLLED ACT 249: ENDNAGERED ADULTS

(2) "Self-dealing" means a person using the property of another person to gain a benefit that is grossly disproportionate to the goods or services provided to the other person. The term does not include an incidental benefit.

Now the law reads for I.C. 35-46-1-12:

(b) A person who recklessly uses or exerts control over the personal services or the property of:

- (1) an endangered adult; or
- (2) a dependent;

for the person's own profit or advantage or for the profit or advantage of another person, but not for the profit or advantage of a person described in subdivision (1) or (2), commits exploitation of a dependent or an endangered adult, a Class A misdemeanor. However, the offense is a level 6 felony if the person has a prior unrelated conviction under this section.

# SENATE ENROLLED ACT 249: ENDNAGERED ADULTS

New law continued:

(c) A person in a position of trust who recklessly engages in self-dealing with the property of:

- (1) an endangered adult; or
- (2) a dependent:

Commits exploitation of a dependent or an endangered adult, a Class A misdemeanor. However, the offense is a Level 6 felony if the person has a prior unrelated conviction under this section.

# SENATE ENROLLED ACT 335

## MAJOR CRIME BILL

Senate Enrolled Act 335 was this year's major crime bill for the Indiana General Assembly. It is 124 pages long with 90 sections.

Changes to current law:

- 1) There are two changes found throughout the bill that effects Title 35 and other criminal law provisions:

# SENATE ENROLLED ACT 335

## MAJOR CRIME BILL

(a) Not every criminal act in the Indiana Code includes the provision that: if a conviction in another jurisdiction is the same or similar to a conviction in Indiana, it can be used as enhancement in a person's sentence.

S.E.A. 335 deletes those provision's where listed in the code and now places it in Title 1 of the Indiana Code. In so doing, legislation no longer has to include it within each current or new law. It is now mentioned once in the Code and applies to all criminal laws. (I.C. 1-1-2-2.5)



# SENATE ENROLLED ACT 335

## MAJOR CRIME BILL

(b) Under Indiana's current criminal code, not every law includes conspiracy as a crime. Again, S.E.A 335 as it did with same or similar convictions in another jurisdiction, removed conspiracy from existing crimes where listed, and placed it in I.C. 1-1-2-4.

(C) Today, in Indiana's code, one will find that some convictions carry a look back period (DUI 7 years for example) while other convictions do not.

# SENATE ENROLLED ACT 335

## MAJOR CRIME BILL

In an effort to bring consistency to the criminal code, S.E.A 335 now places a 12 year lookback period as an enhancement, except for those crimes that already have a specific look back period and for heinous crimes, such as, murder, rape, etc.

This change can be found in I.C. 1-1-2-2.5.

- 2) There was an error in the I.C. concerning D.U.I's. The law stated that where it concerned a controlled or illegal substance that testing of a metabolite was of the person's "body." Body is an incorrect term and was changed to "in the blood."

# SENATE ENROLLED ACT 335

## MAJOR CRIME BILL

- 4) Under Indiana's current law, the operator of a motorboat was forbidden from leaving the scene of an accident, even if the operator's boat was sinking. (*Wood v. State*, 999 N.E.2d, 1054 (Ind. Ct. App. 2013)). The legislature changed the law to allow the operator to leave the scene of the accident, if the operator met all the other requirements of the statute. (I.C. 14-15-4-1)
- 5) Crimes committed by minors with a gun, but would be considered a felony if committed by an adult.

# SENATE ENROLLED ACT 335

## MAJOR CRIME BILL

Cont.:

I.C. 31-37-13-5

**\* If the minor is found a delinquent, then the juvenile court shall, notwithstanding IC 31-39-1, administration for transmission to NICS (as defined in IC 35-47-2.5-2.5) in accordance with IC 33-24-6-3.**

# SENATE ENROLLED ACT 335

## MAJOR CRIME BILL

- Minor Con't:
- The court can consider the minor's mental health in deciding an expungement petition.  
(IC 31-39-8-3(10-13))
- IC 35-47-4-9 requires a minor who has been adjudicated a minor that would have been a serious violent felon as an adult, to wait until either the age of 26 or 28 to petition to own a gun.

# SENATE ENROLLED ACT 335

## MAJOR CRIME BILL

- 6) Enhancement to Indiana's "Red Flag" law:
  - (a) Reporting of a number of items, i.e.:
    - (i) law enforcement agency involved;
    - (ii) Whether the confiscation of the weapon(s) were by warrant or warrantless; and
    - (iii) Certain personal information of person who's weapons were confiscated.
  - (b) Report to the Legislative Council.

# SENATE ENROLLED ACT 335

## MAJOR CRIME BILL

7) Retail Theft: IC 35-43-2-2.1

- **(a) A person who, with the**
  - **intent to commit theft under section 2 of this chapter:**
    - (1) agrees with at least two (2) other persons to commit theft; and**
    - (2) performs an overt act in furtherance of the agreement;**
- commits organized theft, a Level 6 felony.**

# SENATE ENROLLED ACT 335

## MAJOR CRIME BILL

8) Indiana's Gun laws on serial numbers:

IC 35-47-2-18 makes it a violation of the law to obliterate the serial number from a hand gun.

However, the law did not apply to long guns. The Indiana General Assembly used the federal code to update its gun laws:

**(1) remove, obliterate, or alter the importer or manufacturer's serial number on any firearm; or**

**(2) possess any firearm on which the importer or manufacturer's serial number has been removed, obliterated, or altered. (IC 35-47-2-18)**



# SENATE ENROLLED ACT 335

## MAJOR CRIME BILL

### 9) Smokable Hemp: IC 35-48-4-10.1

- Last year the Indiana General Assembly passed a comprehensive bill dealing with hemp.
- Part of the bill not only prohibited smoking hemp, but prohibited its transportation into, through or out of the state.
- A Federal District Court, in the summer of 2019, determined the prohibition in the bill against transportation to be unconstitutional, as it regards the Commerce Clause.

# SENATE ENROLLED ACT 335

## MAJOR CRIME BILL

Hemp con't:

- In response to the court's decision, the legislature removed that unconstitutional language from the Indiana Code.

10) Crimes of violence definition (IC 35-50-1-2) updated. Two crimes were added to the definition. They are:

- 7) Domestic battery (IC 35-42-2-1.3); and**
- 21) Strangulation (IC 35-42-2-9).**

# SENATE ENROLLED ACT 335

## MAJOR CRIME BILL

### 11) Class P Credit Time clarification. IC 35-50-6-3.1.

The legislature created a new credit time for those who serve their time at home, awaiting resolution of their case. The legislature's intent for to provide credit time for only time served at home. However, an Indiana Appellate Court (Thompson v. State, 120 N.E. 3d, 1066 (IND. Ct. App. 2019) concluded that the person was also entitled to pretrial credit time. The legislature clarified it's intent by codifying the code to say no other credit time could be used.

Second Regular Session of the 121st General Assembly (2020)

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Conflict reconciliation: Text in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2019 Regular Session of the General Assembly.

## SENATE ENROLLED ACT No. 109

---

AN ACT to amend the Indiana Code concerning criminal law and procedure.

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

SECTION 1. IC 5-2-6.1-16, AS AMENDED BY P.L.65-2016, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 16. (a) A person eligible for assistance under section 12 of this chapter may file an application for assistance with the division if the violent crime was committed in Indiana.

(b) Except as provided in ~~subsection (e)~~, **subsections (e) and (f)**, the application must be received by the division not more than one hundred eighty (180) days after the date the crime was committed. The division may grant an extension of time for good cause shown by the claimant. However, and except as provided in ~~subsection (e)~~, **subsections (e) and (f)**, the division may not accept an application that is received more than two (2) years after the date the crime was committed.

(c) The application must be filed in the office of the division in person, through the division's Internet web site, or by first class or certified mail. If requested, the division shall assist a victim in preparing the application.

(d) The division shall accept all applications filed in compliance with this chapter. Upon receipt of a complete application, the division shall promptly begin the investigation and processing of an application.

(e) An alleged victim of a child sex crime may submit an application to the division until the victim becomes thirty-one (31) years of age or

SEA 109 — Concur



in accordance with subsection (f).

(f) An alleged victim of a child sex crime described in IC 35-41-4-2(e) which meets the requirements of IC 35-41-4-2(p) may submit an application to the division not later than five (5) years after the earliest of the date on which:

- (1) the state first discovers evidence sufficient to charge the offender with the offense through DNA (deoxyribonucleic acid) analysis;
- (2) the state first becomes aware of the existence of a recording (as defined in IC 35-31.5-2-273) that provides evidence sufficient to charge the offender with the offense; or
- (3) a person confesses to the offense.

~~(f)~~ (g) An alleged victim of a battery offense included in IC 35-42-2 upon a child less than fourteen (14) years of age may submit an application to the division not later than five (5) years after the commission of the offense.

SECTION 2. IC 35-41-4-2, AS AMENDED BY P.L.211-2019, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) Except as otherwise provided in this section, a prosecution for an offense is barred unless it is commenced:

- (1) within five (5) years after the commission of the offense, in the case of a Class B, Class C, or Class D felony (for a crime committed before July 1, 2014) or a Level 3, Level 4, Level 5, or Level 6 felony (for a crime committed after June 30, 2014); or
- (2) within two (2) years after the commission of the offense, in the case of a misdemeanor.

(b) A prosecution for a Class B or Class C felony (for a crime committed before July 1, 2014) or a Level 3, Level 4, or Level 5 felony (for a crime committed after June 30, 2014) that would otherwise be barred under this section may be commenced within one (1) year after the earlier of the date on which the state:

- (1) first discovers evidence sufficient to charge the offender with the offense through DNA (deoxyribonucleic acid) analysis; or
- (2) could have discovered evidence sufficient to charge the offender with the offense through DNA (deoxyribonucleic acid) analysis by the exercise of due diligence.

(c) Except as provided in subsection (e), a prosecution for a Class A felony (for a crime committed before July 1, 2014) or a Level 1 felony or Level 2 felony (for a crime committed after June 30, 2014) may be commenced at any time.

- (d) A prosecution for murder may be commenced:
- (1) at any time; and

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(2) regardless of the amount of time that passes between:

(A) the date a person allegedly commits the elements of murder; and

(B) the date the alleged victim of the murder dies.

(e) **Except as provided in subsection (p)**, a prosecution for the following offenses is barred unless commenced before the date that the alleged victim of the offense reaches thirty-one (31) years of age:

(1) IC 35-42-4-3 (Child molesting).

(2) IC 35-42-4-5 (Vicarious sexual gratification).

(3) IC 35-42-4-6 (Child solicitation).

(4) IC 35-42-4-7 (Child seduction).

(5) IC 35-42-4-9 (Sexual misconduct with a minor).

(6) IC 35-46-1-3 (Incest).

(f) A prosecution for forgery of an instrument for payment of money, or for the uttering of a forged instrument, under IC 35-43-5-2, is barred unless it is commenced within five (5) years after the maturity of the instrument.

(g) If a complaint, indictment, or information is dismissed because of an error, defect, insufficiency, or irregularity, a new prosecution may be commenced within ninety (90) days after the dismissal even if the period of limitation has expired at the time of dismissal, or will expire within ninety (90) days after the dismissal.

(h) The period within which a prosecution must be commenced does not include any period in which:

(1) the accused person is not usually and publicly resident in Indiana or so conceals himself or herself that process cannot be served;

(2) the accused person conceals evidence of the offense, and evidence sufficient to charge the person with that offense is unknown to the prosecuting authority and could not have been discovered by that authority by exercise of due diligence; or

(3) the accused person is a person elected or appointed to office under statute or constitution, if the offense charged is theft or conversion of public funds or bribery while in public office.

(i) For purposes of tolling the period of limitation only, a prosecution is considered commenced on the earliest of these dates:

(1) The date of filing of an indictment, information, or complaint before a court having jurisdiction.

(2) The date of issuance of a valid arrest warrant.

(3) The date of arrest of the accused person by a law enforcement officer without a warrant, if the officer has authority to make the arrest.

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(j) A prosecution is considered timely commenced for any offense to which the defendant enters a plea of guilty, notwithstanding that the period of limitation has expired.

(k) The following apply to the specified offenses:

(1) A prosecution for an offense under IC 30-2-9-7(b) (misuse of funeral trust funds) is barred unless commenced within five (5) years after the date of death of the settlor (as described in IC 30-2-9).

(2) A prosecution for an offense under IC 30-2-10-9(b) (misuse of funeral trust funds) is barred unless commenced within five (5) years after the date of death of the settlor (as described in IC 30-2-10).

(3) A prosecution for an offense under IC 30-2-13-38(f) (misuse of funeral trust or escrow account funds) is barred unless commenced within five (5) years after the date of death of the purchaser (as defined in IC 30-2-13-9).

(l) A prosecution for an offense under IC 23-2-6, IC 23-2.5, IC 23-14-48-9, or IC 23-19 is barred unless commenced within five (5) years after the earlier of the date on which the state:

(1) first discovers evidence sufficient to charge the offender with the offense; or

(2) could have discovered evidence sufficient to charge the offender with the offense by the exercise of due diligence.

(m) A prosecution for a sex offense listed in IC 11-8-8-4.5 that is committed against a child and that is not:

(1) a Class A felony (for a crime committed before July 1, 2014) or a Level 1 felony or Level 2 felony (for a crime committed after June 30, 2014); or

(2) listed in subsection (e);

is barred unless commenced within ten (10) years after the commission of the offense, or within four (4) years after the person ceases to be a dependent of the person alleged to have committed the offense, whichever occurs later.

(n) A prosecution for rape (IC 35-42-4-1) as a Class B felony (for a crime committed before July 1, 2014) or as a Level 3 felony (for a crime committed after June 30, 2014) that would otherwise be barred under this section may be commenced not later than five (5) years after the earlier of the date on which:

(1) the state first discovers evidence sufficient to charge the offender with the offense through DNA (deoxyribonucleic acid) analysis;

(2) the state first becomes aware of the existence of a recording

**SEA 109 — Concur**



(as defined in IC 35-31.5-2-273) that provides evidence sufficient to charge the offender with the offense; or

(3) a person confesses to the offense.

(o) A prosecution for criminal deviate conduct (IC 35-42-4-2) (repealed) as a Class B felony for a crime committed before July 1, 2014, that would otherwise be barred under this section may be commenced not later than five (5) years after the earliest of the date on which:

(1) the state first discovers evidence sufficient to charge the offender with the offense through DNA (deoxyribonucleic acid) analysis;

(2) the state first becomes aware of the existence of a recording (as defined in IC 35-31.5-2-273) that provides evidence sufficient to charge the offender with the offense; or

(3) a person confesses to the offense.

**(p) A prosecution for an offense described in subsection (e) that would otherwise be barred under this section may be commenced not later than five (5) years after the earliest of the date on which:**

**(1) the state first discovers evidence sufficient to charge the offender with the offense through DNA (deoxyribonucleic acid) analysis;**

**(2) the state first becomes aware of the existence of a recording (as defined in IC 35-31.5-2-273) that provides evidence sufficient to charge the offender with the offense; or**

**(3) a person confesses to the offense.**





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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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Second Regular Session of the 121st General Assembly (2020)

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## SENATE ENROLLED ACT No. 249

---

AN ACT to amend the Indiana Code concerning criminal law and procedure.

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

SECTION 1. IC 35-31.5-2-235.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 235.2. "Person in a position of trust", for purposes of IC 35-46-1-12, has the meaning set forth in IC 35-46-1-12.**

SECTION 2. IC 35-31.5-2-290.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 290.5. "Self-dealing", for purposes of IC 35-46-1-12, has the meaning set forth in IC 35-46-1-12.**

SECTION 3. IC 35-46-1-12, AS AMENDED BY P.L.158-2013, SECTION 556, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 12. (a) The following definitions apply throughout this section:**

**(1) "Person in a position of trust" means a person who has or had:**

**(A) the care of:**

**(i) an endangered adult; or**

**(ii) a dependent;**

**whether assumed voluntarily or because of a legal obligation; or**

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**(B) a professional relationship with:**

- (i) an endangered adult; or
- (ii) a dependent;

that may permit the person to exert undue influence over the endangered adult or dependent.

(2) "Self-dealing" means a person using the property of another person to gain a benefit that is grossly disproportionate to the goods or services provided to the other person. The term does not include an incidental benefit.

(a) (b) Except as provided in subsection (b); A person who recklessly knowingly; or intentionally uses or exerts control unauthorized use of over the personal services or the property of:

- (1) an endangered adult; or
- (2) a dependent; eighteen (18) years of age or older;

for the person's own profit or advantage or for the profit or advantage of another person, but not for the profit or advantage of a person described in subdivision (1) or (2), commits exploitation of a dependent or an endangered adult, a Class A misdemeanor. However, the offense is a Level 6 felony if the person has a prior unrelated conviction under this section.

(c) A person in a position of trust who recklessly engages in self-dealing with the property of:

- (1) an endangered adult; or
- (2) a dependent;

commits exploitation of a dependent or an endangered adult, a Class A misdemeanor. However, the offense is a Level 6 felony if the person has a prior unrelated conviction under this section.

(b) The offense described in subsection (a) is a Level 6 felony if:

- (1) the fair market value of the personal services or property is more than ten thousand dollars (\$10,000); or
- (2) the endangered adult or dependent is at least sixty (60) years of age.

(c) Except as provided in subsection (d); a person who recklessly, knowingly; or intentionally deprives an endangered adult or a dependent of the proceeds of the endangered adult's or the dependent's benefits under the Social Security Act or other retirement program that the division of family resources has budgeted for the endangered adult's or dependent's health care commits financial exploitation of an endangered adult or a dependent; a Class A misdemeanor.

(d) The offense described in subsection (c) is a Level 6 felony if:

- (1) the amount of the proceeds is more than ten thousand dollars (\$10,000); or

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(2) the endangered adult or dependent is at least sixty (60) years of age:

(e) It is not a defense to an offense committed under subsection (b)(2) or (d)(2) that the accused person reasonably believed that the endangered adult or dependent was less than sixty (60) years of age at the time of the offense:

(f) (d) It is a defense to an offense committed under subsection (a); (b); or (c) **this section** if the accused person:

(1) has been granted a durable power of attorney or has been appointed a legal guardian to manage the affairs of an endangered adult or a dependent; and

(2) was acting within the scope of the accused person's fiduciary responsibility.



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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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Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

## SENATE ENROLLED ACT No. 335

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AN ACT to amend the Indiana Code concerning criminal law and procedure.

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

SECTION 1. IC 1-1-2-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2020]: **Sec. 2.5. (a) This section applies to every crime in which proof that a person has a prior conviction or judgment for an infraction increases:**

- (1) the class or level of the crime;
- (2) the penalty for the crime from a misdemeanor to a felony;
- or
- (3) the penalty for an infraction to a misdemeanor or felony.

**(b) This section does not apply to a sentencing provision that increases the penalty that may be imposed for an infraction or crime but does not increase:**

- (1) the class or level of the crime;
- (2) the penalty for the crime from a misdemeanor to a felony;
- or
- (3) the penalty for an infraction to a misdemeanor or felony; including IC 35-50-2-8 (habitual offenders), IC 35-50-2-9 (death penalty sentencing), IC 9-30-15.5 (habitual vehicular substance offender), and IC 35-50-2-14 (repeat sexual offender).

**(c) This section does not apply to a crime that contains a specific lookback period for a prior conviction or judgment for an infraction.**

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(d) Subject to subsection (e), and except as provided in subsection (f), a prior conviction or a prior judgment for an infraction increases the class or level of the crime, the penalty for the crime from a misdemeanor to a felony, or the penalty for an infraction to a misdemeanor or felony only if the current crime was committed not later than twelve (12) years from the date the defendant was:

- (1) convicted of the prior crime, if the defendant was not sentenced to a term of incarceration or probation;
  - (2) adjudicated to have committed the infraction; or
  - (3) released from a term of incarceration, probation, or parole (whichever occurs later) imposed for the prior conviction;
- whichever occurred last.

(e) If a crime described in subsection (a) requires proof of more than one (1) criminal conviction or judgment for an infraction, the increased penalty applies only if the current crime was committed not later than twelve (12) years from the date the defendant was:

- (1) convicted of one (1) of the prior crimes, if the person was not sentenced to a term of incarceration or probation;
  - (2) adjudicated to have committed one (1) of the infractions;
- or
- (3) released from a term of incarceration, probation, or parole (whichever occurs later) imposed for one (1) of the prior convictions;
- whichever occurred last.

(f) This section does not apply if the crime described in subsection (a) is one (1) or more of the following:

- (1) A crime of violence (as defined by IC 35-50-1-2).
- (2) A crime that results in bodily injury or death to a victim.
- (3) A sex offense (as defined by IC 11-8-8-5.2).
- (4) Domestic battery (IC 35-42-2-1.3).
- (5) Strangulation (IC 35-42-2-9).
- (6) Operating while intoxicated with a prior conviction for operating while intoxicated that resulted in death, serious bodily injury, or catastrophic injury (IC 9-30-5-3(b)).
- (7) Dealing in cocaine or a narcotic drug (IC 35-48-4-1).
- (8) Dealing in methamphetamine (IC 35-48-4-1.1).
- (9) Manufacturing methamphetamine (IC 35-48-4-1.2).
- (10) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).

(g) If there is a conflict between a provision in this section and another provision of the Indiana Code, this section controls.



SECTION 2. IC 1-1-2-4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 4. (a) As used in this section, "reference to a conviction for an Indiana criminal offense" means both a specific reference to a conviction for a criminal offense in Indiana (with or without an Indiana Code citation reference) and a general reference to a conviction for a class or type of criminal offense, such as:**

- (1) a felony;**
- (2) a misdemeanor;**
- (3) a sex offense;**
- (4) a violent crime;**
- (5) a crime of domestic violence;**
- (6) a crime of dishonesty;**
- (7) fraud;**
- (8) a crime resulting in a specified injury or committed against a specified victim; or**
- (9) a crime under IC 35-42 or IC 9-30-5 or under any other statute describing one (1) or more criminal offenses.**

**(b) Except as provided in subsection (c), a reference to a conviction for an Indiana criminal offense appearing within the Indiana Code also includes a conviction for any of the following:**

- (1) An attempt to commit the offense, unless the offense is murder (IC 35-42-1-1).**
- (2) A conspiracy to commit the offense.**
- (3) A substantially similar offense committed in another jurisdiction, including an attempt or conspiracy to commit the offense, even if the reference to the conviction for the Indiana criminal offense specifically refers to an "Indiana conviction" or a conviction "in Indiana" or under "Indiana law" or "laws of this state".**

**(c) A reference to a conviction for an Indiana criminal offense appearing within the Indiana Code does not include an offense described in subsection (b)(1) through (b)(3) if:**

- (1) the reference expressly excludes an offense described in subsection (b)(1) through (b)(3); or**
- (2) with respect to an offense described in subsection (b)(3), the reference imposes an additional qualifier on the offense committed in another jurisdiction.**

**(d) If there is a conflict between a provision in this section and another provision of the Indiana Code, this section controls.**

SECTION 3. IC 3-8-1-5, AS AMENDED BY P.L.74-2017, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE





JULY 1, 2020]: Sec. 5. (a) This section does not apply to a candidate for federal office.

(b) As used in this section, "felony" means a conviction ~~in any jurisdiction~~ for which the convicted person might have been imprisoned for more than one (1) year.

(c) A person is not disqualified under this section for:

(1) a felony conviction for which the person has been pardoned;

(2) a felony conviction that has been:

(A) reversed;

(B) vacated;

(C) set aside;

(D) not entered because the trial court did not accept the person's guilty plea; or

(E) expunged under IC 35-38-9; or

(3) a person's plea of guilty or nolo contendere at a guilty plea hearing that is not accepted and entered by a trial court.

(d) A person is disqualified from assuming or being a candidate for an elected office if:

(1) the person gave or offered a bribe, threat, or reward to procure the person's election, as provided in Article 2, Section 6 of the Constitution of the State of Indiana;

(2) the person does not comply with IC 5-8-3 because of a conviction for a violation of the federal laws listed in that statute;

(3) in a:

(A) jury trial, a jury publicly announces a verdict against the person for a felony;

(B) bench trial, the court publicly announces a verdict against the person for a felony; or

(C) guilty plea hearing, the person pleads guilty or nolo contendere to a felony;

(4) the person has been removed from the office the candidate seeks under Article 7, Section 11 or Article 7, Section 13 of the Constitution of the State of Indiana;

(5) the person is a member of the United States armed forces on active duty and prohibited by the United States Department of Defense from being a candidate; or

(6) the person is subject to:

(A) 5 U.S.C. 1502 (the Little Hatch Act); or

(B) 5 U.S.C. 7321-7326 (the Hatch Act);

and would violate either federal statute by becoming or remaining the candidate of a political party for nomination or election to an elected office or a political party office.

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(e) The subsequent reduction of a felony to a Class A misdemeanor under IC 35 after the:

- (1) jury has announced its verdict against the person for a felony;
- (2) court has announced its verdict against the person for a felony;

or

- (3) person has pleaded guilty or nolo contendere to a felony;

does not affect the operation of subsection (d).

SECTION 4. IC 4-33-8-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 11. (a) An individual who is disqualified under section 3(2) of this chapter due to a conviction for a felony may apply to the commission for a waiver of the requirements of section 3(2) of this chapter.

(b) The commission may waive the requirements of section 3(2) of this chapter with respect to an individual applying for an occupational license if:

- (1) the individual qualifies for a waiver under subsection (e) or (f); and
- (2) the commission determines that the individual has demonstrated by clear and convincing evidence the individual's rehabilitation.

(c) In determining whether the individual applying for the occupational license has demonstrated rehabilitation under subsection (b), the commission shall consider the following factors:

- (1) The nature and duties of the position applied for by the individual.
- (2) The nature and seriousness of the offense or conduct.
- (3) The circumstances under which the offense or conduct occurred.
- (4) The date of the offense or conduct.
- (5) The age of the individual when the offense or conduct was committed.
- (6) Whether the offense or conduct was an isolated or a repeated incident.
- (7) A social condition that may have contributed to the offense or conduct.
- (8) Evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational education, successful participation in a correctional work release program, or the recommendation of a person who has or has had the individual under the person's supervision.
- (9) The complete criminal record of the individual.

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(10) The prospective employer's written statement that:

(A) the employer has been advised of all of the facts and circumstances of the individual's criminal record; and

(B) after having considered the facts and circumstances, the prospective employer will hire the individual if the commission grants a waiver of the requirements of section 3(2) of this chapter.

(d) The commission may not waive the requirements of section 3(2) of this chapter for an individual who has been convicted of committing any of the following:

(1) A felony in violation of federal law (as classified in 18 U.S.C. 3559).

(2) A felony of fraud, deceit, or misrepresentation, ~~under the laws of Indiana or any other jurisdiction:~~

~~(3) A felony of conspiracy to commit a felony described in subdivision (1), (2), or (4) under the laws of Indiana or any other jurisdiction:~~

~~(4) (3) A felony of gambling under IC 35-45-5 or IC 35-45-6, or a crime in any other jurisdiction in which the elements of the crime for which the conviction was entered are substantially similar to the elements of a crime described in IC 35-45-5 or IC 35-45-6.~~

(e) The commission may waive the requirements of section 3(2) of this chapter for an individual if:

(1) the individual has been convicted of committing:

(A) a felony described in IC 35-42 against another human being or a felony described in IC 35-48-4; **or**

(B) a felony ~~under Indiana law~~ that results in bodily injury, serious bodily injury, or death to another human being; **or**

~~(C) a crime in any other jurisdiction in which the elements of the crime for which the conviction was entered are substantially similar to the elements of a felony described in clause (A) or (B); and~~

(2) ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later, for the conviction described in subdivision (1).

(f) The commission may waive the requirements of section 3(2) of this chapter for an individual if:

(1) the individual has been convicted in Indiana or any other jurisdiction of committing a felony not described in subsection (d) or (e); and

(2) five (5) years have elapsed from the date the individual was



discharged from probation, imprisonment, or parole, whichever is later, for the conviction described in subdivision (1).

(g) To enable a prospective employer to determine, for purposes of subsection (c)(10), whether the prospective employer has been advised of all of the facts and circumstances of the individual's criminal record, the commission shall notify the prospective employer of all information that the commission:

- (1) has obtained concerning the individual; and
- (2) is authorized to release under IC 5-14.

(h) The commission shall deny the individual's request to waive the requirements of section 3(2) of this chapter if the individual fails to disclose to both the commission and the prospective employer all information relevant to this section.

SECTION 5. IC 4-35-6.5-11, AS ADDED BY P.L.233-2007, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 11. (a) An individual who is disqualified under section 3(2) of this chapter due to a conviction for a felony may apply to the commission for a waiver of the requirements of section 3(2) of this chapter.

(b) The commission may waive the requirements of section 3(2) of this chapter with respect to an individual applying for an occupational license if:

- (1) the individual qualifies for a waiver under subsection (e) or (f); and
- (2) the commission determines that the individual has demonstrated by clear and convincing evidence the individual's rehabilitation.

(c) In determining whether the individual applying for the occupational license has demonstrated rehabilitation under subsection (b), the commission shall consider the following factors:

- (1) The nature and duties of the position applied for by the individual.
- (2) The nature and seriousness of the offense or conduct.
- (3) The circumstances under which the offense or conduct occurred.
- (4) The date of the offense or conduct.
- (5) The age of the individual when the offense or conduct was committed.
- (6) Whether the offense or conduct was an isolated or a repeated incident.
- (7) A social condition that may have contributed to the offense or conduct.

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(8) Evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational education, successful participation in a correctional work release program, or the recommendation of a person who has or has had the individual under the person's supervision.

(9) The complete criminal record of the individual.

(10) The prospective employer's written statement that:

(A) the employer has been advised of all of the facts and circumstances of the individual's criminal record; and

(B) after having considered the facts and circumstances, the prospective employer will hire the individual if the commission grants a waiver of the requirements of section 3(2) of this chapter.

(d) The commission may not waive the requirements of section 3(2) of this chapter for an individual who has been convicted of committing any of the following:

(1) A felony in violation of federal law (as classified in 18 U.S.C. 3559).

(2) A felony of fraud, deceit, or misrepresentation. ~~under the laws of Indiana or any other jurisdiction.~~

~~(3) A felony of conspiracy to commit a felony described in subdivision (1), (2), or (4) under the laws of Indiana or any other jurisdiction.~~

~~(4) (3) A felony of gambling under IC 35-45-5 or IC 35-45-6. or a crime in any other jurisdiction in which the elements of the crime for which the conviction was entered are substantially similar to the elements of a crime described in IC 35-45-5 or IC 35-45-6.~~

(e) The commission may waive the requirements of section 3(2) of this chapter for an individual if:

(1) the individual has been convicted of committing:

(A) a felony described in IC 35-42 against another human being or a felony described in IC 35-48-4; **or**

(B) a felony under Indiana law that results in bodily injury, serious bodily injury, or death to another human being; **or**

~~(C) a crime in any other jurisdiction in which the elements of the crime for which the conviction was entered are substantially similar to the elements of a felony described in clause (A) or (B); and~~

(2) ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever



is later, for the conviction described in subdivision (1).

(f) The commission may waive the requirements of section 3(2) of this chapter for an individual if:

(1) the individual has been convicted in Indiana or any other jurisdiction of committing a felony not described in subsection (d) or (e); and

(2) five (5) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later, for the conviction described in subdivision (1).

(g) To enable a prospective employer to determine, for purposes of subsection (c)(10), whether the prospective employer has been advised of all of the facts and circumstances of the individual's criminal record, the commission shall notify the prospective employer of all information that the commission:

(1) has obtained concerning the individual; and

(2) is authorized to release under IC 5-14.

(h) The commission shall deny the individual's request to waive the requirements of section 3(2) of this chapter if the individual fails to disclose to both the commission and the prospective employer all information relevant to this section.

SECTION 6. IC 7.1-1-3-13.5, AS AMENDED BY P.L.196-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 13.5. "Conviction for operating while intoxicated" means a conviction (as defined in IC 9-13-2-38)

~~(1) in Indiana for a crime under IC 9-30-5-1 through IC 9-30-5-9, IC 35-46-9-6, or IC 14-15-8 (before its repeal). or~~

~~(2) in any other jurisdiction in which the elements of the crime for which the conviction was entered are substantially similar to the elements of a crime described in IC 9-30-5-1 through IC 9-30-5-9; IC 35-46-9-6; or IC 14-15-8-8 (before its repeal):~~

SECTION 7. IC 9-13-2-130 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 130. "Previous conviction of operating while intoxicated" means a previous conviction for:

~~(1) in Indiana of:~~

~~(A) (1) an alcohol related or drug related crime under Acts 1939, c.48, s.52, as amended, IC 9-4-1-54 (repealed September 1, 1983), or IC 9-11-2 (repealed July 1, 1991); or~~

~~(B) (2) a crime under IC 9-30-5-1 through IC 9-30-5-9. or~~  
~~(2) in any other jurisdiction in which the elements of the crime for which the conviction was entered are substantially similar to the elements of a crime described in IC 9-30-5-1 through IC 9-30-5-9:~~

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SECTION 8. IC 9-30-5-1, AS AMENDED BY P.L.63-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) A person who operates a vehicle with an alcohol concentration equivalent to at least eight-hundredths (0.08) gram of alcohol but less than fifteen-hundredths (0.15) gram of alcohol per:

- (1) one hundred (100) milliliters of the person's blood; or
- (2) two hundred ten (210) liters of the person's breath;

commits a Class C misdemeanor.

(b) A person who operates a vehicle with an alcohol concentration equivalent to at least fifteen-hundredths (0.15) gram of alcohol per:

- (1) one hundred (100) milliliters of the person's blood; or
- (2) two hundred ten (210) liters of the person's breath;

commits a Class A misdemeanor.

(c) A person who operates a vehicle with a controlled substance listed in schedule I or II of IC 35-48-2 or its metabolite in the person's **body blood** commits a Class C misdemeanor.

(d) It is a defense to subsection (c) that the accused person consumed the controlled substance in accordance with a valid prescription or order of a practitioner (as defined in IC 35-48-1) who acted in the course of the practitioner's professional practice.

SECTION 9. IC 9-30-5-3, AS AMENDED BY P.L.184-2019, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. (a) Except as provided in subsection (b), a person who violates section 1 or 2 of this chapter commits a Level 6 felony if:

- (1) the person has a previous conviction of operating while intoxicated that occurred within the seven (7) years immediately preceding the occurrence of the violation of section 1 or 2 of this chapter; or
- (2) the person:

- (A) is at least twenty-one (21) years of age;
- (B) violates section 1(b), 1(c), or 2(b) of this chapter; and
- (C) operated a vehicle in which at least one (1) passenger was less than eighteen (18) years of age.

(b) A person who violates section 1 or 2 of this chapter or subsection (a)(2) commits a Level 5 felony if:

- (1) the person has a previous conviction of operating while intoxicated causing death or catastrophic injury (IC 9-30-5-5); or
- (2) the person has a previous conviction of operating while intoxicated causing serious bodily injury (IC 9-30-5-4).

SECTION 10. IC 10-13-3-27, AS AMENDED BY P.L.32-2019,



SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 27. (a) Except as provided in subsection (b), on request, a law enforcement agency shall release a limited criminal history to or allow inspection of a limited criminal history by noncriminal justice organizations or individuals only if the subject of the request:

- (1) has applied for employment with a noncriminal justice organization or individual;
- (2) has:
  - (A) applied for a license or is maintaining a license; and
  - (B) provided criminal history data as required by law to be provided in connection with the license;
- (3) is a candidate for public office or a public official;
- (4) is in the process of being apprehended by a law enforcement agency;
- (5) is placed under arrest for the alleged commission of a crime;
- (6) has charged that the subject's rights have been abused repeatedly by criminal justice agencies;
- (7) is the subject of a judicial decision or determination with respect to the setting of bond, plea bargaining, sentencing, or probation;
- (8) has volunteered services that involve contact with, care of, or supervision over a child who is being placed, matched, or monitored by a social services agency or a nonprofit corporation;
- (9) is currently residing in a location designated by the department of child services (established by IC 31-25-1-1) or by a juvenile court as the out-of-home placement for a child at the time the child will reside in the location;
- (10) has volunteered services at a public school (as defined in IC 20-18-2-15) or nonpublic school (as defined in IC 20-18-2-12) that involve contact with, care of, or supervision over a student enrolled in the school;
- (11) is being investigated for welfare fraud by an investigator of the division of family resources or a county office of the division of family resources;
- (12) is being sought by the parent locator service of the child support bureau of the department of child services;
- (13) is or was required to register as a sex or violent offender under IC 11-8-8;
- (14) has been convicted of any of the following:
  - (A) Rape (IC 35-42-4-1), if the victim is less than eighteen (18) years of age.

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- (B) Criminal deviate conduct (IC 35-42-4-2) (repealed), if the victim is less than eighteen (18) years of age.
  - (C) Child molesting (IC 35-42-4-3).
  - (D) Child exploitation (IC 35-42-4-4(b) or IC 35-42-4-4(c)).
  - (E) Possession of child pornography (IC 35-42-4-4(d) or IC 35-42-4-4(e)).
  - (F) Vicarious sexual gratification (IC 35-42-4-5).
  - (G) Child solicitation (IC 35-42-4-6).
  - (H) Child seduction (IC 35-42-4-7).
  - (I) Sexual misconduct with a minor as a felony (IC 35-42-4-9).
  - (J) Incest (IC 35-46-1-3), if the victim is less than eighteen (18) years of age;
  - ~~(K) Attempt under IC 35-41-5-1 to commit an offense listed in clauses (A) through (J).~~
  - ~~(L) Conspiracy under IC 35-41-5-2 to commit an offense listed in clauses (A) through (J).~~
  - ~~(M) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described under clauses (A) through (J);~~
- (15) is identified as a possible perpetrator of child abuse or neglect in an assessment conducted by the department of child services under IC 31-33-8; or
- (16) is:
- (A) a parent, guardian, or custodian of a child; or
  - (B) an individual who is at least eighteen (18) years of age and resides in the home of the parent, guardian, or custodian; with whom the department of child services or a county probation department has a case plan, dispositional decree, or permanency plan approved under IC 31-34 or IC 31-37 that provides for reunification following an out-of-home placement.

However, limited criminal history information obtained from the National Crime Information Center may not be released under this section except to the extent permitted by the Attorney General of the United States.

(b) A law enforcement agency shall allow inspection of a limited criminal history by and release a limited criminal history to the following noncriminal justice organizations:

- (1) Federally chartered or insured banking institutions.
- (2) Officials of state and local government for any of the following purposes:
  - (A) Employment with a state or local governmental entity.



(B) Licensing.

(3) Segments of the securities industry identified under 15 U.S.C. 78q(f)(2).

(c) Any person who knowingly or intentionally uses limited criminal history for any purpose not specified under this section commits a Class C infraction. However, the violation is a Class A misdemeanor if the person has a prior unrelated adjudication or conviction for a violation of this section within the previous five (5) years.

SECTION 11. IC 10-13-6-10, AS AMENDED BY P.L.111-2017, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 10. (a) This section applies to the following:

(1) A person arrested for a felony after December 31, 2017.

(2) A person convicted of a felony under IC 35-42 (offenses against the person) or IC 35-43-2-1 (burglary):

(A) after June 30, 1996, whether or not the person is sentenced to a term of imprisonment; or

(B) before July 1, 1996, if the person is held in jail or prison on or after July 1, 1996.

(3) A person convicted of a criminal law in effect before October 1, 1977, that penalized an act substantially similar to a felony described in IC 35-42 or IC 35-43-2-1 or that would have been an included offense of a felony described in IC 35-42 or IC 35-43-2-1 if the felony had been in effect:

(A) after June 30, 1998, whether or not the person is sentenced to a term of imprisonment; or

(B) before July 1, 1998, if the person is held in jail or prison on or after July 1, 1998.

(4) A person convicted of a felony: ~~conspiracy to commit a felony; or attempt to commit a felony;~~

(A) after June 30, 2005, whether or not the person is sentenced to a term of imprisonment; or

(B) before July 1, 2005, if the person is held in jail or prison on or after July 1, 2005.

(b) A person described in subsection (a) shall provide a DNA sample to the:

(1) department of correction or the designee of the department of correction if the offender is committed to the department of correction;

(2) county sheriff or the designee of the county sheriff if the offender is held in a county jail or other county penal facility, placed in a community corrections program (as defined in IC 35-38-2.6-2), placed on probation, or released on bond;

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(3) agency that supervises the person, or the agency's designee, if the person is on conditional release in accordance with IC 35-38-1-27; or

(4) sheriff, in the case of a person arrested for a felony.

A DNA sample provided under subdivision (4) may be obtained only by buccal swab. A person is not required to submit a blood sample if doing so would present a substantial and an unreasonable risk to the person's health.

(c) The detention, arrest, or conviction of a person based on a data base match or data base information is not invalidated if a court determines that the DNA sample was obtained or placed in the Indiana DNA data base by mistake.

(d) The officer, employee, or designee who obtains a DNA sample from a person under this section shall:

(1) inform the person of the person's right to DNA removal under section 18 of this chapter; and

(2) provide the person with instructions and a form that may be used for DNA removal.

(e) This subsection applies only to a DNA sample provided by a person arrested for a felony. A person described in subsection (b)(1), (b)(2), (b)(3), or (b)(4) may not ship a DNA sample collected from a felony arrestee for DNA identification testing unless:

(1) the arrestee was arrested pursuant to a felony arrest warrant; or

(2) a court has found probable cause for the felony arrest.

SECTION 12. IC 11-8-8-4.5, AS AMENDED BY P.L.144-2018, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4.5. (a) Except as provided in section 22 of this chapter, as used in this chapter, "sex offender" means a person convicted of any of the following offenses:

(1) Rape (IC 35-42-4-1).

(2) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).

(3) Child molesting (IC 35-42-4-3).

(4) Child exploitation (IC 35-42-4-4(b) or IC 35-42-4-4(c)).

(5) Vicarious sexual gratification (including performing sexual conduct in the presence of a minor) (IC 35-42-4-5).

(6) Child solicitation (IC 35-42-4-6).

(7) Child seduction (IC 35-42-4-7).

(8) Sexual misconduct with a minor (IC 35-42-4-9) as a Class A, Class B, or Class C felony (for a crime committed before July 1, 2014) or a Level 1, Level 2, Level 4, or Level 5 felony (for a crime committed after June 30, 2014), unless:

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(A) the person is convicted of sexual misconduct with a minor as a Class C felony (for a crime committed before July 1, 2014) or a Level 5 felony (for a crime committed after June 30, 2014);

(B) the person is not more than:

(i) four (4) years older than the victim if the offense was committed after June 30, 2007; or

(ii) five (5) years older than the victim if the offense was committed before July 1, 2007; and

(C) the sentencing court finds that the person should not be required to register as a sex offender.

(9) Incest (IC 35-46-1-3).

(10) Sexual battery (IC 35-42-4-8).

(11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age, and the person who kidnapped the victim is not the victim's parent or guardian.

(12) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age, and the person who confined or removed the victim is not the victim's parent or guardian.

(13) Possession of child pornography (IC 35-42-4-4(d) or IC 35-42-4-4(e)).

(14) Promoting prostitution (IC 35-45-4-4) as a Class B felony (for a crime committed before July 1, 2014) or a Level 4 felony (for a crime committed after June 30, 2014).

(15) Promotion of human sexual trafficking under IC 35-42-3.5-1.1.

(16) Promotion of child sexual trafficking under IC 35-42-3.5-1.2(a).

(17) Promotion of sexual trafficking of a younger child (IC 35-42-3.5-1.2(c)).

(18) Child sexual trafficking (IC 35-42-3.5-1.3).

(19) Human trafficking under IC 35-42-3.5-1.4 if the victim is less than eighteen (18) years of age.

(20) Sexual misconduct by a service provider with a detained or supervised child (IC 35-44.1-3-10(c)).

~~(21) An attempt or conspiracy to commit a crime listed in this subsection.~~

~~(22) A crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in this subsection.~~

(b) The term includes:

(1) a person who is required to register as a sex offender in any



jurisdiction; and

(2) a child who has committed a delinquent act and who:

(A) is at least fourteen (14) years of age;

(B) is on probation, is on parole, is discharged from a facility by the department of correction, is discharged from a secure private facility (as defined in IC 31-9-2-115), or is discharged from a juvenile detention facility as a result of an adjudication as a delinquent child for an act that would be an offense described in subsection (a) if committed by an adult; and

(C) is found by a court by clear and convincing evidence to be likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

(c) In making a determination under subsection (b)(2)(C), the court shall consider expert testimony concerning whether a child is likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

SECTION 13. IC 11-8-8-5, AS AMENDED BY P.L.144-2018, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) Except as provided in section 22 of this chapter, as used in this chapter, "sex or violent offender" means a person convicted of any of the following offenses:

(1) Rape (IC 35-42-4-1).

(2) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).

(3) Child molesting (IC 35-42-4-3).

(4) Child exploitation (IC 35-42-4-4(b) or IC 35-42-4-4(c)).

(5) Vicarious sexual gratification (including performing sexual conduct in the presence of a minor) (IC 35-42-4-5).

(6) Child solicitation (IC 35-42-4-6).

(7) Child seduction (IC 35-42-4-7).

(8) Sexual misconduct with a minor (IC 35-42-4-9) as a Class A, Class B, or Class C felony (for a crime committed before July 1, 2014) or a Level 1, Level 2, Level 4, or Level 5 felony (for a crime committed after June 30, 2014), unless:

(A) the person is convicted of sexual misconduct with a minor as a Class C felony (for a crime committed before July 1, 2014) or a Level 5 felony (for a crime committed after June 30, 2014);

(B) the person is not more than:

(i) four (4) years older than the victim if the offense was committed after June 30, 2007; or

(ii) five (5) years older than the victim if the offense was committed before July 1, 2007; and

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- (C) the sentencing court finds that the person should not be required to register as a sex offender.
- (9) Incest (IC 35-46-1-3).
  - (10) Sexual battery (IC 35-42-4-8).
  - (11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age, and the person who kidnapped the victim is not the victim's parent or guardian.
  - (12) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age, and the person who confined or removed the victim is not the victim's parent or guardian.
  - (13) Possession of child pornography (IC 35-42-4-4(d) or IC 35-42-4-4(e)).
  - (14) Promoting prostitution (IC 35-45-4-4) as a Class B felony (for a crime committed before July 1, 2014) or a Level 4 felony (for a crime committed after June 30, 2014).
  - (15) Promotion of human sexual trafficking under IC 35-42-3.5-1.1.
  - (16) Promotion of child sexual trafficking under IC 35-42-3.5-1.2(a).
  - (17) Promotion of sexual trafficking of a younger child (IC 35-42-3.5-1.2(c)).
  - (18) Child sexual trafficking (IC 35-42-3.5-1.3).
  - (19) Human trafficking under IC 35-42-3.5-1.4 if the victim is less than eighteen (18) years of age.
  - (20) Murder (IC 35-42-1-1).
  - (21) Voluntary manslaughter (IC 35-42-1-3).
  - (22) Sexual misconduct by a service provider with a detained or supervised child (IC 35-44.1-3-10(c)).
  - ~~(23) An attempt or conspiracy to commit a crime listed in this subsection.~~
  - ~~(24) A crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in this subsection.~~
- (b) The term includes:
- (1) a person who is required to register as a sex or violent offender in any jurisdiction; and
  - (2) a child who has committed a delinquent act and who:
    - (A) is at least fourteen (14) years of age;
    - (B) is on probation, is on parole, is discharged from a facility by the department of correction, is discharged from a secure private facility (as defined in IC 31-9-2-115), or is discharged from a juvenile detention facility as a result of an adjudication



as a delinquent child for an act that would be an offense described in subsection (a) if committed by an adult; and (C) is found by a court by clear and convincing evidence to be likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

(c) In making a determination under subsection (b)(2)(C), the court shall consider expert testimony concerning whether a child is likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

SECTION 14. IC 11-8-8-17, AS AMENDED BY P.L.44-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 17. (a) A sex or violent offender who knowingly or intentionally:

- (1) fails to register when required to register under this chapter;
- (2) fails to register in every location where the sex or violent offender is required to register under this chapter;
- (3) makes a material misstatement or omission while registering as a sex or violent offender under this chapter;
- (4) fails to register in person as required under this chapter; or
- (5) does not reside at the sex or violent offender's registered address or location;

commits a Level 6 felony.

(b) The offense described in subsection (a) is a Level 5 felony if the sex or violent offender has a prior unrelated conviction for an offense:

- (1) under this section;
- (2) based on the person's failure to comply with any requirement imposed on a sex or violent offender under this chapter or under IC 5-2-12 before its repeal; or
- (3) that

(A) is a crime under the laws of another jurisdiction, including a military court; and

(B) is:

- (i) the same or substantially similar to an offense under this section; or
- (ii) is based on the person's failure to comply with a requirement imposed on the person that is the same or substantially similar to a requirement imposed on a sex or violent offender under this chapter or under IC 5-2-12 before its repeal.

(c) It is not a defense to a prosecution under this section that the sex or violent offender was unable to pay the sex or violent offender registration fee or the sex or violent offender address change fee

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described under IC 36-2-13-5.6.

SECTION 15. IC 11-12-3.7-6, AS AMENDED BY P.L.211-2019, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. As used in this chapter, "violent offense" means one (1) or more of the following offenses:

- (1) Murder (IC 35-42-1-1).
- (2) Attempted murder (IC 35-41-5-1).
- (3) Voluntary manslaughter (IC 35-42-1-3).
- (4) Involuntary manslaughter (IC 35-42-1-4).
- (5) Reckless homicide (IC 35-42-1-5).
- (6) Aggravated battery (IC 35-42-2-1.5).
- (7) Battery (IC 35-42-2-1) as a:
  - (A) Class A felony, Class B felony, or Class C felony (for a crime committed before July 1, 2014); or
  - (B) Level 2 felony, Level 3 felony, or Level 5 felony (for a crime committed after June 30, 2014).
- (8) Kidnapping (IC 35-42-3-2).
- (9) A sex crime listed in IC 35-42-4-1 through IC 35-42-4-8 that is a:
  - (A) Class A felony, Class B felony, or Class C felony (for a crime committed before July 1, 2014); or
  - (B) Level 1 felony, Level 2 felony, Level 3 felony, Level 4 felony, or Level 5 felony (for a crime committed after June 30, 2014).
- (10) Sexual misconduct with a minor (IC 35-42-4-9) as a:
  - (A) Class A felony or Class B felony (for a crime committed before July 1, 2014); or
  - (B) Level 1 felony, Level 2 felony, or Level 4 felony (for a crime committed after June 30, 2014).
- (11) Incest (IC 35-46-1-3).
- (12) Robbery (IC 35-42-5-1) as a:
  - (A) Class A felony or a Class B felony (for a crime committed before July 1, 2014); or
  - (B) Level 2 felony or Level 3 felony (for a crime committed after June 30, 2014).
- (13) Burglary (IC 35-43-2-1) as a:
  - (A) Class A felony or a Class B felony (for a crime committed before July 1, 2014); or
  - (B) Level 1 felony, Level 2 felony, Level 3 felony, or Level 4 felony (for a crime committed after June 30, 2014).
- (14) Carjacking (IC 35-42-5-2) (repealed).
- (15) Assisting a criminal (IC 35-44.1-2-5) as a:

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- (A) Class C felony (for a crime committed before July 1, 2014); or
  - (B) Level 5 felony (for a crime committed after June 30, 2014).
- (16) Escape (IC 35-44.1-3-4) as a:
- (A) Class B felony or Class C felony (for a crime committed before July 1, 2014); or
  - (B) Level 4 felony or Level 5 felony (for a crime committed after June 30, 2014).
- (17) Trafficking with an inmate (IC 35-44.1-3-5) as a:
- (A) Class C felony (for a crime committed before July 1, 2014); or
  - (B) Level 5 felony (for a crime committed after June 30, 2014).
- (18) Causing death or catastrophic injury when operating a vehicle (IC 9-30-5-5).
- (19) Criminal confinement (IC 35-42-3-3) as a:
- (A) Class B felony (for a crime committed before July 1, 2014); or
  - (B) Level 3 felony (for a crime committed after June 30, 2014).
- (20) Arson (IC 35-43-1-1) as a:
- (A) Class A or Class B felony (for a crime committed before July 1, 2014); or
  - (B) Level 2, Level 3, or Level 4 felony (for a crime committed after June 30, 2014).
- (21) Possession, use, or manufacture of a weapon of mass destruction (IC 35-46.5-2-1) (or IC 35-47-12-1 before its repeal).
- (22) Terroristic mischief (IC 35-46.5-2-3) (or IC 35-47-12-3 before its repeal) as a:
- (A) Class B felony (for a crime committed before July 1, 2014); or
  - (B) Level 4 felony (for a crime committed after June 30, 2014).
- (23) Hijacking or disrupting an aircraft (IC 35-47-6-1.6).
- (24) A violation of IC 35-47.5 (controlled explosives) as a:
- (A) Class A or Class B felony (for a crime committed before July 1, 2014); or
  - (B) Level 2 or Level 4 felony (for a crime committed after June 30, 2014).
- (25) Domestic battery (IC 35-42-2-1.3) as a Level 2 felony, Level 3 felony, or Level 5 felony.



~~(26)~~ A crime under the laws of another jurisdiction, including a military court, that is substantially similar to any of the offenses listed in this subdivision:

~~(27)~~ (26) Any other crimes evidencing a propensity or history of violence.

SECTION 16. IC 12-7-2-53.2, AS AMENDED BY P.L.168-2014, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 53.2. "Dangerous felony", for purposes of IC 12-17.2, means one (1) or more of the following felonies:

- (1) Murder (IC 35-42-1-1).
- (2) Attempted murder (IC 35-41-5-1).
- (3) Voluntary manslaughter (IC 35-42-1-3).
- (4) Involuntary manslaughter (IC 35-42-1-4).
- (5) Reckless homicide (IC 35-42-1-5).
- (6) Aggravated battery (IC 35-42-2-1.5).
- (7) Kidnapping (IC 35-42-3-2).
- (8) Rape (IC 35-42-4-1).
- (9) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
- (10) Child molesting (IC 35-42-4-3).
- (11) Sexual misconduct with a minor as a Class A felony (for a crime committed before July 1, 2014) or a Level 1 felony (for a crime committed after June 30, 2014) under IC 35-42-4-9(a)(2) or a Class B felony (for a crime committed before July 1, 2014) or a Level 2 felony (for a crime committed after June 30, 2014) under IC 35-42-4-9(b)(2).
- (12) Robbery as a Class A or Class B felony (for a crime committed before July 1, 2014) or a Level 2 or Level 3 felony (for a crime committed after June 30, 2014) (IC 35-42-5-1).
- (13) Burglary as a Class A or Class B felony (for a crime committed before July 1, 2014) or a Level 2 or Level 3 felony (for a crime committed after June 30, 2014) (IC 35-43-2-1).
- (14) Battery as a felony (IC 35-42-2-1).
- (15) Domestic battery (IC 35-42-2-1.3).
- (16) Strangulation (IC 35-42-2-9).
- (17) Criminal confinement (IC 35-42-3-3).
- (18) Sexual battery (IC 35-42-4-8).
- ~~(19)~~ A felony committed in another jurisdiction that is substantially similar to a felony in this section:
- ~~(20)~~ An attempt to commit or a conspiracy to commit an offense listed in subdivisions ~~(1)~~ through ~~(19)~~:

SECTION 17. IC 14-15-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) **Subject to**

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**subsection (b)**, the operator of a boat involved in an accident or a collision resulting in injury to or death of a person or damage to a boat or other property, shall do the following:

- (1) **If the action described in this subdivision can be done without endangering a person**, stop the boat immediately and as close as possible to the scene of the accident.
- (2) **If the action described in this subdivision can be done without endangering a person**, return to the scene of the accident and remain there until the operator has complied with this section.
- (3) Give:
  - (A) the operator's name and address;
  - (B) a full identification of the boat operated; and
  - (C) the name and address of the owner;
 to the operator of each other boat and each person injured.
- (4) Upon request, exhibit the operator's license to the operator of each other boat and each person injured.
- (5) **Notify emergency services as soon as possible, and** provide reasonable assistance to each person injured, including carrying or arranging for carrying each injured person to a physician, surgeon, or hospital for medical or surgical treatment if:
  - (A) it is apparent that treatment is necessary; or
  - (B) the injured person so requests.

**(b) An operator described in subsection (a) shall make a reasonable and good faith effort to perform the actions described in subsection (a). However, an operator is not required to perform an act that would endanger a person.**

SECTION 18. IC 16-27-2-5, AS AMENDED BY P.L.51-2016, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) Except as provided in subsection (b), a person who operates a home health agency under IC 16-27-1 or a personal services agency under IC 16-27-4 may not employ a person to provide services in a patient's or client's temporary or permanent residence if that person's national criminal history background check or expanded criminal history check indicates that the person has been convicted of any of the following:

- (1) Rape (IC 35-42-4-1).
- (2) Criminal deviate conduct (IC 35-42-4-2) (repealed).
- (3) Exploitation of an endangered adult (IC 35-46-1-12).
- (4) Failure to report battery, neglect, or exploitation of an endangered adult (IC 35-46-1-13).
- (5) Theft (IC 35-43-4), if the conviction for theft occurred less

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than ten (10) years before the person's employment application date.

(6) A felony that is substantially equivalent to a felony listed in:  
 (A) subdivisions (1) through (4); or  
 (B) subdivision (5); if the conviction for theft occurred less than ten (10) years before the person's employment application date;

for which the conviction was entered in another state:

(b) A home health agency or personal services agency may not employ a person to provide services in a patient's or client's temporary or permanent residence for more than twenty-one (21) calendar days without receipt of that person's national criminal history background check or expanded criminal history check required by section 4 of this chapter, unless the state police department, the Federal Bureau of Investigation under IC 10-13-3-39, or the private agency providing the expanded criminal history check is responsible for failing to provide the person's national criminal history background check or expanded criminal history check to the home health agency or personal services agency within the time required under this subsection.

SECTION 19. IC 16-31-3-14, AS AMENDED BY P.L.80-2019, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 14. (a) A person holding a certificate or license issued under this article must comply with the applicable standards and rules established under this article. A certificate holder or license holder is subject to disciplinary sanctions under subsection (b) if the department of homeland security determines that the certificate holder or license holder:

- (1) engaged in or knowingly cooperated in fraud or material deception in order to obtain a certificate or license, including cheating on a certification or licensure examination;
- (2) engaged in fraud or material deception in the course of professional services or activities;
- (3) advertised services or goods in a false or misleading manner;
- (4) falsified or knowingly allowed another person to falsify attendance records or certificates of completion of continuing education courses required under this article or rules adopted under this article;
- (5) is convicted of a crime, if the act that resulted in the conviction has a direct bearing on determining if the certificate holder or license holder should be entrusted to provide emergency medical services;
- (6) is convicted of violating IC 9-19-14.5;

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(7) fails to comply and maintain compliance with or violates any applicable provision, standard, or other requirement of this article or rules adopted under this article;

(8) continues to practice if the certificate holder or license holder becomes unfit to practice due to:

(A) professional incompetence that includes the undertaking of professional activities that the certificate holder or license holder is not qualified by training or experience to undertake;

(B) failure to keep abreast of current professional theory or practice;

(C) physical or mental disability; or

(D) addiction to, abuse of, or dependency on alcohol or other drugs that endanger the public by impairing the certificate holder's or license holder's ability to practice safely;

(9) engages in a course of lewd or immoral conduct in connection with the delivery of services to the public;

(10) allows the certificate holder's or license holder's name or a certificate or license issued under this article to be used in connection with a person who renders services beyond the scope of that person's training, experience, or competence;

(11) is subjected to disciplinary action in another state or jurisdiction on grounds similar to those contained in this chapter. For purposes of this subdivision, a certified copy of a record of disciplinary action constitutes prima facie evidence of a disciplinary action in another jurisdiction;

(12) assists another person in committing an act that would constitute a ground for disciplinary sanction under this chapter; or

(13) allows a certificate or license issued by the commission to be:

(A) used by another person; or

(B) displayed to the public when the certificate or license is expired, inactive, invalid, revoked, or suspended.

(b) The department of homeland security may issue an order under IC 4-21.5-3-6 to impose one (1) or more of the following sanctions if the department of homeland security determines that a certificate holder or license holder is subject to disciplinary sanctions under subsection (a):

(1) Revocation of a certificate holder's certificate or license holder's license for a period not to exceed seven (7) years.

(2) Suspension of a certificate holder's certificate or license holder's license for a period not to exceed seven (7) years.



- (3) Censure of a certificate holder or license holder.
- (4) Issuance of a letter of reprimand.
- (5) Assessment of a civil penalty against the certificate holder or license holder in accordance with the following:
  - (A) The civil penalty may not exceed five hundred dollars (\$500) per day per violation.
  - (B) If the certificate holder or license holder fails to pay the civil penalty within the time specified by the department of homeland security, the department of homeland security may suspend the certificate holder's certificate or license holder's license without additional proceedings.
- (6) Placement of a certificate holder or license holder on probation status and requirement of the certificate holder or license holder to:
  - (A) report regularly to the department of homeland security upon the matters that are the basis of probation;
  - (B) limit practice to those areas prescribed by the department of homeland security;
  - (C) continue or renew professional education approved by the department of homeland security until a satisfactory degree of skill has been attained in those areas that are the basis of the probation; or
  - (D) perform or refrain from performing any acts, including community restitution or service without compensation, that the department of homeland security considers appropriate to the public interest or to the rehabilitation or treatment of the certificate holder or license holder.

The department of homeland security may withdraw or modify this probation if the department of homeland security finds after a hearing that the deficiency that required disciplinary action is remedied or that changed circumstances warrant a modification of the order.

- (c) If an applicant or a certificate holder or license holder has engaged in or knowingly cooperated in fraud or material deception to obtain a certificate or license, including cheating on the certification or licensure examination, the department of homeland security may rescind the certificate or license if it has been granted, void the examination or other fraudulent or deceptive material, and prohibit the applicant from reapplying for the certificate or license for a length of time established by the department of homeland security.
- (d) The department of homeland security may deny certification or licensure to an applicant who would be subject to disciplinary sanctions

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under subsection (b) if that person were a certificate holder or license holder, has had disciplinary action taken against the applicant or the applicant's certificate or license to practice in another state or jurisdiction, or has practiced without a certificate or license in violation of the law. A certified copy of the record of disciplinary action is conclusive evidence of the other jurisdiction's disciplinary action.

(e) The department of homeland security may order a certificate holder or license holder to submit to a reasonable physical or mental examination if the certificate holder's or license holder's physical or mental capacity to practice safely and competently is at issue in a disciplinary proceeding. Failure to comply with a department of homeland security order to submit to a physical or mental examination makes a certificate holder or license holder liable to temporary suspension under subsection (i).

(f) Except as provided under subsection (a), subsection (g), and section 14.5 of this chapter, a certificate or license may not be denied, revoked, or suspended because the applicant, certificate holder, or license holder has been convicted of an offense. The acts from which the applicant's, certificate holder's, or license holder's conviction resulted may be considered as to whether the applicant or certificate holder or license holder should be entrusted to serve the public in a specific capacity.

(g) The department of homeland security may deny, suspend, or revoke a certificate or license issued under this article if the individual who holds or is applying for the certificate or license is convicted of any of the following:

- (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
- (2) Possession of methamphetamine under IC 35-48-4-6.1.
- (3) Possession of a controlled substance under IC 35-48-4-7(a).
- (4) Fraudulently obtaining a controlled substance under IC 35-48-4-7(c).
- (5) Manufacture of paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.1(b).
- (6) Dealing in paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.5(b).
- (7) Possession of paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.3(b) (before its amendment on July 1, 2015).
- (8) Possession of marijuana, hash oil, hashish, or salvia as a Class



D felony (for a crime committed before July 1, 2014) or Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-11.

(9) A felony offense under IC 35-48-4 involving:

(A) possession of a synthetic drug (as defined in IC 35-31.5-2-321);

(B) possession of a synthetic drug lookalike substance (as defined in IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) as a:

(i) Class D felony (for a crime committed before July 1, 2014); or

(ii) Level 6 felony (for a crime committed after June 30, 2014);

under IC 35-48-4-11.5 (before its repeal on July 1, 2019); or

(C) possession of a controlled substance analog (as defined in IC 35-48-1-9.3).

(10) Maintaining a common nuisance under IC 35-48-4-13 (repealed) or IC 35-45-1-5, if the common nuisance involves a controlled substance.

(11) An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.

~~(12) Conspiracy under IC 35-41-5-2 to commit an offense listed in this section.~~

~~(13) Attempt under IC 35-41-5-1 to commit an offense listed in this section.~~

~~(14) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described in this section.~~

(h) A decision of the department of homeland security under subsections (b) through (g) may be appealed to the commission under IC 4-21.5-3-7.

(i) The department of homeland security may temporarily suspend a certificate holder's certificate or license holder's license under IC 4-21.5-4 before a final adjudication or during the appeals process if the department of homeland security finds that a certificate holder or license holder would represent a clear and immediate danger to the public's health, safety, or property if the certificate holder or license holder were allowed to continue to practice.

(j) On receipt of a complaint or information alleging that a person certified or licensed under this chapter or IC 16-31-3.5 has engaged in or is engaging in a practice that is subject to disciplinary sanctions under this chapter, the department of homeland security must initiate





an investigation against the person.

(k) The department of homeland security shall conduct a factfinding investigation as the department of homeland security considers proper in relation to the complaint.

(l) The department of homeland security may reinstate a certificate or license that has been suspended under this section if the department of homeland security is satisfied that the applicant is able to practice with reasonable skill, competency, and safety to the public. As a condition of reinstatement, the department of homeland security may impose disciplinary or corrective measures authorized under this chapter.

(m) The department of homeland security may not reinstate a certificate or license that has been revoked under this chapter.

(n) The department of homeland security must be consistent in the application of sanctions authorized in this chapter. Significant departures from prior decisions involving similar conduct must be explained in the department of homeland security's findings or orders.

(o) A certificate holder may not surrender the certificate holder's certificate, and a license holder may not surrender the license holder's license, without the written approval of the department of homeland security, and the department of homeland security may impose any conditions appropriate to the surrender or reinstatement of a surrendered certificate or license.

(p) For purposes of this section, "certificate holder" means a person who holds:

- (1) an unlimited certificate;
- (2) a limited or probationary certificate; or
- (3) an inactive certificate.

(q) For purposes of this section, "license holder" means a person who holds:

- (1) an unlimited license;
- (2) a limited or probationary license; or
- (3) an inactive license.

SECTION 20. IC 16-31-3-14.5, AS AMENDED BY P.L.80-2019, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 14.5. The department of homeland security may issue an order under IC 4-21.5-3-6 to deny an applicant's request for certification or licensure or permanently revoke a certificate or license under procedures provided by section 14 of this chapter if the individual who holds the certificate or license issued under this title is convicted of any of the following:

- (1) Dealing in a controlled substance resulting in death under

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IC 35-42-1-1.5.

(2) Dealing in or manufacturing cocaine or a narcotic drug under IC 35-48-4-1.

(3) Dealing in methamphetamine under IC 35-48-4-1.1.

(4) Manufacturing methamphetamine under IC 35-48-4-1.2.

(5) Dealing in a schedule I, II, or III controlled substance under IC 35-48-4-2.

(6) Dealing in a schedule IV controlled substance under IC 35-48-4-3.

(7) Dealing in a schedule V controlled substance under IC 35-48-4-4.

(8) Dealing in a substance represented to be a controlled substance under IC 35-48-4-4.5 (repealed).

(9) Knowingly or intentionally manufacturing, advertising, distributing, or possessing with intent to manufacture, advertise, or distribute a substance represented to be a controlled substance under IC 35-48-4-4.6.

(10) Dealing in a counterfeit substance under IC 35-48-4-5.

(11) Dealing in marijuana, hash oil, hashish, or salvia as a felony under IC 35-48-4-10.

(12) An offense under IC 35-48-4 involving the manufacture or sale of a synthetic drug (as defined in IC 35-31.5-2-321), a synthetic drug lookalike substance (as defined in IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under IC 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled substance analog (as defined in IC 35-48-1-9.3), or a substance represented to be a controlled substance (as described in IC 35-48-4-4.6).

~~(13) Conspiracy under IC 35-41-5-2 to commit an offense listed in this section:~~

~~(14) Attempt under IC 35-41-5-1 to commit an offense listed in this section:~~

~~(15) (13) A crime of violence (as defined in IC 35-50-1-2(a)).~~

~~(16) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described under this section.~~

SECTION 21. IC 20-26-5-11, AS AMENDED BY P.L.85-2017, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 11. (a) This section applies to:

- (1) a school corporation;
- (2) a charter school; and
- (3) an entity:

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(A) with which the school corporation contracts for services; and

(B) that has employees who are likely to have direct, ongoing contact with children within the scope of the employees' employment.

(b) A school corporation, charter school, or entity may use information obtained under section 10 of this chapter concerning an individual's conviction for one (1) of the following offenses as grounds to not employ or contract with the individual:

- (1) Murder (IC 35-42-1-1).
- (2) Causing suicide (IC 35-42-1-2).
- (3) Assisting suicide (IC 35-42-1-2.5).
- (4) Voluntary manslaughter (IC 35-42-1-3).
- (5) Reckless homicide (IC 35-42-1-5).
- (6) Battery (IC 35-42-2-1) unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
- (7) Aggravated battery (IC 35-42-2-1.5).
- (8) Kidnapping (IC 35-42-3-2).
- (9) Criminal confinement (IC 35-42-3-3).
- (10) A sex offense under IC 35-42-4.
- (11) Carjacking (IC 35-42-5-2) (repealed).
- (12) Arson (IC 35-43-1-1), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
- (13) Incest (IC 35-46-1-3).
- (14) Neglect of a dependent as a Class B felony (for a crime committed before July 1, 2014) or a Level 1 felony or Level 3 felony (for a crime committed after June 30, 2014) (IC 35-46-1-4(b)(2)), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
- (15) Child selling (IC 35-46-1-4(d)).
- (16) Contributing to the delinquency of a minor (IC 35-46-1-8), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
- (17) An offense involving a weapon under IC 35-47 or IC 35-47.5, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
- (18) An offense relating to controlled substances under



IC 35-48-4, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

(19) An offense relating to material or a performance that is harmful to minors or obscene under IC 35-49-3, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

(20) An offense relating to operating a motor vehicle while intoxicated under IC 9-30-5, unless five (5) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

(21) Domestic battery (IC 35-42-2-1.3), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is latest.

(22) An offense that is substantially equivalent to any of the offenses listed in this subsection in which the judgment of conviction was entered under the law of any other jurisdiction.

(c) An individual employed by a school corporation, charter school, or entity described in subsection (a) shall notify the governing body of the school corporation, if during the course of the individual's employment, the individual is convicted in Indiana or another jurisdiction of an offense described in subsection (b).

(d) A school corporation, charter school, or entity may use information obtained under section 10 of this chapter concerning an individual being the subject of a substantiated report of child abuse or neglect as grounds to not employ or contract with the individual.

(e) An individual employed by a school corporation, charter school, or entity described in subsection (a) shall notify the governing body of the school corporation, if during the course of the individual's employment, the individual is the subject of a substantiated report of child abuse or neglect.

SECTION 22. IC 20-26-14-8, AS ADDED BY P.L.169-2019, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8. (a) The department shall notify the association of any license revocation or suspension involving a licensed teacher (as defined in IC 20-18-2-22) under IC 20-28-5-8 who:

(1) has:

(A) been convicted of an offense described in IC 20-28-5-8(c); or of a known comparable offense in another state; or

(B) committed misconduct described in IC 20-28-5-7(1) or IC 20-28-5-7(2); and

(2) is also a coach accredited by the association.

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(b) A school corporation, charter high school, or nonpublic high school with at least one (1) employee must report to the association, in a manner prescribed by the association, when a nonteaching or volunteer coach accredited by the association has been convicted of an offense described in IC 20-28-5-8(c). ~~or of a known comparable offense in another state.~~

(c) The association shall develop a rule, as soon as practicable, to suspend or revoke the coaching accreditation of a teacher who has been reported to the association under subsection (a) for committing misconduct described in IC 20-28-5-7(1) or IC 20-28-5-7(2).

(d) The association shall revoke the accreditation of any coach who has been convicted of an offense described in IC 20-28-5-8. The association may, after holding a hearing on the matter, reinstate the accreditation of an individual whose accreditation has been revoked by the association if the individual's conviction has been reversed, vacated, or set aside on appeal.

(e) Nothing in this section shall be construed to prohibit the association from revoking a coaching accreditation or otherwise imposing any other form of discipline for misconduct not described in IC 20-28-5-7(1), IC 20-28-5-7(2), or IC 20-28-5-8.

(f) The:

- (1) association or its employees;
- (2) department or its employees; or
- (3) school corporation, charter high school, or nonpublic high school with at least one (1) employee or its employees;

are immune from civil liability for any act done or omitted under this section or section 9 of this chapter unless the action constitutes gross negligence or willful or wanton misconduct.

SECTION 23. IC 22-15-5-16, AS AMENDED BY P.L.80-2019, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 16. (a) A practitioner shall comply with the standards established under this licensing program. A practitioner is subject to the exercise of the disciplinary sanctions under subsection (b) if the department finds that a practitioner has:

- (1) engaged in or knowingly cooperated in fraud or material deception in order to obtain a license to practice, including cheating on a licensing examination;
- (2) engaged in fraud or material deception in the course of professional services or activities;
- (3) advertised services or goods in a false or misleading manner;
- (4) falsified or knowingly allowed another person to falsify attendance records or certificates of completion of continuing



- education courses provided under this chapter;
- (5) been convicted of a crime that has a direct bearing on the practitioner's ability to continue to practice competently;
- (6) knowingly violated a state statute or rule or federal statute or regulation regulating the profession for which the practitioner is licensed;
- (7) continued to practice although the practitioner has become unfit to practice due to:
- (A) professional incompetence;
  - (B) failure to keep abreast of current professional theory or practice;
  - (C) physical or mental disability; or
  - (D) addiction to, abuse of, or severe dependency on alcohol or other drugs that endanger the public by impairing a practitioner's ability to practice safely;
- (8) engaged in a course of lewd or immoral conduct in connection with the delivery of services to the public;
- (9) allowed the practitioner's name or a license issued under this chapter to be used in connection with an individual or business who renders services beyond the scope of that individual's or business's training, experience, or competence;
- (10) had disciplinary action taken against the practitioner or the practitioner's license to practice in another state or jurisdiction on grounds similar to those under this chapter;
- (11) assisted another person in committing an act that would constitute a ground for disciplinary sanction under this chapter;
- or
- (12) allowed a license issued by the department to be:
- (A) used by another person; or
  - (B) displayed to the public when the license has expired, is inactive, is invalid, or has been revoked or suspended.

For purposes of subdivision (10), a certified copy of a record of disciplinary action constitutes prima facie evidence of a disciplinary action in another jurisdiction.

(b) The department may impose one (1) or more of the following sanctions if the department finds that a practitioner is subject to disciplinary sanctions under subsection (a):

- (1) Permanent revocation of a practitioner's license.
- (2) Suspension of a practitioner's license.
- (3) Censure of a practitioner.
- (4) Issuance of a letter of reprimand.
- (5) Assessment of a civil penalty against the practitioner in



accordance with the following:

- (A) The civil penalty may not be more than one thousand dollars (\$1,000) for each violation listed in subsection (a), except for a finding of incompetency due to a physical or mental disability.
- (B) When imposing a civil penalty, the department shall consider a practitioner's ability to pay the amount assessed. If the practitioner fails to pay the civil penalty within the time specified by the department, the department may suspend the practitioner's license without additional proceedings. However, a suspension may not be imposed if the sole basis for the suspension is the practitioner's inability to pay a civil penalty.
- (6) Placement of a practitioner on probation status and requirement of the practitioner to:
  - (A) report regularly to the department upon the matters that are the basis of probation;
  - (B) limit practice to those areas prescribed by the department;
  - (C) continue or renew professional education approved by the department until a satisfactory degree of skill has been attained in those areas that are the basis of the probation; or
  - (D) perform or refrain from performing any acts, including community restitution or service without compensation, that the department considers appropriate to the public interest or to the rehabilitation or treatment of the practitioner.

The department may withdraw or modify this probation if the department finds after a hearing that the deficiency that required disciplinary action has been remedied or that changed circumstances warrant a modification of the order.

(c) If an applicant or a practitioner has engaged in or knowingly cooperated in fraud or material deception to obtain a license to practice, including cheating on the licensing examination, the department may rescind the license if it has been granted, void the examination or other fraudulent or deceptive material, and prohibit the applicant from reapplying for the license for a length of time established by the department.

(d) The department may deny licensure to an applicant who has had disciplinary action taken against the applicant or the applicant's license to practice in another state or jurisdiction or who has practiced without a license in violation of the law. A certified copy of the record of disciplinary action is conclusive evidence of the other jurisdiction's disciplinary action.

(e) The department may order a practitioner to submit to a

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reasonable physical or mental examination if the practitioner's physical or mental capacity to practice safely and competently is at issue in a disciplinary proceeding. Failure to comply with a department order to submit to a physical or mental examination makes a practitioner liable to temporary suspension under subsection (j).

(f) Except as provided under subsection (g) or (h), a license may not be denied, revoked, or suspended because the applicant or holder has been convicted of an offense. The acts from which the applicant's or holder's conviction resulted may, however, be considered as to whether the applicant or holder should be entrusted to serve the public in a specific capacity.

(g) The department may deny, suspend, or revoke a license issued under this chapter if the individual who holds the license is convicted of any of the following:

- (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
- (2) Possession of methamphetamine under IC 35-48-4-6.1.
- (3) Possession of a controlled substance under IC 35-48-4-7(a).
- (4) Fraudulently obtaining a controlled substance under IC 35-48-4-7(b) (for a crime committed before July 1, 2014) or IC 35-48-4-7(c) (for a crime committed after June 30, 2014).
- (5) Manufacture of paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.1(b).
- (6) Dealing in paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.5(b).
- (7) Possession of paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.3(b) (before its amendment on July 1, 2015).
- (8) Possession of marijuana, hash oil, hashish, or salvia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-11.
- (9) A felony offense under IC 35-48-4 involving possession of a synthetic drug (as defined in IC 35-31.5-2-321), possession of a controlled substance analog (as defined in IC 35-48-1-9.3), or possession of a synthetic drug lookalike substance (as defined in IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) as a:
  - (A) Class D felony for a crime committed before July 1, 2014;
  - or
  - (B) Level 6 felony for a crime committed after June 30, 2014;





under IC 35-48-4-11.5 (before its repeal on July 1, 2019).

(10) Maintaining a common nuisance under IC 35-48-4-13 (repealed) or IC 35-45-1-5, if the common nuisance involves a controlled substance.

(11) An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.

~~(12) Conspiracy under IC 35-41-5-2 to commit an offense listed in this subsection.~~

~~(13) Attempt under IC 35-41-5-1 to commit an offense listed in this subsection.~~

~~(14) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described in this subsection.~~

(h) The department shall deny, revoke, or suspend a license issued under this chapter if the individual who holds the license is convicted of any of the following:

(1) Dealing in a controlled substance resulting in death under IC 35-42-1-1.5.

(2) Dealing in cocaine or a narcotic drug under IC 35-48-4-1.

(3) Dealing in methamphetamine under IC 35-48-4-1.1.

(4) Manufacturing methamphetamine under IC 35-48-4-1.2.

(5) Dealing in a schedule I, II, or III controlled substance under IC 35-48-4-2.

(6) Dealing in a schedule IV controlled substance under IC 35-48-4-3.

(7) Dealing in a schedule V controlled substance under IC 35-48-4-4.

(8) Dealing in a substance represented to be a controlled substance under IC 35-48-4-4.5 (repealed).

(9) Knowingly or intentionally manufacturing, advertising, distributing, or possessing with intent to manufacture, advertise, or distribute a substance represented to be a controlled substance under IC 35-48-4-4.6.

(10) Dealing in a counterfeit substance under IC 35-48-4-5.

(11) Dealing in marijuana, hash oil, hashish, or salvia as a felony under IC 35-48-4-10.

(12) An offense under IC 35-48-4 involving the manufacture or sale of a synthetic drug (as defined in IC 35-31.5-2-321), a synthetic drug lookalike substance (as defined in IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under IC 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled substance analog (as defined in IC 35-48-1-9.3), or a substance



represented to be a controlled substance (as described in IC 35-48-4-4.6).

~~(13) Conspiracy under IC 35-41-5-2 to commit an offense listed in this subsection:~~

~~(14) Attempt under IC 35-41-5-1 to commit an offense listed in this subsection:~~

~~(15) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described in this subsection:~~

~~(16)~~ **(13)** A violation of any federal or state drug law or rule related to wholesale legend drug distributors licensed under IC 25-26-14.

(i) A decision of the department under subsections (b) through (h) may be appealed to the commission under IC 4-21.5-3-7.

(j) The department may temporarily suspend a practitioner's license under IC 4-21.5-4 before a final adjudication or during the appeals process if the department finds that a practitioner represents a clear and immediate danger to the public's health, safety, or property if the practitioner is allowed to continue to practice.

(k) On receipt of a complaint or an information alleging that a person licensed under this chapter has engaged in or is engaging in a practice that jeopardizes the public health, safety, or welfare, the department shall initiate an investigation against the person.

(l) Any complaint filed with the office of the attorney general alleging a violation of this licensing program shall be referred to the department for summary review and for its general information and any authorized action at the time of the filing.

(m) The department shall conduct a fact finding investigation as the department considers proper in relation to the complaint.

(n) The department may reinstate a license that has been suspended under this section if, after a hearing, the department is satisfied that the applicant is able to practice with reasonable skill, safety, and competency to the public. As a condition of reinstatement, the department may impose disciplinary or corrective measures authorized under this chapter.

(o) The department may not reinstate a license that has been revoked under this chapter. An individual whose license has been revoked under this chapter may not apply for a new license until seven (7) years after the date of revocation.

(p) The department shall seek to achieve consistency in the application of sanctions authorized in this chapter. Significant departures from prior decisions involving similar conduct must be



explained in the department's findings or orders.

(q) A practitioner may petition the department to accept the surrender of the practitioner's license instead of having a hearing before the commission. The practitioner may not surrender the practitioner's license without the written approval of the department, and the department may impose any conditions appropriate to the surrender or reinstatement of a surrendered license.

(r) A practitioner who has been subjected to disciplinary sanctions may be required by the commission to pay the costs of the proceeding. The practitioner's ability to pay shall be considered when costs are assessed. If the practitioner fails to pay the costs, a suspension may not be imposed solely upon the practitioner's inability to pay the amount assessed. The costs are limited to costs for the following:

- (1) Court reporters.
- (2) Transcripts.
- (3) Certification of documents.
- (4) Photo duplication.
- (5) Witness attendance and mileage fees.
- (6) Postage.
- (7) Expert witnesses.
- (8) Depositions.
- (9) Notarizations.

SECTION 24. IC 24-5-26-1, AS ADDED BY P.L.137-2009, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. As used in this chapter, "identity theft" means:

- (1) identity deception (IC 35-43-5-3.5); or
- (2) synthetic identity deception (IC 35-43-5-3.8). or
- ~~(3) a substantially similar crime committed in another jurisdiction.~~

SECTION 25. IC 25-1-1.1-2, AS AMENDED BY P.L.80-2019, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. Notwithstanding IC 25-1-7, a board, a commission, or a committee may suspend, deny, or revoke a license or certificate issued under this title by the board, the commission, or the committee without an investigation by the office of the attorney general if the individual who holds the license or certificate is convicted of any of the following and the board, commission, or committee determines, after the individual has appeared in person, that the offense affects the individual's ability to perform the duties of the profession:

- (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
- (2) Possession of methamphetamine under IC 35-48-4-6.1.
- (3) Possession of a controlled substance under IC 35-48-4-7(a).

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(4) Fraudulently obtaining a controlled substance under IC 35-48-4-7(c).

(5) Manufacture of paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.1(b).

(6) Dealing in paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.5(b).

(7) Possession of paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.3(b) (before its amendment on July 1, 2015).

(8) Possession of marijuana, hash oil, hashish, or salvia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-11.

(9) A felony offense under IC 35-48-4 involving possession of a synthetic drug (as defined in IC 35-31.5-2-321), possession of a controlled substance analog (as defined in IC 35-48-1-9.3), or possession of a synthetic drug lookalike substance (as defined in IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) as a:

(A) Class D felony for a crime committed before July 1, 2014;  
or

(B) Level 6 felony for a crime committed after June 30, 2014; under IC 35-48-4-11.5 (before its repeal on July 1, 2019).

(10) Maintaining a common nuisance under IC 35-48-4-13 (repealed) or IC 35-45-1-5, if the common nuisance involves a controlled substance.

(11) An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.

~~(12) Conspiracy under IC 35-41-5-2 to commit an offense listed in this section:~~

~~(13) Attempt under IC 35-41-5-1 to commit an offense listed in this section:~~

~~(14) (12) A sex crime under IC 35-42-4.~~

~~(15) (13) A felony that reflects adversely on the individual's fitness to hold a professional license.~~

~~(16) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described in this section:~~

SECTION 26. IC 25-1-1.1-3, AS AMENDED BY P.L.80-2019, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2020]: Sec. 3. A board, a commission, or a committee shall revoke or suspend a license or certificate issued under this title by the board, the commission, or the committee if the individual who holds the license or certificate is convicted of any of the following:

- (1) Dealing in a controlled substance resulting in death under IC 35-42-1-1.5.
- (2) Dealing in or manufacturing cocaine or a narcotic drug under IC 35-48-4-1.
- (3) Dealing in methamphetamine under IC 35-48-4-1.1.
- (4) Manufacturing methamphetamine under IC 35-48-4-1.2.
- (5) Dealing in a schedule I, II, or III controlled substance under IC 35-48-4-2.
- (6) Dealing in a schedule IV controlled substance under IC 35-48-4-3.
- (7) Dealing in a schedule V controlled substance under IC 35-48-4-4.
- (8) Dealing in a substance represented to be a controlled substance under IC 35-48-4-4.5 (before its repeal on July 1, 2019).
- (9) Knowingly or intentionally manufacturing, advertising, distributing, or possessing with intent to manufacture, advertise, or distribute a substance represented to be a controlled substance under IC 35-48-4-4.6.
- (10) Dealing in a counterfeit substance under IC 35-48-4-5.
- (11) Dealing in marijuana, hash oil, hashish, or salvia as a felony under IC 35-48-4-10.
- (12) An offense under IC 35-48-4 involving the manufacture or sale of a synthetic drug (as defined in IC 35-31.5-2-321), a synthetic drug lookalike substance (as defined in IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under IC 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled substance analog (as defined in IC 35-48-1-9.3), or a substance represented to be a controlled substance (as described in IC 35-48-4-4.6).
- (13) Conspiracy under IC 35-41-5-2 to commit an offense listed in this section.
- (14) Attempt under IC 35-41-5-1 to commit an offense listed in this section.
- (15) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described in this section.
- (16) (13) A violation of any federal or state drug law or rule

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related to wholesale legend drug distributors licensed under IC 25-26-14.

SECTION 27. IC 25-23.6-1-5.7, AS ADDED BY P.L.122-2009, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5.7. (a) "Practice of addiction counseling" means the providing of professional services that are delivered by a licensed addiction counselor, that are designed to change substance use or addictive behavior, and that involve specialized knowledge and skill related to addictions and addictive behaviors, including understanding addiction, knowledge of the treatment process, application to practice, and professional readiness. The term includes:

- (1) gathering information through structured interview screens using routine protocols;
- (2) reviewing assessment findings to assist in the development of a plan individualized for treatment services and to coordinate services;
- (3) referring for assessment, diagnosis, evaluation, and mental health therapy;
- (4) providing client and family education related to addictions;
- (5) providing information on social networks and community systems for referrals and discharge planning;
- (6) participating in multidisciplinary treatment team meetings or consulting with clinical addiction professionals;
- (7) counseling, through individual and group counseling, as well as group and family education, to treat addiction and substance abuse in a variety of settings, including:
  - (A) mental and physical health facilities; and
  - (B) child and family service agencies; and
- (8) maintaining the highest level of professionalism and ethical responsibility.

(b) The term does not include the use of psychotherapy or diagnosis (as defined in IC 25-22.5-1-1.1(c) or as defined as the practice of psychology under IC 25-33-1-2(a)).

(c) For an individual who obtains a license as an addiction counselor by:

- (1) holding a valid:
  - (A) level II or higher certification or the equivalent certification from a credentialing agency approved by the division of mental health and addiction; or
  - (B) certification as an addiction counselor or addiction therapist from a credentialing agency that is approved by the board;



- (2) having at least ten (10) years of experience in addiction counseling;
- (3) furnishing satisfactory evidence to the board that the individual does not have:
  - (A) a conviction for a crime of violence (as defined in ~~IC 35-50-1-2(a)(1) through IC 35-50-1-2(a)(13)~~; **IC 35-50-1-2**); or
  - (B) a conviction in the previous two (2) years that has a direct bearing on the individual's ability to practice competently; and
- (4) filing an initial application with the board before July 1, 2010; the term includes the provision of addiction counseling services in private practice in consultation with other licensed professionals as required by the client's individualized treatment plan.

SECTION 28. IC 25-23.6-10.5-1, AS ADDED BY P.L.122-2009, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. An individual who applies for a license as an addiction counselor must meet the following requirements:

- (1) Furnish satisfactory evidence to the board that the individual has:
  - (A) received a baccalaureate or higher degree in addiction counseling or in a related area as determined by the board from:
    - (i) an eligible postsecondary educational institution that meets the requirements under section 3(1) of this chapter; or
    - (ii) a foreign school that has a program of study that meets the requirements under section 3(2) or 3(3) of this chapter;
  - (B) completed the educational requirements under section 5 of this chapter; and
  - (C) completed the experience requirements under section 7 of this chapter.
- (2) Furnish satisfactory evidence to the board that the individual does not have a:
  - (A) conviction for a crime of violence (as defined in ~~IC 35-50-1-2(a)(1) through IC 35-50-1-2(a)(13)~~; **IC 35-50-1-2**); or
  - (B) conviction in the previous two (2) years that has a direct bearing on the individual's ability to practice competently.
- (3) Furnish satisfactory evidence to the board that the individual has not been the subject of a disciplinary action by a licensing or certification agency of another state or jurisdiction on the grounds that the individual was not able to practice as an addiction counselor without endangering the public.



(4) Pass an examination established by the board.

(5) Pay the fee established by the board.

SECTION 29. IC 25-23.6-10.5-1.5, AS AMENDED BY P.L.195-2018, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1.5. (a) An individual who applies for a license as an addiction counselor associate must meet the following requirements:

(1) Furnish satisfactory evidence to the board that the individual has:

(A) received a baccalaureate or higher degree in addiction counseling, or in a related area as determined by the board from:

- (i) an eligible postsecondary educational institution that meets the requirement under section 3(1) of this chapter; or
  - (ii) a foreign school that has a program of study that meets the requirement under section 3(2) or 3(3) of this chapter;
- and

(B) completed the educational requirements under section 5 of this chapter.

(2) Furnish satisfactory evidence to the board that the individual does not have a:

(A) conviction for a crime of violence (as defined in ~~IC 35-50-1-2(a)(1) through IC 35-50-1-2(a)(19)~~; **IC 35-50-1-2**); or

(B) conviction in the previous two (2) years that has a direct bearing on the individual's ability to practice competently.

(3) Furnish satisfactory evidence to the board that the individual has not been the subject of a disciplinary action by a licensing or certification agency of another state or jurisdiction on the grounds that the individual was not able to practice as an addiction counselor associate without endangering the public.

(4) Pass an examination established by the board.

(5) Pay the fee established by the board.

(b) The board shall issue an associate temporary permit to practice addiction counseling or clinical addiction counseling to an individual who:

(1) meets the educational requirements for a license as an addiction counselor or clinical addiction counselor;

(2) is pursuing the required clinical supervisory hours for a license as an addiction counselor or clinical addiction counselor; and

(3) pays a fee for the temporary permit set by the board.

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An associate temporary permit issued under this subsection expires one (1) year after the date the permit is issued, without regard to the number of times the individual passes or fails the required examination to become a licensed addiction counselor or clinical addiction counselor. The temporary permit may not be renewed.

SECTION 30. IC 25-23.6-10.5-2, AS ADDED BY P.L.122-2009, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. An individual who applies for a license as a clinical addiction counselor must meet the following requirements:

(1) Furnish satisfactory evidence to the board that the individual has:

(A) received a master's or doctor's degree in addiction counseling, addiction therapy, or a related area as determined by the board from an eligible postsecondary educational institution that meets the requirements under section 4(a)(1) of this chapter or from a foreign school that has a program of study that meets the requirements under section 4(a)(2) or 4(a)(3) of this chapter;

(B) completed the educational requirements under section 6 of this chapter; and

(C) completed the experience requirements under section 8 of this chapter.

(2) Furnish satisfactory evidence to the board that the individual does not have a:

(A) conviction for a crime of violence (as defined in ~~IC 35-50-1-2(a)(1) through IC 35-50-1-2(a)(13)~~; **IC 35-50-1-2**); or

(B) conviction in the previous two (2) years that has a direct bearing on the individual's ability to practice competently.

(3) Furnish satisfactory evidence to the board that the individual has not been the subject of a disciplinary action by a licensing or certification agency of another state or jurisdiction on the grounds that the individual was not able to practice as a clinical addiction counselor without endangering the public.

(4) Pass an examination established by the board.

(5) Pay the fee established by the board.

SECTION 31. IC 25-23.6-10.5-2.5, AS AMENDED BY P.L.80-2018, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2.5. An individual who applies for a license as a clinical addiction counselor associate must meet the following requirements:

(1) Furnish satisfactory evidence to the board that the individual



has:

- (A) received a master's or doctor's degree in addiction counseling, or in a related area as determined by the board from:
    - (i) an eligible postsecondary educational institution that meets the requirements under section 4(a)(1) of this chapter;
    - or
    - (ii) a foreign school that has a program of study that meets the requirements under section 4(a)(2) or 4(a)(3) of this chapter; and
  - (B) completed the education requirements under section 6 of this chapter.
- (2) Furnish satisfactory evidence to the board that the individual does not have a:
- (A) conviction for a crime of violence (as defined in ~~IC 35-50-1-2(a)(1) through IC 35-50-1-2(a)(19)~~; **IC 35-50-1-2**); or
  - (B) conviction in the previous two (2) years that has a direct bearing on the individual's ability to practice competently.
- (3) Furnish satisfactory evidence to the board that the individual has not been the subject of a disciplinary action by a licensing or certification agency of another state or jurisdiction on the grounds that the individual was not able to practice as a clinical addiction counselor associate without endangering the public.
- (4) Pass an examination established by the board.
- (5) Pay the fee established by the board.

SECTION 32. IC 29-1-2-1, AS AMENDED BY P.L.143-2009, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) The estate of a person dying intestate shall descend and be distributed as provided in this section.

(b) Except as otherwise provided in subsection (c), the surviving spouse shall receive the following share:

- (1) One-half (1/2) of the net estate if the intestate is survived by at least one (1) child or by the issue of at least one (1) deceased child.
- (2) Three-fourths (3/4) of the net estate, if there is no surviving issue, but the intestate is survived by one (1) or both of the intestate's parents.
- (3) All of the net estate, if there is no surviving issue or parent.

(c) If the surviving spouse is a second or other subsequent spouse who did not at any time have children by the decedent, and the decedent left surviving the decedent a child or children or the

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descendants of a child or children by a previous spouse, the surviving second or subsequent childless spouse shall take only an amount equal to twenty-five percent (25%) of the remainder of:

- (1) the fair market value as of the date of death of the real property of the deceased spouse; minus
- (2) the value of the liens and encumbrances on the real property of the deceased spouse.

The fee shall, at the decedent's death, vest at once in the decedent's surviving child or children, or the descendants of the decedent's child or children who may be dead. A second or subsequent childless spouse described in this subsection shall, however, receive the same share of the personal property of the decedent as is provided in subsection (b) with respect to surviving spouses generally.

(d) The share of the net estate not distributable to the surviving spouse, or the entire net estate if there is no surviving spouse, shall descend and be distributed as follows:

- (1) To the issue of the intestate, if they are all of the same degree of kinship to the intestate, they shall take equally, or if of unequal degree, then those of more remote degrees shall take by representation.
- (2) Except as provided in subsection (e), if there is a surviving spouse but no surviving issue of the intestate, then to the surviving parents of the intestate.
- (3) Except as provided in subsection (e), if there is no surviving spouse or issue of the intestate, then to the surviving parents, brothers, and sisters, and the issue of deceased brothers and sisters of the intestate. Each living parent of the intestate shall be treated as of the same degree as a brother or sister and shall be entitled to the same share as a brother or sister. However, the share of each parent shall be not less than one-fourth (1/4) of the decedent's net estate. Issue of deceased brothers and sisters shall take by representation.
- (4) If there is no surviving parent or brother or sister of the intestate, then to the issue of brothers and sisters. If the distributees described in this subdivision are all in the same degree of kinship to the intestate, they shall take equally or, if of unequal degree, then those of more remote degrees shall take by representation.
- (5) If there is no surviving issue or parent of the intestate or issue of a parent, then to the surviving grandparents of the intestate equally.
- (6) If there is no surviving issue or parent or issue of a parent, or

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grandparent of the intestate, then the estate of the decedent shall be divided into that number of shares equal to the sum of:

- (A) the number of brothers and sisters of the decedent's parents surviving the decedent; plus
- (B) the number of deceased brothers and sisters of the decedent's parents leaving issue surviving both them and the decedent;

and one (1) of the shares shall pass to each of the brothers and sisters of the decedent's parents or their respective issue per stirpes.

(7) If interests in real estate go to a husband and wife under this subsection, the aggregate interests so descending shall be owned by them as tenants by the entireties. Interests in personal property so descending shall be owned as tenants in common.

(8) If there is no person mentioned in subdivisions (1) through (7), then to the state.

(e) A parent may not receive an intestate share of the estate of the parent's minor or adult child if the parent was convicted of causing the death of the child's other parent by:

- (1) murder (IC 35-42-1-1);
- (2) voluntary manslaughter (IC 35-42-1-3); or
- (3) another criminal act, if the death does not result from the operation of a vehicle. or
- (4) a crime in any other jurisdiction in which the elements of the crime are substantially similar to the elements of a crime listed in subdivisions (1) through (3).

If a parent is disqualified from receiving an intestate share under this subsection, the estate of the deceased child shall be distributed as though the parent had predeceased the child.

SECTION 33. IC 29-3-7-7, AS AMENDED BY P.L.86-2018, SECTION 213, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 7. A court may not appoint a person to serve as the guardian or permit a person to continue to serve as a guardian if the person:

- (1) is a sexually violent predator (as described in IC 35-38-1-7.5);
- (2) was at least eighteen (18) years of age at the time of the offense and was convicted of child molesting (IC 35-42-4-3) or sexual misconduct with a minor (IC 35-42-4-9) against a child less than sixteen (16) years of age:
  - (A) by using or threatening the use of deadly force;
  - (B) while armed with a deadly weapon; or
  - (C) that resulted in serious bodily injury; or

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(3) was less than eighteen (18) years of age at the time of the offense and was convicted as an adult of

~~(A)~~ an offense described in:

~~(i)~~ ~~(A)~~ IC 35-42-4-1;

~~(ii)~~ ~~(B)~~ IC 35-42-4-2 (before its repeal);

~~(iii)~~ ~~(C)~~ IC 35-42-4-3 as a Class A or Class B felony (for crimes committed before July 1, 2014) or as a Level 1, Level 2, Level 3, or Level 4 felony (for crimes committed after June 30, 2014);

~~(iv)~~ ~~(D)~~ IC 35-42-4-5(a)(1);

~~(v)~~ ~~(E)~~ IC 35-42-4-5(a)(2);

~~(vi)~~ ~~(F)~~ IC 35-42-4-5(a)(3) (before that provision was redesignated by P.L.158-2013, SECTION 441);

~~(vii)~~ ~~(G)~~ IC 35-42-4-5(b)(1) as a Class A or Class B felony (for crimes committed before July 1, 2014) or as a Level 2, Level 3, or Level 4 felony (for crimes committed after June 30, 2014);

~~(viii)~~ ~~(H)~~ IC 35-42-4-5(b)(2); or

~~(ix)~~ ~~(I)~~ IC 35-42-4-5(b)(3) as a Class A or Class B felony (for crimes committed before July 1, 2014) or as a Level 2, Level 3, or Level 4 felony (for crimes committed after June 30, 2014).

~~(B)~~ an attempt or conspiracy to commit a crime listed in clause ~~(A)~~; or

~~(C)~~ a crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in clauses ~~(A)~~ and ~~(B)~~.

SECTION 34. IC 31-9-2-84.8, AS AMENDED BY P.L.243-2019, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 84.8. "Nonwaivable offense", for purposes of this title, means a conviction of any of the following felonies:

(1) Murder (IC 35-42-1-1).

(2) Causing suicide (IC 35-42-1-2).

(3) Assisting suicide (IC 35-42-1-2.5).

(4) Voluntary manslaughter (IC 35-42-1-3).

(5) Involuntary manslaughter (IC 35-42-1-4).

(6) Reckless homicide (IC 35-42-1-5).

(7) Feticide (IC 35-42-1-6).

(8) Battery (IC 35-42-2-1) within the past five (5) years.

(9) Domestic battery (IC 35-42-2-1.3).

(10) Aggravated battery (IC 35-42-2-1.5).

(11) Criminal recklessness (IC 35-42-2-2) within the past five (5)



years.

(12) Strangulation (IC 35-42-2-9).

(13) Kidnapping (IC 35-42-3-2).

(14) Criminal confinement (IC 35-42-3-3) within the past five (5) years.

(15) Human and sexual trafficking (IC 35-42-3.5).

(16) A felony sex offense under IC 35-42-4.

(17) Arson (IC 35-43-1-1) within the past five (5) years.

(18) Incest (IC 35-46-1-3).

(19) Neglect of a dependent (IC 35-46-1-4(a) and IC 35-46-1-4(b)).

(20) Child selling (IC 35-46-1-4(d)).

(21) Reckless supervision (IC 35-46-1-4.1).

(22) Nonsupport of a dependent child (IC 35-46-1-5) within the past five (5) years.

(23) Operating a motorboat while intoxicated (IC 35-46-9-6) within the past five (5) years.

(24) A felony involving a weapon under IC 35-47 within the past five (5) years.

(25) A felony relating to controlled substances under IC 35-48-4 within the past five (5) years.

(26) An offense relating to material or a performance that is harmful to minors or obscene under IC 35-49-3.

(27) A felony under IC 9-30-5 within the past five (5) years.

(28) A felony related to the health or safety of a child (as defined in IC 31-9-2-13(h)) or an endangered adult (as defined in IC 12-10-3-2).

(29) Attempt (IC 35-41-5-1) to commit a felony described in subdivisions (1) through (28). If a conviction for a felony is nonwaivable for a stated duration under subdivisions (1) through (28); a conviction for an attempt to commit the felony is nonwaivable for the same duration under this subdivision.

(30) A felony that is substantially equivalent to a felony described in subdivisions (1) through (29) for which the conviction was entered in another jurisdiction. If a conviction for a felony is nonwaivable for a stated duration under subdivisions (1) through (29); a conviction for a substantially equivalent felony in another jurisdiction is nonwaivable for the same duration under this subdivision.

SECTION 35. IC 31-19-9-8, AS AMENDED BY P.L.113-2017, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8. (a) Consent to adoption, which may be required

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under section 1 of this chapter, is not required from any of the following:

- (1) A parent or parents if the child is adjudged to have been abandoned or deserted for at least six (6) months immediately preceding the date of the filing of the petition for adoption.
- (2) A parent of a child in the custody of another person if for a period of at least one (1) year the parent:
  - (A) fails without justifiable cause to communicate significantly with the child when able to do so; or
  - (B) knowingly fails to provide for the care and support of the child when able to do so as required by law or judicial decree.
- (3) The biological father of a child born out of wedlock whose paternity has not been established:
  - (A) by a court proceeding other than the adoption proceeding; or
  - (B) by executing a paternity affidavit under IC 16-37-2-2.1.
- (4) The biological father of a child born out of wedlock who was conceived as a result of:
  - (A) a rape for which the father was convicted under IC 35-42-4-1;
  - (B) child molesting (IC 35-42-4-3);
  - (C) sexual misconduct with a minor (IC 35-42-4-9); or
  - (D) incest (IC 35-46-1-3). or
  - (E) a crime in any other jurisdiction in which the elements of the crime are substantially similar to the elements of a crime listed in clauses (A) through (D).
- (5) The putative father of a child born out of wedlock if the putative father's consent to adoption is irrevocably implied under section 15 of this chapter.
- (6) The biological father of a child born out of wedlock if the:
  - (A) father's paternity is established after the filing of a petition for adoption in a court proceeding or by executing a paternity affidavit under IC 16-37-2-2.1; and
  - (B) father is required to but does not register with the putative father registry established by IC 31-19-5 within the period required by IC 31-19-5-12.
- (7) A parent who has relinquished the parent's right to consent to adoption as provided in this chapter.
- (8) A parent after the parent-child relationship has been terminated under IC 31-35 (or IC 31-6-5 before its repeal).
- (9) A parent judicially declared incompetent or mentally defective if the court dispenses with the parent's consent to adoption.



(10) A legal guardian or lawful custodian of the person to be adopted who has failed to consent to the adoption for reasons found by the court not to be in the best interests of the child.

(11) A parent if:

(A) a petitioner for adoption proves by clear and convincing evidence that the parent is unfit to be a parent; and

(B) the best interests of the child sought to be adopted would be served if the court dispensed with the parent's consent.

(12) A child's biological father who denies paternity of the child before or after the birth of the child if the denial of paternity:

(A) is in writing;

(B) is signed by the child's father in the presence of a notary public; and

(C) contains an acknowledgment that:

(i) the denial of paternity is irrevocable; and

(ii) the child's father will not receive notice of adoption proceedings.

A child's father who denies paternity of the child under this subdivision may not challenge or contest the child's adoption.

(b) If a parent has made only token efforts to support or to communicate with the child the court may declare the child abandoned by the parent.

SECTION 36. IC 31-19-9-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 9. A court shall determine that consent to adoption is not required from a parent if the:

(1) parent is convicted of and incarcerated at the time of the filing of a petition for adoption for:

(A) murder (IC 35-42-1-1);

(B) causing suicide (IC 35-42-1-2); or

(C) voluntary manslaughter (IC 35-42-1-3);

~~(D) an attempt under IC 35-41-5-1 to commit a crime described in clauses (A) through (C); or~~

~~(E) a crime in another state that is substantially similar to a crime described in clauses (A) through (D);~~

(2) victim of the crime is the child's other parent; and

(3) court determines, after notice to the convicted parent and a hearing, that dispensing with the parent's consent to adoption is in the child's best interests.

SECTION 37. IC 31-19-9-10, AS AMENDED BY P.L.210-2019, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 10. A court shall determine that consent to adoption is not required from a parent if:

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- (1) the parent is convicted of and incarcerated at the time of the filing of a petition for adoption for:
- (A) murder (IC 35-42-1-1);
  - (B) causing suicide (IC 35-42-1-2);
  - (C) voluntary manslaughter (IC 35-42-1-3);
  - (D) rape (IC 35-42-4-1);
  - (E) criminal deviate conduct (IC 35-42-4-2) (before its repeal);
  - (F) child molesting (IC 35-42-4-3) as a:
    - (i) Class A or Class B felony, for a crime committed before July 1, 2014; or
    - (ii) Level 1, Level 2, Level 3, or Level 4 felony, for a crime committed after June 30, 2014;
  - (G) incest (IC 35-46-1-3) as a:
    - (i) Class B felony, for a crime committed before July 1, 2014; or
    - (ii) Level 4 felony, for a crime committed after June 30, 2014;
  - (H) neglect of a dependent (IC 35-46-1-4) as a:
    - (i) Class B felony, for a crime committed before July 1, 2014; or
    - (ii) Level 1 or Level 3 felony, for a crime committed after June 30, 2014;
  - (I) battery (IC 35-42-2-1) of a child as a:
    - (i) Class C felony, for a crime committed before July 1, 2014; or
    - (ii) Level 5 felony, for a crime committed after June 30, 2014;
  - (J) battery (IC 35-42-2-1) as a:
    - (i) Class A or Class B felony, for a crime committed before July 1, 2014; or
    - (ii) Level 2, Level 3, or Level 4 felony, for a crime committed after June 30, 2014;
  - (K) domestic battery (IC 35-42-2-1.3) as a Level 5, Level 4, Level 3, or Level 2 felony; or
  - (L) aggravated battery (IC 35-42-2-1.5) as a Level 3 or Level 1 felony;
  - ~~(M) an attempt under IC 35-41-5-1 to commit an offense described in this subdivision; or~~
  - ~~(N) a crime in another state that is substantially similar to a crime described in clauses (A) through (M);~~
- (2) the child or the child's sibling, half-blood sibling, or step-sibling of the parent's current marriage is the victim of the



offense; and

(3) after notice to the parent and a hearing, the court determines that dispensing with the parent's consent to adoption is in the child's best interests.

SECTION 38. IC 31-19-11-1, AS AMENDED BY P.L.243-2019, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) Whenever the court has heard the evidence and finds that:

- (1) the adoption requested is in the best interest of the child;
- (2) the petitioner or petitioners for adoption are of sufficient ability to rear the child and furnish suitable support and education;
- (3) the report of the investigation and recommendation under IC 31-19-8-5 has been filed;
- (4) the attorney or agency arranging an adoption has filed with the court an affidavit prepared by the state department of health under IC 31-19-5-16 indicating whether a man is entitled to notice of the adoption because the man has registered with the putative father registry in accordance with IC 31-19-5;
- (5) proper notice arising under subdivision (4), if notice is necessary, of the adoption has been given;
- (6) the attorney or agency has filed with the court an affidavit prepared by the state department of health under:
  - (A) IC 31-19-6 indicating whether a record of a paternity determination; or
  - (B) IC 16-37-2-2(g) indicating whether a paternity affidavit executed under IC 16-37-2-2.1;
 has been filed in relation to the child;
- (7) proper consent, if consent is necessary, to the adoption has been given;
- (8) the petitioner for adoption is not prohibited from adopting the child as the result of an inappropriate criminal history described in subsection (c) or (d); and
- (9) the person, licensed child placing agency, or local office that has placed the child for adoption has provided the documents and other information required under IC 31-19-17 to the prospective adoptive parents;

the court shall grant the petition for adoption and enter an adoption decree.

(b) A court may not grant an adoption unless the state department of health's affidavit under IC 31-19-5-16 is filed with the court as provided under subsection (a)(4).

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(c) A juvenile adjudication for an act listed in IC 31-9-2-84.8 that would be a felony if committed by an adult, a conviction of a misdemeanor related to the health and safety of a child, or a conviction of a felony not listed in IC 31-9-2-84.8 by a petitioner for adoption or household member is a permissible basis for the court to deny the petition for adoption. In addition, the court may not grant an adoption if a petitioner for adoption has been convicted of a nonwaivable offense under IC 31-9-2-84.8. However, the court is not prohibited from granting an adoption based upon a felony conviction for:

- (1) a felony under IC 9-30-5;
- (2) battery (IC 35-42-2-1);
- (3) criminal recklessness (IC 35-42-2-2) as a felony;
- (4) criminal confinement (IC 35-42-3-3);
- (5) arson (IC 35-43-1-1);
- (6) nonsupport of a dependent child (IC 35-46-1-5);
- (7) operating a motorboat while intoxicated (IC 35-46-9-6) as a felony;
- (8) a felony involving a weapon under IC 35-47; **or**
- (9) a felony relating to controlled substances under IC 35-48-4;
- ~~(10) attempt to commit a felony listed in subdivisions (1) through (9); **or**~~
- ~~(11) a felony that is substantially equivalent to a felony listed in this section for which the conviction was entered in another jurisdiction;~~

if the date of the conviction did not occur within the immediately preceding five (5) year period.

(d) A court may not grant an adoption if the petitioner is a sex or violent offender (as defined in IC 11-8-8-5) or a sexually violent predator (as defined in IC 35-38-1-7.5).

SECTION 39. IC 31-30-1-2.5, AS AMENDED BY P.L.86-2018, SECTION 218, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2.5. A juvenile court may not appoint a person to serve as the guardian or custodian of a child or permit a person to continue to serve as a guardian or custodian of a child if the person:

- (1) is a sexually violent predator (as described in IC 35-38-1-7.5);
- (2) was at least eighteen (18) years of age at the time of the offense and committed child molesting (IC 35-42-4-3) or sexual misconduct with a minor (IC 35-42-4-9) against a child less than sixteen (16) years of age:
  - (A) by using or threatening the use of deadly force;
  - (B) while armed with a deadly weapon; **or**



- (C) that resulted in serious bodily injury; or  
 (3) was less than eighteen (18) years of age at the time of the offense but was tried and convicted as an adult of  
 (A) an offense described in:  
 (i) (A) IC 35-42-4-1;  
 (ii) (B) IC 35-42-4-2 (before its repeal);  
 (iii) (C) IC 35-42-4-3 as a Class A or Class B felony (for crimes committed before July 1, 2014) or as a Level 1, Level 2, or Level 3 felony (for crimes committed after June 30, 2014);  
 (iv) (D) IC 35-42-4-5(a)(1);  
 (v) (E) IC 35-42-4-5(a)(2);  
 (vi) (F) IC 35-42-4-5(a)(3) (before that provision was redesignated by P.L.158-2013, SECTION 441);  
 (vii) (G) IC 35-42-4-5(b)(1) as a Class A or Class B felony (for crimes committed before July 1, 2014) or as a Level 2, Level 3, or Level 4 felony (for crimes committed after June 30, 2014);  
 (viii) (H) IC 35-42-4-5(b)(2); or  
 (ix) (I) IC 35-42-4-5(b)(3) as a Class A or Class B felony (for crimes committed before July 1, 2014) or as a Level 1, Level 2, or Level 3 felony (for crimes committed after June 30, 2014).  
 (B) an attempt or conspiracy to commit a crime listed in clause (A); or  
 (C) a crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in clauses (A) and (B):

SECTION 40. IC 31-34-1-2, AS AMENDED BY P.L.71-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) A child is a child in need of services if before the child becomes eighteen (18) years of age:

- (1) the child's physical or mental health is seriously endangered due to injury by the act or omission of the child's parent, guardian, or custodian; and
  - (2) the child needs care, treatment, or rehabilitation that:
    - (A) the child is not receiving; and
    - (B) is unlikely to be provided or accepted without the coercive intervention of the court.
- (b) A child is a child in need of services if, before the child becomes eighteen (18) years of age, the child:
- (1) is a victim of:

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- (A) an offense under IC 35-42-1-2.5;
- (B) an offense under IC 35-42-2-1;
- (C) an offense under IC 35-42-2-1.3;
- (D) an offense under IC 35-42-2-1.5;
- (E) an offense under IC 35-42-2-9; or
- (F) an offense under IC 35-46-1-4; and
- ~~(G) an attempt or conspiracy to commit:~~
  - ~~(i) an offense listed in clauses (A) through (F); or~~
  - ~~(ii) an offense under IC 35-42-1-1, IC 35-42-1-2, IC 35-42-1-3, IC 35-42-1-4, or IC 35-42-1-5; or~~
  - ~~(H) an offense under the law of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in clauses (A) through (G); and~~
- (2) needs care, treatment, or rehabilitation that:
  - (A) the child is not receiving; and
  - (B) is unlikely to be provided or accepted without the coercive intervention of the court.
- (c) A child is a child in need of services if, before the child becomes eighteen (18) years of age, the child:
  - (1) lives in the same household as an adult who:
    - (A) committed:
      - (i) an offense described in subsection (b)(1); or
      - (ii) an offense under IC 35-42-1-1, IC 35-42-1-2, IC 35-42-1-3, IC 35-42-1-4, or IC 35-42-1-5; against another child who lives in the household and the offense resulted in a conviction or a judgment under IC 31-34-11-2; or
    - (B) has been charged with committing an offense described in clause (A) against another child who lives in the household and is awaiting trial; and
  - (2) needs care, treatment, or rehabilitation that:
    - (A) the child is not receiving; and
    - (B) is unlikely to be provided or accepted without the coercive intervention of the court.
- (d) Evidence that the illegal manufacture of a drug or controlled substance is occurring on property where a child resides creates a rebuttable presumption that the child's physical or mental health is seriously endangered.

SECTION 41. IC 31-34-1-3, AS AMENDED BY P.L.144-2018, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. (a) A child is a child in need of services if, before the child becomes eighteen (18) years of age:

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- (1) the child is the victim of an offense under:
- (A) IC 35-42-4-1;
  - (B) IC 35-42-4-2 (before its repeal);
  - (C) IC 35-42-4-3;
  - (D) IC 35-42-4-4;
  - (E) IC 35-42-4-5;
  - (F) IC 35-42-4-6;
  - (G) IC 35-42-4-7;
  - (H) IC 35-42-4-8;
  - (I) IC 35-42-4-9;
  - (J) IC 35-45-4-1;
  - (K) IC 35-45-4-2;
  - (L) IC 35-45-4-3;
  - (M) IC 35-45-4-4; or
  - (N) IC 35-46-1-3; or
  - ~~(O) the law of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in clauses (A) through (N); and~~
- (2) the child needs care, treatment, or rehabilitation that:
- (A) the child is not receiving; and
  - (B) is unlikely to be provided or accepted without the coercive intervention of the court.
- (b) A child is a child in need of services if, before the child becomes eighteen (18) years of age, the child:
- (1) lives in the same household as an adult who:
    - (A) committed an offense described in subsection (a)(1) against a child and the offense resulted in a conviction or a judgment under IC 31-34-11-2; or
    - (B) has been charged with an offense described in subsection (a)(1) against a child and is awaiting trial; and
  - (2) needs care, treatment, or rehabilitation that:
    - (A) the child is not receiving; and
    - (B) is unlikely to be provided or accepted without the coercive intervention of the court.
- (c) A child is a child in need of services if, before the child becomes eighteen (18) years of age:
- (1) the child lives in the same household as another child who is the victim of an offense described in subsection (a)(1);
  - (2) the child needs care, treatment, or rehabilitation that:
    - (A) the child is not receiving; and
    - (B) is unlikely to be provided or accepted without the coercive intervention of the court; and



- (3) a caseworker assigned to provide services to the child:
  - (A) places the child in a program of informal adjustment or other family or rehabilitative services based on the existence of the circumstances described in subdivisions (1) and (2), and the caseworker subsequently determines further intervention is necessary; or
  - (B) determines that a program of informal adjustment or other family or rehabilitative services is inappropriate.
- (d) A child is a child in need of services if, before the child becomes eighteen (18) years of age:
  - (1) the child lives in the same household as an adult who:
    - (A) committed a human or sexual trafficking offense under IC 35-42-3.5-1 through IC 35-42-3.5-1.4 or the law of another jurisdiction, including federal law, that resulted in a conviction or a judgment under IC 31-34-11-2; or
    - (B) has been charged with a human or sexual trafficking offense under IC 35-42-3.5-1 through IC 35-42-3.5-1.4 or the law of another jurisdiction, including federal law, and is awaiting trial; and
  - (2) the child needs care, treatment, or rehabilitation that:
    - (A) the child is not receiving; and
    - (B) is unlikely to be provided or accepted without the coercive intervention of the court.

SECTION 42. IC 31-34-1-3.5, AS ADDED BY P.L.46-2016, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3.5. (a) A child is a child in need of services if, before the child becomes eighteen (18) years of age:

- (1) the child is the victim of
  - ~~(A)~~ human or sexual trafficking (as defined in IC 31-9-2-133.1); ~~or~~
  - ~~(B)~~ a human or sexual trafficking offense under the law of another jurisdiction, including federal law, that is substantially equivalent to the act described in clause ~~(A)~~; and
- (2) the child needs care, treatment, or rehabilitation that:
  - (A) the child is not receiving; and
  - (B) is unlikely to be provided or accepted without the coercive intervention of the court.
- (b) A child is considered a victim of human or sexual trafficking regardless of whether the child consented to the conduct described in subsection (a)(1).

SECTION 43. IC 31-34-4-2, AS AMENDED BY P.L.243-2019, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2020]: Sec. 2. (a) If a child alleged to be a child in need of services is taken into custody under an order of the court under this chapter and the court orders out-of-home placement, the department is responsible for that placement and care and must consider placing the child with a:

- (1) suitable and willing relative; or
- (2) de facto custodian;

before considering any other out-of-home placement.

(b) The department shall consider placing a child described in subsection (a) with a relative related by blood, marriage, or adoption before considering any other placement of the child.

(c) Before the department places a child in need of services with a relative or a de facto custodian, the department shall complete an evaluation based on a home visit of the relative's home.

(d) Except as provided in subsection (f), before placing a child in need of services in an out-of-home placement, the department shall conduct a criminal history check of each person who is currently residing in the location designated as the out-of-home placement.

(e) Except as provided in subsection (g), the department may not make an out-of-home placement if a person described in subsection (d) has:

- (1) committed an act resulting in a substantiated report of child abuse or neglect; or
- (2) been convicted of a nonwaivable offense, as defined in IC 31-9-2-84.8 or had a juvenile adjudication for an act that would be a nonwaivable offense, as defined in IC 31-9-2-84.8 if committed by an adult.

(f) The department is not required to conduct a criminal history check under subsection (d) if the department makes an out-of-home placement to an entity or a facility that is not a residence (as defined in IC 3-5-2-42.5) or that is licensed by the state.

(g) A court may order or the department may approve an out-of-home placement if:

- (1) a person described in subsection (d) has:
  - (A) committed an act resulting in a substantiated report of child abuse or neglect;
  - (B) been convicted of:
    - (i) battery (IC 35-42-2-1);
    - (ii) criminal recklessness (IC 35-42-2-2) as a felony;
    - (iii) criminal confinement (IC 35-42-3-3) as a felony;
    - (iv) arson (IC 35-43-1-1) as a felony;
    - (v) nonsupport of a dependent child (IC 35-46-1-5);

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- (vi) operating a motorboat while intoxicated (IC 35-46-9-6) as a felony;
- (vii) a felony involving a weapon under IC 35-47;
- (viii) a felony relating to controlled substances under IC 35-48-4; **or**
- (ix) a felony under IC 9-30-5;
- ~~(x) attempt to commit a felony listed in items (i) through (ix); or~~
- ~~(xi) a felony that is substantially equivalent to a felony listed in this clause for which the conviction was entered in another jurisdiction;~~

if the conviction did not occur within the past five (5) years; or  
 (C) had a juvenile adjudication for a nonwaivable offense, as defined in IC 31-9-2-84.8 that, if committed by an adult, would be a felony; and

- (2) the person's commission of the offense, delinquent act, or act of abuse or neglect described in subdivision (1) is not relevant to the person's present ability to care for a child, and the placement is in the best interest of the child.

However, a court or the department may not make an out-of-home placement if the person has been convicted of a nonwaivable offense, as defined in IC 31-9-2-84.8 that is not specifically excluded under subdivision (1)(B).

(h) In considering the placement under subsection (g), the court or the department shall consider the following:

- (1) The length of time since the person committed the offense, delinquent act, or abuse or neglect.
- (2) The severity of the offense, delinquent act, or abuse or neglect.
- (3) Evidence of the person's rehabilitation, including the person's cooperation with a treatment plan, if applicable.

SECTION 44. IC 31-34-20-1.5, AS AMENDED BY P.L.243-2019, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1.5. (a) Except as provided in subsection (d), the juvenile court may not enter a dispositional decree approving or ordering placement of a child in another home under section 1(a)(3) of this chapter or awarding wardship to the department that will place the child in another home under section 1(a)(4) of this chapter if a person who is currently residing in the home in which the child would be placed under section 1(a)(3) or 1(a)(4) of this chapter has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a nonwaivable offense, as defined in IC 31-9-2-84.8 if committed by an adult, or has a



conviction for a nonwaivable offense, as defined in IC 31-9-2-84.8.

(b) The department or caseworker who prepared the predispositional report shall conduct a criminal history check (as defined in IC 31-9-2-22.5) to determine if a person described in subsection (a) has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a nonwaivable offense, as defined in IC 31-9-2-84.8 if committed by an adult, or has a conviction for a nonwaivable offense, as defined in IC 31-9-2-84.8. However, the department or caseworker is not required to conduct a criminal history check under this section if criminal history information under IC 31-34-4-2 or IC 31-34-18-6.1 establishes whether a person described in subsection (a) has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a nonwaivable offense, as defined in IC 31-9-2-84.8 if committed by an adult, or has a conviction for a nonwaivable offense, as defined in IC 31-9-2-84.8.

(c) The department or caseworker is not required to conduct a criminal history check under this section if:

(1) the department or caseworker is considering only an out-of-home placement to an entity or a facility that:

- (A) is not a residence (as defined in IC 3-5-2-42.5); or
- (B) is licensed by the state; or

(2) placement under this section is undetermined at the time the predispositional report is prepared.

(d) A juvenile court may enter a dispositional decree that approves placement of a child in another home or award wardship to the department that will place the child in a home with a person described in subsection (a) if:

(1) the person described in subsection (a) has:

- (A) committed an act resulting in a substantiated report of child abuse or neglect;
- (B) been convicted of:
  - (i) battery (IC 35-42-2-1);
  - (ii) criminal recklessness (IC 35-42-2-2) as a felony;
  - (iii) criminal confinement (IC 35-42-3-3) as a felony;
  - (iv) arson (IC 35-43-1-1) as a felony;
  - (v) nonsupport of a dependent child (IC 35-46-1-5);
  - (vi) operating a motorboat while intoxicated (IC 35-46-9-6) as a felony;
  - (vii) a felony involving a weapon under IC 35-47;
  - (viii) a felony relating to controlled substances under IC 35-48-4; or



(ix) a felony under IC 9-30-5;  
~~(x) attempt to commit a felony listed in items (i) through (ix); or~~  
~~(xi) a felony that is substantially equivalent to a felony listed in this clause for which the conviction was entered in another jurisdiction;~~

if the conviction did not occur within the past five (5) years; or  
 (C) had a juvenile adjudication for a nonwaivable offense, as defined in IC 31-9-2-84.8 that, if committed by an adult, would be a felony; and

(2) the person's commission of the offense, delinquent act, or act of abuse or neglect described in subdivision (1) is not relevant to the person's present ability to care for a child, and placing a child in another home or awarding wardship to the department is in the best interest of the child.

However, a court may not enter a dispositional decree that approves placement of a child in another home or awards wardship to the department if the person has been convicted of a nonwaivable offense, as defined in IC 31-9-2-84.8 that is not specifically excluded under subdivision (1)(B).

(e) In considering the placement under subsection (d), the court shall consider the following:

- (1) The length of time since the person committed the offense, delinquent act, or act that resulted in the substantiated report of abuse or neglect.
- (2) The severity of the offense, delinquent act, or abuse or neglect.
- (3) Evidence of the person's rehabilitation, including the person's cooperation with a treatment plan, if applicable.

SECTION 45. IC 31-34-21-7.5, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2020 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 7.5. (a) Except as provided in subsection (d), the juvenile court may not approve a permanency plan under subsection ~~(c)(1)(D)~~; **(c)(1)(C)**, ~~(c)(1)(E)~~; **(c)(1)(D)**, or ~~(c)(1)(F)~~ **(c)(1)(E)** if a person who is currently residing with a person described in subsection ~~(c)(1)(D)~~ **(c)(1)(C)** or ~~(c)(1)(E)~~ **(c)(1)(D)** or in a residence in which the child would be placed under subsection ~~(c)(1)(F)~~ **(c)(1)(E)** has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a nonwaivable offense, as defined in IC 31-9-2-84.8 if committed by an adult, or has a conviction for a nonwaivable offense, as defined in IC 31-9-2-84.8.

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(b) Before requesting juvenile court approval of a permanency plan, the department shall conduct a criminal history check (as defined in IC 31-9-2-22.5) to determine if a person described in subsection (a) has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a nonwaivable offense, as defined in IC 31-9-2-84.8 if committed by an adult, or has a conviction for a nonwaivable offense, as defined in IC 31-9-2-84.8. However, the department is not required to conduct a criminal history check under this section if criminal history information under IC 31-34-4-2, IC 31-34-18-6.1, or IC 31-34-20-1.5 establishes whether a person described in subsection (a) has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a nonwaivable offense, as defined in IC 31-9-2-84.8 if committed by an adult, or has a conviction for a nonwaivable offense, as defined in IC 31-9-2-84.8.

(c) A permanency plan, or plans, if concurrent planning, under this chapter includes the following:

(1) The intended permanent or long term arrangements for care and custody of the child that may include any one (1), or two (2), if concurrent planning, of the following arrangements that the department or the court considers most appropriate and consistent with the best interests of the child:

(A) Return to or continuation of existing custodial care within the home of the child's parent, guardian, or custodian or placement of the child with the child's noncustodial parent.

(B) Placement of the child for adoption.

(C) Placement of the child with a responsible person, including:

(i) an adult sibling;

(ii) a grandparent;

(iii) an aunt;

(iv) an uncle;

(v) a custodial parent of a sibling of the child; or

(vi) another relative;

who is able and willing to act as the child's permanent custodian and carry out the responsibilities required by the permanency plan.

(D) Appointment of a legal guardian. The legal guardian appointed under this section is a caretaker in a judicially created relationship between the child and caretaker that is intended to be permanent and self-sustaining as evidenced by the transfer to the caretaker of the following parental rights



with respect to the child:

- (i) Care, custody, and control of the child.
- (ii) Decision making concerning the child's upbringing.
- (E) A supervised independent living arrangement or foster care for the child with a permanency plan of another planned, permanent living arrangement. However, a child less than sixteen (16) years of age may not have another planned, permanent living arrangement as the child's permanency plan.
- (2) A time schedule for implementing the applicable provisions of the permanency plan.
- (3) Provisions for temporary or interim arrangements for care and custody of the child, pending completion of implementation of the permanency plan.
- (4) Other items required to be included in a case plan under IC 31-34-15 or federal law, consistent with the permanent or long term arrangements described by the permanency plan.
- (d) A juvenile court may approve a permanency plan if:
  - (1) a person described in subsection (a) has:
    - (A) committed an act resulting in a substantiated report of child abuse or neglect;
    - (B) been convicted of:
      - (i) battery (IC 35-42-2-1);
      - (ii) criminal recklessness (IC 35-42-2-2) as a felony;
      - (iii) criminal confinement (IC 35-42-3-3) as a felony;
      - (iv) arson (IC 35-43-1-1) as a felony;
      - (v) nonsupport of a dependent child (IC 35-46-1-5);
      - (vi) operating a motorboat while intoxicated (IC 35-46-9-6) as a felony;
      - (vii) a felony involving a weapon under IC 35-47;
      - (viii) a felony relating to controlled substances under IC 35-48-4; or
      - (ix) a felony under IC 9-30-5;
      - ~~(x) attempt to commit a felony listed in items (i) through (ix); or~~
      - ~~(xi) a felony that is substantially equivalent to a felony listed in this clause for which the conviction was entered in another jurisdiction;~~
  - if the conviction did not occur within the past five (5) years; or
  - (C) had a juvenile adjudication for a nonwaivable offense, as defined in IC 31-9-2-84.8 that, if committed by an adult, would be a felony; and
- (2) the person's commission of the offense, delinquent act, or act



of abuse or neglect described in subdivision (1) is not relevant to the person's present ability to care for a child, and that approval of the permanency plan is in the best interest of the child.

However, a court may not approve a permanency plan if the person has been convicted of a nonwaivable offense, as defined in IC 31-9-2-84.8 that is not specifically excluded under subdivision (1)(B), or has a juvenile adjudication for an act that would be a nonwaivable offense, as defined in IC 31-9-2-84.8 if committed by an adult that is not specifically excluded under subdivision (1)(B).

(e) In making its written finding under subsection (d), the court shall consider the following:

- (1) The length of time since the person committed the offense, delinquent act, or act that resulted in the substantiated report of abuse or neglect.
- (2) The severity of the offense, delinquent act, or abuse or neglect.
- (3) Evidence of the person's rehabilitation, including the person's cooperation with a treatment plan, if applicable.

SECTION 46. IC 31-37-13-5, AS AMENDED BY P.L.168-2014, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) If a finding of delinquency is based on a delinquent act that would be a felony if committed by an adult, the juvenile court shall state in the findings the following:

- (1) The specific statute that was violated.
- (2) The class or level of the felony had the violation been committed by an adult.

**(b) If a finding of delinquency is based on a delinquent act that would be a serious violent felony (as defined in IC 35-47-4-5) if committed by an adult, the juvenile court shall, notwithstanding IC 31-39-1, transmit the finding to the office of judicial administration for transmission to NICS (as defined in IC 35-47-2.5-2.5) in accordance with IC 33-24-6-3.**

SECTION 47. IC 31-37-19-6.5, AS AMENDED BY P.L.243-2019, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6.5. (a) Except as provided in subsection (d), the juvenile court may not enter a dispositional decree approving placement of a child in another home under section 1(a)(3) or 6(b)(2)(D) of this chapter or awarding wardship to a person or facility that results in a placement with a person under section 1(a)(4) or 6(b)(2)(E) of this chapter if a person who is currently residing in the home in which the child would be placed under section 1(a)(3), 1(a)(4), 6(b)(2)(D), or 6(b)(2)(E) of this chapter has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile



adjudication for an act that would be a nonwaivable offense, as defined in IC 31-9-2-84.8 if committed by an adult, or has a conviction for a nonwaivable offense, as defined in IC 31-9-2-84.8.

(b) The juvenile probation officer who prepared the predispositional report shall conduct a criminal history check (as defined in IC 31-9-2-22.5) to determine if a person described in subsection (a) has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a nonwaivable offense, as defined in IC 31-9-2-84.8 if committed by an adult, or has a conviction for a nonwaivable offense, as defined in IC 31-9-2-84.8. However, the probation officer is not required to conduct a criminal history check under this section if criminal history information obtained under IC 31-37-17-6.1 establishes whether a person described in subsection (a) has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a nonwaivable offense, as defined in IC 31-9-2-84.8 if committed by an adult, or has a conviction for a nonwaivable offense, as defined in IC 31-9-2-84.8.

(c) The juvenile probation officer is not required to conduct a criminal history check under this section if:

- (1) the probation officer is considering only an out-of-home placement to an entity or a facility that:
  - (A) is not a residence (as defined in IC 3-5-2-42.5); or
  - (B) is licensed by the state; or
- (2) placement under this section is undetermined at the time the predispositional report is prepared.

(d) The juvenile court may enter a dispositional decree approving placement of a child in another home under section 1(a)(3) or 6(b)(2)(D) of this chapter or awarding wardship to a person or facility that results in a placement with a person under section 1(a)(4) or 6(b)(2)(E) of this chapter if:

- (1) a person described in subsection (a) has:
  - (A) committed an act resulting in a substantiated report of child abuse or neglect;
  - (B) been convicted of:
    - (i) a felony under IC 9-30-5;
    - (ii) battery (IC 35-42-2-1);
    - (iii) criminal recklessness (IC 35-42-2-2) as a felony;
    - (iv) criminal confinement (IC 35-42-3-3) as a felony;
    - (v) arson (IC 35-43-1-1) as a felony;
    - (vi) nonsupport of a dependent child (IC 35-46-1-5);
    - (vii) operating a motorboat while intoxicated (IC 35-46-9-6)



as a felony;

(viii) a felony involving a weapon under IC 35-47; **or**

(ix) a felony relating to controlled substances under IC 35-48-4;

~~(x) attempt to commit a felony listed in items (i) through (ix); or~~

~~(xi) a felony that is substantially equivalent to a felony listed in this clause for which the conviction was entered in another jurisdiction;~~

if the conviction did not occur within the past five (5) years; or

(C) had a juvenile adjudication for a nonwaivable offense, as defined in IC 31-9-2-84.8 that, if committed by an adult, would be a felony; and

(2) the person's commission of the offense, delinquent act, or act of abuse or neglect described in subdivision (1) is not relevant to the person's present ability to care for a child, and placing the child in another home is in the best interest of the child.

However, a court may not enter a dispositional decree placing a child in another home under section 1(a)(3) or 6(b)(2)(D) of this chapter or awarding wardship to a person or facility under this subsection if a person with whom the child is or will be placed has been convicted of a nonwaivable offense, as defined in IC 31-9-2-84.8 that is not specifically excluded under subdivision (1)(B).

(e) In considering the placement under subsection (d), the court shall consider the following:

(1) The length of time since the person committed the offense, delinquent act, or act that resulted in the substantiated report of abuse or neglect.

(2) The severity of the offense, delinquent act, or abuse or neglect.

(3) Evidence of the person's rehabilitation, including the person's cooperation with a treatment plan, if applicable.

SECTION 48. IC 31-37-22-11, AS ADDED BY P.L.86-2017, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 11. (a) As used in this section, "trafficked child" means a child who was the victim of human trafficking (IC 35-42-3.5), ~~or a substantially similar human trafficking offense committed in another jurisdiction;~~ regardless of whether the person who committed the human trafficking offense was charged, tried, or convicted. The term includes a person who is now an adult.

(b) Upon the written motion of a trafficked child, or any person acting on behalf of a trafficked child, the court that adjudicated the trafficked child a delinquent child shall vacate the adjudication issued





with respect to the trafficked child, if the movant proves by a preponderance of the evidence that:

- (1) the child was a trafficked child at the time the child performed the delinquent act that resulted in the adjudication;
- (2) the delinquent act did not result in bodily injury to another person; and
- (3) at the time the child committed the delinquent act, the child was:
  - (A) coerced by; or
  - (B) under the control of;
 another person.

(c) Before vacating an adjudication under subsection (b), the court shall:

- (1) forward a copy of the motion to the prosecuting attorney; and
- (2) conduct a hearing at which the prosecuting attorney and the movant are entitled to be heard.

SECTION 49. IC 31-39-8-3, AS AMENDED BY P.L.86-2017, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. (a) A person may initiate a petition for the expungement of records of a child alleged to be a delinquent child or a child in need of services by filing a verified petition in the juvenile court in the county of the original action. The petition must set forth the following:

- (1) The allegations and date of adjudication, if applicable, of the juvenile delinquency or child in need of services adjudications.
  - (2) The court in which juvenile delinquency or child in need of services allegations or petitions were filed.
  - (3) The law enforcement agency that employs the charging officer, if known.
  - (4) The case number or court cause number.
  - (5) Date of birth of the petitioner.
  - (6) Petitioner's Social Security number.
  - (7) All juvenile delinquency or child in need of services adjudications and criminal convictions occurring after the adjudication of the action sought to be expunged.
  - (8) All pending actions under IC 31-34 or IC 31-37 or criminal charges.
- (b) A petition described in subsection (a) shall be served on:
- (1) the prosecuting attorney; or
  - (2) in the case of a child in need of services case, the department of child services.
- (c) The prosecuting attorney or department of child services has

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thirty (30) days in which to reply or otherwise object to the petition. The court may reduce the time in which a response must be filed for a show of good cause or within its discretion after a hearing is held.

(d) If the prosecuting attorney or department of child services timely files an objection to the petition, the matter shall be set for a hearing. If no objection is filed, the court may set the petition for a hearing or rule on the petition without a hearing.

(e) In considering whether to grant the petition, the juvenile court may review:

- (1) the best interests of the child;
- (2) the age of the person during the person's contact with the juvenile court or law enforcement agency;
- (3) the nature of any allegations;
- (4) whether there was an informal adjustment or an adjudication;
- (5) the disposition of the case;
- (6) the manner in which the person participated in any court ordered or supervised services;
- (7) the time during which the person has been without contact with the juvenile court or with any law enforcement agency;
- (8) whether the person acquired a criminal record; ~~and~~
- (9) the person's current status;
- (10) whether the person has been:**
  - (A) charged with; or**
  - (B) convicted of;**
- murder or another felony offense as an adult;**
- (11) whether the person was waived to an adult criminal court for a reason described in IC 31-30-3;**
- (12) whether an adult sentence for the person was not suspended for a reason described in IC 35-50-2-2.1; and**
- (13) whether:**
  - (A) the person has been adjudicated a delinquent child for committing an act that would be a serious violent felony (as defined in IC 35-47-4-5) if committed by an adult; and**
  - (B) the:**
    - (i) person is currently suffering from a mental health issue;**
    - (ii) mental health issue described in item (i) is chronic or ongoing;**
    - (iii) person has received, or is receiving, treatment for a current or chronic mental health issue; or**
    - (iv) person is compliant with a treatment regimen recommended by a mental health professional, if**



**applicable.**

SECTION 50. IC 32-30-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. As used in this chapter, "nuisance" means

- (1) the use of a property to commit an act constituting an offense under IC 35-48-4. ~~or~~
- (2) ~~an attempt to commit or a conspiracy to commit an act described in subdivision (1).~~

SECTION 51. IC 33-23-6-2, AS AMENDED BY P.L.55-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) In each county participating in the program under this chapter, there is established an alternative dispute resolution fund for each of the following:

- (1) The circuit court.
- (2) The superior court.
- (3) The probate court established by IC 33-31-1.

(b) Notwithstanding subsection (a), if more than one (1) court exercises jurisdiction over domestic relations and paternity cases in a county, one (1) alternative dispute resolution fund may be established to be used by all the courts to implement this chapter if:

- (1) the:
  - (A) county auditor; and
  - (B) judge of each court that exercises jurisdiction over domestic relations and paternity cases in the county;
 agree to establish one (1) fund; and
- (2) the agreement to establish the fund is included in the plan adopted by the county under section 3 of this chapter.

(c) The sources of money for each fund established under subsection (a) or (b) are:

- (1) the alternative dispute resolution fee collected under section 1 of this chapter for the circuit court, superior court, or probate court, respectively; and
- (2) copayments collected under subsection (d) if:
  - (A) a county chooses to deposit the copayments into the fund; and
  - (B) the county specifies in the plan adopted by the county under section 3 of this chapter that the copayments will be deposited in the fund.

(d) The funds shall be used to foster domestic relations alternative dispute resolution, including:

- (1) mediation;
- (2) reconciliation;

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(3) nonbinding arbitration; and

(4) parental counseling.

Litigants referred by the court to services covered by the fund shall make a copayment for the services in an amount determined by the court based on the litigants' ability to pay. The fund shall be administered by the circuit, superior, or probate court that exercises jurisdiction over domestic relations and paternity cases in the county. A fund used by multiple courts under subsection (b) shall be administered jointly by all the courts using the fund. Money in each fund at the end of a fiscal year does not revert to the county general fund but remains in the fund for the uses specified in this section.

(e) Each circuit, superior, or probate court that administers an alternative dispute resolution fund shall ensure that money in the fund is disbursed in a manner that primarily benefits those litigants who have the least ability to pay, in accordance with the plan adopted by the county under section 3 of this chapter.

(f) A court may not order parties into mediation or refer parties to mediation if a party is currently charged with or has been convicted of a crime

~~(1) under IC 35-42. or~~

~~(2) in another jurisdiction that is substantially similar to the elements of a crime described in IC 35-42.~~

SECTION 52. IC 33-23-8-4, AS AMENDED BY P.L.181-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. If a practitioner is convicted under IC 35-43-5-4.5 of

~~(1) insurance fraud,~~

~~(2) an attempt to commit insurance fraud; or~~

~~(3) conspiracy to commit insurance fraud;~~

the sentencing court shall provide notice of the conviction to each governmental body that has issued a license to the practitioner.

SECTION 53. IC 33-24-6-3, AS AMENDED BY HEA 1313-2020, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. (a) The office of judicial administration shall do the following:

(1) Examine the administrative and business methods and systems employed in the offices of the clerks of court and other offices related to and serving the courts and make recommendations for necessary improvement.

(2) Collect and compile statistical data and other information on the judicial work of the courts in Indiana. All justices of the supreme court, judges of the court of appeals, judges of all trial



courts, and any city or town courts, whether having general or special jurisdiction, court clerks, court reporters, and other officers and employees of the courts shall, upon notice by the chief administrative officer and in compliance with procedures prescribed by the chief administrative officer, furnish the chief administrative officer the information as is requested concerning the nature and volume of judicial business. The information must include the following:

- (A) The volume, condition, and type of business conducted by the courts.
  - (B) The methods of procedure in the courts.
  - (C) The work accomplished by the courts.
  - (D) The receipt and expenditure of public money by and for the operation of the courts.
  - (E) The methods of disposition or termination of cases.
- (3) Prepare and publish reports, not less than one (1) or more than two (2) times per year, on the nature and volume of judicial work performed by the courts as determined by the information required in subdivision (2).
- (4) Serve the judicial nominating commission and the judicial qualifications commission in the performance by the commissions of their statutory and constitutional functions.
- (5) Administer the civil legal aid fund as required by IC 33-24-12.
- (6) Administer the court technology fund established by section 12 of this chapter.
- (7) By December 31, 2013, develop and implement a standard protocol for sending and receiving court data:
- (A) between the protective order registry, established by IC 5-2-9-5.5, and county court case management systems;
  - (B) at the option of the county prosecuting attorney, for:
    - (i) a prosecuting attorney's case management system;
    - (ii) a county court case management system; and
    - (iii) a county court case management system developed and operated by the office of judicial administration;
 to interface with the electronic traffic tickets, as defined by IC 9-30-3-2.5; and
  - (C) between county court case management systems and the case management system developed and operated by the office of judicial administration.

The standard protocol developed and implemented under this subdivision shall permit private sector vendors, including vendors providing service to a local system and vendors accessing the



system for information, to send and receive court information on an equitable basis and at an equitable cost.

(8) Establish and administer an electronic system for receiving information that relates to certain individuals who may be prohibited from possessing a firearm **and for the purpose of:**

(A) transmitting this information to the Federal Bureau of Investigation for inclusion in the NICS; **and**

**(B) beginning July 1, 2021, compiling and publishing certain statistics related to the confiscation and retention of firearms as described under section 14 of this chapter.**

(9) Establish and administer an electronic system for receiving drug related felony conviction information from courts. The office of judicial administration shall notify NPLEx of each drug related felony entered after June 30, 2012, and do the following:

(A) Provide NPLEx with the following information:

(i) The convicted individual's full name.

(ii) The convicted individual's date of birth.

(iii) The convicted individual's driver's license number, state personal identification number, or other unique number, if available.

(iv) The date the individual was convicted of the felony.

Upon receipt of the information from the office of judicial administration, a stop sale alert must be generated through NPLEx for each individual reported under this clause.

(B) Notify NPLEx if the felony of an individual reported under clause (A) has been:

(i) set aside;

(ii) reversed;

(iii) expunged; or

(iv) vacated.

Upon receipt of information under this clause, NPLEx shall remove the stop sale alert issued under clause (A) for the individual.

(10) After July 1, 2018, establish and administer an electronic system for receiving from courts felony conviction information for each felony described in IC 20-28-5-8(c). The office of judicial administration shall notify the department of education at least one (1) time each week of each felony described in IC 20-28-5-8(c) entered after July 1, 2018, and do the following:

(A) Provide the department of education with the following information:

(i) The convicted individual's full name.



- (ii) The convicted individual's date of birth.
- (iii) The convicted individual's driver's license number, state personal identification number, or other unique number, if available.
- (iv) The date the individual was convicted of the felony.
- (B) Notify the department of education if the felony of an individual reported under clause (A) has been:
  - (i) set aside;
  - (ii) reversed; or
  - (iii) vacated.
- (11) Perform legal and administrative duties for the justices as determined by the justices.
- (12) Provide staff support for the judicial conference of Indiana established in IC 33-38-9.
- (13) Work with the United States Department of Veterans Affairs to identify and address the needs of veterans in the court system.
- (b) All forms to be used in gathering data must be approved by the supreme court and shall be distributed to all judges and clerks before the start of each period for which reports are required.
- (c) The office of judicial administration may adopt rules to implement this section.

SECTION 54. IC 33-24-6-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 14. (a) The following definitions apply throughout this section:**

- (1) "Dangerous" has the meaning set forth in IC 35-47-14-1.
- (2) "Firearm" has the meaning set forth in IC 35-47-1-5.
- (3) "Office" means the office of judicial administration created by section 1 of this chapter.
- (b) Beginning July 1, 2021, the office shall collect and record the following information:
  - (1) The law enforcement agency responsible for each confiscation of a firearm under IC 35-47-14-2 and IC 35-47-14-3.
  - (2) The number of:
    - (A) warrant based firearm confiscations under IC 35-47-14-2; and
    - (B) warrantless firearm confiscations under IC 35-47-14-3; for each county, as applicable, each year.
  - (3) The total number of:
    - (A) handguns; and
    - (B) long guns;



confiscated under IC 35-47-14 for each county, as applicable, each year.

(4) The county in which a court issues an order that finds or does not find an individual to be dangerous under IC 35-47-14-6.

(c) The office shall, beginning July 1, 2021, not later than January 1 of each year, submit a report to the legislative council in an electronic format under IC 5-14-6 that consolidates and presents the information described in subsection (b).

(d) Notwithstanding subsections (b) and (c) and information provided to a law enforcement agency for the purposes of handgun licenses, the office shall not disclose, distribute, transfer, or provide the following information to any person, entity, agency, or department:

(1) The:

- (A) name;
- (B) date of birth;
- (C) Social Security number;
- (D) address; or
- (E) other unique identifier;

belonging to or associated with an individual alleged to be dangerous by a law enforcement officer or found to be dangerous by a circuit or superior court.

(2) The make, model, or serial number of any handgun, long gun, or firearm seized, confiscated, retained, disposed of, or sold under IC 35-47-14.

(e) Information:

- (1) collected by the office; or
- (2) used by the office;

to prepare the report described in subsection (c) is confidential and not subject to public inspection or copying under IC 5-14-3-3.

(f) The office shall make the report described in subsection (c) available to the public.

(g) The office may adopt rules under IC 4-22-2 to implement this section.

SECTION 55. IC 34-24-1-1, AS AMENDED BY P.L.211-2019, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) The following may be seized:

- (1) All vehicles (as defined by IC 35-31.5-2-346), if they are used or are intended for use by the person or persons in possession of them to transport or in any manner to facilitate the transportation of the following:





(A) A controlled substance for the purpose of committing, attempting to commit, or conspiring to commit any of the following:

- (i) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).
- (ii) Dealing in methamphetamine (IC 35-48-4-1.1).
- (iii) Manufacturing methamphetamine (IC 35-48-4-1.2).
- (iv) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).
- (v) Dealing in a schedule IV controlled substance (IC 35-48-4-3).
- (vi) Dealing in a schedule V controlled substance (IC 35-48-4-4).
- (vii) Dealing in a counterfeit substance (IC 35-48-4-5).
- (viii) Possession of cocaine or a narcotic drug (IC 35-48-4-6).
- (ix) Possession of methamphetamine (IC 35-48-4-6.1).
- (x) Dealing in paraphernalia (IC 35-48-4-8.5).
- (xi) Dealing in marijuana, hash oil, hashish, or salvia (IC 35-48-4-10).
- (xii) An offense under IC 35-48-4 involving a synthetic drug (as defined in IC 35-31.5-2-321), a synthetic drug lookalike substance (as defined in IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under IC 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled substance analog (as defined in IC 35-48-1-9.3), or a substance represented to be a controlled substance (as described in IC 35-48-4-4.6).

(B) Any stolen (IC 35-43-4-2) or converted property (IC 35-43-4-3) if the retail or repurchase value of that property is one hundred dollars (\$100) or more.

(C) Any hazardous waste in violation of IC 13-30-10-1.5.

(D) A bomb (as defined in IC 35-31.5-2-31) or weapon of mass destruction (as defined in IC 35-31.5-2-354) used to commit, used in an attempt to commit, or used in a conspiracy to commit a felony terrorist offense (as defined in IC 35-50-2-18) or an offense under IC 35-47 as part of or in furtherance of an act of terrorism (as defined by IC 35-31.5-2-329).

(2) All money, negotiable instruments, securities, weapons, communications devices, or any property used to commit, used in an attempt to commit, or used in a conspiracy to commit a felony terrorist offense (as defined in IC 35-50-2-18) or an offense under



IC 35-47 as part of or in furtherance of an act of terrorism or commonly used as consideration for a violation of IC 35-48-4 (other than items subject to forfeiture under IC 16-42-20-5 or IC 16-6-8.5-5.1, before its repeal):

- (A) furnished or intended to be furnished by any person in exchange for an act that is in violation of a criminal statute;
  - (B) used to facilitate any violation of a criminal statute; or
  - (C) traceable as proceeds of the violation of a criminal statute.
- (3) Any portion of real or personal property purchased with money that is traceable as a proceed of a violation of a criminal statute.

(4) A vehicle that is used by a person to:

- (A) commit, attempt to commit, or conspire to commit;
- (B) facilitate the commission of; or
- (C) escape from the commission of;

murder (IC 35-42-1-1), dealing in a controlled substance resulting in death (IC 35-42-1-1.5), kidnapping (IC 35-42-3-2), criminal confinement (IC 35-42-3-3), rape (IC 35-42-4-1), child molesting (IC 35-42-4-3), or child exploitation (IC 35-42-4-4), or an offense under IC 35-47 as part of or in furtherance of an act of terrorism.

(5) Real property owned by a person who uses it to commit any of the following as a Level 1, Level 2, Level 3, Level 4, or Level 5 felony:

- (A) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).
- (B) Dealing in methamphetamine (IC 35-48-4-1.1).
- (C) Manufacturing methamphetamine (IC 35-48-4-1.2).
- (D) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).
- (E) Dealing in a schedule IV controlled substance (IC 35-48-4-3).
- (F) Dealing in marijuana, hash oil, hashish, or salvia (IC 35-48-4-10).
- (G) Dealing in a synthetic drug (as defined in IC 35-31.5-2-321) or synthetic drug lookalike substance (as defined in IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under IC 35-48-4-10.5 (before its repeal on July 1, 2019).
- (H) Dealing in a controlled substance resulting in death (IC 35-42-1-1.5).

(6) Equipment and recordings used by a person to commit fraud under IC 35-43-5-4(10).



- (7) Recordings sold, rented, transported, or possessed by a person in violation of IC 24-4-10.
- (8) Property (as defined by IC 35-31.5-2-253) or an enterprise (as defined by IC 35-45-6-1) that is the object of a corrupt business influence violation (IC 35-45-6-2).
- (9) Unlawful telecommunications devices (as defined in IC 35-45-13-6) and plans, instructions, or publications used to commit an offense under IC 35-45-13.
- (10) Any equipment, including computer equipment and cellular telephones, used for or intended for use in preparing, photographing, recording, videotaping, digitizing, printing, copying, or disseminating matter in violation of IC 35-42-4.
- (11) Destructive devices used, possessed, transported, or sold in violation of IC 35-47.5.
- (12) Tobacco products that are sold in violation of IC 24-3-5, tobacco products that a person attempts to sell in violation of IC 24-3-5, and other personal property owned and used by a person to facilitate a violation of IC 24-3-5.
- (13) Property used by a person to commit counterfeiting or forgery in violation of IC 35-43-5-2.
- (14) After December 31, 2005, if a person is convicted of an offense specified in IC 25-26-14-26(b) or IC 35-43-10, the following real or personal property:
- (A) Property used or intended to be used to commit, facilitate, or promote the commission of the offense.
  - (B) Property constituting, derived from, or traceable to the gross proceeds that the person obtained directly or indirectly as a result of the offense.
- (15) Except as provided in subsection (e), a vehicle used by a person who operates the vehicle:
- (A) while intoxicated, in violation of IC 9-30-5-1 through IC 9-30-5-5, if in the previous five (5) years the person has two (2) or more prior unrelated convictions
    - (i) for operating a motor vehicle while intoxicated in violation of IC 9-30-5-1 through IC 9-30-5-5; or
    - (ii) for an offense that is substantially similar to IC 9-30-5-1 through IC 9-30-5-5 in another jurisdiction; or
  - (B) on a highway while the person's driving privileges are suspended in violation of IC 9-24-19-2 through IC 9-24-19-3, if in the previous five (5) years the person has two (2) or more prior unrelated convictions
    - (i) for operating a vehicle while intoxicated in violation of



IC 9-30-5-1 through IC 9-30-5-5. ~~or~~  
~~(ii) for an offense that is substantially similar to IC 9-30-5-1~~  
~~through IC 9-30-5-5 in another jurisdiction.~~

If a court orders the seizure of a vehicle under this subdivision, the court shall transmit an order to the bureau of motor vehicles recommending that the bureau not permit a vehicle to be registered in the name of the person whose vehicle was seized until the person possesses a current driving license (as defined in IC 9-13-2-41).

(16) The following real or personal property:

(A) Property used or intended to be used to commit, facilitate, or promote the commission of an offense specified in IC 23-14-48-9, IC 30-2-9-7(b), IC 30-2-10-9(b), or IC 30-2-13-38(f).

(B) Property constituting, derived from, or traceable to the gross proceeds that a person obtains directly or indirectly as a result of an offense specified in IC 23-14-48-9, IC 30-2-9-7(b), IC 30-2-10-9(b), or IC 30-2-13-38(f).

(17) An automated sales suppression device (as defined in IC 35-43-5-4.6(a)(1) or phantom-ware (as defined in IC 35-43-5-4.6(a)(3)).

(18) Real or personal property, including a vehicle, that is used by a person to:

(A) commit, attempt to commit, or conspire to commit;

(B) facilitate the commission of; or

(C) escape from the commission of;

a violation of IC 35-42-3.5-1 through IC 35-42-3.5-1.4 (human trafficking) or IC 35-45-4-4 (promoting prostitution).

(b) A vehicle used by any person as a common or contract carrier in the transaction of business as a common or contract carrier is not subject to seizure under this section, unless it can be proven by a preponderance of the evidence that the owner of the vehicle knowingly permitted the vehicle to be used to engage in conduct that subjects it to seizure under subsection (a).

(c) Equipment under subsection (a)(10) may not be seized unless it can be proven by a preponderance of the evidence that the owner of the equipment knowingly permitted the equipment to be used to engage in conduct that subjects it to seizure under subsection (a)(10).

(d) Money, negotiable instruments, securities, weapons, communications devices, or any property commonly used as consideration for a violation of IC 35-48-4 found near or on a person who is committing, attempting to commit, or conspiring to commit any

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of the following offenses shall be admitted into evidence in an action under this chapter as prima facie evidence that the money, negotiable instrument, security, or other thing of value is property that has been used or was to have been used to facilitate the violation of a criminal statute or is the proceeds of the violation of a criminal statute:

- (1) IC 35-42-1-1.5 (dealing in a controlled substance resulting in death).
  - (2) IC 35-48-4-1 (dealing in or manufacturing cocaine or a narcotic drug).
  - (3) IC 35-48-4-1.1 (dealing in methamphetamine).
  - (4) IC 35-48-4-1.2 (manufacturing methamphetamine).
  - (5) IC 35-48-4-2 (dealing in a schedule I, II, or III controlled substance).
  - (6) IC 35-48-4-3 (dealing in a schedule IV controlled substance).
  - (7) IC 35-48-4-4 (dealing in a schedule V controlled substance) as a Level 4 felony.
  - (8) IC 35-48-4-6 (possession of cocaine or a narcotic drug) as a Level 3, Level 4, or Level 5 felony.
  - (9) IC 35-48-4-6.1 (possession of methamphetamine) as a Level 3, Level 4, or Level 5 felony.
  - (10) IC 35-48-4-10 (dealing in marijuana, hash oil, hashish, or salvia) as a Level 5 felony.
  - (11) IC 35-48-4-10.5 (before its repeal on July 1, 2019) (dealing in a synthetic drug or synthetic drug lookalike substance) as a Level 5 felony or Level 6 felony (or as a Class C felony or Class D felony under IC 35-48-4-10 before its amendment in 2013).
- (e) A vehicle operated by a person who is not:
- (1) an owner of the vehicle; or
  - (2) the spouse of the person who owns the vehicle;

is not subject to seizure under subsection (a)(15) unless it can be proven by a preponderance of the evidence that the owner of the vehicle knowingly permitted the vehicle to be used to engage in conduct that subjects it to seizure under subsection (a)(15).

SECTION 56. IC 35-31.5-2-91, AS AMENDED BY P.L. 158-2013, SECTION 365, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 91. "Designated offense", for purposes of IC 35-33.5, means the following:

- (1) A Class A, Class B, or Class C felony, for a crime committed before July 1, 2014, or a Level 1, Level 2, Level 3, Level 4, or Level 5 felony, for a crime committed after June 30, 2014, that is a controlled substance offense (IC 35-48-4).
- (2) Murder (IC 35-42-1-1).



- (3) Kidnapping (IC 35-42-3-2).
- (4) Criminal confinement (IC 35-42-3-3).
- (5) Robbery (IC 35-42-5-1).
- (6) Arson (IC 35-43-1-1).
- (7) Child solicitation (IC 35-42-4-6).
- (8) Human and sexual trafficking crimes under IC 35-42-3.5.
- (9) Escape as a Class B felony or Class C felony, for a crime committed before July 1, 2014, or a Level 4 felony or Level 5 felony, for a crime committed after June 30, 2014 (IC 35-44.1-3-4).
- (10) An offense that relates to a weapon of mass destruction (as defined in section 354 of this chapter).
- ~~(11) An attempt or conspiracy to commit an offense described in subdivisions (1) through (10).~~
- ~~(12) An offense under the law of the United States or in another state or country that is substantially similar to an offense described in subdivisions (1) through (11).~~

SECTION 57. IC 35-31.5-2-294, AS ADDED BY P.L.114-2012, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 294. "Serious violent felony", for purposes of IC 35-47-4-5 and IC 35-47-4-9, has the meaning set forth in ~~IC 35-47-4-5(b).~~ **IC 35-47-4-5.**

SECTION 58. IC 35-37-4-6, AS AMENDED BY P.L.65-2016, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. (a) This section applies to a criminal action involving the following offenses where the victim is a protected person under subsection (c)(1) or (c)(2):

- (1) Sex crimes (IC 35-42-4).
- (2) A battery offense included in IC 35-42-2 upon a child less than fourteen (14) years of age.
- (3) Kidnapping and confinement (IC 35-42-3).
- (4) Incest (IC 35-46-1-3).
- (5) Neglect of a dependent (IC 35-46-1-4).
- (6) Human and sexual trafficking crimes (IC 35-42-3.5).
- ~~(7) An attempt under IC 35-41-5-1 to commit an offense listed in this subsection.~~

(b) This section applies to a criminal action involving the following offenses where the victim is a protected person under subsection (c)(3):

- (1) Exploitation of a dependent or endangered adult (IC 35-46-1-12).
- (2) A sex crime (IC 35-42-4).
- (3) A battery offense included in IC 35-42-2.

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- (4) Kidnapping, confinement, or interference with custody (IC 35-42-3).
  - (5) Home improvement fraud (IC 35-43-6).
  - (6) Fraud (IC 35-43-5).
  - (7) Identity deception (IC 35-43-5-3.5).
  - (8) Synthetic identity deception (IC 35-43-5-3.8).
  - (9) Theft (IC 35-43-4-2).
  - (10) Conversion (IC 35-43-4-3).
  - (11) Neglect of a dependent (IC 35-46-1-4).
  - (12) Human and sexual trafficking crimes (IC 35-42-3.5).
- (c) As used in this section, "protected person" means:
- (1) a child who is less than fourteen (14) years of age;
  - (2) an individual with a mental disability who has a disability attributable to an impairment of general intellectual functioning or adaptive behavior that:
    - (A) is manifested before the individual is eighteen (18) years of age;
    - (B) is likely to continue indefinitely;
    - (C) constitutes a substantial impairment of the individual's ability to function normally in society; and
    - (D) reflects the individual's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are of lifelong or extended duration and are individually planned and coordinated; or
  - (3) an individual who is:
    - (A) at least eighteen (18) years of age; and
    - (B) incapable by reason of mental illness, intellectual disability, dementia, or other physical or mental incapacity of:
      - (i) managing or directing the management of the individual's property; or
      - (ii) providing or directing the provision of self-care.
- (d) A statement or videotape that:
- (1) is made by a person who at the time of trial is a protected person;
  - (2) concerns an act that is a material element of an offense listed in subsection (a) or (b) that was allegedly committed against the person; and
  - (3) is not otherwise admissible in evidence;
- is admissible in evidence in a criminal action for an offense listed in subsection (a) or (b) if the requirements of subsection (e) are met.
- (e) A statement or videotape described in subsection (d) is admissible in evidence in a criminal action listed in subsection (a) or



(b) if, after notice to the defendant of a hearing and of the defendant's right to be present, all of the following conditions are met:

- (1) The court finds, in a hearing:
  - (A) conducted outside the presence of the jury; and
  - (B) attended by the protected person in person or by using closed circuit television testimony as described in section 8(f) and 8(g) of this chapter;

that the time, content, and circumstances of the statement or videotape provide sufficient indications of reliability.

- (2) The protected person:
  - (A) testifies at the trial; or
  - (B) is found by the court to be unavailable as a witness for one
    - (1) of the following reasons:
      - (i) From the testimony of a psychiatrist, physician, or psychologist, and other evidence, if any, the court finds that the protected person's testifying in the physical presence of the defendant will cause the protected person to suffer serious emotional distress such that the protected person cannot reasonably communicate.
      - (ii) The protected person cannot participate in the trial for medical reasons.
      - (iii) The court has determined that the protected person is incapable of understanding the nature and obligation of an oath.

(f) If a protected person is unavailable to testify at the trial for a reason listed in subsection (e)(2)(B), a statement or videotape may be admitted in evidence under this section only if the protected person was available for cross-examination:

- (1) at the hearing described in subsection (e)(1); or
- (2) when the statement or videotape was made.

(g) A statement or videotape may not be admitted in evidence under this section unless the prosecuting attorney informs the defendant and the defendant's attorney at least ten (10) days before the trial of:

- (1) the prosecuting attorney's intention to introduce the statement or videotape in evidence; and
- (2) the content of the statement or videotape.

(h) If a statement or videotape is admitted in evidence under this section, the court shall instruct the jury that it is for the jury to determine the weight and credit to be given the statement or videotape and that, in making that determination, the jury shall consider the following:

- (1) The mental and physical age of the person making the





statement or videotape.

(2) The nature of the statement or videotape.

(3) The circumstances under which the statement or videotape was made.

(4) Other relevant factors.

(i) If a statement or videotape described in subsection (d) is admitted into evidence under this section, a defendant may introduce a:

(1) transcript; or

(2) videotape;

of the hearing held under subsection (e)(1) into evidence at trial.

SECTION 59. IC 35-37-4-8, AS AMENDED BY P.L.65-2016, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8. (a) This section applies to a criminal action under the following:

(1) Sex crimes (IC 35-42-4).

(2) A battery offense included in IC 35-42-2 upon a child less than fourteen (14) years of age.

(3) Kidnapping and confinement (IC 35-42-3).

(4) Incest (IC 35-46-1-3).

(5) Neglect of a dependent (IC 35-46-1-4).

(6) Human and sexual trafficking crimes (IC 35-42-3.5).

~~(7) An attempt under IC 35-41-5-1 for an offense listed in subdivisions (1) through (6).~~

(b) As used in this section, "protected person" has the meaning set forth in section 6 of this chapter.

(c) On the motion of the prosecuting attorney, the court may order that the testimony of a protected person be taken in a room other than the courtroom, and that the questioning of the protected person by the prosecution and the defense be transmitted using a two-way closed circuit television arrangement that:

(1) allows the protected person to see the accused and the trier of fact; and

(2) allows the accused and the trier of fact to see and hear the protected person.

(d) On the motion of the prosecuting attorney or the defendant, the court may order that the testimony of a protected person be videotaped for use at trial. The videotaping of the testimony of a protected person under this subsection must meet the requirements of subsection (c).

(e) The court may not make an order under subsection (c) or (d) unless:

(1) the testimony to be taken is the testimony of a protected



person who:

- (A) is the alleged victim of an offense listed in subsection (a) for which the defendant is being tried or is a witness in a trial for an offense listed in subsection (a); and
  - (B) is found by the court to be a protected person who should be permitted to testify outside the courtroom because:
    - (i) the court finds from the testimony of a psychiatrist, physician, or psychologist and any other evidence that the protected person's testifying in the physical presence of the defendant would cause the protected person to suffer serious emotional harm and the court finds that the protected person could not reasonably communicate in the physical presence of the defendant to the trier of fact;
    - (ii) a physician has certified that the protected person cannot be present in the courtroom for medical reasons; or
    - (iii) evidence has been introduced concerning the effect of the protected person's testifying in the physical presence of the defendant, and the court finds that it is more likely than not that the protected person's testifying in the physical presence of the defendant creates a substantial likelihood of emotional or mental harm to the protected person;
  - (2) the prosecuting attorney has informed the defendant and the defendant's attorney of the intention to have the protected person testify outside the courtroom; and
  - (3) the prosecuting attorney informed the defendant and the defendant's attorney under subdivision (2) at least ten (10) days before the trial of the prosecuting attorney's intention to have the protected person testify outside the courtroom.
- (f) If the court makes an order under subsection (c), only the following persons may be in the same room as the protected person during the protected person's testimony:
- (1) A defense attorney if:
    - (A) the defendant is represented by the defense attorney; and
    - (B) the prosecuting attorney is also in the same room.
  - (2) The prosecuting attorney if:
    - (A) the defendant is represented by a defense attorney; and
    - (B) the defense attorney is also in the same room.
  - (3) Persons necessary to operate the closed circuit television equipment.
  - (4) Persons whose presence the court finds will contribute to the protected person's well-being.
  - (5) A court bailiff or court representative.



(g) If the court makes an order under subsection (d), only the following persons may be in the same room as the protected person during the protected person's videotaped testimony:

- (1) The judge.
- (2) The prosecuting attorney.
- (3) The defendant's attorney (or the defendant, if the defendant is not represented by an attorney).
- (4) Persons necessary to operate the electronic equipment.
- (5) The court reporter.
- (6) Persons whose presence the court finds will contribute to the protected person's well-being.
- (7) The defendant, who can observe and hear the testimony of the protected person with the protected person being able to observe or hear the defendant. However, if the defendant is not represented by an attorney, the defendant may question the protected person.

(h) If the court makes an order under subsection (c) or (d), only the following persons may question the protected person:

- (1) The prosecuting attorney.
- (2) The defendant's attorney (or the defendant, if the defendant is not represented by an attorney).
- (3) The judge.

SECTION 60. IC 35-38-1-7.5, AS AMENDED BY P.L.86-2018, SECTION 332, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 7.5. (a) As used in this section, "sexually violent predator" means a person who suffers from a mental abnormality or personality disorder that makes the individual likely to repeatedly commit a sex offense (as defined in IC 11-8-8-5.2). The term includes a person convicted in another jurisdiction who is identified as a sexually violent predator under IC 11-8-8-20. The term does not include a person no longer considered a sexually violent predator under subsection (g).

(b) A person who:

- (1) being at least eighteen (18) years of age, commits an offense described in:
  - (A) IC 35-42-4-1;
  - (B) IC 35-42-4-2 (before its repeal);
  - (C) IC 35-42-4-3 as a Class A or Class B felony (for a crime committed before July 1, 2014) or a Level 1, Level 2, Level 3, or Level 4 felony (for a crime committed after June 30, 2014);
  - (D) IC 35-42-4-5(a)(1);
  - (E) IC 35-42-4-5(a)(2);

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(F) IC 35-42-4-5(a)(3) (before that provision was redesignated by P.L.158-2013, SECTION 441);

(G) IC 35-42-4-5(b)(1) as a Class A or Class B felony (for a crime committed before July 1, 2014) or Level 2, Level 3, or Level 4 felony (for a crime committed after June 30, 2014);

(H) IC 35-42-4-5(b)(2); **or**

(I) IC 35-42-4-5(b)(3) as a Class A or Class B felony (for a crime committed before July 1, 2014) or a Level 2, Level 3, or Level 4 felony (for a crime committed after June 30, 2014);

~~(J) an attempt or conspiracy to commit a crime listed in clauses (A) through (I); or~~

~~(K) a crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in clauses (A) through (J);~~

(2) commits a sex offense (as defined in IC 11-8-8-5.2) while having a previous unrelated conviction for a sex offense for which the person is required to register as a sex or violent offender under IC 11-8-8;

(3) commits a sex offense (as defined in IC 11-8-8-5.2) while having had a previous unrelated adjudication as a delinquent child for an act that would be a sex offense if committed by an adult, if, after considering expert testimony, a court finds by clear and convincing evidence that the person is likely to commit an additional sex offense; **or**

(4) commits a sex offense (as defined in IC 11-8-8-5.2) while having had a previous unrelated adjudication as a delinquent child for an act that would be a sex offense if committed by an adult, if the person was required to register as a sex or violent offender under IC 11-8-8-5(b)(2);

is a sexually violent predator. Except as provided in subsection (g) or (h), a person is a sexually violent predator by operation of law if an offense committed by the person satisfies the conditions set forth in subdivision (1) or (2) and the person was released from incarceration, secure detention, probation, or parole for the offense after June 30, 1994.

(c) This section applies whenever a court sentences a person or a juvenile court issues a dispositional decree for a sex offense (as defined in IC 11-8-8-5.2) for which the person is required to register with the local law enforcement authority under IC 11-8-8.

(d) At the sentencing hearing, the court shall indicate on the record whether the person has been convicted of an offense that makes the person a sexually violent predator under subsection (b).

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(e) If a person is not a sexually violent predator under subsection (b), the prosecuting attorney may request the court to conduct a hearing to determine whether the person (including a child adjudicated to be a delinquent child) is a sexually violent predator under subsection (a). If the court grants the motion, the court shall appoint two (2) psychologists or psychiatrists who have expertise in criminal behavioral disorders to evaluate the person and testify at the hearing. After conducting the hearing and considering the testimony of the two (2) psychologists or psychiatrists, the court shall determine whether the person is a sexually violent predator under subsection (a). A hearing conducted under this subsection may be combined with the person's sentencing hearing.

(f) If a person is a sexually violent predator:

- (1) the person is required to register with the local law enforcement authority as provided in IC 11-8-8; and
- (2) the court shall send notice to the department of correction.

(g) This subsection does not apply to a person who has two (2) or more unrelated convictions for an offense described in IC 11-8-8-4.5 for which the person is required to register under IC 11-8-8. A person who is a sexually violent predator may petition the court to consider whether the person should no longer be considered a sexually violent predator. The person may file a petition under this subsection not earlier than ten (10) years after:

- (1) the sentencing court or juvenile court makes its determination under subsection (e); or
- (2) the person is released from incarceration or secure detention.

A person may file a petition under this subsection not more than one (1) time per year. A court may dismiss a petition filed under this subsection or conduct a hearing to determine if the person should no longer be considered a sexually violent predator. If the court conducts a hearing, the court shall appoint two (2) psychologists or psychiatrists who have expertise in criminal behavioral disorders to evaluate the person and testify at the hearing. After conducting the hearing and considering the testimony of the two (2) psychologists or psychiatrists, the court shall determine whether the person should no longer be considered a sexually violent predator under subsection (a). If a court finds that the person should no longer be considered a sexually violent predator, the court shall send notice to the department of correction that the person is no longer considered a sexually violent predator or an offender against children. Notwithstanding any other law, a condition imposed on a person due to the person's status as a sexually violent predator, including lifetime parole or GPS monitoring, does not apply

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to a person no longer considered a sexually violent predator.

(h) A person is not a sexually violent predator by operation of law under subsection (b)(1) if all of the following conditions are met:

- (1) The victim was not less than twelve (12) years of age at the time the offense was committed.
- (2) The person is not more than four (4) years older than the victim.
- (3) The relationship between the person and the victim was a dating relationship or an ongoing personal relationship. The term "ongoing personal relationship" does not include a family relationship.
- (4) The offense committed by the person was not any of the following:
  - (A) Rape (IC 35-42-4-1).
  - (B) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
  - (C) An offense committed by using or threatening the use of deadly force or while armed with a deadly weapon.
  - (D) An offense that results in serious bodily injury.
  - (E) An offense that 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.
- (5) The person has not committed another sex offense (as defined in IC 11-8-8-5.2) (including a delinquent act that would be a sex offense if committed by an adult) against any other person.
- (6) The person did not have a position of authority or substantial influence over the victim.
- (7) The court finds that the person should not be considered a sexually violent predator.

SECTION 61. IC 35-38-10-1, AS ADDED BY P.L.86-2017, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. As used in this chapter, "trafficked person" means a person who was the victim of human trafficking (IC 35-42-3.5), ~~or a substantially similar human trafficking offense committed in another jurisdiction,~~ regardless of whether the person who committed the human trafficking offense was charged, tried, or convicted.

SECTION 62. IC 35-40-14-1, AS ADDED BY P.L.137-2009, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2020]: Sec. 1. As used in this chapter, "identity theft" means:

- (1) identity deception (IC 35-43-5-3.5); **or**
- (2) synthetic identity deception (IC 35-43-5-3.8). **or**
- ~~(3) a substantially similar crime committed in another jurisdiction.~~

SECTION 63. IC 35-42-2-1, AS AMENDED BY P.L.80-2018, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) As used in this section, "public safety official" means:

- (1) a law enforcement officer, including an alcoholic beverage enforcement officer;
- (2) an employee of a penal facility or a juvenile detention facility (as defined in IC 31-9-2-71);
- (3) an employee of the department of correction;
- (4) a probation officer;
- (5) a parole officer;
- (6) a community corrections worker;
- (7) a home detention officer;
- (8) a department of child services employee;
- (9) a firefighter;
- (10) an emergency medical services provider;
- (11) a judicial officer;
- (12) a bailiff of any court; or
- (13) a special deputy (as described in IC 36-8-10-10.6).

(b) As used in this section, "relative" means an individual related by blood, half-blood, adoption, marriage, or remarriage, including:

- (1) a spouse;
- (2) a parent or stepparent;
- (3) a child or stepchild;
- (4) a grandchild or stepgrandchild;
- (5) a grandparent or stepgrandparent;
- (6) a brother, sister, stepbrother, or stepsister;
- (7) a niece or nephew;
- (8) an aunt or uncle;
- (9) a daughter-in-law or son-in-law;
- (10) a mother-in-law or father-in-law; or
- (11) a first cousin.

(c) Except as provided in subsections (d) through (k), a person who knowingly or intentionally:

- (1) touches another person in a rude, insolent, or angry manner;
- or
- (2) in a rude, insolent, or angry manner places any bodily fluid or

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waste on another person;  
 commits battery, a Class B misdemeanor.

(d) The offense described in subsection (c)(1) or (c)(2) is a Class A misdemeanor if it:

- (1) results in bodily injury to any other person; or
- (2) is committed against a member of a foster family home (as defined in IC 35-31.5-2-139.3) by a person who is not a resident of the foster family home if the person who committed the offense is a relative of a person who lived in the foster family home at the time of the offense.

(e) The offense described in subsection (c)(1) or (c)(2) is a Level 6 felony if one (1) or more of the following apply:

- (1) The offense results in moderate bodily injury to any other person.
- (2) The offense is committed against a public safety official while the official is engaged in the official's official duty.
- (3) The offense is committed against a person less than fourteen (14) years of age and is committed by a person at least eighteen (18) years of age.
- (4) The offense is committed against a person of any age who has a mental or physical disability and is committed by a person having the care of the person with the mental or physical disability, whether the care is assumed voluntarily or because of a legal obligation.
- (5) The offense is committed against an endangered adult (as defined in IC 12-10-3-2).

(6) The offense:

(A) is committed against a member of a foster family home (as defined in IC 35-31.5-2-139.3) by a person who is not a resident of the foster family home if the person who committed the offense is a relative of a person who lived in the foster family home at the time of the offense; and

(B) results in bodily injury to the member of the foster family.

(f) The offense described in subsection (c)(2) is a Level 6 felony if the person knew or recklessly failed to know that the bodily fluid or waste placed on another person was infected with hepatitis, tuberculosis, or human immunodeficiency virus.

(g) The offense described in subsection (c)(1) or (c)(2) is a Level 5 felony if one (1) or more of the following apply:

- (1) The offense results in serious bodily injury to another person.
- (2) The offense is committed with a deadly weapon.
- (3) The offense results in bodily injury to a pregnant woman if the





person knew of the pregnancy.

(4) The person has a previous conviction for a battery offense  
~~(A) included in this chapter against the same victim. or~~  
~~(B) against the same victim in any other jurisdiction, including~~  
~~a military court, in which the elements of the crime for which~~  
~~the conviction was entered are substantially similar to the~~  
~~elements of a battery offense included in this chapter.~~

(5) The offense results in bodily injury to one (1) or more of the following:

(A) A public safety official while the official is engaged in the official's official duties.

(B) A person less than fourteen (14) years of age if the offense is committed by a person at least eighteen (18) years of age.

(C) A person who has a mental or physical disability if the offense is committed by an individual having care of the person with the disability, regardless of whether the care is assumed voluntarily or because of a legal obligation.

(D) An endangered adult (as defined in IC 12-10-3-2).

(h) The offense described in subsection (c)(2) is a Level 5 felony if:

(1) the person knew or recklessly failed to know that the bodily fluid or waste placed on another person was infected with hepatitis, tuberculosis, or human immunodeficiency virus; and

(2) the person placed the bodily fluid or waste on a public safety official.

(i) The offense described in subsection (c)(1) or (c)(2) is a Level 4 felony if it results in serious bodily injury to an endangered adult (as defined in IC 12-10-3-2).

(j) The offense described in subsection (c)(1) or (c)(2) is a Level 3 felony if it results in serious bodily injury to a person less than fourteen (14) years of age if the offense is committed by a person at least eighteen (18) years of age.

(k) The offense described in subsection (c)(1) or (c)(2) is a Level 2 felony if it results in the death of one (1) or more of the following:

(1) A person less than fourteen (14) years of age if the offense is committed by a person at least eighteen (18) years of age.

(2) An endangered adult (as defined in IC 12-10-3-2).

SECTION 64. IC 35-42-2-1.3, AS AMENDED BY P.L.40-2019, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1.3. (a) Except as provided in subsections (b) through (f), a person who knowingly or intentionally:

(1) touches a family or household member in a rude, insolent, or angry manner; or



(2) in a rude, insolent, or angry manner places any bodily fluid or waste on a family or household member;  
 commits domestic battery, a Class A misdemeanor.

(b) The offense under subsection (a)(1) or (a)(2) is a Level 6 felony if one (1) or more of the following apply:

(1) The person who committed the offense has a previous, unrelated conviction:

(A) for a battery offense included in this chapter; **or**

(B) for a strangulation offense under IC 35-42-2-9. **or**

~~(C) in any other jurisdiction, including a military court, in which the elements of the crime for which the conviction was entered are substantially similar to the elements of:~~

~~(i) a battery offense included in this chapter; **or**~~

~~(ii) a strangulation offense under IC 35-42-2-9.~~

(2) The person who committed the offense is at least eighteen (18) years of age and committed the offense against a family or household member in the physical presence of a child less than sixteen (16) years of age, knowing that the child was present and might be able to see or hear the offense.

(3) The offense results in moderate bodily injury to a family or household member.

(4) The offense is committed against a family or household member who is less than fourteen (14) years of age and is committed by a person at least eighteen (18) years of age.

(5) The offense is committed against a family or household member of any age who has a mental or physical disability and is committed by a person having the care of the family or household member with the mental or physical disability, whether the care is assumed voluntarily or because of a legal obligation.

(6) The offense is committed against a family or household member who is an endangered adult (as defined in IC 12-10-3-2).

(c) The offense described in subsection (a)(1) or (a)(2) is a Level 5 felony if one (1) or more of the following apply:

(1) The offense results in serious bodily injury to a family or household member.

(2) The offense is committed with a deadly weapon against a family or household member.

(3) The offense results in bodily injury to a pregnant family or household member if the person knew of the pregnancy.

(4) The person has a previous conviction for a battery offense  
~~(A) included in this chapter against the same family or household member. **or**~~



(B) against the same family or household member in any other jurisdiction, including a military court, in which the elements of the crime for which the conviction was entered are substantially similar to the elements of a battery offense included in this chapter.

(5) The offense results in bodily injury to one (1) or more of the following:

(A) A family or household member who is less than fourteen (14) years of age if the offense is committed by a person at least eighteen (18) years of age.

(B) A family or household member who has a mental or physical disability if the offense is committed by an individual having care of the family or household member with the disability, regardless of whether the care is assumed voluntarily or because of a legal obligation.

(C) A family or household member who is an endangered adult (as defined in IC 12-10-3-2).

(d) The offense described in subsection (a)(1) or (a)(2) is a Level 4 felony if it results in serious bodily injury to a family or household member who is an endangered adult (as defined in IC 12-10-3-2).

(e) The offense described in subsection (a)(1) or (a)(2) is a Level 3 felony if it results in serious bodily injury to a family or household member who is less than fourteen (14) years of age if the offense is committed by a person at least eighteen (18) years of age.

(f) The offense described in subsection (a)(1) or (a)(2) is a Level 2 felony if it results in the death of one (1) or more of the following:

(1) A family or household member who is less than fourteen (14) years of age if the offense is committed by a person at least eighteen (18) years of age.

(2) A family or household member who is an endangered adult (as defined in IC 12-10-3-2).

SECTION 65. IC 35-42-2-9, AS AMENDED BY P.L.40-2019, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 9. (a) This section does not apply to a medical procedure.

(b) As used in this section, "torso" means any part of the upper body from the collarbone to the hips.

(c) A person who, in a rude, angry, or insolent manner, knowingly or intentionally:

- (1) applies pressure to the throat or neck of another person;
- (2) obstructs the nose or mouth of the another person; or
- (3) applies pressure to the torso of another person;

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in a manner that impedes the normal breathing or the blood circulation of the other person commits strangulation, a Level 6 felony.

(d) However, the offense under subsection (c) is a Level 5 felony if:

(1) the offense is committed by a person:

(A) against a pregnant woman; and

(B) who knew the victim was pregnant at the time of the offense; **or**

(2) the person has a prior unrelated conviction under this section.

**or**

~~(3) the person has a prior unrelated conviction in any jurisdiction, including a military court, in which the elements of the crime for which the conviction was entered are substantially similar to the elements set forth in this section.~~

SECTION 66. IC 35-42-4-11, AS AMENDED BY P.L.220-2019, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 11. (a) As used in this section, and except as provided in subsection (d), "offender against children" means a person required to register as a sex or violent offender under IC 11-8-8 who has been:

(1) found to be a sexually violent predator under IC 35-38-1-7.5;

**or**

(2) convicted of one (1) or more of the following offenses:

(A) Child molesting (IC 35-42-4-3).

(B) Child exploitation (IC 35-42-4-4(b) or IC 35-42-4-4(c)).

(C) Child solicitation (IC 35-42-4-6).

(D) Child seduction (IC 35-42-4-7).

(E) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age, and the person is not the child's parent or guardian.

~~(F) Attempt to commit or conspiracy to commit an offense listed in clauses (A) through (E).~~

~~(G) An offense in another jurisdiction that is substantially similar to an offense described in clauses (A) through (F).~~

A person is an offender against children by operation of law if the person meets the conditions described in subdivision (1) or (2) at any time.

(b) As used in this section, "reside" means to spend more than three

(3) nights in:

(1) a residence; **or**

(2) if the person does not reside in a residence, a particular location;

in any thirty (30) day period.

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(c) An offender against children who knowingly or intentionally:

(1) resides within one thousand (1,000) feet of:

(A) school property, not including property of an institution providing post-secondary education;

(B) a youth program center;

(C) a public park; or

(D) a day care center licensed under IC 12-17.2;

(2) establishes a residence within one (1) mile of the residence of the victim of the offender's sex offense; or

(3) resides in a residence where a child care provider (as defined by IC 31-33-26-1) provides child care services;

commits a sex offender residency offense, a Level 6 felony.

(d) This subsection does not apply to an offender against children who has two (2) or more unrelated convictions for an offense described in subsection (a). A person who is an offender against children may petition the court to consider whether the person should no longer be considered an offender against children. The person may file a petition under this subsection not earlier than ten (10) years after the person is released from incarceration or parole, whichever occurs last (or, if the person is not incarcerated, not earlier than ten (10) years after the person is released from probation). A person may file a petition under this subsection not more than one (1) time per year. A court may dismiss a petition filed under this subsection or conduct a hearing to determine if the person should no longer be considered an offender against children. If the court conducts a hearing, the court shall appoint two (2) psychologists or psychiatrists who have expertise in criminal behavioral disorders to evaluate the person and testify at the hearing. After conducting the hearing and considering the testimony of the two (2) psychologists or psychiatrists, the court shall determine whether the person should no longer be considered an offender against children. If a court finds that the person should no longer be considered an offender against children, the court shall send notice to the department of correction that the person is no longer considered an offender against children.

SECTION 67. IC 35-42-4-14, AS AMENDED BY P.L.87-2018, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 14. (a) As used in this section, "serious sex offender" means a person required to register as a sex offender under IC 11-8-8 who is:

(1) found to be a sexually violent predator under IC 35-38-1-7.5;

or

(2) convicted of one (1) or more of the following offenses:

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- (A) Child molesting (IC 35-42-4-3).
  - (B) Child exploitation (IC 35-42-4-4(b) or IC 35-42-4-4(c)).
  - (C) Possession of child pornography (IC 35-42-4-4(d) or IC 35-42-4-4(e)).
  - (D) Vicarious sexual gratification (IC 35-42-4-5(a) and IC 35-42-4-5(b)).
  - (E) Performing sexual conduct in the presence of a minor (IC 35-42-4-5(c)).
  - (F) Child solicitation (IC 35-42-4-6).
  - (G) Child seduction (IC 35-42-4-7).
  - (H) Sexual misconduct with a minor (IC 35-42-4-9).
  - ~~(I) A conspiracy or an attempt to commit an offense described in clauses (A) through (H):~~
  - ~~(J) An offense in another jurisdiction that is substantially similar to an offense described in clauses (A) through (I):~~
- (b) A serious sex offender who knowingly or intentionally enters school property commits unlawful entry by a serious sex offender, a Level 6 felony.
- (c) It is a defense to a prosecution under subsection (b) that:
- (1) a religious institution or house of worship is located on the school property; and
  - (2) the person:
    - (A) enters the school property or other entity described in IC 35-31.5-2-285(1)(A) through IC 35-31.5-2-285(1)(D) when classes, extracurricular activities, or any other school activities are not being held:
      - (i) for the sole purpose of attending worship services or receiving religious instruction; and
      - (ii) not earlier than thirty (30) minutes before the beginning of the worship services or religious instruction; and
    - (B) leaves the school property not later than thirty (30) minutes after the conclusion of the worship services or religious instruction.
- SECTION 68. IC 35-43-2-2.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 2.1. (a) A person who, with the intent to commit theft under section 2 of this chapter:**
- (1) agrees with at least two (2) other persons to commit theft;**
  - and**
  - (2) performs an overt act in furtherance of the agreement;**
- commits organized theft, a Level 6 felony.**
- (b) It is not a defense to a prosecution under this section that one**



**(1) or more persons with whom the accused person is alleged to have agreed:**

- (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.**

**(c) A person may not be convicted of an offense under this section and:**

- (1) an attempt to commit theft; or**
- (2) a conspiracy to commit theft;**

**with respect to the same underlying theft.**

SECTION 69. IC 35-43-6-13, AS AMENDED BY P.L.238-2015, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 13. (a) The offense in section 12(a) of this chapter is a Class A misdemeanor:

- (1) in the case of an offense under section 12(a)(1) through 12(a)(4) of this chapter or section 12(a)(6) through 12(a)(9) of this chapter, if the home improvement contract price is one thousand dollars (\$1,000) or more;
- (2) for the second or subsequent offense under this chapter; ~~or in another jurisdiction for an offense that is substantially similar to another offense described in this chapter;~~
- (3) if two (2) or more home improvement contracts exceed an aggregate amount of one thousand dollars (\$1,000) and are entered into with the same consumer by one (1) or more suppliers as part of or in furtherance of a common fraudulent scheme, design, or intention; or
- (4) if, in a violation of section 12(a)(5) of this chapter, the home improvement contract price is at least seven thousand dollars (\$7,000), but less than ten thousand dollars (\$10,000).

(b) The offense in section 12 of this chapter is a Level 6 felony:

- (1) if, in a violation of section 12(a)(5) of this chapter, the home improvement contract price is at least ten thousand dollars (\$10,000);
- (2) if, in a violation of:
  - (A) section 12(a)(1) through 12(a)(5); or
  - (B) section 12(a)(7) through 12(a)(9);
 of this chapter, the consumer is at least sixty (60) years of age and the home improvement contract price is less than ten thousand dollars (\$10,000);

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- (3) if, in a violation of section 12(b) of this chapter, the consumer is at least sixty (60) years of age; or
  - (4) if the home improvement supplier violates more than one (1) subdivision of section 12(a) of this chapter.
- (c) The offense in section 12(a) of this chapter is a Level 5 felony:
- (1) if, in a violation of:
    - (A) section 12(a)(1) through 12(a)(5); or
    - (B) section 12(a)(7) through 12(a)(9);
 of this chapter, the consumer is at least sixty (60) years of age and the home improvement contract price is at least ten thousand dollars (\$10,000); or
  - (2) if, in a violation of:
    - (A) section 12(a)(1) through 12(a)(4); or
    - (B) section 12(a)(7) through 12(a)(9);
 of this chapter, the consumer is at least sixty (60) years of age, and two (2) or more home improvement contracts exceed an aggregate amount of one thousand dollars (\$1,000) and are entered into with the same consumer by one (1) or more suppliers as part of or in furtherance of a common fraudulent scheme, design, or intention.

SECTION 70. IC 35-44.1-2-3, AS AMENDED BY P.L.107-2016, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. (a) As used in this section, "consumer product" has the meaning set forth in IC 35-45-8-1.

(b) As used in this section, "misconduct" means a violation of a departmental rule or procedure of a law enforcement agency.

(c) A person who reports, by telephone, telegraph, mail, or other written or oral communication, that:

- (1) the person or another person has placed or intends to place an explosive, a destructive device, or other destructive substance in a building or transportation facility;
  - (2) there has been or there will be tampering with a consumer product introduced into commerce; or
  - (3) there has been or will be placed or introduced a weapon of mass destruction in a building or a place of assembly;
- knowing the report to be false, commits false reporting, a Level 6 felony.

(d) A person who:

- (1) gives a false report of the commission of a crime or gives false information in the official investigation of the commission of a crime, knowing the report or information to be false;
- (2) gives a false alarm of fire to the fire department of a

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governmental entity, knowing the alarm to be false;

(3) makes a false request for ambulance service to an ambulance service provider, knowing the request to be false;

(4) gives a false report concerning a missing child (as defined in IC 10-13-5-4) or missing endangered adult (as defined in IC 12-7-2-131.3) or gives false information in the official investigation of a missing child or missing endangered adult knowing the report or information to be false;

(5) makes a complaint against a law enforcement officer to the state or municipality (as defined in IC 8-1-13-3(b)) that employs the officer:

(A) alleging the officer engaged in misconduct while performing the officer's duties; and

(B) knowing the complaint to be false;

(6) makes a false report of a missing person, knowing the report or information is false; or

(7) gives a false report of actions, behavior, or conditions concerning:

(A) a septic tank soil absorption system under IC 8-1-2-125 or IC 13-26-5-2.5; or

(B) a septic tank soil absorption system or constructed wetland septic system under IC 36-9-23-30.1;

knowing the report or information to be false; or

**(8) makes a false report that a person is dangerous (as defined in IC 35-47-14-1) knowing the report or information to be false;**

commits false informing, a Class B misdemeanor. However, the offense is a Class A misdemeanor if it substantially hinders any law enforcement process or if it results in harm to another person.

SECTION 71. IC 35-45-4-1, AS AMENDED BY P.L.158-2013, SECTION 524, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) A person who knowingly or intentionally, in a public place:

(1) engages in sexual intercourse;

(2) engages in other sexual conduct (as defined in IC 35-31.5-2-221.5);

(3) appears in a state of nudity with the intent to arouse the sexual desires of the person or another person; or

(4) fondles the person's genitals or the genitals of another person;

commits public indecency, a Class A misdemeanor.

(b) A person at least eighteen (18) years of age who knowingly or intentionally, in a public place, appears in a state of nudity with the

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intent to be seen by a child less than sixteen (16) years of age commits public indecency, a Class A misdemeanor.

(c) However, the offense under subsection (a) or (b) is a Level 6 felony if the person who commits the offense has a prior unrelated conviction

~~(1) under subsection (a) or (b). or~~

~~(2) in another jurisdiction, including a military court, that is substantially equivalent to an offense described in subsection (a) or (b).~~

(d) As used in this section, "nudity" means the showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of covered male genitals in a discernibly turgid state.

(e) A person who, in a place other than a public place, with the intent to be seen by persons other than invitees and occupants of that place:

(1) engages in sexual intercourse;

(2) engages in other sexual conduct (as defined in IC 35-31.5-2-221.5);

(3) fondles the person's genitals or the genitals of another person; or

(4) appears in a state of nudity;

where the person can be seen by persons other than invitees and occupants of that place commits indecent exposure, a Class C misdemeanor.

SECTION 72. IC 35-45-4-5, AS AMENDED BY P.L.107-2017, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) The following definitions apply throughout this section:

(1) "Camera" means a camera, a video camera, a device that captures a digital image, or any other type of video recording device.

(2) "Peep" means any looking of a clandestine, surreptitious, prying, or secretive nature.

(3) "Private area" means the naked or undergarment clad genitals, pubic area, or buttocks of an individual.

(b) A person:

(1) who knowingly or intentionally:

(A) peeps; or

(B) goes upon the land of another with the intent to peep; into an occupied dwelling of another person; or

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(2) who knowingly or intentionally peeps into an area where an occupant of the area reasonably can be expected to disrobe, including:

- (A) restrooms;
- (B) baths;
- (C) showers; and
- (D) dressing rooms;

without the consent of the other person, commits voyeurism, a Class B misdemeanor.

(c) However, the offense under subsection (b) is a Level 6 felony if:

- (1) it is knowingly or intentionally committed by means of a camera; or
- (2) the person who commits the offense has a prior unrelated conviction

~~(A) under this section. or~~

~~(B) in another jurisdiction, including a military court, for an offense that is substantially similar to an offense described in this section.~~

(d) A person who:

- (1) without the consent of the individual; and
- (2) with intent to peep at the private area of an individual;

peeps at the private area of an individual and records an image by means of a camera commits public voyeurism, a Class A misdemeanor.

(e) The offense under subsection (d) is a Level 6 felony if the person has a prior unrelated conviction under this section ~~or in another jurisdiction, including a military court, for an offense that is substantially similar to an offense described in this section,~~ or if the person:

- (1) publishes the image;
- (2) makes the image available on the Internet; or
- (3) transmits or disseminates the image to another person.

(f) It is a defense to a prosecution under subsection (d) that the individual deliberately exposed the individual's private area.

(g) A person who, with the intent to peep, operates an unmanned aerial vehicle in a manner that is intended to cause the unmanned aerial vehicle to enter the space above or surrounding another person's occupied dwelling for the purpose of capturing images, photographs, video recordings, or audio recordings of the other person while the other person is:

- (1) within the other person's occupied dwelling; or
- (2) on the land or premises:
  - (A) on which the other person's occupied dwelling is located;



and

(B) in a location that is not visible from an area:

(i) open to the general public; or

(ii) where a member of the general public has the right to be;

commits remote aerial voyeurism, a Class A misdemeanor.

(h) The offense under subsection (g) is a Level 6 felony if the person has a prior unrelated conviction under this section ~~or in another jurisdiction, including a military court, for an offense that is substantially similar to an offense described in this section,~~ or if the person:

(1) publishes the images, photographs, or recordings captured;

(2) makes the images, photographs, or recordings captured available on the Internet; or

(3) transmits or disseminates the images, photographs, or recordings captured to another person.

SECTION 73. IC 35-47-2-18, AS AMENDED BY P.L.158-2013, SECTION 582, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 18. (a) No person shall:

~~(1) change, alter, remove, or obliterate the name of the maker, model, manufacturer's serial number, or other mark of identification on any handgun; or~~

~~(2) possess any handgun on which the name of the maker, model, manufacturer's serial number, or other mark of identification has been changed, altered, removed, or obliterated;~~

except as provided by applicable United States statute:

**(1) remove, obliterate, or alter the importer or manufacturer's serial number on any firearm; or**

**(2) possess any firearm on which the importer or manufacturer's serial number has been removed, obliterated, or altered.**

(b) A person who knowingly or intentionally violates this section commits a Level 5 felony.

SECTION 74. IC 35-47-4-5, AS AMENDED BY P.L.198-2018, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) As used in this section, "serious violent felon" means a person who has been convicted of

~~(1) committing a serious violent felony. in:~~

~~(A) Indiana; or~~

~~(B) any other jurisdiction in which the elements of the crime for which the conviction was entered are substantially similar to the elements of a serious violent felony; or~~

~~(2) attempting to commit or conspiring to commit a serious~~

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violent felony in:

(A) ~~Indiana as provided under IC 35-41-5-1 or IC 35-41-5-2;~~  
or

(B) ~~any other jurisdiction in which the elements of the crime for which the conviction was entered are substantially similar to the elements of attempting to commit or conspiring to commit a serious violent felony.~~

(b) As used in this section, "serious violent felony" means:

- (1) murder (IC 35-42-1-1);
- (2) voluntary manslaughter (IC 35-42-1-3);
- (3) reckless homicide not committed by means of a vehicle (IC 35-42-1-5);
- (4) battery (IC 35-42-2-1) as a:
  - (A) Class A felony, Class B felony, or Class C felony, for a crime committed before July 1, 2014; or
  - (B) Level 2 felony, Level 3 felony, Level 4 felony, or Level 5 felony, for a crime committed after June 30, 2014;
- (5) domestic battery (IC 35-42-2-1.3) as a Level 2 felony, Level 3 felony, Level 4 felony, or Level 5 felony;
- (6) aggravated battery (IC 35-42-2-1.5);
- (7) kidnapping (IC 35-42-3-2);
- (8) criminal confinement (IC 35-42-3-3);
- (9) rape (IC 35-42-4-1);
- (10) criminal deviate conduct (IC 35-42-4-2) (before its repeal);
- (11) child molesting (IC 35-42-4-3);
- (12) sexual battery (IC 35-42-4-8) as a:
  - (A) Class C felony, for a crime committed before July 1, 2014; or
  - (B) Level 5 felony, for a crime committed after June 30, 2014;
- (13) robbery (IC 35-42-5-1);
- (14) carjacking (IC 35-42-5-2) (before its repeal);
- (15) arson (IC 35-43-1-1(a)) as a:
  - (A) Class A felony or Class B felony, for a crime committed before July 1, 2014; or
  - (B) Level 2 felony, Level 3 felony, or Level 4 felony, for a crime committed after June 30, 2014;
- (16) burglary (IC 35-43-2-1) as a:
  - (A) Class A felony or Class B felony, for a crime committed before July 1, 2014; or
  - (B) Level 1 felony, Level 2 felony, Level 3 felony, or Level 4 felony, for a crime committed after June 30, 2014;
- (17) assisting a criminal (IC 35-44.1-2-5) as a:

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- (A) Class C felony, for a crime committed before July 1, 2014;  
or
  - (B) Level 5 felony, for a crime committed after June 30, 2014;
  - (18) resisting law enforcement (IC 35-44.1-3-1) as a:
    - (A) Class B felony or Class C felony, for a crime committed before July 1, 2014; or
    - (B) Level 2 felony, Level 3 felony, or Level 5 felony, for a crime committed after June 30, 2014;
  - (19) escape (IC 35-44.1-3-4) as a:
    - (A) Class B felony or Class C felony, for a crime committed before July 1, 2014; or
    - (B) Level 4 felony or Level 5 felony, for a crime committed after June 30, 2014;
  - (20) trafficking with an inmate (IC 35-44.1-3-5) as a:
    - (A) Class C felony, for a crime committed before July 1, 2014;  
or
    - (B) Level 5 felony, for a crime committed after June 30, 2014;
  - (21) criminal organization intimidation (IC 35-45-9-4);
  - (22) stalking (IC 35-45-10-5) as a:
    - (A) Class B felony or Class C felony, for a crime committed before July 1, 2014; or
    - (B) Level 4 felony or Level 5 felony, for a crime committed after June 30, 2014;
  - (23) incest (IC 35-46-1-3);
  - (24) dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1);
  - (25) dealing in methamphetamine (IC 35-48-4-1.1) or manufacturing methamphetamine (IC 35-48-4-1.2);
  - (26) dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2);
  - (27) dealing in a schedule IV controlled substance (IC 35-48-4-3);
  - (28) dealing in a schedule V controlled substance (IC 35-48-4-4);  
or
  - (29) dealing in a controlled substance resulting in death (IC 35-42-1-1.5).
- (c) A serious violent felon who knowingly or intentionally possesses a firearm commits unlawful possession of a firearm by a serious violent felon, a Level 4 felony.

SECTION 75. IC 35-47-4-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 9. (a) As used in this section, "serious violent felony" has the meaning set forth in section 5 of this chapter.**

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**(b) A person who:**

**(1) has been adjudicated a delinquent child for committing an act while armed with a firearm that would be a serious violent felony if committed by an adult;**

**(2) is less than:**

**(A) twenty-six (26) years of age, if the delinquent act, if committed by an adult, would have been a:**

- (i) Level 6 felony;**
- (ii) Level 5 felony;**
- (iii) Level 4 felony; or**
- (iv) Level 3 felony; or**

**(B) twenty-eight (28) years of age, if the delinquent act, if committed by an adult, would have been:**

- (i) a Level 2 felony;**
- (ii) a Level 1 felony; or**
- (iii) murder; and**

**(3) knowingly or intentionally possesses a firearm; commits unlawful possession of a firearm by a dangerous person, a Level 6 felony. However, the offense is a Level 5 felony if the person has a prior unrelated conviction under this section.**

SECTION 76. IC 35-47-14-2, AS AMENDED BY P.L.289-2019, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) A circuit or superior court may issue a warrant to search for and seize a firearm in the possession of an individual who is dangerous if:

**(1) a law enforcement officer provides the court a sworn affidavit that:**

- (A) states why the law enforcement officer believes that the individual is dangerous and in possession of a firearm; and**
- (B) describes the law enforcement officer's interactions and conversations with:**

- (i) the individual who is alleged to be dangerous; or**
- (ii) another individual, if the law enforcement officer believes that information obtained from this individual is credible and reliable;**

**that have led the law enforcement officer to believe that the individual is dangerous and in possession of a firearm;**

**(2) the affidavit specifically describes the location of the firearm; and**

**(3) the circuit or superior court determines that probable cause exists to believe that the individual is:**

- (A) dangerous; and**

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(B) in possession of a firearm.

(b) A law enforcement agency responsible for the seizure of the firearm under this section shall file a search warrant return with the court setting forth the:

- (1) quantity; and
- (2) type;

of each firearm seized from an individual under this section. **Beginning July 1, 2021, the court shall provide information described under this subsection to the office of judicial administration in a manner required by the office.**

SECTION 77. IC 35-47-14-3, AS AMENDED BY P.L.289-2019, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. (a) If a law enforcement officer seizes a firearm from an individual whom the law enforcement officer believes to be dangerous without obtaining a warrant, the law enforcement officer shall submit to the circuit or superior court having jurisdiction over the individual believed to be dangerous an affidavit describing the basis for the law enforcement officer's belief that the individual is dangerous.

(b) An affidavit described in subsection (a) shall:

- (1) **set forth the quantity and type of each firearm seized from the individual under this section; and**
- (2) be submitted to a circuit or superior court having jurisdiction over the individual believed to be dangerous not later than forty-eight (48) hours after the seizure of the firearm.

(c) The court shall review the affidavit described in subsection (a) as soon as possible.

(d) If the court finds that probable cause exists to believe that the individual is dangerous, the court shall order the law enforcement agency having custody of the firearm to retain the firearm. **Beginning July 1, 2021, the court shall provide information described under this subsection and subsection (b)(1) to the office of judicial administration in a manner required by the office.**

(e) A law enforcement agency responsible for the seizure of the firearm under this section shall file a search warrant return with the court setting forth the:

- (1) quantity; and
- (2) type;

of each firearm seized from an individual under this section:

(f) (e) If the court finds that there is no probable cause to believe that the individual is dangerous, the court shall order the law enforcement agency having custody of the firearm to return the firearm to the individual as quickly as practicable, but not later than five (5)





days after the date of the order.

SECTION 78. IC 35-47-14-6, AS AMENDED BY P.L.289-2019, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. (a) The court shall conduct a hearing as required under this chapter.

(b) The state has the burden of proving all material facts by clear and convincing evidence.

(c) If the court determines that the state has proved by clear and convincing evidence that the individual is dangerous, the court shall issue a written order:

- (1) finding the individual is dangerous (as defined in section 1 of this chapter);
- (2) ordering the law enforcement agency having custody of the seized firearm to retain the firearm;
- (3) ordering the individual's license to carry a handgun, if applicable, suspended; and
- (4) enjoining the individual from:
  - (A) renting;
  - (B) receiving transfer of;
  - (C) owning; or
  - (D) possessing;
 a firearm; and

determine whether the individual should be referred to further proceedings to consider whether the individual should be involuntarily detained or committed under IC 12-26-6-2(a)(2)(B).

(d) If the court finds that the individual is dangerous under subsection (c), the clerk shall transmit the order of the court to the office of judicial administration:

- (1) for transmission to NICS (as defined in IC 35-47-2.5-2.5); and
- (2) **beginning July 1, 2021, for the collection of certain data related to the confiscation and retention of firearms taken from dangerous individuals;**

in accordance with IC 33-24-6-3.

(e) If the court orders a law enforcement agency to retain a firearm, the law enforcement agency shall retain the firearm until the court orders the firearm returned or otherwise disposed of.

(f) If the court determines that the state has failed to prove by clear and convincing evidence that the individual is dangerous, the court shall issue a written order that:

- (1) the individual is not dangerous (as defined in section 1 of this chapter); and
- (2) the law enforcement agency having custody of the firearm

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shall return the firearm as quickly as practicable, but not later than five (5) days after the date of the order, to the individual from whom it was seized.

SECTION 79. IC 35-47-14-8, AS AMENDED BY P.L.289-2019, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8. (a) At least one hundred eighty (180) days after the date on which a court orders a law enforcement agency to retain an individual's firearm under section 6(c) of this chapter, the individual may petition the court for a finding that the individual is no longer dangerous.

(b) Upon receipt of a petition described in subsection (a), the court shall:

- (1) enter an order setting a date for a hearing on the petition; and
- (2) inform the prosecuting attorney of the date, time, and location of the hearing.

(c) The prosecuting attorney shall represent the state at the hearing on a petition under this section.

(d) In a hearing on a petition under this section, the individual may be represented by an attorney.

(e) In a hearing on a petition under this section filed:

- (1) not later than one (1) year after the date of the order issued under section 6(c) of this chapter, the individual must prove by a preponderance of the evidence that the individual is no longer dangerous; and
- (2) later than one (1) year after the date of the order issued under section 6(c) of this chapter, the state must prove by clear and convincing evidence that the individual is still dangerous.

(f) If, upon the completion of the hearing and consideration of the record, the court finds that the individual is no longer dangerous, the court shall:

- (1) issue a court order that finds that the individual is no longer dangerous;
- (2) order the law enforcement agency having custody of any firearm to return the firearm as quickly as practicable, but not later than five (5) days after the date of the order, to the individual;
- (3) terminate any injunction issued under section 6 of this chapter; and
- (4) terminate the suspension of the individual's license to carry a handgun so that the individual may reapply for a license.

(g) If the court denies an individual's petition under this section, the individual may not file a subsequent petition until at least one hundred



eighty (180) days after the date on which the court denied the petition.

(h) If a court issues an order described under subsection (f), the court's order shall be transmitted, as soon as practicable, to the office of judicial administration for transmission to the NICS (as defined in IC 35-47-2.5-2.5) **and, beginning July 1, 2021, for the collection of certain data related to the confiscation and retention of firearms taken from dangerous individuals** in accordance with IC 33-24-6-3.

SECTION 80. IC 35-48-1-16.5, AS AMENDED BY P.L. 182-2019, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 16.5. "Enhancing circumstance" means one (1) or more of the following:

- (1) The person has a prior conviction ~~in any jurisdiction~~, for dealing in a controlled substance that is not marijuana, hashish, hash oil, or salvia divinorum. ~~including an attempt or conspiracy to commit the offense.~~
- (2) The person committed the offense while in possession of a firearm.
- (3) The person committed the offense:
  - (A) on a school bus; or
  - (B) in, on, or within five hundred (500) feet of:
    - (i) school property while a person under eighteen (18) years of age was reasonably expected to be present; or
    - (ii) a public park while a person under eighteen (18) years of age was reasonably expected to be present.
- (4) The person delivered or financed the delivery of the drug to a person under eighteen (18) years of age at least three (3) years junior to the person.
- (5) The person manufactured or financed the manufacture of the drug.
- (6) The person committed the offense in the physical presence of a child less than eighteen (18) years of age, knowing that the child was present and might be able to see or hear the offense.
- (7) The person committed the offense on the property of a:
  - (A) penal facility; or
  - (B) juvenile facility (as defined in IC 35-44.1-3-5).
- (8) The person knowingly committed the offense in, on, or within one hundred (100) feet of a facility. For purposes of this subdivision, "facility" means a place that is:
  - (A) created and funded under IC 12-23-14 or IC 33-23-16;
  - (B) certified under IC 12-23-1-6; or
  - (C) used for the purpose of conducting a recovery or support group meeting;

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and at which a drug abuser (as defined in IC 12-7-2-73) may be provided with treatment, care, or rehabilitation.

SECTION 81. IC 35-48-4-10.1, AS ADDED BY P.L.190-2019, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 10.1. (a) A person who:

- (1) knowingly or intentionally:
  - (A) manufactures;
  - (B) finances the manufacture of;
  - (C) delivers;
  - (D) finances the delivery of; or
  - (E) possesses;
 smokable hemp; or

- (2) possesses smokable hemp with intent to:
  - (A) manufacture;
  - (B) finance the manufacture of;
  - (C) deliver; or
  - (D) finance the delivery of;
 smokable hemp;

commits dealing in smokable hemp, a Class A misdemeanor.

(b) Subsection (a)(1)(B), (a)(1)(D), (a)(2)(B), and (a)(2)(D) do not apply to:

- (1) a financial institution organized or reorganized under the laws of Indiana, any other state, or the United States; or
- (2) any agency or instrumentality of the state or the United States.

**(c) Subsection (a)(1)(C), (a)(1)(D), (a)(1)(E), (a)(2)(C), and (a)(2)(D) do not apply to the shipment of smokable hemp from a licensed producer in another state in continuous transit through Indiana to a licensed handler in any state.**

SECTION 82. IC 35-48-4-12, AS AMENDED BY P.L.80-2019, SECTION 31, AND AS AMENDED BY P.L.190-2019, SECTION 32, AND AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2020 GENERAL ASSEMBLY, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 12. If a person who has no prior conviction of an offense under this article ~~or under a law of another jurisdiction~~ relating to controlled substances pleads guilty to possession of marijuana, hashish, ~~or~~ salvia, ~~or smokable hemp or a synthetic drug or a synthetic drug lookalike substance~~ as a misdemeanor, the court, without entering a judgment of conviction and with the consent of the person, may defer further proceedings and place the person in the custody of the court under conditions determined by the court. Upon violation of a condition of the custody, the court may enter a judgment of conviction. However, if



the person fulfills the conditions of the custody, the court shall dismiss the charges against the person. There may be only one (1) dismissal under this section with respect to a person.

SECTION 83. IC 35-50-1-2, AS AMENDED BY P.L.184-2019, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) As used in this section, "crime of violence" means the following:

- (1) Murder (IC 35-42-1-1).
- (2) Attempted murder (IC 35-41-5-1).
- (3) Voluntary manslaughter (IC 35-42-1-3).
- (4) Involuntary manslaughter (IC 35-42-1-4).
- (5) Reckless homicide (IC 35-42-1-5).
- (6) Battery (IC 35-42-2-1) as a:
  - (A) Level 2 felony;
  - (B) Level 3 felony;
  - (C) Level 4 felony; or
  - (D) Level 5 felony.
- (7) Domestic battery (IC 35-42-2-1.3) as a:**
  - (A) Level 2 felony;**
  - (B) Level 3 felony;**
  - (C) Level 4 felony; or**
  - (D) Level 5 felony.**
- ~~(7)~~ **(8) Aggravated battery (IC 35-42-2-1.5).**
- ~~(8)~~ **(9) Kidnapping (IC 35-42-3-2).**
- ~~(9)~~ **(10) Rape (IC 35-42-4-1).**
- ~~(10)~~ **(11) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).**
- ~~(11)~~ **(12) Child molesting (IC 35-42-4-3).**
- ~~(12)~~ **(13) Sexual misconduct with a minor as a Level 1 felony under IC 35-42-4-9(a)(2) or a Level 2 felony under IC 35-42-4-9(b)(2).**
- ~~(13)~~ **(14) Robbery as a Level 2 felony or a Level 3 felony (IC 35-42-5-1).**
- ~~(14)~~ **(15) Burglary as a Level 1 felony, Level 2 felony, Level 3 felony, or Level 4 felony (IC 35-43-2-1).**
- ~~(15)~~ **(16) Operating a vehicle while intoxicated causing death or catastrophic injury (IC 9-30-5-5).**
- ~~(16)~~ **(17) Operating a vehicle while intoxicated causing serious bodily injury to another person (IC 9-30-5-4).**
- ~~(17)~~ **(18) Child exploitation as a Level 5 felony under IC 35-42-4-4(b) or a Level 4 felony under IC 35-42-4-4(c).**
- ~~(18)~~ **(19) Resisting law enforcement as a felony (IC 35-44.1-3-1).**

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~~(19)~~ **(20)** Unlawful possession of a firearm by a serious violent felon (IC 35-47-4-5).

**(21) Strangulation (IC 35-42-2-9) as a Level 5 felony.**

(b) As used in this section, "episode of criminal conduct" means offenses or a connected series of offenses that are closely related in time, place, and circumstance.

(c) Except as provided in subsection (e) or (f) the court shall determine whether terms of imprisonment shall be served concurrently or consecutively. The court may consider the:

(1) aggravating circumstances in IC 35-38-1-7.1(a); and

(2) mitigating circumstances in IC 35-38-1-7.1(b);

in making a determination under this subsection. The court may order terms of imprisonment to be served consecutively even if the sentences are not imposed at the same time. However, except for crimes of violence, the total of the consecutive terms of imprisonment, exclusive of terms of imprisonment under IC 35-50-2-8 and IC 35-50-2-10 (before its repeal) to which the defendant is sentenced for felony convictions arising out of an episode of criminal conduct shall not exceed the period described in subsection (d).

(d) Except as provided in subsection (c), the total of the consecutive terms of imprisonment to which the defendant is sentenced for felony convictions arising out of an episode of criminal conduct may not exceed the following:

(1) If the most serious crime for which the defendant is sentenced is a Level 6 felony, the total of the consecutive terms of imprisonment may not exceed four (4) years.

(2) If the most serious crime for which the defendant is sentenced is a Level 5 felony, the total of the consecutive terms of imprisonment may not exceed seven (7) years.

(3) If the most serious crime for which the defendant is sentenced is a Level 4 felony, the total of the consecutive terms of imprisonment may not exceed fifteen (15) years.

(4) If the most serious crime for which the defendant is sentenced is a Level 3 felony, the total of the consecutive terms of imprisonment may not exceed twenty (20) years.

(5) If the most serious crime for which the defendant is sentenced is a Level 2 felony, the total of the consecutive terms of imprisonment may not exceed thirty-two (32) years.

(6) If the most serious crime for which the defendant is sentenced is a Level 1 felony, the total of the consecutive terms of imprisonment may not exceed forty-two (42) years.

(e) If, after being arrested for one (1) crime, a person commits



another crime:

- (1) before the date the person is discharged from probation, parole, or a term of imprisonment imposed for the first crime; or
- (2) while the person is released:
  - (A) upon the person's own recognizance; or
  - (B) on bond;

the terms of imprisonment for the crimes shall be served consecutively, regardless of the order in which the crimes are tried and sentences are imposed.

(f) If the factfinder determines under IC 35-50-2-11 that a person used a firearm in the commission of the offense for which the person was convicted, the term of imprisonment for the underlying offense and the additional term of imprisonment imposed under IC 35-50-2-11 must be served consecutively.

SECTION 84. IC 35-50-2-1, AS AMENDED BY P.L.20-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) As used in this chapter, "Level 6 felony conviction" means:

- (1) a conviction in Indiana for:
  - (A) a Class D felony, for a crime committed before July 1, 2014; or
  - (B) a Level 6 felony, for a crime committed after June 30, 2014; and
- (2) a conviction, in any other jurisdiction at any time, with respect to which the convicted person might have been imprisoned for more than one (1) year but less than two and one-half (2 1/2) years.

However, the term does not include a conviction with respect to which the person has been pardoned, or a conviction of a Class A misdemeanor entered under IC 35-38-1-1.5 or section 7(c) or 7(d) of this chapter.

(b) As used in this chapter, "felony conviction" means a conviction, ~~in any jurisdiction~~ at any time, with respect to which the convicted person might have been imprisoned for more than one (1) year. However, it does not include a conviction with respect to which the person has been pardoned, or a conviction of a Class A misdemeanor under section 7(c) of this chapter.

(c) As used in this chapter, "minimum sentence" means:

- (1) for murder, forty-five (45) years;
- (2) for a Class A felony, for a crime committed before July 1, 2014, twenty (20) years;
- (3) for a Class B felony, for a crime committed before July 1,

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2014, six (6) years;

(4) for a Class C felony, for a crime committed before July 1, 2014, two (2) years;

(5) for a Class D felony, for a crime committed before July 1, 2014, one-half (1/2) year;

(6) for a Level 1 felony, for a crime committed after June 30, 2014, twenty (20) years;

(7) for a Level 2 felony, for a crime committed after June 30, 2014, ten (10) years;

(8) for a Level 3 felony, for a crime committed after June 30, 2014, three (3) years;

(9) for a Level 4 felony, for a crime committed after June 30, 2014, two (2) years;

(10) for a Level 5 felony, for a crime committed after June 30, 2014, one (1) year; and

(11) for a Level 6 felony, for a crime committed after June 30, 2014, one-half (1/2) year.

SECTION 85. IC 35-50-2-2.2, AS AMENDED BY P.L.252-2017, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2.2. (a) Except as provided in subsection (b), (c), (d), or (e), the court may suspend any part of a sentence for a felony.

(b) Except as provided in subsection (d), if a person is convicted of a Level 2 felony or a Level 3 felony, except a Level 2 felony or a Level 3 felony concerning a controlled substance under IC 35-48-4, and has any prior unrelated felony conviction, the court may suspend only that part of a sentence that is in excess of the minimum sentence for the:

- (1) Level 2 felony; or
- (2) Level 3 felony.

(c) If:

(1) a person has a prior unrelated felony conviction ~~in any jurisdiction~~ for dealing in a controlled substance that is not marijuana, hashish, hash oil, or salvia divinorum; or a synthetic drug, including an attempt or conspiracy to commit the offense; and

(2) the person is convicted of a Level 2 felony under IC 35-48-4-1.1 or IC 35-48-4-1.2;

the court may suspend only that part of a sentence that is in excess of the minimum sentence for the Level 2 felony.

(d) If a person:

- (1) is convicted of dealing in heroin as a Level 2 or Level 3 felony under IC 35-48-4-1 or IC 35-48-4-2; and
- (2) has a prior unrelated felony conviction;

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the court may suspend only that part of a sentence that is in excess of the minimum sentence for the Level 2 or Level 3 felony.

(e) The court may suspend only that part of a sentence for murder or a Level 1 felony conviction that is in excess of the minimum sentence for murder or the Level 1 felony conviction.

SECTION 86. IC 35-50-2-14, AS AMENDED BY P.L.125-2009, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 14. (a) As used in this section, "sex offense" means a felony conviction

~~(1) under IC 35-42-4-1 through IC 35-42-4-9 or under IC 35-46-1-3.~~

~~(2) for an attempt or conspiracy to commit an offense described in subdivision (1); or~~

~~(3) for an offense under the laws of another jurisdiction, including a military court, that is substantially similar to an offense described in subdivision (1).~~

(b) The state may seek to have a person sentenced as a repeat sexual offender for a sex offense described in subsection ~~(a)(1) or (a)(2)~~ (a) by alleging, on a page separate from the rest of the charging instrument, that the person has accumulated one (1) prior unrelated felony conviction for a sex offense described in subsection (a).

(c) After a person has been convicted and sentenced for a felony described in subsection ~~(a)(1) or (a)(2)~~ (a) after having been sentenced for a prior unrelated sex offense described in subsection (a), the person has accumulated one (1) prior unrelated felony sex offense conviction. However, a conviction does not count for purposes of this subsection, if:

(1) it has been set aside; or

(2) it is a conviction for which the person has been pardoned.

(d) If the person was convicted of the sex offense in a jury trial, the jury shall reconvene to hear evidence in the enhancement hearing. If the trial was to the court, or the judgment was entered on a guilty plea, the court alone shall hear evidence in the enhancement hearing.

(e) A person is a repeat sexual offender if the jury (if the hearing is by jury) or the court (if the hearing is to the court alone) finds that the state has proved beyond a reasonable doubt that the person had accumulated one (1) prior unrelated felony sex offense conviction.

(f) The court may sentence a person found to be a repeat sexual offender to an additional fixed term that is the advisory sentence for the underlying offense. However, the additional sentence may not exceed ten (10) years.

SECTION 87. IC 35-50-6-3.1, AS AMENDED BY P.L.44-2016,

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SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3.1. (a) This section applies to a person who commits an offense after June 30, 2014.

(b) A person assigned to Class A earns one (1) day of good time credit for each day the person is imprisoned for a crime or confined awaiting trial or sentencing.

(c) A person assigned to Class B earns one (1) day of good time credit for every three (3) days the person is imprisoned for a crime or confined awaiting trial or sentencing.

(d) A person assigned to Class C earns one (1) day of good time credit for every six (6) days the person is imprisoned for a crime or confined awaiting trial or sentencing.

(e) A person assigned to Class D earns no good time credit.

(f) A person assigned to Class P earns one (1) day of good time credit for every four (4) days the person serves on pretrial home detention awaiting trial. **A person assigned to Class P does not earn accrued time for time served on pretrial home detention awaiting trial.**

SECTION 88. IC 35-50-6-3.3, AS AMENDED BY HEA 1120-2020, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3.3. (a) In addition to any educational credit a person earns under subsection (b), or good time credit a person earns under section 3 or 3.1 of this chapter, a person earns educational credit if the person:

- (1) is in credit Class I, Class A, or Class B;
- (2) has demonstrated a pattern consistent with rehabilitation; and
- (3) successfully completes requirements to obtain one (1) of the following:

(A) A general educational development (GED) diploma under IC 20-20-6 (before its repeal) or IC 22-4.1-18, if the person has not previously obtained a high school diploma.

(B) Except as provided in subsection (o), a high school diploma, if the person has not previously obtained a general educational development (GED) diploma.

(C) An associate degree from an approved postsecondary educational institution (as defined under IC 21-7-13-6(a)) earned during the person's incarceration.

(D) A bachelor degree from an approved postsecondary educational institution (as defined under IC 21-7-13-6(a)) earned during the person's incarceration.

(b) In addition to any educational credit that a person earns under subsection (a), or good time credit a person earns under section 3 or 3.1

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of this chapter, a person may earn educational credit if, while confined by the department of correction, the person:

- (1) is in credit Class I, Class A, or Class B;
- (2) demonstrates a pattern consistent with rehabilitation; and
- (3) successfully completes requirements for at least one (1) of the following:
  - (A) To obtain a certificate of completion of a career and technical or vocational education program approved by the department of correction.
  - (B) To obtain a certificate of completion of a substance abuse program approved by the department of correction.
  - (C) To obtain a certificate of completion of a literacy and basic life skills program approved by the department of correction.
  - (D) To obtain a certificate of completion of a reformatory program approved by the department of correction.
  - (E) An individualized case management plan approved by the department of correction.

(c) The department of correction shall establish admissions criteria and other requirements for programs available for earning educational credit under subsection (b). A person may not earn educational credit under this section for the same program of study. The department of correction, in consultation with the department of workforce development, shall approve a program only if the program is likely to lead to an employable occupation.

(d) The amount of educational credit a person may earn under this section is the following:

- (1) Six (6) months for completion of a state of Indiana general educational development (GED) diploma under IC 20-20-6 (before its repeal) or IC 22-4.1-18.
- (2) One (1) year for graduation from high school.
- (3) Not more than one (1) year for completion of an associate degree.
- (4) Not more than two (2) years for completion of a bachelor degree.
- (5) Not more than a total of one (1) year, as determined by the department of correction, for the completion of one (1) or more career and technical or vocational education programs approved by the department of correction.
- (6) Not more than a total of six (6) months, as determined by the department of correction, for the completion of one (1) or more substance abuse programs approved by the department of correction.



(7) Not more than a total of six (6) months, as determined by the department of correction, for the completion of one (1) or more literacy and basic life skills programs approved by the department of correction.

(8) Not more than a total of six (6) months, as determined by the department of correction, for completion of one (1) or more reformatory programs approved by the department of correction. However, a person who is serving a sentence for an offense listed under IC 11-8-8-4.5 may not earn educational credit under this subdivision.

(9) An amount determined by the department of correction under a policy adopted by the department of correction concerning the individualized case management plan, not to exceed the maximum amount described in subsection (j).

However, a person who does not have a substance abuse problem that qualifies the person to earn educational credit in a substance abuse program may earn not more than a total of twelve (12) months of educational credit, as determined by the department of correction, for the completion of one (1) or more career and technical or vocational education programs approved by the department of correction. If a person earns more than six (6) months of educational credit for the completion of one (1) or more career and technical or vocational education programs, the person is ineligible to earn educational credit for the completion of one (1) or more substance abuse programs.

(e) Educational credit earned under this section must be directly proportional to the time served and course work completed while incarcerated. The department of correction shall adopt rules under IC 4-22-2 necessary to implement this subsection.

(f) Educational credit earned by a person under this section is subtracted from the release date that would otherwise apply to the person by the sentencing court after subtracting all other credit time earned by the person.

(g) A person does not earn educational credit under subsection (a) unless the person completes at least a portion of the degree requirements after June 30, 1993.

(h) A person does not earn educational credit under subsection (b) unless the person completes at least a portion of the program requirements after June 30, 1999.

(i) Educational credit earned by a person under subsection (a) for a diploma or degree completed before July 1, 1999, shall be subtracted from:

(1) the release date that would otherwise apply to the person after

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subtracting all other credit time earned by the person, if the person has not been convicted of an offense described in subdivision (2); or

(2) the period of imprisonment imposed on the person by the sentencing court, if the person has been convicted of one (1) of the following crimes:

(A) Rape (IC 35-42-4-1).

(B) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).

(C) Child molesting (IC 35-42-4-3).

(D) Child exploitation (IC 35-42-4-4(b) or IC 35-42-4-4(c)).

(E) Vicarious sexual gratification (IC 35-42-4-5).

(F) Child solicitation (IC 35-42-4-6).

(G) Child seduction (IC 35-42-4-7).

(H) Sexual misconduct with a minor (IC 35-42-4-9) as a:

(i) Class A felony, Class B felony, or Class C felony for a crime committed before July 1, 2014; or

(ii) Level 1, Level 2, or Level 4 felony, for a crime committed after June 30, 2014.

(I) Incest (IC 35-46-1-3).

(J) Sexual battery (IC 35-42-4-8).

(K) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age.

(L) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age.

~~(M) An attempt or a conspiracy to commit a crime listed in clauses (A) through (L).~~

(j) The maximum amount of educational credit a person may earn under this section is the lesser of:

(1) two (2) years; or

(2) one-third (1/3) of the person's total applicable credit time.

(k) Educational credit earned under this section by an offender serving a sentence for stalking (IC 35-45-10-5), a felony against a person under IC 35-42, or for a crime listed in IC 11-8-8-5, shall be reduced to the extent that application of the educational credit would otherwise result in:

(1) postconviction release (as defined in IC 35-40-4-6); or

(2) assignment of the person to a community transition program; in less than forty-five (45) days after the person earns the educational credit.

(l) A person may earn educational credit for multiple degrees at the same education level under subsection (d) only in accordance with



guidelines approved by the department of correction. The department of correction may approve guidelines for proper sequence of education degrees under subsection (d).

(m) A person may not earn educational credit:

- (1) for a general educational development (GED) diploma if the person has previously earned a high school diploma; or
- (2) for a high school diploma if the person has previously earned a general educational development (GED) diploma.

(n) A person may not earn educational credit under this section if the person:

- (1) commits an offense listed in IC 11-8-8-4.5 while the person is required to register as a sex or violent offender under IC 11-8-8-7; and
- (2) is committed to the department of correction after being convicted of the offense listed in IC 11-8-8-4.5.

(o) For a person to earn educational credit under subsection (a)(3)(B) for successfully completing the requirements for a high school diploma through correspondence courses, each correspondence course must be approved by the department before the person begins the correspondence course. The department may approve a correspondence course only if the entity administering the course is recognized and accredited by the department of education in the state where the entity is located.

(p) The department of correction shall, before May 1, 2023, submit a report to the legislative council, in an electronic format under IC 5-14-6, concerning the implementation of the individualized case management plan. The report must include the following:

- (1) The ratio of case management staff to offenders participating in the individualized case management plan as of January 1, 2023.
- (2) The average number of days awarded to offenders participating in the individualized case management plan from January 1, 2022, through December 31, 2022.
- (3) The percentage of the prison population currently participating in an individualized case management plan as of January 1, 2023.
- (4) Any other data points or information related to the status of the implementation of the individualized case management plan.

This subsection expires June 30, 2023.

SECTION 89. IC 36-1-9.5-48 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 48. (a) An entity may revoke a certificate of qualification only if the entity determines that the contractor or subcontractor has done at least one (1) of the following:

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- (1) Fails to timely pay or satisfactorily settle any bills due for labor and material on former or existing contracts.
  - (2) Violates:
    - (A) a state or federal statute; or
    - (B) a rule or regulation of a state or federal department, board, bureau, agency, or commission.
  - (3) Defaults on a contract.
  - (4) Fails to enter into a contract with the entity.
  - (5) Falsifies any document required by the entity, the state board of accounts, or any other agency.
  - (6) Is convicted of a bidding crime. ~~in any jurisdiction.~~
  - (7) Enters a plea of guilty or nolo contendere to a bidding crime in any state.
  - (8) Does any of the following:
    - (A) Makes a public admission concerning a bidding crime in any state.
    - (B) Makes a presentation as an unindicted co-conspirator in a bidding crime in any state.
    - (C) Gives testimony that is protected by a grant of immunity in a trial for a bidding crime in any jurisdiction.
  - (9) Fails to perform any part of an existing or previous contract.
  - (10) Fails to submit in a timely manner information, documented explanations, or evidence required in the contract documents or proposal.
  - (11) Has been debarred by a federal agency.
  - (12) Failed to comply with any proposal requirements established by the entity concerning disadvantaged business enterprise goals or women business enterprise goals.
- (b) An entity shall provide notification of a pending action for revocation in writing, setting forth the grounds for the proposed certificate revocation. The revocation becomes effective on the date determined by the entity.
- (c) A period of disqualification under this chapter may not exceed two (2) years.

SECTION 90. [EFFECTIVE JULY 1, 2020] **(a) The legislative services agency shall prepare legislation for introduction in the 2021 regular session of the general assembly to make appropriate amendments to the Indiana Code necessary to conform with this act.**

**(b) This SECTION expires June 30, 2021.**



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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: \_\_\_\_\_

SEA 335 — CC 1





# Section Six

**Civil Law Changes; Judicial Matters  
Bill; SB1 – The Hands Free Law;  
Open Door Law; Municipal Utilities;  
Landlord-Tenant**

**Representative John T. Young**  
Young and Young  
Franklin, Indiana

## Section Six

**Civil Law Changes; Judicial Matters Bill;  
SB1 – The Hands Free Law;  
Open Door Law; Municipal  
Utilities; Landlord-Tenant..... Representative John T. Young**

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# House Bill 1070

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## Enrolled House Bill (H)

**Authored by** Rep. Holli Sullivan.

**Co-Authored by** Rep. Jim Pressel, Rep. Michael Karickhoff, Rep. Donna Schaibley, Rep. Mara Candelaria Reardon.

**Sponsored by** Sen. Michael Crider, Sen. Ronald Grooms, Sen. Frank Mrvan, Sen. J.D. Ford, Sen. Jon Ford, Sen. Linda Rogers, Sen. David Niezgodski, Sen. Lonnie Randolph, Sen. Dennis Kruse.

## DIGEST

Distracted driving. Provides that, except in certain circumstances, a person may not hold or use a telecommunications device while operating a moving motor vehicle. Removes prohibitions on typing, transmitting, or reading a text message or an electronic mail message while operating a moving motor vehicle. Provides that the bureau may not assess points under the point system for a violation occurring before July 1, 2021.

# House Bill 1157

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## Enrolled House Bill (H)

**Authored by** Rep. Ryan Hatfield.

**Co-Authored by** Rep. Wendy McNamara, Rep. Steve Bartels, Rep. Robin Shackelford.

**Sponsored by** Sen. Aaron Freeman, Sen. Karen Tallian, Sen. Lonnie Randolph.

### DIGEST

Motor vehicle and criminal law issues. Increases the penalty for numerous motor vehicle violations from a Class C infraction to a Class A infraction if the violation results in bodily injury. Requires the bureau of motor vehicles to remove any record of a suspension from a defendant charged with operating while intoxicated if the case ends in favor of the defendant and the defendant's driving privileges were suspended because: (1) the defendant refused a chemical test; or (2) the results of a chemical test resulted in prima facie evidence of intoxication. Provides that a court and the bureau, if applicable, shall terminate all or any part of the remaining suspension of a person's license suspension if: (1) the charges against the person are dismissed; (2) the person is acquitted; or (3) the person's conviction is vacated or reversed on appeal. Provides that a court shall terminate a suspension imposed for refusal to submit to a chemical test if: (1) the court accepts a plea agreement between the state and the defendant that includes this provision; or (2) the court finds at sentencing that terminating the remaining suspension is in the best interests of society. Adds cross references concerning license suspensions and ignition interlock devices. Makes an individual less than 18 years of age eligible for a deferral program. (Under current law, individuals under 18 years of age are not eligible for deferral.) Repeals certain driving privilege suspensions when a motor vehicle is used in dealing certain controlled substances. Makes conforming changes.

# House Bill 1313

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## Enrolled House Bill (H)

**Authored by** Rep. John Young.

**Co-Authored by** Rep. Gregory Steuerwald.

**Sponsored by** Sen. Eric Koch, Sen. Michael Young, Sen. Lonnie Randolph.

## DIGEST

Courts and family law matters. Provides that a magistrate has the same powers as a judge, except the power of judicial mandate. Repeals certain sections that enumerate the powers for magistrates. Repeals the judicial technology oversight committee. Increases the filing limit for the small claims docket to not more than \$8,000 (rather than \$6,000, under current law). Provides that the Marion County court will divide the work of the court into various divisions, including but not limited to the following: (1) Civil. (2) Criminal. (3) Family. Provides that the Marion County court shall hold session in the: (1) community justice campus in Indianapolis; and (2) other places in Marion County as the court determines. Provides that a relocating individual who is party to a custody order or parenting time order is not required to file a notice of intent to move with the clerk of the court if: (1) the relocation has been addressed by a prior court order; or (2) the relocation will: (A) result in a decrease in the distance between the relocating individual's residence and the nonrelocating individual's residence; or (B) result in an increase of not more than 20 miles in the distance between the relocating individual's residence and the nonrelocating individual's residence. Makes conforming amendments.

# Senate Bill 206

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## Enrolled Senate Bill (S)

**Authored by** Sen. Mark Messmer, Sen. Michael Young, Sen. Linda Rogers.

**Co-Authored by** Sen. Lonnie Randolph, Sen. Timothy Lanane.

**Sponsored by** Rep. Jerry Torr, Rep. Donna Schaibley, Rep. Cindy Kirchhofer, Rep. Edward DeLaney.

### DIGEST

Deposition of a child victim. Defines "child victim" as a child less than 16 years of age who is the victim of a sex offense, and specifies that a child victim has the right to confer with a representative of the prosecuting attorney's office before being deposed. Repeals and replaces the current statute concerning the deposition of a child with a new statute that provides that a defendant may only depose a child victim if the prosecuting attorney agrees to the deposition or if a court authorizes the deposition. Establishes a procedure for a court to use to determine whether to authorize the deposition of a child victim, and to specify the manner in which the deposition may be conducted. Provides that an order authorizing the deposition of a child must expressly prohibit the presence of the person accused of committing the offense against the child unless certain conditions apply and the presence of the accused is necessary to preserve the person's rights under the United States or Indiana constitution. Makes conforming amendments.