



February 28, 2020

**ENGROSSED
SENATE BILL No. 335**

DIGEST OF SB 335 (Updated February 26, 2020 4:47 pm - DI 131)

Citations Affected: Numerous provisions throughout the Indiana Code.

Synopsis: Criminal law issues. Provides that, if certain criminal penalties are increased (or, in the case of an infraction, imposed) due to a prior conviction or infraction committed by a defendant, the new offense must have been committed not later than seven years from the later of the date: (1) of the conviction or infraction judgment; or (2) the person was released from incarceration, probation, or parole. Excludes certain crimes and classes of crimes from the seven year lookback period. Specifies the duties of an operator of a boat who is involved in an accident or collision resulting in injury. Adds strangulation and domestic battery to the definition of "crimes of violence". Specifies that references to a conviction for Indiana offenses include: (1) an attempt to commit the offense; (2) a conspiracy to commit the offense; and (3) a substantially similar offense committed in another jurisdiction. Provides that credit earned by a person on pretrial home detention does not include accrued time. Makes it a crime to possess a firearm with an obliterated serial number (under current law, it is only a crime to
(Continued next page)

Effective: July 1, 2020.

Young M, Brown L, Koch, Tallian
(HOUSE SPONSOR — MCNAMARA)

January 13, 2020, read first time and referred to Committee on Corrections and Criminal Law.
January 30, 2020, amended, reported favorably — Do Pass.
February 3, 2020, read second time, amended, ordered engrossed.
February 4, 2020, engrossed. Read third time, passed. Yeas 40, nays 9.
HOUSE ACTION
February 11, 2020, read first time and referred to Committee on Courts and Criminal Code.
February 27, 2020, amended, reported — Do Pass.

ES 335—LS 6968/DI 106



possess a handgun with an obliterated serial number). Replaces the term "dangerous disease" with the term "serious disease". Replaces the term "carrier of the human immunodeficiency virus" with the term "individual with the human immunodeficiency virus". Removes: (1) "acquired immune deficiency syndrome (AIDS)"; and (2) "AIDS related complex" from a statutory definition of HIV. Repeals provisions that authorize a court to require a defendant to undergo HIV testing in instances involving the charge of: (1) battery; or (2) domestic battery; and allegations of battery by bodily fluid or bodily waste. Provides that a person who recklessly, knowingly, or intentionally donates, sells, or transfers blood or semen for artificial insemination that: (1) contains HIV; and (2) results in the transmission of HIV to any person other than the defendant; commits transferring contaminated body fluids, a Level 4 felony. Prohibits a person who 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 (serious delinquent) from possessing a firearm unless the person is at least: (1) 26 years of age, in the case of less serious acts; or (2) 28 years of age, in the case of more serious acts. Makes possession of a firearm by a serious delinquent a Level 6 felony, and increases the penalty to a Level 5 felony for a second or subsequent offense. Requires a juvenile court to transmit certain findings to the office of judicial administration for transmission to the National Instant Criminal Background Check System (NICS) upon a finding of delinquency for an act that would be a serious violent felony if committed by an adult. Allows a court to consider certain factors when evaluating a petition to expunge certain juvenile adjudications. Beginning January 1, 2021: (1) requires the office of judicial administration to collect and publish certain statistics related to the confiscation and retention of firearms; and (2) requires a court to provide certain information to the office of judicial administration after issuing a finding concerning a person's dangerousness. Provides that a person who knowingly makes a false report that another person is dangerous commits false informing, a Class B misdemeanor. Provides that a person who panhandles within 50 feet of: (1) the entrance or exit to a bank, business, or restaurant; (2) the location where a financial transaction occurs; or (3) a public monument; commits the offense of panhandling, a Class C misdemeanor. Defines "financial transaction" and "public monument". Provides that, after June 30, 2020, a person shall not sell or issue to an Indiana consumer any gift certificate or store gift card with an expiration date unless certain conditions are met. Provides that, with respect to a gift certificate or a store gift card that is sold or issued to an Indiana consumer after June 30, 2020, if at any time after the gift certificate or store gift card is issued or sold: (1) the merchant for which the gift certificate or store gift card was originally sold or issued: (A) for any reason ceases to do business in Indiana; or (B) for any reason: (i) substantially changes; or (ii) ceases to offer; the types of goods or services that were offered to consumers at the time the gift certificate or store gift card was originally sold or issued; and (2) any expiration date: (A) authorized under the bill's provisions; and (B) applicable to the gift certificate or store gift card (or to the underlying funds associated with either) has not elapsed; the merchant for which the gift certificate or store gift card was originally sold or issued shall, upon the request of an Indiana consumer who is the rightful holder of the gift certificate or store gift card, promptly refund to the holder the balance of the underlying funds or provide the holder with the remaining balance in some other manner. Provides that a person that violates the bill's provisions: (1) commits a deceptive act that is actionable by an aggrieved consumer and the attorney general under the deceptive consumer sales act; and (2) is subject to the penalties and remedies set forth in the deceptive consumer sales act. Authorizes the attorney general to adopt rules to implement these provisions. Makes conforming amendments. Makes technical corrections.



February 28, 2020

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.

ENGROSSED SENATE BILL No. 335

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

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

1 SECTION 1. IC 1-1-2-2.5 IS ADDED TO THE INDIANA CODE
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2020]: **Sec. 2.5. (a) This section applies to every crime in which
4 proof that a person has a prior conviction or judgment for an
5 infraction increases:**
6 (1) the class or level of the crime;
7 (2) the penalty for the crime from a misdemeanor to a felony;
8 or
9 (3) the penalty for an infraction to a misdemeanor or felony.
10 (b) This section does not apply to a sentencing provision that
11 increases the penalty that may be imposed for an infraction or
12 crime but does not increase:
13 (1) the class or level of the crime;
14 (2) the penalty for the crime from a misdemeanor to a felony;
15 or
16 (3) the penalty for an infraction to a misdemeanor or felony;
17 including IC 35-50-2-8 (habitual offenders), IC 35-50-2-9 (death

ES 335—LS 6968/DI 106



1 penalty sentencing), IC 9-30-15.5 (habitual vehicular substance
2 offender), and IC 35-50-2-14 (repeat sexual offender).

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

6 (d) Subject to subsection (e), and except as provided in
7 subsection (f), a prior conviction or a prior judgment for an
8 infraction increases the class or level of the crime, the penalty for
9 the crime from a misdemeanor to a felony, or the penalty for an
10 infraction to a misdemeanor or felony only if the current crime was
11 committed not later than seven (7) years from the date the
12 defendant was:

13 (1) convicted of the prior crime, if the defendant was not
14 sentenced to a term of incarceration or probation;

15 (2) adjudicated to have committed the infraction; or

16 (3) released from a term of incarceration, probation, or parole
17 (whichever occurs later) imposed for the prior conviction;

18 whichever occurred last.

19 (e) If a crime described in subsection (a) requires proof of more
20 than one (1) criminal conviction or judgment for an infraction, the
21 increased penalty applies only if the current crime was committed
22 not later than seven (7) years from the date the defendant was:

23 (1) convicted of one (1) of the prior crimes, if the person was
24 not sentenced to a term of incarceration or probation;

25 (2) adjudicated to have committed one (1) of the infractions;
26 or

27 (3) released from a term of incarceration, probation, or parole
28 (whichever occurs later) imposed for one (1) of the prior
29 convictions;

30 whichever occurred last.

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

33 (1) A crime of violence (as defined by IC 35-50-1-2).

34 (2) A crime that results in bodily injury or death to a victim.

35 (3) A sex offense (as defined by IC 11-8-8-5.2).

36 (4) Domestic battery (IC 35-42-2-1.3).

37 (5) Strangulation (IC 35-42-2-9).

38 (6) Operating while intoxicated with a prior conviction for
39 operating while intoxicated that resulted in death, serious
40 bodily injury, or catastrophic injury (IC 9-30-5-3(b)).

41 (7) Dealing in cocaine or a narcotic drug (IC 35-48-4-1).

42 (8) Dealing in methamphetamine (IC 35-48-4-1.1).



1 **(9) Manufacturing methamphetamine (IC 35-48-4-1.2).**

2 **(10) Dealing in a schedule I, II, or III controlled substance**
 3 **(IC 35-48-4-2).**

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

6 SECTION 2. IC 1-1-2-4 IS ADDED TO THE INDIANA CODE AS
 7 A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 8 2020]: **Sec. 4. (a) As used in this section, "reference to a conviction**
 9 **for an Indiana criminal offense" means both a specific reference to**
 10 **a conviction for a criminal offense in Indiana (with or without an**
 11 **Indiana Code citation reference) and a general reference to a**
 12 **conviction for a class or type of criminal offense, such as:**

13 **(1) a felony;**

14 **(2) a misdemeanor;**

15 **(3) a sex offense;**

16 **(4) a violent crime;**

17 **(5) a crime of domestic violence;**

18 **(6) a crime of dishonesty;**

19 **(7) fraud;**

20 **(8) a crime resulting in a specified injury or committed**
 21 **against a specified victim; or**

22 **(9) a crime under IC 35-42 or IC 9-30-5 or under any other**
 23 **statute describing one (1) or more criminal offenses.**

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

27 **(1) An attempt to commit the offense, unless the offense is**
 28 **murder (IC 35-42-1-1).**

29 **(2) A conspiracy to commit the offense.**

30 **(3) A substantially similar offense committed in another**
 31 **jurisdiction, including an attempt or conspiracy to commit the**
 32 **offense, even if the reference to the conviction for the Indiana**
 33 **criminal offense specifically refers to an "Indiana conviction"**
 34 **or a conviction "in Indiana" or under "Indiana law" or "laws**
 35 **of this state".**

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

39 **(1) the reference expressly excludes an offense described in**
 40 **subsection (b)(1) through (b)(3); or**

41 **(2) with respect to an offense described in subsection (b)(3),**
 42 **the reference imposes an additional qualifier on the offense**



1 **committed in another jurisdiction.**

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

4 SECTION 3. IC 3-8-1-5, AS AMENDED BY P.L.74-2017,
 5 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2020]: Sec. 5. (a) This section does not apply to a candidate
 7 for federal office.

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

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

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

13 (2) a felony conviction that has been:

14 (A) reversed;

15 (B) vacated;

16 (C) set aside;

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

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

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

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

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

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

29 (3) in a:

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

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

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

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

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

42 (6) the person is subject to:



- 1 (A) 5 U.S.C. 1502 (the Little Hatch Act); or
 2 (B) 5 U.S.C. 7321-7326 (the Hatch Act);
 3 and would violate either federal statute by becoming or remaining
 4 the candidate of a political party for nomination or election to an
 5 elected office or a political party office.
 6 (e) The subsequent reduction of a felony to a Class A misdemeanor
 7 under IC 35 after the:
 8 (1) jury has announced its verdict against the person for a felony;
 9 (2) court has announced its verdict against the person for a felony;
 10 or
 11 (3) person has pleaded guilty or nolo contendere to a felony;
 12 does not affect the operation of subsection (d).
 13 SECTION 4. IC 4-33-8-11 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 11. (a) An individual
 15 who is disqualified under section 3(2) of this chapter due to a
 16 conviction for a felony may apply to the commission for a waiver of the
 17 requirements of section 3(2) of this chapter.
 18 (b) The commission may waive the requirements of section 3(2) of
 19 this chapter with respect to an individual applying for an occupational
 20 license if:
 21 (1) the individual qualifies for a waiver under subsection (e) or
 22 (f); and
 23 (2) the commission determines that the individual has
 24 demonstrated by clear and convincing evidence the individual's
 25 rehabilitation.
 26 (c) In determining whether the individual applying for the
 27 occupational license has demonstrated rehabilitation under subsection
 28 (b), the commission shall consider the following factors:
 29 (1) The nature and duties of the position applied for by the
 30 individual.
 31 (2) The nature and seriousness of the offense or conduct.
 32 (3) The circumstances under which the offense or conduct
 33 occurred.
 34 (4) The date of the offense or conduct.
 35 (5) The age of the individual when the offense or conduct was
 36 committed.
 37 (6) Whether the offense or conduct was an isolated or a repeated
 38 incident.
 39 (7) A social condition that may have contributed to the offense or
 40 conduct.
 41 (8) Evidence of rehabilitation, including good conduct in prison
 42 or in the community, counseling or psychiatric treatment received,



1 acquisition of additional academic or vocational education,
 2 successful participation in a correctional work release program,
 3 or the recommendation of a person who has or has had the
 4 individual under the person's supervision.

5 (9) The complete criminal record of the individual.

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

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

9 (B) after having considered the facts and circumstances, the
 10 prospective employer will hire the individual if the
 11 commission grants a waiver of the requirements of section
 12 3(2) of this chapter.

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

16 (1) A felony in violation of federal law (as classified in 18 U.S.C.
 17 3559).

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

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

23 (4) (3) A felony of gambling under IC 35-45-5 or IC 35-45-6. ~~or~~
 24 ~~a crime in any other jurisdiction in which the elements of the~~
 25 ~~crime for which the conviction was entered are substantially~~
 26 ~~similar to the elements of a crime described in IC 35-45-5 or~~
 27 ~~IC 35-45-6.~~

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

30 (1) the individual has been convicted of committing:

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

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

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

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

42 (f) The commission may waive the requirements of section 3(2) of



- 1 this chapter for an individual if:
- 2 (1) the individual has been convicted in Indiana or any other
- 3 jurisdiction of committing a felony not described in subsection (d)
- 4 or (e); and
- 5 (2) five (5) years have elapsed from the date the individual was
- 6 discharged from probation, imprisonment, or parole, whichever
- 7 is later, for the conviction described in subdivision (1).
- 8 (g) To enable a prospective employer to determine, for purposes of
- 9 subsection (c)(10), whether the prospective employer has been advised
- 10 of all of the facts and circumstances of the individual's criminal record,
- 11 the commission shall notify the prospective employer of all information
- 12 that the commission:
- 13 (1) has obtained concerning the individual; and
- 14 (2) is authorized to release under IC 5-14.
- 15 (h) The commission shall deny the individual's request to waive the
- 16 requirements of section 3(2) of this chapter if the individual fails to
- 17 disclose to both the commission and the prospective employer all
- 18 information relevant to this section.
- 19 SECTION 5. IC 4-35-6.5-11, AS ADDED BY P.L.233-2007,
- 20 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 21 JULY 1, 2020]: Sec. 11. (a) An individual who is disqualified under
- 22 section 3(2) of this chapter due to a conviction for a felony may apply
- 23 to the commission for a waiver of the requirements of section 3(2) of
- 24 this chapter.
- 25 (b) The commission may waive the requirements of section 3(2) of
- 26 this chapter with respect to an individual applying for an occupational
- 27 license if:
- 28 (1) the individual qualifies for a waiver under subsection (e) or
- 29 (f); and
- 30 (2) the commission determines that the individual has
- 31 demonstrated by clear and convincing evidence the individual's
- 32 rehabilitation.
- 33 (c) In determining whether the individual applying for the
- 34 occupational license has demonstrated rehabilitation under subsection
- 35 (b), the commission shall consider the following factors:
- 36 (1) The nature and duties of the position applied for by the
- 37 individual.
- 38 (2) The nature and seriousness of the offense or conduct.
- 39 (3) The circumstances under which the offense or conduct
- 40 occurred.
- 41 (4) The date of the offense or conduct.
- 42 (5) The age of the individual when the offense or conduct was



- 1 committed.
- 2 (6) Whether the offense or conduct was an isolated or a repeated
3 incident.
- 4 (7) A social condition that may have contributed to the offense or
5 conduct.
- 6 (8) Evidence of rehabilitation, including good conduct in prison
7 or in the community, counseling or psychiatric treatment received,
8 acquisition of additional academic or vocational education,
9 successful participation in a correctional work release program,
10 or the recommendation of a person who has or has had the
11 individual under the person's supervision.
- 12 (9) The complete criminal record of the individual.
- 13 (10) The prospective employer's written statement that:
- 14 (A) the employer has been advised of all of the facts and
15 circumstances of the individual's criminal record; and
- 16 (B) after having considered the facts and circumstances, the
17 prospective employer will hire the individual if the
18 commission grants a waiver of the requirements of section
19 3(2) of this chapter.
- 20 (d) The commission may not waive the requirements of section 3(2)
21 of this chapter for an individual who has been convicted of committing
22 any of the following:
- 23 (1) A felony in violation of federal law (as classified in 18 U.S.C.
24 3559).
- 25 (2) A felony of fraud, deceit, or misrepresentation. ~~under the laws~~
26 ~~of Indiana or any other jurisdiction.~~
- 27 ~~(3) A felony of conspiracy to commit a felony described in~~
28 ~~subdivision (1); (2); or (4) under the laws of Indiana or any other~~
29 ~~jurisdiction.~~
- 30 ~~(4) (3) A felony of gambling under IC 35-45-5 or IC 35-45-6. or~~
31 ~~a crime in any other jurisdiction in which the elements of the~~
32 ~~crime for which the conviction was entered are substantially~~
33 ~~similar to the elements of a crime described in IC 35-45-5 or~~
34 ~~IC 35-45-6.~~
- 35 (e) The commission may waive the requirements of section 3(2) of
36 this chapter for an individual if:
- 37 (1) the individual has been convicted of committing:
- 38 (A) a felony described in IC 35-42 against another human
39 being or a felony described in IC 35-48-4; **or**
- 40 (B) a felony under Indiana law that results in bodily injury,
41 serious bodily injury, or death to another human being; **or**
- 42 ~~(C) a crime in any other jurisdiction in which the elements of~~



- 1 the crime for which the conviction was entered are
2 substantially similar to the elements of a felony described in
3 clause (A) or (B); and
4 (2) ten (10) years have elapsed from the date the individual was
5 discharged from probation, imprisonment, or parole, whichever
6 is later, for the conviction described in subdivision (1).
7 (f) The commission may waive the requirements of section 3(2) of
8 this chapter for an individual if:
9 (1) the individual has been convicted in Indiana or any other
10 jurisdiction of committing a felony not described in subsection (d)
11 or (e); and
12 (2) five (5) years have elapsed from the date the individual was
13 discharged from probation, imprisonment, or parole, whichever
14 is later, for the conviction described in subdivision (1).
15 (g) To enable a prospective employer to determine, for purposes of
16 subsection (c)(10), whether the prospective employer has been advised
17 of all of the facts and circumstances of the individual's criminal record,
18 the commission shall notify the prospective employer of all information
19 that the commission:
20 (1) has obtained concerning the individual; and
21 (2) is authorized to release under IC 5-14.
22 (h) The commission shall deny the individual's request to waive the
23 requirements of section 3(2) of this chapter if the individual fails to
24 disclose to both the commission and the prospective employer all
25 information relevant to this section.
26 SECTION 6. IC 7.1-1-3-13.5, AS AMENDED BY P.L.196-2015,
27 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2020]: Sec. 13.5. "Conviction for operating while intoxicated"
29 means a conviction (as defined in IC 9-13-2-38)
30 ~~(1) in Indiana~~ for a crime under IC 9-30-5-1 through IC 9-30-5-9,
31 IC 35-46-9-6, or IC 14-15-8 (before its repeal). ~~or~~
32 ~~(2) in any other jurisdiction in which the elements of the crime for~~
33 ~~which the conviction was entered are substantially similar to the~~
34 ~~elements of a crime described in IC 9-30-5-1 through IC 9-30-5-9;~~
35 ~~IC 35-46-9-6, or IC 14-15-8-8 (before its repeal).~~
36 SECTION 7. IC 9-13-2-130 IS AMENDED TO READ AS
37 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 130. "Previous
38 conviction of operating while intoxicated" means a previous conviction
39 for:
40 ~~(1) in Indiana of:~~
41 ~~(A) (1)~~ an alcohol related or drug related crime under Acts 1939,
42 c.48, s.52, as amended, IC 9-4-1-54 (repealed September 1,



1 1983), or IC 9-11-2 (repealed July 1, 1991); or
 2 ~~(B) (2)~~ a crime under IC 9-30-5-1 through IC 9-30-5-9. ~~or~~
 3 ~~(2) in any other jurisdiction in which the elements of the crime for~~
 4 ~~which the conviction was entered are substantially similar to the~~
 5 ~~elements of a crime described in IC 9-30-5-1 through IC 9-30-5-9.~~
 6 SECTION 8. IC 10-13-3-27, AS AMENDED BY P.L.32-2019,
 7 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2020]: Sec. 27. (a) Except as provided in subsection (b), on
 9 request, a law enforcement agency shall release a limited criminal
 10 history to or allow inspection of a limited criminal history by
 11 noncriminal justice organizations or individuals only if the subject of
 12 the request:
 13 (1) has applied for employment with a noncriminal justice
 14 organization or individual;
 15 (2) has:
 16 (A) applied for a license or is maintaining a license; and
 17 (B) provided criminal history data as required by law to be
 18 provided in connection with the license;
 19 (3) is a candidate for public office or a public official;
 20 (4) is in the process of being apprehended by a law enforcement
 21 agency;
 22 (5) is placed under arrest for the alleged commission of a crime;
 23 (6) has charged that the subject's rights have been abused
 24 repeatedly by criminal justice agencies;
 25 (7) is the subject of a judicial decision or determination with
 26 respect to the setting of bond, plea bargaining, sentencing, or
 27 probation;
 28 (8) has volunteered services that involve contact with, care of, or
 29 supervision over a child who is being placed, matched, or
 30 monitored by a social services agency or a nonprofit corporation;
 31 (9) is currently residing in a location designated by the
 32 department of child services (established by IC 31-25-1-1) or by
 33 a juvenile court as the out-of-home placement for a child at the
 34 time the child will reside in the location;
 35 (10) has volunteered services at a public school (as defined in
 36 IC 20-18-2-15) or nonpublic school (as defined in IC 20-18-2-12)
 37 that involve contact with, care of, or supervision over a student
 38 enrolled in the school;
 39 (11) is being investigated for welfare fraud by an investigator of
 40 the division of family resources or a county office of the division
 41 of family resources;
 42 (12) is being sought by the parent locator service of the child



1 support bureau of the department of child services;
 2 (13) is or was required to register as a sex or violent offender
 3 under IC 11-8-8;

4 (14) has been convicted of any of the following:

5 (A) Rape (IC 35-42-4-1), if the victim is less than eighteen
 6 (18) years of age.

7 (B) Criminal deviate conduct (IC 35-42-4-2) (repealed), if the
 8 victim is less than eighteen (18) years of age.

9 (C) Child molesting (IC 35-42-4-3).

10 (D) Child exploitation (IC 35-42-4-4(b) or IC 35-42-4-4(c)).

11 (E) Possession of child pornography (IC 35-42-4-4(d) or
 12 IC 35-42-4-4(e)).

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

14 (G) Child solicitation (IC 35-42-4-6).

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

16 (I) Sexual misconduct with a minor as a felony (IC 35-42-4-9).

17 (J) Incest (IC 35-46-1-3), if the victim is less than eighteen
 18 (18) years of age;

19 ~~(K) Attempt under IC 35-41-5-1 to commit an offense listed in~~
 20 ~~clauses (A) through (J).~~

21 ~~(L) Conspiracy under IC 35-41-5-2 to commit an offense listed~~
 22 ~~in clauses (A) through (J).~~

23 ~~(M) An offense in any other jurisdiction in which the elements~~
 24 ~~of the offense for which the conviction was entered are~~
 25 ~~substantially similar to the elements of an offense described~~
 26 ~~under clauses (A) through (J);~~

27 (15) is identified as a possible perpetrator of child abuse or
 28 neglect in an assessment conducted by the department of child
 29 services under IC 31-33-8; or

30 (16) is:

31 (A) a parent, guardian, or custodian of a child; or

32 (B) an individual who is at least eighteen (18) years of age and
 33 resides in the home of the parent, guardian, or custodian;

34 with whom the department of child services or a county probation
 35 department has a case plan, dispositional decree, or permanency
 36 plan approved under IC 31-34 or IC 31-37 that provides for
 37 reunification following an out-of-home placement.

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

42 (b) A law enforcement agency shall allow inspection of a limited



1 criminal history by and release a limited criminal history to the
2 following noncriminal justice organizations:

- 3 (1) Federally chartered or insured banking institutions.
4 (2) Officials of state and local government for any of the
5 following purposes:
6 (A) Employment with a state or local governmental entity.
7 (B) Licensing.
8 (3) Segments of the securities industry identified under 15 U.S.C.
9 78q(f)(2).

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

15 SECTION 9. IC 10-13-6-10, AS AMENDED BY P.L.111-2017,
16 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 JULY 1, 2020]: Sec. 10. (a) This section applies to the following:

- 18 (1) A person arrested for a felony after December 31, 2017.
19 (2) A person convicted of a felony under IC 35-42 (offenses
20 against the person) or IC 35-43-2-1 (burglary):
21 (A) after June 30, 1996, whether or not the person is sentenced
22 to a term of imprisonment; or
23 (B) before July 1, 1996, if the person is held in jail or prison
24 on or after July 1, 1996.
25 (3) A person convicted of a criminal law in effect before October
26 1, 1977, that penalized an act substantially similar to a felony
27 described in IC 35-42 or IC 35-43-2-1 or that would have been an
28 included offense of a felony described in IC 35-42 or
29 IC 35-43-2-1 if the felony had been in effect:
30 (A) after June 30, 1998, whether or not the person is sentenced
31 to a term of imprisonment; or
32 (B) before July 1, 1998, if the person is held in jail or prison
33 on or after July 1, 1998.
34 (4) A person convicted of a felony: ~~conspiracy to commit a felony;~~
35 ~~or attempt to commit a felony:~~
36 (A) after June 30, 2005, whether or not the person is sentenced
37 to a term of imprisonment; or
38 (B) before July 1, 2005, if the person is held in jail or prison
39 on or after July 1, 2005.

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

- 42 (1) department of correction or the designee of the department of



- 1 correction if the offender is committed to the department of
 2 correction;
- 3 (2) county sheriff or the designee of the county sheriff if the
 4 offender is held in a county jail or other county penal facility,
 5 placed in a community corrections program (as defined in
 6 IC 35-38-2.6-2), placed on probation, or released on bond;
- 7 (3) agency that supervises the person, or the agency's designee, if
 8 the person is on conditional release in accordance with
 9 IC 35-38-1-27; or
- 10 (4) sheriff, in the case of a person arrested for a felony.

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

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

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

- 21 (1) inform the person of the person's right to DNA removal under
 22 section 18 of this chapter; and
- 23 (2) provide the person with instructions and a form that may be
 24 used for DNA removal.

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

- 29 (1) the arrestee was arrested pursuant to a felony arrest warrant;
 30 or
- 31 (2) a court has found probable cause for the felony arrest.

32 SECTION 10. IC 11-8-8-4.5, AS AMENDED BY P.L.144-2018,
 33 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2020]: Sec. 4.5. (a) Except as provided in section 22 of this
 35 chapter, as used in this chapter, "sex offender" means a person
 36 convicted of any of the following offenses:

- 37 (1) Rape (IC 35-42-4-1).
 38 (2) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
 39 (3) Child molesting (IC 35-42-4-3).
 40 (4) Child exploitation (IC 35-42-4-4(b) or IC 35-42-4-4(c)).
 41 (5) Vicarious sexual gratification (including performing sexual
 42 conduct in the presence of a minor) (IC 35-42-4-5).



- 1 (6) Child solicitation (IC 35-42-4-6).
 2 (7) Child seduction (IC 35-42-4-7).
 3 (8) Sexual misconduct with a minor (IC 35-42-4-9) as a Class A,
 4 Class B, or Class C felony (for a crime committed before July 1,
 5 2014) or a Level 1, Level 2, Level 4, or Level 5 felony (for a
 6 crime committed after June 30, 2014), unless:
 7 (A) the person is convicted of sexual misconduct with a minor
 8 as a Class C felony (for a crime committed before July 1,
 9 2014) or a Level 5 felony (for a crime committed after June
 10 30, 2014);
 11 (B) the person is not more than:
 12 (i) four (4) years older than the victim if the offense was
 13 committed after June 30, 2007; or
 14 (ii) five (5) years older than the victim if the offense was
 15 committed before July 1, 2007; and
 16 (C) the sentencing court finds that the person should not be
 17 required to register as a sex offender.
 18 (9) Incest (IC 35-46-1-3).
 19 (10) Sexual battery (IC 35-42-4-8).
 20 (11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen
 21 (18) years of age, and the person who kidnapped the victim is not
 22 the victim's parent or guardian.
 23 (12) Criminal confinement (IC 35-42-3-3), if the victim is less
 24 than eighteen (18) years of age, and the person who confined or
 25 removed the victim is not the victim's parent or guardian.
 26 (13) Possession of child pornography (IC 35-42-4-4(d) or
 27 IC 35-42-4-4(e)).
 28 (14) Promoting prostitution (IC 35-45-4-4) as a Class B felony
 29 (for a crime committed before July 1, 2014) or a Level 4 felony
 30 (for a crime committed after June 30, 2014).
 31 (15) Promotion of human sexual trafficking under
 32 IC 35-42-3.5-1.1.
 33 (16) Promotion of child sexual trafficking under
 34 IC 35-42-3.5-1.2(a).
 35 (17) Promotion of sexual trafficking of a younger child
 36 (IC 35-42-3.5-1.2(c)).
 37 (18) Child sexual trafficking (IC 35-42-3.5-1.3).
 38 (19) Human trafficking under IC 35-42-3.5-1.4 if the victim is
 39 less than eighteen (18) years of age.
 40 (20) Sexual misconduct by a service provider with a detained or
 41 supervised child (IC 35-44.1-3-10(c)).
 42 (21) An attempt or conspiracy to commit a crime listed in this



- 1 subsection:
 2 ~~(22) A crime under the laws of another jurisdiction, including a~~
 3 ~~military court, that is substantially equivalent to any of the~~
 4 ~~offenses listed in this subsection.~~
 5 (b) The term includes:
 6 (1) a person who is required to register as a sex offender in any
 7 jurisdiction; and
 8 (2) a child who has committed a delinquent act and who:
 9 (A) is at least fourteen (14) years of age;
 10 (B) is on probation, is on parole, is discharged from a facility
 11 by the department of correction, is discharged from a secure
 12 private facility (as defined in IC 31-9-2-115), or is discharged
 13 from a juvenile detention facility as a result of an adjudication
 14 as a delinquent child for an act that would be an offense
 15 described in subsection (a) if committed by an adult; and
 16 (C) is found by a court by clear and convincing evidence to be
 17 likely to repeat an act that would be an offense described in
 18 subsection (a) if committed by an adult.
 19 (c) In making a determination under subsection (b)(2)(C), the court
 20 shall consider expert testimony concerning whether a child is likely to
 21 repeat an act that would be an offense described in subsection (a) if
 22 committed by an adult.
 23 SECTION 11. IC 11-8-8-5, AS AMENDED BY P.L.144-2018,
 24 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2020]: Sec. 5. (a) Except as provided in section 22 of this
 26 chapter, as used in this chapter, "sex or violent offender" means a
 27 person convicted of any of the following offenses:
 28 (1) Rape (IC 35-42-4-1).
 29 (2) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
 30 (3) Child molesting (IC 35-42-4-3).
 31 (4) Child exploitation (IC 35-42-4-4(b) or IC 35-42-4-4(c)).
 32 (5) Vicarious sexual gratification (including performing sexual
 33 conduct in the presence of a minor) (IC 35-42-4-5).
 34 (6) Child solicitation (IC 35-42-4-6).
 35 (7) Child seduction (IC 35-42-4-7).
 36 (8) Sexual misconduct with a minor (IC 35-42-4-9) as a Class A,
 37 Class B, or Class C felony (for a crime committed before July 1,
 38 2014) or a Level 1, Level 2, Level 4, or Level 5 felony (for a
 39 crime committed after June 30, 2014), unless:
 40 (A) the person is convicted of sexual misconduct with a minor
 41 as a Class C felony (for a crime committed before July 1,
 42 2014) or a Level 5 felony (for a crime committed after June



- 1 30, 2014);
- 2 (B) the person is not more than:
- 3 (i) four (4) years older than the victim if the offense was
- 4 committed after June 30, 2007; or
- 5 (ii) five (5) years older than the victim if the offense was
- 6 committed before July 1, 2007; and
- 7 (C) the sentencing court finds that the person should not be
- 8 required to register as a sex offender.
- 9 (9) Incest (IC 35-46-1-3).
- 10 (10) Sexual battery (IC 35-42-4-8).
- 11 (11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen
- 12 (18) years of age, and the person who kidnapped the victim is not
- 13 the victim's parent or guardian.
- 14 (12) Criminal confinement (IC 35-42-3-3), if the victim is less
- 15 than eighteen (18) years of age, and the person who confined or
- 16 removed the victim is not the victim's parent or guardian.
- 17 (13) Possession of child pornography (IC 35-42-4-4(d) or
- 18 IC 35-42-4-4(e)).
- 19 (14) Promoting prostitution (IC 35-45-4-4) as a Class B felony
- 20 (for a crime committed before July 1, 2014) or a Level 4 felony
- 21 (for a crime committed after June 30, 2014).
- 22 (15) Promotion of human sexual trafficking under
- 23 IC 35-42-3.5-1.1.
- 24 (16) Promotion of child sexual trafficking under
- 25 IC 35-42-3.5-1.2(a).
- 26 (17) Promotion of sexual trafficking of a younger child
- 27 (IC 35-42-3.5-1.2(c)).
- 28 (18) Child sexual trafficking (IC 35-42-3.5-1.3).
- 29 (19) Human trafficking under IC 35-42-3.5-1.4 if the victim is
- 30 less than eighteen (18) years of age.
- 31 (20) Murder (IC 35-42-1-1).
- 32 (21) Voluntary manslaughter (IC 35-42-1-3).
- 33 (22) Sexual misconduct by a service provider with a detained or
- 34 supervised child (IC 35-44.1-3-10(c)).
- 35 ~~(23) An attempt or conspiracy to commit a crime listed in this~~
- 36 ~~subsection.~~
- 37 ~~(24) A crime under the laws of another jurisdiction, including a~~
- 38 ~~military court, that is substantially equivalent to any of the~~
- 39 ~~offenses listed in this subsection.~~
- 40 (b) The term includes:
- 41 (1) a person who is required to register as a sex or violent
- 42 offender in any jurisdiction; and



- 1 (2) a child who has committed a delinquent act and who:
 2 (A) is at least fourteen (14) years of age;
 3 (B) is on probation, is on parole, is discharged from a facility
 4 by the department of correction, is discharged from a secure
 5 private facility (as defined in IC 31-9-2-115), or is discharged
 6 from a juvenile detention facility as a result of an adjudication
 7 as a delinquent child for an act that would be an offense
 8 described in subsection (a) if committed by an adult; and
 9 (C) is found by a court by clear and convincing evidence to be
 10 likely to repeat an act that would be an offense described in
 11 subsection (a) if committed by an adult.
 12 (c) In making a determination under subsection (b)(2)(C), the court
 13 shall consider expert testimony concerning whether a child is likely to
 14 repeat an act that would be an offense described in subsection (a) if
 15 committed by an adult.
 16 SECTION 12. IC 11-8-8-17, AS AMENDED BY P.L.44-2018,
 17 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2020]: Sec. 17. (a) A sex or violent offender who knowingly
 19 or intentionally:
 20 (1) fails to register when required to register under this chapter;
 21 (2) fails to register in every location where the sex or violent
 22 offender is required to register under this chapter;
 23 (3) makes a material misstatement or omission while registering
 24 as a sex or violent offender under this chapter;
 25 (4) fails to register in person as required under this chapter; or
 26 (5) does not reside at the sex or violent offender's registered
 27 address or location;
 28 commits a Level 6 felony.
 29 (b) The offense described in subsection (a) is a Level 5 felony if the
 30 sex or violent offender has a prior unrelated conviction for an offense:
 31 (1) under this section;
 32 (2) based on the person's failure to comply with any requirement
 33 imposed on a sex or violent offender under this chapter or under
 34 IC 5-2-12 before its repeal; or
 35 (3) that
 36 ~~(A) is a crime under the laws of another jurisdiction, including~~
 37 ~~a military court; and~~
 38 ~~(B) is:~~
 39 ~~(i) the same or substantially similar to an offense under this~~
 40 ~~section; or~~
 41 ~~(ii) is based on the person's failure to comply with a~~
 42 ~~requirement imposed on the person that is the same or~~



- 1 substantially similar to a requirement imposed on a sex or
 2 violent offender under this chapter or under IC 5-2-12 before
 3 its repeal.
- 4 (c) It is not a defense to a prosecution under this section that the sex
 5 or violent offender was unable to pay the sex or violent offender
 6 registration fee or the sex or violent offender address change fee
 7 described under IC 36-2-13-5.6.
- 8 SECTION 13. IC 11-12-3.7-6, AS AMENDED BY P.L.211-2019,
 9 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2020]: Sec. 6. As used in this chapter, "violent offense" means
 11 one (1) or more of the following offenses:
- 12 (1) Murder (IC 35-42-1-1).
 - 13 (2) Attempted murder (IC 35-41-5-1).
 - 14 (3) Voluntary manslaughter (IC 35-42-1-3).
 - 15 (4) Involuntary manslaughter (IC 35-42-1-4).
 - 16 (5) Reckless homicide (IC 35-42-1-5).
 - 17 (6) Aggravated battery (IC 35-42-2-1.5).
 - 18 (7) Battery (IC 35-42-2-1) as a:
 - 19 (A) Class A felony, Class B felony, or Class C felony (for a
 20 crime committed before July 1, 2014); or
 - 21 (B) Level 2 felony, Level 3 felony, or Level 5 felony (for a
 22 crime committed after June 30, 2014).
 - 23 (8) Kidnapping (IC 35-42-3-2).
 - 24 (9) A sex crime listed in IC 35-42-4-1 through IC 35-42-4-8 that
 25 is a:
 - 26 (A) Class A felony, Class B felony, or Class C felony (for a
 27 crime committed before July 1, 2014); or
 - 28 (B) Level 1 felony, Level 2 felony, Level 3 felony, Level 4
 29 felony, or Level 5 felony (for a crime committed after June 30,
 30 2014).
 - 31 (10) Sexual misconduct with a minor (IC 35-42-4-9) as a:
 - 32 (A) Class A felony or Class B felony (for a crime committed
 33 before July 1, 2014); or
 - 34 (B) Level 1 felony, Level 2 felony, or Level 4 felony (for a
 35 crime committed after June 30, 2014).
 - 36 (11) Incest (IC 35-46-1-3).
 - 37 (12) Robbery (IC 35-42-5-1) as a:
 - 38 (A) Class A felony or a Class B felony (for a crime committed
 39 before July 1, 2014); or
 - 40 (B) Level 2 felony or Level 3 felony (for a crime committed
 41 after June 30, 2014).
 - 42 (13) Burglary (IC 35-43-2-1) as a:



- 1 (A) Class A felony or a Class B felony (for a crime committed
 2 before July 1, 2014); or
 3 (B) Level 1 felony, Level 2 felony, Level 3 felony, or Level 4
 4 felony (for a crime committed after June 30, 2014).
- 5 (14) Carjacking (IC 35-42-5-2) (repealed).
- 6 (15) Assisting a criminal (IC 35-44.1-2-5) as a:
 7 (A) Class C felony (for a crime committed before July 1,
 8 2014); or
 9 (B) Level 5 felony (for a crime committed after June 30,
 10 2014).
- 11 (16) Escape (IC 35-44.1-3-4) as a:
 12 (A) Class B felony or Class C felony (for a crime committed
 13 before July 1, 2014); or
 14 (B) Level 4 felony or Level 5 felony (for a crime committed
 15 after June 30, 2014).
- 16 (17) Trafficking with an inmate (IC 35-44.1-3-5) as a:
 17 (A) Class C felony (for a crime committed before July 1,
 18 2014); or
 19 (B) Level 5 felony (for a crime committed after June 30,
 20 2014).
- 21 (18) Causing death or catastrophic injury when operating a
 22 vehicle (IC 9-30-5-5).
- 23 (19) Criminal confinement (IC 35-42-3-3) as a:
 24 (A) Class B felony (for a crime committed before July 1,
 25 2014); or
 26 (B) Level 3 felony (for a crime committed after June 30,
 27 2014).
- 28 (20) Arson (IC 35-43-1-1) as a:
 29 (A) Class A or Class B felony (for a crime committed before
 30 July 1, 2014); or
 31 (B) Level 2, Level 3, or Level 4 felony (for a crime committed
 32 after June 30, 2014).
- 33 (21) Possession, use, or manufacture of a weapon of mass
 34 destruction (IC 35-46.5-2-1) (or IC 35-47-12-1 before its repeal).
- 35 (22) Terroristic mischief (IC 35-46.5-2-3) (or IC 35-47-12-3
 36 before its repeal) as a:
 37 (A) Class B felony (for a crime committed before July 1,
 38 2014); or
 39 (B) Level 4 felony (for a crime committed after June 30,
 40 2014).
- 41 (23) Hijacking or disrupting an aircraft (IC 35-47-6-1.6).
- 42 (24) A violation of IC 35-47.5 (controlled explosives) as a:



- 1 (A) Class A or Class B felony (for a crime committed before
- 2 July 1, 2014); or
- 3 (B) Level 2 or Level 4 felony (for a crime committed after
- 4 June 30, 2014).
- 5 (25) Domestic battery (IC 35-42-2-1.3) as a Level 2 felony, Level
- 6 3 felony, or Level 5 felony.
- 7 ~~(26) A crime under the laws of another jurisdiction, including a~~
- 8 ~~military court, that is substantially similar to any of the offenses~~
- 9 ~~listed in this subdivision.~~
- 10 ~~(27)~~ **(26)** Any other crimes evidencing a propensity or history of
- 11 violence.
- 12 SECTION 14. IC 12-7-2-53.2, AS AMENDED BY P.L.168-2014,
- 13 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 14 JULY 1, 2020]: Sec. 53.2. "Dangerous felony", for purposes of
- 15 IC 12-17.2, means one (1) or more of the following felonies:
- 16 (1) Murder (IC 35-42-1-1).
- 17 (2) Attempted murder (IC 35-41-5-1).
- 18 (3) Voluntary manslaughter (IC 35-42-1-3).
- 19 (4) Involuntary manslaughter (IC 35-42-1-4).
- 20 (5) Reckless homicide (IC 35-42-1-5).
- 21 (6) Aggravated battery (IC 35-42-2-1.5).
- 22 (7) Kidnapping (IC 35-42-3-2).
- 23 (8) Rape (IC 35-42-4-1).
- 24 (9) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
- 25 (10) Child molesting (IC 35-42-4-3).
- 26 (11) Sexual misconduct with a minor as a Class A felony (for a
- 27 crime committed before July 1, 2014) or a Level 1 felony (for a
- 28 crime committed after June 30, 2014) under IC 35-42-4-9(a)(2)
- 29 or a Class B felony (for a crime committed before July 1, 2014)
- 30 or a Level 2 felony (for a crime committed after June 30, 2014)
- 31 under IC 35-42-4-9(b)(2).
- 32 (12) Robbery as a Class A or Class B felony (for a crime
- 33 committed before July 1, 2014) or a Level 2 or Level 3 felony (for
- 34 a crime committed after June 30, 2014) (IC 35-42-5-1).
- 35 (13) Burglary as a Class A or Class B felony (for a crime
- 36 committed before July 1, 2014) or a Level 2 or Level 3 felony (for
- 37 a crime committed after June 30, 2014) (IC 35-43-2-1).
- 38 (14) Battery as a felony (IC 35-42-2-1).
- 39 (15) Domestic battery (IC 35-42-2-1.3).
- 40 (16) Strangulation (IC 35-42-2-9).
- 41 (17) Criminal confinement (IC 35-42-3-3).
- 42 (18) Sexual battery (IC 35-42-4-8).



1 (19) A felony committed in another jurisdiction that is
2 substantially similar to a felony in this section:

3 (20) An attempt to commit or a conspiracy to commit an offense
4 listed in subdivisions (1) through (19):

5 SECTION 15. IC 14-15-4-1 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) **Subject to**
7 **subsection (b)**, the operator of a boat involved in an accident or a
8 collision resulting in injury to or death of a person or damage to a boat
9 or other property, shall do the following:

10 (1) **If the action described in this subdivision can be done**
11 **without endangering a person**, stop the boat immediately and as
12 close as possible to the scene of the accident.

13 (2) **If the action described in this subdivision can be done**
14 **without endangering a person**, return to the scene of the
15 accident and remain there until the operator has complied with
16 this section.

17 (3) Give:

18 (A) the operator's name and address;

19 (B) a full identification of the boat operated; and

20 (C) the name and address of the owner;

21 to the operator of each other boat and each person injured.

22 (4) Upon request, exhibit the operator's license to the operator of
23 each other boat and each person injured.

24 (5) **Notify emergency services as soon as possible, and** provide
25 reasonable assistance to each person injured, including carrying
26 or arranging for carrying each injured person to a physician,
27 surgeon, or hospital for medical or surgical treatment if:

28 (A) it is apparent that treatment is necessary; or

29 (B) the injured person so requests.

30 (b) **An operator described in subsection (a) shall make a**
31 **reasonable and good faith effort to perform the actions described**
32 **in subsection (a). However, an operator is not required to perform**
33 **an act that would endanger a person.**

34 SECTION 16. IC 16-27-2-5, AS AMENDED BY P.L.51-2016,
35 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JULY 1, 2020]: Sec. 5. (a) Except as provided in subsection (b), a
37 person who operates a home health agency under IC 16-27-1 or a
38 personal services agency under IC 16-27-4 may not employ a person to
39 provide services in a patient's or client's temporary or permanent
40 residence if that person's national criminal history background check
41 or expanded criminal history check indicates that the person has been
42 convicted of any of the following:



- 1 (1) Rape (IC 35-42-4-1).
 2 (2) Criminal deviate conduct (IC 35-42-4-2) (repealed).
 3 (3) Exploitation of an endangered adult (IC 35-46-1-12).
 4 (4) Failure to report battery, neglect, or exploitation of an
 5 endangered adult (IC 35-46-1-13).
 6 (5) Theft (IC 35-43-4), if the conviction for theft occurred less
 7 than ten (10) years before the person's employment application
 8 date.
 9 ~~(6) A felony that is substantially equivalent to a felony listed in:~~
 10 ~~(A) subdivisions (1) through (4); or~~
 11 ~~(B) subdivision (5); if the conviction for theft occurred less~~
 12 ~~than ten (10) years before the person's employment application~~
 13 ~~date;~~
 14 ~~for which the conviction was entered in another state.~~
 15 (b) A home health agency or personal services agency may not
 16 employ a person to provide services in a patient's or client's temporary
 17 or permanent residence for more than twenty-one (21) calendar days
 18 without receipt of that person's national criminal history background
 19 check or expanded criminal history check required by section 4 of this
 20 chapter, unless the state police department, the Federal Bureau of
 21 Investigation under IC 10-13-3-39, or the private agency providing the
 22 expanded criminal history check is responsible for failing to provide
 23 the person's national criminal history background check or expanded
 24 criminal history check to the home health agency or personal services
 25 agency within the time required under this subsection.
 26 SECTION 17. IC 16-31-3-14, AS AMENDED BY P.L.80-2019,
 27 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2020]: Sec. 14. (a) A person holding a certificate or license
 29 issued under this article must comply with the applicable standards and
 30 rules established under this article. A certificate holder or license
 31 holder is subject to disciplinary sanctions under subsection (b) if the
 32 department of homeland security determines that the certificate holder
 33 or license holder:
 34 (1) engaged in or knowingly cooperated in fraud or material
 35 deception in order to obtain a certificate or license, including
 36 cheating on a certification or licensure examination;
 37 (2) engaged in fraud or material deception in the course of
 38 professional services or activities;
 39 (3) advertised services or goods in a false or misleading manner;
 40 (4) falsified or knowingly allowed another person to falsify
 41 attendance records or certificates of completion of continuing
 42 education courses required under this article or rules adopted



- 1 under this article;
- 2 (5) is convicted of a crime, if the act that resulted in the
- 3 conviction has a direct bearing on determining if the certificate
- 4 holder or license holder should be entrusted to provide emergency
- 5 medical services;
- 6 (6) is convicted of violating IC 9-19-14.5;
- 7 (7) fails to comply and maintain compliance with or violates any
- 8 applicable provision, standard, or other requirement of this article
- 9 or rules adopted under this article;
- 10 (8) continues to practice if the certificate holder or license holder
- 11 becomes unfit to practice due to:
- 12 (A) professional incompetence that includes the undertaking
- 13 of professional activities that the certificate holder or license
- 14 holder is not qualified by training or experience to undertake;
- 15 (B) failure to keep abreast of current professional theory or
- 16 practice;
- 17 (C) physical or mental disability; or
- 18 (D) addiction to, abuse of, or dependency on alcohol or other
- 19 drugs that endanger the public by impairing the certificate
- 20 holder's or license holder's ability to practice safely;
- 21 (9) engages in a course of lewd or immoral conduct in connection
- 22 with the delivery of services to the public;
- 23 (10) allows the certificate holder's or license holder's name or a
- 24 certificate or license issued under this article to be used in
- 25 connection with a person who renders services beyond the scope
- 26 of that person's training, experience, or competence;
- 27 (11) is subjected to disciplinary action in another state or
- 28 jurisdiction on grounds similar to those contained in this chapter.
- 29 For purposes of this subdivision, a certified copy of a record of
- 30 disciplinary action constitutes prima facie evidence of a
- 31 disciplinary action in another jurisdiction;
- 32 (12) assists another person in committing an act that would
- 33 constitute a ground for disciplinary sanction under this chapter;
- 34 or
- 35 (13) allows a certificate or license issued by the commission to
- 36 be:
- 37 (A) used by another person; or
- 38 (B) displayed to the public when the certificate or license is
- 39 expired, inactive, invalid, revoked, or suspended.
- 40 (b) The department of homeland security may issue an order under
- 41 IC 4-21.5-3-6 to impose one (1) or more of the following sanctions if
- 42 the department of homeland security determines that a certificate



1 holder or license holder is subject to disciplinary sanctions under
2 subsection (a):

3 (1) Revocation of a certificate holder's certificate or license
4 holder's license for a period not to exceed seven (7) years.

5 (2) Suspension of a certificate holder's certificate or license
6 holder's license for a period not to exceed seven (7) years.

7 (3) Censure of a certificate holder or license holder.

8 (4) Issuance of a letter of reprimand.

9 (5) Assessment of a civil penalty against the certificate holder or
10 license holder in accordance with the following:

11 (A) The civil penalty may not exceed five hundred dollars
12 (\$500) per day per violation.

13 (B) If the certificate holder or license holder fails to pay the
14 civil penalty within the time specified by the department of
15 homeland security, the department of homeland security may
16 suspend the certificate holder's certificate or license holder's
17 license without additional proceedings.

18 (6) Placement of a certificate holder or license holder on
19 probation status and requirement of the certificate holder or
20 license holder to:

21 (A) report regularly to the department of homeland security
22 upon the matters that are the basis of probation;

23 (B) limit practice to those areas prescribed by the department
24 of homeland security;

25 (C) continue or renew professional education approved by the
26 department of homeland security until a satisfactory degree of
27 skill has been attained in those areas that are the basis of the
28 probation; or

29 (D) perform or refrain from performing any acts, including
30 community restitution or service without compensation, that
31 the department of homeland security considers appropriate to
32 the public interest or to the rehabilitation or treatment of the
33 certificate holder or license holder.

34 The department of homeland security may withdraw or modify
35 this probation if the department of homeland security finds after
36 a hearing that the deficiency that required disciplinary action is
37 remedied or that changed circumstances warrant a modification
38 of the order.

39 (c) If an applicant or a certificate holder or license holder has
40 engaged in or knowingly cooperated in fraud or material deception to
41 obtain a certificate or license, including cheating on the certification or
42 licensure examination, the department of homeland security may



1 rescind the certificate or license if it has been granted, void the
 2 examination or other fraudulent or deceptive material, and prohibit the
 3 applicant from reapplying for the certificate or license for a length of
 4 time established by the department of homeland security.

5 (d) The department of homeland security may deny certification or
 6 licensure to an applicant who would be subject to disciplinary sanctions
 7 under subsection (b) if that person were a certificate holder or license
 8 holder, has had disciplinary action taken against the applicant or the
 9 applicant's certificate or license to practice in another state or
 10 jurisdiction, or has practiced without a certificate or license in violation
 11 of the law. A certified copy of the record of disciplinary action is
 12 conclusive evidence of the other jurisdiction's disciplinary action.

13 (e) The department of homeland security may order a certificate
 14 holder or license holder to submit to a reasonable physical or mental
 15 examination if the certificate holder's or license holder's physical or
 16 mental capacity to practice safely and competently is at issue in a
 17 disciplinary proceeding. Failure to comply with a department of
 18 homeland security order to submit to a physical or mental examination
 19 makes a certificate holder or license holder liable to temporary
 20 suspension under subsection (i).

21 (f) Except as provided under subsection (a), subsection (g), and
 22 section 14.5 of this chapter, a certificate or license may not be denied,
 23 revoked, or suspended because the applicant, certificate holder, or
 24 license holder has been convicted of an offense. The acts from which
 25 the applicant's, certificate holder's, or license holder's conviction
 26 resulted may be considered as to whether the applicant or certificate
 27 holder or license holder should be entrusted to serve the public in a
 28 specific capacity.

29 (g) The department of homeland security may deny, suspend, or
 30 revoke a certificate or license issued under this article if the individual
 31 who holds or is applying for the certificate or license is convicted of
 32 any of the following:

- 33 (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
- 34 (2) Possession of methamphetamine under IC 35-48-4-6.1.
- 35 (3) Possession of a controlled substance under IC 35-48-4-7(a).
- 36 (4) Fraudulently obtaining a controlled substance under
 37 IC 35-48-4-7(c).
- 38 (5) Manufacture of paraphernalia as a Class D felony (for a crime
 39 committed before July 1, 2014) or Level 6 felony (for a crime
 40 committed after June 30, 2014) under IC 35-48-4-8.1(b).
- 41 (6) Dealing in paraphernalia as a Class D felony (for a crime
 42 committed before July 1, 2014) or Level 6 felony (for a crime



- 1 committed after June 30, 2014) under IC 35-48-4-8.5(b).
 2 (7) Possession of paraphernalia as a Class D felony (for a crime
 3 committed before July 1, 2014) or Level 6 felony (for a crime
 4 committed after June 30, 2014) under IC 35-48-4-8.3(b) (before
 5 its amendment on July 1, 2015).
 6 (8) Possession of marijuana, hash oil, hashish, or salvia as a Class
 7 D felony (for a crime committed before July 1, 2014) or Level 6
 8 felony (for a crime committed after June 30, 2014) under
 9 IC 35-48-4-11.
 10 (9) A felony offense under IC 35-48-4 involving:
 11 (A) possession of a synthetic drug (as defined in
 12 IC 35-31.5-2-321);
 13 (B) possession of a synthetic drug lookalike substance (as
 14 defined in IC 35-31.5-2-321.5 (before its repeal on July 1,
 15 2019)) as a:
 16 (i) Class D felony (for a crime committed before July 1,
 17 2014); or
 18 (ii) Level 6 felony (for a crime committed after June 30,
 19 2014);
 20 under IC 35-48-4-11.5 (before its repeal on July 1, 2019); or
 21 (C) possession of a controlled substance analog (as defined in
 22 IC 35-48-1-9.3).
 23 (10) Maintaining a common nuisance under IC 35-48-4-13
 24 (repealed) or IC 35-45-1-5, if the common nuisance involves a
 25 controlled substance.
 26 (11) An offense relating to registration, labeling, and prescription
 27 forms under IC 35-48-4-14.
 28 ~~(12) Conspiracy under IC 35-41-5-2 to commit an offense listed~~
 29 ~~in this section.~~
 30 ~~(13) Attempt under IC 35-41-5-1 to commit an offense listed in~~
 31 ~~this section.~~
 32 ~~(14) An offense in any other jurisdiction in which the elements of~~
 33 ~~the offense for which the conviction was entered are substantially~~
 34 ~~similar to the elements of an offense described in this section.~~
 35 (h) A decision of the department of homeland security under
 36 subsections (b) through (g) may be appealed to the commission under
 37 IC 4-21.5-3-7.
 38 (i) The department of homeland security may temporarily suspend
 39 a certificate holder's certificate or license holder's license under
 40 IC 4-21.5-4 before a final adjudication or during the appeals process if
 41 the department of homeland security finds that a certificate holder or
 42 license holder would represent a clear and immediate danger to the



1 public's health, safety, or property if the certificate holder or license
2 holder were allowed to continue to practice.

3 (j) On receipt of a complaint or information alleging that a person
4 certified or licensed under this chapter or IC 16-31-3.5 has engaged in
5 or is engaging in a practice that is subject to disciplinary sanctions
6 under this chapter, the department of homeland security must initiate
7 an investigation against the person.

8 (k) The department of homeland security shall conduct a factfinding
9 investigation as the department of homeland security considers proper
10 in relation to the complaint.

11 (l) The department of homeland security may reinstate a certificate
12 or license that has been suspended under this section if the department
13 of homeland security is satisfied that the applicant is able to practice
14 with reasonable skill, competency, and safety to the public. As a
15 condition of reinstatement, the department of homeland security may
16 impose disciplinary or corrective measures authorized under this
17 chapter.

18 (m) The department of homeland security may not reinstate a
19 certificate or license that has been revoked under this chapter.

20 (n) The department of homeland security must be consistent in the
21 application of sanctions authorized in this chapter. Significant
22 departures from prior decisions involving similar conduct must be
23 explained in the department of homeland security's findings or orders.

24 (o) A certificate holder may not surrender the certificate holder's
25 certificate, and a license holder may not surrender the license holder's
26 license, without the written approval of the department of homeland
27 security, and the department of homeland security may impose any
28 conditions appropriate to the surrender or reinstatement of a
29 surrendered certificate or license.

30 (p) For purposes of this section, "certificate holder" means a person
31 who holds:

- 32 (1) an unlimited certificate;
- 33 (2) a limited or probationary certificate; or
- 34 (3) an inactive certificate.

35 (q) For purposes of this section, "license holder" means a person
36 who holds:

- 37 (1) an unlimited license;
- 38 (2) a limited or probationary license; or
- 39 (3) an inactive license.

40 SECTION 18. IC 16-31-3-14.5, AS AMENDED BY P.L.80-2019,
41 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JULY 1, 2020]: Sec. 14.5. The department of homeland security may

ES 335—LS 6968/DI 106



1 issue an order under IC 4-21.5-3-6 to deny an applicant's request for
 2 certification or licensure or permanently revoke a certificate or license
 3 under procedures provided by section 14 of this chapter if the
 4 individual who holds the certificate or license issued under this title is
 5 convicted of any of the following:

6 (1) Dealing in a controlled substance resulting in death under
 7 IC 35-42-1-1.5.

8 (2) Dealing in or manufacturing cocaine or a narcotic drug under
 9 IC 35-48-4-1.

10 (3) Dealing in methamphetamine under IC 35-48-4-1.1.

11 (4) Manufacturing methamphetamine under IC 35-48-4-1.2.

12 (5) Dealing in a schedule I, II, or III controlled substance under
 13 IC 35-48-4-2.

14 (6) Dealing in a schedule IV controlled substance under
 15 IC 35-48-4-3.

16 (7) Dealing in a schedule V controlled substance under
 17 IC 35-48-4-4.

18 (8) Dealing in a substance represented to be a controlled
 19 substance under IC 35-48-4-4.5 (repealed).

20 (9) Knowingly or intentionally manufacturing, advertising,
 21 distributing, or possessing with intent to manufacture, advertise,
 22 or distribute a substance represented to be a controlled substance
 23 under IC 35-48-4-4.6.

24 (10) Dealing in a counterfeit substance under IC 35-48-4-5.

25 (11) Dealing in marijuana, hash oil, hashish, or salvia as a felony
 26 under IC 35-48-4-10.

27 (12) An offense under IC 35-48-4 involving the manufacture or
 28 sale of a synthetic drug (as defined in IC 35-31.5-2-321), a
 29 synthetic drug lookalike substance (as defined in
 30 IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under
 31 IC 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled
 32 substance analog (as defined in IC 35-48-1-9.3), or a substance
 33 represented to be a controlled substance (as described in
 34 IC 35-48-4-4.6).

35 ~~(13) Conspiracy under IC 35-41-5-2 to commit an offense listed~~
 36 ~~in this section.~~

37 ~~(14) Attempt under IC 35-41-5-1 to commit an offense listed in~~
 38 ~~this section.~~

39 ~~(15) (13) A crime of violence (as defined in IC 35-50-1-2(a)).~~

40 ~~(16) An offense in any other jurisdiction in which the elements of~~
 41 ~~the offense for which the conviction was entered are substantially~~
 42 ~~similar to the elements of an offense described under this section.~~



1 SECTION 19. IC 16-41-8-5, AS AMENDED BY P.L.65-2016,
 2 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2020]: Sec. 5. (a) This section does not apply to medical
 4 testing of an individual for whom an indictment or information is filed
 5 for a sex crime and for whom a request to have the individual tested
 6 under section 6 of this chapter is filed.

7 (b) The following definitions apply throughout this section:

8 (1) "Bodily fluid" means blood, human waste, or any other bodily
 9 fluid.

10 (2) "~~Dangerous disease~~" "**Serious disease**" means any of the
 11 following:

12 (A) Chancroid.

13 (B) Chlamydia.

14 (C) Gonorrhea.

15 (D) Hepatitis.

16 (E) Human immunodeficiency virus (HIV).

17 (F) Lymphogranuloma venereum.

18 (G) Syphilis.

19 (H) Tuberculosis.

20 (3) "Offense involving the transmission of a bodily fluid" means
 21 any offense (including a delinquent act that would be a crime if
 22 committed by an adult) in which a bodily fluid is transmitted from
 23 the defendant to the victim in connection with the commission of
 24 the offense.

25 (c) This subsection applies only to a defendant who has been
 26 charged with a potentially disease transmitting offense. At the request
 27 of an alleged victim of the offense, the parent, guardian, or custodian
 28 of an alleged victim who is less than eighteen (18) years of age, or the
 29 parent, guardian, or custodian of an alleged victim who is an
 30 endangered adult (as defined in IC 12-10-3-2), the prosecuting attorney
 31 shall petition a court to order a defendant charged with the commission
 32 of a potentially disease transmitting offense to submit to a screening
 33 test to determine whether the defendant is infected with a ~~dangerous~~
 34 **serious** disease. In the petition, the prosecuting attorney must set forth
 35 information demonstrating that the defendant has committed a
 36 potentially disease transmitting offense. The court shall set the matter
 37 for hearing not later than forty-eight (48) hours after the prosecuting
 38 attorney files a petition under this subsection. The alleged victim, the
 39 parent, guardian, or custodian of an alleged victim who is less than
 40 eighteen (18) years of age, and the parent, guardian, or custodian of an
 41 alleged victim who is an endangered adult (as defined in IC 12-10-3-2)
 42 are entitled to receive notice of the hearing and are entitled to attend



1 the hearing. The defendant and the defendant's counsel are entitled to
 2 receive notice of the hearing and are entitled to attend the hearing. If,
 3 following the hearing, the court finds probable cause to believe that the
 4 defendant has committed a potentially disease transmitting offense, the
 5 court may order the defendant to submit to a screening test for one (1)
 6 or more ~~dangerous serious~~ diseases. ~~If the defendant is charged with~~
 7 ~~battery (IC 35-42-2-1) or domestic battery (IC 35-42-2-1.3) involving~~
 8 ~~placing a bodily fluid or waste on another person, the court may limit~~
 9 ~~testing under this subsection to a test only for human~~
 10 ~~immunodeficiency virus (HIV). However, the court may order~~
 11 ~~additional testing for human immunodeficiency virus (HIV) as may be~~
 12 ~~medically appropriate.~~ The court shall take actions to ensure the
 13 confidentiality of evidence introduced at the hearing.

14 (d) This subsection applies only to a defendant who has been
 15 charged with an offense involving the transmission of a bodily fluid. At
 16 the request of an alleged victim of the offense, the parent, guardian, or
 17 custodian of an alleged victim who is less than eighteen (18) years of
 18 age, or the parent, guardian, or custodian of an alleged victim who is
 19 an endangered adult (as defined in IC 12-10-3-2), the prosecuting
 20 attorney shall petition a court to order a defendant charged with the
 21 commission of an offense involving the transmission of a bodily fluid
 22 to submit to a screening test to determine whether the defendant is
 23 infected with a ~~dangerous serious~~ disease. In the petition, the
 24 prosecuting attorney must set forth information demonstrating that:

- 25 (1) the defendant has committed an offense; and
 26 (2) a bodily fluid was transmitted from the defendant to the victim
 27 in connection with the commission of the offense.

28 The court shall set the matter for hearing not later than forty-eight (48)
 29 hours after the prosecuting attorney files a petition under this
 30 subsection. The alleged victim of the offense, the parent, guardian, or
 31 custodian of an alleged victim who is less than eighteen (18) years of
 32 age, and the parent, guardian, or custodian of an alleged victim who is
 33 an endangered adult (as defined in IC 12-10-3-2) are entitled to receive
 34 notice of the hearing and are entitled to attend the hearing. The
 35 defendant and the defendant's counsel are entitled to receive notice of
 36 the hearing and are entitled to attend the hearing. If, following the
 37 hearing, the court finds probable cause to believe that the defendant has
 38 committed an offense and that a bodily fluid was transmitted from the
 39 defendant to the alleged victim in connection with the commission of
 40 the offense, the court may order the defendant to submit to a screening
 41 test for one (1) or more ~~dangerous serious~~ diseases. ~~If the defendant is~~
 42 ~~charged with battery (IC 35-42-2-1) or domestic battery~~



1 (~~IC 35-42-2-1.3~~) involving placing bodily fluid or waste on another
 2 person; the court may limit testing under this subsection to a test only
 3 for human immunodeficiency virus (HIV). However, the court may
 4 order additional testing for human immunodeficiency virus (HIV) as
 5 may be medically appropriate. The court shall take actions to ensure
 6 the confidentiality of evidence introduced at the hearing.

7 (e) The testimonial privileges applying to communication between
 8 a husband and wife and between a health care provider and the health
 9 care provider's patient are not sufficient grounds for not testifying or
 10 providing other information at a hearing conducted in accordance with
 11 this section.

12 (f) A health care provider (as defined in IC 16-18-2-163) who
 13 discloses information that must be disclosed to comply with this
 14 section is immune from civil and criminal liability under Indiana
 15 statutes that protect patient privacy and confidentiality.

16 (g) The results of a screening test conducted under this section shall
 17 be kept confidential if the defendant ordered to submit to the screening
 18 test under this section has not been convicted of the potentially disease
 19 transmitting offense or offense involving the transmission of a bodily
 20 fluid with which the defendant is charged. The results may not be made
 21 available to any person or public or private agency other than the
 22 following:

- 23 (1) The defendant and the defendant's counsel.
- 24 (2) The prosecuting attorney.
- 25 (3) The department of correction or the penal facility, juvenile
 26 detention facility, or secure private facility where the defendant
 27 is housed.
- 28 (4) The alleged victim or the parent, guardian, or custodian of an
 29 alleged victim who is less than eighteen (18) years of age, or the
 30 parent, guardian, or custodian of an alleged victim who is an
 31 endangered adult (as defined in IC 12-10-3-2), and the alleged
 32 victim's counsel.

33 The results of a screening test conducted under this section may not be
 34 admitted against a defendant in a criminal proceeding or against a child
 35 in a juvenile delinquency proceeding.

36 (h) As soon as practicable after a screening test ordered under this
 37 section has been conducted, the alleged victim or the parent, guardian,
 38 or custodian of an alleged victim who is less than eighteen (18) years
 39 of age, or the parent, guardian, or custodian of an alleged victim who
 40 is an endangered adult (as defined in IC 12-10-3-2), and the victim's
 41 counsel shall be notified of the results of the test.

42 (i) An alleged victim may disclose the results of a screening test to



1 which a defendant is ordered to submit under this section to an
 2 individual or organization to protect the health and safety of or to seek
 3 compensation for:

- 4 (1) the alleged victim;
- 5 (2) the alleged victim's sexual partner; or
- 6 (3) the alleged victim's family.

7 (j) The court shall order a petition filed and any order entered under
 8 this section sealed.

9 (k) A person that knowingly or intentionally:

- 10 (1) receives notification or disclosure of the results of a screening
- 11 test under this section; and
- 12 (2) discloses the results of the screening test in violation of this
- 13 section;

14 commits a Class B misdemeanor.

15 SECTION 20. IC 16-41-14-17 IS REPEALED [EFFECTIVE JULY
 16 1, 2020]. See: 17. (a) This section does not apply to a person who
 17 transfers for research purposes semen that contains antibodies for the
 18 human immunodeficiency virus (HIV):

19 (b) A person who, for the purpose of artificial insemination,
 20 recklessly, knowingly, or intentionally donates, sells, or transfers semen
 21 that contains antibodies for the human immunodeficiency virus (HIV)
 22 commits transferring contaminated semen, a Level 5 felony. The
 23 offense is a Level 4 felony if the offense results in the transmission of
 24 the virus to another person:

25 SECTION 21. IC 20-26-5-11, AS AMENDED BY P.L.85-2017,
 26 SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2020]: Sec. 11. (a) This section applies to:

- 28 (1) a school corporation;
- 29 (2) a charter school; and
- 30 (3) an entity:
 - 31 (A) with which the school corporation contracts for services;
 - 32 and
 - 33 (B) that has employees who are likely to have direct, ongoing
 - 34 contact with children within the scope of the employees'
 - 35 employment.

36 (b) A school corporation, charter school, or entity may use
 37 information obtained under section 10 of this chapter concerning an
 38 individual's conviction for one (1) of the following offenses as grounds
 39 to not employ or contract with the individual:

- 40 (1) Murder (IC 35-42-1-1).
- 41 (2) Causing suicide (IC 35-42-1-2).
- 42 (3) Assisting suicide (IC 35-42-1-2.5).



- 1 (4) Voluntary manslaughter (IC 35-42-1-3).
- 2 (5) Reckless homicide (IC 35-42-1-5).
- 3 (6) Battery (IC 35-42-2-1) unless ten (10) years have elapsed from
- 4 the date the individual was discharged from probation,
- 5 imprisonment, or parole, whichever is later.
- 6 (7) Aggravated battery (IC 35-42-2-1.5).
- 7 (8) Kidnapping (IC 35-42-3-2).
- 8 (9) Criminal confinement (IC 35-42-3-3).
- 9 (10) A sex offense under IC 35-42-4.
- 10 (11) Carjacking (IC 35-42-5-2) (repealed).
- 11 (12) Arson (IC 35-43-1-1), unless ten (10) years have elapsed
- 12 from the date the individual was discharged from probation,
- 13 imprisonment, or parole, whichever is later.
- 14 (13) Incest (IC 35-46-1-3).
- 15 (14) Neglect of a dependent as a Class B felony (for a crime
- 16 committed before July 1, 2014) or a Level 1 felony or Level 3
- 17 felony (for a crime committed after June 30, 2014)
- 18 (IC 35-46-1-4(b)(2)), unless ten (10) years have elapsed from the
- 19 date the individual was discharged from probation, imprisonment,
- 20 or parole, whichever is later.
- 21 (15) Child selling (IC 35-46-1-4(d)).
- 22 (16) Contributing to the delinquency of a minor (IC 35-46-1-8),
- 23 unless ten (10) years have elapsed from the date the individual
- 24 was discharged from probation, imprisonment, or parole,
- 25 whichever is later.
- 26 (17) An offense involving a weapon under IC 35-47 or
- 27 IC 35-47.5, unless ten (10) years have elapsed from the date the
- 28 individual was discharged from probation, imprisonment, or
- 29 parole, whichever is later.
- 30 (18) An offense relating to controlled substances under
- 31 IC 35-48-4, unless ten (10) years have elapsed from the date the
- 32 individual was discharged from probation, imprisonment, or
- 33 parole, whichever is later.
- 34 (19) An offense relating to material or a performance that is
- 35 harmful to minors or obscene under IC 35-49-3, unless ten (10)
- 36 years have elapsed from the date the individual was discharged
- 37 from probation, imprisonment, or parole, whichever is later.
- 38 (20) An offense relating to operating a motor vehicle while
- 39 intoxicated under IC 9-30-5, unless five (5) years have elapsed
- 40 from the date the individual was discharged from probation,
- 41 imprisonment, or parole, whichever is later.
- 42 (21) Domestic battery (IC 35-42-2-1.3), unless ten (10) years have



1 elapsed from the date the individual was discharged from
2 probation, imprisonment, or parole, whichever is latest.

3 ~~(22) An offense that is substantially equivalent to any of the~~
4 ~~offenses listed in this subsection in which the judgment of~~
5 ~~conviction was entered under the law of any other jurisdiction:~~

6 (c) An individual employed by a school corporation, charter school,
7 or entity described in subsection (a) shall notify the governing body of
8 the school corporation, if during the course of the individual's
9 employment, the individual is convicted in Indiana or another
10 jurisdiction of an offense described in subsection (b).

11 (d) A school corporation, charter school, or entity may use
12 information obtained under section 10 of this chapter concerning an
13 individual being the subject of a substantiated report of child abuse or
14 neglect as grounds to not employ or contract with the individual.

15 (e) An individual employed by a school corporation, charter school,
16 or entity described in subsection (a) shall notify the governing body of
17 the school corporation, if during the course of the individual's
18 employment, the individual is the subject of a substantiated report of
19 child abuse or neglect.

20 SECTION 22. IC 20-26-14-8, AS ADDED BY P.L.169-2019,
21 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 JULY 1, 2020]: Sec. 8. (a) The department shall notify the association
23 of any license revocation or suspension involving a licensed teacher (as
24 defined in IC 20-18-2-22) under IC 20-28-5-8 who:

25 (1) has:

26 (A) been convicted of an offense described in IC 20-28-5-8(c);
27 ~~or of a known comparable offense in another state;~~ or

28 (B) committed misconduct described in IC 20-28-5-7(1) or
29 IC 20-28-5-7(2); and

30 (2) is also a coach accredited by the association.

31 (b) A school corporation, charter high school, or nonpublic high
32 school with at least one (1) employee must report to the association, in
33 a manner prescribed by the association, when a nonteaching or
34 volunteer coach accredited by the association has been convicted of an
35 offense described in IC 20-28-5-8(c). ~~or of a known comparable~~
36 ~~offense in another state.~~

37 (c) The association shall develop a rule, as soon as practicable, to
38 suspend or revoke the coaching accreditation of a teacher who has been
39 reported to the association under subsection (a) for committing
40 misconduct described in IC 20-28-5-7(1) or IC 20-28-5-7(2).

41 (d) The association shall revoke the accreditation of any coach who
42 has been convicted of an offense described in IC 20-28-5-8. The



1 association may, after holding a hearing on the matter, reinstate the
 2 accreditation of an individual whose accreditation has been revoked by
 3 the association if the individual's conviction has been reversed,
 4 vacated, or set aside on appeal.

5 (e) Nothing in this section shall be construed to prohibit the
 6 association from revoking a coaching accreditation or otherwise
 7 imposing any other form of discipline for misconduct not described in
 8 IC 20-28-5-7(1), IC 20-28-5-7(2), or IC 20-28-5-8.

9 (f) The:

- 10 (1) association or its employees;
 11 (2) department or its employees; or
 12 (3) school corporation, charter high school, or nonpublic high
 13 school with at least one (1) employee or its employees;

14 are immune from civil liability for any act done or omitted under this
 15 section or section 9 of this chapter unless the action constitutes gross
 16 negligence or willful or wanton misconduct.

17 SECTION 23. IC 22-15-5-16, AS AMENDED BY P.L.80-2019,
 18 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2020]: Sec. 16. (a) A practitioner shall comply with the
 20 standards established under this licensing program. A practitioner is
 21 subject to the exercise of the disciplinary sanctions under subsection
 22 (b) if the department finds that a practitioner has:

- 23 (1) engaged in or knowingly cooperated in fraud or material
 24 deception in order to obtain a license to practice, including
 25 cheating on a licensing examination;
 26 (2) engaged in fraud or material deception in the course of
 27 professional services or activities;
 28 (3) advertised services or goods in a false or misleading manner;
 29 (4) falsified or knowingly allowed another person to falsify
 30 attendance records or certificates of completion of continuing
 31 education courses provided under this chapter;
 32 (5) been convicted of a crime that has a direct bearing on the
 33 practitioner's ability to continue to practice competently;
 34 (6) knowingly violated a state statute or rule or federal statute or
 35 regulation regulating the profession for which the practitioner is
 36 licensed;
 37 (7) continued to practice although the practitioner has become
 38 unfit to practice due to:
 39 (A) professional incompetence;
 40 (B) failure to keep abreast of current professional theory or
 41 practice;
 42 (C) physical or mental disability; or



- 1 (D) addiction to, abuse of, or severe dependency on alcohol or
 2 other drugs that endanger the public by impairing a
 3 practitioner's ability to practice safely;
- 4 (8) engaged in a course of lewd or immoral conduct in connection
 5 with the delivery of services to the public;
- 6 (9) allowed the practitioner's name or a license issued under this
 7 chapter to be used in connection with an individual or business
 8 who renders services beyond the scope of that individual's or
 9 business's training, experience, or competence;
- 10 (10) had disciplinary action taken against the practitioner or the
 11 practitioner's license to practice in another state or jurisdiction on
 12 grounds similar to those under this chapter;
- 13 (11) assisted another person in committing an act that would
 14 constitute a ground for disciplinary sanction under this chapter;
 15 or
- 16 (12) allowed a license issued by the department to be:
 17 (A) used by another person; or
 18 (B) displayed to the public when the license has expired, is
 19 inactive, is invalid, or has been revoked or suspended.
- 20 For purposes of subdivision (10), a certified copy of a record of
 21 disciplinary action constitutes prima facie evidence of a disciplinary
 22 action in another jurisdiction.
- 23 (b) The department may impose one (1) or more of the following
 24 sanctions if the department finds that a practitioner is subject to
 25 disciplinary sanctions under subsection (a):
- 26 (1) Permanent revocation of a practitioner's license.
 27 (2) Suspension of a practitioner's license.
 28 (3) Censure of a practitioner.
 29 (4) Issuance of a letter of reprimand.
 30 (5) Assessment of a civil penalty against the practitioner in
 31 accordance with the following:
- 32 (A) The civil penalty may not be more than one thousand
 33 dollars (\$1,000) for each violation listed in subsection (a),
 34 except for a finding of incompetency due to a physical or
 35 mental disability.
 36 (B) When imposing a civil penalty, the department shall
 37 consider a practitioner's ability to pay the amount assessed. If
 38 the practitioner fails to pay the civil penalty within the time
 39 specified by the department, the department may suspend the
 40 practitioner's license without additional proceedings. However,
 41 a suspension may not be imposed if the sole basis for the
 42 suspension is the practitioner's inability to pay a civil penalty.



- 1 (6) Placement of a practitioner on probation status and
2 requirement of the practitioner to:
- 3 (A) report regularly to the department upon the matters that
4 are the basis of probation;
- 5 (B) limit practice to those areas prescribed by the department;
- 6 (C) continue or renew professional education approved by the
7 department until a satisfactory degree of skill has been attained
8 in those areas that are the basis of the probation; or
- 9 (D) perform or refrain from performing any acts, including
10 community restitution or service without compensation, that
11 the department considers appropriate to the public interest or
12 to the rehabilitation or treatment of the practitioner.
- 13 The department may withdraw or modify this probation if the
14 department finds after a hearing that the deficiency that required
15 disciplinary action has been remedied or that changed
16 circumstances warrant a modification of the order.
- 17 (c) If an applicant or a practitioner has engaged in or knowingly
18 cooperated in fraud or material deception to obtain a license to
19 practice, including cheating on the licensing examination, the
20 department may rescind the license if it has been granted, void the
21 examination or other fraudulent or deceptive material, and prohibit the
22 applicant from reapplying for the license for a length of time
23 established by the department.
- 24 (d) The department may deny licensure to an applicant who has had
25 disciplinary action taken against the applicant or the applicant's license
26 to practice in another state or jurisdiction or who has practiced without
27 a license in violation of the law. A certified copy of the record of
28 disciplinary action is conclusive evidence of the other jurisdiction's
29 disciplinary action.
- 30 (e) The department may order a practitioner to submit to a
31 reasonable physical or mental examination if the practitioner's physical
32 or mental capacity to practice safely and competently is at issue in a
33 disciplinary proceeding. Failure to comply with a department order to
34 submit to a physical or mental examination makes a practitioner liable
35 to temporary suspension under subsection (j).
- 36 (f) Except as provided under subsection (g) or (h), a license may not
37 be denied, revoked, or suspended because the applicant or holder has
38 been convicted of an offense. The acts from which the applicant's or
39 holder's conviction resulted may, however, be considered as to whether
40 the applicant or holder should be entrusted to serve the public in a
41 specific capacity.
- 42 (g) The department may deny, suspend, or revoke a license issued



1 under this chapter if the individual who holds the license is convicted
 2 of any of the following:

- 3 (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
 4 (2) Possession of methamphetamine under IC 35-48-4-6.1.
 5 (3) Possession of a controlled substance under IC 35-48-4-7(a).
 6 (4) Fraudulently obtaining a controlled substance under
 7 IC 35-48-4-7(b) (for a crime committed before July 1, 2014) or
 8 IC 35-48-4-7(c) (for a crime committed after June 30, 2014).
 9 (5) Manufacture of paraphernalia as a Class D felony (for a crime
 10 committed before July 1, 2014) or a Level 6 felony (for a crime
 11 committed after June 30, 2014) under IC 35-48-4-8.1(b).
 12 (6) Dealing in paraphernalia as a Class D felony (for a crime
 13 committed before July 1, 2014) or a Level 6 felony (for a crime
 14 committed after June 30, 2014) under IC 35-48-4-8.5(b).
 15 (7) Possession of paraphernalia as a Class D felony (for a crime
 16 committed before July 1, 2014) or a Level 6 felony (for a crime
 17 committed after June 30, 2014) under IC 35-48-4-8.3(b) (before
 18 its amendment on July 1, 2015).
 19 (8) Possession of marijuana, hash oil, hashish, or salvia as a Class
 20 D felony (for a crime committed before July 1, 2014) or a Level
 21 6 felony (for a crime committed after June 30, 2014) under
 22 IC 35-48-4-11.
 23 (9) A felony offense under IC 35-48-4 involving possession of a
 24 synthetic drug (as defined in IC 35-31.5-2-321), possession of a
 25 controlled substance analog (as defined in IC 35-48-1-9.3), or
 26 possession of a synthetic drug lookalike substance (as defined in
 27 IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) as a:
 28 (A) Class D felony for a crime committed before July 1, 2014;
 29 or
 30 (B) Level 6 felony for a crime committed after June 30, 2014;
 31 under IC 35-48-4-11.5 (before its repeal on July 1, 2019).
 32 (10) Maintaining a common nuisance under IC 35-48-4-13
 33 (repealed) or IC 35-45-1-5, if the common nuisance involves a
 34 controlled substance.
 35 (11) An offense relating to registration, labeling, and prescription
 36 forms under IC 35-48-4-14.
 37 (12) Conspiracy under IC 35-41-5-2 to commit an offense listed
 38 in this subsection.
 39 (13) Attempt under IC 35-41-5-1 to commit an offense listed in
 40 this subsection.
 41 (14) An offense in any other jurisdiction in which the elements of
 42 the offense for which the conviction was entered are substantially



- 1 ~~similar to the elements of an offense described in this subsection.~~
 2 (h) The department shall deny, revoke, or suspend a license issued
 3 under this chapter if the individual who holds the license is convicted
 4 of any of the following:
- 5 (1) Dealing in a controlled substance resulting in death under
 6 IC 35-42-1-1.5.
 - 7 (2) Dealing in cocaine or a narcotic drug under IC 35-48-4-1.
 - 8 (3) Dealing in methamphetamine under IC 35-48-4-1.1.
 - 9 (4) Manufacturing methamphetamine under IC 35-48-4-1.2.
 - 10 (5) Dealing in a schedule I, II, or III controlled substance under
 11 IC 35-48-4-2.
 - 12 (6) Dealing in a schedule IV controlled substance under
 13 IC 35-48-4-3.
 - 14 (7) Dealing in a schedule V controlled substance under
 15 IC 35-48-4-4.
 - 16 (8) Dealing in a substance represented to be a controlled
 17 substance under IC 35-48-4-4.5 (repealed).
 - 18 (9) Knowingly or intentionally manufacturing, advertising,
 19 distributing, or possessing with intent to manufacture, advertise,
 20 or distribute a substance represented to be a controlled substance
 21 under IC 35-48-4-4.6.
 - 22 (10) Dealing in a counterfeit substance under IC 35-48-4-5.
 - 23 (11) Dealing in marijuana, hash oil, hashish, or salvia as a felony
 24 under IC 35-48-4-10.
 - 25 (12) An offense under IC 35-48-4 involving the manufacture or
 26 sale of a synthetic drug (as defined in IC 35-31.5-2-321), a
 27 synthetic drug lookalike substance (as defined in
 28 IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under
 29 IC 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled
 30 substance analog (as defined in IC 35-48-1-9.3), or a substance
 31 represented to be a controlled substance (as described in
 32 IC 35-48-4-4.6).
 - 33 ~~(13) Conspiracy under IC 35-41-5-2 to commit an offense listed~~
 34 ~~in this subsection.~~
 - 35 ~~(14) Attempt under IC 35-41-5-1 to commit an offense listed in~~
 36 ~~this subsection.~~
 - 37 ~~(15) An offense in any other jurisdiction in which the elements of~~
 38 ~~the offense for which the conviction was entered are substantially~~
 39 ~~similar to the elements of an offense described in this subsection.~~
 - 40 ~~(16)~~ **(13)** A violation of any federal or state drug law or rule
 41 related to wholesale legend drug distributors licensed under
 42 IC 25-26-14.



1 (i) A decision of the department under subsections (b) through (h)
2 may be appealed to the commission under IC 4-21.5-3-7.

3 (j) The department may temporarily suspend a practitioner's license
4 under IC 4-21.5-4 before a final adjudication or during the appeals
5 process if the department finds that a practitioner represents a clear and
6 immediate danger to the public's health, safety, or property if the
7 practitioner is allowed to continue to practice.

8 (k) On receipt of a complaint or an information alleging that a
9 person licensed under this chapter has engaged in or is engaging in a
10 practice that jeopardizes the public health, safety, or welfare, the
11 department shall initiate an investigation against the person.

12 (l) Any complaint filed with the office of the attorney general
13 alleging a violation of this licensing program shall be referred to the
14 department for summary review and for its general information and any
15 authorized action at the time of the filing.

16 (m) The department shall conduct a fact finding investigation as the
17 department considers proper in relation to the complaint.

18 (n) The department may reinstate a license that has been suspended
19 under this section if, after a hearing, the department is satisfied that the
20 applicant is able to practice with reasonable skill, safety, and
21 competency to the public. As a condition of reinstatement, the
22 department may impose disciplinary or corrective measures authorized
23 under this chapter.

24 (o) The department may not reinstate a license that has been
25 revoked under this chapter. An individual whose license has been
26 revoked under this chapter may not apply for a new license until seven
27 (7) years after the date of revocation.

28 (p) The department shall seek to achieve consistency in the
29 application of sanctions authorized in this chapter. Significant
30 departures from prior decisions involving similar conduct must be
31 explained in the department's findings or orders.

32 (q) A practitioner may petition the department to accept the
33 surrender of the practitioner's license instead of having a hearing before
34 the commission. The practitioner may not surrender the practitioner's
35 license without the written approval of the department, and the
36 department may impose any conditions appropriate to the surrender or
37 reinstatement of a surrendered license.

38 (r) A practitioner who has been subjected to disciplinary sanctions
39 may be required by the commission to pay the costs of the proceeding.
40 The practitioner's ability to pay shall be considered when costs are
41 assessed. If the practitioner fails to pay the costs, a suspension may not
42 be imposed solely upon the practitioner's inability to pay the amount



1 assessed. The costs are limited to costs for the following:

- 2 (1) Court reporters.
- 3 (2) Transcripts.
- 4 (3) Certification of documents.
- 5 (4) Photo duplication.
- 6 (5) Witness attendance and mileage fees.
- 7 (6) Postage.
- 8 (7) Expert witnesses.
- 9 (8) Depositions.
- 10 (9) Notarizations.

11 SECTION 24. IC 24-5-0.5-3, AS AMENDED BY P.L.211-2019,
 12 SECTION 33, AND AS AMENDED BY P.L.242-2019, SECTION 6,
 13 AND AS AMENDED BY THE TECHNICAL CORRECTIONS BILL
 14 OF THE 2020 GENERAL ASSEMBLY, IS CORRECTED AND
 15 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]:

16 Sec. 3. (a) A supplier may not commit an unfair, abusive, or deceptive
 17 act, omission, or practice in connection with a consumer transaction.
 18 Such an act, omission, or practice by a supplier is a violation of this
 19 chapter whether it occurs before, during, or after the transaction. An
 20 act, omission, or practice prohibited by this section includes both
 21 implicit and explicit misrepresentations.

22 (b) Without limiting the scope of subsection (a), the following acts,
 23 and the following representations as to the subject matter of a
 24 consumer transaction, made orally, in writing, or by electronic
 25 communication, by a supplier, are deceptive acts:

- 26 (1) That such subject of a consumer transaction has sponsorship,
 27 approval, performance, characteristics, accessories, uses, or
 28 benefits it does not have which the supplier knows or should
 29 reasonably know it does not have.
- 30 (2) That such subject of a consumer transaction is of a particular
 31 standard, quality, grade, style, or model, if it is not and if the
 32 supplier knows or should reasonably know that it is not.
- 33 (3) That such subject of a consumer transaction is new or unused,
 34 if it is not and if the supplier knows or should reasonably know
 35 that it is not.
- 36 (4) That such subject of a consumer transaction will be supplied
 37 to the public in greater quantity than the supplier intends or
 38 reasonably expects.
- 39 (5) That replacement or repair constituting the subject of a
 40 consumer transaction is needed, if it is not and if the supplier
 41 knows or should reasonably know that it is not.
- 42 (6) That a specific price advantage exists as to such subject of a



- 1 consumer transaction, if it does not and if the supplier knows or
2 should reasonably know that it does not.
- 3 (7) That the supplier has a sponsorship, approval, or affiliation in
4 such consumer transaction the supplier does not have, and which
5 the supplier knows or should reasonably know that the supplier
6 does not have.
- 7 (8) That such consumer transaction involves or does not involve
8 a warranty, a disclaimer of warranties, or other rights, remedies,
9 or obligations, if the representation is false and if the supplier
10 knows or should reasonably know that the representation is false.
- 11 (9) That the consumer will receive a rebate, discount, or other
12 benefit as an inducement for entering into a sale or lease in return
13 for giving the supplier the names of prospective consumers or
14 otherwise helping the supplier to enter into other consumer
15 transactions, if earning the benefit, rebate, or discount is
16 contingent upon the occurrence of an event subsequent to the time
17 the consumer agrees to the purchase or lease.
- 18 (10) That the supplier is able to deliver or complete the subject of
19 the consumer transaction within a stated period of time, when the
20 supplier knows or should reasonably know the supplier could not.
21 If no time period has been stated by the supplier, there is a
22 presumption that the supplier has represented that the supplier
23 will deliver or complete the subject of the consumer transaction
24 within a reasonable time, according to the course of dealing or the
25 usage of the trade.
- 26 (11) That the consumer will be able to purchase the subject of the
27 consumer transaction as advertised by the supplier, if the supplier
28 does not intend to sell it.
- 29 (12) That the replacement or repair constituting the subject of a
30 consumer transaction can be made by the supplier for the estimate
31 the supplier gives a customer for the replacement or repair, if the
32 specified work is completed and:
- 33 (A) the cost exceeds the estimate by an amount equal to or
34 greater than ten percent (10%) of the estimate;
- 35 (B) the supplier did not obtain written permission from the
36 customer to authorize the supplier to complete the work even
37 if the cost would exceed the amounts specified in clause (A);
- 38 (C) the total cost for services and parts for a single transaction
39 is more than seven hundred fifty dollars (\$750); and
- 40 (D) the supplier knew or reasonably should have known that
41 the cost would exceed the estimate in the amounts specified in
42 clause (A).



- 1 (13) That the replacement or repair constituting the subject of a
 2 consumer transaction is needed, and that the supplier disposes of
 3 the part repaired or replaced earlier than seventy-two (72) hours
 4 after both:
 5 (A) the customer has been notified that the work has been
 6 completed; and
 7 (B) the part repaired or replaced has been made available for
 8 examination upon the request of the customer.
- 9 (14) Engaging in the replacement or repair of the subject of a
 10 consumer transaction if the consumer has not authorized the
 11 replacement or repair, and if the supplier knows or should
 12 reasonably know that it is not authorized.
- 13 (15) The act of misrepresenting the geographic location of the
 14 supplier by listing an alternate business name or an assumed
 15 business name (as described in IC 23-0.5-3-4) in a local telephone
 16 directory if:
 17 (A) the name misrepresents the supplier's geographic location;
 18 (B) the listing fails to identify the locality and state of the
 19 supplier's business;
 20 (C) calls to the local telephone number are routinely forwarded
 21 or otherwise transferred to a supplier's business location that
 22 is outside the calling area covered by the local telephone
 23 directory; and
 24 (D) the supplier's business location is located in a county that
 25 is not contiguous to a county in the calling area covered by the
 26 local telephone directory.
- 27 (16) The act of listing an alternate business name or assumed
 28 business name (as described in IC 23-0.5-3-4) in a directory
 29 assistance data base if:
 30 (A) the name misrepresents the supplier's geographic location;
 31 (B) calls to the local telephone number are routinely forwarded
 32 or otherwise transferred to a supplier's business location that
 33 is outside the local calling area; and
 34 (C) the supplier's business location is located in a county that
 35 is not contiguous to a county in the local calling area.
- 36 (17) The violation by a supplier of IC 24-3-4 concerning
 37 cigarettes for import or export.
- 38 (18) The act of a supplier in knowingly selling or reselling a
 39 product to a consumer if the product has been recalled, whether
 40 by the order of a court or a regulatory body, or voluntarily by the
 41 manufacturer, distributor, or retailer, unless the product has been
 42 repaired or modified to correct the defect that was the subject of



- 1 the recall.
- 2 (19) The violation by a supplier of 47 U.S.C. 227, including any
- 3 rules or regulations issued under 47 U.S.C. 227.
- 4 (20) The violation by a supplier of the federal Fair Debt
- 5 Collection Practices Act (15 U.S.C. 1692 et seq.), including any
- 6 rules or regulations issued under the federal Fair Debt Collection
- 7 Practices Act (15 U.S.C. 1692 et seq.).
- 8 (21) A violation of IC 24-5-7 (concerning health spa services), as
- 9 set forth in IC 24-5-7-17.
- 10 (22) A violation of IC 24-5-8 (concerning business opportunity
- 11 transactions), as set forth in IC 24-5-8-20.
- 12 (23) A violation of IC 24-5-10 (concerning home consumer
- 13 transactions), as set forth in IC 24-5-10-18.
- 14 (24) A violation of IC 24-5-11 (concerning real property
- 15 improvement contracts), as set forth in IC 24-5-11-14.
- 16 (25) A violation of IC 24-5-12 (concerning telephone
- 17 solicitations), as set forth in IC 24-5-12-23.
- 18 (26) A violation of IC 24-5-13.5 (concerning buyback motor
- 19 vehicles), as set forth in IC 24-5-13.5-14.
- 20 (27) A violation of IC 24-5-14 (concerning automatic
- 21 dialing-announcing devices), as set forth in IC 24-5-14-13.
- 22 (28) A violation of IC 24-5-15 (concerning credit services
- 23 organizations), as set forth in IC 24-5-15-11.
- 24 (29) A violation of IC 24-5-16 (concerning unlawful motor
- 25 vehicle subleasing), as set forth in IC 24-5-16-18.
- 26 (30) A violation of IC 24-5-17 (concerning environmental
- 27 marketing claims), as set forth in IC 24-5-17-14.
- 28 (31) A violation of IC 24-5-19 (concerning deceptive commercial
- 29 solicitation), as set forth in IC 24-5-19-11.
- 30 (32) A violation of IC 24-5-21 (concerning prescription drug
- 31 discount cards), as set forth in IC 24-5-21-7.
- 32 (33) A violation of IC 24-5-23.5-7 (concerning real estate
- 33 appraisals), as set forth in IC 24-5-23.5-9.
- 34 (34) A violation of IC 24-5-26 (concerning identity theft), as set
- 35 forth in IC 24-5-26-3.
- 36 (35) A violation of IC 24-5.5 (concerning mortgage rescue fraud),
- 37 as set forth in IC 24-5.5-6-1.
- 38 (36) A violation of IC 24-8 (concerning promotional gifts and
- 39 contests), as set forth in IC 24-8-6-3.
- 40 (37) A violation of IC 21-18.5-6 (concerning representations
- 41 made by a postsecondary credit bearing proprietary educational
- 42 institution), as set forth in IC 21-18.5-6-22.5.



- 1 (38) *A violation of IC 24-5-15.5 (concerning collection actions of*
 2 *a plaintiff debt buyer), as set forth in IC 24-5-15.5-6.*
 3 ~~(38)~~ (39) *A violation of IC 24-14 (concerning towing services), as*
 4 *set forth in IC 24-14-10-1.*
 5 ~~(38)~~ **(40)** *A violation of IC 24-5-14.5 (concerning misleading or*
 6 *inaccurate caller identification information), as set forth in*
 7 *IC 24-5-14.5-12.*
 8 **(41) A violation of IC 24-5-27-5 or IC 24-5-27-6 (concerning**
 9 **gift certificates and store gift cards), as set forth in**
 10 **IC 24-5-27-7.**
 11 (c) Any representations on or within a product or its packaging or
 12 in advertising or promotional materials which would constitute a
 13 deceptive act shall be the deceptive act both of the supplier who places
 14 such representation thereon or therein, or who authored such materials,
 15 and such other suppliers who shall state orally or in writing that such
 16 representation is true if such other supplier shall know or have reason
 17 to know that such representation was false.
 18 (d) If a supplier shows by a preponderance of the evidence that an
 19 act resulted from a bona fide error notwithstanding the maintenance of
 20 procedures reasonably adopted to avoid the error, such act shall not be
 21 deceptive within the meaning of this chapter.
 22 (e) It shall be a defense to any action brought under this chapter that
 23 the representation constituting an alleged deceptive act was one made
 24 in good faith by the supplier without knowledge of its falsity and in
 25 reliance upon the oral or written representations of the manufacturer,
 26 the person from whom the supplier acquired the product, any testing
 27 organization, or any other person provided that the source thereof is
 28 disclosed to the consumer.
 29 (f) For purposes of subsection (b)(12), a supplier that provides
 30 estimates before performing repair or replacement work for a customer
 31 shall give the customer a written estimate itemizing as closely as
 32 possible the price for labor and parts necessary for the specific job
 33 before commencing the work.
 34 (g) For purposes of subsection (b)(15) and (b)(16), a telephone
 35 company or other provider of a telephone directory or directory
 36 assistance service or its officer or agent is immune from liability for
 37 publishing the listing of an alternate business name or assumed
 38 business name of a supplier in its directory or directory assistance data
 39 base unless the telephone company or other provider of a telephone
 40 directory or directory assistance service is the same person as the
 41 supplier who has committed the deceptive act.
 42 (h) For purposes of subsection (b)(18), it is an affirmative defense



1 to any action brought under this chapter that the product has been
 2 altered by a person other than the defendant to render the product
 3 completely incapable of serving its original purpose.

4 SECTION 25. IC 24-5-26-1, AS ADDED BY P.L.137-2009,
 5 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2020]: Sec. 1. As used in this chapter, "identity theft" means:

- 7 (1) identity deception (IC 35-43-5-3.5); **or**
 8 (2) synthetic identity deception (IC 35-43-5-3.8). **or**
 9 ~~(3) a substantially similar crime committed in another~~
 10 ~~jurisdiction.~~

11 SECTION 26. IC 24-5-27 IS ADDED TO THE INDIANA CODE
 12 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2020]:

14 **Chapter 27. Gift Certificates and Store Gift Cards**

15 **Sec. 1. Subject to section 4 of this chapter, as used in this**
 16 **chapter, "gift certificate" means a certificate, a card, a code, or**
 17 **another device that:**

- 18 (1) **is issued to a consumer:**
 19 (A) **on a prepaid basis in exchange for payment;**
 20 (B) **primarily for personal, family, or household purposes;**
 21 **and**
 22 (C) **in a specified amount that may not be increased or**
 23 **reloaded; and**
 24 (2) **is redeemable upon presentation at a single merchant or**
 25 **at an affiliated group of merchants for goods or services.**

26 **Sec. 2. As used in this chapter, "Indiana consumer" means an**
 27 **individual whose principal residence is in Indiana.**

28 **Sec. 3. Subject to section 4 of this chapter, as used in this**
 29 **chapter, "store gift card" means a certificate, a card, a code, or**
 30 **another device that:**

- 31 (1) **is issued to a consumer:**
 32 (A) **on a prepaid basis in exchange for payment;**
 33 (B) **primarily for personal, family, or household purposes;**
 34 **and**
 35 (C) **in a specified amount, regardless of whether that**
 36 **amount may be increased or reloaded; and**
 37 (2) **is redeemable upon presentation at a single merchant or**
 38 **at an affiliated group of merchants for goods or services.**

39 **Sec. 4. For purposes of this chapter, the terms "gift certificate"**
 40 **and "store gift card" do not include any certificate, card, code, or**
 41 **other device that is:**

- 42 (1) **useable solely for communications service (as defined in**



- 1 **IC 8-1-32.5-3);**
 2 **(2) reloadable and not marketed or labeled as a gift card or**
 3 **gift certificate;**
 4 **(3) a loyalty, award, or promotional gift card (as defined in 12**
 5 **CFR 1005.20);**
 6 **(4) not marketed to the general public; or**
 7 **(5) redeemable solely:**
 8 **(A) for admission to events or venues at a particular**
 9 **location or group of affiliated locations; or**
 10 **(B) to obtain goods or services in conjunction with**
 11 **admission to the events or venues, either at the event or**
 12 **venue or at specific locations affiliated with and in**
 13 **geographic proximity to the event or venue.**
- 14 **Sec. 5. After June 30, 2020, a person shall not sell or issue to an**
 15 **Indiana consumer any gift certificate with an expiration date, or**
 16 **any store gift card with an expiration date, unless the following**
 17 **conditions are satisfied:**
- 18 **(1) The person has established policies and procedures to**
 19 **provide consumers with a reasonable opportunity to purchase**
 20 **a gift certificate or a store gift card with at least five (5) years**
 21 **remaining until the expiration date of the gift certificate or**
 22 **store gift card.**
- 23 **(2) The expiration date for the underlying funds is at least the**
 24 **later of:**
- 25 **(A) five (5) years after:**
 26 **(i) the date the gift certificate was initially issued; or**
 27 **(ii) the date on which funds were last loaded to the store**
 28 **gift card; or**
 29 **(B) the expiration date, if any, of the gift certificate or store**
 30 **gift card.**
- 31 **(3) The following disclosures are provided on the gift**
 32 **certificate or store gift card, as applicable:**
- 33 **(A) The expiration date for the underlying funds or, if the**
 34 **underlying funds do not expire, a statement of that fact.**
 35 **(B) A toll-free telephone number and, if maintained, an**
 36 **Internet web site address that a consumer may use to**
 37 **obtain:**
 38 **(i) a replacement gift certificate; or**
 39 **(ii) a replacement store gift card;**
 40 **after the gift certificate or store gift card expires, if the**
 41 **underlying funds may be available to the consumer.**
 42 **(C) Except in the case of a gift certificate or, if**



1 nonreloadable, a store gift card that bears an expiration
 2 date that is at least seven (7) years from the date of
 3 issuance, a statement that:

4 (i) the gift certificate or store gift card expires, but that
 5 the underlying funds either do not expire or expire later
 6 than the gift certificate or store gift card; and

7 (ii) the consumer may contact the issuer for a
 8 replacement gift certificate or store gift card.

9 The statement required by this clause must be disclosed
 10 with equal prominence and in close proximity to the
 11 expiration date of the gift certificate or store gift card.

12 For purposes of this subdivision, a disclosure made in an
 13 accompanying terms and conditions document, on packaging
 14 surrounding a gift certificate or store gift card, or on a sticker
 15 or other label affixed to the gift certificate or store gift card
 16 do not constitute disclosure on the gift certificate or store gift
 17 card. For an electronic gift certificate or store gift card,
 18 disclosures must be provided electronically on the gift
 19 certificate or store gift card provided to the consumer. An
 20 issuer that provides a code or confirmation to a consumer
 21 orally must provide to the consumer a written or an electronic
 22 copy of the code or confirmation promptly, and the applicable
 23 disclosures required by this subdivision must be provided on
 24 the written or electronic copy of the code or confirmation.

25 (4) A fee or charge is not imposed on the consumer for:

26 (A) replacing the gift certificate or store gift card; or

27 (B) providing the consumer with the remaining balance in
 28 some other manner before the expiration date of the
 29 underlying funds;

30 unless the gift certificate or store gift card has been lost or
 31 stolen.

32 Sec. 6. (a) This section applies to a gift certificate or a store gift
 33 card that is sold or issued to an Indiana consumer after June 30,
 34 2020.

35 (b) As used in this section, "merchant" refers to:

36 (1) the merchant;

37 (2) the group of affiliated merchants; or

38 (3) the successors or assigns of the merchant or the group of
 39 affiliated merchants;

40 as applicable, for which a gift certificate or a store gift card was
 41 originally sold or issued to an Indiana consumer.

42 (c) If at any time after a gift certificate or a store gift card is



1 issued or sold to an Indiana consumer:

2 (1) the merchant for which the gift certificate or store gift
3 card was originally sold or issued:

4 (A) for any reason ceases to do business in Indiana; or

5 (B) for any reason:

6 (i) substantially changes; or

7 (ii) ceases to offer;

8 the types of goods or services that were offered to
9 consumers at the time the gift certificate or store gift card
10 was originally sold or issued; and

11 (2) any expiration date:

12 (A) authorized under section 5 of this chapter; and

13 (B) applicable to the gift certificate or store gift card, or to
14 the underlying funds associated with the gift certificate or
15 store gift card;

16 has not elapsed;

17 the merchant for which the gift certificate or store gift card was
18 originally sold or issued shall, upon the request of an Indiana
19 consumer who is the rightful holder of the gift certificate or store
20 gift card, promptly (but in no case later than the expiration date,
21 if any, of the underlying funds) refund to the holder the balance of
22 the underlying funds or provide the holder with the remaining
23 balance in some other manner, as disclosed at the time of sale or
24 issuance to the Indiana consumer to whom the gift certificate or
25 store gift card was originally sold or issued.

26 Sec. 7. (a) A person that violates section 5 or 6 of this chapter:

27 (1) commits a deceptive act that is actionable by an aggrieved
28 Indiana consumer and the attorney general under
29 IC 24-5-0.5-4; and

30 (2) is subject to the penalties and remedies set forth in
31 IC 24-5-0.5.

32 An action by the attorney general for violations of this chapter may
33 be brought in the circuit or superior court of Marion County.

34 (b) The remedies and penalties set forth in this section are
35 cumulative and are supplemental to any other remedies and
36 penalties available under any other state or federal law, rule, or
37 regulation for a violation of section 5 or 6 of this chapter.

38 Sec. 8. This chapter does not void or affect the terms and
39 conditions of:

40 (1) a gift certificate; or

41 (2) a store gift card;

42 that is sold or issued to an Indiana consumer before July 1, 2020.



1 **Sec. 9. The attorney general may adopt rules under IC 4-22-2 to**
 2 **implement this chapter, including emergency rules in the manner**
 3 **provided by IC 4-22-2-37.1. Notwithstanding IC 4-22-2-37.1(g), an**
 4 **emergency rule adopted by the attorney general under this**
 5 **subsection and in the manner provided by IC 4-22-2-37.1 expires**
 6 **on the date on which a rule that supersedes the emergency rule is**
 7 **adopted by the attorney general under IC 4-22-2-24 through**
 8 **IC 4-22-2-36.**

9 SECTION 27. IC 25-1-1.1-2, AS AMENDED BY P.L.80-2019,
 10 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2020]: Sec. 2. Notwithstanding IC 25-1-7, a board, a
 12 commission, or a committee may suspend, deny, or revoke a license or
 13 certificate issued under this title by the board, the commission, or the
 14 committee without an investigation by the office of the attorney general
 15 if the individual who holds the license or certificate is convicted of any
 16 of the following and the board, commission, or committee determines,
 17 after the individual has appeared in person, that the offense affects the
 18 individual's ability to perform the duties of the profession:

- 19 (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
- 20 (2) Possession of methamphetamine under IC 35-48-4-6.1.
- 21 (3) Possession of a controlled substance under IC 35-48-4-7(a).
- 22 (4) Fraudulently obtaining a controlled substance under
 23 IC 35-48-4-7(c).
- 24 (5) Manufacture of paraphernalia as a Class D felony (for a crime
 25 committed before July 1, 2014) or a Level 6 felony (for a crime
 26 committed after June 30, 2014) under IC 35-48-4-8.1(b).
- 27 (6) Dealing in paraphernalia as a Class D felony (for a crime
 28 committed before July 1, 2014) or a Level 6 felony (for a crime
 29 committed after June 30, 2014) under IC 35-48-4-8.5(b).
- 30 (7) Possession of paraphernalia as a Class D felony (for a crime
 31 committed before July 1, 2014) or a Level 6 felony (for a crime
 32 committed after June 30, 2014) under IC 35-48-4-8.3(b) (before
 33 its amendment on July 1, 2015).
- 34 (8) Possession of marijuana, hash oil, hashish, or salvia as a Class
 35 D felony (for a crime committed before July 1, 2014) or a Level
 36 6 felony (for a crime committed after June 30, 2014) under
 37 IC 35-48-4-11.
- 38 (9) A felony offense under IC 35-48-4 involving possession of a
 39 synthetic drug (as defined in IC 35-31.5-2-321), possession of a
 40 controlled substance analog (as defined in IC 35-48-1-9.3), or
 41 possession of a synthetic drug lookalike substance (as defined in
 42 IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) as a:



- 1 (A) Class D felony for a crime committed before July 1, 2014;
- 2 or
- 3 (B) Level 6 felony for a crime committed after June 30, 2014;
- 4 under IC 35-48-4-11.5 (before its repeal on July 1, 2019).
- 5 (10) Maintaining a common nuisance under IC 35-48-4-13
- 6 (repealed) or IC 35-45-1-5, if the common nuisance involves a
- 7 controlled substance.
- 8 (11) An offense relating to registration, labeling, and prescription
- 9 forms under IC 35-48-4-14.
- 10 ~~(12) Conspiracy under IC 35-41-5-2 to commit an offense listed~~
- 11 ~~in this section.~~
- 12 ~~(13) Attempt under IC 35-41-5-1 to commit an offense listed in~~
- 13 ~~this section.~~
- 14 ~~(14) (12) A sex crime under IC 35-42-4.~~
- 15 ~~(15) (13) A felony that reflects adversely on the individual's~~
- 16 ~~fitness to hold a professional license.~~
- 17 ~~(16) An offense in any other jurisdiction in which the elements of~~
- 18 ~~the offense for which the conviction was entered are substantially~~
- 19 ~~similar to the elements of an offense described in this section.~~
- 20 SECTION 28. IC 25-1-1.1-3, AS AMENDED BY P.L.80-2019,
- 21 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 22 JULY 1, 2020]: Sec. 3. A board, a commission, or a committee shall
- 23 revoke or suspend a license or certificate issued under this title by the
- 24 board, the commission, or the committee if the individual who holds
- 25 the license or certificate is convicted of any of the following:
- 26 (1) Dealing in a controlled substance resulting in death under
- 27 IC 35-42-1-1.5.
- 28 (2) Dealing in or manufacturing cocaine or a narcotic drug under
- 29 IC 35-48-4-1.
- 30 (3) Dealing in methamphetamine under IC 35-48-4-1.1.
- 31 (4) Manufacturing methamphetamine under IC 35-48-4-1.2.
- 32 (5) Dealing in a schedule I, II, or III controlled substance under
- 33 IC 35-48-4-2.
- 34 (6) Dealing in a schedule IV controlled substance under
- 35 IC 35-48-4-3.
- 36 (7) Dealing in a schedule V controlled substance under
- 37 IC 35-48-4-4.
- 38 (8) Dealing in a substance represented to be a controlled
- 39 substance under IC 35-48-4-4.5 (before its repeal on July 1,
- 40 2019).
- 41 (9) Knowingly or intentionally manufacturing, advertising,
- 42 distributing, or possessing with intent to manufacture, advertise,



- 1 or distribute a substance represented to be a controlled substance
 2 under IC 35-48-4-4.6.
 3 (10) Dealing in a counterfeit substance under IC 35-48-4-5.
 4 (11) Dealing in marijuana, hash oil, hashish, or salvia as a felony
 5 under IC 35-48-4-10.
 6 (12) An offense under IC 35-48-4 involving the manufacture or
 7 sale of a synthetic drug (as defined in IC 35-31.5-2-321), a
 8 synthetic drug lookalike substance (as defined in
 9 IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under
 10 IC 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled
 11 substance analog (as defined in IC 35-48-1-9.3), or a substance
 12 represented to be a controlled substance (as described in
 13 IC 35-48-4-4.6).
 14 ~~(13) Conspiracy under IC 35-41-5-2 to commit an offense listed~~
 15 ~~in this section.~~
 16 ~~(14) Attempt under IC 35-41-5-1 to commit an offense listed in~~
 17 ~~this section.~~
 18 ~~(15) An offense in any other jurisdiction in which the elements of~~
 19 ~~the offense for which the conviction was entered are substantially~~
 20 ~~similar to the elements of an offense described in this section.~~
 21 ~~(16)~~ **(13)** A violation of any federal or state drug law or rule
 22 related to wholesale legend drug distributors licensed under
 23 IC 25-26-14.

24 SECTION 29. IC 25-23.6-1-5.7, AS ADDED BY P.L.122-2009,
 25 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2020]: Sec. 5.7. (a) "Practice of addiction counseling" means
 27 the providing of professional services that are delivered by a licensed
 28 addiction counselor, that are designed to change substance use or
 29 addictive behavior, and that involve specialized knowledge and skill
 30 related to addictions and addictive behaviors, including understanding
 31 addiction, knowledge of the treatment process, application to practice,
 32 and professional readiness. The term includes:

- 33 (1) gathering information through structured interview screens
 34 using routine protocols;
 35 (2) reviewing assessment findings to assist in the development of
 36 a plan individualized for treatment services and to coordinate
 37 services;
 38 (3) referring for assessment, diagnosis, evaluation, and mental
 39 health therapy;
 40 (4) providing client and family education related to addictions;
 41 (5) providing information on social networks and community
 42 systems for referrals and discharge planning;



1 (6) participating in multidisciplinary treatment team meetings or
 2 consulting with clinical addiction professionals;

3 (7) counseling, through individual and group counseling, as well
 4 as group and family education, to treat addiction and substance
 5 abuse in a variety of settings, including:

6 (A) mental and physical health facilities; and

7 (B) child and family service agencies; and

8 (8) maintaining the highest level of professionalism and ethical
 9 responsibility.

10 (b) The term does not include the use of psychotherapy or diagnosis
 11 (as defined in IC 25-22.5-1-1.1(c) or as defined as the practice of
 12 psychology under IC 25-33-1-2(a)).

13 (c) For an individual who obtains a license as an addiction counselor
 14 by:

15 (1) holding a valid:

16 (A) level II or higher certification or the equivalent
 17 certification from a credentialing agency approved by the
 18 division of mental health and addiction; or

19 (B) certification as an addiction counselor or addiction
 20 therapist from a credentialing agency that is approved by the
 21 board;

22 (2) having at least ten (10) years of experience in addiction
 23 counseling;

24 (3) furnishing satisfactory evidence to the board that the
 25 individual does not have:

26 (A) a conviction for a crime of violence (as defined in
 27 ~~IC 35-50-1-2(a)(1) through IC 35-50-1-2(a)(13)~~;
 28 **IC 35-50-1-2**); or

29 (B) a conviction in the previous two (2) years that has a direct
 30 bearing on the individual's ability to practice competently; and

31 (4) filing an initial application with the board before July 1, 2010;

32 the term includes the provision of addiction counseling services in
 33 private practice in consultation with other licensed professionals as
 34 required by the client's individualized treatment plan.

35 SECTION 30. IC 25-23.6-10.5-1, AS ADDED BY P.L.122-2009,
 36 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2020]: Sec. 1. An individual who applies for a license as an
 38 addiction counselor must meet the following requirements:

39 (1) Furnish satisfactory evidence to the board that the individual
 40 has:

41 (A) received a baccalaureate or higher degree in addiction
 42 counseling or in a related area as determined by the board



- 1 from:
- 2 (i) an eligible postsecondary educational institution that
- 3 meets the requirements under section 3(1) of this chapter; or
- 4 (ii) a foreign school that has a program of study that meets
- 5 the requirements under section 3(2) or 3(3) of this chapter;
- 6 (B) completed the educational requirements under section 5 of
- 7 this chapter; and
- 8 (C) completed the experience requirements under section 7 of
- 9 this chapter.
- 10 (2) Furnish satisfactory evidence to the board that the individual
- 11 does not have a:
- 12 (A) conviction for a crime of violence (as defined in
- 13 ~~IC 35-50-1-2(a)(1)~~ through ~~IC 35-50-1-2(a)(13)~~;
- 14 **IC 35-50-1-2**); or
- 15 (B) conviction in the previous two (2) years that has a direct
- 16 bearing on the individual's ability to practice competently.
- 17 (3) Furnish satisfactory evidence to the board that the individual
- 18 has not been the subject of a disciplinary action by a licensing or
- 19 certification agency of another state or jurisdiction on the grounds
- 20 that the individual was not able to practice as an addiction
- 21 counselor without endangering the public.
- 22 (4) Pass an examination established by the board.
- 23 (5) Pay the fee established by the board.
- 24 SECTION 31. IC 25-23.6-10.5-1.5, AS AMENDED BY
- 25 P.L.195-2018, SECTION 16, IS AMENDED TO READ AS
- 26 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1.5. (a) An individual
- 27 who applies for a license as an addiction counselor associate must meet
- 28 the following requirements:
- 29 (1) Furnish satisfactory evidence to the board that the individual
- 30 has:
- 31 (A) received a baccalaureate or higher degree in addiction
- 32 counseling, or in a related area as determined by the board
- 33 from:
- 34 (i) an eligible postsecondary educational institution that
- 35 meets the requirement under section 3(1) of this chapter; or
- 36 (ii) a foreign school that has a program of study that meets
- 37 the requirement under section 3(2) or 3(3) of this chapter;
- 38 and
- 39 (B) completed the educational requirements under section 5 of
- 40 this chapter.
- 41 (2) Furnish satisfactory evidence to the board that the individual
- 42 does not have a:



- 1 (A) conviction for a crime of violence (as defined in
 2 ~~IC 35-50-1-2(a)(1) through IC 35-50-1-2(a)(19)~~;
 3 **IC 35-50-1-2**); or
 4 (B) conviction in the previous two (2) years that has a direct
 5 bearing on the individual's ability to practice competently.
 6 (3) Furnish satisfactory evidence to the board that the individual
 7 has not been the subject of a disciplinary action by a licensing or
 8 certification agency of another state or jurisdiction on the grounds
 9 that the individual was not able to practice as an addiction
 10 counselor associate without endangering the public.
 11 (4) Pass an examination established by the board.
 12 (5) Pay the fee established by the board.
 13 (b) The board shall issue an associate temporary permit to practice
 14 addiction counseling or clinical addiction counseling to an individual
 15 who:
 16 (1) meets the educational requirements for a license as an
 17 addiction counselor or clinical addiction counselor;
 18 (2) is pursuing the required clinical supervisory hours for a
 19 license as an addiction counselor or clinical addiction counselor;
 20 and
 21 (3) pays a fee for the temporary permit set by the board.
 22 An associate temporary permit issued under this subsection expires one
 23 (1) year after the date the permit is issued, without regard to the
 24 number of times the individual passes or fails the required examination
 25 to become a licensed addiction counselor or clinical addiction
 26 counselor. The temporary permit may not be renewed.
 27 SECTION 32. IC 25-23.6-10.5-2, AS ADDED BY P.L.122-2009,
 28 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2020]: Sec. 2. An individual who applies for a license as a
 30 clinical addiction counselor must meet the following requirements:
 31 (1) Furnish satisfactory evidence to the board that the individual
 32 has:
 33 (A) received a master's or doctor's degree in addiction
 34 counseling, addiction therapy, or a related area as determined
 35 by the board from an eligible postsecondary educational
 36 institution that meets the requirements under section 4(a)(1) of
 37 this chapter or from a foreign school that has a program of
 38 study that meets the requirements under section 4(a)(2) or
 39 4(a)(3) of this chapter;
 40 (B) completed the educational requirements under section 6 of
 41 this chapter; and
 42 (C) completed the experience requirements under section 8 of



- 1 this chapter.
- 2 (2) Furnish satisfactory evidence to the board that the individual
- 3 does not have a:
- 4 (A) conviction for a crime of violence (as defined in
- 5 ~~IC 35-50-1-2(a)(1) through IC 35-50-1-2(a)(13)~~;
- 6 **IC 35-50-1-2**); or
- 7 (B) conviction in the previous two (2) years that has a direct
- 8 bearing on the individual's ability to practice competently.
- 9 (3) Furnish satisfactory evidence to the board that the individual
- 10 has not been the subject of a disciplinary action by a licensing or
- 11 certification agency of another state or jurisdiction on the grounds
- 12 that the individual was not able to practice as a clinical addiction
- 13 counselor without endangering the public.
- 14 (4) Pass an examination established by the board.
- 15 (5) Pay the fee established by the board.
- 16 SECTION 33. IC 25-23.6-10.5-2.5, AS AMENDED BY
- 17 P.L.80-2018, SECTION 2, IS AMENDED TO READ AS FOLLOWS
- 18 [EFFECTIVE JULY 1, 2020]: Sec. 2.5. An individual who applies for
- 19 a license as a clinical addiction counselor associate must meet the
- 20 following requirements:
- 21 (1) Furnish satisfactory evidence to the board that the individual
- 22 has:
- 23 (A) received a master's or doctor's degree in addiction
- 24 counseling, or in a related area as determined by the board
- 25 from:
- 26 (i) an eligible postsecondary educational institution that
- 27 meets the requirements under section 4(a)(1) of this chapter;
- 28 or
- 29 (ii) a foreign school that has a program of study that meets
- 30 the requirements under section 4(a)(2) or 4(a)(3) of this
- 31 chapter; and
- 32 (B) completed the education requirements under section 6 of
- 33 this chapter.
- 34 (2) Furnish satisfactory evidence to the board that the individual
- 35 does not have a:
- 36 (A) conviction for a crime of violence (as defined in
- 37 ~~IC 35-50-1-2(a)(1) through IC 35-50-1-2(a)(19)~~;
- 38 **IC 35-50-1-2**); or
- 39 (B) conviction in the previous two (2) years that has a direct
- 40 bearing on the individual's ability to practice competently.
- 41 (3) Furnish satisfactory evidence to the board that the individual
- 42 has not been the subject of a disciplinary action by a licensing or



1 certification agency of another state or jurisdiction on the grounds
 2 that the individual was not able to practice as a clinical addiction
 3 counselor associate without endangering the public.

4 (4) Pass an examination established by the board.

5 (5) Pay the fee established by the board.

6 SECTION 34. IC 29-1-2-1, AS AMENDED BY P.L.143-2009,
 7 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2020]: Sec. 1. (a) The estate of a person dying intestate shall
 9 descend and be distributed as provided in this section.

10 (b) Except as otherwise provided in subsection (c), the surviving
 11 spouse shall receive the following share:

12 (1) One-half (1/2) of the net estate if the intestate is survived by
 13 at least one (1) child or by the issue of at least one (1) deceased
 14 child.

15 (2) Three-fourths (3/4) of the net estate, if there is no surviving
 16 issue, but the intestate is survived by one (1) or both of the
 17 intestate's parents.

18 (3) All of the net estate, if there is no surviving issue or parent.

19 (c) If the surviving spouse is a second or other subsequent spouse
 20 who did not at any time have children by the decedent, and the
 21 decedent left surviving the decedent a child or children or the
 22 descendants of a child or children by a previous spouse, the surviving
 23 second or subsequent childless spouse shall take only an amount equal
 24 to twenty-five percent (25%) of the remainder of:

25 (1) the fair market value as of the date of death of the real
 26 property of the deceased spouse; minus

27 (2) the value of the liens and encumbrances on the real property
 28 of the deceased spouse.

29 The fee shall, at the decedent's death, vest at once in the decedent's
 30 surviving child or children, or the descendants of the decedent's child
 31 or children who may be dead. A second or subsequent childless spouse
 32 described in this subsection shall, however, receive the same share of
 33 the personal property of the decedent as is provided in subsection (b)
 34 with respect to surviving spouses generally.

35 (d) The share of the net estate not distributable to the surviving
 36 spouse, or the entire net estate if there is no surviving spouse, shall
 37 descend and be distributed as follows:

38 (1) To the issue of the intestate, if they are all of the same degree
 39 of kinship to the intestate, they shall take equally, or if of unequal
 40 degree, then those of more remote degrees shall take by
 41 representation.

42 (2) Except as provided in subsection (e), if there is a surviving



- 1 spouse but no surviving issue of the intestate, then to the
 2 surviving parents of the intestate.
- 3 (3) Except as provided in subsection (e), if there is no surviving
 4 spouse or issue of the intestate, then to the surviving parents,
 5 brothers, and sisters, and the issue of deceased brothers and
 6 sisters of the intestate. Each living parent of the intestate shall be
 7 treated as of the same degree as a brother or sister and shall be
 8 entitled to the same share as a brother or sister. However, the
 9 share of each parent shall be not less than one-fourth (1/4) of the
 10 decedent's net estate. Issue of deceased brothers and sisters shall
 11 take by representation.
- 12 (4) If there is no surviving parent or brother or sister of the
 13 intestate, then to the issue of brothers and sisters. If the
 14 distributees described in this subdivision are all in the same
 15 degree of kinship to the intestate, they shall take equally or, if of
 16 unequal degree, then those of more remote degrees shall take by
 17 representation.
- 18 (5) If there is no surviving issue or parent of the intestate or issue
 19 of a parent, then to the surviving grandparents of the intestate
 20 equally.
- 21 (6) If there is no surviving issue or parent or issue of a parent, or
 22 grandparent of the intestate, then the estate of the decedent shall
 23 be divided into that number of shares equal to the sum of:
- 24 (A) the number of brothers and sisters of the decedent's
 25 parents surviving the decedent; plus
- 26 (B) the number of deceased brothers and sisters of the
 27 decedent's parents leaving issue surviving both them and the
 28 decedent;
- 29 and one (1) of the shares shall pass to each of the brothers and
 30 sisters of the decedent's parents or their respective issue per
 31 stirpes.
- 32 (7) If interests in real estate go to a husband and wife under this
 33 subsection, the aggregate interests so descending shall be owned
 34 by them as tenants by the entireties. Interests in personal property
 35 so descending shall be owned as tenants in common.
- 36 (8) If there is no person mentioned in subdivisions (1) through
 37 (7), then to the state.
- 38 (e) A parent may not receive an intestate share of the estate of the
 39 parent's minor or adult child if the parent was convicted of causing the
 40 death of the child's other parent by:
- 41 (1) murder (IC 35-42-1-1);
 42 (2) voluntary manslaughter (IC 35-42-1-3); or



1 (3) another criminal act, if the death does not result from the
 2 operation of a vehicle. ~~or~~
 3 ~~(4) a crime in any other jurisdiction in which the elements of the~~
 4 ~~crime are substantially similar to the elements of a crime listed in~~
 5 ~~subdivisions (1) through (3).~~

6 If a parent is disqualified from receiving an intestate share under this
 7 subsection, the estate of the deceased child shall be distributed as
 8 though the parent had predeceased the child.

9 SECTION 35. IC 29-3-7-7, AS AMENDED BY P.L.86-2018,
 10 SECTION 213, IS AMENDED TO READ AS FOLLOWS
 11 [EFFECTIVE JULY 1, 2020]: Sec. 7. A court may not appoint a person
 12 to serve as the guardian or permit a person to continue to serve as a
 13 guardian if the person:

14 (1) is a sexually violent predator (as described in IC 35-38-1-7.5);
 15 (2) was at least eighteen (18) years of age at the time of the
 16 offense and was convicted of child molesting (IC 35-42-4-3) or
 17 sexual misconduct with a minor (IC 35-42-4-9) against a child
 18 less than sixteen (16) years of age:

19 (A) by using or threatening the use of deadly force;

20 (B) while armed with a deadly weapon; or

21 (C) that resulted in serious bodily injury; or

22 (3) was less than eighteen (18) years of age at the time of the
 23 offense and was convicted as an adult of

24 ~~(A)~~ an offense described in:

25 ~~(i)~~ (A) IC 35-42-4-1;

26 ~~(ii)~~ (B) IC 35-42-4-2 (before its repeal);

27 ~~(iii)~~ (C) IC 35-42-4-3 as a Class A or Class B felony (for
 28 crimes committed before July 1, 2014) or as a Level 1, Level
 29 2, Level 3, or Level 4 felony (for crimes committed after June
 30 30, 2014);

31 ~~(iv)~~ (D) IC 35-42-4-5(a)(1);

32 ~~(v)~~ (E) IC 35-42-4-5(a)(2);

33 ~~(vi)~~ (F) IC 35-42-4-5(a)(3) (before that provision was
 34 redesignated by P.L.158-2013, SECTION 441);

35 ~~(vii)~~ (G) IC 35-42-4-5(b)(1) as a Class A or Class B felony
 36 (for crimes committed before July 1, 2014) or as a Level 2,
 37 Level 3, or Level 4 felony (for crimes committed after June 30,
 38 2014);

39 ~~(viii)~~ (H) IC 35-42-4-5(b)(2); or

40 ~~(ix)~~ (I) IC 35-42-4-5(b)(3) as a Class A or Class B felony (for
 41 crimes committed before July 1, 2014) or as a Level 2, Level
 42 3, or Level 4 felony (for crimes committed after June 30,



- 1 2014).
- 2 ~~(B) an attempt or conspiracy to commit a crime listed in clause~~
- 3 ~~(A); or~~
- 4 ~~(C) a crime under the laws of another jurisdiction, including a~~
- 5 ~~military court; that is substantially equivalent to any of the~~
- 6 ~~offenses listed in clauses (A) and (B);~~
- 7 SECTION 36. IC 31-9-2-84.8, AS AMENDED BY P.L.243-2019,
- 8 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 9 JULY 1, 2020]: Sec. 84.8. "Nonwaivable offense", for purposes of this
- 10 title, means a conviction of any of the following felonies:
- 11 (1) Murder (IC 35-42-1-1).
- 12 (2) Causing suicide (IC 35-42-1-2).
- 13 (3) Assisting suicide (IC 35-42-1-2.5).
- 14 (4) Voluntary manslaughter (IC 35-42-1-3).
- 15 (5) Involuntary manslaughter (IC 35-42-1-4).
- 16 (6) Reckless homicide (IC 35-42-1-5).
- 17 (7) Feticide (IC 35-42-1-6).
- 18 (8) Battery (IC 35-42-2-1) within the past five (5) years.
- 19 (9) Domestic battery (IC 35-42-2-1.3).
- 20 (10) Aggravated battery (IC 35-42-2-1.5).
- 21 (11) Criminal recklessness (IC 35-42-2-2) within the past five (5)
- 22 years.
- 23 (12) Strangulation (IC 35-42-2-9).
- 24 (13) Kidnapping (IC 35-42-3-2).
- 25 (14) Criminal confinement (IC 35-42-3-3) within the past five (5)
- 26 years.
- 27 (15) Human and sexual trafficking (IC 35-42-3.5).
- 28 (16) A felony sex offense under IC 35-42-4.
- 29 (17) Arson (IC 35-43-1-1) within the past five (5) years.
- 30 (18) Incest (IC 35-46-1-3).
- 31 (19) Neglect of a dependent (IC 35-46-1-4(a) and
- 32 IC 35-46-1-4(b)).
- 33 (20) Child selling (IC 35-46-1-4(d)).
- 34 (21) Reckless supervision (IC 35-46-1-4.1).
- 35 (22) Nonsupport of a dependent child (IC 35-46-1-5) within the
- 36 past five (5) years.
- 37 (23) Operating a motorboat while intoxicated (IC 35-46-9-6)
- 38 within the past five (5) years.
- 39 (24) A felony involving a weapon under IC 35-47 within the past
- 40 five (5) years.
- 41 (25) A felony relating to controlled substances under IC 35-48-4
- 42 within the past five (5) years.



- 1 (26) An offense relating to material or a performance that is
 2 harmful to minors or obscene under IC 35-49-3.
 3 (27) A felony under IC 9-30-5 within the past five (5) years.
 4 (28) A felony related to the health or safety of a child (as defined
 5 in IC 31-9-2-13(h)) or an endangered adult (as defined in
 6 IC 12-10-3-2).
 7 ~~(29) Attempt (IC 35-41-5-1) to commit a felony described in~~
 8 ~~subdivisions (1) through (28): If a conviction for a felony is~~
 9 ~~nonwaivable for a stated duration under subdivisions (1) through~~
 10 ~~(28); a conviction for an attempt to commit the felony is~~
 11 ~~nonwaivable for the same duration under this subdivision.~~
 12 ~~(30) A felony that is substantially equivalent to a felony described~~
 13 ~~in subdivisions (1) through (29) for which the conviction was~~
 14 ~~entered in another jurisdiction: If a conviction for a felony is~~
 15 ~~nonwaivable for a stated duration under subdivisions (1) through~~
 16 ~~(29); a conviction for a substantially equivalent felony in another~~
 17 ~~jurisdiction is nonwaivable for the same duration under this~~
 18 ~~subdivision.~~
- 19 SECTION 37. IC 31-19-9-8, AS AMENDED BY P.L.113-2017,
 20 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2020]: Sec. 8. (a) Consent to adoption, which may be required
 22 under section 1 of this chapter, is not required from any of the
 23 following:
- 24 (1) A parent or parents if the child is adjudged to have been
 25 abandoned or deserted for at least six (6) months immediately
 26 preceding the date of the filing of the petition for adoption.
 27 (2) A parent of a child in the custody of another person if for a
 28 period of at least one (1) year the parent:
 29 (A) fails without justifiable cause to communicate
 30 significantly with the child when able to do so; or
 31 (B) knowingly fails to provide for the care and support of the
 32 child when able to do so as required by law or judicial decree.
 33 (3) The biological father of a child born out of wedlock whose
 34 paternity has not been established:
 35 (A) by a court proceeding other than the adoption proceeding;
 36 or
 37 (B) by executing a paternity affidavit under IC 16-37-2-2.1.
 38 (4) The biological father of a child born out of wedlock who was
 39 conceived as a result of:
 40 (A) a rape for which the father was convicted under
 41 IC 35-42-4-1;
 42 (B) child molesting (IC 35-42-4-3);



- 1 (C) sexual misconduct with a minor (IC 35-42-4-9); **or**
 2 (D) incest (IC 35-46-1-3). ~~or~~
 3 ~~(E) a crime in any other jurisdiction in which the elements of~~
 4 ~~the crime are substantially similar to the elements of a crime~~
 5 ~~listed in clauses (A) through (D):~~
- 6 (5) The putative father of a child born out of wedlock if the
 7 putative father's consent to adoption is irrevocably implied under
 8 section 15 of this chapter.
- 9 (6) The biological father of a child born out of wedlock if the:
 10 (A) father's paternity is established after the filing of a petition
 11 for adoption in a court proceeding or by executing a paternity
 12 affidavit under IC 16-37-2-2.1; and
 13 (B) father is required to but does not register with the putative
 14 father registry established by IC 31-19-5 within the period
 15 required by IC 31-19-5-12.
- 16 (7) A parent who has relinquished the parent's right to consent to
 17 adoption as provided in this chapter.
- 18 (8) A parent after the parent-child relationship has been
 19 terminated under IC 31-35 (or IC 31-6-5 before its repeal).
- 20 (9) A parent judicially declared incompetent or mentally defective
 21 if the court dispenses with the parent's consent to adoption.
- 22 (10) A legal guardian or lawful custodian of the person to be
 23 adopted who has failed to consent to the adoption for reasons
 24 found by the court not to be in the best interests of the child.
- 25 (11) A parent if:
 26 (A) a petitioner for adoption proves by clear and convincing
 27 evidence that the parent is unfit to be a parent; and
 28 (B) the best interests of the child sought to be adopted would
 29 be served if the court dispensed with the parent's consent.
- 30 (12) A child's biological father who denies paternity of the child
 31 before or after the birth of the child if the denial of paternity:
 32 (A) is in writing;
 33 (B) is signed by the child's father in the presence of a notary
 34 public; and
 35 (C) contains an acknowledgment that:
 36 (i) the denial of paternity is irrevocable; and
 37 (ii) the child's father will not receive notice of adoption
 38 proceedings.
- 39 A child's father who denies paternity of the child under this
 40 subdivision may not challenge or contest the child's adoption.
- 41 (b) If a parent has made only token efforts to support or to
 42 communicate with the child the court may declare the child abandoned



- 1 by the parent.
- 2 SECTION 38. IC 31-19-9-9 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 9. A court shall
- 4 determine that consent to adoption is not required from a parent if the:
- 5 (1) parent is convicted of and incarcerated at the time of the filing
- 6 of a petition for adoption for:
- 7 (A) murder (IC 35-42-1-1);
- 8 (B) causing suicide (IC 35-42-1-2); **or**
- 9 (C) voluntary manslaughter (IC 35-42-1-3);
- 10 ~~(D) an attempt under IC 35-41-5-1 to commit a crime~~
- 11 ~~described in clauses (A) through (C); or~~
- 12 ~~(E) a crime in another state that is substantially similar to a~~
- 13 ~~crime described in clauses (A) through (D);~~
- 14 (2) victim of the crime is the child's other parent; and
- 15 (3) court determines, after notice to the convicted parent and a
- 16 hearing, that dispensing with the parent's consent to adoption is
- 17 in the child's best interests.
- 18 SECTION 39. IC 31-19-9-10, AS AMENDED BY P.L.210-2019,
- 19 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 20 JULY 1, 2020]: Sec. 10. A court shall determine that consent to
- 21 adoption is not required from a parent if:
- 22 (1) the parent is convicted of and incarcerated at the time of the
- 23 filing of a petition for adoption for:
- 24 (A) murder (IC 35-42-1-1);
- 25 (B) causing suicide (IC 35-42-1-2);
- 26 (C) voluntary manslaughter (IC 35-42-1-3);
- 27 (D) rape (IC 35-42-4-1);
- 28 (E) criminal deviate conduct (IC 35-42-4-2) (before its repeal);
- 29 (F) child molesting (IC 35-42-4-3) as a:
- 30 (i) Class A or Class B felony, for a crime committed before
- 31 July 1, 2014; or
- 32 (ii) Level 1, Level 2, Level 3, or Level 4 felony, for a crime
- 33 committed after June 30, 2014;
- 34 (G) incest (IC 35-46-1-3) as a:
- 35 (i) Class B felony, for a crime committed before July 1,
- 36 2014; or
- 37 (ii) Level 4 felony, for a crime committed after June 30,
- 38 2014;
- 39 (H) neglect of a dependent (IC 35-46-1-4) as a:
- 40 (i) Class B felony, for a crime committed before July 1,
- 41 2014; or
- 42 (ii) Level 1 or Level 3 felony, for a crime committed after



- 1 June 30, 2014;
- 2 (I) battery (IC 35-42-2-1) of a child as a:
- 3 (i) Class C felony, for a crime committed before July 1,
- 4 2014; or
- 5 (ii) Level 5 felony, for a crime committed after June 30,
- 6 2014;
- 7 (J) battery (IC 35-42-2-1) as a:
- 8 (i) Class A or Class B felony, for a crime committed before
- 9 July 1, 2014; or
- 10 (ii) Level 2, Level 3, or Level 4 felony, for a crime
- 11 committed after June 30, 2014;
- 12 (K) domestic battery (IC 35-42-2-1.3) as a Level 5, Level 4,
- 13 Level 3, or Level 2 felony; **or**
- 14 (L) aggravated battery (IC 35-42-2-1.5) as a Level 3 or Level
- 15 1 felony;
- 16 ~~(M) an attempt under IC 35-41-5-1 to commit an offense~~
- 17 ~~described in this subdivision; or~~
- 18 ~~(N) a crime in another state that is substantially similar to a~~
- 19 ~~crime described in clauses (A) through (M);~~
- 20 (2) the child or the child's sibling, half-blood sibling, or
- 21 step-sibling of the parent's current marriage is the victim of the
- 22 offense; and
- 23 (3) after notice to the parent and a hearing, the court determines
- 24 that dispensing with the parent's consent to adoption is in the
- 25 child's best interests.
- 26 SECTION 40. IC 31-19-11-1, AS AMENDED BY P.L.243-2019,
- 27 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 28 JULY 1, 2020]: Sec. 1. (a) Whenever the court has heard the evidence
- 29 and finds that:
- 30 (1) the adoption requested is in the best interest of the child;
- 31 (2) the petitioner or petitioners for adoption are of sufficient
- 32 ability to rear the child and furnish suitable support and
- 33 education;
- 34 (3) the report of the investigation and recommendation under
- 35 IC 31-19-8-5 has been filed;
- 36 (4) the attorney or agency arranging an adoption has filed with the
- 37 court an affidavit prepared by the state department of health under
- 38 IC 31-19-5-16 indicating whether a man is entitled to notice of the
- 39 adoption because the man has registered with the putative father
- 40 registry in accordance with IC 31-19-5;
- 41 (5) proper notice arising under subdivision (4), if notice is
- 42 necessary, of the adoption has been given;



- 1 (6) the attorney or agency has filed with the court an affidavit
 2 prepared by the state department of health under:
 3 (A) IC 31-19-6 indicating whether a record of a paternity
 4 determination; or
 5 (B) IC 16-37-2-2(g) indicating whether a paternity affidavit
 6 executed under IC 16-37-2-2.1;
 7 has been filed in relation to the child;
 8 (7) proper consent, if consent is necessary, to the adoption has
 9 been given;
 10 (8) the petitioner for adoption is not prohibited from adopting the
 11 child as the result of an inappropriate criminal history described
 12 in subsection (c) or (d); and
 13 (9) the person, licensed child placing agency, or local office that
 14 has placed the child for adoption has provided the documents and
 15 other information required under IC 31-19-17 to the prospective
 16 adoptive parents;
 17 the court shall grant the petition for adoption and enter an adoption
 18 decree.
 19 (b) A court may not grant an adoption unless the state department
 20 of health's affidavit under IC 31-19-5-16 is filed with the court as
 21 provided under subsection (a)(4).
 22 (c) A juvenile adjudication for an act listed in IC 31-9-2-84.8 that
 23 would be a felony if committed by an adult, a conviction of a
 24 misdemeanor related to the health and safety of a child, or a conviction
 25 of a felony not listed in IC 31-9-2-84.8 by a petitioner for adoption or
 26 household member is a permissible basis for the court to deny the
 27 petition for adoption. In addition, the court may not grant an adoption
 28 if a petitioner for adoption has been convicted of a nonwaivable offense
 29 under IC 31-9-2-84.8. However, the court is not prohibited from
 30 granting an adoption based upon a felony conviction for:
 31 (1) a felony under IC 9-30-5;
 32 (2) battery (IC 35-42-2-1);
 33 (3) criminal recklessness (IC 35-42-2-2) as a felony;
 34 (4) criminal confinement (IC 35-42-3-3);
 35 (5) arson (IC 35-43-1-1);
 36 (6) nonsupport of a dependent child (IC 35-46-1-5);
 37 (7) operating a motorboat while intoxicated (IC 35-46-9-6) as a
 38 felony;
 39 (8) a felony involving a weapon under IC 35-47; **or**
 40 (9) a felony relating to controlled substances under IC 35-48-4;
 41 ~~(10) attempt to commit a felony listed in subdivisions (1) through~~
 42 ~~(9); or~~



- 1 ~~(11) a felony that is substantially equivalent to a felony listed in~~
2 ~~this section for which the conviction was entered in another~~
3 ~~jurisdiction;~~
4 if the date of the conviction did not occur within the immediately
5 preceding five (5) year period.
6 (d) A court may not grant an adoption if the petitioner is a sex or
7 violent offender (as defined in IC 11-8-8-5) or a sexually violent
8 predator (as defined in IC 35-38-1-7.5).
9 SECTION 41. IC 31-30-1-2.5, AS AMENDED BY P.L.86-2018,
10 SECTION 218, IS AMENDED TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 2020]: Sec. 2.5. A juvenile court may not
12 appoint a person to serve as the guardian or custodian of a child or
13 permit a person to continue to serve as a guardian or custodian of a
14 child if the person:
15 (1) is a sexually violent predator (as described in IC 35-38-1-7.5);
16 (2) was at least eighteen (18) years of age at the time of the
17 offense and committed child molesting (IC 35-42-4-3) or sexual
18 misconduct with a minor (IC 35-42-4-9) against a child less than
19 sixteen (16) years of age:
20 (A) by using or threatening the use of deadly force;
21 (B) while armed with a deadly weapon; or
22 (C) that resulted in serious bodily injury; or
23 (3) was less than eighteen (18) years of age at the time of the
24 offense but was tried and convicted as an adult of
25 ~~(A)~~ an offense described in:
26 ~~(i)~~ (A) IC 35-42-4-1;
27 ~~(ii)~~ (B) IC 35-42-4-2 (before its repeal);
28 ~~(iii)~~ (C) IC 35-42-4-3 as a Class A or Class B felony (for
29 crimes committed before July 1, 2014) or as a Level 1, Level
30 2, or Level 3 felony (for crimes committed after June 30,
31 2014);
32 ~~(iv)~~ (D) IC 35-42-4-5(a)(1);
33 ~~(v)~~ (E) IC 35-42-4-5(a)(2);
34 ~~(vi)~~ (F) IC 35-42-4-5(a)(3) (before that provision was
35 redesignated by P.L.158-2013, SECTION 441);
36 ~~(vii)~~ (G) IC 35-42-4-5(b)(1) as a Class A or Class B felony
37 (for crimes committed before July 1, 2014) or as a Level 2,
38 Level 3, or Level 4 felony (for crimes committed after June 30,
39 2014);
40 ~~(viii)~~ (H) IC 35-42-4-5(b)(2); or
41 ~~(ix)~~ (I) IC 35-42-4-5(b)(3) as a Class A or Class B felony (for
42 crimes committed before July 1, 2014) or as a Level 1, Level



- 1 2, or Level 3 felony (for crimes committed after June 30,
2 2014).
3 ~~(B) an attempt or conspiracy to commit a crime listed in clause~~
4 ~~(A); or~~
5 ~~(C) a crime under the laws of another jurisdiction; including a~~
6 ~~military court; that is substantially equivalent to any of the~~
7 ~~offenses listed in clauses (A) and (B):~~
8 SECTION 42. IC 31-34-1-2, AS AMENDED BY P.L.71-2018,
9 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2020]: Sec. 2. (a) A child is a child in need of services if
11 before the child becomes eighteen (18) years of age:
12 (1) the child's physical or mental health is seriously endangered
13 due to injury by the act or omission of the child's parent, guardian,
14 or custodian; and
15 (2) the child needs care, treatment, or rehabilitation that:
16 (A) the child is not receiving; and
17 (B) is unlikely to be provided or accepted without the coercive
18 intervention of the court.
19 (b) A child is a child in need of services if, before the child becomes
20 eighteen (18) years of age, the child:
21 (1) is a victim of:
22 (A) an offense under IC 35-42-1-2.5;
23 (B) an offense under IC 35-42-2-1;
24 (C) an offense under IC 35-42-2-1.3;
25 (D) an offense under IC 35-42-2-1.5;
26 (E) an offense under IC 35-42-2-9; **or**
27 (F) an offense under IC 35-46-1-4; **and**
28 ~~(G) an attempt or conspiracy to commit:~~
29 ~~(i) an offense listed in clauses (A) through (F); or~~
30 ~~(ii) an offense under IC 35-42-1-1, IC 35-42-1-2,~~
31 ~~IC 35-42-1-3, IC 35-42-1-4, or IC 35-42-1-5; or~~
32 ~~(H) an offense under the law of another jurisdiction; including~~
33 ~~a military court; that is substantially equivalent to any of the~~
34 ~~offenses listed in clauses (A) through (G); and~~
35 (2) needs care, treatment, or rehabilitation that:
36 (A) the child is not receiving; and
37 (B) is unlikely to be provided or accepted without the coercive
38 intervention of the court.
39 (c) A child is a child in need of services if, before the child becomes
40 eighteen (18) years of age, the child:
41 (1) lives in the same household as an adult who:
42 (A) committed:



- 1 (i) an offense described in subsection (b)(1); or
- 2 (ii) an offense under IC 35-42-1-1, IC 35-42-1-2,
- 3 IC 35-42-1-3, IC 35-42-1-4, or IC 35-42-1-5;
- 4 against another child who lives in the household and the
- 5 offense resulted in a conviction or a judgment under
- 6 IC 31-34-11-2; or
- 7 (B) has been charged with committing an offense described in
- 8 clause (A) against another child who lives in the household
- 9 and is awaiting trial; and
- 10 (2) needs care, treatment, or rehabilitation that:
- 11 (A) the child is not receiving; and
- 12 (B) is unlikely to be provided or accepted without the coercive
- 13 intervention of the court.
- 14 (d) Evidence that the illegal manufacture of a drug or controlled
- 15 substance is occurring on property where a child resides creates a
- 16 rebuttable presumption that the child's physical or mental health is
- 17 seriously endangered.
- 18 SECTION 43. IC 31-34-1-3, AS AMENDED BY P.L.144-2018,
- 19 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 20 JULY 1, 2020]: Sec. 3. (a) A child is a child in need of services if,
- 21 before the child becomes eighteen (18) years of age:
- 22 (1) the child is the victim of an offense under:
- 23 (A) IC 35-42-4-1;
- 24 (B) IC 35-42-4-2 (before its repeal);
- 25 (C) IC 35-42-4-3;
- 26 (D) IC 35-42-4-4;
- 27 (E) IC 35-42-4-5;
- 28 (F) IC 35-42-4-6;
- 29 (G) IC 35-42-4-7;
- 30 (H) IC 35-42-4-8;
- 31 (I) IC 35-42-4-9;
- 32 (J) IC 35-45-4-1;
- 33 (K) IC 35-45-4-2;
- 34 (L) IC 35-45-4-3;
- 35 (M) IC 35-45-4-4; **or**
- 36 (N) IC 35-46-1-3; **or**
- 37 ~~(O) the law of another jurisdiction, including a military court,~~
- 38 ~~that is substantially equivalent to any of the offenses listed in~~
- 39 ~~clauses (A) through (N); and~~
- 40 (2) the child needs care, treatment, or rehabilitation that:
- 41 (A) the child is not receiving; and
- 42 (B) is unlikely to be provided or accepted without the coercive



- 1 intervention of the court.
- 2 (b) A child is a child in need of services if, before the child becomes
3 eighteen (18) years of age, the child:
- 4 (1) lives in the same household as an adult who:
- 5 (A) committed an offense described in subsection (a)(1)
6 against a child and the offense resulted in a conviction or a
7 judgment under IC 31-34-11-2; or
8 (B) has been charged with an offense described in subsection
9 (a)(1) against a child and is awaiting trial; and
- 10 (2) needs care, treatment, or rehabilitation that:
- 11 (A) the child is not receiving; and
12 (B) is unlikely to be provided or accepted without the coercive
13 intervention of the court.
- 14 (c) A child is a child in need of services if, before the child becomes
15 eighteen (18) years of age:
- 16 (1) the child lives in the same household as another child who is
17 the victim of an offense described in subsection (a)(1);
18 (2) the child needs care, treatment, or rehabilitation that:
- 19 (A) the child is not receiving; and
20 (B) is unlikely to be provided or accepted without the coercive
21 intervention of the court; and
- 22 (3) a caseworker assigned to provide services to the child:
- 23 (A) places the child in a program of informal adjustment or
24 other family or rehabilitative services based on the existence
25 of the circumstances described in subdivisions (1) and (2), and
26 the caseworker subsequently determines further intervention
27 is necessary; or
28 (B) determines that a program of informal adjustment or other
29 family or rehabilitative services is inappropriate.
- 30 (d) A child is a child in need of services if, before the child becomes
31 eighteen (18) years of age:
- 32 (1) the child lives in the same household as an adult who:
- 33 (A) committed a human or sexual trafficking offense under
34 IC 35-42-3.5-1 through IC 35-42-3.5-1.4 or the law of another
35 jurisdiction, including federal law, that resulted in a conviction
36 or a judgment under IC 31-34-11-2; or
37 (B) has been charged with a human or sexual trafficking
38 offense under IC 35-42-3.5-1 through IC 35-42-3.5-1.4 or the
39 law of another jurisdiction, including federal law, and is
40 awaiting trial; and
- 41 (2) the child needs care, treatment, or rehabilitation that:
- 42 (A) the child is not receiving; and



- 1 (B) is unlikely to be provided or accepted without the coercive
 2 intervention of the court.
- 3 SECTION 44. IC 31-34-1-3.5, AS ADDED BY P.L.46-2016,
 4 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2020]: Sec. 3.5. (a) A child is a child in need of services if,
 6 before the child becomes eighteen (18) years of age:
- 7 (1) the child is the victim of
 8 (A) human or sexual trafficking (as defined in
 9 IC 31-9-2-133.1); or
 10 (B) a human or sexual trafficking offense under the law of
 11 another jurisdiction, including federal law, that is substantially
 12 equivalent to the act described in clause (A); and
 13 (2) the child needs care, treatment, or rehabilitation that:
 14 (A) the child is not receiving; and
 15 (B) is unlikely to be provided or accepted without the coercive
 16 intervention of the court.
- 17 (b) A child is considered a victim of human or sexual trafficking
 18 regardless of whether the child consented to the conduct described in
 19 subsection (a)(1).
- 20 SECTION 45. IC 31-34-4-2, AS AMENDED BY P.L.243-2019,
 21 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2020]: Sec. 2. (a) If a child alleged to be a child in need of
 23 services is taken into custody under an order of the court under this
 24 chapter and the court orders out-of-home placement, the department is
 25 responsible for that placement and care and must consider placing the
 26 child with a:
 27 (1) suitable and willing relative; or
 28 (2) de facto custodian;
 29 before considering any other out-of-home placement.
- 30 (b) The department shall consider placing a child described in
 31 subsection (a) with a relative related by blood, marriage, or adoption
 32 before considering any other placement of the child.
- 33 (c) Before the department places a child in need of services with a
 34 relative or a de facto custodian, the department shall complete an
 35 evaluation based on a home visit of the relative's home.
- 36 (d) Except as provided in subsection (f), before placing a child in
 37 need of services in an out-of-home placement, the department shall
 38 conduct a criminal history check of each person who is currently
 39 residing in the location designated as the out-of-home placement.
- 40 (e) Except as provided in subsection (g), the department may not
 41 make an out-of-home placement if a person described in subsection (d)
 42 has:



- 1 (1) committed an act resulting in a substantiated report of child
 2 abuse or neglect; or
 3 (2) been convicted of a nonwaivable offense, as defined in
 4 IC 31-9-2-84.8 or had a juvenile adjudication for an act that
 5 would be a nonwaivable offense, as defined in IC 31-9-2-84.8 if
 6 committed by an adult.
- 7 (f) The department is not required to conduct a criminal history
 8 check under subsection (d) if the department makes an out-of-home
 9 placement to an entity or a facility that is not a residence (as defined in
 10 IC 3-5-2-42.5) or that is licensed by the state.
- 11 (g) A court may order or the department may approve an
 12 out-of-home placement if:
- 13 (1) a person described in subsection (d) has:
- 14 (A) committed an act resulting in a substantiated report of
 15 child abuse or neglect;
 16 (B) been convicted of:
- 17 (i) battery (IC 35-42-2-1);
 18 (ii) criminal recklessness (IC 35-42-2-2) as a felony;
 19 (iii) criminal confinement (IC 35-42-3-3) as a felony;
 20 (iv) arson (IC 35-43-1-1) as a felony;
 21 (v) nonsupport of a dependent child (IC 35-46-1-5);
 22 (vi) operating a motorboat while intoxicated (IC 35-46-9-6)
 23 as a felony;
 24 (vii) a felony involving a weapon under IC 35-47;
 25 (viii) a felony relating to controlled substances under
 26 IC 35-48-4; **or**
 27 (ix) a felony under IC 9-30-5;
 28 ~~(x) attempt to commit a felony listed in items (i) through~~
 29 ~~(ix); or~~
 30 ~~(xi) a felony that is substantially equivalent to a felony listed~~
 31 ~~in this clause for which the conviction was entered in~~
 32 ~~another jurisdiction;~~
 33 if the conviction did not occur within the past five (5) years; or
 34 (C) had a juvenile adjudication for a nonwaivable offense, as
 35 defined in IC 31-9-2-84.8 that, if committed by an adult,
 36 would be a felony; and
- 37 (2) the person's commission of the offense, delinquent act, or act
 38 of abuse or neglect described in subdivision (1) is not relevant to
 39 the person's present ability to care for a child, and the placement
 40 is in the best interest of the child.
- 41 However, a court or the department may not make an out-of-home
 42 placement if the person has been convicted of a nonwaivable offense,



1 as defined in IC 31-9-2-84.8 that is not specifically excluded under
2 subdivision (1)(B).

3 (h) In considering the placement under subsection (g), the court or
4 the department shall consider the following:

5 (1) The length of time since the person committed the offense,
6 delinquent act, or abuse or neglect.

7 (2) The severity of the offense, delinquent act, or abuse or neglect.

8 (3) Evidence of the person's rehabilitation, including the person's
9 cooperation with a treatment plan, if applicable.

10 SECTION 46. IC 31-34-20-1.5, AS AMENDED BY P.L.243-2019,
11 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2020]: Sec. 1.5. (a) Except as provided in subsection (d), the
13 juvenile court may not enter a dispositional decree approving or
14 ordering placement of a child in another home under section 1(a)(3) of
15 this chapter or awarding wardship to the department that will place the
16 child in another home under section 1(a)(4) of this chapter if a person
17 who is currently residing in the home in which the child would be
18 placed under section 1(a)(3) or 1(a)(4) of this chapter has committed
19 an act resulting in a substantiated report of child abuse or neglect, has
20 a juvenile adjudication for an act that would be a nonwaivable offense,
21 as defined in IC 31-9-2-84.8 if committed by an adult, or has a
22 conviction for a nonwaivable offense, as defined in IC 31-9-2-84.8.

23 (b) The department or caseworker who prepared the predispositional
24 report shall conduct a criminal history check (as defined in
25 IC 31-9-2-22.5) to determine if a person described in subsection (a) has
26 committed an act resulting in a substantiated report of child abuse or
27 neglect, has a juvenile adjudication for an act that would be a
28 nonwaivable offense, as defined in IC 31-9-2-84.8 if committed by an
29 adult, or has a conviction for a nonwaivable offense, as defined in
30 IC 31-9-2-84.8. However, the department or caseworker is not required
31 to conduct a criminal history check under this section if criminal
32 history information under IC 31-34-4-2 or IC 31-34-18-6.1 establishes
33 whether a person described in subsection (a) has committed an act
34 resulting in a substantiated report of child abuse or neglect, has a
35 juvenile adjudication for an act that would be a nonwaivable offense,
36 as defined in IC 31-9-2-84.8 if committed by an adult, or has a
37 conviction for a nonwaivable offense, as defined in IC 31-9-2-84.8.

38 (c) The department or caseworker is not required to conduct a
39 criminal history check under this section if:

40 (1) the department or caseworker is considering only a
41 out-of-home placement to an entity or a facility that:

42 (A) is not a residence (as defined in IC 3-5-2-42.5); or



- 1 (B) is licensed by the state; or
 2 (2) placement under this section is undetermined at the time the
 3 predispositional report is prepared.
 4 (d) A juvenile court may enter a dispositional decree that approves
 5 placement of a child in another home or award wardship to the
 6 department that will place the child in a home with a person described
 7 in subsection (a) if:
 8 (1) the person described in subsection (a) has:
 9 (A) committed an act resulting in a substantiated report of
 10 child abuse or neglect;
 11 (B) been convicted of:
 12 (i) battery (IC 35-42-2-1);
 13 (ii) criminal recklessness (IC 35-42-2-2) as a felony;
 14 (iii) criminal confinement (IC 35-42-3-3) as a felony;
 15 (iv) arson (IC 35-43-1-1) as a felony;
 16 (v) nonsupport of a dependent child (IC 35-46-1-5);
 17 (vi) operating a motorboat while intoxicated (IC 35-46-9-6)
 18 as a felony;
 19 (vii) a felony involving a weapon under IC 35-47;
 20 (viii) a felony relating to controlled substances under
 21 IC 35-48-4; **or**
 22 (ix) a felony under IC 9-30-5;
 23 ~~(x) attempt to commit a felony listed in items (i) through~~
 24 ~~(ix); or~~
 25 ~~(xi) a felony that is substantially equivalent to a felony listed~~
 26 ~~in this clause for which the conviction was entered in~~
 27 ~~another jurisdiction;~~
 28 if the conviction did not occur within the past five (5) years; or
 29 (C) had a juvenile adjudication for a nonwaivable offense, as
 30 defined in IC 31-9-2-84.8 that, if committed by an adult,
 31 would be a felony; and
 32 (2) the person's commission of the offense, delinquent act, or act
 33 of abuse or neglect described in subdivision (1) is not relevant to
 34 the person's present ability to care for a child, and placing a child
 35 in another home or awarding wardship to the department is in the
 36 best interest of the child.
 37 However, a court may not enter a dispositional decree that approves
 38 placement of a child in another home or awards wardship to the
 39 department if the person has been convicted of a nonwaivable offense,
 40 as defined in IC 31-9-2-84.8 that is not specifically excluded under
 41 subdivision (1)(B).
 42 (e) In considering the placement under subsection (d), the court



1 shall consider the following:

- 2 (1) The length of time since the person committed the offense,
 3 delinquent act, or act that resulted in the substantiated report of
 4 abuse or neglect.
 5 (2) The severity of the offense, delinquent act, or abuse or neglect.
 6 (3) Evidence of the person's rehabilitation, including the person's
 7 cooperation with a treatment plan, if applicable.

8 SECTION 47. IC 31-34-21-7.5, AS AMENDED BY THE
 9 TECHNICAL CORRECTIONS BILL OF THE 2020 GENERAL
 10 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2020]: Sec. 7.5. (a) Except as provided in subsection (d), the
 12 juvenile court may not approve a permanency plan under subsection
 13 ~~(c)(1)(D)~~; **(c)(1)(C)**, ~~(c)(1)(E)~~; **(c)(1)(D)**, or ~~(c)(1)(F)~~ **(c)(1)(E)** if a
 14 person who is currently residing with a person described in subsection
 15 ~~(c)(1)(D)~~ **(c)(1)(C)** or ~~(c)(1)(E)~~ **(c)(1)(D)** or in a residence in which the
 16 child would be placed under subsection ~~(c)(1)(F)~~ **(c)(1)(E)** has
 17 committed an act resulting in a substantiated report of child abuse or
 18 neglect, has a juvenile adjudication for an act that would be a
 19 nonwaivable offense, as defined in IC 31-9-2-84.8 if committed by an
 20 adult, or has a conviction for a nonwaivable offense, as defined in
 21 IC 31-9-2-84.8.

22 (b) Before requesting juvenile court approval of a permanency plan,
 23 the department shall conduct a criminal history check (as defined in
 24 IC 31-9-2-22.5) to determine if a person described in subsection (a) has
 25 committed an act resulting in a substantiated report of child abuse or
 26 neglect, has a juvenile adjudication for an act that would be a
 27 nonwaivable offense, as defined in IC 31-9-2-84.8 if committed by an
 28 adult, or has a conviction for a nonwaivable offense, as defined in
 29 IC 31-9-2-84.8. However, the department is not required to conduct a
 30 criminal history check under this section if criminal history information
 31 under IC 31-34-4-2, IC 31-34-18-6.1, or IC 31-34-20-1.5 establishes
 32 whether a person described in subsection (a) has committed an act
 33 resulting in a substantiated report of child abuse or neglect, has a
 34 juvenile adjudication for an act that would be a nonwaivable offense,
 35 as defined in IC 31-9-2-84.8 if committed by an adult, or has a
 36 conviction for a nonwaivable offense, as defined in IC 31-9-2-84.8.

37 (c) A permanency plan, or plans, if concurrent planning, under this
 38 chapter includes the following:

- 39 (1) The intended permanent or long term arrangements for care
 40 and custody of the child that may include any one (1), or two (2),
 41 if concurrent planning, of the following arrangements that the
 42 department or the court considers most appropriate and consistent



- 1 with the best interests of the child:
- 2 (A) Return to or continuation of existing custodial care within
- 3 the home of the child's parent, guardian, or custodian or
- 4 placement of the child with the child's noncustodial parent.
- 5 (B) Placement of the child for adoption.
- 6 (C) Placement of the child with a responsible person,
- 7 including:
- 8 (i) an adult sibling;
- 9 (ii) a grandparent;
- 10 (iii) an aunt;
- 11 (iv) an uncle;
- 12 (v) a custodial parent of a sibling of the child; or
- 13 (vi) another relative;
- 14 who is able and willing to act as the child's permanent
- 15 custodian and carry out the responsibilities required by the
- 16 permanency plan.
- 17 (D) Appointment of a legal guardian. The legal guardian
- 18 appointed under this section is a caretaker in a judicially
- 19 created relationship between the child and caretaker that is
- 20 intended to be permanent and self-sustaining as evidenced by
- 21 the transfer to the caretaker of the following parental rights
- 22 with respect to the child:
- 23 (i) Care, custody, and control of the child.
- 24 (ii) Decision making concerning the child's upbringing.
- 25 (E) A supervised independent living arrangement or foster
- 26 care for the child with a permanency plan of another planned,
- 27 permanent living arrangement. However, a child less than
- 28 sixteen (16) years of age may not have another planned,
- 29 permanent living arrangement as the child's permanency plan.
- 30 (2) A time schedule for implementing the applicable provisions
- 31 of the permanency plan.
- 32 (3) Provisions for temporary or interim arrangements for care and
- 33 custody of the child, pending completion of implementation of the
- 34 permanency plan.
- 35 (4) Other items required to be included in a case plan under
- 36 IC 31-34-15 or federal law, consistent with the permanent or long
- 37 term arrangements described by the permanency plan.
- 38 (d) A juvenile court may approve a permanency plan if:
- 39 (1) a person described in subsection (a) has:
- 40 (A) committed an act resulting in a substantiated report of
- 41 child abuse or neglect;
- 42 (B) been convicted of:



- 1 (i) battery (IC 35-42-2-1);
 2 (ii) criminal recklessness (IC 35-42-2-2) as a felony;
 3 (iii) criminal confinement (IC 35-42-3-3) as a felony;
 4 (iv) arson (IC 35-43-1-1) as a felony;
 5 (v) nonsupport of a dependent child (IC 35-46-1-5);
 6 (vi) operating a motorboat while intoxicated (IC 35-46-9-6)
 7 as a felony;
 8 (vii) a felony involving a weapon under IC 35-47;
 9 (viii) a felony relating to controlled substances under
 10 IC 35-48-4; **or**
 11 (ix) a felony under IC 9-30-5;
 12 ~~(x) attempt to commit a felony listed in items (i) through~~
 13 ~~(ix); or~~
 14 ~~(xi) a felony that is substantially equivalent to a felony listed~~
 15 ~~in this clause for which the conviction was entered in~~
 16 ~~another jurisdiction;~~

- 17 if the conviction did not occur within the past five (5) years; or
 18 (C) had a juvenile adjudication for a nonwaivable offense, as
 19 defined in IC 31-9-2-84.8 that, if committed by an adult,
 20 would be a felony; and
 21 (2) the person's commission of the offense, delinquent act, or act
 22 of abuse or neglect described in subdivision (1) is not relevant to
 23 the person's present ability to care for a child, and that approval
 24 of the permanency plan is in the best interest of the child.

25 However, a court may not approve a permanency plan if the person has
 26 been convicted of a nonwaivable offense, as defined in IC 31-9-2-84.8
 27 that is not specifically excluded under subdivision (1)(B), or has a
 28 juvenile adjudication for an act that would be a nonwaivable offense,
 29 as defined in IC 31-9-2-84.8 if committed by an adult that is not
 30 specifically excluded under subdivision (1)(B).

31 (e) In making its written finding under subsection (d), the court shall
 32 consider the following:

- 33 (1) The length of time since the person committed the offense,
 34 delinquent act, or act that resulted in the substantiated report of
 35 abuse or neglect.
 36 (2) The severity of the offense, delinquent act, or abuse or neglect.
 37 (3) Evidence of the person's rehabilitation, including the person's
 38 cooperation with a treatment plan, if applicable.

39 SECTION 48. IC 31-37-13-5, AS AMENDED BY P.L.168-2014,
 40 SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2020]: Sec. 5. (a) If a finding of delinquency is based on a
 42 delinquent act that would be a felony if committed by an adult, the



1 juvenile court shall state in the findings the following:

2 (1) The specific statute that was violated.

3 (2) The class or level of the felony had the violation been
4 committed by an adult.

5 **(b) If a finding of delinquency is based on a delinquent act that**
6 **would be a serious violent felony (as defined in IC 35-47-4-5) if**
7 **committed by an adult, the juvenile court shall, notwithstanding**
8 **IC 31-39-1, transmit the finding to the office of judicial**
9 **administration for transmission to NICS (as defined in**
10 **IC 35-47-2.5-2.5) in accordance with IC 33-24-6-3.**

11 SECTION 49. IC 31-37-19-6.5, AS AMENDED BY P.L.243-2019,
12 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2020]: Sec. 6.5. (a) Except as provided in subsection (d), the
14 juvenile court may not enter a dispositional decree approving
15 placement of a child in another home under section 1(a)(3) or
16 6(b)(2)(D) of this chapter or awarding wardship to a person or facility
17 that results in a placement with a person under section 1(a)(4) or
18 6(b)(2)(E) of this chapter if a person who is currently residing in the
19 home in which the child would be placed under section 1(a)(3), 1(a)(4),
20 6(b)(2)(D), or 6(b)(2)(E) of this chapter has committed an act resulting
21 in a substantiated report of child abuse or neglect, has a juvenile
22 adjudication for an act that would be a nonwaivable offense, as defined
23 in IC 31-9-2-84.8 if committed by an adult, or has a conviction for a
24 nonwaivable offense, as defined in IC 31-9-2-84.8.

25 (b) The juvenile probation officer who prepared the predispositional
26 report shall conduct a criminal history check (as defined in
27 IC 31-9-2-22.5) to determine if a person described in subsection (a) has
28 committed an act resulting in a substantiated report of child abuse or
29 neglect, has a juvenile adjudication for an act that would be a
30 nonwaivable offense, as defined in IC 31-9-2-84.8 if committed by an
31 adult, or has a conviction for a nonwaivable offense, as defined in
32 IC 31-9-2-84.8. However, the probation officer is not required to
33 conduct a criminal history check under this section if criminal history
34 information obtained under IC 31-37-17-6.1 establishes whether a
35 person described in subsection (a) has committed an act resulting in a
36 substantiated report of child abuse or neglect, has a juvenile
37 adjudication for an act that would be a nonwaivable offense, as defined
38 in IC 31-9-2-84.8 if committed by an adult, or has a conviction for a
39 nonwaivable offense, as defined in IC 31-9-2-84.8.

40 (c) The juvenile probation officer is not required to conduct a
41 criminal history check under this section if:

42 (1) the probation officer is considering only an out-of-home



- 1 placement to an entity or a facility that:
- 2 (A) is not a residence (as defined in IC 3-5-2-42.5); or
- 3 (B) is licensed by the state; or
- 4 (2) placement under this section is undetermined at the time the
- 5 predispositional report is prepared.
- 6 (d) The juvenile court may enter a dispositional decree approving
- 7 placement of a child in another home under section 1(a)(3) or
- 8 6(b)(2)(D) of this chapter or awarding wardship to a person or facility
- 9 that results in a placement with a person under section 1(a)(4) or
- 10 6(b)(2)(E) of this chapter if:
- 11 (1) a person described in subsection (a) has:
- 12 (A) committed an act resulting in a substantiated report of
- 13 child abuse or neglect;
- 14 (B) been convicted of:
- 15 (i) a felony under IC 9-30-5;
- 16 (ii) battery (IC 35-42-2-1);
- 17 (iii) criminal recklessness (IC 35-42-2-2) as a felony;
- 18 (iv) criminal confinement (IC 35-42-3-3) as a felony;
- 19 (v) arson (IC 35-43-1-1) as a felony;
- 20 (vi) nonsupport of a dependent child (IC 35-46-1-5);
- 21 (vii) operating a motorboat while intoxicated (IC 35-46-9-6)
- 22 as a felony;
- 23 (viii) a felony involving a weapon under IC 35-47; **or**
- 24 (ix) a felony relating to controlled substances under
- 25 IC 35-48-4;
- 26 ~~(x) attempt to commit a felony listed in items (i) through~~
- 27 ~~(ix); or~~
- 28 ~~(xi) a felony that is substantially equivalent to a felony listed~~
- 29 ~~in this clause for which the conviction was entered in~~
- 30 ~~another jurisdiction;~~
- 31 if the conviction did not occur within the past five (5) years; or
- 32 (C) had a juvenile adjudication for a nonwaivable offense, as
- 33 defined in IC 31-9-2-84.8 that, if committed by an adult,
- 34 would be a felony; and
- 35 (2) the person's commission of the offense, delinquent act, or act
- 36 of abuse or neglect described in subdivision (1) is not relevant to
- 37 the person's present ability to care for a child, and placing the
- 38 child in another home is in the best interest of the child.
- 39 However, a court may not enter a dispositional decree placing a child
- 40 in another home under section 1(a)(3) or 6(b)(2)(D) of this chapter or
- 41 awarding wardship to a person or facility under this subsection if a
- 42 person with whom the child is or will be placed has been convicted of



1 a nonwaivable offense, as defined in IC 31-9-2-84.8 that is not
2 specifically excluded under subdivision (1)(B).

3 (e) In considering the placement under subsection (d), the court
4 shall consider the following:

5 (1) The length of time since the person committed the offense,
6 delinquent act, or act that resulted in the substantiated report of
7 abuse or neglect.

8 (2) The severity of the offense, delinquent act, or abuse or neglect.

9 (3) Evidence of the person's rehabilitation, including the person's
10 cooperation with a treatment plan, if applicable.

11 SECTION 50. IC 31-37-22-11, AS ADDED BY P.L.86-2017,
12 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2020]: Sec. 11. (a) As used in this section, "trafficked child"
14 means a child who was the victim of human trafficking (IC 35-42-3.5),
15 ~~or a substantially similar human trafficking offense committed in~~
16 ~~another jurisdiction~~, regardless of whether the person who committed
17 the human trafficking offense was charged, tried, or convicted. The
18 term includes a person who is now an adult.

19 (b) Upon the written motion of a trafficked child, or any person
20 acting on behalf of a trafficked child, the court that adjudicated the
21 trafficked child a delinquent child shall vacate the adjudication issued
22 with respect to the trafficked child, if the movant proves by a
23 preponderance of the evidence that:

24 (1) the child was a trafficked child at the time the child performed
25 the delinquent act that resulted in the adjudication;

26 (2) the delinquent act did not result in bodily injury to another
27 person; and

28 (3) at the time the child committed the delinquent act, the child
29 was:

30 (A) coerced by; or

31 (B) under the control of;
32 another person.

33 (c) Before vacating an adjudication under subsection (b), the court
34 shall:

35 (1) forward a copy of the motion to the prosecuting attorney; and

36 (2) conduct a hearing at which the prosecuting attorney and the
37 movant are entitled to be heard.

38 SECTION 51. IC 31-39-8-3, AS AMENDED BY P.L.86-2017,
39 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JULY 1, 2020]: Sec. 3. (a) A person may initiate a petition for the
41 expungement of records of a child alleged to be a delinquent child or
42 a child in need of services by filing a verified petition in the juvenile



1 court in the county of the original action. The petition must set forth the
2 following:

3 (1) The allegations and date of adjudication, if applicable, of the
4 juvenile delinquency or child in need of services adjudications.

5 (2) The court in which juvenile delinquency or child in need of
6 services allegations or petitions were filed.

7 (3) The law enforcement agency that employs the charging
8 officer, if known.

9 (4) The case number or court cause number.

10 (5) Date of birth of the petitioner.

11 (6) Petitioner's Social Security number.

12 (7) All juvenile delinquency or child in need of services
13 adjudications and criminal convictions occurring after the
14 adjudication of the action sought to be expunged.

15 (8) All pending actions under IC 31-34 or IC 31-37 or criminal
16 charges.

17 (b) A petition described in subsection (a) shall be served on:

18 (1) the prosecuting attorney; or

19 (2) in the case of a child in need of services case, the department
20 of child services.

21 (c) The prosecuting attorney or department of child services has
22 thirty (30) days in which to reply or otherwise object to the petition.
23 The court may reduce the time in which a response must be filed for a
24 show of good cause or within its discretion after a hearing is held.

25 (d) If the prosecuting attorney or department of child services timely
26 files an objection to the petition, the matter shall be set for a hearing.
27 If no objection is filed, the court may set the petition for a hearing or
28 rule on the petition without a hearing.

29 (e) In considering whether to grant the petition, the juvenile court
30 may review:

31 (1) the best interests of the child;

32 (2) the age of the person during the person's contact with the
33 juvenile court or law enforcement agency;

34 (3) the nature of any allegations;

35 (4) whether there was an informal adjustment or an adjudication;

36 (5) the disposition of the case;

37 (6) the manner in which the person participated in any court
38 ordered or supervised services;

39 (7) the time during which the person has been without contact
40 with the juvenile court or with any law enforcement agency;

41 (8) whether the person acquired a criminal record; ~~and~~

42 (9) the person's current status;



- 1 **(10) whether the person has been:**
- 2 **(A) charged with; or**
- 3 **(B) convicted of;**
- 4 **murder or another felony offense as an adult;**
- 5 **(11) whether the person was waived to an adult criminal court**
- 6 **for a reason described in IC 31-30-3;**
- 7 **(12) whether an adult sentence for the person was not**
- 8 **suspended for a reason described in IC 35-50-2-2.1;**
- 9 **(13) whether the person has been adjudicated a delinquent**
- 10 **child for committing an act that would be a serious violent**
- 11 **felony (as defined in IC 35-47-4-5) if committed by an adult;**
- 12 **and**
- 13 **(14) whether:**
- 14 **(A) the person is currently suffering from a mental health**
- 15 **issue;**
- 16 **(B) the mental health issue described in clause (A) is**
- 17 **chronic or ongoing;**
- 18 **(C) the person has received, or is receiving, treatment for**
- 19 **a current or chronic mental health issue; and**
- 20 **(D) the person is compliant with a treatment regimen**
- 21 **recommended by a mental health professional, if**
- 22 **applicable.**

23 SECTION 52. IC 32-30-8-1 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. As used in this
 25 chapter, "nuisance" means

- 26 ~~(1)~~ the use of a property to commit an act constituting an offense
- 27 under IC 35-48-4. ~~or~~
- 28 ~~(2)~~ an attempt to commit or a conspiracy to commit an act
- 29 described in subdivision ~~(1)~~.

30 SECTION 53. IC 33-23-6-2, AS AMENDED BY P.L.55-2005,
 31 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2020]: Sec. 2. (a) In each county participating in the program
 33 under this chapter, there is established an alternative dispute resolution
 34 fund for each of the following:

- 35 (1) The circuit court.
- 36 (2) The superior court.
- 37 (3) The probate court established by IC 33-31-1.

38 (b) Notwithstanding subsection (a), if more than one (1) court
 39 exercises jurisdiction over domestic relations and paternity cases in a
 40 county, one (1) alternative dispute resolution fund may be established
 41 to be used by all the courts to implement this chapter if:

- 42 (1) the:



- 1 (A) county auditor; and
 2 (B) judge of each court that exercises jurisdiction over
 3 domestic relations and paternity cases in the county;
 4 agree to establish one (1) fund; and
 5 (2) the agreement to establish the fund is included in the plan
 6 adopted by the county under section 3 of this chapter.
 7 (c) The sources of money for each fund established under subsection
 8 (a) or (b) are:
 9 (1) the alternative dispute resolution fee collected under section
 10 1 of this chapter for the circuit court, superior court, or probate
 11 court, respectively; and
 12 (2) copayments collected under subsection (d) if:
 13 (A) a county chooses to deposit the copayments into the fund;
 14 and
 15 (B) the county specifies in the plan adopted by the county
 16 under section 3 of this chapter that the copayments will be
 17 deposited in the fund.
 18 (d) The funds shall be used to foster domestic relations alternative
 19 dispute resolution, including:
 20 (1) mediation;
 21 (2) reconciliation;
 22 (3) nonbinding arbitration; and
 23 (4) parental counseling.
 24 Litigants referred by the court to services covered by the fund shall
 25 make a copayment for the services in an amount determined by the
 26 court based on the litigants' ability to pay. The fund shall be
 27 administered by the circuit, superior, or probate court that exercises
 28 jurisdiction over domestic relations and paternity cases in the county.
 29 A fund used by multiple courts under subsection (b) shall be
 30 administered jointly by all the courts using the fund. Money in each
 31 fund at the end of a fiscal year does not revert to the county general
 32 fund but remains in the fund for the uses specified in this section.
 33 (e) Each circuit, superior, or probate court that administers an
 34 alternative dispute resolution fund shall ensure that money in the fund
 35 is disbursed in a manner that primarily benefits those litigants who
 36 have the least ability to pay, in accordance with the plan adopted by the
 37 county under section 3 of this chapter.
 38 (f) A court may not order parties into mediation or refer parties to
 39 mediation if a party is currently charged with or has been convicted of
 40 a crime
 41 ~~(1) under IC 35-42. or~~
 42 ~~(2) in another jurisdiction that is substantially similar to the~~



- 1 elements of a crime described in IC 35-42.
 2 SECTION 54. IC 33-23-8-4, AS AMENDED BY P.L.181-2005,
 3 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 4 JULY 1, 2020]: Sec. 4. If a practitioner is convicted under
 5 IC 35-43-5-4.5 of
 6 (†) insurance fraud,
 7 (2) an attempt to commit insurance fraud; or
 8 (3) conspiracy to commit insurance fraud;
 9 the sentencing court shall provide notice of the conviction to each
 10 governmental body that has issued a license to the practitioner.
 11 SECTION 55. IC 33-24-6-3, AS AMENDED BY P.L.207-2019,
 12 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2020]: Sec. 3. (a) The office of judicial administration shall
 14 do the following:
 15 (1) Examine the administrative and business methods and systems
 16 employed in the offices of the clerks of court and other offices
 17 related to and serving the courts and make recommendations for
 18 necessary improvement.
 19 (2) Collect and compile statistical data and other information on
 20 the judicial work of the courts in Indiana. All justices of the
 21 supreme court, judges of the court of appeals, judges of all trial
 22 courts, and any city or town courts, whether having general or
 23 special jurisdiction, court clerks, court reporters, and other
 24 officers and employees of the courts shall, upon notice by the
 25 chief administrative officer and in compliance with procedures
 26 prescribed by the chief administrative officer, furnish the chief
 27 administrative officer the information as is requested concerning
 28 the nature and volume of judicial business. The information must
 29 include the following:
 30 (A) The volume, condition, and type of business conducted by
 31 the courts.
 32 (B) The methods of procedure in the courts.
 33 (C) The work accomplished by the courts.
 34 (D) The receipt and expenditure of public money by and for
 35 the operation of the courts.
 36 (E) The methods of disposition or termination of cases.
 37 (3) Prepare and publish reports, not less than one (1) or more than
 38 two (2) times per year, on the nature and volume of judicial work
 39 performed by the courts as determined by the information
 40 required in subdivision (2).
 41 (4) Serve the judicial nominating commission and the judicial
 42 qualifications commission in the performance by the commissions



- 1 of their statutory and constitutional functions.
- 2 (5) Administer the civil legal aid fund as required by IC 33-24-12.
- 3 (6) Administer the court technology fund established by section
- 4 12 of this chapter.
- 5 (7) By December 31, 2013, develop and implement a standard
- 6 protocol for sending and receiving court data:
- 7 (A) between the protective order registry, established by
- 8 IC 5-2-9-5.5, and county court case management systems;
- 9 (B) at the option of the county prosecuting attorney, for:
- 10 (i) a prosecuting attorney's case management system;
- 11 (ii) a county court case management system; and
- 12 (iii) a county court case management system developed and
- 13 operated by the office of judicial administration;
- 14 to interface with the electronic traffic tickets, as defined by
- 15 IC 9-30-3-2.5; and
- 16 (C) between county court case management systems and the
- 17 case management system developed and operated by the office
- 18 of judicial administration.
- 19 The standard protocol developed and implemented under this
- 20 subdivision shall permit private sector vendors, including vendors
- 21 providing service to a local system and vendors accessing the
- 22 system for information, to send and receive court information on
- 23 an equitable basis and at an equitable cost.
- 24 (8) Establish and administer an electronic system for receiving
- 25 information that relates to certain individuals who may be
- 26 prohibited from possessing a firearm ~~and~~ **for the purpose of:**
- 27 (A) transmitting this information to the Federal Bureau of
- 28 Investigation for inclusion in the NICS; and
- 29 (B) **beginning July 1, 2021, compiling and publishing**
- 30 **certain statistics related to the confiscation and retention**
- 31 **of firearms as described under section 14 of this chapter.**
- 32 (9) Establish and administer an electronic system for receiving
- 33 drug related felony conviction information from courts. The office
- 34 of judicial administration shall notify NPLeX of each drug related
- 35 felony entered after June 30, 2012, and do the following:
- 36 (A) Provide NPLeX with the following information:
- 37 (i) The convicted individual's full name.
- 38 (ii) The convicted individual's date of birth.
- 39 (iii) The convicted individual's driver's license number, state
- 40 personal identification number, or other unique number, if
- 41 available.
- 42 (iv) The date the individual was convicted of the felony.



- 1 Upon receipt of the information from the office of judicial
2 administration, a stop sale alert must be generated through
3 NPLEx for each individual reported under this clause.
4 (B) Notify NPLEx if the felony of an individual reported under
5 clause (A) has been:
6 (i) set aside;
7 (ii) reversed;
8 (iii) expunged; or
9 (iv) vacated.
- 10 Upon receipt of information under this clause, NPLEx shall
11 remove the stop sale alert issued under clause (A) for the
12 individual.
- 13 (10) Staff the judicial technology oversight committee established
14 by IC 33-23-17-2.
- 15 (11) After July 1, 2018, establish and administer an electronic
16 system for receiving from courts felony conviction information for
17 each felony described in IC 20-28-5-8(c). The office of judicial
18 administration shall notify the department of education at least
19 one (1) time each week of each felony described in
20 IC 20-28-5-8(c) entered after July 1, 2018, and do the following:
21 (A) Provide the department of education with the following
22 information:
23 (i) The convicted individual's full name.
24 (ii) The convicted individual's date of birth.
25 (iii) The convicted individual's driver's license number, state
26 personal identification number, or other unique number, if
27 available.
28 (iv) The date the individual was convicted of the felony.
29 (B) Notify the department of education if the felony of a
30 individual reported under clause (A) has been:
31 (i) set aside;
32 (ii) reversed; or
33 (iii) vacated.
- 34 (12) Perform legal and administrative duties for the justices as
35 determined by the justices.
- 36 (13) Provide staff support for the judicial conference of Indiana
37 established in IC 33-38-9.
- 38 (14) Work with the United States Department of Veterans Affairs
39 to identify and address the needs of veterans in the court system.
- 40 (b) All forms to be used in gathering data must be approved by the
41 supreme court and shall be distributed to all judges and clerks before
42 the start of each period for which reports are required.



1 (c) The office of judicial administration may adopt rules to
2 implement this section.

3 SECTION 56. IC 33-24-6-14 IS ADDED TO THE INDIANA
4 CODE AS A NEW SECTION TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2020]: **Sec. 14. (a) The following definitions**
6 **apply throughout this section:**

7 (1) "Dangerous" has the meaning set forth in IC 35-47-14-1.

8 (2) "Firearm" has the meaning set forth in IC 35-47-1-5.

9 (3) "Office" means the office of judicial administration
10 created by section 1 of this chapter.

11 (b) Beginning July 1, 2021, the office shall collect and record the
12 following information:

13 (1) The law enforcement agency responsible for each
14 confiscation of a firearm under IC 35-47-14-2 and
15 IC 35-47-14-3.

16 (2) The number of:

17 (A) warrant based firearm confiscations under
18 IC 35-47-14-2; and

19 (B) warrantless firearm confiscations under IC 35-47-14-3;
20 for each county, as applicable, each year.

21 (3) The total number of:

22 (A) handguns; and

23 (B) long guns;

24 confiscated under IC 35-47-14 for each county, as applicable,
25 each year.

26 (4) The county in which a court issues an order that finds or
27 does not find an individual to be dangerous under
28 IC 35-47-14-6.

29 (c) The office shall, beginning July 1, 2021, not later than
30 January 1 of each year, submit a report to the legislative council in
31 an electronic format under IC 5-14-6 that consolidates and
32 presents the information described in subsection (b).

33 (d) Notwithstanding subsections (b) and (c) and information
34 provided to a law enforcement agency for the purposes of handgun
35 licenses, the office shall not collect, store, disclose, distribute,
36 transfer, or provide the following information to any person,
37 entity, agency, or department:

38 (1) The:

39 (A) name;

40 (B) date of birth;

41 (C) Social Security number;

42 (D) address; or



- 1 **(E) other unique identifier;**
 2 **belonging to or associated with an individual alleged to be**
 3 **dangerous by a law enforcement officer or found to be**
 4 **dangerous by a circuit or superior court.**
 5 **(2) The make, model, or serial number of any handgun, long**
 6 **gun, or firearm seized, confiscated, retained, disposed of, or**
 7 **sold under IC 35-47-14.**
 8 **(e) Information:**
 9 **(1) collected by the office; or**
 10 **(2) used by the office;**
 11 **to prepare the report described in subsection (c) is confidential and**
 12 **not subject to public inspection or copying under IC 5-14-3-3.**
 13 **(f) The office shall make the report described in subsection (c)**
 14 **available to the public.**
 15 **(g) The office may adopt rules under IC 4-22-2 to implement**
 16 **this section.**
 17 SECTION 57. IC 34-24-1-1, AS AMENDED BY P.L.211-2019,
 18 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2020]: Sec. 1. (a) The following may be seized:
 20 (1) All vehicles (as defined by IC 35-31.5-2-346), if they are used
 21 or are intended for use by the person or persons in possession of
 22 them to transport or in any manner to facilitate the transportation
 23 of the following:
 24 (A) A controlled substance for the purpose of committing,
 25 attempting to commit, or conspiring to commit any of the
 26 following:
 27 (i) Dealing in or manufacturing cocaine or a narcotic drug
 28 (IC 35-48-4-1).
 29 (ii) Dealing in methamphetamine (IC 35-48-4-1.1).
 30 (iii) Manufacturing methamphetamine (IC 35-48-4-1.2).
 31 (iv) Dealing in a schedule I, II, or III controlled substance
 32 (IC 35-48-4-2).
 33 (v) Dealing in a schedule IV controlled substance
 34 (IC 35-48-4-3).
 35 (vi) Dealing in a schedule V controlled substance
 36 (IC 35-48-4-4).
 37 (vii) Dealing in a counterfeit substance (IC 35-48-4-5).
 38 (viii) Possession of cocaine or a narcotic drug
 39 (IC 35-48-4-6).
 40 (ix) Possession of methamphetamine (IC 35-48-4-6.1).
 41 (x) Dealing in paraphernalia (IC 35-48-4-8.5).
 42 (xi) Dealing in marijuana, hash oil, hashish, or salvia



- 1 (IC 35-48-4-10).
- 2 (xii) An offense under IC 35-48-4 involving a synthetic drug
- 3 (as defined in IC 35-31.5-2-321), a synthetic drug lookalike
- 4 substance (as defined in IC 35-31.5-2-321.5 (before its
- 5 repeal on July 1, 2019)) under IC 35-48-4-10.5 (before its
- 6 repeal on July 1, 2019), a controlled substance analog (as
- 7 defined in IC 35-48-1-9.3), or a substance represented to be
- 8 a controlled substance (as described in IC 35-48-4-4.6).
- 9 (B) Any stolen (IC 35-43-4-2) or converted property
- 10 (IC 35-43-4-3) if the retail or repurchase value of that property
- 11 is one hundred dollars (\$100) or more.
- 12 (C) Any hazardous waste in violation of IC 13-30-10-1.5.
- 13 (D) A bomb (as defined in IC 35-31.5-2-31) or weapon of
- 14 mass destruction (as defined in IC 35-31.5-2-354) used to
- 15 commit, used in an attempt to commit, or used in a conspiracy
- 16 to commit a felony terrorist offense (as defined in
- 17 IC 35-50-2-18) or an offense under IC 35-47 as part of or in
- 18 furtherance of an act of terrorism (as defined by
- 19 IC 35-31.5-2-329).
- 20 (2) All money, negotiable instruments, securities, weapons,
- 21 communications devices, or any property used to commit, used in
- 22 an attempt to commit, or used in a conspiracy to commit a felony
- 23 terrorist offense (as defined in IC 35-50-2-18) or an offense under
- 24 IC 35-47 as part of or in furtherance of an act of terrorism or
- 25 commonly used as consideration for a violation of IC 35-48-4
- 26 (other than items subject to forfeiture under IC 16-42-20-5 or
- 27 IC 16-6-8.5-5.1, before its repeal):
- 28 (A) furnished or intended to be furnished by any person in
- 29 exchange for an act that is in violation of a criminal statute;
- 30 (B) used to facilitate any violation of a criminal statute; or
- 31 (C) traceable as proceeds of the violation of a criminal statute.
- 32 (3) Any portion of real or personal property purchased with
- 33 money that is traceable as a proceed of a violation of a criminal
- 34 statute.
- 35 (4) A vehicle that is used by a person to:
- 36 (A) commit, attempt to commit, or conspire to commit;
- 37 (B) facilitate the commission of; or
- 38 (C) escape from the commission of;
- 39 murder (IC 35-42-1-1), dealing in a controlled substance resulting
- 40 in death (IC 35-42-1-1.5), kidnapping (IC 35-42-3-2), criminal
- 41 confinement (IC 35-42-3-3), rape (IC 35-42-4-1), child molesting
- 42 (IC 35-42-4-3), or child exploitation (IC 35-42-4-4), or an offense



- 1 under IC 35-47 as part of or in furtherance of an act of terrorism.
 2 (5) Real property owned by a person who uses it to commit any of
 3 the following as a Level 1, Level 2, Level 3, Level 4, or Level 5
 4 felony:
- 5 (A) Dealing in or manufacturing cocaine or a narcotic drug
 6 (IC 35-48-4-1).
 - 7 (B) Dealing in methamphetamine (IC 35-48-4-1.1).
 - 8 (C) Manufacturing methamphetamine (IC 35-48-4-1.2).
 - 9 (D) Dealing in a schedule I, II, or III controlled substance
 10 (IC 35-48-4-2).
 - 11 (E) Dealing in a schedule IV controlled substance
 12 (IC 35-48-4-3).
 - 13 (F) Dealing in marijuana, hash oil, hashish, or salvia
 14 (IC 35-48-4-10).
 - 15 (G) Dealing in a synthetic drug (as defined in
 16 IC 35-31.5-2-321) or synthetic drug lookalike substance (as
 17 defined in IC 35-31.5-2-321.5 (before its repeal on July 1,
 18 2019)) under IC 35-48-4-10.5 (before its repeal on July 1,
 19 2019).
 - 20 (H) Dealing in a controlled substance resulting in death
 21 (IC 35-42-1-1.5).
- 22 (6) Equipment and recordings used by a person to commit fraud
 23 under IC 35-43-5-4(10).
- 24 (7) Recordings sold, rented, transported, or possessed by a person
 25 in violation of IC 24-4-10.
- 26 (8) Property (as defined by IC 35-31.5-2-253) or an enterprise (as
 27 defined by IC 35-45-6-1) that is the object of a corrupt business
 28 influence violation (IC 35-45-6-2).
- 29 (9) Unlawful telecommunications devices (as defined in
 30 IC 35-45-13-6) and plans, instructions, or publications used to
 31 commit an offense under IC 35-45-13.
- 32 (10) Any equipment, including computer equipment and cellular
 33 telephones, used for or intended for use in preparing,
 34 photographing, recording, videotaping, digitizing, printing,
 35 copying, or disseminating matter in violation of IC 35-42-4.
- 36 (11) Destructive devices used, possessed, transported, or sold in
 37 violation of IC 35-47.5.
- 38 (12) Tobacco products that are sold in violation of IC 24-3-5,
 39 tobacco products that a person attempts to sell in violation of
 40 IC 24-3-5, and other personal property owned and used by a
 41 person to facilitate a violation of IC 24-3-5.
- 42 (13) Property used by a person to commit counterfeiting or



- 1 forgery in violation of IC 35-43-5-2.
 2 (14) After December 31, 2005, if a person is convicted of an
 3 offense specified in IC 25-26-14-26(b) or IC 35-43-10, the
 4 following real or personal property:
 5 (A) Property used or intended to be used to commit, facilitate,
 6 or promote the commission of the offense.
 7 (B) Property constituting, derived from, or traceable to the
 8 gross proceeds that the person obtained directly or indirectly
 9 as a result of the offense.
 10 (15) Except as provided in subsection (e), a vehicle used by a
 11 person who operates the vehicle:
 12 (A) while intoxicated, in violation of IC 9-30-5-1 through
 13 IC 9-30-5-5, if in the previous five (5) years the person has two
 14 (2) or more prior unrelated convictions
 15 (i) for operating a motor vehicle while intoxicated in
 16 violation of IC 9-30-5-1 through IC 9-30-5-5; ~~or~~
 17 (ii) ~~for an offense that is substantially similar to IC 9-30-5-1~~
 18 ~~through IC 9-30-5-5 in another jurisdiction;~~ or
 19 (B) on a highway while the person's driving privileges are
 20 suspended in violation of IC 9-24-19-2 through IC 9-24-19-3,
 21 if in the previous five (5) years the person has two (2) or more
 22 prior unrelated convictions
 23 (i) for operating a vehicle while intoxicated in violation of
 24 IC 9-30-5-1 through IC 9-30-5-5. ~~or~~
 25 (ii) ~~for an offense that is substantially similar to IC 9-30-5-1~~
 26 ~~through IC 9-30-5-5 in another jurisdiction.~~
 27 If a court orders the seizure of a vehicle under this subdivision,
 28 the court shall transmit an order to the bureau of motor vehicles
 29 recommending that the bureau not permit a vehicle to be
 30 registered in the name of the person whose vehicle was seized
 31 until the person possesses a current driving license (as defined in
 32 IC 9-13-2-41).
 33 (16) The following real or personal property:
 34 (A) Property used or intended to be used to commit, facilitate,
 35 or promote the commission of an offense specified in
 36 IC 23-14-48-9, IC 30-2-9-7(b), IC 30-2-10-9(b), or
 37 IC 30-2-13-38(f).
 38 (B) Property constituting, derived from, or traceable to the
 39 gross proceeds that a person obtains directly or indirectly as a
 40 result of an offense specified in IC 23-14-48-9, IC 30-2-9-7(b),
 41 IC 30-2-10-9(b), or IC 30-2-13-38(f).
 42 (17) An automated sales suppression device (as defined in



- 1 IC 35-43-5-4.6(a)(1) or phantom-ware (as defined in
 2 IC 35-43-5-4.6(a)(3)).
 3 (18) Real or personal property, including a vehicle, that is used by
 4 a person to:
 5 (A) commit, attempt to commit, or conspire to commit;
 6 (B) facilitate the commission of; or
 7 (C) escape from the commission of;
 8 a violation of IC 35-42-3.5-1 through IC 35-42-3.5-1.4 (human
 9 trafficking) or IC 35-45-4-4 (promoting prostitution).
 10 (b) A vehicle used by any person as a common or contract carrier in
 11 the transaction of business as a common or contract carrier is not
 12 subject to seizure under this section, unless it can be proven by a
 13 preponderance of the evidence that the owner of the vehicle knowingly
 14 permitted the vehicle to be used to engage in conduct that subjects it to
 15 seizure under subsection (a).
 16 (c) Equipment under subsection (a)(10) may not be seized unless it
 17 can be proven by a preponderance of the evidence that the owner of the
 18 equipment knowingly permitted the equipment to be used to engage in
 19 conduct that subjects it to seizure under subsection (a)(10).
 20 (d) Money, negotiable instruments, securities, weapons,
 21 communications devices, or any property commonly used as
 22 consideration for a violation of IC 35-48-4 found near or on a person
 23 who is committing, attempting to commit, or conspiring to commit any
 24 of the following offenses shall be admitted into evidence in an action
 25 under this chapter as prima facie evidence that the money, negotiable
 26 instrument, security, or other thing of value is property that has been
 27 used or was to have been used to facilitate the violation of a criminal
 28 statute or is the proceeds of the violation of a criminal statute:
 29 (1) IC 35-42-1-1.5 (dealing in a controlled substance resulting in
 30 death).
 31 (2) IC 35-48-4-1 (dealing in or manufacturing cocaine or a
 32 narcotic drug).
 33 (3) IC 35-48-4-1.1 (dealing in methamphetamine).
 34 (4) IC 35-48-4-1.2 (manufacturing methamphetamine).
 35 (5) IC 35-48-4-2 (dealing in a schedule I, II, or III controlled
 36 substance).
 37 (6) IC 35-48-4-3 (dealing in a schedule IV controlled substance).
 38 (7) IC 35-48-4-4 (dealing in a schedule V controlled substance)
 39 as a Level 4 felony.
 40 (8) IC 35-48-4-6 (possession of cocaine or a narcotic drug) as a
 41 Level 3, Level 4, or Level 5 felony.
 42 (9) IC 35-48-4-6.1 (possession of methamphetamine) as a Level



1 3, Level 4, or Level 5 felony.

2 (10) IC 35-48-4-10 (dealing in marijuana, hash oil, hashish, or
3 salvia) as a Level 5 felony.

4 (11) IC 35-48-4-10.5 (before its repeal on July 1, 2019) (dealing
5 in a synthetic drug or synthetic drug lookalike substance) as a
6 Level 5 felony or Level 6 felony (or as a Class C felony or Class
7 D felony under IC 35-48-4-10 before its amendment in 2013).

8 (e) A vehicle operated by a person who is not:

9 (1) an owner of the vehicle; or

10 (2) the spouse of the person who owns the vehicle;

11 is not subject to seizure under subsection (a)(15) unless it can be
12 proven by a preponderance of the evidence that the owner of the
13 vehicle knowingly permitted the vehicle to be used to engage in
14 conduct that subjects it to seizure under subsection (a)(15).

15 SECTION 58. IC 34-30-2-149.5, AS AMENDED BY P.L.86-2018,
16 SECTION 320, IS AMENDED TO READ AS FOLLOWS
17 [EFFECTIVE JULY 1, 2020]: Sec. 149.5. (a) IC 35-38-1-10.5
18 (Concerning a person who makes a report or testifies in court regarding
19 the results of a test for the human immunodeficiency virus (HIV) or
20 another ~~dangerous~~ **serious** disease performed on an individual
21 convicted of certain crimes).

22 (b) IC 35-38-1-28(d) (Concerning a clerk, court, law enforcement
23 officer, or prosecuting attorney for an error or omission in the
24 transportation of fingerprints, case history data, or sentencing data).

25 SECTION 59. IC 35-31.5-2-91, AS AMENDED BY P.L.158-2013,
26 SECTION 365, IS AMENDED TO READ AS FOLLOWS
27 [EFFECTIVE JULY 1, 2020]: Sec. 91. "Designated offense", for
28 purposes of IC 35-33.5, means the following:

29 (1) A Class A, Class B, or Class C felony, for a crime committed
30 before July 1, 2014, or a Level 1, Level 2, Level 3, Level 4, or
31 Level 5 felony, for a crime committed after June 30, 2014, that is
32 a controlled substance offense (IC 35-48-4).

33 (2) Murder (IC 35-42-1-1).

34 (3) Kidnapping (IC 35-42-3-2).

35 (4) Criminal confinement (IC 35-42-3-3).

36 (5) Robbery (IC 35-42-5-1).

37 (6) Arson (IC 35-43-1-1).

38 (7) Child solicitation (IC 35-42-4-6).

39 (8) Human and sexual trafficking crimes under IC 35-42-3.5.

40 (9) Escape as a Class B felony or Class C felony, for a crime
41 committed before July 1, 2014, or a Level 4 felony or Level 5
42 felony, for a crime committed after June 30, 2014



- 1 (IC 35-44.1-3-4).
 2 (10) An offense that relates to a weapon of mass destruction (as
 3 defined in section 354 of this chapter).
 4 ~~(11) An attempt or conspiracy to commit an offense described in~~
 5 ~~subdivisions (1) through (10):~~
 6 ~~(12) An offense under the law of the United States or in another~~
 7 ~~state or country that is substantially similar to an offense~~
 8 ~~described in subdivisions (1) through (11):~~
 9 SECTION 60. IC 35-31.5-2-132.7 IS ADDED TO THE INDIANA
 10 CODE AS A NEW SECTION TO READ AS FOLLOWS
 11 [EFFECTIVE JULY 1, 2020]: **Sec. 132.7. "Financial transaction",**
 12 **for purposes of IC 35-45-17, has the meaning set forth in**
 13 **IC 35-45-17-0.5.**
 14 SECTION 61. IC 35-31.5-2-257.5 IS ADDED TO THE INDIANA
 15 CODE AS A NEW SECTION TO READ AS FOLLOWS
 16 [EFFECTIVE JULY 1, 2020]: **Sec. 257.5. "Public monument", for**
 17 **purposes of IC 35-45-17, has the meaning set forth in**
 18 **IC 35-45-17-1.5.**
 19 SECTION 62. IC 35-31.5-2-294, AS ADDED BY P.L.114-2012,
 20 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2020]: Sec. 294. "Serious violent felony", for purposes of
 22 IC 35-47-4-5 **and IC 35-47-4-9**, has the meaning set forth in
 23 ~~IC 35-47-4-5(b):~~ **IC 35-47-4-5.**
 24 SECTION 63. IC 35-37-4-6, AS AMENDED BY P.L.65-2016,
 25 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2020]: Sec. 6. (a) This section applies to a criminal action
 27 involving the following offenses where the victim is a protected person
 28 under subsection (c)(1) or (c)(2):
 29 (1) Sex crimes (IC 35-42-4).
 30 (2) A battery offense included in IC 35-42-2 upon a child less
 31 than fourteen (14) years of age.
 32 (3) Kidnapping and confinement (IC 35-42-3).
 33 (4) Incest (IC 35-46-1-3).
 34 (5) Neglect of a dependent (IC 35-46-1-4).
 35 (6) Human and sexual trafficking crimes (IC 35-42-3.5).
 36 ~~(7) An attempt under IC 35-41-5-1 to commit an offense listed in~~
 37 ~~this subsection.~~
 38 (b) This section applies to a criminal action involving the following
 39 offenses where the victim is a protected person under subsection (c)(3):
 40 (1) Exploitation of a dependent or endangered adult
 41 (IC 35-46-1-12).
 42 (2) A sex crime (IC 35-42-4).



- 1 (3) A battery offense included in IC 35-42-2.
 2 (4) Kidnapping, confinement, or interference with custody
 3 (IC 35-42-3).
 4 (5) Home improvement fraud (IC 35-43-6).
 5 (6) Fraud (IC 35-43-5).
 6 (7) Identity deception (IC 35-43-5-3.5).
 7 (8) Synthetic identity deception (IC 35-43-5-3.8).
 8 (9) Theft (IC 35-43-4-2).
 9 (10) Conversion (IC 35-43-4-3).
 10 (11) Neglect of a dependent (IC 35-46-1-4).
 11 (12) Human and sexual trafficking crimes (IC 35-42-3.5).
 12 (c) As used in this section, "protected person" means:
 13 (1) a child who is less than fourteen (14) years of age;
 14 (2) an individual with a mental disability who has a disability
 15 attributable to an impairment of general intellectual functioning
 16 or adaptive behavior that:
 17 (A) is manifested before the individual is eighteen (18) years
 18 of age;
 19 (B) is likely to continue indefinitely;
 20 (C) constitutes a substantial impairment of the individual's
 21 ability to function normally in society; and
 22 (D) reflects the individual's need for a combination and
 23 sequence of special, interdisciplinary, or generic care,
 24 treatment, or other services that are of lifelong or extended
 25 duration and are individually planned and coordinated; or
 26 (3) an individual who is:
 27 (A) at least eighteen (18) years of age; and
 28 (B) incapable by reason of mental illness, intellectual
 29 disability, dementia, or other physical or mental incapacity of:
 30 (i) managing or directing the management of the individual's
 31 property; or
 32 (ii) providing or directing the provision of self-care.
 33 (d) A statement or videotape that:
 34 (1) is made by a person who at the time of trial is a protected
 35 person;
 36 (2) concerns an act that is a material element of an offense listed
 37 in subsection (a) or (b) that was allegedly committed against the
 38 person; and
 39 (3) is not otherwise admissible in evidence;
 40 is admissible in evidence in a criminal action for an offense listed in
 41 subsection (a) or (b) if the requirements of subsection (e) are met.
 42 (e) A statement or videotape described in subsection (d) is



1 admissible in evidence in a criminal action listed in subsection (a) or
 2 (b) if, after notice to the defendant of a hearing and of the defendant's
 3 right to be present, all of the following conditions are met:

4 (1) The court finds, in a hearing:

5 (A) conducted outside the presence of the jury; and

6 (B) attended by the protected person in person or by using
 7 closed circuit television testimony as described in section 8(f)
 8 and 8(g) of this chapter;

9 that the time, content, and circumstances of the statement or
 10 videotape provide sufficient indications of reliability.

11 (2) The protected person:

12 (A) testifies at the trial; or

13 (B) is found by the court to be unavailable as a witness for one

14 (1) of the following reasons:

15 (i) From the testimony of a psychiatrist, physician, or
 16 psychologist, and other evidence, if any, the court finds that
 17 the protected person's testifying in the physical presence of
 18 the defendant will cause the protected person to suffer
 19 serious emotional distress such that the protected person
 20 cannot reasonably communicate.

21 (ii) The protected person cannot participate in the trial for
 22 medical reasons.

23 (iii) The court has determined that the protected person is
 24 incapable of understanding the nature and obligation of an
 25 oath.

26 (f) If a protected person is unavailable to testify at the trial for a
 27 reason listed in subsection (e)(2)(B), a statement or videotape may be
 28 admitted in evidence under this section only if the protected person was
 29 available for cross-examination:

30 (1) at the hearing described in subsection (e)(1); or

31 (2) when the statement or videotape was made.

32 (g) A statement or videotape may not be admitted in evidence under
 33 this section unless the prosecuting attorney informs the defendant and
 34 the defendant's attorney at least ten (10) days before the trial of:

35 (1) the prosecuting attorney's intention to introduce the statement
 36 or videotape in evidence; and

37 (2) the content of the statement or videotape.

38 (h) If a statement or videotape is admitted in evidence under this
 39 section, the court shall instruct the jury that it is for the jury to
 40 determine the weight and credit to be given the statement or videotape
 41 and that, in making that determination, the jury shall consider the
 42 following:



- 1 (1) The mental and physical age of the person making the
- 2 statement or videotape.
- 3 (2) The nature of the statement or videotape.
- 4 (3) The circumstances under which the statement or videotape
- 5 was made.
- 6 (4) Other relevant factors.
- 7 (i) If a statement or videotape described in subsection (d) is
- 8 admitted into evidence under this section, a defendant may introduce
- 9 a:
- 10 (1) transcript; or
- 11 (2) videotape;
- 12 of the hearing held under subsection (e)(1) into evidence at trial.
- 13 SECTION 64. IC 35-37-4-8, AS AMENDED BY P.L.65-2016,
- 14 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 15 JULY 1, 2020]: Sec. 8. (a) This section applies to a criminal action
- 16 under the following:
- 17 (1) Sex crimes (IC 35-42-4).
- 18 (2) A battery offense included in IC 35-42-2 upon a child less
- 19 than fourteen (14) years of age.
- 20 (3) Kidnapping and confinement (IC 35-42-3).
- 21 (4) Incest (IC 35-46-1-3).
- 22 (5) Neglect of a dependent (IC 35-46-1-4).
- 23 (6) Human and sexual trafficking crimes (IC 35-42-3.5).
- 24 (7) ~~An attempt under IC 35-41-5-1 for an offense listed in~~
- 25 ~~subdivisions (1) through (6):~~
- 26 (b) As used in this section, "protected person" has the meaning set
- 27 forth in section 6 of this chapter.
- 28 (c) On the motion of the prosecuting attorney, the court may order
- 29 that the testimony of a protected person be taken in a room other than
- 30 the courtroom, and that the questioning of the protected person by the
- 31 prosecution and the defense be transmitted using a two-way closed
- 32 circuit television arrangement that:
- 33 (1) allows the protected person to see the accused and the trier of
- 34 fact; and
- 35 (2) allows the accused and the trier of fact to see and hear the
- 36 protected person.
- 37 (d) On the motion of the prosecuting attorney or the defendant, the
- 38 court may order that the testimony of a protected person be videotaped
- 39 for use at trial. The videotaping of the testimony of a protected person
- 40 under this subsection must meet the requirements of subsection (c).
- 41 (e) The court may not make an order under subsection (c) or (d)
- 42 unless:



- 1 (1) the testimony to be taken is the testimony of a protected
 2 person who:
 3 (A) is the alleged victim of an offense listed in subsection (a)
 4 for which the defendant is being tried or is a witness in a trial
 5 for an offense listed in subsection (a); and
 6 (B) is found by the court to be a protected person who should
 7 be permitted to testify outside the courtroom because:
 8 (i) the court finds from the testimony of a psychiatrist,
 9 physician, or psychologist and any other evidence that the
 10 protected person's testifying in the physical presence of the
 11 defendant would cause the protected person to suffer serious
 12 emotional harm and the court finds that the protected person
 13 could not reasonably communicate in the physical presence
 14 of the defendant to the trier of fact;
 15 (ii) a physician has certified that the protected person cannot
 16 be present in the courtroom for medical reasons; or
 17 (iii) evidence has been introduced concerning the effect of
 18 the protected person's testifying in the physical presence of
 19 the defendant, and the court finds that it is more likely than
 20 not that the protected person's testifying in the physical
 21 presence of the defendant creates a substantial likelihood of
 22 emotional or mental harm to the protected person;
 23 (2) the prosecuting attorney has informed the defendant and the
 24 defendant's attorney of the intention to have the protected person
 25 testify outside the courtroom; and
 26 (3) the prosecuting attorney informed the defendant and the
 27 defendant's attorney under subdivision (2) at least ten (10) days
 28 before the trial of the prosecuting attorney's intention to have the
 29 protected person testify outside the courtroom.
 30 (f) If the court makes an order under subsection (c), only the
 31 following persons may be in the same room as the protected person
 32 during the protected person's testimony:
 33 (1) A defense attorney if:
 34 (A) the defendant is represented by the defense attorney; and
 35 (B) the prosecuting attorney is also in the same room.
 36 (2) The prosecuting attorney if:
 37 (A) the defendant is represented by a defense attorney; and
 38 (B) the defense attorney is also in the same room.
 39 (3) Persons necessary to operate the closed circuit television
 40 equipment.
 41 (4) Persons whose presence the court finds will contribute to the
 42 protected person's well-being.



- 1 (5) A court bailiff or court representative.
- 2 (g) If the court makes an order under subsection (d), only the
- 3 following persons may be in the same room as the protected person
- 4 during the protected person's videotaped testimony:
- 5 (1) The judge.
- 6 (2) The prosecuting attorney.
- 7 (3) The defendant's attorney (or the defendant, if the defendant is
- 8 not represented by an attorney).
- 9 (4) Persons necessary to operate the electronic equipment.
- 10 (5) The court reporter.
- 11 (6) Persons whose presence the court finds will contribute to the
- 12 protected person's well-being.
- 13 (7) The defendant, who can observe and hear the testimony of the
- 14 protected person with the protected person being able to observe
- 15 or hear the defendant. However, if the defendant is not
- 16 represented by an attorney, the defendant may question the
- 17 protected person.
- 18 (h) If the court makes an order under subsection (c) or (d), only the
- 19 following persons may question the protected person:
- 20 (1) The prosecuting attorney.
- 21 (2) The defendant's attorney (or the defendant, if the defendant is
- 22 not represented by an attorney).
- 23 (3) The judge.
- 24 SECTION 65. IC 35-38-1-7.5, AS AMENDED BY P.L.86-2018,
- 25 SECTION 332, IS AMENDED TO READ AS FOLLOWS
- 26 [EFFECTIVE JULY 1, 2020]: Sec. 7.5. (a) As used in this section,
- 27 "sexually violent predator" means a person who suffers from a mental
- 28 abnormality or personality disorder that makes the individual likely to
- 29 repeatedly commit a sex offense (as defined in IC 11-8-8-5.2). The
- 30 term includes a person convicted in another jurisdiction who is
- 31 identified as a sexually violent predator under IC 11-8-8-20. The term
- 32 does not include a person no longer considered a sexually violent
- 33 predator under subsection (g).
- 34 (b) A person who:
- 35 (1) being at least eighteen (18) years of age, commits an offense
- 36 described in:
- 37 (A) IC 35-42-4-1;
- 38 (B) IC 35-42-4-2 (before its repeal);
- 39 (C) IC 35-42-4-3 as a Class A or Class B felony (for a crime
- 40 committed before July 1, 2014) or a Level 1, Level 2, Level 3,
- 41 or Level 4 felony (for a crime committed after June 30, 2014);
- 42 (D) IC 35-42-4-5(a)(1);



- 1 (E) IC 35-42-4-5(a)(2);
 2 (F) IC 35-42-4-5(a)(3) (before that provision was redesignated
 3 by P.L.158-2013, SECTION 441);
 4 (G) IC 35-42-4-5(b)(1) as a Class A or Class B felony (for a
 5 crime committed before July 1, 2014) or Level 2, Level 3, or
 6 Level 4 felony (for a crime committed after June 30, 2014);
 7 (H) IC 35-42-4-5(b)(2); **or**
 8 (I) IC 35-42-4-5(b)(3) as a Class A or Class B felony (for a
 9 crime committed before July 1, 2014) or a Level 2, Level 3, or
 10 Level 4 felony (for a crime committed after June 30, 2014);
 11 ~~(J) an attempt or conspiracy to commit a crime listed in~~
 12 ~~clauses (A) through (I); or~~
 13 ~~(K) a crime under the laws of another jurisdiction, including~~
 14 ~~a military court, that is substantially equivalent to any of the~~
 15 ~~offenses listed in clauses (A) through (J);~~
 16 (2) commits a sex offense (as defined in IC 11-8-8-5.2) while
 17 having a previous unrelated conviction for a sex offense for which
 18 the person is required to register as a sex or violent offender under
 19 IC 11-8-8;
 20 (3) commits a sex offense (as defined in IC 11-8-8-5.2) while
 21 having had a previous unrelated adjudication as a delinquent child
 22 for an act that would be a sex offense if committed by an adult, if,
 23 after considering expert testimony, a court finds by clear and
 24 convincing evidence that the person is likely to commit an
 25 additional sex offense; or
 26 (4) commits a sex offense (as defined in IC 11-8-8-5.2) while
 27 having had a previous unrelated adjudication as a delinquent child
 28 for an act that would be a sex offense if committed by an adult, if
 29 the person was required to register as a sex or violent offender
 30 under IC 11-8-8-5(b)(2);
 31 is a sexually violent predator. Except as provided in subsection (g) or
 32 (h), a person is a sexually violent predator by operation of law if an
 33 offense committed by the person satisfies the conditions set forth in
 34 subdivision (1) or (2) and the person was released from incarceration,
 35 secure detention, probation, or parole for the offense after June 30,
 36 1994.
 37 (c) This section applies whenever a court sentences a person or a
 38 juvenile court issues a dispositional decree for a sex offense (as defined
 39 in IC 11-8-8-5.2) for which the person is required to register with the
 40 local law enforcement authority under IC 11-8-8.
 41 (d) At the sentencing hearing, the court shall indicate on the record
 42 whether the person has been convicted of an offense that makes the



1 person a sexually violent predator under subsection (b).

2 (e) If a person is not a sexually violent predator under subsection
3 (b), the prosecuting attorney may request the court to conduct a hearing
4 to determine whether the person (including a child adjudicated to be a
5 delinquent child) is a sexually violent predator under subsection (a). If
6 the court grants the motion, the court shall appoint two (2)
7 psychologists or psychiatrists who have expertise in criminal
8 behavioral disorders to evaluate the person and testify at the hearing.
9 After conducting the hearing and considering the testimony of the two
10 (2) psychologists or psychiatrists, the court shall determine whether the
11 person is a sexually violent predator under subsection (a). A hearing
12 conducted under this subsection may be combined with the person's
13 sentencing hearing.

14 (f) If a person is a sexually violent predator:

15 (1) the person is required to register with the local law
16 enforcement authority as provided in IC 11-8-8; and

17 (2) the court shall send notice to the department of correction.

18 (g) This subsection does not apply to a person who has two (2) or
19 more unrelated convictions for an offense described in IC 11-8-8-4.5
20 for which the person is required to register under IC 11-8-8. A person
21 who is a sexually violent predator may petition the court to consider
22 whether the person should no longer be considered a sexually violent
23 predator. The person may file a petition under this subsection not
24 earlier than ten (10) years after:

25 (1) the sentencing court or juvenile court makes its determination
26 under subsection (e); or

27 (2) the person is released from incarceration or secure detention.

28 A person may file a petition under this subsection not more than one
29 (1) time per year. A court may dismiss a petition filed under this
30 subsection or conduct a hearing to determine if the person should no
31 longer be considered a sexually violent predator. If the court conducts
32 a hearing, the court shall appoint two (2) psychologists or psychiatrists
33 who have expertise in criminal behavioral disorders to evaluate the
34 person and testify at the hearing. After conducting the hearing and
35 considering the testimony of the two (2) psychologists or psychiatrists,
36 the court shall determine whether the person should no longer be
37 considered a sexually violent predator under subsection (a). If a court
38 finds that the person should no longer be considered a sexually violent
39 predator, the court shall send notice to the department of correction that
40 the person is no longer considered a sexually violent predator or an
41 offender against children. Notwithstanding any other law, a condition
42 imposed on a person due to the person's status as a sexually violent



1 predator, including lifetime parole or GPS monitoring, does not apply
 2 to a person no longer considered a sexually violent predator.

3 (h) A person is not a sexually violent predator by operation of law
 4 under subsection (b)(1) if all of the following conditions are met:

5 (1) The victim was not less than twelve (12) years of age at the
 6 time the offense was committed.

7 (2) The person is not more than four (4) years older than the
 8 victim.

9 (3) The relationship between the person and the victim was a
 10 dating relationship or an ongoing personal relationship. The term
 11 "ongoing personal relationship" does not include a family
 12 relationship.

13 (4) The offense committed by the person was not any of the
 14 following:

15 (A) Rape (IC 35-42-4-1).

16 (B) Criminal deviate conduct (IC 35-42-4-2) (before its
 17 repeal).

18 (C) An offense committed by using or threatening the use of
 19 deadly force or while armed with a deadly weapon.

20 (D) An offense that results in serious bodily injury.

21 (E) An offense that is facilitated by furnishing the victim,
 22 without the victim's knowledge, with a drug (as defined in
 23 IC 16-42-19-2(1)) or a controlled substance (as defined in
 24 IC 35-48-1-9) or knowing that the victim was furnished with
 25 the drug or controlled substance without the victim's
 26 knowledge.

27 (5) The person has not committed another sex offense (as defined
 28 in IC 11-8-8-5.2) (including a delinquent act that would be a sex
 29 offense if committed by an adult) against any other person.

30 (6) The person did not have a position of authority or substantial
 31 influence over the victim.

32 (7) The court finds that the person should not be considered a
 33 sexually violent predator.

34 SECTION 66. IC 35-38-1-9.5, AS AMENDED BY P.L.125-2007,
 35 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2020]: Sec. 9.5. A probation officer shall obtain confidential
 37 information from the state department of health under IC 16-41-8-1 to
 38 determine whether a convicted person was a **carrier of an individual**
 39 **with** the human immunodeficiency virus (HIV) when the crime was
 40 committed if the person is:

41 (1) convicted of an offense relating to a criminal sexual act and
 42 the offense created an epidemiologically demonstrated risk of



1 transmission of the human immunodeficiency virus (HIV); or
 2 (2) convicted of an offense relating to controlled substances and
 3 the offense involved:
 4 (A) the delivery by any person to another person; or
 5 (B) the use by any person on another person;
 6 of a contaminated sharp (as defined in IC 16-41-16-2) or other
 7 paraphernalia that creates an epidemiologically demonstrated risk
 8 of transmission of HIV by involving percutaneous contact.
 9 SECTION 67. IC 35-38-1-10.5, AS AMENDED BY P.L.86-2018,
 10 SECTION 333, IS AMENDED TO READ AS FOLLOWS
 11 [EFFECTIVE JULY 1, 2020]: Sec. 10.5. (a) The court:
 12 (1) shall order that a person undergo a screening test for the
 13 human immunodeficiency virus (HIV) if the person is:
 14 (A) convicted of an offense relating to a criminal sexual act
 15 and the offense created an epidemiologically demonstrated
 16 risk of transmission of the human immunodeficiency virus
 17 (HIV); or
 18 (B) convicted of an offense relating to controlled substances
 19 and the offense involved:
 20 (i) the delivery by any person to another person; or
 21 (ii) the use by any person on another person;
 22 of a contaminated sharp (as defined in IC 16-41-16-2) or other
 23 paraphernalia that creates an epidemiologically demonstrated
 24 risk of transmission of HIV by involving percutaneous contact;
 25 and
 26 (2) may order that a person undergo a screening test for a
 27 ~~dangerous~~ **serious** disease (as defined in IC 16-41-8-5) in
 28 accordance with IC 16-41-8-5.
 29 (b) If the screening test required by this section indicates the
 30 presence of antibodies to HIV, the court shall order the person to
 31 undergo a confirmatory test.
 32 (c) If the confirmatory test confirms the presence of the HIV
 33 antibodies, the court shall report the results to the state department of
 34 health and require a probation officer to conduct a presentence
 35 investigation to:
 36 (1) obtain the medical record of the convicted person from the
 37 state department of health under IC 16-41-8-1(b)(3); and
 38 (2) determine whether the convicted person had received risk
 39 counseling that included information on the behavior that
 40 facilitates the transmission of HIV.
 41 (d) A person who, in good faith:
 42 (1) makes a report required to be made under this section; or



1 (2) testifies in a judicial proceeding on matters arising from the
2 report;
3 is immune from both civil and criminal liability due to the offering of
4 that report or testimony.

5 (e) The privileged communication between a husband and wife or
6 between a health care provider and the health care provider's patient is
7 not a ground for excluding information required under this section.

8 (f) A mental health service provider (as defined in IC 34-6-2-80)
9 who discloses information that must be disclosed to comply with this
10 section is immune from civil and criminal liability under Indiana
11 statutes that protect patient privacy and confidentiality.

12 SECTION 68. IC 35-38-10-1, AS ADDED BY P.L.86-2017,
13 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2020]: Sec. 1. As used in this chapter, "trafficked person"
15 means a person who was the victim of human trafficking
16 (IC 35-42-3.5), ~~or a substantially similar human trafficking offense~~
17 ~~committed in another jurisdiction~~, regardless of whether the person
18 who committed the human trafficking offense was charged, tried, or
19 convicted.

20 SECTION 69. IC 35-40-14-1, AS ADDED BY P.L.137-2009,
21 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 JULY 1, 2020]: Sec. 1. As used in this chapter, "identity theft" means:

- 23 (1) identity deception (IC 35-43-5-3.5); ~~or~~
- 24 (2) synthetic identity deception (IC 35-43-5-3.8). ~~or~~
- 25 (3) ~~a substantially similar crime committed in another~~
26 ~~jurisdiction.~~

27 SECTION 70. IC 35-42-2-1, AS AMENDED BY P.L.80-2018,
28 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 JULY 1, 2020]: Sec. 1. (a) As used in this section, "public safety
30 official" means:

- 31 (1) a law enforcement officer, including an alcoholic beverage
32 enforcement officer;
- 33 (2) an employee of a penal facility or a juvenile detention facility
34 (as defined in IC 31-9-2-71);
- 35 (3) an employee of the department of correction;
- 36 (4) a probation officer;
- 37 (5) a parole officer;
- 38 (6) a community corrections worker;
- 39 (7) a home detention officer;
- 40 (8) a department of child services employee;
- 41 (9) a firefighter;
- 42 (10) an emergency medical services provider;



- 1 (11) a judicial officer;
- 2 (12) a bailiff of any court; or
- 3 (13) a special deputy (as described in IC 36-8-10-10.6).
- 4 (b) As used in this section, "relative" means an individual related by
- 5 blood, half-blood, adoption, marriage, or remarriage, including:
- 6 (1) a spouse;
- 7 (2) a parent or stepparent;
- 8 (3) a child or stepchild;
- 9 (4) a grandchild or stepgrandchild;
- 10 (5) a grandparent or stepgrandparent;
- 11 (6) a brother, sister, stepbrother, or stepsister;
- 12 (7) a niece or nephew;
- 13 (8) an aunt or uncle;
- 14 (9) a daughter-in-law or son-in-law;
- 15 (10) a mother-in-law or father-in-law; or
- 16 (11) a first cousin.
- 17 (c) Except as provided in subsections (d) through (k), a person who
- 18 knowingly or intentionally:
- 19 (1) touches another person in a rude, insolent, or angry manner;
- 20 or
- 21 (2) in a rude, insolent, or angry manner places any bodily fluid or
- 22 waste on another person;
- 23 commits battery, a Class B misdemeanor.
- 24 (d) The offense described in subsection (c)(1) or (c)(2) is a Class A
- 25 misdemeanor if it:
- 26 (1) results in bodily injury to any other person; or
- 27 (2) is committed against a member of a foster family home (as
- 28 defined in IC 35-31.5-2-139.3) by a person who is not a resident
- 29 of the foster family home if the person who committed the offense
- 30 is a relative of a person who lived in the foster family home at the
- 31 time of the offense.
- 32 (e) The offense described in subsection (c)(1) or (c)(2) is a Level 6
- 33 felony if one (1) or more of the following apply:
- 34 (1) The offense results in moderate bodily injury to any other
- 35 person.
- 36 (2) The offense is committed against a public safety official while
- 37 the official is engaged in the official's official duty.
- 38 (3) The offense is committed against a person less than fourteen
- 39 (14) years of age and is committed by a person at least eighteen
- 40 (18) years of age.
- 41 (4) The offense is committed against a person of any age who has
- 42 a mental or physical disability and is committed by a person



- 1 having the care of the person with the mental or physical
 2 disability, whether the care is assumed voluntarily or because of
 3 a legal obligation.
- 4 (5) The offense is committed against an endangered adult (as
 5 defined in IC 12-10-3-2).
- 6 (6) The offense:
- 7 (A) is committed against a member of a foster family home (as
 8 defined in IC 35-31.5-2-139.3) by a person who is not a
 9 resident of the foster family home if the person who committed
 10 the offense is a relative of a person who lived in the foster
 11 family home at the time of the offense; and
- 12 (B) results in bodily injury to the member of the foster family.
- 13 (f) The offense described in subsection (c)(2) is a Level 6 felony if
 14 the person knew or recklessly failed to know that the bodily fluid or
 15 waste placed on another person was infected with hepatitis,
 16 tuberculosis, or human immunodeficiency virus.
- 17 (g) The offense described in subsection (c)(1) or (c)(2) is a Level 5
 18 felony if one (1) or more of the following apply:
- 19 (1) The offense results in serious bodily injury to another person.
 20 (2) The offense is committed with a deadly weapon.
 21 (3) The offense results in bodily injury to a pregnant woman if the
 22 person knew of the pregnancy.
 23 (4) The person has a previous conviction for a battery offense
 24 (A) included in this chapter against the same victim. ~~or~~
 25 ~~(B) against the same victim in any other jurisdiction, including~~
 26 ~~a military court, in which the elements of the crime for which~~
 27 ~~the conviction was entered are substantially similar to the~~
 28 ~~elements of a battery offense included in this chapter.~~
- 29 (5) The offense results in bodily injury to one (1) or more of the
 30 following:
- 31 (A) A public safety official while the official is engaged in the
 32 official's official duties.
 33 (B) A person less than fourteen (14) years of age if the offense
 34 is committed by a person at least eighteen (18) years of age.
 35 (C) A person who has a mental or physical disability if the
 36 offense is committed by an individual having care of the
 37 person with the disability, regardless of whether the care is
 38 assumed voluntarily or because of a legal obligation.
 39 (D) An endangered adult (as defined in IC 12-10-3-2).
- 40 (h) The offense described in subsection (c)(2) is a Level 5 felony if:
- 41 (1) the person knew or recklessly failed to know that the bodily
 42 fluid or waste placed on another person was infected with



- 1 hepatitis, tuberculosis, or human immunodeficiency virus; and
 2 (2) the person placed the bodily fluid or waste on a public safety
 3 official.
- 4 (i) The offense described in subsection (c)(1) or (c)(2) is a Level 4
 5 felony if it results in serious bodily injury to an endangered adult (as
 6 defined in IC 12-10-3-2).
- 7 (j) The offense described in subsection (c)(1) or (c)(2) is a Level 3
 8 felony if it results in serious bodily injury to a person less than fourteen
 9 (14) years of age if the offense is committed by a person at least
 10 eighteen (18) years of age.
- 11 (k) The offense described in subsection (c)(1) or (c)(2) is a Level 2
 12 felony if it results in the death of one (1) or more of the following:
- 13 (1) A person less than fourteen (14) years of age if the offense is
 14 committed by a person at least eighteen (18) years of age.
- 15 (2) An endangered adult (as defined in IC 12-10-3-2).
- 16 SECTION 71. IC 35-42-2-1.3, AS AMENDED BY P.L.40-2019,
 17 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2020]: Sec. 1.3. (a) Except as provided in subsections (b)
 19 through (f), a person who knowingly or intentionally:
- 20 (1) touches a family or household member in a rude, insolent, or
 21 angry manner; or
- 22 (2) in a rude, insolent, or angry manner places any bodily fluid or
 23 waste on a family or household member;
- 24 commits domestic battery, a Class A misdemeanor.
- 25 (b) The offense under subsection (a)(1) or (a)(2) is a Level 6 felony
 26 if one (1) or more of the following apply:
- 27 (1) The person who committed the offense has a previous,
 28 unrelated conviction:
- 29 (A) for a battery offense included in this chapter; **or**
 30 (B) for a strangulation offense under IC 35-42-2-9. **or**
 31 ~~(C) in any other jurisdiction, including a military court, in~~
 32 ~~which the elements of the crime for which the conviction was~~
 33 ~~entered are substantially similar to the elements of:~~
 34 ~~(i) a battery offense included in this chapter; or~~
 35 ~~(ii) a strangulation offense under IC 35-42-2-9.~~
- 36 (2) The person who committed the offense is at least eighteen (18)
 37 years of age and committed the offense against a family or
 38 household member in the physical presence of a child less than
 39 sixteen (16) years of age, knowing that the child was present and
 40 might be able to see or hear the offense.
- 41 (3) The offense results in moderate bodily injury to a family or
 42 household member.



- 1 (4) The offense is committed against a family or household
- 2 member who is less than fourteen (14) years of age and is
- 3 committed by a person at least eighteen (18) years of age.
- 4 (5) The offense is committed against a family or household
- 5 member of any age who has a mental or physical disability and is
- 6 committed by a person having the care of the family or household
- 7 member with the mental or physical disability, whether the care
- 8 is assumed voluntarily or because of a legal obligation.
- 9 (6) The offense is committed against a family or household
- 10 member who is an endangered adult (as defined in IC 12-10-3-2).
- 11 (c) The offense described in subsection (a)(1) or (a)(2) is a Level 5
- 12 felony if one (1) or more of the following apply:
- 13 (1) The offense results in serious bodily injury to a family or
- 14 household member.
- 15 (2) The offense is committed with a deadly weapon against a
- 16 family or household member.
- 17 (3) The offense results in bodily injury to a pregnant family or
- 18 household member if the person knew of the pregnancy.
- 19 (4) The person has a previous conviction for a battery offense
- 20 ~~(A) included in this chapter against the same family or~~
- 21 ~~household member. or~~
- 22 ~~(B) against the same family or household member in any other~~
- 23 ~~jurisdiction, including a military court, in which the elements~~
- 24 ~~of the crime for which the conviction was entered are~~
- 25 ~~substantially similar to the elements of a battery offense~~
- 26 ~~included in this chapter.~~
- 27 (5) The offense results in bodily injury to one (1) or more of the
- 28 following:
- 29 (A) A family or household member who is less than fourteen
- 30 (14) years of age if the offense is committed by a person at
- 31 least eighteen (18) years of age.
- 32 (B) A family or household member who has a mental or
- 33 physical disability if the offense is committed by an individual
- 34 having care of the family or household member with the
- 35 disability, regardless of whether the care is assumed
- 36 voluntarily or because of a legal obligation.
- 37 (C) A family or household member who is an endangered
- 38 adult (as defined in IC 12-10-3-2).
- 39 (d) The offense described in subsection (a)(1) or (a)(2) is a Level 4
- 40 felony if it results in serious bodily injury to a family or household
- 41 member who is an endangered adult (as defined in IC 12-10-3-2).
- 42 (e) The offense described in subsection (a)(1) or (a)(2) is a Level 3



1 felony if it results in serious bodily injury to a family or household
 2 member who is less than fourteen (14) years of age if the offense is
 3 committed by a person at least eighteen (18) years of age.

4 (f) The offense described in subsection (a)(1) or (a)(2) is a Level 2
 5 felony if it results in the death of one (1) or more of the following:

6 (1) A family or household member who is less than fourteen (14)
 7 years of age if the offense is committed by a person at least
 8 eighteen (18) years of age.

9 (2) A family or household member who is an endangered adult (as
 10 defined in IC 12-10-3-2).

11 SECTION 72. IC 35-42-2-9, AS AMENDED BY P.L.40-2019,
 12 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2020]: Sec. 9. (a) This section does not apply to a medical
 14 procedure.

15 (b) As used in this section, "torso" means any part of the upper body
 16 from the collarbone to the hips.

17 (c) A person who, in a rude, angry, or insolent manner, knowingly
 18 or intentionally:

19 (1) applies pressure to the throat or neck of another person;

20 (2) obstructs the nose or mouth of the another person; or

21 (3) applies pressure to the torso of another person;

22 in a manner that impedes the normal breathing or the blood circulation
 23 of the other person commits strangulation, a Level 6 felony.

24 (d) However, the offense under subsection (c) is a Level 5 felony if:

25 (1) the offense is committed by a person:

26 (A) against a pregnant woman; and

27 (B) who knew the victim was pregnant at the time of the
 28 offense; **or**

29 (2) the person has a prior unrelated conviction under this section.

30 **or**

31 ~~(3) the person has a prior unrelated conviction in any jurisdiction;~~
 32 ~~including a military court, in which the elements of the crime for~~
 33 ~~which the conviction was entered are substantially similar to the~~
 34 ~~elements set forth in this section:~~

35 SECTION 73. IC 35-42-4-11, AS AMENDED BY P.L.220-2019,
 36 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2020]: Sec. 11. (a) As used in this section, and except as
 38 provided in subsection (d), "offender against children" means a person
 39 required to register as a sex or violent offender under IC 11-8-8 who
 40 has been:

41 (1) found to be a sexually violent predator under IC 35-38-1-7.5;

42 **or**



- 1 (2) convicted of one (1) or more of the following offenses:
 2 (A) Child molesting (IC 35-42-4-3).
 3 (B) Child exploitation (IC 35-42-4-4(b) or IC 35-42-4-4(c)).
 4 (C) Child solicitation (IC 35-42-4-6).
 5 (D) Child seduction (IC 35-42-4-7).
 6 (E) Kidnapping (IC 35-42-3-2), if the victim is less than
 7 eighteen (18) years of age, and the person is not the child's
 8 parent or guardian.
 9 (F) Attempt to commit or conspiracy to commit an offense
 10 listed in clauses (A) through (E).
 11 (G) An offense in another jurisdiction that is substantially
 12 similar to an offense described in clauses (A) through (F).
 13 A person is an offender against children by operation of law if the
 14 person meets the conditions described in subdivision (1) or (2) at any
 15 time.
 16 (b) As used in this section, "reside" means to spend more than three
 17 (3) nights in:
 18 (1) a residence; or
 19 (2) if the person does not reside in a residence, a particular
 20 location;
 21 in any thirty (30) day period.
 22 (c) An offender against children who knowingly or intentionally:
 23 (1) resides within one thousand (1,000) feet of:
 24 (A) school property, not including property of an institution
 25 providing post-secondary education;
 26 (B) a youth program center;
 27 (C) a public park; or
 28 (D) a day care center licensed under IC 12-17.2;
 29 (2) establishes a residence within one (1) mile of the residence of
 30 the victim of the offender's sex offense; or
 31 (3) resides in a residence where a child care provider (as defined
 32 by IC 31-33-26-1) provides child care services;
 33 commits a sex offender residency offense, a Level 6 felony.
 34 (d) This subsection does not apply to an offender against children
 35 who has two (2) or more unrelated convictions for an offense described
 36 in subsection (a). A person who is an offender against children may
 37 petition the court to consider whether the person should no longer be
 38 considered an offender against children. The person may file a petition
 39 under this subsection not earlier than ten (10) years after the person is
 40 released from incarceration or parole, whichever occurs last (or, if the
 41 person is not incarcerated, not earlier than ten (10) years after the
 42 person is released from probation). A person may file a petition under



1 this subsection not more than one (1) time per year. A court may
 2 dismiss a petition filed under this subsection or conduct a hearing to
 3 determine if the person should no longer be considered an offender
 4 against children. If the court conducts a hearing, the court shall appoint
 5 two (2) psychologists or psychiatrists who have expertise in criminal
 6 behavioral disorders to evaluate the person and testify at the hearing.
 7 After conducting the hearing and considering the testimony of the two
 8 (2) psychologists or psychiatrists, the court shall determine whether the
 9 person should no longer be considered an offender against children. If
 10 a court finds that the person should no longer be considered an offender
 11 against children, the court shall send notice to the department of
 12 correction that the person is no longer considered an offender against
 13 children.

14 SECTION 74. IC 35-42-4-14, AS AMENDED BY P.L.87-2018,
 15 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2020]: Sec. 14. (a) As used in this section, "serious sex
 17 offender" means a person required to register as a sex offender under
 18 IC 11-8-8 who is:

19 (1) found to be a sexually violent predator under IC 35-38-1-7.5;

20 or

21 (2) convicted of one (1) or more of the following offenses:

22 (A) Child molesting (IC 35-42-4-3).

23 (B) Child exploitation (IC 35-42-4-4(b) or IC 35-42-4-4(c)).

24 (C) Possession of child pornography (IC 35-42-4-4(d) or
 25 IC 35-42-4-4(e)).

26 (D) Vicarious sexual gratification (IC 35-42-4-5(a) and
 27 IC 35-42-4-5(b)).

28 (E) Performing sexual conduct in the presence of a minor
 29 (IC 35-42-4-5(c)).

30 (F) Child solicitation (IC 35-42-4-6).

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

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

33 ~~(I) A conspiracy or an attempt to commit an offense described~~
 34 ~~in clauses (A) through (H):~~

35 ~~(J) An offense in another jurisdiction that is substantially~~
 36 ~~similar to an offense described in clauses (A) through (I):~~

37 (b) A serious sex offender who knowingly or intentionally enters
 38 school property commits unlawful entry by a serious sex offender, a
 39 Level 6 felony.

40 (c) It is a defense to a prosecution under subsection (b) that:

41 (1) a religious institution or house of worship is located on the
 42 school property; and



- 1 (2) the person:
- 2 (A) enters the school property or other entity described in
- 3 IC 35-31.5-2-285(1)(A) through IC 35-31.5-2-285(1)(D) when
- 4 classes, extracurricular activities, or any other school activities
- 5 are not being held:
- 6 (i) for the sole purpose of attending worship services or
- 7 receiving religious instruction; and
- 8 (ii) not earlier than thirty (30) minutes before the beginning
- 9 of the worship services or religious instruction; and
- 10 (B) leaves the school property not later than thirty (30)
- 11 minutes after the conclusion of the worship services or
- 12 religious instruction.

13 SECTION 75. IC 35-43-6-13, AS AMENDED BY P.L.238-2015,
 14 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2020]: Sec. 13. (a) The offense in section 12(a) of this chapter
 16 is a Class A misdemeanor:

- 17 (1) in the case of an offense under section 12(a)(1) through
- 18 12(a)(4) of this chapter or section 12(a)(6) through 12(a)(9) of
- 19 this chapter, if the home improvement contract price is one
- 20 thousand dollars (\$1,000) or more;
- 21 (2) for the second or subsequent offense under this chapter; ~~or in~~
- 22 ~~another jurisdiction for an offense that is substantially similar to~~
- 23 ~~another offense described in this chapter;~~
- 24 (3) if two (2) or more home improvement contracts exceed an
- 25 aggregate amount of one thousand dollars (\$1,000) and are
- 26 entered into with the same consumer by one (1) or more suppliers
- 27 as part of or in furtherance of a common fraudulent scheme,
- 28 design, or intention; or
- 29 (4) if, in a violation of section 12(a)(5) of this chapter, the home
- 30 improvement contract price is at least seven thousand dollars
- 31 (\$7,000), but less than ten thousand dollars (\$10,000).
- 32 (b) The offense in section 12 of this chapter is a Level 6 felony:
- 33 (1) if, in a violation of section 12(a)(5) of this chapter, the home
- 34 improvement contract price is at least ten thousand dollars
- 35 (\$10,000);
- 36 (2) if, in a violation of:
- 37 (A) section 12(a)(1) through 12(a)(5); or
- 38 (B) section 12(a)(7) through 12(a)(9);
- 39 of this chapter, the consumer is at least sixty (60) years of age and
- 40 the home improvement contract price is less than ten thousand
- 41 dollars (\$10,000);
- 42 (3) if, in a violation of section 12(b) of this chapter, the consumer



- 1 is at least sixty (60) years of age; or
- 2 (4) if the home improvement supplier violates more than one (1)
- 3 subdivision of section 12(a) of this chapter.
- 4 (c) The offense in section 12(a) of this chapter is a Level 5 felony:
- 5 (1) if, in a violation of:
- 6 (A) section 12(a)(1) through 12(a)(5); or
- 7 (B) section 12(a)(7) through 12(a)(9);
- 8 of this chapter, the consumer is at least sixty (60) years of age and
- 9 the home improvement contract price is at least ten thousand
- 10 dollars (\$10,000); or
- 11 (2) if, in a violation of:
- 12 (A) section 12(a)(1) through 12(a)(4); or
- 13 (B) section 12(a)(7) through 12(a)(9);
- 14 of this chapter, the consumer is at least sixty (60) years of age,
- 15 and two (2) or more home improvement contracts exceed an
- 16 aggregate amount of one thousand dollars (\$1,000) and are
- 17 entered into with the same consumer by one (1) or more suppliers
- 18 as part of or in furtherance of a common fraudulent scheme,
- 19 design, or intention.
- 20 SECTION 76. IC 35-44.1-2-3, AS AMENDED BY P.L.107-2016,
- 21 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 22 JULY 1, 2020]: Sec. 3. (a) As used in this section, "consumer product"
- 23 has the meaning set forth in IC 35-45-8-1.
- 24 (b) As used in this section, "misconduct" means a violation of a
- 25 departmental rule or procedure of a law enforcement agency.
- 26 (c) A person who reports, by telephone, telegraph, mail, or other
- 27 written or oral communication, that:
- 28 (1) the person or another person has placed or intends to place an
- 29 explosive, a destructive device, or other destructive substance in
- 30 a building or transportation facility;
- 31 (2) there has been or there will be tampering with a consumer
- 32 product introduced into commerce; or
- 33 (3) there has been or will be placed or introduced a weapon of
- 34 mass destruction in a building or a place of assembly;
- 35 knowing the report to be false, commits false reporting, a Level 6
- 36 felony.
- 37 (d) A person who:
- 38 (1) gives a false report of the commission of a crime or gives false
- 39 information in the official investigation of the commission of a
- 40 crime, knowing the report or information to be false;
- 41 (2) gives a false alarm of fire to the fire department of a
- 42 governmental entity, knowing the alarm to be false;



- 1 (3) makes a false request for ambulance service to an ambulance
- 2 service provider, knowing the request to be false;
- 3 (4) gives a false report concerning a missing child (as defined in
- 4 IC 10-13-5-4) or missing endangered adult (as defined in
- 5 IC 12-7-2-131.3) or gives false information in the official
- 6 investigation of a missing child or missing endangered adult
- 7 knowing the report or information to be false;
- 8 (5) makes a complaint against a law enforcement officer to the
- 9 state or municipality (as defined in IC 8-1-13-3(b)) that employs
- 10 the officer:
- 11 (A) alleging the officer engaged in misconduct while
- 12 performing the officer's duties; and
- 13 (B) knowing the complaint to be false;
- 14 (6) makes a false report of a missing person, knowing the report
- 15 or information is false; or
- 16 (7) gives a false report of actions, behavior, or conditions
- 17 concerning:
- 18 (A) a septic tank soil absorption system under IC 8-1-2-125 or
- 19 IC 13-26-5-2.5; or
- 20 (B) a septic tank soil absorption system or constructed wetland
- 21 septic system under IC 36-9-23-30.1;
- 22 knowing the report or information to be false; or
- 23 **(8) makes a false report that a person is dangerous (as defined**
- 24 **in IC 35-47-14-1) knowing the report or information to be**
- 25 **false;**
- 26 commits false informing, a Class B misdemeanor. However, the offense
- 27 is a Class A misdemeanor if it substantially hinders any law
- 28 enforcement process or if it results in harm to another person.
- 29 SECTION 77. IC 35-44.1-3-1, AS AMENDED BY P.L.184-2019,
- 30 SECTION 12, AND AS AMENDED BY P.L.201-2019, SECTION 3,
- 31 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
- 32 [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) A person who knowingly or
- 33 intentionally:
- 34 (1) forcibly resists, obstructs, or interferes with a law enforcement
- 35 officer or a person assisting the officer while the officer is
- 36 lawfully engaged in the execution of the officer's duties;
- 37 (2) forcibly resists, obstructs, or interferes with the authorized
- 38 service or execution of a civil or criminal process or order of a
- 39 court; or
- 40 (3) flees from a law enforcement officer after the officer has, by
- 41 visible or audible means, including operation of the law
- 42 enforcement officer's siren or emergency lights, identified himself



1 or herself and ordered the person to stop;
 2 commits resisting law enforcement, a Class A misdemeanor, except as
 3 provided in ~~subsection (b)~~: subsection (c).

4 (b) A person who, having been denied entry by a law enforcement
 5 officer, knowingly or intentionally enters an area that is marked off
 6 with barrier tape or other physical barriers, commits interfering with
 7 law enforcement, a Class B misdemeanor, except as provided in
 8 subsection (c) or ~~(h)~~: (j).

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

10 (1) Level 6 felony if:

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

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

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

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

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

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

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

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

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

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

42 ~~(e)~~ (f) If a person is convicted of an offense involving the use of a



- 1 motor vehicle under:
- 2 (1) ~~subsection (b)(1)(A)~~; subsection (c)(1)(A), if the person
- 3 exceeded the speed limit by at least twenty (20) miles per hour
- 4 while committing the offense;
- 5 (2) ~~subsection (b)(2)~~; subsection (c)(2); or
- 6 (3) ~~subsection (b)(3)~~; subsection (c)(3);
- 7 the court may notify the bureau of motor vehicles to suspend or revoke
- 8 the person's driver's license and all certificates of registration and
- 9 license plates issued or registered in the person's name in accordance
- 10 with IC 9-30-4-6.1(b)(3) for the period described in IC 9-30-4-6.1(d)(1)
- 11 or IC 9-30-4-6.1(d)(2). The court shall inform the bureau whether the
- 12 person has been sentenced to a term of incarceration. At the time of
- 13 conviction, the court may obtain the person's current driver's license
- 14 and return the license to the bureau of motor vehicles.
- 15 ~~(f)~~ (g) A person may not be charged or convicted of a crime under
- 16 subsection (a)(3) if the law enforcement officer is a school resource
- 17 officer acting in the officer's capacity as a school resource officer.
- 18 ~~(g)~~ (h) A person who commits an offense described in subsection ~~(b)~~
- 19 (c) commits a separate offense for each person whose bodily injury,
- 20 serious bodily injury, catastrophic injury, or death is caused by a
- 21 violation of subsection ~~(b)~~: (c).
- 22 ~~(h)~~ (i) A court may order terms of imprisonment imposed on a
- 23 person convicted of more than one (1) offense described in subsection
- 24 ~~(b)~~ (c) to run consecutively. Consecutive terms of imprisonment
- 25 imposed under this subsection are not subject to the sentencing
- 26 restrictions set forth in IC 35-50-1-2(c) through IC 35-50-1-2(d).
- 27 ~~(i)~~ (j) As used in this subsection, "family member" means a child,
- 28 grandchild, parent, grandparent, or spouse of the person. It is a
- 29 defense to a prosecution under subsection (b) that the person
- 30 reasonably believed that the person's family member:
- 31 (1) was in the marked off area; and
- 32 (2) had suffered bodily injury or was at risk of suffering bodily
- 33 injury;
- 34 if the person is not charged as a defendant in connection with the
- 35 offense, if applicable, that caused the area to be secured by barrier
- 36 tape or other physical barriers.
- 37 SECTION 78. IC 35-45-4-1, AS AMENDED BY P.L.158-2013,
- 38 SECTION 524, IS AMENDED TO READ AS FOLLOWS
- 39 [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) A person who knowingly or
- 40 intentionally, in a public place:
- 41 (1) engages in sexual intercourse;
- 42 (2) engages in other sexual conduct (as defined in



1 IC 35-31.5-2-221.5);
2 (3) appears in a state of nudity with the intent to arouse the sexual
3 desires of the person or another person; or
4 (4) fondles the person's genitals or the genitals of another person;
5 commits public indecency, a Class A misdemeanor.
6 (b) A person at least eighteen (18) years of age who knowingly or
7 intentionally, in a public place, appears in a state of nudity with the
8 intent to be seen by a child less than sixteen (16) years of age commits
9 public indecency, a Class A misdemeanor.
10 (c) However, the offense under subsection (a) or (b) is a Level 6
11 felony if the person who commits the offense has a prior unrelated
12 conviction
13 ~~(1) under subsection (a) or (b). or~~
14 ~~(2) in another jurisdiction, including a military court, that is~~
15 ~~substantially equivalent to an offense described in subsection (a)~~
16 ~~or (b).~~
17 (d) As used in this section, "nudity" means the showing of the
18 human male or female genitals, pubic area, or buttocks with less than
19 a fully opaque covering, the showing of the female breast with less than
20 a fully opaque covering of any part of the nipple, or the showing of
21 covered male genitals in a discernibly turgid state.
22 (e) A person who, in a place other than a public place, with the
23 intent to be seen by persons other than invitees and occupants of that
24 place:
25 (1) engages in sexual intercourse;
26 (2) engages in other sexual conduct (as defined in
27 IC 35-31.5-2-221.5);
28 (3) fondles the person's genitals or the genitals of another person;
29 or
30 (4) appears in a state of nudity;
31 where the person can be seen by persons other than invitees and
32 occupants of that place commits indecent exposure, a Class C
33 misdemeanor.
34 SECTION 79. IC 35-45-4-5, AS AMENDED BY P.L.107-2017,
35 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JULY 1, 2020]: Sec. 5. (a) The following definitions apply throughout
37 this section:
38 (1) "Camera" means a camera, a video camera, a device that
39 captures a digital image, or any other type of video recording
40 device.
41 (2) "Peep" means any looking of a clandestine, surreptitious,
42 prying, or secretive nature.



- 1 (3) "Private area" means the naked or undergarment clad genitals,
 2 pubic area, or buttocks of an individual.
- 3 (b) A person:
- 4 (1) who knowingly or intentionally:
- 5 (A) peeps; or
- 6 (B) goes upon the land of another with the intent to peep;
 7 into an occupied dwelling of another person; or
- 8 (2) who knowingly or intentionally peeps into an area where an
 9 occupant of the area reasonably can be expected to disrobe,
 10 including:
- 11 (A) restrooms;
- 12 (B) baths;
- 13 (C) showers; and
- 14 (D) dressing rooms;
- 15 without the consent of the other person, commits voyeurism, a Class B
 16 misdemeanor.
- 17 (c) However, the offense under subsection (b) is a Level 6 felony if:
- 18 (1) it is knowingly or intentionally committed by means of a
 19 camera; or
- 20 (2) the person who commits the offense has a prior unrelated
 21 conviction
- 22 ~~(A) under this section. or~~
- 23 ~~(B) in another jurisdiction, including a military court, for an~~
 24 ~~offense that is substantially similar to an offense described in~~
 25 ~~this section.~~
- 26 (d) A person who:
- 27 (1) without the consent of the individual; and
- 28 (2) with intent to peep at the private area of an individual;
 29 peeps at the private area of an individual and records an image by
 30 means of a camera commits public voyeurism, a Class A misdemeanor.
- 31 (e) The offense under subsection (d) is a Level 6 felony if the person
 32 has a prior unrelated conviction under this section ~~or in another~~
 33 ~~jurisdiction, including a military court, for an offense that is~~
 34 ~~substantially similar to an offense described in this section;~~ or if the
 35 person:
- 36 (1) publishes the image;
- 37 (2) makes the image available on the Internet; or
- 38 (3) transmits or disseminates the image to another person.
- 39 (f) It is a defense to a prosecution under subsection (d) that the
 40 individual deliberately exposed the individual's private area.
- 41 (g) A person who, with the intent to peep, operates an unmanned
 42 aerial vehicle in a manner that is intended to cause the unmanned aerial



1 vehicle to enter the space above or surrounding another person's
 2 occupied dwelling for the purpose of capturing images, photographs,
 3 video recordings, or audio recordings of the other person while the
 4 other person is:

- 5 (1) within the other person's occupied dwelling; or
- 6 (2) on the land or premises:
 - 7 (A) on which the other person's occupied dwelling is located;
 - 8 and
 - 9 (B) in a location that is not visible from an area:
 - 10 (i) open to the general public; or
 - 11 (ii) where a member of the general public has the right to be;

12 commits remote aerial voyeurism, a Class A misdemeanor.

13 (h) The offense under subsection (g) is a Level 6 felony if the person
 14 has a prior unrelated conviction under this section ~~or in another~~
 15 ~~jurisdiction, including a military court, for an offense that is~~
 16 ~~substantially similar to an offense described in this section,~~ or if the
 17 person:

- 18 (1) publishes the images, photographs, or recordings captured;
- 19 (2) makes the images, photographs, or recordings captured
 20 available on the Internet; or
- 21 (3) transmits or disseminates the images, photographs, or
 22 recordings captured to another person.

23 SECTION 80. IC 35-45-16-1 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. ~~(a)~~ As used in this
 25 chapter, "HIV" refers to the human immunodeficiency virus.

26 ~~(b) The term includes acquired immune deficiency syndrome~~
 27 ~~(AIDS) and AIDS related complex.~~

28 SECTION 81. IC 35-45-17-0.5 IS ADDED TO THE INDIANA
 29 CODE AS A NEW SECTION TO READ AS FOLLOWS
 30 [EFFECTIVE JULY 1, 2020]: **Sec. 0.5. As used in this chapter,**
 31 **"financial transaction" means any exchange of currency by cash,**
 32 **note, or credit card or through a wireless portal that is received by:**

- 33 (1) a business;
- 34 (2) a parking meter or parking pay station on a street or
 35 another public place;
- 36 (3) a public parking garage or parking lot pay station;
- 37 (4) a facility or pay station operated by a public
 38 transportation authority; or
- 39 (5) a restaurant or the service area of an outdoor seating
 40 establishment.

41 SECTION 82. IC 35-45-17-1.5 IS ADDED TO THE INDIANA
 42 CODE AS A NEW SECTION TO READ AS FOLLOWS



1 [EFFECTIVE JULY 1, 2020]: **Sec. 1.5. As used in this chapter,**
 2 **"public monument" means a building, structure, or site that is of**
 3 **historical importance or interest that is preserved as public**
 4 **property.**

5 SECTION 83. IC 35-45-17-2, AS ADDED BY P.L.140-2005,
 6 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2020]: Sec. 2. A person who knowingly or intentionally does
 8 any of the following commits panhandling, a Class C misdemeanor:

- 9 (1) Panhandling after sunset and before sunrise.
 10 (2) Panhandling when the individual being solicited is:
 11 (A) at a bus stop;
 12 (B) in a:
 13 (i) vehicle; or
 14 (ii) facility;
 15 used for public transportation;
 16 (C) in a motor vehicle that is parked or stopped on a public
 17 street or alley, unless the person soliciting the individual has
 18 the approval to do so by a unit of local government that has
 19 jurisdiction over the public street or alley;
 20 (D) in the sidewalk dining area of a restaurant; ~~or~~
 21 (E) within ~~twenty (20)~~ **fifty (50)** feet of:
 22 (i) an automated teller machine; ~~or~~
 23 (ii) the entrance ~~or exit~~ to a bank, **business, or restaurant;**
 24 **or**
 25 **(iii) the location where a financial transaction occurs; or**
 26 **(F) within fifty (50) feet of a public monument.**
 27 (3) Panhandling while touching the individual being solicited
 28 without the solicited individual's consent.
 29 (4) Panhandling while the individual being solicited is standing
 30 in line and waiting to be admitted to a commercial establishment.
 31 (5) Panhandling while blocking:
 32 (A) the path of the individual being solicited; or
 33 (B) the entrance to a building or motor vehicle.
 34 (6) Panhandling while using profane or abusive language:
 35 (A) during a solicitation; or
 36 (B) after the individual being solicited has declined to donate
 37 money or something else of value.
 38 (7) Panhandling while making a statement, a gesture, or another
 39 communication to the individual being solicited that would cause
 40 a reasonable individual to:
 41 (A) fear for the individual's safety; or
 42 (B) feel compelled to donate.



1 (8) Panhandling with at least one (1) other individual.
 2 (9) Panhandling and then following or accompanying the solicited
 3 individual without the solicited individual's consent after the
 4 solicited individual has declined to donate money or something
 5 else of value.
 6 SECTION 84. IC 35-45-21-1, AS ADDED BY P.L.213-2013,
 7 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2020]: Sec. 1. (a) As used in this section, "blood" has the
 9 meaning set forth in IC 16-41-12-2.5.
 10 (b) A person who recklessly, knowingly, or intentionally donates,
 11 sells, or transfers blood or semen for artificial insemination (as defined
 12 in IC 16-41-14-2) that contains the human immunodeficiency virus
 13 (HIV) commits transferring contaminated body fluids, a Level 5 felony.
 14 (c) However, the offense under subsection (b) is a ~~Level 3~~ **Level 4**
 15 felony if it results in the transmission of the human immunodeficiency
 16 virus (HIV) to any person other than the defendant.
 17 (d) This section does not apply to:
 18 (1) a person who, for reasons of privacy, donates, sells, or
 19 transfers blood at a blood center (as defined in IC 16-41-12-3)
 20 after the person has notified the blood center that the blood must
 21 be disposed of and may not be used for any purpose;
 22 (2) a person who transfers blood semen, or another body fluid that
 23 contains the human immunodeficiency virus (HIV) for research
 24 purposes; or
 25 (3) a person who is an autologous blood donor for stem cell
 26 transplantation.
 27 SECTION 85. IC 35-47-2-18, AS AMENDED BY P.L.158-2013,
 28 SECTION 582, IS AMENDED TO READ AS FOLLOWS
 29 [EFFECTIVE JULY 1, 2020]: Sec. 18. (a) No person shall:
 30 ~~(1) change, alter, remove, or obliterate the name of the maker,~~
 31 ~~model, manufacturer's serial number, or other mark of~~
 32 ~~identification on any handgun; or~~
 33 ~~(2) possess any handgun on which the name of the maker, model,~~
 34 ~~manufacturer's serial number, or other mark of identification has~~
 35 ~~been changed, altered, removed, or obliterated;~~
 36 ~~except as provided by applicable United States statute.~~
 37 **(1) remove, obliterate, or alter the importer or**
 38 **manufacturer's serial number on any firearm; or**
 39 **(2) possess any firearm on which the importer or**
 40 **manufacturer's serial number has been removed, obliterated,**
 41 **or altered.**
 42 (b) A person who knowingly or intentionally violates this section



- 1 commits a Level 5 felony.
- 2 SECTION 86. IC 35-47-4-5, AS AMENDED BY P.L.198-2018,
 3 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 4 JULY 1, 2020]: Sec. 5. (a) As used in this section, "serious violent
 5 felon" means a person who has been convicted of
 6 (1) committing a serious violent felony. in:
 7 (A) Indiana; or
 8 (B) any other jurisdiction in which the elements of the crime
 9 for which the conviction was entered are substantially similar
 10 to the elements of a serious violent felony; or
 11 (2) attempting to commit or conspiring to commit a serious
 12 violent felony in:
 13 (A) Indiana as provided under IC 35-41-5-1 or IC 35-41-5-2;
 14 or
 15 (B) any other jurisdiction in which the elements of the crime
 16 for which the conviction was entered are substantially similar
 17 to the elements of attempting to commit or conspiring to
 18 commit a serious violent felony.
- 19 (b) As used in this section, "serious violent felony" means:
 20 (1) murder (IC 35-42-1-1);
 21 (2) voluntary manslaughter (IC 35-42-1-3);
 22 (3) reckless homicide not committed by means of a vehicle
 23 (IC 35-42-1-5);
 24 (4) battery (IC 35-42-2-1) as a:
 25 (A) Class A felony, Class B felony, or Class C felony, for a
 26 crime committed before July 1, 2014; or
 27 (B) Level 2 felony, Level 3 felony, Level 4 felony, or Level 5
 28 felony, for a crime committed after June 30, 2014;
 29 (5) domestic battery (IC 35-42-2-1.3) as a Level 2 felony, Level
 30 3 felony, Level 4 felony, or Level 5 felony;
 31 (6) aggravated battery (IC 35-42-2-1.5);
 32 (7) kidnapping (IC 35-42-3-2);
 33 (8) criminal confinement (IC 35-42-3-3);
 34 (9) rape (IC 35-42-4-1);
 35 (10) criminal deviate conduct (IC 35-42-4-2) (before its repeal);
 36 (11) child molesting (IC 35-42-4-3);
 37 (12) sexual battery (IC 35-42-4-8) as a:
 38 (A) Class C felony, for a crime committed before July 1, 2014;
 39 or
 40 (B) Level 5 felony, for a crime committed after June 30, 2014;
 41 (13) robbery (IC 35-42-5-1);
 42 (14) carjacking (IC 5-42-5-2) (before its repeal);



- 1 (15) arson (IC 35-43-1-1(a)) as a:
 2 (A) Class A felony or Class B felony, for a crime committed
 3 before July 1, 2014; or
 4 (B) Level 2 felony, Level 3 felony, or Level 4 felony, for a
 5 crime committed after June 30, 2014;
 6 (16) burglary (IC 35-43-2-1) as a:
 7 (A) Class A felony or Class B felony, for a crime committed
 8 before July 1, 2014; or
 9 (B) Level 1 felony, Level 2 felony, Level 3 felony, or Level 4
 10 felony, for a crime committed after June 30, 2014;
 11 (17) assisting a criminal (IC 35-44.1-2-5) as a:
 12 (A) Class C felony, for a crime committed before July 1, 2014;
 13 or
 14 (B) Level 5 felony, for a crime committed after June 30, 2014;
 15 (18) resisting law enforcement (IC 35-44.1-3-1) as a:
 16 (A) Class B felony or Class C felony, for a crime committed
 17 before July 1, 2014; or
 18 (B) Level 2 felony, Level 3 felony, or Level 5 felony, for a
 19 crime committed after June 30, 2014;
 20 (19) escape (IC 35-44.1-3-4) as a:
 21 (A) Class B felony or Class C felony, for a crime committed
 22 before July 1, 2014; or
 23 (B) Level 4 felony or Level 5 felony, for a crime committed
 24 after June 30, 2014;
 25 (20) trafficking with an inmate (IC 35-44.1-3-5) as a:
 26 (A) Class C felony, for a crime committed before July 1, 2014;
 27 or
 28 (B) Level 5 felony, for a crime committed after June 30, 2014;
 29 (21) criminal organization intimidation (IC 35-45-9-4);
 30 (22) stalking (IC 35-45-10-5) as a:
 31 (A) Class B felony or Class C felony, for a crime committed
 32 before July 1, 2014; or
 33 (B) Level 4 felony or Level 5 felony, for a crime committed
 34 after June 30, 2014;
 35 (23) incest (IC 35-46-1-3);
 36 (24) dealing in or manufacturing cocaine or a narcotic drug
 37 (IC 35-48-4-1);
 38 (25) dealing in methamphetamine (IC 35-48-4-1.1) or
 39 manufacturing methamphetamine (IC 35-48-4-1.2);
 40 (26) dealing in a schedule I, II, or III controlled substance
 41 (IC 35-48-4-2);
 42 (27) dealing in a schedule IV controlled substance (IC 35-48-4-3);



1 (28) dealing in a schedule V controlled substance (IC 35-48-4-4);
 2 or
 3 (29) dealing in a controlled substance resulting in death
 4 (IC 35-42-1-1.5).

5 (c) A serious violent felon who knowingly or intentionally possesses
 6 a firearm commits unlawful possession of a firearm by a serious violent
 7 felon, a Level 4 felony.

8 SECTION 87. IC 35-47-4-9 IS ADDED TO THE INDIANA CODE
 9 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 10 1, 2020]: **Sec. 9. (a) As used in this section, "serious violent felony"**
 11 **has the meaning set forth in section 5 of this chapter.**

12 **(b) A person who:**
 13 **(1) has been adjudicated a delinquent child for committing an**
 14 **act while armed with a firearm that would be a serious violent**
 15 **felony if committed by an adult;**
 16 **(2) is less than:**
 17 **(A) twenty-six (26) years of age, if the delinquent act, if**
 18 **committed by an adult, would have been a:**
 19 **(i) Level 6 felony;**
 20 **(ii) Level 5 felony;**
 21 **(iii) Level 4 felony; or**
 22 **(iv) Level 3 felony; or**
 23 **(B) twenty-eight (28) years of age, if the delinquent act, if**
 24 **committed by an adult, would have been:**
 25 **(i) a Level 2 felony;**
 26 **(ii) a Level 1 felony; or**
 27 **(iii) murder; and**
 28 **(3) knowingly or intentionally possesses a firearm;**
 29 **commits unlawful possession of a firearm by a dangerous person,**
 30 **a Level 6 felony. However, the offense is a Level 5 felony if the**
 31 **person has a prior unrelated conviction under this section.**

32 SECTION 88. IC 35-47-14-2, AS AMENDED BY P.L.289-2019,
 33 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2020]: **Sec. 2. (a) A circuit or superior court may issue a**
 35 **warrant to search for and seize a firearm in the possession of an**
 36 **individual who is dangerous if:**

37 **(1) a law enforcement officer provides the court a sworn affidavit**
 38 **that:**
 39 **(A) states why the law enforcement officer believes that the**
 40 **individual is dangerous and in possession of a firearm; and**
 41 **(B) describes the law enforcement officer's interactions and**
 42 **conversations with:**



1 (i) the individual who is alleged to be dangerous; or
 2 (ii) another individual, if the law enforcement officer
 3 believes that information obtained from this individual is
 4 credible and reliable;
 5 that have led the law enforcement officer to believe that the
 6 individual is dangerous and in possession of a firearm;
 7 (2) the affidavit specifically describes the location of the firearm;
 8 and
 9 (3) the circuit or superior court determines that probable cause
 10 exists to believe that the individual is:
 11 (A) dangerous; and
 12 (B) in possession of a firearm.
 13 (b) A law enforcement agency responsible for the seizure of the
 14 firearm under this section shall file a search warrant return with the
 15 court setting forth the:
 16 (1) quantity; and
 17 (2) type;
 18 of each firearm seized from an individual under this section. **Beginning**
 19 **July 1, 2021, the court shall provide information described under**
 20 **this subsection to the office of judicial administration in a manner**
 21 **required by the office.**
 22 SECTION 89. IC 35-47-14-3, AS AMENDED BY P.L.289-2019,
 23 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2020]: Sec. 3. (a) If a law enforcement officer seizes a firearm
 25 from an individual whom the law enforcement officer believes to be
 26 dangerous without obtaining a warrant, the law enforcement officer
 27 shall submit to the circuit or superior court having jurisdiction over the
 28 individual believed to be dangerous an affidavit describing the basis for
 29 the law enforcement officer's belief that the individual is dangerous.
 30 (b) An affidavit described in subsection (a) shall:
 31 (1) **set forth the quantity and type of each firearm seized from**
 32 **the individual under this section; and**
 33 (2) be submitted to a circuit or superior court having jurisdiction
 34 over the individual believed to be dangerous not later than
 35 forty-eight (48) hours after the seizure of the firearm.
 36 (c) The court shall review the affidavit described in subsection (a)
 37 as soon as possible.
 38 (d) If the court finds that probable cause exists to believe that the
 39 individual is dangerous, the court shall order the law enforcement
 40 agency having custody of the firearm to retain the firearm. **Beginning**
 41 **July 1, 2021, the court shall provide information described under**
 42 **this subsection and subsection (b)(1) to the office of judicial**



1 **administration in a manner required by the office.**
2 (e) A law enforcement agency responsible for the seizure of the
3 firearm under this section shall file a search warrant return with the
4 court setting forth the:
5 (1) quantity; and
6 (2) type;
7 of each firearm seized from an individual under this section:
8 (f) (e) If the court finds that there is no probable cause to believe
9 that the individual is dangerous, the court shall order the law
10 enforcement agency having custody of the firearm to return the firearm
11 to the individual as quickly as practicable, but not later than five (5)
12 days after the date of the order.
13 SECTION 90. IC 35-47-14-6, AS AMENDED BY P.L.289-2019,
14 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2020]: Sec. 6. (a) The court shall conduct a hearing as
16 required under this chapter.
17 (b) The state has the burden of proving all material facts by clear
18 and convincing evidence.
19 (c) If the court determines that the state has proved by clear and
20 convincing evidence that the individual is dangerous, the court shall
21 issue a written order:
22 (1) finding the individual is dangerous (as defined in section 1 of
23 this chapter);
24 (2) ordering the law enforcement agency having custody of the
25 seized firearm to retain the firearm;
26 (3) ordering the individual's license to carry a handgun, if
27 applicable, suspended; and
28 (4) enjoining the individual from:
29 (A) renting;
30 (B) receiving transfer of;
31 (C) owning; or
32 (D) possessing;
33 a firearm; and
34 determine whether the individual should be referred to further
35 proceedings to consider whether the individual should be involuntarily
36 detained or committed under IC 12-26-6-2(a)(2)(B).
37 (d) If the court finds that the individual is dangerous under
38 subsection (c), the clerk shall transmit the order of the court to the
39 office of judicial administration:
40 (1) for transmission to NICS (as defined in IC 35-47-2.5-2.5); and
41 (2) beginning July 1, 2021, for the collection of certain data
42 related to the confiscation and retention of firearms taken



1 **from dangerous individuals;**

2 in accordance with IC 33-24-6-3.

3 (e) If the court orders a law enforcement agency to retain a firearm,
4 the law enforcement agency shall retain the firearm until the court
5 orders the firearm returned or otherwise disposed of.

6 (f) If the court determines that the state has failed to prove by clear
7 and convincing evidence that the individual is dangerous, the court
8 shall issue a written order that:

9 (1) the individual is not dangerous (as defined in section 1 of this
10 chapter); and

11 (2) the law enforcement agency having custody of the firearm
12 shall return the firearm as quickly as practicable, but not later
13 than five (5) days after the date of the order, to the individual
14 from whom it was seized.

15 SECTION 91. IC 35-47-14-8, AS AMENDED BY P.L.289-2019,
16 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 JULY 1, 2020]: Sec. 8. (a) At least one hundred eighty (180) days after
18 the date on which a court orders a law enforcement agency to retain an
19 individual's firearm under section 6(c) of this chapter, the individual
20 may petition the court for a finding that the individual is no longer
21 dangerous.

22 (b) Upon receipt of a petition described in subsection (a), the court
23 shall:

24 (1) enter an order setting a date for a hearing on the petition; and
25 (2) inform the prosecuting attorney of the date, time, and location
26 of the hearing.

27 (c) The prosecuting attorney shall represent the state at the hearing
28 on a petition under this section.

29 (d) In a hearing on a petition under this section, the individual may
30 be represented by an attorney.

31 (e) In a hearing on a petition under this section filed:

32 (1) not later than one (1) year after the date of the order issued
33 under section 6(c) of this chapter, the individual must prove by a
34 preponderance of the evidence that the individual is no longer
35 dangerous; and

36 (2) later than one (1) year after the date of the order issued under
37 section 6(c) of this chapter, the state must prove by clear and
38 convincing evidence that the individual is still dangerous.

39 (f) If, upon the completion of the hearing and consideration of the
40 record, the court finds that the individual is no longer dangerous, the
41 court shall:

42 (1) issue a court order that finds that the individual is no longer



- 1 dangerous;
- 2 (2) order the law enforcement agency having custody of any
- 3 firearm to return the firearm as quickly as practicable, but not
- 4 later than five (5) days after the date of the order, to the
- 5 individual;
- 6 (3) terminate any injunction issued under section 6 of this
- 7 chapter; and
- 8 (4) terminate the suspension of the individual's license to carry a
- 9 handgun so that the individual may reapply for a license.
- 10 (g) If the court denies an individual's petition under this section, the
- 11 individual may not file a subsequent petition until at least one hundred
- 12 eighty (180) days after the date on which the court denied the petition.
- 13 (h) If a court issues an order described under subsection (f), the
- 14 court's order shall be transmitted, as soon as practicable, to the office
- 15 of judicial administration for transmission to the NICS (as defined in
- 16 IC 35-47-2.5-2.5) **and, beginning July 1, 2021, for the collection of**
- 17 **certain data related to the confiscation and retention of firearms**
- 18 **taken from dangerous individuals** in accordance with IC 33-24-6-3.
- 19 SECTION 92. IC 35-48-1-16.5, AS AMENDED BY P.L.182-2019,
- 20 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 21 JULY 1, 2020]: Sec. 16.5. "Enhancing circumstance" means one (1) or
- 22 more of the following:
- 23 (1) The person has a prior conviction ~~in any jurisdiction~~, for
- 24 dealing in a controlled substance that is not marijuana, hashish,
- 25 hash oil, or salvia divinorum. ~~including an attempt or conspiracy~~
- 26 ~~to commit the offense.~~
- 27 (2) The person committed the offense while in possession of a
- 28 firearm.
- 29 (3) The person committed the offense:
- 30 (A) on a school bus; or
- 31 (B) in, on, or within five hundred (500) feet of:
- 32 (i) school property while a person under eighteen (18) years
- 33 of age was reasonably expected to be present; or
- 34 (ii) a public park while a person under eighteen (18) years
- 35 of age was reasonably expected to be present.
- 36 (4) The person delivered or financed the delivery of the drug to a
- 37 person under eighteen (18) years of age at least three (3) years
- 38 junior to the person.
- 39 (5) The person manufactured or financed the manufacture of the
- 40 drug.
- 41 (6) The person committed the offense in the physical presence of
- 42 a child less than eighteen (18) years of age, knowing that the child



1 was present and might be able to see or hear the offense.
 2 (7) The person committed the offense on the property of a:
 3 (A) penal facility; or
 4 (B) juvenile facility (as defined in IC 35-44.1-3-5).
 5 (8) The person knowingly committed the offense in, on, or within
 6 one hundred (100) feet of a facility. For purposes of this
 7 subdivision, "facility" means a place that is:
 8 (A) created and funded under IC 12-23-14 or IC 33-23-16;
 9 (B) certified under IC 12-23-1-6; or
 10 (C) used for the purpose of conducting a recovery or support
 11 group meeting;
 12 and at which a drug abuser (as defined in IC 12-7-2-73) may be
 13 provided with treatment, care, or rehabilitation.
 14 SECTION 93. IC 35-48-4-12, AS AMENDED BY P.L.80-2019,
 15 SECTION 31, AND AS AMENDED BY P.L.190-2019, SECTION 32,
 16 AND AS AMENDED BY THE TECHNICAL CORRECTIONS BILL
 17 OF THE 2020 GENERAL ASSEMBLY, IS CORRECTED AND
 18 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]:
 19 Sec. 12. If a person who has no prior conviction of an offense under
 20 this article ~~or under a law of another jurisdiction~~ relating to controlled
 21 substances pleads guilty to possession of marijuana, hashish, ~~or~~ salvia,
 22 ~~or smokable hemp or a synthetic drug or a synthetic drug lookalike~~
 23 ~~substance~~ as a misdemeanor, the court, without entering a judgment of
 24 conviction and with the consent of the person, may defer further
 25 proceedings and place the person in the custody of the court under
 26 conditions determined by the court. Upon violation of a condition of
 27 the custody, the court may enter a judgment of conviction. However, if
 28 the person fulfills the conditions of the custody, the court shall dismiss
 29 the charges against the person. There may be only one (1) dismissal
 30 under this section with respect to a person.
 31 SECTION 94. IC 35-50-1-2, AS AMENDED BY P.L.184-2019,
 32 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2020]: Sec. 2. (a) As used in this section, "crime of violence"
 34 means the following:
 35 (1) Murder (IC 35-42-1-1).
 36 (2) Attempted murder (IC 35-41-5-1).
 37 (3) Voluntary manslaughter (IC 35-42-1-3).
 38 (4) Involuntary manslaughter (IC 35-42-1-4).
 39 (5) Reckless homicide (IC 35-42-1-5).
 40 (6) Battery (IC 35-42-2-1) as a:
 41 (A) Level 2 felony;
 42 (B) Level 3 felony;



- 1 (C) Level 4 felony; or
- 2 (D) Level 5 felony.
- 3 **(7) Domestic battery (IC 35-42-2-1.3) as a:**
- 4 **(A) Level 2 felony;**
- 5 **(B) Level 3 felony;**
- 6 **(C) Level 4 felony; or**
- 7 **(D) Level 5 felony.**
- 8 ~~(7)~~ **(8)** Aggravated battery (IC 35-42-2-1.5).
- 9 ~~(8)~~ **(9)** Kidnapping (IC 35-42-3-2).
- 10 ~~(9)~~ **(10)** Rape (IC 35-42-4-1).
- 11 ~~(10)~~ **(11)** Criminal deviate conduct (IC 35-42-4-2) (before its
- 12 repeal).
- 13 ~~(11)~~ **(12)** Child molesting (IC 35-42-4-3).
- 14 ~~(12)~~ **(13)** Sexual misconduct with a minor as a Level 1 felony
- 15 under IC 35-42-4-9(a)(2) or a Level 2 felony under
- 16 IC 35-42-4-9(b)(2).
- 17 ~~(13)~~ **(14)** Robbery as a Level 2 felony or a Level 3 felony
- 18 (IC 35-42-5-1).
- 19 ~~(14)~~ **(15)** Burglary as a Level 1 felony, Level 2 felony, Level 3
- 20 felony, or Level 4 felony (IC 35-43-2-1).
- 21 ~~(15)~~ **(16)** Operating a vehicle while intoxicated causing death or
- 22 catastrophic injury (IC 9-30-5-5).
- 23 ~~(16)~~ **(17)** Operating a vehicle while intoxicated causing serious
- 24 bodily injury to another person (IC 9-30-5-4).
- 25 ~~(17)~~ **(18)** Child exploitation as a Level 5 felony under
- 26 IC 35-42-4-4(b) or a Level 4 felony under IC 35-42-4-4(c).
- 27 ~~(18)~~ **(19)** Resisting law enforcement as a felony (IC 35-44.1-3-1).
- 28 ~~(19)~~ **(20)** Unlawful possession of a firearm by a serious violent
- 29 felon (IC 35-47-4-5).
- 30 **(21) Strangulation (IC 35-42-2-9) as a Level 5 felony.**
- 31 (b) As used in this section, "episode of criminal conduct" means
- 32 offenses or a connected series of offenses that are closely related in
- 33 time, place, and circumstance.
- 34 (c) Except as provided in subsection (e) or (f) the court shall
- 35 determine whether terms of imprisonment shall be served concurrently
- 36 or consecutively. The court may consider the:
- 37 (1) aggravating circumstances in IC 35-38-1-7.1(a); and
- 38 (2) mitigating circumstances in IC 35-38-1-7.1(b);
- 39 in making a determination under this subsection. The court may order
- 40 terms of imprisonment to be served consecutively even if the sentences
- 41 are not imposed at the same time. However, except for crimes of
- 42 violence, the total of the consecutive terms of imprisonment, exclusive



1 of terms of imprisonment under IC 35-50-2-8 and IC 35-50-2-10
 2 (before its repeal) to which the defendant is sentenced for felony
 3 convictions arising out of an episode of criminal conduct shall not
 4 exceed the period described in subsection (d).

5 (d) Except as provided in subsection (c), the total of the consecutive
 6 terms of imprisonment to which the defendant is sentenced for felony
 7 convictions arising out of an episode of criminal conduct may not
 8 exceed the following:

9 (1) If the most serious crime for which the defendant is sentenced
 10 is a Level 6 felony, the total of the consecutive terms of
 11 imprisonment may not exceed four (4) years.

12 (2) If the most serious crime for which the defendant is sentenced
 13 is a Level 5 felony, the total of the consecutive terms of
 14 imprisonment may not exceed seven (7) years.

15 (3) If the most serious crime for which the defendant is sentenced
 16 is a Level 4 felony, the total of the consecutive terms of
 17 imprisonment may not exceed fifteen (15) years.

18 (4) If the most serious crime for which the defendant is sentenced
 19 is a Level 3 felony, the total of the consecutive terms of
 20 imprisonment may not exceed twenty (20) years.

21 (5) If the most serious crime for which the defendant is sentenced
 22 is a Level 2 felony, the total of the consecutive terms of
 23 imprisonment may not exceed thirty-two (32) years.

24 (6) If the most serious crime for which the defendant is sentenced
 25 is a Level 1 felony, the total of the consecutive terms of
 26 imprisonment may not exceed forty-two (42) years.

27 (e) If, after being arrested for one (1) crime, a person commits
 28 another crime:

29 (1) before the date the person is discharged from probation,
 30 parole, or a term of imprisonment imposed for the first crime; or

31 (2) while the person is released:

32 (A) upon the person's own recognizance; or

33 (B) on bond;

34 the terms of imprisonment for the crimes shall be served consecutively,
 35 regardless of the order in which the crimes are tried and sentences are
 36 imposed.

37 (f) If the factfinder determines under IC 35-50-2-11 that a person
 38 used a firearm in the commission of the offense for which the person
 39 was convicted, the term of imprisonment for the underlying offense and
 40 the additional term of imprisonment imposed under IC 35-50-2-11
 41 must be served consecutively.

42 SECTION 95. IC 35-50-2-1, AS AMENDED BY P.L.20-2018,



1 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2020]: Sec. 1. (a) As used in this chapter, "Level 6 felony
3 conviction" means:

4 (1) a conviction in Indiana for:

5 (A) a Class D felony, for a crime committed before July 1,
6 2014; or

7 (B) a Level 6 felony, for a crime committed after June 30,
8 2014; and

9 (2) a conviction, in any other jurisdiction at any time, with respect
10 to which the convicted person might have been imprisoned for
11 more than one (1) year but less than two and one-half (2 1/2)
12 years.

13 However, the term does not include a conviction with respect to which
14 the person has been pardoned, or a conviction of a Class A
15 misdemeanor entered under IC 35-38-1-1.5 or section 7(c) or 7(d) of
16 this chapter.

17 (b) As used in this chapter, "felony conviction" means a conviction,
18 ~~in any jurisdiction~~ at any time, with respect to which the convicted
19 person might have been imprisoned for more than one (1) year.
20 However, it does not include a conviction with respect to which the
21 person has been pardoned, or a conviction of a Class A misdemeanor
22 under section 7(c) of this chapter.

23 (c) As used in this chapter, "minimum sentence" means:

24 (1) for murder, forty-five (45) years;

25 (2) for a Class A felony, for a crime committed before July 1,
26 2014, twenty (20) years;

27 (3) for a Class B felony, for a crime committed before July 1,
28 2014, six (6) years;

29 (4) for a Class C felony, for a crime committed before July 1,
30 2014, two (2) years;

31 (5) for a Class D felony, for a crime committed before July 1,
32 2014, one-half (1/2) year;

33 (6) for a Level 1 felony, for a crime committed after June 30,
34 2014, twenty (20) years;

35 (7) for a Level 2 felony, for a crime committed after June 30,
36 2014, ten (10) years;

37 (8) for a Level 3 felony, for a crime committed after June 30,
38 2014, three (3) years;

39 (9) for a Level 4 felony, for a crime committed after June 30,
40 2014, two (2) years;

41 (10) for a Level 5 felony, for a crime committed after June 30,
42 2014, one (1) year; and



1 (11) for a Level 6 felony, for a crime committed after June 30,
 2 2014, one-half (1/2) year.
 3 SECTION 96. IC 35-50-2-2.2, AS AMENDED BY P.L.252-2017,
 4 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2020]: Sec. 2.2. (a) Except as provided in subsection (b), (c),
 6 (d), or (e), the court may suspend any part of a sentence for a felony.
 7 (b) Except as provided in subsection (d), if a person is convicted of
 8 a Level 2 felony or a Level 3 felony, except a Level 2 felony or a Level
 9 3 felony concerning a controlled substance under IC 35-48-4, and has
 10 any prior unrelated felony conviction, the court may suspend only that
 11 part of a sentence that is in excess of the minimum sentence for the:
 12 (1) Level 2 felony; or
 13 (2) Level 3 felony.
 14 (c) If:
 15 (1) a person has a prior unrelated felony conviction ~~in any~~
 16 ~~jurisdiction~~ for dealing in a controlled substance that is not
 17 marijuana, hashish, hash oil, ~~or salvia divinorum; or a synthetic~~
 18 ~~drug; including an attempt or conspiracy to commit the offense;~~
 19 and
 20 (2) the person is convicted of a Level 2 felony under
 21 IC 35-48-4-1.1 or IC 35-48-4-1.2;
 22 the court may suspend only that part of a sentence that is in excess of
 23 the minimum sentence for the Level 2 felony.
 24 (d) If a person:
 25 (1) is convicted of dealing in heroin as a Level 2 or Level 3 felony
 26 under IC 35-48-4-1 or IC 35-48-4-2; and
 27 (2) has a prior unrelated felony conviction;
 28 the court may suspend only that part of a sentence that is in excess of
 29 the minimum sentence for the Level 2 or Level 3 felony.
 30 (e) The court may suspend only that part of a sentence for murder
 31 or a Level 1 felony conviction that is in excess of the minimum
 32 sentence for murder or the Level 1 felony conviction.
 33 SECTION 97. IC 35-50-2-14, AS AMENDED BY P.L.125-2009,
 34 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2020]: Sec. 14. (a) As used in this section, "sex offense"
 36 means a felony conviction
 37 (1) under IC 35-42-4-1 through IC 35-42-4-9 or under
 38 IC 35-46-1-3.
 39 (2) for an attempt or conspiracy to commit an offense described
 40 in subdivision (1); or
 41 (3) for an offense under the laws of another jurisdiction, including
 42 a military court, that is substantially similar to an offense



1 ~~described in subdivision (1):~~

2 (b) The state may seek to have a person sentenced as a repeat sexual

3 offender for a sex offense described in subsection ~~(a)(1) or (a)(2)~~ (a)

4 by alleging, on a page separate from the rest of the charging instrument,

5 that the person has accumulated one (1) prior unrelated felony

6 conviction for a sex offense described in subsection (a).

7 (c) After a person has been convicted and sentenced for a felony

8 described in subsection ~~(a)(1) or (a)(2)~~ (a) after having been sentenced

9 for a prior unrelated sex offense described in subsection (a), the person

10 has accumulated one (1) prior unrelated felony sex offense conviction.

11 However, a conviction does not count for purposes of this subsection,

12 if:

13 (1) it has been set aside; or

14 (2) it is a conviction for which the person has been pardoned.

15 (d) If the person was convicted of the sex offense in a jury trial, the

16 jury shall reconvene to hear evidence in the enhancement hearing. If

17 the trial was to the court, or the judgment was entered on a guilty plea,

18 the court alone shall hear evidence in the enhancement hearing.

19 (e) A person is a repeat sexual offender if the jury (if the hearing is

20 by jury) or the court (if the hearing is to the court alone) finds that the

21 state has proved beyond a reasonable doubt that the person had

22 accumulated one (1) prior unrelated felony sex offense conviction.

23 (f) The court may sentence a person found to be a repeat sexual

24 offender to an additional fixed term that is the advisory sentence for the

25 underlying offense. However, the additional sentence may not exceed

26 ten (10) years.

27 SECTION 98. IC 35-50-6-3.1, AS AMENDED BY P.L.44-2016,

28 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

29 JULY 1, 2020]: Sec. 3.1. (a) This section applies to a person who

30 commits an offense after June 30, 2014.

31 (b) A person assigned to Class A earns one (1) day of good time

32 credit for each day the person is imprisoned for a crime or confined

33 awaiting trial or sentencing.

34 (c) A person assigned to Class B earns one (1) day of good time

35 credit for every three (3) days the person is imprisoned for a crime or

36 confined awaiting trial or sentencing.

37 (d) A person assigned to Class C earns one (1) day of good time

38 credit for every six (6) days the person is imprisoned for a crime or

39 confined awaiting trial or sentencing.

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

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

42 credit for every four (4) days the person serves on pretrial home



1 detention awaiting trial. **A person assigned to Class P does not earn**
 2 **accrued time for time served on pretrial home detention awaiting**
 3 **trial.**

4 SECTION 99. IC 35-50-6-3.3, AS AMENDED BY P.L.13-2016,
 5 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2020]: Sec. 3.3. (a) In addition to any educational credit a
 7 person earns under subsection (b), or good time credit a person earns
 8 under section 3 or 3.1 of this chapter, a person earns educational credit
 9 if the person:

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

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

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

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

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

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

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

34 (A) A certificate of completion of a career and technical or
 35 vocational education program approved by the department of
 36 correction.

37 (B) A certificate of completion of a substance abuse program
 38 approved by the department of correction.

39 (C) A certificate of completion of a literacy and basic life
 40 skills program approved by the department of correction.

41 (D) A certificate of completion of a reformatory program
 42 approved by the department of correction.



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

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

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

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

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

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

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

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

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

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

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



1 completion of one (1) or more career and technical or vocational
 2 education programs, the person is ineligible to earn educational credit
 3 for the completion of one (1) or more substance abuse programs.

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

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

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

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

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

21 (1) the release date that would otherwise apply to the person after
 22 subtracting all other credit time earned by the person, if the
 23 person has not been convicted of an offense described in
 24 subdivision (2); or

25 (2) the period of imprisonment imposed on the person by the
 26 sentencing court, if the person has been convicted of one (1) of
 27 the following crimes:

28 (A) Rape (IC 35-42-4-1).

29 (B) Criminal deviate conduct (IC 35-42-4-2) (before its
 30 repeal).

31 (C) Child molesting (IC 35-42-4-3).

32 (D) Child exploitation (IC 35-42-4-4(b) or IC 35-42-4-4(c)).

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

34 (F) Child solicitation (IC 35-42-4-6).

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

36 (H) Sexual misconduct with a minor (IC 35-42-4-9) as a:

37 (i) Class A felony, Class B felony, or Class C felony for a
 38 crime committed before July 1, 2014; or

39 (ii) Level 1, Level 2, or Level 4 felony, for a crime
 40 committed after June 30, 2014.

41 (I) Incest (IC 35-46-1-3).

42 (J) Sexual battery (IC 35-42-4-8).



- 1 (K) Kidnapping (IC 35-42-3-2), if the victim is less than
 2 eighteen (18) years of age.
 3 (L) Criminal confinement (IC 35-42-3-3), if the victim is less
 4 than eighteen (18) years of age.
 5 ~~(M) An attempt or a conspiracy to commit a crime listed in~~
 6 ~~clauses (A) through (L):~~
- 7 (j) The maximum amount of educational credit a person may earn
 8 under this section is the lesser of:
 9 (1) two (2) years; or
 10 (2) one-third (1/3) of the person's total applicable credit time.
- 11 (k) Educational credit earned under this section by an offender
 12 serving a sentence for stalking (IC 35-45-10-5), a felony against a
 13 person under IC 35-42, or for a crime listed in IC 11-8-8-5, shall be
 14 reduced to the extent that application of the educational credit would
 15 otherwise result in:
 16 (1) postconviction release (as defined in IC 35-40-4-6); or
 17 (2) assignment of the person to a community transition program;
 18 in less than forty-five (45) days after the person earns the educational
 19 credit.
- 20 (l) A person may earn educational credit for multiple degrees at the
 21 same education level under subsection (d) only in accordance with
 22 guidelines approved by the department of correction. The department
 23 of correction may approve guidelines for proper sequence of education
 24 degrees under subsection (d).
- 25 (m) A person may not earn educational credit:
 26 (1) for a general educational development (GED) diploma if the
 27 person has previously earned a high school diploma; or
 28 (2) for a high school diploma if the person has previously earned
 29 a general educational development (GED) diploma.
- 30 (n) A person may not earn educational credit under this section if
 31 the person:
 32 (1) commits an offense listed in IC 11-8-8-4.5 while the person is
 33 required to register as a sex or violent offender under IC 11-8-8-7;
 34 and
 35 (2) is committed to the department of correction after being
 36 convicted of the offense listed in IC 11-8-8-4.5.
- 37 (o) For a person to earn educational credit under subsection
 38 (a)(3)(B) for successfully completing the requirements for a high
 39 school diploma through correspondence courses, each correspondence
 40 course must be approved by the department before the person begins
 41 the correspondence course. The department may approve a
 42 correspondence course only if the entity administering the course is



1 recognized and accredited by the department of education in the state
 2 where the entity is located.
 3 SECTION 100. IC 35-52-16-58 IS REPEALED [EFFECTIVE JULY
 4 1, 2020]. ~~Sec. 58. IC 16-41-14-17 defines a crime concerning~~
 5 ~~communicable diseases.~~
 6 SECTION 101. IC 36-1-9.5-48 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 48. (a) An entity may
 8 revoke a certificate of qualification only if the entity determines that
 9 the contractor or subcontractor has done at least one (1) of the
 10 following:
 11 (1) Fails to timely pay or satisfactorily settle any bills due for
 12 labor and material on former or existing contracts.
 13 (2) Violates:
 14 (A) a state or federal statute; or
 15 (B) a rule or regulation of a state or federal department, board,
 16 bureau, agency, or commission.
 17 (3) Defaults on a contract.
 18 (4) Fails to enter into a contract with the entity.
 19 (5) Falsifies any document required by the entity, the state board
 20 of accounts, or any other agency.
 21 (6) Is convicted of a bidding crime. ~~in any jurisdiction.~~
 22 (7) Enters a plea of guilty or nolo contendere to a bidding crime
 23 in any state.
 24 (8) Does any of the following:
 25 (A) Makes a public admission concerning a bidding crime in
 26 any state.
 27 (B) Makes a presentation as an unindicted co-conspirator in a
 28 bidding crime in any state.
 29 (C) Gives testimony that is protected by a grant of immunity
 30 in a trial for a bidding crime in any jurisdiction.
 31 (9) Fails to perform any part of an existing or previous contract.
 32 (10) Fails to submit in a timely manner information, documented
 33 explanations, or evidence required in the contract documents or
 34 proposal.
 35 (11) Has been debarred by a federal agency.
 36 (12) Failed to comply with any proposal requirements established
 37 by the entity concerning disadvantaged business enterprise goals
 38 or women business enterprise goals.
 39 (b) An entity shall provide notification of a pending action for
 40 revocation in writing, setting forth the grounds for the proposed
 41 certificate revocation. The revocation becomes effective on the date
 42 determined by the entity.



1 (c) A period of disqualification under this chapter may not exceed
2 two (2) years.

3 SECTION 102. [EFFECTIVE JULY 1, 2020] **(a) The legislative**
4 **services agency shall prepare legislation for introduction in the**
5 **2021 regular session of the general assembly to make appropriate**
6 **amendments to the Indiana Code necessary to conform with this**
7 **act.**

8 **(b) This SECTION expires June 30, 2021.**



COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred Senate Bill No. 335, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 1, after "sentencing)", insert "**IC 9-30-15.5 (habitual vehicular substance offender)**",

Page 2, line 10, delete "seven (7)" and insert "**fifteen (15)**".

Page 2, line 15, after "parole" insert "**(whichever occurs later)**".

Page 2, line 21, delete "seven (7)" and insert "**fifteen (15)**".

Page 2, line 26, after "parole" insert "**(whichever occurs later)**".

Page 2, between lines 38 and 39, begin a new line block indented and insert:

"(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)."

Page 9, delete lines 29 through 42.

Delete pages 10 through 11.

Page 12, delete line 1.

Page 12, delete lines 14 through 42.

Delete pages 13 through 18.

Page 19, delete lines 1 through 26.

Page 31, delete lines 13 through 28.

Page 41, delete lines 30 through 42.

Delete pages 42 through 43.

Page 44, delete lines 1 through 12.

Page 88, between lines 25 and 26, begin a new paragraph and insert:

"SECTION 66. IC 35-33-8-7, AS AMENDED BY P.L.187-2017, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 7. (a) If a defendant:

(1) was admitted to bail under section 3.2(a)(2) of this chapter;
and

(2) has failed to appear before the court as ordered;

the court shall, except as provided in subsection (b) or section ~~8(b)~~ **8(c)** of this chapter, declare the bond forfeited not earlier than one hundred twenty (120) days or more than three hundred sixty-five (365) days after the defendant's failure to appear and issue a warrant for the defendant's arrest.



(b) In a criminal case, if the court having jurisdiction over the criminal case receives written notice of a pending civil action or unsatisfied judgment against the criminal defendant arising out of the same transaction or occurrence forming the basis of the criminal case, funds deposited with the clerk of the court under section 3.2(a)(2) of this chapter may not be declared forfeited by the court, and the court shall order the deposited funds to be held by the clerk. If there is an entry of final judgment in favor of the plaintiff in the civil action, and if the deposit and the bond are subject to forfeiture, the criminal court shall order payment of all or any part of the deposit to the plaintiff in the action, as is necessary to satisfy the judgment. The court shall then order the remainder of the deposit, if any, and the bond forfeited.

(c) Any proceedings concerning the bond, or its forfeiture, judgment, or execution of judgment, shall be held in the court that admitted the defendant to bail.

(d) After a bond has been forfeited under subsection (a) or (b), the clerk shall mail notice of forfeiture to the defendant. In addition, unless the court finds that there was justification for the defendant's failure to appear, the court shall immediately enter judgment, without pleadings and without change of judge or change of venue, against the defendant for the amount of the bail bond, and the clerk shall record the judgment.

(e) If a bond is forfeited and the court has entered a judgment under subsection (d), the clerk shall transfer to the state common school fund:

(1) any amount remaining on deposit with the court (less the fees retained by the clerk); and

(2) any amount collected in satisfaction of the judgment.

(f) The clerk shall return a deposit, less the administrative fee, made under section 3.2(a)(2) of this chapter to the defendant, if the defendant appeared at trial and the other critical stages of the legal proceedings.

SECTION 67. IC 35-33-8-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8. (a) If a defendant was admitted to bail under section 3.2(a) of this chapter and the defendant has knowingly and intentionally failed to appear before the court as ordered, the court:

(1) shall issue a warrant for the defendant's arrest;

(2) may not release the defendant on personal recognizance; and

(3) may not set bail for the rearrest of the defendant on the warrant at an amount that is less than the greater of:

(A) the amount of the original bail; or

(B) two thousand five hundred dollars (\$2,500);

in the form of a bond issued by an entity defined in IC 27-10-1-7



or the full amount of the bond in cash.

(b) If a defendant charged with a crime of violence (as defined in IC 35-50-1-2) was admitted to bail under section 3.2(a) of this chapter and, while awaiting trial on this offense, was subsequently rearrested for a new offense that is a Level 5 felony or greater, the court:

(1) may not release the defendant on personal recognizance; and

(2) may not set bail for the new offense at an amount that is less than the greater of:

(A) the amount of the original bail; or

(B) two thousand five hundred dollars (\$2,500);

in the form of a bond issued by an entity defined in IC 27-10-1-7 or the full amount of the bond in cash.

~~(b)~~ **(c)** In a criminal case, if the court having jurisdiction over the criminal case receives written notice of a pending civil action or unsatisfied judgment against the criminal defendant arising out of the same transaction or occurrence forming the basis of the criminal case, funds deposited with the clerk of the court under section 3.2(a)(2) of this chapter may not be declared forfeited by the court, and the court shall order the deposited funds to be held by the clerk. If there is an entry of final judgment in favor of the plaintiff in the civil action, and if the deposit is subject to forfeiture, the criminal court shall order payment of all or any part of the deposit to the plaintiff in the action, as is necessary to satisfy the judgment. The court shall then order the remainder of the deposit, if any, forfeited."

Page 107, line 25, reset in roman "IC 9-30-4-6.1(b)(3)".

Page 107, line 25, delete "IC 9-30-4-6.1(a)".

Page 107, line 26, reset in roman "IC 9-30-4-6.1(d)(1)".

Page 107, line 26, delete "IC 9-30-4-6.1(c)(1)".

Page 107, line 26, reset in roman "IC 9-30-4-6.1(d)(2)".

Page 107, line 27, delete "IC 9-30-4-6.1(c)(2)".

Page 108, delete lines 11 through 26.

Page 111, delete lines 13 through 42.

Delete page 112.

Page 113, delete lines 1 through 20, begin a new paragraph and insert:

"SECTION 83. 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."

Page 117, line 3, after "from" insert "**a licensed producer in**".

Page 117, line 4, delete "into another" and insert "**to a licensed
handler in any**".

Page 118, line 19, delete "(IC 35-44.1-3-1)" and insert "(IC
35-44.1-3-1)".

Page 118, delete lines 20 through 21.

Page 118, line 22, after "(19)" insert "**(20)**".

Page 118, line 22, reset in roman "Unlawful possession of a firearm
by a serious violent felon".

Page 118, reset in roman line 23.

Page 118, line 24, delete "(20)" and insert "**(21)**".

Page 127, delete lines 36 through 42.

Page 128, delete lines 1 through 2.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 335 as introduced.)

YOUNG M, Chairperson

Committee Vote: Yeas 4, Nays 2.

SENATE MOTION

Madam President: I move that Senate Bill 335 be amended to read
as follows:

Page 76, delete lines 6 through 42.

Delete page 77.

ES 335—LS 6968/DI 106



Renumber all SECTIONS consecutively.

(Reference is to SB 335 as printed January 31, 2020.)

YOUNG M

SENATE MOTION

Madam President: I move that Senate Bill 335 be amended to read as follows:

Page 86, between lines 25 and 26, begin a new paragraph and insert:

"SECTION 71. IC 35-41-5-2, AS AMENDED BY P.L.158-2013, SECTION 409, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) A person conspires to commit a **felony an offense** when, with intent to commit the ~~felony~~, **offense**, the person agrees with another person to commit the ~~felony~~: **offense**. A conspiracy to commit a **felony an offense** is a **felony an offense** of the same level **(if the offense is a felony) or class (if the offense is a misdemeanor)** as the underlying ~~felony~~: **offense**. However, a conspiracy to commit murder is:

- (1) a Level 2 felony if the conspiracy does not result in the death of a person; and
- (2) a Level 1 felony if the conspiracy results in the death of another person.

(b) The state must allege and prove that either the person or the person with whom he or she agreed performed an overt act in furtherance of the agreement.

(c) It is no defense that the person with whom the accused person is alleged to have conspired:

- (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."

Renumber all SECTIONS consecutively.

(Reference is to SB 335 as printed January 31, 2020.)

MESSMER



SENATE MOTION

Madam President: I move that Senate Bill 335 be amended to read as follows:

Page 74, delete lines 21 through 42.

Delete page 75.

Page 76, delete lines 1 through 5.

Re-number all SECTIONS consecutively.

(Reference is to SB 335 as printed January 31, 2020.)

FREEMAN

 COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 335, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 11, delete "fifteen (15)" and insert "**seven (7)**".

Page 2, line 22, delete "fifteen (15)" and insert "**seven (7)**".

Page 3, line 2, delete "Schedule" and insert "**schedule**".

Page 3, line 9, delete "includes" and insert "**means**".

Page 3, line 10, after "to a" insert "**conviction for a**".

Page 3, line 11, after "to a" insert "**conviction for a**".

Page 28, after line 42, begin a new paragraph and insert:

"SECTION 29. IC 16-41-8-5, AS AMENDED BY P.L.65-2016, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) This section does not apply to medical testing of an individual for whom an indictment or information is filed for a sex crime and for whom a request to have the individual tested under section 6 of this chapter is filed.

(b) The following definitions apply throughout this section:

(1) "Bodily fluid" means blood, human waste, or any other bodily fluid.

(2) "~~Dangerous disease~~" "**Serious disease**" means any of the following:

(A) Chancroid.

(B) Chlamydia.

(C) Gonorrhea.

(D) Hepatitis.

(E) Human immunodeficiency virus (HIV).



(F) Lymphogranuloma venereum.

(G) Syphilis.

(H) Tuberculosis.

(3) "Offense involving the transmission of a bodily fluid" means any offense (including a delinquent act that would be a crime if committed by an adult) in which a bodily fluid is transmitted from the defendant to the victim in connection with the commission of the offense.

(c) This subsection applies only to a defendant who has been charged with a potentially disease transmitting offense. At the request of an alleged victim of the offense, the parent, guardian, or custodian of an alleged victim who is less than eighteen (18) years of age, or the parent, guardian, or custodian of an alleged victim who is an endangered adult (as defined in IC 12-10-3-2), the prosecuting attorney shall petition a court to order a defendant charged with the commission of a potentially disease transmitting offense to submit to a screening test to determine whether the defendant is infected with a ~~dangerous~~ **serious** disease. In the petition, the prosecuting attorney must set forth information demonstrating that the defendant has committed a potentially disease transmitting offense. The court shall set the matter for hearing not later than forty-eight (48) hours after the prosecuting attorney files a petition under this subsection. The alleged victim, the parent, guardian, or custodian of an alleged victim who is less than eighteen (18) years of age, and the parent, guardian, or custodian of an alleged victim who is an endangered adult (as defined in IC 12-10-3-2) are entitled to receive notice of the hearing and are entitled to attend the hearing. The defendant and the defendant's counsel are entitled to receive notice of the hearing and are entitled to attend the hearing. If, following the hearing, the court finds probable cause to believe that the defendant has committed a potentially disease transmitting offense, the court may order the defendant to submit to a screening test for one (1) or more ~~dangerous~~ **serious** diseases. ~~If the defendant is charged with battery (IC 35-42-2-1) or domestic battery (IC 35-42-2-1.3) involving placing a bodily fluid or waste on another person, the court may limit testing under this subsection to a test only for human immunodeficiency virus (HIV). However, the court may order additional testing for human immunodeficiency virus (HIV) as may be medically appropriate.~~ The court shall take actions to ensure the confidentiality of evidence introduced at the hearing.

(d) This subsection applies only to a defendant who has been charged with an offense involving the transmission of a bodily fluid. At the request of an alleged victim of the offense, the parent, guardian, or



custodian of an alleged victim who is less than eighteen (18) years of age, or the parent, guardian, or custodian of an alleged victim who is an endangered adult (as defined in IC 12-10-3-2), the prosecuting attorney shall petition a court to order a defendant charged with the commission of an offense involving the transmission of a bodily fluid to submit to a screening test to determine whether the defendant is infected with a ~~dangerous~~ **serious** disease. In the petition, the prosecuting attorney must set forth information demonstrating that:

- (1) the defendant has committed an offense; and
- (2) a bodily fluid was transmitted from the defendant to the victim in connection with the commission of the offense.

The court shall set the matter for hearing not later than forty-eight (48) hours after the prosecuting attorney files a petition under this subsection. The alleged victim of the offense, the parent, guardian, or custodian of an alleged victim who is less than eighteen (18) years of age, and the parent, guardian, or custodian of an alleged victim who is an endangered adult (as defined in IC 12-10-3-2) are entitled to receive notice of the hearing and are entitled to attend the hearing. The defendant and the defendant's counsel are entitled to receive notice of the hearing and are entitled to attend the hearing. If, following the hearing, the court finds probable cause to believe that the defendant has committed an offense and that a bodily fluid was transmitted from the defendant to the alleged victim in connection with the commission of the offense, the court may order the defendant to submit to a screening test for one (1) or more ~~dangerous~~ **serious** diseases. ~~If the defendant is charged with battery (IC 35-42-2-1) or domestic battery (IC 35-42-2-1.3) involving placing bodily fluid or waste on another person, the court may limit testing under this subsection to a test only for human immunodeficiency virus (HIV). However, the court may order additional testing for human immunodeficiency virus (HIV) as may be medically appropriate.~~ The court shall take actions to ensure the confidentiality of evidence introduced at the hearing.

(e) The testimonial privileges applying to communication between a husband and wife and between a health care provider and the health care provider's patient are not sufficient grounds for not testifying or providing other information at a hearing conducted in accordance with this section.

(f) A health care provider (as defined in IC 16-18-2-163) who discloses information that must be disclosed to comply with this section is immune from civil and criminal liability under Indiana statutes that protect patient privacy and confidentiality.

(g) The results of a screening test conducted under this section shall



be kept confidential if the defendant ordered to submit to the screening test under this section has not been convicted of the potentially disease transmitting offense or offense involving the transmission of a bodily fluid with which the defendant is charged. The results may not be made available to any person or public or private agency other than the following:

- (1) The defendant and the defendant's counsel.
- (2) The prosecuting attorney.
- (3) The department of correction or the penal facility, juvenile detention facility, or secure private facility where the defendant is housed.
- (4) The alleged victim or the parent, guardian, or custodian of an alleged victim who is less than eighteen (18) years of age, or the parent, guardian, or custodian of an alleged victim who is an endangered adult (as defined in IC 12-10-3-2), and the alleged victim's counsel.

The results of a screening test conducted under this section may not be admitted against a defendant in a criminal proceeding or against a child in a juvenile delinquency proceeding.

(h) As soon as practicable after a screening test ordered under this section has been conducted, the alleged victim or the parent, guardian, or custodian of an alleged victim who is less than eighteen (18) years of age, or the parent, guardian, or custodian of an alleged victim who is an endangered adult (as defined in IC 12-10-3-2), and the victim's counsel shall be notified of the results of the test.

(i) An alleged victim may disclose the results of a screening test to which a defendant is ordered to submit under this section to an individual or organization to protect the health and safety of or to seek compensation for:

- (1) the alleged victim;
- (2) the alleged victim's sexual partner; or
- (3) the alleged victim's family.

(j) The court shall order a petition filed and any order entered under this section sealed.

(k) A person that knowingly or intentionally:

- (1) receives notification or disclosure of the results of a screening test under this section; and
- (2) discloses the results of the screening test in violation of this section;

commits a Class B misdemeanor.

SECTION 30. IC 16-41-14-17 IS REPEALED [EFFECTIVE JULY 1, 2020]. ~~Sec. 17. (a) This section does not apply to a person who~~

ES 335—LS 6968/DI 106



transfers for research purposes semen that contains antibodies for the human immunodeficiency virus (HIV).

(b) A person who, for the purpose of artificial insemination, recklessly, knowingly, or intentionally donates, sells, or transfers semen that contains antibodies for the human immunodeficiency virus (HIV) commits transferring contaminated semen, a Level 5 felony. The offense is a Level 4 felony if the offense results in the transmission of the virus to another person."

Page 37, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 22. IC 24-5-0.5-3, AS AMENDED BY P.L.211-2019, SECTION 33, AND AS AMENDED BY P.L.242-2019, SECTION 6, 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. 3. (a) A supplier may not commit an unfair, abusive, or deceptive act, omission, or practice in connection with a consumer transaction. Such an act, omission, or practice by a supplier is a violation of this chapter whether it occurs before, during, or after the transaction. An act, omission, or practice prohibited by this section includes both implicit and explicit misrepresentations.

(b) Without limiting the scope of subsection (a), the following acts, and the following representations as to the subject matter of a consumer transaction, made orally, in writing, or by electronic communication, by a supplier, are deceptive acts:

- (1) That such subject of a consumer transaction has sponsorship, approval, performance, characteristics, accessories, uses, or benefits it does not have which the supplier knows or should reasonably know it does not have.
- (2) That such subject of a consumer transaction is of a particular standard, quality, grade, style, or model, if it is not and if the supplier knows or should reasonably know that it is not.
- (3) That such subject of a consumer transaction is new or unused, if it is not and if the supplier knows or should reasonably know that it is not.
- (4) That such subject of a consumer transaction will be supplied to the public in greater quantity than the supplier intends or reasonably expects.
- (5) That replacement or repair constituting the subject of a consumer transaction is needed, if it is not and if the supplier knows or should reasonably know that it is not.
- (6) That a specific price advantage exists as to such subject of a consumer transaction, if it does not and if the supplier knows or



should reasonably know that it does not.

(7) That the supplier has a sponsorship, approval, or affiliation in such consumer transaction the supplier does not have, and which the supplier knows or should reasonably know that the supplier does not have.

(8) That such consumer transaction involves or does not involve a warranty, a disclaimer of warranties, or other rights, remedies, or obligations, if the representation is false and if the supplier knows or should reasonably know that the representation is false.

(9) That the consumer will receive a rebate, discount, or other benefit as an inducement for entering into a sale or lease in return for giving the supplier the names of prospective consumers or otherwise helping the supplier to enter into other consumer transactions, if earning the benefit, rebate, or discount is contingent upon the occurrence of an event subsequent to the time the consumer agrees to the purchase or lease.

(10) That the supplier is able to deliver or complete the subject of the consumer transaction within a stated period of time, when the supplier knows or should reasonably know the supplier could not. If no time period has been stated by the supplier, there is a presumption that the supplier has represented that the supplier will deliver or complete the subject of the consumer transaction within a reasonable time, according to the course of dealing or the usage of the trade.

(11) That the consumer will be able to purchase the subject of the consumer transaction as advertised by the supplier, if the supplier does not intend to sell it.

(12) That the replacement or repair constituting the subject of a consumer transaction can be made by the supplier for the estimate the supplier gives a customer for the replacement or repair, if the specified work is completed and:

(A) the cost exceeds the estimate by an amount equal to or greater than ten percent (10%) of the estimate;

(B) the supplier did not obtain written permission from the customer to authorize the supplier to complete the work even if the cost would exceed the amounts specified in clause (A);

(C) the total cost for services and parts for a single transaction is more than seven hundred fifty dollars (\$750); and

(D) the supplier knew or reasonably should have known that the cost would exceed the estimate in the amounts specified in clause (A).

(13) That the replacement or repair constituting the subject of a



consumer transaction is needed, and that the supplier disposes of the part repaired or replaced earlier than seventy-two (72) hours after both:

- (A) the customer has been notified that the work has been completed; and
- (B) the part repaired or replaced has been made available for examination upon the request of the customer.

(14) Engaging in the replacement or repair of the subject of a consumer transaction if the consumer has not authorized the replacement or repair, and if the supplier knows or should reasonably know that it is not authorized.

(15) The act of misrepresenting the geographic location of the supplier by listing an alternate business name or an assumed business name (as described in IC 23-0.5-3-4) in a local telephone directory if:

- (A) the name misrepresents the supplier's geographic location;
- (B) the listing fails to identify the locality and state of the supplier's business;
- (C) calls to the local telephone number are routinely forwarded or otherwise transferred to a supplier's business location that is outside the calling area covered by the local telephone directory; and
- (D) the supplier's business location is located in a county that is not contiguous to a county in the calling area covered by the local telephone directory.

(16) The act of listing an alternate business name or assumed business name (as described in IC 23-0.5-3-4) in a directory assistance data base if:

- (A) the name misrepresents the supplier's geographic location;
- (B) calls to the local telephone number are routinely forwarded or otherwise transferred to a supplier's business location that is outside the local calling area; and
- (C) the supplier's business location is located in a county that is not contiguous to a county in the local calling area.

(17) The violation by a supplier of IC 24-3-4 concerning cigarettes for import or export.

(18) The act of a supplier in knowingly selling or reselling a product to a consumer if the product has been recalled, whether by the order of a court or a regulatory body, or voluntarily by the manufacturer, distributor, or retailer, unless the product has been repaired or modified to correct the defect that was the subject of the recall.



- (19) The violation by a supplier of 47 U.S.C. 227, including any rules or regulations issued under 47 U.S.C. 227.
- (20) The violation by a supplier of the federal Fair Debt Collection Practices Act (15 U.S.C. 1692 et seq.), including any rules or regulations issued under the federal Fair Debt Collection Practices Act (15 U.S.C. 1692 et seq.).
- (21) A violation of IC 24-5-7 (concerning health spa services), as set forth in IC 24-5-7-17.
- (22) A violation of IC 24-5-8 (concerning business opportunity transactions), as set forth in IC 24-5-8-20.
- (23) A violation of IC 24-5-10 (concerning home consumer transactions), as set forth in IC 24-5-10-18.
- (24) A violation of IC 24-5-11 (concerning real property improvement contracts), as set forth in IC 24-5-11-14.
- (25) A violation of IC 24-5-12 (concerning telephone solicitations), as set forth in IC 24-5-12-23.
- (26) A violation of IC 24-5-13.5 (concerning buyback motor vehicles), as set forth in IC 24-5-13.5-14.
- (27) A violation of IC 24-5-14 (concerning automatic dialing-announcing devices), as set forth in IC 24-5-14-13.
- (28) A violation of IC 24-5-15 (concerning credit services organizations), as set forth in IC 24-5-15-11.
- (29) A violation of IC 24-5-16 (concerning unlawful motor vehicle subleasing), as set forth in IC 24-5-16-18.
- (30) A violation of IC 24-5-17 (concerning environmental marketing claims), as set forth in IC 24-5-17-14.
- (31) A violation of IC 24-5-19 (concerning deceptive commercial solicitation), as set forth in IC 24-5-19-11.
- (32) A violation of IC 24-5-21 (concerning prescription drug discount cards), as set forth in IC 24-5-21-7.
- (33) A violation of IC 24-5-23.5-7 (concerning real estate appraisals), as set forth in IC 24-5-23.5-9.
- (34) A violation of IC 24-5-26 (concerning identity theft), as set forth in IC 24-5-26-3.
- (35) A violation of IC 24-5.5 (concerning mortgage rescue fraud), as set forth in IC 24-5.5-6-1.
- (36) A violation of IC 24-8 (concerning promotional gifts and contests), as set forth in IC 24-8-6-3.
- (37) A violation of IC 21-18.5-6 (concerning representations made by a postsecondary credit bearing proprietary educational institution), as set forth in IC 21-18.5-6-22.5.
- (38) *A violation of IC 24-5-15.5 (concerning collection actions of*



a plaintiff debt buyer), as set forth in IC 24-5-15.5-6.

~~(38)~~ (39) *A violation of IC 24-14 (concerning towing services), as set forth in IC 24-14-10-1.*

~~(38)~~ (40) *A violation of IC 24-5-14.5 (concerning misleading or inaccurate caller identification information), as set forth in IC 24-5-14.5-12.*

(41) A violation of IC 24-5-27-5 or IC 24-5-27-6 (concerning gift certificates and store gift cards), as set forth in IC 24-5-27-7.

(c) Any representations on or within a product or its packaging or in advertising or promotional materials which would constitute a deceptive act shall be the deceptive act both of the supplier who places such representation thereon or therein, or who authored such materials, and such other suppliers who shall state orally or in writing that such representation is true if such other supplier shall know or have reason to know that such representation was false.

(d) If a supplier shows by a preponderance of the evidence that an act resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adopted to avoid the error, such act shall not be deceptive within the meaning of this chapter.

(e) It shall be a defense to any action brought under this chapter that the representation constituting an alleged deceptive act was one made in good faith by the supplier without knowledge of its falsity and in reliance upon the oral or written representations of the manufacturer, the person from whom the supplier acquired the product, any testing organization, or any other person provided that the source thereof is disclosed to the consumer.

(f) For purposes of subsection (b)(12), a supplier that provides estimates before performing repair or replacement work for a customer shall give the customer a written estimate itemizing as closely as possible the price for labor and parts necessary for the specific job before commencing the work.

(g) For purposes of subsection (b)(15) and (b)(16), a telephone company or other provider of a telephone directory or directory assistance service or its officer or agent is immune from liability for publishing the listing of an alternate business name or assumed business name of a supplier in its directory or directory assistance data base unless the telephone company or other provider of a telephone directory or directory assistance service is the same person as the supplier who has committed the deceptive act.

(h) For purposes of subsection (b)(18), it is an affirmative defense to any action brought under this chapter that the product has been



altered by a person other than the defendant to render the product completely incapable of serving its original purpose."

Page 37, between lines 35 and 36, begin a new paragraph and insert:
 "SECTION 24. IC 24-5-27 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]:

Chapter 27. Gift Certificates and Store Gift Cards

Sec. 1. Subject to section 4 of this chapter, as used in this chapter, "gift certificate" means a certificate, a card, a code, or another device that:

- (1) is issued to a consumer:**
 - (A) on a prepaid basis in exchange for payment;**
 - (B) primarily for personal, family, or household purposes;**
 - and**
 - (C) in a specified amount that may not be increased or reloaded; and**
- (2) is redeemable upon presentation at a single merchant or at an affiliated group of merchants for goods or services.**

Sec. 2. As used in this chapter, "Indiana consumer" means an individual whose principal residence is in Indiana.

Sec. 3. Subject to section 4 of this chapter, as used in this chapter, "store gift card" means a certificate, a card, a code, or another device that:

- (1) is issued to a consumer:**
 - (A) on a prepaid basis in exchange for payment;**
 - (B) primarily for personal, family, or household purposes;**
 - and**
 - (C) in a specified amount, regardless of whether that amount may be increased or reloaded; and**
- (2) is redeemable upon presentation at a single merchant or at an affiliated group of merchants for goods or services.**

Sec. 4. For purposes of this chapter, the terms "gift certificate" and "store gift card" do not include any certificate, card, code, or other device that is:

- (1) useable solely for communications service (as defined in IC 8-1-32.5-3);**
- (2) reloadable and not marketed or labeled as a gift card or gift certificate;**
- (3) a loyalty, award, or promotional gift card (as defined in 12 CFR 1005.20);**
- (4) not marketed to the general public; or**
- (5) redeemable solely:**



- (A) for admission to events or venues at a particular location or group of affiliated locations; or
- (B) to obtain goods or services in conjunction with admission to the events or venues, either at the event or venue or at specific locations affiliated with and in geographic proximity to the event or venue.

Sec. 5. After June 30, 2020, a person shall not sell or issue to an Indiana consumer any gift certificate with an expiration date, or any store gift card with an expiration date, unless the following conditions are satisfied:

(1) The person has established policies and procedures to provide consumers with a reasonable opportunity to purchase a gift certificate or a store gift card with at least five (5) years remaining until the expiration date of the gift certificate or store gift card.

(2) The expiration date for the underlying funds is at least the later of:

(A) five (5) years after:

- (i) the date the gift certificate was initially issued; or
- (ii) the date on which funds were last loaded to the store gift card; or

(B) the expiration date, if any, of the gift certificate or store gift card.

(3) The following disclosures are provided on the gift certificate or store gift card, as applicable:

(A) The expiration date for the underlying funds or, if the underlying funds do not expire, a statement of that fact.

(B) A toll-free telephone number and, if maintained, an Internet web site address that a consumer may use to obtain:

- (i) a replacement gift certificate; or
- (ii) a replacement store gift card;

after the gift certificate or store gift card expires, if the underlying funds may be available to the consumer.

(C) Except in the case of a gift certificate or, if nonreloadable, a store gift card that bears an expiration date that is at least seven (7) years from the date of issuance, a statement that:

- (i) the gift certificate or store gift card expires, but that the underlying funds either do not expire or expire later than the gift certificate or store gift card; and
- (ii) the consumer may contact the issuer for a



replacement gift certificate or store gift card.

The statement required by this clause must be disclosed with equal prominence and in close proximity to the expiration date of the gift certificate or store gift card.

For purposes of this subdivision, a disclosure made in an accompanying terms and conditions document, on packaging surrounding a gift certificate or store gift card, or on a sticker or other label affixed to the gift certificate or store gift card do not constitute disclosure on the gift certificate or store gift card. For an electronic gift certificate or store gift card, disclosures must be provided electronically on the gift certificate or store gift card provided to the consumer. An issuer that provides a code or confirmation to a consumer orally must provide to the consumer a written or an electronic copy of the code or confirmation promptly, and the applicable disclosures required by this subdivision must be provided on the written or electronic copy of the code or confirmation.

- (4) A fee or charge is not imposed on the consumer for:
- (A) replacing the gift certificate or store gift card; or
 - (B) providing the consumer with the remaining balance in some other manner before the expiration date of the underlying funds;
- unless the gift certificate or store gift card has been lost or stolen.

Sec. 6. (a) This section applies to a gift certificate or a store gift card that is sold or issued to an Indiana consumer after June 30, 2020.

- (b) As used in this section, "merchant" refers to:
- (1) the merchant;
 - (2) the group of affiliated merchants; or
 - (3) the successors or assigns of the merchant or the group of affiliated merchants;

as applicable, for which a gift certificate or a store gift card was originally sold or issued to an Indiana consumer.

(c) If at any time after a gift certificate or a store gift card is issued or sold to an Indiana consumer:

- (1) the merchant for which the gift certificate or store gift card was originally sold or issued:
 - (A) for any reason ceases to do business in Indiana; or
 - (B) for any reason:
 - (i) substantially changes; or
 - (ii) ceases to offer;



the types of goods or services that were offered to consumers at the time the gift certificate or store gift card was originally sold or issued; and

(2) any expiration date:

(A) authorized under section 5 of this chapter; and

(B) applicable to the gift certificate or store gift card, or to the underlying funds associated with the gift certificate or store gift card;

has not elapsed;

the merchant for which the gift certificate or store gift card was originally sold or issued shall, upon the request of an Indiana consumer who is the rightful holder of the gift certificate or store gift card, promptly (but in no case later than the expiration date, if any, of the underlying funds) refund to the holder the balance of the underlying funds or provide the holder with the remaining balance in some other manner, as disclosed at the time of sale or issuance to the Indiana consumer to whom the gift certificate or store gift card was originally sold or issued.

Sec. 7. (a) A person that violates section 5 or 6 of this chapter:

(1) commits a deceptive act that is actionable by an aggrieved Indiana consumer and the attorney general under IC 24-5-0.5-4; and

(2) is subject to the penalties and remedies set forth in IC 24-5-0.5.

An action by the attorney general for violations of this chapter may be brought in the circuit or superior court of Marion County.

(b) The remedies and penalties set forth in this section are cumulative and are supplemental to any other remedies and penalties available under any other state or federal law, rule, or regulation for a violation of section 5 or 6 of this chapter.

Sec. 8. This chapter does not void or affect the terms and conditions of:

(1) a gift certificate; or

(2) a store gift card;

that is sold or issued to an Indiana consumer before July 1, 2020.

Sec. 9. The attorney general may adopt rules under IC 4-22-2 to implement this chapter, including emergency rules in the manner provided by IC 4-22-2-37.1. Notwithstanding IC 4-22-2-37.1(g), an emergency rule adopted by the attorney general under this subsection and in the manner provided by IC 4-22-2-37.1 expires on the date on which a rule that supersedes the emergency rule is adopted by the attorney general under IC 4-22-2-24 through



IC 4-22-2-36."

Page 55, line 11, after "IC 35-42-2-9;" insert "or".

Page 64, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 44. 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."

Page 67, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 47. 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 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;**
- (13) whether 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**
- (14) whether:**
 - (A) the person is currently suffering from a mental health issue;**
 - (B) the mental health issue described in clause (A) is chronic or ongoing;**
 - (C) the person has received, or is receiving, treatment for a current or chronic mental health issue; and**



(D) the person is compliant with a treatment regimen recommended by a mental health professional, if applicable."

Page 68, between lines 38 and 39, begin a new paragraph and insert:
 "SECTION 51. IC 33-24-6-3, AS AMENDED BY P.L.207-2019, SECTION 1, 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) Staff the judicial technology oversight committee established by IC 33-23-17-2.

(11) 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.

(12) Perform legal and administrative duties for the justices as determined by the justices.

(13) Provide staff support for the judicial conference of Indiana established in IC 33-38-9.

(14) 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 53. 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:**

ES 335—LS 6968/DI 106



- (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 collect, store, 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."

Page 73, between lines 36 and 37, begin a new paragraph and insert:

"SECTION 52. IC 34-30-2-149.5, AS AMENDED BY P.L.86-2018, SECTION 320, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 149.5. (a) IC 35-38-1-10.5 (Concerning a person who makes a report or testifies in court regarding the results of a test for the human immunodeficiency virus (HIV) or another ~~dangerous~~ **serious** disease performed on an individual convicted of certain crimes).

(b) IC 35-38-1-28(d) (Concerning a clerk, court, law enforcement officer, or prosecuting attorney for an error or omission in the transportation of fingerprints, case history data, or sentencing data)."

Page 74, between lines 20 and 21, begin a new paragraph and insert:

"SECTION 51. IC 35-31.5-2-132.7 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 132.7. "Financial transaction", for purposes of IC 35-45-17, has the meaning set forth in IC 35-45-17-0.5.**

SECTION 52. IC 35-31.5-2-257.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 257.5. "Public monument", for purposes of IC 35-45-17, has the meaning set forth in IC 35-45-17-1.5.**

SECTION 56. 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**."

Page 82, between lines 30 and 31, begin a new paragraph and insert:

"SECTION 57. IC 35-38-1-9.5, AS AMENDED BY P.L.125-2007, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 9.5. A probation officer shall obtain confidential information from the state department of health under IC 16-41-8-1 to



determine whether a convicted person was a **carrier of an individual with** the human immunodeficiency virus (HIV) when the crime was committed if the person is:

- (1) convicted of an offense relating to a criminal sexual act and the offense created an epidemiologically demonstrated risk of transmission of the human immunodeficiency virus (HIV); or
- (2) convicted of an offense relating to controlled substances and the offense involved:

- (A) the delivery by any person to another person; or

- (B) the use by any person on another person;

of a contaminated sharp (as defined in IC 16-41-16-2) or other paraphernalia that creates an epidemiologically demonstrated risk of transmission of HIV by involving percutaneous contact.

SECTION 58. IC 35-38-1-10.5, AS AMENDED BY P.L.86-2018, SECTION 333, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 10.5. (a) The court:

- (1) shall order that a person undergo a screening test for the human immunodeficiency virus (HIV) if the person is:

- (A) convicted of an offense relating to a criminal sexual act and the offense created an epidemiologically demonstrated risk of transmission of the human immunodeficiency virus (HIV); or

- (B) convicted of an offense relating to controlled substances and the offense involved:

- (i) the delivery by any person to another person; or

- (ii) the use by any person on another person;

of a contaminated sharp (as defined in IC 16-41-16-2) or other paraphernalia that creates an epidemiologically demonstrated risk of transmission of HIV by involving percutaneous contact; and

- (2) may order that a person undergo a screening test for a **dangerous serious** disease (as defined in IC 16-41-8-5) in accordance with IC 16-41-8-5.

(b) If the screening test required by this section indicates the presence of antibodies to HIV, the court shall order the person to undergo a confirmatory test.

(c) If the confirmatory test confirms the presence of the HIV antibodies, the court shall report the results to the state department of health and require a probation officer to conduct a presentence investigation to:

- (1) obtain the medical record of the convicted person from the state department of health under IC 16-41-8-1(b)(3); and

ES 335—LS 6968/DI 106



(2) determine whether the convicted person had received risk counseling that included information on the behavior that facilitates the transmission of HIV.

(d) A person who, in good faith:

- (1) makes a report required to be made under this section; or
- (2) testifies in a judicial proceeding on matters arising from the report;

is immune from both civil and criminal liability due to the offering of that report or testimony.

(e) The privileged communication between a husband and wife or between a health care provider and the health care provider's patient is not a ground for excluding information required under this section.

(f) A mental health service provider (as defined in IC 34-6-2-80) who discloses information that must be disclosed to comply with this section is immune from civil and criminal liability under Indiana statutes that protect patient privacy and confidentiality."

Page 83, delete lines 4 through 27.

Page 92, between lines 20 and 21, begin a new paragraph and insert:

"SECTION 69. 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 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."

Page 97, between lines 14 and 15, begin a new paragraph and insert:

"SECTION 71. IC 35-45-16-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. ~~(a)~~ As used in this chapter, "HIV" refers to the human immunodeficiency virus.

~~(b) The term includes acquired immune deficiency syndrome (AIDS) and AIDS related complex.~~

SECTION 68. IC 35-45-17-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 0.5. As used in this chapter, "financial transaction" means any exchange of currency by cash, note, or credit card or through a wireless portal that is received by:**

- (1) a business;**
- (2) a parking meter or parking pay station on a street or another public place;**
- (3) a public parking garage or parking lot pay station;**



(4) a facility or pay station operated by a public transportation authority; or

(5) a restaurant or the service area of an outdoor seating establishment.

SECTION 69. IC 35-45-17-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 1.5. As used in this chapter, "public monument" means a building, structure, or site that is of historical importance or interest that is preserved as public property.**

SECTION 70. IC 35-45-17-2, AS ADDED BY P.L.140-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 2. A person who knowingly or intentionally does any of the following commits panhandling, a Class C misdemeanor:**

- (1) Panhandling after sunset and before sunrise.
- (2) Panhandling when the individual being solicited is:
 - (A) at a bus stop;
 - (B) in a:
 - (i) vehicle; or
 - (ii) facility;

used for public transportation;
 - (C) in a motor vehicle that is parked or stopped on a public street or alley, unless the person soliciting the individual has the approval to do so by a unit of local government that has jurisdiction over the public street or alley;
 - (D) in the sidewalk dining area of a restaurant; **or**
 - (E) within ~~twenty (20)~~ **fifty (50)** feet of:
 - (i) an automated teller machine; **or**
 - (ii) the entrance **or exit** to a bank, **business, or restaurant;**

or

 - (iii) the location where a financial transaction occurs; or**
 - (F) within fifty (50) feet of a public monument.**
- (3) Panhandling while touching the individual being solicited without the solicited individual's consent.
- (4) Panhandling while the individual being solicited is standing in line and waiting to be admitted to a commercial establishment.
- (5) Panhandling while blocking:
 - (A) the path of the individual being solicited; or
 - (B) the entrance to a building or motor vehicle.
- (6) Panhandling while using profane or abusive language:
 - (A) during a solicitation; or
 - (B) after the individual being solicited has declined to donate



money or something else of value.

(7) Panhandling while making a statement, a gesture, or another communication to the individual being solicited that would cause a reasonable individual to:

- (A) fear for the individual's safety; or
- (B) feel compelled to donate.

(8) Panhandling with at least one (1) other individual.

(9) Panhandling and then following or accompanying the solicited individual without the solicited individual's consent after the solicited individual has declined to donate money or something else of value.

SECTION 72. IC 35-45-21-1, AS ADDED BY P.L.213-2013, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) As used in this section, "blood" has the meaning set forth in IC 16-41-12-2.5.

(b) A person who recklessly, knowingly, or intentionally donates, sells, or transfers blood or semen for artificial insemination (as defined in IC 16-41-14-2) that contains the human immunodeficiency virus (HIV) commits transferring contaminated body fluids, a Level 5 felony.

(c) However, the offense under subsection (b) is a ~~Level 3~~ **Level 4** felony if it results in the transmission of the human immunodeficiency virus (HIV) to any person other than the defendant.

(d) This section does not apply to:

- (1) a person who, for reasons of privacy, donates, sells, or transfers blood at a blood center (as defined in IC 16-41-12-3) after the person has notified the blood center that the blood must be disposed of and may not be used for any purpose;
- (2) a person who transfers blood semen, or another body fluid that contains the human immunodeficiency virus (HIV) for research purposes; or
- (3) a person who is an autologous blood donor for stem cell transplantation."

Page 97, line 19, strike "serial".

Page 99, between lines 37 and 38, begin a new paragraph and insert:
"SECTION 74. 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.**

(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 75. 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
- (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 76. 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 77. 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 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 78. 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."

Page 100, delete lines 33 through 42.

Page 101, delete lines 1 through 16.

Page 106, line 6, after "(a)(2)" delete "(a)" and insert "(a)".

Page 106, line 11, after "(a)(2)" delete "(a)" and insert "(a)".

Page 111, between lines 5 and 6, begin a new paragraph and insert:
"SECTION 82. IC 35-52-16-58 IS REPEALED [EFFECTIVE JULY 1, 2020]. Sec. 58. IC ~~16-41-14-17~~ defines a crime concerning communicable diseases."

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 335 as reprinted February 4, 2020.)

MCNAMARA

Committee Vote: yeas 9, nays 0.

