

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

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

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

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

SENATE ENROLLED ACT No. 335

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

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

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

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

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

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

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

SEA 335 — CC 1



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

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

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

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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

(2) a felony conviction that has been:

(A) reversed;

(B) vacated;

(C) set aside;

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

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

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

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

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

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

(3) in a:

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

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

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

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

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

(6) the person is subject to:

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

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

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



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

- (1) jury has announced its verdict against the person for a felony;
- (2) court has announced its verdict against the person for a felony;
- or
- (3) person has pleaded guilty or nolo contendere to a felony;

does not affect the operation of subsection (d).

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

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

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

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

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



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

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

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

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

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

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

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

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

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

(1) the individual has been convicted of committing:

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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



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

(9) The complete criminal record of the individual.

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

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

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

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

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

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

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

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

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

(1) the individual has been convicted of committing:

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

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

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

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



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

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

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

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

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

(1) has obtained concerning the individual; and

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

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

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

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

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

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

~~(1) in Indiana of:~~

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

~~(B) (2) a crime under IC 9-30-5-1 through IC 9-30-5-9. or~~

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



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

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

commits a Class C misdemeanor.

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

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

commits a Class A misdemeanor.

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

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

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

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

(2) the person:

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

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

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

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



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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

(16) is:

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

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

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

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

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

(1) Federally chartered or insured banking institutions.

(2) Officials of state and local government for any of the following purposes:

(A) Employment with a state or local governmental entity.



(B) Licensing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

(2) a court has found probable cause for the felony arrest.

SECTION 12. IC 11-8-8-4.5, AS AMENDED BY P.L.144-2018, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4.5. (a) Except as provided in section 22 of this chapter, as used in this chapter, "sex offender" means a person convicted of any of the following offenses:

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

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

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

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

(5) Vicarious sexual gratification (including performing sexual conduct in the presence of a minor) (IC 35-42-4-5).

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

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

(8) Sexual misconduct with a minor (IC 35-42-4-9) as a Class A, Class B, or Class C felony (for a crime committed before July 1, 2014) or a Level 1, Level 2, Level 4, or Level 5 felony (for a crime committed after June 30, 2014), unless:



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



jurisdiction; and

(2) a child who has committed a delinquent act and who:

- (A) is at least fourteen (14) years of age;
- (B) is on probation, is on parole, is discharged from a facility by the department of correction, is discharged from a secure private facility (as defined in IC 31-9-2-115), or is discharged from a juvenile detention facility as a result of an adjudication as a delinquent child for an act that would be an offense described in subsection (a) if committed by an adult; and
- (C) is found by a court by clear and convincing evidence to be likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

(c) In making a determination under subsection (b)(2)(C), the court shall consider expert testimony concerning whether a child is likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

SECTION 13. IC 11-8-8-5, AS AMENDED BY P.L.144-2018, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) Except as provided in section 22 of this chapter, as used in this chapter, "sex or violent offender" means a person convicted of any of the following offenses:

- (1) Rape (IC 35-42-4-1).
- (2) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
- (3) Child molesting (IC 35-42-4-3).
- (4) Child exploitation (IC 35-42-4-4(b) or IC 35-42-4-4(c)).
- (5) Vicarious sexual gratification (including performing sexual conduct in the presence of a minor) (IC 35-42-4-5).
- (6) Child solicitation (IC 35-42-4-6).
- (7) Child seduction (IC 35-42-4-7).
- (8) Sexual misconduct with a minor (IC 35-42-4-9) as a Class A, Class B, or Class C felony (for a crime committed before July 1, 2014) or a Level 1, Level 2, Level 4, or Level 5 felony (for a crime committed after June 30, 2014), unless:
 - (A) the person is convicted of sexual misconduct with a minor as a Class C felony (for a crime committed before July 1, 2014) or a Level 5 felony (for a crime committed after June 30, 2014);
 - (B) the person is not more than:
 - (i) four (4) years older than the victim if the offense was committed after June 30, 2007; or
 - (ii) five (5) years older than the victim if the offense was committed before July 1, 2007; and



- (C) the sentencing court finds that the person should not be required to register as a sex offender.
- (9) Incest (IC 35-46-1-3).
- (10) Sexual battery (IC 35-42-4-8).
- (11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age, and the person who kidnapped the victim is not the victim's parent or guardian.
- (12) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age, and the person who confined or removed the victim is not the victim's parent or guardian.
- (13) Possession of child pornography (IC 35-42-4-4(d) or IC 35-42-4-4(e)).
- (14) Promoting prostitution (IC 35-45-4-4) as a Class B felony (for a crime committed before July 1, 2014) or a Level 4 felony (for a crime committed after June 30, 2014).
- (15) Promotion of human sexual trafficking under IC 35-42-3.5-1.1.
- (16) Promotion of child sexual trafficking under IC 35-42-3.5-1.2(a).
- (17) Promotion of sexual trafficking of a younger child (IC 35-42-3.5-1.2(c)).
- (18) Child sexual trafficking (IC 35-42-3.5-1.3).
- (19) Human trafficking under IC 35-42-3.5-1.4 if the victim is less than eighteen (18) years of age.
- (20) Murder (IC 35-42-1-1).
- (21) Voluntary manslaughter (IC 35-42-1-3).
- (22) Sexual misconduct by a service provider with a detained or supervised child (IC 35-44.1-3-10(c)).
- ~~(23) An attempt or conspiracy to commit a crime listed in this subsection.~~
- ~~(24) A crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in this subsection.~~
- (b) The term includes:
- (1) a person who is required to register as a sex or violent offender in any jurisdiction; and
 - (2) a child who has committed a delinquent act and who:
 - (A) is at least fourteen (14) years of age;
 - (B) is on probation, is on parole, is discharged from a facility by the department of correction, is discharged from a secure private facility (as defined in IC 31-9-2-115), or is discharged from a juvenile detention facility as a result of an adjudication



as a delinquent child for an act that would be an offense described in subsection (a) if committed by an adult; and (C) is found by a court by clear and convincing evidence to be likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

(c) In making a determination under subsection (b)(2)(C), the court shall consider expert testimony concerning whether a child is likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

SECTION 14. IC 11-8-8-17, AS AMENDED BY P.L.44-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 17. (a) A sex or violent offender who knowingly or intentionally:

- (1) fails to register when required to register under this chapter;
- (2) fails to register in every location where the sex or violent offender is required to register under this chapter;
- (3) makes a material misstatement or omission while registering as a sex or violent offender under this chapter;
- (4) fails to register in person as required under this chapter; or
- (5) does not reside at the sex or violent offender's registered address or location;

commits a Level 6 felony.

(b) The offense described in subsection (a) is a Level 5 felony if the sex or violent offender has a prior unrelated conviction for an offense:

- (1) under this section;
- (2) based on the person's failure to comply with any requirement imposed on a sex or violent offender under this chapter or under IC 5-2-12 before its repeal; or
- (3) that

~~(A) is a crime under the laws of another jurisdiction, including a military court; and~~

~~(B) is:~~

- ~~(i) the same or substantially similar to an offense under this section; or~~
- ~~(ii) is based on the person's failure to comply with a requirement imposed on the person that is the same or substantially similar to a requirement imposed on a sex or violent offender under this chapter or under IC 5-2-12 before its repeal.~~

(c) It is not a defense to a prosecution under this section that the sex or violent offender was unable to pay the sex or violent offender registration fee or the sex or violent offender address change fee



described under IC 36-2-13-5.6.

SECTION 15. IC 11-12-3.7-6, AS AMENDED BY P.L.211-2019, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. As used in this chapter, "violent offense" means one (1) or more of the following offenses:

- (1) Murder (IC 35-42-1-1).
- (2) Attempted murder (IC 35-41-5-1).
- (3) Voluntary manslaughter (IC 35-42-1-3).
- (4) Involuntary manslaughter (IC 35-42-1-4).
- (5) Reckless homicide (IC 35-42-1-5).
- (6) Aggravated battery (IC 35-42-2-1.5).
- (7) Battery (IC 35-42-2-1) as a:
 - (A) Class A felony, Class B felony, or Class C felony (for a crime committed before July 1, 2014); or
 - (B) Level 2 felony, Level 3 felony, or Level 5 felony (for a crime committed after June 30, 2014).
- (8) Kidnapping (IC 35-42-3-2).
- (9) A sex crime listed in IC 35-42-4-1 through IC 35-42-4-8 that is a:
 - (A) Class A felony, Class B felony, or Class C felony (for a crime committed before July 1, 2014); or
 - (B) Level 1 felony, Level 2 felony, Level 3 felony, Level 4 felony, or Level 5 felony (for a crime committed after June 30, 2014).
- (10) Sexual misconduct with a minor (IC 35-42-4-9) as a:
 - (A) Class A felony or Class B felony (for a crime committed before July 1, 2014); or
 - (B) Level 1 felony, Level 2 felony, or Level 4 felony (for a crime committed after June 30, 2014).
- (11) Incest (IC 35-46-1-3).
- (12) Robbery (IC 35-42-5-1) as a:
 - (A) Class A felony or a Class B felony (for a crime committed before July 1, 2014); or
 - (B) Level 2 felony or Level 3 felony (for a crime committed after June 30, 2014).
- (13) Burglary (IC 35-43-2-1) as a:
 - (A) Class A felony or a Class B felony (for a crime committed before July 1, 2014); or
 - (B) Level 1 felony, Level 2 felony, Level 3 felony, or Level 4 felony (for a crime committed after June 30, 2014).
- (14) Carjacking (IC 35-42-5-2) (repealed).
- (15) Assisting a criminal (IC 35-44.1-2-5) as a:



- (A) Class C felony (for a crime committed before July 1, 2014); or
 - (B) Level 5 felony (for a crime committed after June 30, 2014).
- (16) Escape (IC 35-44.1-3-4) as a:
- (A) Class B felony or Class C felony (for a crime committed before July 1, 2014); or
 - (B) Level 4 felony or Level 5 felony (for a crime committed after June 30, 2014).
- (17) Trafficking with an inmate (IC 35-44.1-3-5) as a:
- (A) Class C felony (for a crime committed before July 1, 2014); or
 - (B) Level 5 felony (for a crime committed after June 30, 2014).
- (18) Causing death or catastrophic injury when operating a vehicle (IC 9-30-5-5).
- (19) Criminal confinement (IC 35-42-3-3) as a:
- (A) Class B felony (for a crime committed before July 1, 2014); or
 - (B) Level 3 felony (for a crime committed after June 30, 2014).
- (20) Arson (IC 35-43-1-1) as a:
- (A) Class A or Class B felony (for a crime committed before July 1, 2014); or
 - (B) Level 2, Level 3, or Level 4 felony (for a crime committed after June 30, 2014).
- (21) Possession, use, or manufacture of a weapon of mass destruction (IC 35-46.5-2-1) (or IC 35-47-12-1 before its repeal).
- (22) Terroristic mischief (IC 35-46.5-2-3) (or IC 35-47-12-3 before its repeal) as a:
- (A) Class B felony (for a crime committed before July 1, 2014); or
 - (B) Level 4 felony (for a crime committed after June 30, 2014).
- (23) Hijacking or disrupting an aircraft (IC 35-47-6-1.6).
- (24) A violation of IC 35-47.5 (controlled explosives) as a:
- (A) Class A or Class B felony (for a crime committed before July 1, 2014); or
 - (B) Level 2 or Level 4 felony (for a crime committed after June 30, 2014).
- (25) Domestic battery (IC 35-42-2-1.3) as a Level 2 felony, Level 3 felony, or Level 5 felony.



~~(26)~~ A crime under the laws of another jurisdiction, including a military court, that is substantially similar to any of the offenses listed in this subdivision.

~~(27)~~ **(26)** Any other crimes evidencing a propensity or history of violence.

SECTION 16. IC 12-7-2-53.2, AS AMENDED BY P.L.168-2014, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 53.2. "Dangerous felony", for purposes of IC 12-17.2, means one (1) or more of the following felonies:

- (1) Murder (IC 35-42-1-1).
- (2) Attempted murder (IC 35-41-5-1).
- (3) Voluntary manslaughter (IC 35-42-1-3).
- (4) Involuntary manslaughter (IC 35-42-1-4).
- (5) Reckless homicide (IC 35-42-1-5).
- (6) Aggravated battery (IC 35-42-2-1.5).
- (7) Kidnapping (IC 35-42-3-2).
- (8) Rape (IC 35-42-4-1).
- (9) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
- (10) Child molesting (IC 35-42-4-3).
- (11) Sexual misconduct with a minor as a Class A felony (for a crime committed before July 1, 2014) or a Level 1 felony (for a crime committed after June 30, 2014) under IC 35-42-4-9(a)(2) or a Class B felony (for a crime committed before July 1, 2014) or a Level 2 felony (for a crime committed after June 30, 2014) under IC 35-42-4-9(b)(2).
- (12) Robbery as a Class A or Class B felony (for a crime committed before July 1, 2014) or a Level 2 or Level 3 felony (for a crime committed after June 30, 2014) (IC 35-42-5-1).
- (13) Burglary as a Class A or Class B felony (for a crime committed before July 1, 2014) or a Level 2 or Level 3 felony (for a crime committed after June 30, 2014) (IC 35-43-2-1).
- (14) Battery as a felony (IC 35-42-2-1).
- (15) Domestic battery (IC 35-42-2-1.3).
- (16) Strangulation (IC 35-42-2-9).
- (17) Criminal confinement (IC 35-42-3-3).
- (18) Sexual battery (IC 35-42-4-8).
- ~~(19)~~ A felony committed in another jurisdiction that is substantially similar to a felony in this section.
- ~~(20)~~ An attempt to commit or a conspiracy to commit an offense listed in subdivisions ~~(1)~~ through ~~(19)~~.

SECTION 17. IC 14-15-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. **(a) Subject to**



subsection (b), the operator of a boat involved in an accident or a collision resulting in injury to or death of a person or damage to a boat or other property, shall do the following:

- (1) **If the action described in this subdivision can be done without endangering a person**, stop the boat immediately and as close as possible to the scene of the accident.
- (2) **If the action described in this subdivision can be done without endangering a person**, return to the scene of the accident and remain there until the operator has complied with this section.
- (3) Give:
 - (A) the operator's name and address;
 - (B) a full identification of the boat operated; and
 - (C) the name and address of the owner;
 to the operator of each other boat and each person injured.
- (4) Upon request, exhibit the operator's license to the operator of each other boat and each person injured.
- (5) **Notify emergency services as soon as possible, and** provide reasonable assistance to each person injured, including carrying or arranging for carrying each injured person to a physician, surgeon, or hospital for medical or surgical treatment if:
 - (A) it is apparent that treatment is necessary; or
 - (B) the injured person so requests.

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

SECTION 18. IC 16-27-2-5, AS AMENDED BY P.L.51-2016, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) Except as provided in subsection (b), a person who operates a home health agency under IC 16-27-1 or a personal services agency under IC 16-27-4 may not employ a person to provide services in a patient's or client's temporary or permanent residence if that person's national criminal history background check or expanded criminal history check indicates that the person has been convicted of any of the following:

- (1) Rape (IC 35-42-4-1).
- (2) Criminal deviate conduct (IC 35-42-4-2) (repealed).
- (3) Exploitation of an endangered adult (IC 35-46-1-12).
- (4) Failure to report battery, neglect, or exploitation of an endangered adult (IC 35-46-1-13).
- (5) Theft (IC 35-43-4), if the conviction for theft occurred less



than ten (10) years before the person's employment application date.

(6) A felony that is substantially equivalent to a felony listed in:
 (A) subdivisions (1) through (4); or
 (B) subdivision (5); if the conviction for theft occurred less than ten (10) years before the person's employment application date;

for which the conviction was entered in another state.

(b) A home health agency or personal services agency may not employ a person to provide services in a patient's or client's temporary or permanent residence for more than twenty-one (21) calendar days without receipt of that person's national criminal history background check or expanded criminal history check required by section 4 of this chapter, unless the state police department, the Federal Bureau of Investigation under IC 10-13-3-39, or the private agency providing the expanded criminal history check is responsible for failing to provide the person's national criminal history background check or expanded criminal history check to the home health agency or personal services agency within the time required under this subsection.

SECTION 19. IC 16-31-3-14, AS AMENDED BY P.L.80-2019, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 14. (a) A person holding a certificate or license issued under this article must comply with the applicable standards and rules established under this article. A certificate holder or license holder is subject to disciplinary sanctions under subsection (b) if the department of homeland security determines that the certificate holder or license holder:

- (1) engaged in or knowingly cooperated in fraud or material deception in order to obtain a certificate or license, including cheating on a certification or licensure examination;
- (2) engaged in fraud or material deception in the course of professional services or activities;
- (3) advertised services or goods in a false or misleading manner;
- (4) falsified or knowingly allowed another person to falsify attendance records or certificates of completion of continuing education courses required under this article or rules adopted under this article;
- (5) is convicted of a crime, if the act that resulted in the conviction has a direct bearing on determining if the certificate holder or license holder should be entrusted to provide emergency medical services;
- (6) is convicted of violating IC 9-19-14.5;



(7) fails to comply and maintain compliance with or violates any applicable provision, standard, or other requirement of this article or rules adopted under this article;

(8) continues to practice if the certificate holder or license holder becomes unfit to practice due to:

(A) professional incompetence that includes the undertaking of professional activities that the certificate holder or license holder is not qualified by training or experience to undertake;

(B) failure to keep abreast of current professional theory or practice;

(C) physical or mental disability; or

(D) addiction to, abuse of, or dependency on alcohol or other drugs that endanger the public by impairing the certificate holder's or license holder's ability to practice safely;

(9) engages in a course of lewd or immoral conduct in connection with the delivery of services to the public;

(10) allows the certificate holder's or license holder's name or a certificate or license issued under this article to be used in connection with a person who renders services beyond the scope of that person's training, experience, or competence;

(11) is subjected to disciplinary action in another state or jurisdiction on grounds similar to those contained in this chapter. For purposes of this subdivision, a certified copy of a record of disciplinary action constitutes prima facie evidence of a disciplinary action in another jurisdiction;

(12) assists another person in committing an act that would constitute a ground for disciplinary sanction under this chapter; or

(13) allows a certificate or license issued by the commission to be:

(A) used by another person; or

(B) displayed to the public when the certificate or license is expired, inactive, invalid, revoked, or suspended.

(b) The department of homeland security may issue an order under IC 4-21.5-3-6 to impose one (1) or more of the following sanctions if the department of homeland security determines that a certificate holder or license holder is subject to disciplinary sanctions under subsection (a):

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

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



- (3) Censure of a certificate holder or license holder.
- (4) Issuance of a letter of reprimand.
- (5) Assessment of a civil penalty against the certificate holder or license holder in accordance with the following:
 - (A) The civil penalty may not exceed five hundred dollars (\$500) per day per violation.
 - (B) If the certificate holder or license holder fails to pay the civil penalty within the time specified by the department of homeland security, the department of homeland security may suspend the certificate holder's certificate or license holder's license without additional proceedings.
- (6) Placement of a certificate holder or license holder on probation status and requirement of the certificate holder or license holder to:
 - (A) report regularly to the department of homeland security upon the matters that are the basis of probation;
 - (B) limit practice to those areas prescribed by the department of homeland security;
 - (C) continue or renew professional education approved by the department of homeland security until a satisfactory degree of skill has been attained in those areas that are the basis of the probation; or
 - (D) perform or refrain from performing any acts, including community restitution or service without compensation, that the department of homeland security considers appropriate to the public interest or to the rehabilitation or treatment of the certificate holder or license holder.

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

- (c) If an applicant or a certificate holder or license holder has engaged in or knowingly cooperated in fraud or material deception to obtain a certificate or license, including cheating on the certification or licensure examination, the department of homeland security may rescind the certificate or license if it has been granted, void the examination or other fraudulent or deceptive material, and prohibit the applicant from reapplying for the certificate or license for a length of time established by the department of homeland security.
- (d) The department of homeland security may deny certification or licensure to an applicant who would be subject to disciplinary sanctions



under subsection (b) if that person were a certificate holder or license holder, has had disciplinary action taken against the applicant or the applicant's certificate or license to practice in another state or jurisdiction, or has practiced without a certificate or license in violation of the law. A certified copy of the record of disciplinary action is conclusive evidence of the other jurisdiction's disciplinary action.

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

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

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

- (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
- (2) Possession of methamphetamine under IC 35-48-4-6.1.
- (3) Possession of a controlled substance under IC 35-48-4-7(a).
- (4) Fraudulently obtaining a controlled substance under IC 35-48-4-7(c).
- (5) Manufacture of paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.1(b).
- (6) Dealing in paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.5(b).
- (7) Possession of paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.3(b) (before its amendment on July 1, 2015).
- (8) Possession of marijuana, hash oil, hashish, or salvia as a Class



D felony (for a crime committed before July 1, 2014) or Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-11.

(9) A felony offense under IC 35-48-4 involving:

(A) possession of a synthetic drug (as defined in IC 35-31.5-2-321);

(B) possession of a synthetic drug lookalike substance (as defined in IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) as a:

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

(ii) Level 6 felony (for a crime committed after June 30, 2014);

under IC 35-48-4-11.5 (before its repeal on July 1, 2019); or

(C) possession of a controlled substance analog (as defined in IC 35-48-1-9.3).

(10) Maintaining a common nuisance under IC 35-48-4-13 (repealed) or IC 35-45-1-5, if the common nuisance involves a controlled substance.

(11) An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.

~~(12) Conspiracy under IC 35-41-5-2 to commit an offense listed in this section.~~

~~(13) Attempt under IC 35-41-5-1 to commit an offense listed in this section.~~

~~(14) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described in this section.~~

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

(i) The department of homeland security may temporarily suspend a certificate holder's certificate or license holder's license under IC 4-21.5-4 before a final adjudication or during the appeals process if the department of homeland security finds that a certificate holder or license holder would represent a clear and immediate danger to the public's health, safety, or property if the certificate holder or license holder were allowed to continue to practice.

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



an investigation against the person.

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

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

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

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

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

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

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

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

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

SECTION 20. IC 16-31-3-14.5, AS AMENDED BY P.L.80-2019, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 14.5. The department of homeland security may issue an order under IC 4-21.5-3-6 to deny an applicant's request for certification or licensure or permanently revoke a certificate or license under procedures provided by section 14 of this chapter if the individual who holds the certificate or license issued under this title is convicted of any of the following:

- (1) Dealing in a controlled substance resulting in death under



IC 35-42-1-1.5.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) a school corporation;
- (2) a charter school; and
- (3) an entity:



(A) with which the school corporation contracts for services;
and

(B) that has employees who are likely to have direct, ongoing contact with children within the scope of the employees' employment.

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

- (1) Murder (IC 35-42-1-1).
- (2) Causing suicide (IC 35-42-1-2).
- (3) Assisting suicide (IC 35-42-1-2.5).
- (4) Voluntary manslaughter (IC 35-42-1-3).
- (5) Reckless homicide (IC 35-42-1-5).
- (6) Battery (IC 35-42-2-1) unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
- (7) Aggravated battery (IC 35-42-2-1.5).
- (8) Kidnapping (IC 35-42-3-2).
- (9) Criminal confinement (IC 35-42-3-3).
- (10) A sex offense under IC 35-42-4.
- (11) Carjacking (IC 35-42-5-2) (repealed).
- (12) Arson (IC 35-43-1-1), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
- (13) Incest (IC 35-46-1-3).
- (14) Neglect of a dependent as a Class B felony (for a crime committed before July 1, 2014) or a Level 1 felony or Level 3 felony (for a crime committed after June 30, 2014) (IC 35-46-1-4(b)(2)), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
- (15) Child selling (IC 35-46-1-4(d)).
- (16) Contributing to the delinquency of a minor (IC 35-46-1-8), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
- (17) An offense involving a weapon under IC 35-47 or IC 35-47.5, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
- (18) An offense relating to controlled substances under



IC 35-48-4, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

(19) An offense relating to material or a performance that is harmful to minors or obscene under IC 35-49-3, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

(20) An offense relating to operating a motor vehicle while intoxicated under IC 9-30-5, unless five (5) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

(21) Domestic battery (IC 35-42-2-1.3), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is latest.

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

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

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

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

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

(1) has:

- (A) been convicted of an offense described in IC 20-28-5-8(c); ~~or of a known comparable offense in another state;~~ or
- (B) committed misconduct described in IC 20-28-5-7(1) or IC 20-28-5-7(2); and

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



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

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

(d) The association shall revoke the accreditation of any coach who has been convicted of an offense described in IC 20-28-5-8. The association may, after holding a hearing on the matter, reinstate the accreditation of an individual whose accreditation has been revoked by the association if the individual's conviction has been reversed, vacated, or set aside on appeal.

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

(f) The:

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

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

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

- (1) engaged in or knowingly cooperated in fraud or material deception in order to obtain a license to practice, including cheating on a licensing examination;
- (2) engaged in fraud or material deception in the course of professional services or activities;
- (3) advertised services or goods in a false or misleading manner;
- (4) falsified or knowingly allowed another person to falsify attendance records or certificates of completion of continuing



- education courses provided under this chapter;
- (5) been convicted of a crime that has a direct bearing on the practitioner's ability to continue to practice competently;
 - (6) knowingly violated a state statute or rule or federal statute or regulation regulating the profession for which the practitioner is licensed;
 - (7) continued to practice although the practitioner has become unfit to practice due to:
 - (A) professional incompetence;
 - (B) failure to keep abreast of current professional theory or practice;
 - (C) physical or mental disability; or
 - (D) addiction to, abuse of, or severe dependency on alcohol or other drugs that endanger the public by impairing a practitioner's ability to practice safely;
 - (8) engaged in a course of lewd or immoral conduct in connection with the delivery of services to the public;
 - (9) allowed the practitioner's name or a license issued under this chapter to be used in connection with an individual or business who renders services beyond the scope of that individual's or business's training, experience, or competence;
 - (10) had disciplinary action taken against the practitioner or the practitioner's license to practice in another state or jurisdiction on grounds similar to those under this chapter;
 - (11) assisted another person in committing an act that would constitute a ground for disciplinary sanction under this chapter; or
 - (12) allowed a license issued by the department to be:
 - (A) used by another person; or
 - (B) displayed to the public when the license has expired, is inactive, is invalid, or has been revoked or suspended.

For purposes of subdivision (10), a certified copy of a record of disciplinary action constitutes prima facie evidence of a disciplinary action in another jurisdiction.

(b) The department may impose one (1) or more of the following sanctions if the department finds that a practitioner is subject to disciplinary sanctions under subsection (a):

- (1) Permanent revocation of a practitioner's license.
- (2) Suspension of a practitioner's license.
- (3) Censure of a practitioner.
- (4) Issuance of a letter of reprimand.
- (5) Assessment of a civil penalty against the practitioner in



accordance with the following:

- (A) The civil penalty may not be more than one thousand dollars (\$1,000) for each violation listed in subsection (a), except for a finding of incompetency due to a physical or mental disability.
- (B) When imposing a civil penalty, the department shall consider a practitioner's ability to pay the amount assessed. If the practitioner fails to pay the civil penalty within the time specified by the department, the department may suspend the practitioner's license without additional proceedings. However, a suspension may not be imposed if the sole basis for the suspension is the practitioner's inability to pay a civil penalty.
- (6) Placement of a practitioner on probation status and requirement of the practitioner to:
 - (A) report regularly to the department upon the matters that are the basis of probation;
 - (B) limit practice to those areas prescribed by the department;
 - (C) continue or renew professional education approved by the department until a satisfactory degree of skill has been attained in those areas that are the basis of the probation; or
 - (D) perform or refrain from performing any acts, including community restitution or service without compensation, that the department considers appropriate to the public interest or to the rehabilitation or treatment of the practitioner.

The department may withdraw or modify this probation if the department finds after a hearing that the deficiency that required disciplinary action has been remedied or that changed circumstances warrant a modification of the order.

(c) If an applicant or a practitioner has engaged in or knowingly cooperated in fraud or material deception to obtain a license to practice, including cheating on the licensing examination, the department may rescind the license if it has been granted, void the examination or other fraudulent or deceptive material, and prohibit the applicant from reapplying for the license for a length of time established by the department.

(d) The department may deny licensure to an applicant who has had disciplinary action taken against the applicant or the applicant's license to practice in another state or jurisdiction or who has practiced without a license in violation of the law. A certified copy of the record of disciplinary action is conclusive evidence of the other jurisdiction's disciplinary action.

(e) The department may order a practitioner to submit to a



reasonable physical or mental examination if the practitioner's physical or mental capacity to practice safely and competently is at issue in a disciplinary proceeding. Failure to comply with a department order to submit to a physical or mental examination makes a practitioner liable to temporary suspension under subsection (j).

(f) Except as provided under subsection (g) or (h), a license may not be denied, revoked, or suspended because the applicant or holder has been convicted of an offense. The acts from which the applicant's or holder's conviction resulted may, however, be considered as to whether the applicant or holder should be entrusted to serve the public in a specific capacity.

(g) The department may deny, suspend, or revoke a license issued under this chapter if the individual who holds the license is convicted of any of the following:

- (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
- (2) Possession of methamphetamine under IC 35-48-4-6.1.
- (3) Possession of a controlled substance under IC 35-48-4-7(a).
- (4) Fraudulently obtaining a controlled substance under IC 35-48-4-7(b) (for a crime committed before July 1, 2014) or IC 35-48-4-7(c) (for a crime committed after June 30, 2014).
- (5) Manufacture of paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.1(b).
- (6) Dealing in paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.5(b).
- (7) Possession of paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.3(b) (before its amendment on July 1, 2015).
- (8) Possession of marijuana, hash oil, hashish, or salvia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-11.
- (9) A felony offense under IC 35-48-4 involving possession of a synthetic drug (as defined in IC 35-31.5-2-321), possession of a controlled substance analog (as defined in IC 35-48-1-9.3), or possession of a synthetic drug lookalike substance (as defined in IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) as a:
 - (A) Class D felony for a crime committed before July 1, 2014;
 - or
 - (B) Level 6 felony for a crime committed after June 30, 2014;



under IC 35-48-4-11.5 (before its repeal on July 1, 2019).

(10) Maintaining a common nuisance under IC 35-48-4-13 (repealed) or IC 35-45-1-5, if the common nuisance involves a controlled substance.

(11) An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.

~~(12) Conspiracy under IC 35-41-5-2 to commit an offense listed in this subsection.~~

~~(13) Attempt under IC 35-41-5-1 to commit an offense listed in this subsection.~~

~~(14) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described in this subsection.~~

(h) The department shall deny, revoke, or suspend a license issued under this chapter if the individual who holds the license is convicted of any of the following:

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

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

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

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

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

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

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

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

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

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

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

(12) An offense under IC 35-48-4 involving the manufacture or sale of a synthetic drug (as defined in IC 35-31.5-2-321), a synthetic drug lookalike substance (as defined in IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under IC 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled substance analog (as defined in IC 35-48-1-9.3), or a substance



represented to be a controlled substance (as described in IC 35-48-4-4.6).

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

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

~~(15) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described in this subsection.~~

~~(16) (13) A violation of any federal or state drug law or rule related to wholesale legend drug distributors licensed under IC 25-26-14.~~

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

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

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

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

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

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

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

(p) The department shall seek to achieve consistency in the application of sanctions authorized in this chapter. Significant departures from prior decisions involving similar conduct must be



explained in the department's findings or orders.

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

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

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

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

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

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

- (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
- (2) Possession of methamphetamine under IC 35-48-4-6.1.
- (3) Possession of a controlled substance under IC 35-48-4-7(a).



(4) Fraudulently obtaining a controlled substance under IC 35-48-4-7(c).

(5) Manufacture of paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.1(b).

(6) Dealing in paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.5(b).

(7) Possession of paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.3(b) (before its amendment on July 1, 2015).

(8) Possession of marijuana, hash oil, hashish, or salvia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-11.

(9) A felony offense under IC 35-48-4 involving possession of a synthetic drug (as defined in IC 35-31.5-2-321), possession of a controlled substance analog (as defined in IC 35-48-1-9.3), or possession of a synthetic drug lookalike substance (as defined in IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) as a:

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

(B) Level 6 felony for a crime committed after June 30, 2014; under IC 35-48-4-11.5 (before its repeal on July 1, 2019).

(10) Maintaining a common nuisance under IC 35-48-4-13 (repealed) or IC 35-45-1-5, if the common nuisance involves a controlled substance.

(11) An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.

~~(12) Conspiracy under IC 35-41-5-2 to commit an offense listed in this section.~~

~~(13) Attempt under IC 35-41-5-1 to commit an offense listed in this section.~~

~~(14) (12) A sex crime under IC 35-42-4.~~

~~(15) (13) A felony that reflects adversely on the individual's fitness to hold a professional license.~~

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

SECTION 26. IC 25-1-1.1-3, AS AMENDED BY P.L.80-2019, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2020]: Sec. 3. A board, a commission, or a committee shall revoke or suspend a license or certificate issued under this title by the board, the commission, or the committee if the individual who holds the license or certificate is convicted of any of the following:

- (1) Dealing in a controlled substance resulting in death under IC 35-42-1-1.5.
- (2) Dealing in or manufacturing cocaine or a narcotic drug under IC 35-48-4-1.
- (3) Dealing in methamphetamine under IC 35-48-4-1.1.
- (4) Manufacturing methamphetamine under IC 35-48-4-1.2.
- (5) Dealing in a schedule I, II, or III controlled substance under IC 35-48-4-2.
- (6) Dealing in a schedule IV controlled substance under IC 35-48-4-3.
- (7) Dealing in a schedule V controlled substance under IC 35-48-4-4.
- (8) Dealing in a substance represented to be a controlled substance under IC 35-48-4-4.5 (before its repeal on July 1, 2019).
- (9) Knowingly or intentionally manufacturing, advertising, distributing, or possessing with intent to manufacture, advertise, or distribute a substance represented to be a controlled substance under IC 35-48-4-4.6.
- (10) Dealing in a counterfeit substance under IC 35-48-4-5.
- (11) Dealing in marijuana, hash oil, hashish, or salvia as a felony under IC 35-48-4-10.
- (12) An offense under IC 35-48-4 involving the manufacture or sale of a synthetic drug (as defined in IC 35-31.5-2-321), a synthetic drug lookalike substance (as defined in IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under IC 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled substance analog (as defined in IC 35-48-1-9.3), or a substance represented to be a controlled substance (as described in IC 35-48-4-4.6).
- ~~(13) Conspiracy under IC 35-41-5-2 to commit an offense listed in this section.~~
- ~~(14) Attempt under IC 35-41-5-1 to commit an offense listed in this section.~~
- ~~(15) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described in this section.~~
- ~~(16)~~ **(13)** A violation of any federal or state drug law or rule



related to wholesale legend drug distributors licensed under IC 25-26-14.

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

- (1) gathering information through structured interview screens using routine protocols;
- (2) reviewing assessment findings to assist in the development of a plan individualized for treatment services and to coordinate services;
- (3) referring for assessment, diagnosis, evaluation, and mental health therapy;
- (4) providing client and family education related to addictions;
- (5) providing information on social networks and community systems for referrals and discharge planning;
- (6) participating in multidisciplinary treatment team meetings or consulting with clinical addiction professionals;
- (7) counseling, through individual and group counseling, as well as group and family education, to treat addiction and substance abuse in a variety of settings, including:
 - (A) mental and physical health facilities; and
 - (B) child and family service agencies; and
- (8) maintaining the highest level of professionalism and ethical responsibility.

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

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

- (1) holding a valid:
 - (A) level II or higher certification or the equivalent certification from a credentialing agency approved by the division of mental health and addiction; or
 - (B) certification as an addiction counselor or addiction therapist from a credentialing agency that is approved by the board;



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

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

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

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

(4) filing an initial application with the board before July 1, 2010; the term includes the provision of addiction counseling services in private practice in consultation with other licensed professionals as required by the client's individualized treatment plan.

SECTION 28. IC 25-23.6-10.5-1, AS ADDED BY P.L.122-2009, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. An individual who applies for a license as an addiction counselor must meet the following requirements:

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

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

(i) an eligible postsecondary educational institution that meets the requirements under section 3(1) of this chapter; or

(ii) a foreign school that has a program of study that meets the requirements under section 3(2) or 3(3) of this chapter;

(B) completed the educational requirements under section 5 of this chapter; and

(C) completed the experience requirements under section 7 of this chapter.

(2) Furnish satisfactory evidence to the board that the individual does not have a:

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

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

(3) Furnish satisfactory evidence to the board that the individual has not been the subject of a disciplinary action by a licensing or certification agency of another state or jurisdiction on the grounds that the individual was not able to practice as an addiction counselor without endangering the public.



(4) Pass an examination established by the board.

(5) Pay the fee established by the board.

SECTION 29. IC 25-23.6-10.5-1.5, AS AMENDED BY P.L.195-2018, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1.5. (a) An individual who applies for a license as an addiction counselor associate must meet the following requirements:

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

(A) received a baccalaureate or higher degree in addiction counseling, or in a related area as determined by the board from:

- (i) an eligible postsecondary educational institution that meets the requirement under section 3(1) of this chapter; or
- (ii) a foreign school that has a program of study that meets the requirement under section 3(2) or 3(3) of this chapter; and

(B) completed the educational requirements under section 5 of this chapter.

(2) Furnish satisfactory evidence to the board that the individual does not have a:

(A) conviction for a crime of violence (as defined in ~~IC 35-50-1-2(a)(1) through IC 35-50-1-2(a)(19)~~; **IC 35-50-1-2**); or

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

(3) Furnish satisfactory evidence to the board that the individual has not been the subject of a disciplinary action by a licensing or certification agency of another state or jurisdiction on the grounds that the individual was not able to practice as an addiction counselor associate without endangering the public.

(4) Pass an examination established by the board.

(5) Pay the fee established by the board.

(b) The board shall issue an associate temporary permit to practice addiction counseling or clinical addiction counseling to an individual who:

(1) meets the educational requirements for a license as an addiction counselor or clinical addiction counselor;

(2) is pursuing the required clinical supervisory hours for a license as an addiction counselor or clinical addiction counselor; and

(3) pays a fee for the temporary permit set by the board.



An associate temporary permit issued under this subsection expires one (1) year after the date the permit is issued, without regard to the number of times the individual passes or fails the required examination to become a licensed addiction counselor or clinical addiction counselor. The temporary permit may not be renewed.

SECTION 30. IC 25-23.6-10.5-2, AS ADDED BY P.L.122-2009, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. An individual who applies for a license as a clinical addiction counselor must meet the following requirements:

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

(A) received a master's or doctor's degree in addiction counseling, addiction therapy, or a related area as determined by the board from an eligible postsecondary educational institution that meets the requirements under section 4(a)(1) of this chapter or from a foreign school that has a program of study that meets the requirements under section 4(a)(2) or 4(a)(3) of this chapter;

(B) completed the educational requirements under section 6 of this chapter; and

(C) completed the experience requirements under section 8 of this chapter.

(2) Furnish satisfactory evidence to the board that the individual does not have a:

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

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

(3) Furnish satisfactory evidence to the board that the individual has not been the subject of a disciplinary action by a licensing or certification agency of another state or jurisdiction on the grounds that the individual was not able to practice as a clinical addiction counselor without endangering the public.

(4) Pass an examination established by the board.

(5) Pay the fee established by the board.

SECTION 31. IC 25-23.6-10.5-2.5, AS AMENDED BY P.L.80-2018, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2.5. An individual who applies for a license as a clinical addiction counselor associate must meet the following requirements:

(1) Furnish satisfactory evidence to the board that the individual



has:

- (A) received a master's or doctor's degree in addiction counseling, or in a related area as determined by the board from:
 - (i) an eligible postsecondary educational institution that meets the requirements under section 4(a)(1) of this chapter; or
 - (ii) a foreign school that has a program of study that meets the requirements under section 4(a)(2) or 4(a)(3) of this chapter; and
 - (B) completed the education requirements under section 6 of this chapter.
- (2) Furnish satisfactory evidence to the board that the individual does not have a:
- (A) conviction for a crime of violence (as defined in ~~IC 35-50-1-2(a)(1) through IC 35-50-1-2(a)(19)~~; **IC 35-50-1-2**); or
 - (B) conviction in the previous two (2) years that has a direct bearing on the individual's ability to practice competently.
- (3) Furnish satisfactory evidence to the board that the individual has not been the subject of a disciplinary action by a licensing or certification agency of another state or jurisdiction on the grounds that the individual was not able to practice as a clinical addiction counselor associate without endangering the public.
- (4) Pass an examination established by the board.
- (5) Pay the fee established by the board.

SECTION 32. IC 29-1-2-1, AS AMENDED BY P.L.143-2009, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) The estate of a person dying intestate shall descend and be distributed as provided in this section.

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

- (1) One-half (1/2) of the net estate if the intestate is survived by at least one (1) child or by the issue of at least one (1) deceased child.
- (2) Three-fourths (3/4) of the net estate, if there is no surviving issue, but the intestate is survived by one (1) or both of the intestate's parents.
- (3) All of the net estate, if there is no surviving issue or parent.

(c) If the surviving spouse is a second or other subsequent spouse who did not at any time have children by the decedent, and the decedent left surviving the decedent a child or children or the



descendants of a child or children by a previous spouse, the surviving second or subsequent childless spouse shall take only an amount equal to twenty-five percent (25%) of the remainder of:

- (1) the fair market value as of the date of death of the real property of the deceased spouse; minus
- (2) the value of the liens and encumbrances on the real property of the deceased spouse.

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

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

- (1) To the issue of the intestate, if they are all of the same degree of kinship to the intestate, they shall take equally, or if of unequal degree, then those of more remote degrees shall take by representation.
- (2) Except as provided in subsection (e), if there is a surviving spouse but no surviving issue of the intestate, then to the surviving parents of the intestate.
- (3) Except as provided in subsection (e), if there is no surviving spouse or issue of the intestate, then to the surviving parents, brothers, and sisters, and the issue of deceased brothers and sisters of the intestate. Each living parent of the intestate shall be treated as of the same degree as a brother or sister and shall be entitled to the same share as a brother or sister. However, the share of each parent shall be not less than one-fourth (1/4) of the decedent's net estate. Issue of deceased brothers and sisters shall take by representation.
- (4) If there is no surviving parent or brother or sister of the intestate, then to the issue of brothers and sisters. If the distributees described in this subdivision are all in the same degree of kinship to the intestate, they shall take equally or, if of unequal degree, then those of more remote degrees shall take by representation.
- (5) If there is no surviving issue or parent of the intestate or issue of a parent, then to the surviving grandparents of the intestate equally.
- (6) If there is no surviving issue or parent or issue of a parent, or



grandparent of the intestate, then the estate of the decedent shall be divided into that number of shares equal to the sum of:

- (A) the number of brothers and sisters of the decedent's parents surviving the decedent; plus
- (B) the number of deceased brothers and sisters of the decedent's parents leaving issue surviving both them and the decedent;

and one (1) of the shares shall pass to each of the brothers and sisters of the decedent's parents or their respective issue per stirpes.

(7) If interests in real estate go to a husband and wife under this subsection, the aggregate interests so descending shall be owned by them as tenants by the entireties. Interests in personal property so descending shall be owned as tenants in common.

(8) If there is no person mentioned in subdivisions (1) through (7), then to the state.

(e) A parent may not receive an intestate share of the estate of the parent's minor or adult child if the parent was convicted of causing the death of the child's other parent by:

- (1) murder (IC 35-42-1-1);
- (2) voluntary manslaughter (IC 35-42-1-3); **or**
- (3) another criminal act, if the death does not result from the operation of a vehicle. **or**
- ~~(4) a crime in any other jurisdiction in which the elements of the crime are substantially similar to the elements of a crime listed in subdivisions (1) through (3).~~

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

SECTION 33. IC 29-3-7-7, AS AMENDED BY P.L.86-2018, SECTION 213, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 7. A court may not appoint a person to serve as the guardian or permit a person to continue to serve as a guardian if the person:

- (1) is a sexually violent predator (as described in IC 35-38-1-7.5);
- (2) was at least eighteen (18) years of age at the time of the offense and was convicted of child molesting (IC 35-42-4-3) or sexual misconduct with a minor (IC 35-42-4-9) against a child less than sixteen (16) years of age:
 - (A) by using or threatening the use of deadly force;
 - (B) while armed with a deadly weapon; or
 - (C) that resulted in serious bodily injury; or



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

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

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

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

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

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

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

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

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

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

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

~~(B)~~ an attempt or conspiracy to commit a crime listed in clause ~~(A)~~; or

~~(C)~~ a crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in clauses ~~(A)~~ and ~~(B)~~.

SECTION 34. IC 31-9-2-84.8, AS AMENDED BY P.L.243-2019, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 84.8. "Nonwaivable offense", for purposes of this title, means a conviction of any of the following felonies:

- (1) Murder (IC 35-42-1-1).
- (2) Causing suicide (IC 35-42-1-2).
- (3) Assisting suicide (IC 35-42-1-2.5).
- (4) Voluntary manslaughter (IC 35-42-1-3).
- (5) Involuntary manslaughter (IC 35-42-1-4).
- (6) Reckless homicide (IC 35-42-1-5).
- (7) Feticide (IC 35-42-1-6).
- (8) Battery (IC 35-42-2-1) within the past five (5) years.
- (9) Domestic battery (IC 35-42-2-1.3).
- (10) Aggravated battery (IC 35-42-2-1.5).
- (11) Criminal recklessness (IC 35-42-2-2) within the past five (5)



years.

(12) Strangulation (IC 35-42-2-9).

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

(14) Criminal confinement (IC 35-42-3-3) within the past five (5) years.

(15) Human and sexual trafficking (IC 35-42-3.5).

(16) A felony sex offense under IC 35-42-4.

(17) Arson (IC 35-43-1-1) within the past five (5) years.

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

(19) Neglect of a dependent (IC 35-46-1-4(a) and IC 35-46-1-4(b)).

(20) Child selling (IC 35-46-1-4(d)).

(21) Reckless supervision (IC 35-46-1-4.1).

(22) Nonsupport of a dependent child (IC 35-46-1-5) within the past five (5) years.

(23) Operating a motorboat while intoxicated (IC 35-46-9-6) within the past five (5) years.

(24) A felony involving a weapon under IC 35-47 within the past five (5) years.

(25) A felony relating to controlled substances under IC 35-48-4 within the past five (5) years.

(26) An offense relating to material or a performance that is harmful to minors or obscene under IC 35-49-3.

(27) A felony under IC 9-30-5 within the past five (5) years.

(28) A felony related to the health or safety of a child (as defined in IC 31-9-2-13(h)) or an endangered adult (as defined in IC 12-10-3-2).

(29) ~~Attempt (IC 35-41-5-1) to commit a felony described in subdivisions (1) through (28). If a conviction for a felony is nonwaivable for a stated duration under subdivisions (1) through (28); a conviction for an attempt to commit the felony is nonwaivable for the same duration under this subdivision.~~

(30) ~~A felony that is substantially equivalent to a felony described in subdivisions (1) through (29) for which the conviction was entered in another jurisdiction. If a conviction for a felony is nonwaivable for a stated duration under subdivisions (1) through (29); a conviction for a substantially equivalent felony in another jurisdiction is nonwaivable for the same duration under this subdivision.~~

SECTION 35. IC 31-19-9-8, AS AMENDED BY P.L.113-2017, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8. (a) Consent to adoption, which may be required



under section 1 of this chapter, is not required from any of the following:

- (1) A parent or parents if the child is adjudged to have been abandoned or deserted for at least six (6) months immediately preceding the date of the filing of the petition for adoption.
- (2) A parent of a child in the custody of another person if for a period of at least one (1) year the parent:
 - (A) fails without justifiable cause to communicate significantly with the child when able to do so; or
 - (B) knowingly fails to provide for the care and support of the child when able to do so as required by law or judicial decree.
- (3) The biological father of a child born out of wedlock whose paternity has not been established:
 - (A) by a court proceeding other than the adoption proceeding; or
 - (B) by executing a paternity affidavit under IC 16-37-2-2.1.
- (4) The biological father of a child born out of wedlock who was conceived as a result of:
 - (A) a rape for which the father was convicted under IC 35-42-4-1;
 - (B) child molesting (IC 35-42-4-3);
 - (C) sexual misconduct with a minor (IC 35-42-4-9); or
 - (D) incest (IC 35-46-1-3). or
 - (E) a crime in any other jurisdiction in which the elements of the crime are substantially similar to the elements of a crime listed in clauses (A) through (D):
- (5) The putative father of a child born out of wedlock if the putative father's consent to adoption is irrevocably implied under section 15 of this chapter.
- (6) The biological father of a child born out of wedlock if the:
 - (A) father's paternity is established after the filing of a petition for adoption in a court proceeding or by executing a paternity affidavit under IC 16-37-2-2.1; and
 - (B) father is required to but does not register with the putative father registry established by IC 31-19-5 within the period required by IC 31-19-5-12.
- (7) A parent who has relinquished the parent's right to consent to adoption as provided in this chapter.
- (8) A parent after the parent-child relationship has been terminated under IC 31-35 (or IC 31-6-5 before its repeal).
- (9) A parent judicially declared incompetent or mentally defective if the court dispenses with the parent's consent to adoption.



(10) A legal guardian or lawful custodian of the person to be adopted who has failed to consent to the adoption for reasons found by the court not to be in the best interests of the child.

(11) A parent if:

(A) a petitioner for adoption proves by clear and convincing evidence that the parent is unfit to be a parent; and

(B) the best interests of the child sought to be adopted would be served if the court dispensed with the parent's consent.

(12) A child's biological father who denies paternity of the child before or after the birth of the child if the denial of paternity:

(A) is in writing;

(B) is signed by the child's father in the presence of a notary public; and

(C) contains an acknowledgment that:

(i) the denial of paternity is irrevocable; and

(ii) the child's father will not receive notice of adoption proceedings.

A child's father who denies paternity of the child under this subdivision may not challenge or contest the child's adoption.

(b) If a parent has made only token efforts to support or to communicate with the child the court may declare the child abandoned by the parent.

SECTION 36. IC 31-19-9-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 9. A court shall determine that consent to adoption is not required from a parent if the:

(1) parent is convicted of and incarcerated at the time of the filing of a petition for adoption for:

(A) murder (IC 35-42-1-1);

(B) causing suicide (IC 35-42-1-2); **or**

(C) voluntary manslaughter (IC 35-42-1-3);

~~(D) an attempt under IC 35-41-5-1 to commit a crime described in clauses (A) through (C); or~~

~~(E) a crime in another state that is substantially similar to a crime described in clauses (A) through (D);~~

(2) victim of the crime is the child's other parent; and

(3) court determines, after notice to the convicted parent and a hearing, that dispensing with the parent's consent to adoption is in the child's best interests.

SECTION 37. IC 31-19-9-10, AS AMENDED BY P.L.210-2019, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 10. A court shall determine that consent to adoption is not required from a parent if:



- (1) the parent is convicted of and incarcerated at the time of the filing of a petition for adoption for:
- (A) murder (IC 35-42-1-1);
 - (B) causing suicide (IC 35-42-1-2);
 - (C) voluntary manslaughter (IC 35-42-1-3);
 - (D) rape (IC 35-42-4-1);
 - (E) criminal deviate conduct (IC 35-42-4-2) (before its repeal);
 - (F) child molesting (IC 35-42-4-3) as a:
 - (i) Class A or Class B felony, for a crime committed before July 1, 2014; or
 - (ii) Level 1, Level 2, Level 3, or Level 4 felony, for a crime committed after June 30, 2014;
 - (G) incest (IC 35-46-1-3) as a:
 - (i) Class B felony, for a crime committed before July 1, 2014; or
 - (ii) Level 4 felony, for a crime committed after June 30, 2014;
 - (H) neglect of a dependent (IC 35-46-1-4) as a:
 - (i) Class B felony, for a crime committed before July 1, 2014; or
 - (ii) Level 1 or Level 3 felony, for a crime committed after June 30, 2014;
 - (I) battery (IC 35-42-2-1) of a child as a:
 - (i) Class C felony, for a crime committed before July 1, 2014; or
 - (ii) Level 5 felony, for a crime committed after June 30, 2014;
 - (J) battery (IC 35-42-2-1) as a:
 - (i) Class A or Class B felony, for a crime committed before July 1, 2014; or
 - (ii) Level 2, Level 3, or Level 4 felony, for a crime committed after June 30, 2014;
 - (K) domestic battery (IC 35-42-2-1.3) as a Level 5, Level 4, Level 3, or Level 2 felony; **or**
 - (L) aggravated battery (IC 35-42-2-1.5) as a Level 3 or Level 1 felony;
 - ~~(M) an attempt under IC 35-41-5-1 to commit an offense described in this subdivision; or~~
 - ~~(N) a crime in another state that is substantially similar to a crime described in clauses (A) through (M);~~
- (2) the child or the child's sibling, half-blood sibling, or step-sibling of the parent's current marriage is the victim of the



offense; and

(3) after notice to the parent and a hearing, the court determines that dispensing with the parent's consent to adoption is in the child's best interests.

SECTION 38. IC 31-19-11-1, AS AMENDED BY P.L.243-2019, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) Whenever the court has heard the evidence and finds that:

- (1) the adoption requested is in the best interest of the child;
- (2) the petitioner or petitioners for adoption are of sufficient ability to rear the child and furnish suitable support and education;
- (3) the report of the investigation and recommendation under IC 31-19-8-5 has been filed;
- (4) the attorney or agency arranging an adoption has filed with the court an affidavit prepared by the state department of health under IC 31-19-5-16 indicating whether a man is entitled to notice of the adoption because the man has registered with the putative father registry in accordance with IC 31-19-5;
- (5) proper notice arising under subdivision (4), if notice is necessary, of the adoption has been given;
- (6) the attorney or agency has filed with the court an affidavit prepared by the state department of health under:
 - (A) IC 31-19-6 indicating whether a record of a paternity determination; or
 - (B) IC 16-37-2-2(g) indicating whether a paternity affidavit executed under IC 16-37-2-2.1;
 has been filed in relation to the child;
- (7) proper consent, if consent is necessary, to the adoption has been given;
- (8) the petitioner for adoption is not prohibited from adopting the child as the result of an inappropriate criminal history described in subsection (c) or (d); and
- (9) the person, licensed child placing agency, or local office that has placed the child for adoption has provided the documents and other information required under IC 31-19-17 to the prospective adoptive parents;

the court shall grant the petition for adoption and enter an adoption decree.

(b) A court may not grant an adoption unless the state department of health's affidavit under IC 31-19-5-16 is filed with the court as provided under subsection (a)(4).



(c) A juvenile adjudication for an act listed in IC 31-9-2-84.8 that would be a felony if committed by an adult, a conviction of a misdemeanor related to the health and safety of a child, or a conviction of a felony not listed in IC 31-9-2-84.8 by a petitioner for adoption or household member is a permissible basis for the court to deny the petition for adoption. In addition, the court may not grant an adoption if a petitioner for adoption has been convicted of a nonwaivable offense under IC 31-9-2-84.8. However, the court is not prohibited from granting an adoption based upon a felony conviction for:

- (1) a felony under IC 9-30-5;
- (2) battery (IC 35-42-2-1);
- (3) criminal recklessness (IC 35-42-2-2) as a felony;
- (4) criminal confinement (IC 35-42-3-3);
- (5) arson (IC 35-43-1-1);
- (6) nonsupport of a dependent child (IC 35-46-1-5);
- (7) operating a motorboat while intoxicated (IC 35-46-9-6) as a felony;
- (8) a felony involving a weapon under IC 35-47; **or**
- (9) a felony relating to controlled substances under IC 35-48-4;
- ~~(10) attempt to commit a felony listed in subdivisions (1) through (9); or~~
- ~~(11) a felony that is substantially equivalent to a felony listed in this section for which the conviction was entered in another jurisdiction;~~

if the date of the conviction did not occur within the immediately preceding five (5) year period.

(d) A court may not grant an adoption if the petitioner is a sex or violent offender (as defined in IC 11-8-8-5) or a sexually violent predator (as defined in IC 35-38-1-7.5).

SECTION 39. IC 31-30-1-2.5, AS AMENDED BY P.L.86-2018, SECTION 218, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2.5. A juvenile court may not appoint a person to serve as the guardian or custodian of a child or permit a person to continue to serve as a guardian or custodian of a child if the person:

- (1) is a sexually violent predator (as described in IC 35-38-1-7.5);
- (2) was at least eighteen (18) years of age at the time of the offense and committed child molesting (IC 35-42-4-3) or sexual misconduct with a minor (IC 35-42-4-9) against a child less than sixteen (16) years of age:
 - (A) by using or threatening the use of deadly force;
 - (B) while armed with a deadly weapon; or



- (C) that resulted in serious bodily injury; or
 (3) was less than eighteen (18) years of age at the time of the offense but was tried and convicted as an adult of
~~(A) an offense described in:~~
~~(i) (A) IC 35-42-4-1;~~
~~(ii) (B) IC 35-42-4-2 (before its repeal);~~
~~(iii) (C) IC 35-42-4-3 as a Class A or Class B felony (for crimes committed before July 1, 2014) or as a Level 1, Level 2, or Level 3 felony (for crimes committed after June 30, 2014);~~
~~(iv) (D) IC 35-42-4-5(a)(1);~~
~~(v) (E) IC 35-42-4-5(a)(2);~~
~~(vi) (F) IC 35-42-4-5(a)(3) (before that provision was redesignated by P.L.158-2013, SECTION 441);~~
~~(vii) (G) IC 35-42-4-5(b)(1) as a Class A or Class B felony (for crimes committed before July 1, 2014) or as a Level 2, Level 3, or Level 4 felony (for crimes committed after June 30, 2014);~~
~~(viii) (H) IC 35-42-4-5(b)(2); or~~
~~(ix) (I) IC 35-42-4-5(b)(3) as a Class A or Class B felony (for crimes committed before July 1, 2014) or as a Level 1, Level 2, or Level 3 felony (for crimes committed after June 30, 2014).~~
~~(B) an attempt or conspiracy to commit a crime listed in clause (A); or~~
~~(C) a crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in clauses (A) and (B).~~

SECTION 40. IC 31-34-1-2, AS AMENDED BY P.L.71-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) A child is a child in need of services if before the child becomes eighteen (18) years of age:

- (1) the child's physical or mental health is seriously endangered due to injury by the act or omission of the child's parent, guardian, or custodian; and
- (2) the child needs care, treatment, or rehabilitation that:
 - (A) the child is not receiving; and
 - (B) is unlikely to be provided or accepted without the coercive intervention of the court.

(b) A child is a child in need of services if, before the child becomes eighteen (18) years of age, the child:

- (1) is a victim of:



- (A) an offense under IC 35-42-1-2.5;
 - (B) an offense under IC 35-42-2-1;
 - (C) an offense under IC 35-42-2-1.3;
 - (D) an offense under IC 35-42-2-1.5;
 - (E) an offense under IC 35-42-2-9; **or**
 - (F) an offense under IC 35-46-1-4; **and**
 - (G) **an attempt or conspiracy to commit:**
 - (i) **an offense listed in clauses (A) through (F); or**
 - (ii) **an offense under IC 35-42-1-1, IC 35-42-1-2, IC 35-42-1-3, IC 35-42-1-4, or IC 35-42-1-5; or**
 - (H) **an offense under the law of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in clauses (A) through (G); and**
- (2) needs care, treatment, or rehabilitation that:
- (A) the child is not receiving; and
 - (B) is unlikely to be provided or accepted without the coercive intervention of the court.
- (c) A child is a child in need of services if, before the child becomes eighteen (18) years of age, the child:
- (1) lives in the same household as an adult who:
 - (A) committed:
 - (i) an offense described in subsection (b)(1); or
 - (ii) an offense under IC 35-42-1-1, IC 35-42-1-2, IC 35-42-1-3, IC 35-42-1-4, or IC 35-42-1-5;
 against another child who lives in the household and the offense resulted in a conviction or a judgment under IC 31-34-11-2; or
 - (B) has been charged with committing an offense described in clause (A) against another child who lives in the household and is awaiting trial; and
 - (2) needs care, treatment, or rehabilitation that:
 - (A) the child is not receiving; and
 - (B) is unlikely to be provided or accepted without the coercive intervention of the court.
- (d) Evidence that the illegal manufacture of a drug or controlled substance is occurring on property where a child resides creates a rebuttable presumption that the child's physical or mental health is seriously endangered.

SECTION 41. IC 31-34-1-3, AS AMENDED BY P.L.144-2018, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. (a) A child is a child in need of services if, before the child becomes eighteen (18) years of age:



- (1) the child is the victim of an offense under:
- (A) IC 35-42-4-1;
 - (B) IC 35-42-4-2 (before its repeal);
 - (C) IC 35-42-4-3;
 - (D) IC 35-42-4-4;
 - (E) IC 35-42-4-5;
 - (F) IC 35-42-4-6;
 - (G) IC 35-42-4-7;
 - (H) IC 35-42-4-8;
 - (I) IC 35-42-4-9;
 - (J) IC 35-45-4-1;
 - (K) IC 35-45-4-2;
 - (L) IC 35-45-4-3;
 - (M) IC 35-45-4-4; **or**
 - (N) IC 35-46-1-3; **or**
 - ~~(O) the law of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in clauses (A) through (N); and~~
- (2) the child needs care, treatment, or rehabilitation that:
- (A) the child is not receiving; and
 - (B) is unlikely to be provided or accepted without the coercive intervention of the court.
- (b) A child is a child in need of services if, before the child becomes eighteen (18) years of age, the child:
- (1) lives in the same household as an adult who:
 - (A) committed an offense described in subsection (a)(1) against a child and the offense resulted in a conviction or a judgment under IC 31-34-11-2; or
 - (B) has been charged with an offense described in subsection (a)(1) against a child and is awaiting trial; and
 - (2) needs care, treatment, or rehabilitation that:
 - (A) the child is not receiving; and
 - (B) is unlikely to be provided or accepted without the coercive intervention of the court.
- (c) A child is a child in need of services if, before the child becomes eighteen (18) years of age:
- (1) the child lives in the same household as another child who is the victim of an offense described in subsection (a)(1);
 - (2) the child needs care, treatment, or rehabilitation that:
 - (A) the child is not receiving; and
 - (B) is unlikely to be provided or accepted without the coercive intervention of the court; and



- (3) a caseworker assigned to provide services to the child:
 - (A) places the child in a program of informal adjustment or other family or rehabilitative services based on the existence of the circumstances described in subdivisions (1) and (2), and the caseworker subsequently determines further intervention is necessary; or
 - (B) determines that a program of informal adjustment or other family or rehabilitative services is inappropriate.
- (d) A child is a child in need of services if, before the child becomes eighteen (18) years of age:
 - (1) the child lives in the same household as an adult who:
 - (A) committed a human or sexual trafficking offense under IC 35-42-3.5-1 through IC 35-42-3.5-1.4 or the law of another jurisdiction, including federal law, that resulted in a conviction or a judgment under IC 31-34-11-2; or
 - (B) has been charged with a human or sexual trafficking offense under IC 35-42-3.5-1 through IC 35-42-3.5-1.4 or the law of another jurisdiction, including federal law, and is awaiting trial; and
 - (2) the child needs care, treatment, or rehabilitation that:
 - (A) the child is not receiving; and
 - (B) is unlikely to be provided or accepted without the coercive intervention of the court.

SECTION 42. IC 31-34-1-3.5, AS ADDED BY P.L.46-2016, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3.5. (a) A child is a child in need of services if, before the child becomes eighteen (18) years of age:

- (1) the child is the victim of
 - ~~(A) human or sexual trafficking (as defined in IC 31-9-2-133.1); or~~
 - ~~(B) a human or sexual trafficking offense under the law of another jurisdiction, including federal law, that is substantially equivalent to the act described in clause (A); and~~
 - (2) the child needs care, treatment, or rehabilitation that:
 - (A) the child is not receiving; and
 - (B) is unlikely to be provided or accepted without the coercive intervention of the court.
- (b) A child is considered a victim of human or sexual trafficking regardless of whether the child consented to the conduct described in subsection (a)(1).

SECTION 43. IC 31-34-4-2, AS AMENDED BY P.L.243-2019, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2020]: Sec. 2. (a) If a child alleged to be a child in need of services is taken into custody under an order of the court under this chapter and the court orders out-of-home placement, the department is responsible for that placement and care and must consider placing the child with a:

- (1) suitable and willing relative; or
- (2) de facto custodian;

before considering any other out-of-home placement.

(b) The department shall consider placing a child described in subsection (a) with a relative related by blood, marriage, or adoption before considering any other placement of the child.

(c) Before the department places a child in need of services with a relative or a de facto custodian, the department shall complete an evaluation based on a home visit of the relative's home.

(d) Except as provided in subsection (f), before placing a child in need of services in an out-of-home placement, the department shall conduct a criminal history check of each person who is currently residing in the location designated as the out-of-home placement.

(e) Except as provided in subsection (g), the department may not make an out-of-home placement if a person described in subsection (d) has:

- (1) committed an act resulting in a substantiated report of child abuse or neglect; or
- (2) been convicted of a nonwaivable offense, as defined in IC 31-9-2-84.8 or had a juvenile adjudication for an act that would be a nonwaivable offense, as defined in IC 31-9-2-84.8 if committed by an adult.

(f) The department is not required to conduct a criminal history check under subsection (d) if the department makes an out-of-home placement to an entity or a facility that is not a residence (as defined in IC 3-5-2-42.5) or that is licensed by the state.

(g) A court may order or the department may approve an out-of-home placement if:

- (1) a person described in subsection (d) has:
 - (A) committed an act resulting in a substantiated report of child abuse or neglect;
 - (B) been convicted of:
 - (i) battery (IC 35-42-2-1);
 - (ii) criminal recklessness (IC 35-42-2-2) as a felony;
 - (iii) criminal confinement (IC 35-42-3-3) as a felony;
 - (iv) arson (IC 35-43-1-1) as a felony;
 - (v) nonsupport of a dependent child (IC 35-46-1-5);



- (vi) operating a motorboat while intoxicated (IC 35-46-9-6) as a felony;
- (vii) a felony involving a weapon under IC 35-47;
- (viii) a felony relating to controlled substances under IC 35-48-4; **or**
- (ix) a felony under IC 9-30-5;
- ~~(x) attempt to commit a felony listed in items (i) through (ix); or~~
- ~~(xi) a felony that is substantially equivalent to a felony listed in this clause for which the conviction was entered in another jurisdiction;~~

if the conviction did not occur within the past five (5) years; or
 (C) had a juvenile adjudication for a nonwaivable offense, as defined in IC 31-9-2-84.8 that, if committed by an adult, would be a felony; and

- (2) the person's commission of the offense, delinquent act, or act of abuse or neglect described in subdivision (1) is not relevant to the person's present ability to care for a child, and the placement is in the best interest of the child.

However, a court or the department may not make an out-of-home placement if the person has been convicted of a nonwaivable offense, as defined in IC 31-9-2-84.8 that is not specifically excluded under subdivision (1)(B).

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

- (1) The length of time since the person committed the offense, delinquent act, or abuse or neglect.
- (2) The severity of the offense, delinquent act, or abuse or neglect.
- (3) Evidence of the person's rehabilitation, including the person's cooperation with a treatment plan, if applicable.

SECTION 44. IC 31-34-20-1.5, AS AMENDED BY P.L.243-2019, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1.5. (a) Except as provided in subsection (d), the juvenile court may not enter a dispositional decree approving or ordering placement of a child in another home under section 1(a)(3) of this chapter or awarding wardship to the department that will place the child in another home under section 1(a)(4) of this chapter if a person who is currently residing in the home in which the child would be placed under section 1(a)(3) or 1(a)(4) of this chapter has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a nonwaivable offense, as defined in IC 31-9-2-84.8 if committed by an adult, or has a



conviction for a nonwaivable offense, as defined in IC 31-9-2-84.8.

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

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

- (1) the department or caseworker is considering only an out-of-home placement to an entity or a facility that:
 - (A) is not a residence (as defined in IC 3-5-2-42.5); or
 - (B) is licensed by the state; or
- (2) placement under this section is undetermined at the time the predispositional report is prepared.

(d) A juvenile court may enter a dispositional decree that approves placement of a child in another home or award wardship to the department that will place the child in a home with a person described in subsection (a) if:

- (1) the person described in subsection (a) has:
 - (A) committed an act resulting in a substantiated report of child abuse or neglect;
 - (B) been convicted of:
 - (i) battery (IC 35-42-2-1);
 - (ii) criminal recklessness (IC 35-42-2-2) as a felony;
 - (iii) criminal confinement (IC 35-42-3-3) as a felony;
 - (iv) arson (IC 35-43-1-1) as a felony;
 - (v) nonsupport of a dependent child (IC 35-46-1-5);
 - (vi) operating a motorboat while intoxicated (IC 35-46-9-6) as a felony;
 - (vii) a felony involving a weapon under IC 35-47;
 - (viii) a felony relating to controlled substances under IC 35-48-4; **or**



(ix) a felony under IC 9-30-5;
~~(x) attempt to commit a felony listed in items (i) through (ix); or~~
~~(xi) a felony that is substantially equivalent to a felony listed in this clause for which the conviction was entered in another jurisdiction;~~

if the conviction did not occur within the past five (5) years; or
 (C) had a juvenile adjudication for a nonwaivable offense, as defined in IC 31-9-2-84.8 that, if committed by an adult, would be a felony; and

(2) the person's commission of the offense, delinquent act, or act of abuse or neglect described in subdivision (1) is not relevant to the person's present ability to care for a child, and placing a child in another home or awarding wardship to the department is in the best interest of the child.

However, a court may not enter a dispositional decree that approves placement of a child in another home or awards wardship to the department if the person has been convicted of a nonwaivable offense, as defined in IC 31-9-2-84.8 that is not specifically excluded under subdivision (1)(B).

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

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

SECTION 45. IC 31-34-21-7.5, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2020 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 7.5. (a) Except as provided in subsection (d), the juvenile court may not approve a permanency plan under subsection ~~(e)(1)(D)~~; **(c)(1)(C)**, ~~(e)(1)(E)~~; **(c)(1)(D)**, or ~~(e)(1)(F)~~ **(c)(1)(E)** if a person who is currently residing with a person described in subsection ~~(e)(1)(D)~~ **(c)(1)(C)** or ~~(e)(1)(E)~~ **(c)(1)(D)** or in a residence in which the child would be placed under subsection ~~(e)(1)(F)~~ **(c)(1)(E)** has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a nonwaivable offense, as defined in IC 31-9-2-84.8 if committed by an adult, or has a conviction for a nonwaivable offense, as defined in IC 31-9-2-84.8.



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

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

(1) The intended permanent or long term arrangements for care and custody of the child that may include any one (1), or two (2), if concurrent planning, of the following arrangements that the department or the court considers most appropriate and consistent with the best interests of the child:

(A) Return to or continuation of existing custodial care within the home of the child's parent, guardian, or custodian or placement of the child with the child's noncustodial parent.

(B) Placement of the child for adoption.

(C) Placement of the child with a responsible person, including:

(i) an adult sibling;

(ii) a grandparent;

(iii) an aunt;

(iv) an uncle;

(v) a custodial parent of a sibling of the child; or

(vi) another relative;

who is able and willing to act as the child's permanent custodian and carry out the responsibilities required by the permanency plan.

(D) Appointment of a legal guardian. The legal guardian appointed under this section is a caretaker in a judicially created relationship between the child and caretaker that is intended to be permanent and self-sustaining as evidenced by the transfer to the caretaker of the following parental rights



with respect to the child:

- (i) Care, custody, and control of the child.
- (ii) Decision making concerning the child's upbringing.
- (E) A supervised independent living arrangement or foster care for the child with a permanency plan of another planned, permanent living arrangement. However, a child less than sixteen (16) years of age may not have another planned, permanent living arrangement as the child's permanency plan.
- (2) A time schedule for implementing the applicable provisions of the permanency plan.
- (3) Provisions for temporary or interim arrangements for care and custody of the child, pending completion of implementation of the permanency plan.
- (4) Other items required to be included in a case plan under IC 31-34-15 or federal law, consistent with the permanent or long term arrangements described by the permanency plan.
- (d) A juvenile court may approve a permanency plan if:
 - (1) a person described in subsection (a) has:
 - (A) committed an act resulting in a substantiated report of child abuse or neglect;
 - (B) been convicted of:
 - (i) battery (IC 35-42-2-1);
 - (ii) criminal recklessness (IC 35-42-2-2) as a felony;
 - (iii) criminal confinement (IC 35-42-3-3) as a felony;
 - (iv) arson (IC 35-43-1-1) as a felony;
 - (v) nonsupport of a dependent child (IC 35-46-1-5);
 - (vi) operating a motorboat while intoxicated (IC 35-46-9-6) as a felony;
 - (vii) a felony involving a weapon under IC 35-47;
 - (viii) a felony relating to controlled substances under IC 35-48-4; **or**
 - (ix) a felony under IC 9-30-5;
 - ~~(x) attempt to commit a felony listed in items (i) through (ix); or~~
 - ~~(xi) a felony that is substantially equivalent to a felony listed in this clause for which the conviction was entered in another jurisdiction;~~
 - if the conviction did not occur within the past five (5) years; or
 - (C) had a juvenile adjudication for a nonwaivable offense, as defined in IC 31-9-2-84.8 that, if committed by an adult, would be a felony; and
- (2) the person's commission of the offense, delinquent act, or act



of abuse or neglect described in subdivision (1) is not relevant to the person's present ability to care for a child, and that approval of the permanency plan is in the best interest of the child.

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

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

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

SECTION 46. IC 31-37-13-5, AS AMENDED BY P.L.168-2014, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. **(a)** If a finding of delinquency is based on a delinquent act that would be a felony if committed by an adult, the juvenile court shall state in the findings the following:

- (1) The specific statute that was violated.
- (2) The class or level of the felony had the violation been committed by an adult.

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

SECTION 47. IC 31-37-19-6.5, AS AMENDED BY P.L.243-2019, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6.5. (a) Except as provided in subsection (d), the juvenile court may not enter a dispositional decree approving placement of a child in another home under section 1(a)(3) or 6(b)(2)(D) of this chapter or awarding wardship to a person or facility that results in a placement with a person under section 1(a)(4) or 6(b)(2)(E) of this chapter if a person who is currently residing in the home in which the child would be placed under section 1(a)(3), 1(a)(4), 6(b)(2)(D), or 6(b)(2)(E) of this chapter has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile



adjudication for an act that would be a nonwaivable offense, as defined in IC 31-9-2-84.8 if committed by an adult, or has a conviction for a nonwaivable offense, as defined in IC 31-9-2-84.8.

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

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

- (1) the probation officer is considering only an out-of-home placement to an entity or a facility that:
 - (A) is not a residence (as defined in IC 3-5-2-42.5); or
 - (B) is licensed by the state; or
- (2) placement under this section is undetermined at the time the predispositional report is prepared.

(d) The juvenile court may enter a dispositional decree approving placement of a child in another home under section 1(a)(3) or 6(b)(2)(D) of this chapter or awarding wardship to a person or facility that results in a placement with a person under section 1(a)(4) or 6(b)(2)(E) of this chapter if:

- (1) a person described in subsection (a) has:
 - (A) committed an act resulting in a substantiated report of child abuse or neglect;
 - (B) been convicted of:
 - (i) a felony under IC 9-30-5;
 - (ii) battery (IC 35-42-2-1);
 - (iii) criminal recklessness (IC 35-42-2-2) as a felony;
 - (iv) criminal confinement (IC 35-42-3-3) as a felony;
 - (v) arson (IC 35-43-1-1) as a felony;
 - (vi) nonsupport of a dependent child (IC 35-46-1-5);
 - (vii) operating a motorboat while intoxicated (IC 35-46-9-6)



as a felony;

(viii) a felony involving a weapon under IC 35-47; **or**

(ix) a felony relating to controlled substances under IC 35-48-4;

~~(x) attempt to commit a felony listed in items (i) through (ix); or~~

~~(xi) a felony that is substantially equivalent to a felony listed in this clause for which the conviction was entered in another jurisdiction;~~

if the conviction did not occur within the past five (5) years; or

(C) had a juvenile adjudication for a nonwaivable offense, as defined in IC 31-9-2-84.8 that, if committed by an adult, would be a felony; and

(2) the person's commission of the offense, delinquent act, or act of abuse or neglect described in subdivision (1) is not relevant to the person's present ability to care for a child, and placing the child in another home is in the best interest of the child.

However, a court may not enter a dispositional decree placing a child in another home under section 1(a)(3) or 6(b)(2)(D) of this chapter or awarding wardship to a person or facility under this subsection if a person with whom the child is or will be placed has been convicted of a nonwaivable offense, as defined in IC 31-9-2-84.8 that is not specifically excluded under subdivision (1)(B).

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

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

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

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

SECTION 48. IC 31-37-22-11, AS ADDED BY P.L.86-2017, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 11. (a) As used in this section, "trafficked child" means a child who was the victim of human trafficking (IC 35-42-3.5), ~~or a substantially similar human trafficking offense committed in another jurisdiction;~~ regardless of whether the person who committed the human trafficking offense was charged, tried, or convicted. The term includes a person who is now an adult.

(b) Upon the written motion of a trafficked child, or any person acting on behalf of a trafficked child, the court that adjudicated the trafficked child a delinquent child shall vacate the adjudication issued



with respect to the trafficked child, if the movant proves by a preponderance of the evidence that:

- (1) the child was a trafficked child at the time the child performed the delinquent act that resulted in the adjudication;
- (2) the delinquent act did not result in bodily injury to another person; and
- (3) at the time the child committed the delinquent act, the child was:
 - (A) coerced by; or
 - (B) under the control of;
 another person.

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

- (1) forward a copy of the motion to the prosecuting attorney; and
- (2) conduct a hearing at which the prosecuting attorney and the movant are entitled to be heard.

SECTION 49. IC 31-39-8-3, AS AMENDED BY P.L.86-2017, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. (a) A person may initiate a petition for the expungement of records of a child alleged to be a delinquent child or a child in need of services by filing a verified petition in the juvenile court in the county of the original action. The petition must set forth the following:

- (1) The allegations and date of adjudication, if applicable, of the juvenile delinquency or child in need of services adjudications.
 - (2) The court in which juvenile delinquency or child in need of services allegations or petitions were filed.
 - (3) The law enforcement agency that employs the charging officer, if known.
 - (4) The case number or court cause number.
 - (5) Date of birth of the petitioner.
 - (6) Petitioner's Social Security number.
 - (7) All juvenile delinquency or child in need of services adjudications and criminal convictions occurring after the adjudication of the action sought to be expunged.
 - (8) All pending actions under IC 31-34 or IC 31-37 or criminal charges.
- (b) A petition described in subsection (a) shall be served on:
- (1) the prosecuting attorney; or
 - (2) in the case of a child in need of services case, the department of child services.
- (c) The prosecuting attorney or department of child services has



thirty (30) days in which to reply or otherwise object to the petition. The court may reduce the time in which a response must be filed for a show of good cause or within its discretion after a hearing is held.

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

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

- (1) the best interests of the child;
- (2) the age of the person during the person's contact with the juvenile court or law enforcement agency;
- (3) the nature of any allegations;
- (4) whether there was an informal adjustment or an adjudication;
- (5) the disposition of the case;
- (6) the manner in which the person participated in any court ordered or supervised services;
- (7) the time during which the person has been without contact with the juvenile court or with any law enforcement agency;
- (8) whether the person acquired a criminal record; ~~and~~
- (9) the person's current status;
- (10) whether the person has been:**
 - (A) charged with; or**
 - (B) convicted of;**
- murder or another felony offense as an adult;**
- (11) whether the person was waived to an adult criminal court for a reason described in IC 31-30-3;**
- (12) whether an adult sentence for the person was not suspended for a reason described in IC 35-50-2-2.1; and**
- (13) whether:**
 - (A) the person has been adjudicated a delinquent child for committing an act that would be a serious violent felony (as defined in IC 35-47-4-5) if committed by an adult; and**
 - (B) the:**
 - (i) person is currently suffering from a mental health issue;**
 - (ii) mental health issue described in item (i) is chronic or ongoing;**
 - (iii) person has received, or is receiving, treatment for a current or chronic mental health issue; or**
 - (iv) person is compliant with a treatment regimen recommended by a mental health professional, if**



applicable.

SECTION 50. IC 32-30-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. As used in this chapter, "nuisance" means

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

SECTION 51. IC 33-23-6-2, AS AMENDED BY P.L.55-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) In each county participating in the program under this chapter, there is established an alternative dispute resolution fund for each of the following:

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

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

- (1) the:
 - (A) county auditor; and
 - (B) judge of each court that exercises jurisdiction over domestic relations and paternity cases in the county;
 agree to establish one (1) fund; and
- (2) the agreement to establish the fund is included in the plan adopted by the county under section 3 of this chapter.

(c) The sources of money for each fund established under subsection (a) or (b) are:

- (1) the alternative dispute resolution fee collected under section 1 of this chapter for the circuit court, superior court, or probate court, respectively; and
- (2) copayments collected under subsection (d) if:
 - (A) a county chooses to deposit the copayments into the fund; and
 - (B) the county specifies in the plan adopted by the county under section 3 of this chapter that the copayments will be deposited in the fund.

(d) The funds shall be used to foster domestic relations alternative dispute resolution, including:

- (1) mediation;
- (2) reconciliation;



- (3) nonbinding arbitration; and
- (4) parental counseling.

Litigants referred by the court to services covered by the fund shall make a copayment for the services in an amount determined by the court based on the litigants' ability to pay. The fund shall be administered by the circuit, superior, or probate court that exercises jurisdiction over domestic relations and paternity cases in the county. A fund used by multiple courts under subsection (b) shall be administered jointly by all the courts using the fund. Money in each fund at the end of a fiscal year does not revert to the county general fund but remains in the fund for the uses specified in this section.

(e) Each circuit, superior, or probate court that administers an alternative dispute resolution fund shall ensure that money in the fund is disbursed in a manner that primarily benefits those litigants who have the least ability to pay, in accordance with the plan adopted by the county under section 3 of this chapter.

(f) A court may not order parties into mediation or refer parties to mediation if a party is currently charged with or has been convicted of a crime

~~(1) under IC 35-42. or~~

~~(2) in another jurisdiction that is substantially similar to the elements of a crime described in IC 35-42.~~

SECTION 52. IC 33-23-8-4, AS AMENDED BY P.L.181-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. If a practitioner is convicted under IC 35-43-5-4.5 of

~~(1) insurance fraud,~~

~~(2) an attempt to commit insurance fraud; or~~

~~(3) conspiracy to commit insurance fraud;~~

the sentencing court shall provide notice of the conviction to each governmental body that has issued a license to the practitioner.

SECTION 53. IC 33-24-6-3, AS AMENDED BY HEA 1313-2020, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. (a) The office of judicial administration shall do the following:

(1) Examine the administrative and business methods and systems employed in the offices of the clerks of court and other offices related to and serving the courts and make recommendations for necessary improvement.

(2) Collect and compile statistical data and other information on the judicial work of the courts in Indiana. All justices of the supreme court, judges of the court of appeals, judges of all trial



courts, and any city or town courts, whether having general or special jurisdiction, court clerks, court reporters, and other officers and employees of the courts shall, upon notice by the chief administrative officer and in compliance with procedures prescribed by the chief administrative officer, furnish the chief administrative officer the information as is requested concerning the nature and volume of judicial business. The information must include the following:

- (A) The volume, condition, and type of business conducted by the courts.
 - (B) The methods of procedure in the courts.
 - (C) The work accomplished by the courts.
 - (D) The receipt and expenditure of public money by and for the operation of the courts.
 - (E) The methods of disposition or termination of cases.
- (3) Prepare and publish reports, not less than one (1) or more than two (2) times per year, on the nature and volume of judicial work performed by the courts as determined by the information required in subdivision (2).
- (4) Serve the judicial nominating commission and the judicial qualifications commission in the performance by the commissions of their statutory and constitutional functions.
- (5) Administer the civil legal aid fund as required by IC 33-24-12.
- (6) Administer the court technology fund established by section 12 of this chapter.
- (7) By December 31, 2013, develop and implement a standard protocol for sending and receiving court data:
- (A) between the protective order registry, established by IC 5-2-9-5.5, and county court case management systems;
 - (B) at the option of the county prosecuting attorney, for:
 - (i) a prosecuting attorney's case management system;
 - (ii) a county court case management system; and
 - (iii) a county court case management system developed and operated by the office of judicial administration;
 to interface with the electronic traffic tickets, as defined by IC 9-30-3-2.5; and
 - (C) between county court case management systems and the case management system developed and operated by the office of judicial administration.

The standard protocol developed and implemented under this subdivision shall permit private sector vendors, including vendors providing service to a local system and vendors accessing the



system for information, to send and receive court information on an equitable basis and at an equitable cost.

(8) Establish and administer an electronic system for receiving information that relates to certain individuals who may be prohibited from possessing a firearm **and for the purpose of:**

(A) transmitting this information to the Federal Bureau of Investigation for inclusion in the NICS; **and**

(B) beginning July 1, 2021, compiling and publishing certain statistics related to the confiscation and retention of firearms as described under section 14 of this chapter.

(9) Establish and administer an electronic system for receiving drug related felony conviction information from courts. The office of judicial administration shall notify NPLeX of each drug related felony entered after June 30, 2012, and do the following:

(A) Provide NPLeX with the following information:

- (i) The convicted individual's full name.
- (ii) The convicted individual's date of birth.
- (iii) The convicted individual's driver's license number, state personal identification number, or other unique number, if available.
- (iv) The date the individual was convicted of the felony.

Upon receipt of the information from the office of judicial administration, a stop sale alert must be generated through NPLeX for each individual reported under this clause.

(B) Notify NPLeX if the felony of an individual reported under clause (A) has been:

- (i) set aside;
- (ii) reversed;
- (iii) expunged; or
- (iv) vacated.

Upon receipt of information under this clause, NPLeX shall remove the stop sale alert issued under clause (A) for the individual.

(10) After July 1, 2018, establish and administer an electronic system for receiving from courts felony conviction information for each felony described in IC 20-28-5-8(c). The office of judicial administration shall notify the department of education at least one (1) time each week of each felony described in IC 20-28-5-8(c) entered after July 1, 2018, and do the following:

(A) Provide the department of education with the following information:

- (i) The convicted individual's full name.



- (ii) The convicted individual's date of birth.
- (iii) The convicted individual's driver's license number, state personal identification number, or other unique number, if available.
- (iv) The date the individual was convicted of the felony.
- (B) Notify the department of education if the felony of an individual reported under clause (A) has been:
 - (i) set aside;
 - (ii) reversed; or
 - (iii) vacated.
- (11) Perform legal and administrative duties for the justices as determined by the justices.
- (12) Provide staff support for the judicial conference of Indiana established in IC 33-38-9.
- (13) Work with the United States Department of Veterans Affairs to identify and address the needs of veterans in the court system.
- (b) All forms to be used in gathering data must be approved by the supreme court and shall be distributed to all judges and clerks before the start of each period for which reports are required.
- (c) The office of judicial administration may adopt rules to implement this section.

SECTION 54. IC 33-24-6-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 14. (a) The following definitions apply throughout this section:**

- (1) **"Dangerous"** has the meaning set forth in IC 35-47-14-1.
- (2) **"Firearm"** has the meaning set forth in IC 35-47-1-5.
- (3) **"Office"** means the office of judicial administration created by section 1 of this chapter.
- (b) **Beginning July 1, 2021, the office shall collect and record the following information:**
 - (1) **The law enforcement agency responsible for each confiscation of a firearm under IC 35-47-14-2 and IC 35-47-14-3.**
 - (2) **The number of:**
 - (A) **warrant based firearm confiscations under IC 35-47-14-2; and**
 - (B) **warrantless firearm confiscations under IC 35-47-14-3; for each county, as applicable, each year.**
 - (3) **The total number of:**
 - (A) **handguns; and**
 - (B) **long guns;**



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

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

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

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

(1) The:

(A) name;

(B) date of birth;

(C) Social Security number;

(D) address; or

(E) other unique identifier;

belonging to or associated with an individual alleged to be dangerous by a law enforcement officer or found to be dangerous by a circuit or superior court.

(2) The make, model, or serial number of any handgun, long gun, or firearm seized, confiscated, retained, disposed of, or sold under IC 35-47-14.

(e) Information:

(1) collected by the office; or

(2) used by the office;

to prepare the report described in subsection (c) is confidential and not subject to public inspection or copying under IC 5-14-3-3.

(f) The office shall make the report described in subsection (c) available to the public.

(g) The office may adopt rules under IC 4-22-2 to implement this section.

SECTION 55. IC 34-24-1-1, AS AMENDED BY P.L.211-2019, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) The following may be seized:

(1) All vehicles (as defined by IC 35-31.5-2-346), if they are used or are intended for use by the person or persons in possession of them to transport or in any manner to facilitate the transportation of the following:



(A) A controlled substance for the purpose of committing, attempting to commit, or conspiring to commit any of the following:

- (i) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).
- (ii) Dealing in methamphetamine (IC 35-48-4-1.1).
- (iii) Manufacturing methamphetamine (IC 35-48-4-1.2).
- (iv) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).
- (v) Dealing in a schedule IV controlled substance (IC 35-48-4-3).
- (vi) Dealing in a schedule V controlled substance (IC 35-48-4-4).
- (vii) Dealing in a counterfeit substance (IC 35-48-4-5).
- (viii) Possession of cocaine or a narcotic drug (IC 35-48-4-6).
- (ix) Possession of methamphetamine (IC 35-48-4-6.1).
- (x) Dealing in paraphernalia (IC 35-48-4-8.5).
- (xi) Dealing in marijuana, hash oil, hashish, or salvia (IC 35-48-4-10).
- (xii) An offense under IC 35-48-4 involving a synthetic drug (as defined in IC 35-31.5-2-321), a synthetic drug lookalike substance (as defined in IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under IC 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled substance analog (as defined in IC 35-48-1-9.3), or a substance represented to be a controlled substance (as described in IC 35-48-4-4.6).

(B) Any stolen (IC 35-43-4-2) or converted property (IC 35-43-4-3) if the retail or repurchase value of that property is one hundred dollars (\$100) or more.

(C) Any hazardous waste in violation of IC 13-30-10-1.5.

(D) A bomb (as defined in IC 35-31.5-2-31) or weapon of mass destruction (as defined in IC 35-31.5-2-354) used to commit, used in an attempt to commit, or used in a conspiracy to commit a felony terrorist offense (as defined in IC 35-50-2-18) or an offense under IC 35-47 as part of or in furtherance of an act of terrorism (as defined by IC 35-31.5-2-329).

(2) All money, negotiable instruments, securities, weapons, communications devices, or any property used to commit, used in an attempt to commit, or used in a conspiracy to commit a felony terrorist offense (as defined in IC 35-50-2-18) or an offense under



IC 35-47 as part of or in furtherance of an act of terrorism or commonly used as consideration for a violation of IC 35-48-4 (other than items subject to forfeiture under IC 16-42-20-5 or IC 16-6-8.5-5.1, before its repeal):

- (A) furnished or intended to be furnished by any person in exchange for an act that is in violation of a criminal statute;
 - (B) used to facilitate any violation of a criminal statute; or
 - (C) traceable as proceeds of the violation of a criminal statute.
- (3) Any portion of real or personal property purchased with money that is traceable as a proceed of a violation of a criminal statute.

(4) A vehicle that is used by a person to:

- (A) commit, attempt to commit, or conspire to commit;
 - (B) facilitate the commission of; or
 - (C) escape from the commission of;
- murder (IC 35-42-1-1), dealing in a controlled substance resulting in death (IC 35-42-1-1.5), kidnapping (IC 35-42-3-2), criminal confinement (IC 35-42-3-3), rape (IC 35-42-4-1), child molesting (IC 35-42-4-3), or child exploitation (IC 35-42-4-4), or an offense under IC 35-47 as part of or in furtherance of an act of terrorism.

(5) Real property owned by a person who uses it to commit any of the following as a Level 1, Level 2, Level 3, Level 4, or Level 5 felony:

- (A) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).
- (B) Dealing in methamphetamine (IC 35-48-4-1.1).
- (C) Manufacturing methamphetamine (IC 35-48-4-1.2).
- (D) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).
- (E) Dealing in a schedule IV controlled substance (IC 35-48-4-3).
- (F) Dealing in marijuana, hash oil, hashish, or salvia (IC 35-48-4-10).
- (G) Dealing in a synthetic drug (as defined in IC 35-31.5-2-321) or synthetic drug lookalike substance (as defined in IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under IC 35-48-4-10.5 (before its repeal on July 1, 2019).
- (H) Dealing in a controlled substance resulting in death (IC 35-42-1-1.5).

(6) Equipment and recordings used by a person to commit fraud under IC 35-43-5-4(10).



- (7) Recordings sold, rented, transported, or possessed by a person in violation of IC 24-4-10.
- (8) Property (as defined by IC 35-31.5-2-253) or an enterprise (as defined by IC 35-45-6-1) that is the object of a corrupt business influence violation (IC 35-45-6-2).
- (9) Unlawful telecommunications devices (as defined in IC 35-45-13-6) and plans, instructions, or publications used to commit an offense under IC 35-45-13.
- (10) Any equipment, including computer equipment and cellular telephones, used for or intended for use in preparing, photographing, recording, videotaping, digitizing, printing, copying, or disseminating matter in violation of IC 35-42-4.
- (11) Destructive devices used, possessed, transported, or sold in violation of IC 35-47.5.
- (12) Tobacco products that are sold in violation of IC 24-3-5, tobacco products that a person attempts to sell in violation of IC 24-3-5, and other personal property owned and used by a person to facilitate a violation of IC 24-3-5.
- (13) Property used by a person to commit counterfeiting or forgery in violation of IC 35-43-5-2.
- (14) After December 31, 2005, if a person is convicted of an offense specified in IC 25-26-14-26(b) or IC 35-43-10, the following real or personal property:
- (A) Property used or intended to be used to commit, facilitate, or promote the commission of the offense.
 - (B) Property constituting, derived from, or traceable to the gross proceeds that the person obtained directly or indirectly as a result of the offense.
- (15) Except as provided in subsection (e), a vehicle used by a person who operates the vehicle:
- (A) while intoxicated, in violation of IC 9-30-5-1 through IC 9-30-5-5, if in the previous five (5) years the person has two (2) or more prior unrelated convictions
 - (i) for operating a motor vehicle while intoxicated in violation of IC 9-30-5-1 through IC 9-30-5-5; or
 - (ii) for an offense that is substantially similar to IC 9-30-5-1 through IC 9-30-5-5 in another jurisdiction; or
 - (B) on a highway while the person's driving privileges are suspended in violation of IC 9-24-19-2 through IC 9-24-19-3, if in the previous five (5) years the person has two (2) or more prior unrelated convictions
 - (i) for operating a vehicle while intoxicated in violation of



IC 9-30-5-1 through IC 9-30-5-5. ~~or~~
 (ii) for an offense that is substantially similar to IC 9-30-5-1
 through IC 9-30-5-5 in another jurisdiction.

If a court orders the seizure of a vehicle under this subdivision, the court shall transmit an order to the bureau of motor vehicles recommending that the bureau not permit a vehicle to be registered in the name of the person whose vehicle was seized until the person possesses a current driving license (as defined in IC 9-13-2-41).

(16) The following real or personal property:

(A) Property used or intended to be used to commit, facilitate, or promote the commission of an offense specified in IC 23-14-48-9, IC 30-2-9-7(b), IC 30-2-10-9(b), or IC 30-2-13-38(f).

(B) Property constituting, derived from, or traceable to the gross proceeds that a person obtains directly or indirectly as a result of an offense specified in IC 23-14-48-9, IC 30-2-9-7(b), IC 30-2-10-9(b), or IC 30-2-13-38(f).

(17) An automated sales suppression device (as defined in IC 35-43-5-4.6(a)(1) or phantom-ware (as defined in IC 35-43-5-4.6(a)(3)).

(18) Real or personal property, including a vehicle, that is used by a person to:

(A) commit, attempt to commit, or conspire to commit;

(B) facilitate the commission of; or

(C) escape from the commission of;

a violation of IC 35-42-3.5-1 through IC 35-42-3.5-1.4 (human trafficking) or IC 35-45-4-4 (promoting prostitution).

(b) A vehicle used by any person as a common or contract carrier in the transaction of business as a common or contract carrier is not subject to seizure under this section, unless it can be proven by a preponderance of the evidence that the owner of the vehicle knowingly permitted the vehicle to be used to engage in conduct that subjects it to seizure under subsection (a).

(c) Equipment under subsection (a)(10) may not be seized unless it can be proven by a preponderance of the evidence that the owner of the equipment knowingly permitted the equipment to be used to engage in conduct that subjects it to seizure under subsection (a)(10).

(d) Money, negotiable instruments, securities, weapons, communications devices, or any property commonly used as consideration for a violation of IC 35-48-4 found near or on a person who is committing, attempting to commit, or conspiring to commit any



of the following offenses shall be admitted into evidence in an action under this chapter as prima facie evidence that the money, negotiable instrument, security, or other thing of value is property that has been used or was to have been used to facilitate the violation of a criminal statute or is the proceeds of the violation of a criminal statute:

- (1) IC 35-42-1-1.5 (dealing in a controlled substance resulting in death).
 - (2) IC 35-48-4-1 (dealing in or manufacturing cocaine or a narcotic drug).
 - (3) IC 35-48-4-1.1 (dealing in methamphetamine).
 - (4) IC 35-48-4-1.2 (manufacturing methamphetamine).
 - (5) IC 35-48-4-2 (dealing in a schedule I, II, or III controlled substance).
 - (6) IC 35-48-4-3 (dealing in a schedule IV controlled substance).
 - (7) IC 35-48-4-4 (dealing in a schedule V controlled substance) as a Level 4 felony.
 - (8) IC 35-48-4-6 (possession of cocaine or a narcotic drug) as a Level 3, Level 4, or Level 5 felony.
 - (9) IC 35-48-4-6.1 (possession of methamphetamine) as a Level 3, Level 4, or Level 5 felony.
 - (10) IC 35-48-4-10 (dealing in marijuana, hash oil, hashish, or salvia) as a Level 5 felony.
 - (11) IC 35-48-4-10.5 (before its repeal on July 1, 2019) (dealing in a synthetic drug or synthetic drug lookalike substance) as a Level 5 felony or Level 6 felony (or as a Class C felony or Class D felony under IC 35-48-4-10 before its amendment in 2013).
- (e) A vehicle operated by a person who is not:
- (1) an owner of the vehicle; or
 - (2) the spouse of the person who owns the vehicle;

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

SECTION 56. IC 35-31.5-2-91, AS AMENDED BY P.L.158-2013, SECTION 365, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 91. "Designated offense", for purposes of IC 35-33.5, means the following:

- (1) A Class A, Class B, or Class C felony, for a crime committed before July 1, 2014, or a Level 1, Level 2, Level 3, Level 4, or Level 5 felony, for a crime committed after June 30, 2014, that is a controlled substance offense (IC 35-48-4).
- (2) Murder (IC 35-42-1-1).



- (3) Kidnapping (IC 35-42-3-2).
- (4) Criminal confinement (IC 35-42-3-3).
- (5) Robbery (IC 35-42-5-1).
- (6) Arson (IC 35-43-1-1).
- (7) Child solicitation (IC 35-42-4-6).
- (8) Human and sexual trafficking crimes under IC 35-42-3.5.
- (9) Escape as a Class B felony or Class C felony, for a crime committed before July 1, 2014, or a Level 4 felony or Level 5 felony, for a crime committed after June 30, 2014 (IC 35-44.1-3-4).
- (10) An offense that relates to a weapon of mass destruction (as defined in section 354 of this chapter).
- ~~(11) An attempt or conspiracy to commit an offense described in subdivisions (1) through (10).~~
- ~~(12) An offense under the law of the United States or in another state or country that is substantially similar to an offense described in subdivisions (1) through (11).~~

SECTION 57. IC 35-31.5-2-294, AS ADDED BY P.L.114-2012, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 294. "Serious violent felony", for purposes of IC 35-47-4-5 **and IC 35-47-4-9**, has the meaning set forth in ~~IC 35-47-4-5(b):~~ **IC 35-47-4-5.**

SECTION 58. IC 35-37-4-6, AS AMENDED BY P.L.65-2016, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. (a) This section applies to a criminal action involving the following offenses where the victim is a protected person under subsection (c)(1) or (c)(2):

- (1) Sex crimes (IC 35-42-4).
- (2) A battery offense included in IC 35-42-2 upon a child less than fourteen (14) years of age.
- (3) Kidnapping and confinement (IC 35-42-3).
- (4) Incest (IC 35-46-1-3).
- (5) Neglect of a dependent (IC 35-46-1-4).
- (6) Human and sexual trafficking crimes (IC 35-42-3.5).
- ~~(7) An attempt under IC 35-41-5-1 to commit an offense listed in this subsection.~~

(b) This section applies to a criminal action involving the following offenses where the victim is a protected person under subsection (c)(3):

- (1) Exploitation of a dependent or endangered adult (IC 35-46-1-12).
- (2) A sex crime (IC 35-42-4).
- (3) A battery offense included in IC 35-42-2.



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



(b) if, after notice to the defendant of a hearing and of the defendant's right to be present, all of the following conditions are met:

- (1) The court finds, in a hearing:
 - (A) conducted outside the presence of the jury; and
 - (B) attended by the protected person in person or by using closed circuit television testimony as described in section 8(f) and 8(g) of this chapter;

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

- (2) The protected person:
 - (A) testifies at the trial; or
 - (B) is found by the court to be unavailable as a witness for one
 - (1) of the following reasons:
 - (i) From the testimony of a psychiatrist, physician, or psychologist, and other evidence, if any, the court finds that the protected person's testifying in the physical presence of the defendant will cause the protected person to suffer serious emotional distress such that the protected person cannot reasonably communicate.
 - (ii) The protected person cannot participate in the trial for medical reasons.
 - (iii) The court has determined that the protected person is incapable of understanding the nature and obligation of an oath.

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

- (1) at the hearing described in subsection (e)(1); or
- (2) when the statement or videotape was made.

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

- (1) the prosecuting attorney's intention to introduce the statement or videotape in evidence; and
- (2) the content of the statement or videotape.

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

- (1) The mental and physical age of the person making the



statement or videotape.

(2) The nature of the statement or videotape.

(3) The circumstances under which the statement or videotape was made.

(4) Other relevant factors.

(i) If a statement or videotape described in subsection (d) is admitted into evidence under this section, a defendant may introduce a:

(1) transcript; or

(2) videotape;

of the hearing held under subsection (e)(1) into evidence at trial.

SECTION 59. IC 35-37-4-8, AS AMENDED BY P.L.65-2016, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8. (a) This section applies to a criminal action under the following:

(1) Sex crimes (IC 35-42-4).

(2) A battery offense included in IC 35-42-2 upon a child less than fourteen (14) years of age.

(3) Kidnapping and confinement (IC 35-42-3).

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

(5) Neglect of a dependent (IC 35-46-1-4).

(6) Human and sexual trafficking crimes (IC 35-42-3.5).

~~(7) An attempt under IC 35-41-5-1 for an offense listed in subdivisions (1) through (6):~~

(b) As used in this section, "protected person" has the meaning set forth in section 6 of this chapter.

(c) On the motion of the prosecuting attorney, the court may order that the testimony of a protected person be taken in a room other than the courtroom, and that the questioning of the protected person by the prosecution and the defense be transmitted using a two-way closed circuit television arrangement that:

(1) allows the protected person to see the accused and the trier of fact; and

(2) allows the accused and the trier of fact to see and hear the protected person.

(d) On the motion of the prosecuting attorney or the defendant, the court may order that the testimony of a protected person be videotaped for use at trial. The videotaping of the testimony of a protected person under this subsection must meet the requirements of subsection (c).

(e) The court may not make an order under subsection (c) or (d) unless:

(1) the testimony to be taken is the testimony of a protected



person who:

- (A) is the alleged victim of an offense listed in subsection (a) for which the defendant is being tried or is a witness in a trial for an offense listed in subsection (a); and
 - (B) is found by the court to be a protected person who should be permitted to testify outside the courtroom because:
 - (i) the court finds from the testimony of a psychiatrist, physician, or psychologist and any other evidence that the protected person's testifying in the physical presence of the defendant would cause the protected person to suffer serious emotional harm and the court finds that the protected person could not reasonably communicate in the physical presence of the defendant to the trier of fact;
 - (ii) a physician has certified that the protected person cannot be present in the courtroom for medical reasons; or
 - (iii) evidence has been introduced concerning the effect of the protected person's testifying in the physical presence of the defendant, and the court finds that it is more likely than not that the protected person's testifying in the physical presence of the defendant creates a substantial likelihood of emotional or mental harm to the protected person;
 - (2) the prosecuting attorney has informed the defendant and the defendant's attorney of the intention to have the protected person testify outside the courtroom; and
 - (3) the prosecuting attorney informed the defendant and the defendant's attorney under subdivision (2) at least ten (10) days before the trial of the prosecuting attorney's intention to have the protected person testify outside the courtroom.
- (f) If the court makes an order under subsection (c), only the following persons may be in the same room as the protected person during the protected person's testimony:
- (1) A defense attorney if:
 - (A) the defendant is represented by the defense attorney; and
 - (B) the prosecuting attorney is also in the same room.
 - (2) The prosecuting attorney if:
 - (A) the defendant is represented by a defense attorney; and
 - (B) the defense attorney is also in the same room.
 - (3) Persons necessary to operate the closed circuit television equipment.
 - (4) Persons whose presence the court finds will contribute to the protected person's well-being.
 - (5) A court bailiff or court representative.



(g) If the court makes an order under subsection (d), only the following persons may be in the same room as the protected person during the protected person's videotaped testimony:

- (1) The judge.
- (2) The prosecuting attorney.
- (3) The defendant's attorney (or the defendant, if the defendant is not represented by an attorney).
- (4) Persons necessary to operate the electronic equipment.
- (5) The court reporter.
- (6) Persons whose presence the court finds will contribute to the protected person's well-being.
- (7) The defendant, who can observe and hear the testimony of the protected person with the protected person being able to observe or hear the defendant. However, if the defendant is not represented by an attorney, the defendant may question the protected person.

(h) If the court makes an order under subsection (c) or (d), only the following persons may question the protected person:

- (1) The prosecuting attorney.
- (2) The defendant's attorney (or the defendant, if the defendant is not represented by an attorney).
- (3) The judge.

SECTION 60. IC 35-38-1-7.5, AS AMENDED BY P.L.86-2018, SECTION 332, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 7.5. (a) As used in this section, "sexually violent predator" means a person who suffers from a mental abnormality or personality disorder that makes the individual likely to repeatedly commit a sex offense (as defined in IC 11-8-8-5.2). The term includes a person convicted in another jurisdiction who is identified as a sexually violent predator under IC 11-8-8-20. The term does not include a person no longer considered a sexually violent predator under subsection (g).

(b) A person who:

- (1) being at least eighteen (18) years of age, commits an offense described in:
 - (A) IC 35-42-4-1;
 - (B) IC 35-42-4-2 (before its repeal);
 - (C) IC 35-42-4-3 as a Class A or Class B felony (for a crime committed before July 1, 2014) or a Level 1, Level 2, Level 3, or Level 4 felony (for a crime committed after June 30, 2014);
 - (D) IC 35-42-4-5(a)(1);
 - (E) IC 35-42-4-5(a)(2);



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

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

(H) IC 35-42-4-5(b)(2); **or**

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

~~(J) an attempt or conspiracy to commit a crime listed in clauses (A) through (I); or~~

~~(K) a crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in clauses (A) through (J);~~

(2) commits a sex offense (as defined in IC 11-8-8-5.2) while having a previous unrelated conviction for a sex offense for which the person is required to register as a sex or violent offender under IC 11-8-8;

(3) commits a sex offense (as defined in IC 11-8-8-5.2) while having had a previous unrelated adjudication as a delinquent child for an act that would be a sex offense if committed by an adult, if, after considering expert testimony, a court finds by clear and convincing evidence that the person is likely to commit an additional sex offense; or

(4) commits a sex offense (as defined in IC 11-8-8-5.2) while having had a previous unrelated adjudication as a delinquent child for an act that would be a sex offense if committed by an adult, if the person was required to register as a sex or violent offender under IC 11-8-8-5(b)(2);

is a sexually violent predator. Except as provided in subsection (g) or (h), a person is a sexually violent predator by operation of law if an offense committed by the person satisfies the conditions set forth in subdivision (1) or (2) and the person was released from incarceration, secure detention, probation, or parole for the offense after June 30, 1994.

(c) This section applies whenever a court sentences a person or a juvenile court issues a dispositional decree for a sex offense (as defined in IC 11-8-8-5.2) for which the person is required to register with the local law enforcement authority under IC 11-8-8.

(d) At the sentencing hearing, the court shall indicate on the record whether the person has been convicted of an offense that makes the person a sexually violent predator under subsection (b).



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

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

- (1) the person is required to register with the local law enforcement authority as provided in IC 11-8-8; and
- (2) the court shall send notice to the department of correction.

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

- (1) the sentencing court or juvenile court makes its determination under subsection (e); or
- (2) the person is released from incarceration or secure detention.

A person may file a petition under this subsection not more than one (1) time per year. A court may dismiss a petition filed under this subsection or conduct a hearing to determine if the person should no longer be considered a sexually violent predator. If the court conducts a hearing, the court shall appoint two (2) psychologists or psychiatrists who have expertise in criminal behavioral disorders to evaluate the person and testify at the hearing. After conducting the hearing and considering the testimony of the two (2) psychologists or psychiatrists, the court shall determine whether the person should no longer be considered a sexually violent predator under subsection (a). If a court finds that the person should no longer be considered a sexually violent predator, the court shall send notice to the department of correction that the person is no longer considered a sexually violent predator or an offender against children. Notwithstanding any other law, a condition imposed on a person due to the person's status as a sexually violent predator, including lifetime parole or GPS monitoring, does not apply



to a person no longer considered a sexually violent predator.

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

- (1) The victim was not less than twelve (12) years of age at the time the offense was committed.
- (2) The person is not more than four (4) years older than the victim.
- (3) The relationship between the person and the victim was a dating relationship or an ongoing personal relationship. The term "ongoing personal relationship" does not include a family relationship.
- (4) The offense committed by the person was not any of the following:
 - (A) Rape (IC 35-42-4-1).
 - (B) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
 - (C) An offense committed by using or threatening the use of deadly force or while armed with a deadly weapon.
 - (D) An offense that results in serious bodily injury.
 - (E) An offense that is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.
- (5) The person has not committed another sex offense (as defined in IC 11-8-8-5.2) (including a delinquent act that would be a sex offense if committed by an adult) against any other person.
- (6) The person did not have a position of authority or substantial influence over the victim.
- (7) The court finds that the person should not be considered a sexually violent predator.

SECTION 61. IC 35-38-10-1, AS ADDED BY P.L.86-2017, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. As used in this chapter, "trafficked person" means a person who was the victim of human trafficking (IC 35-42-3.5), ~~or a substantially similar human trafficking offense committed in another jurisdiction~~, regardless of whether the person who committed the human trafficking offense was charged, tried, or convicted.

SECTION 62. IC 35-40-14-1, AS ADDED BY P.L.137-2009, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2020]: Sec. 1. As used in this chapter, "identity theft" means:

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

SECTION 63. IC 35-42-2-1, AS AMENDED BY P.L.80-2018, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) As used in this section, "public safety official" means:

- (1) a law enforcement officer, including an alcoholic beverage enforcement officer;
- (2) an employee of a penal facility or a juvenile detention facility (as defined in IC 31-9-2-71);
- (3) an employee of the department of correction;
- (4) a probation officer;
- (5) a parole officer;
- (6) a community corrections worker;
- (7) a home detention officer;
- (8) a department of child services employee;
- (9) a firefighter;
- (10) an emergency medical services provider;
- (11) a judicial officer;
- (12) a bailiff of any court; or
- (13) a special deputy (as described in IC 36-8-10-10.6).

(b) As used in this section, "relative" means an individual related by blood, half-blood, adoption, marriage, or remarriage, including:

- (1) a spouse;
- (2) a parent or stepparent;
- (3) a child or stepchild;
- (4) a grandchild or stepgrandchild;
- (5) a grandparent or stepgrandparent;
- (6) a brother, sister, stepbrother, or stepsister;
- (7) a niece or nephew;
- (8) an aunt or uncle;
- (9) a daughter-in-law or son-in-law;
- (10) a mother-in-law or father-in-law; or
- (11) a first cousin.

(c) Except as provided in subsections (d) through (k), a person who knowingly or intentionally:

- (1) touches another person in a rude, insolent, or angry manner;
- or
- (2) in a rude, insolent, or angry manner places any bodily fluid or



waste on another person;
 commits battery, a Class B misdemeanor.

(d) The offense described in subsection (c)(1) or (c)(2) is a Class A misdemeanor if it:

- (1) results in bodily injury to any other person; or
- (2) is committed against a member of a foster family home (as defined in IC 35-31.5-2-139.3) by a person who is not a resident of the foster family home if the person who committed the offense is a relative of a person who lived in the foster family home at the time of the offense.

(e) The offense described in subsection (c)(1) or (c)(2) is a Level 6 felony if one (1) or more of the following apply:

- (1) The offense results in moderate bodily injury to any other person.
- (2) The offense is committed against a public safety official while the official is engaged in the official's official duty.
- (3) The offense is committed against a person less than fourteen (14) years of age and is committed by a person at least eighteen (18) years of age.
- (4) The offense is committed against a person of any age who has a mental or physical disability and is committed by a person having the care of the person with the mental or physical disability, whether the care is assumed voluntarily or because of a legal obligation.
- (5) The offense is committed against an endangered adult (as defined in IC 12-10-3-2).
- (6) The offense:
 - (A) is committed against a member of a foster family home (as defined in IC 35-31.5-2-139.3) by a person who is not a resident of the foster family home if the person who committed the offense is a relative of a person who lived in the foster family home at the time of the offense; and
 - (B) results in bodily injury to the member of the foster family.

(f) The offense described in subsection (c)(2) is a Level 6 felony if the person knew or recklessly failed to know that the bodily fluid or waste placed on another person was infected with hepatitis, tuberculosis, or human immunodeficiency virus.

(g) The offense described in subsection (c)(1) or (c)(2) is a Level 5 felony if one (1) or more of the following apply:

- (1) The offense results in serious bodily injury to another person.
- (2) The offense is committed with a deadly weapon.
- (3) The offense results in bodily injury to a pregnant woman if the



person knew of the pregnancy.

(4) The person has a previous conviction for a battery offense ~~(A) included in this chapter against the same victim. or (B) against the same victim in any other jurisdiction, including a military court, in which the elements of the crime for which the conviction was entered are substantially similar to the elements of a battery offense included in this chapter.~~

(5) The offense results in bodily injury to one (1) or more of the following:

(A) A public safety official while the official is engaged in the official's official duties.

(B) A person less than fourteen (14) years of age if the offense is committed by a person at least eighteen (18) years of age.

(C) A person who has a mental or physical disability if the offense is committed by an individual having care of the person with the disability, regardless of whether the care is assumed voluntarily or because of a legal obligation.

(D) An endangered adult (as defined in IC 12-10-3-2).

(h) The offense described in subsection (c)(2) is a Level 5 felony if:

(1) the person knew or recklessly failed to know that the bodily fluid or waste placed on another person was infected with hepatitis, tuberculosis, or human immunodeficiency virus; and

(2) the person placed the bodily fluid or waste on a public safety official.

(i) The offense described in subsection (c)(1) or (c)(2) is a Level 4 felony if it results in serious bodily injury to an endangered adult (as defined in IC 12-10-3-2).

(j) The offense described in subsection (c)(1) or (c)(2) is a Level 3 felony if it results in serious bodily injury to a person less than fourteen (14) years of age if the offense is committed by a person at least eighteen (18) years of age.

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

(1) A person less than fourteen (14) years of age if the offense is committed by a person at least eighteen (18) years of age.

(2) An endangered adult (as defined in IC 12-10-3-2).

SECTION 64. IC 35-42-2-1.3, AS AMENDED BY P.L.40-2019, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1.3. (a) Except as provided in subsections (b) through (f), a person who knowingly or intentionally:

(1) touches a family or household member in a rude, insolent, or angry manner; or



(2) in a rude, insolent, or angry manner places any bodily fluid or waste on a family or household member;
 commits domestic battery, a Class A misdemeanor.

(b) The offense under subsection (a)(1) or (a)(2) is a Level 6 felony if one (1) or more of the following apply:

(1) The person who committed the offense has a previous, unrelated conviction:

(A) for a battery offense included in this chapter; **or**

(B) for a strangulation offense under IC 35-42-2-9. **or**

~~(C) in any other jurisdiction, including a military court, in which the elements of the crime for which the conviction was entered are substantially similar to the elements of:~~

~~(i) a battery offense included in this chapter; or~~

~~(ii) a strangulation offense under IC 35-42-2-9.~~

(2) The person who committed the offense is at least eighteen (18) years of age and committed the offense against a family or household member in the physical presence of a child less than sixteen (16) years of age, knowing that the child was present and might be able to see or hear the offense.

(3) The offense results in moderate bodily injury to a family or household member.

(4) The offense is committed against a family or household member who is less than fourteen (14) years of age and is committed by a person at least eighteen (18) years of age.

(5) The offense is committed against a family or household member of any age who has a mental or physical disability and is committed by a person having the care of the family or household member with the mental or physical disability, whether the care is assumed voluntarily or because of a legal obligation.

(6) The offense is committed against a family or household member who is an endangered adult (as defined in IC 12-10-3-2).

(c) The offense described in subsection (a)(1) or (a)(2) is a Level 5 felony if one (1) or more of the following apply:

(1) The offense results in serious bodily injury to a family or household member.

(2) The offense is committed with a deadly weapon against a family or household member.

(3) The offense results in bodily injury to a pregnant family or household member if the person knew of the pregnancy.

(4) The person has a previous conviction for a battery offense
~~(A) included in this chapter against the same family or household member. or~~



(B) against the same family or household member in any other jurisdiction, including a military court, in which the elements of the crime for which the conviction was entered are substantially similar to the elements of a battery offense included in this chapter.

(5) The offense results in bodily injury to one (1) or more of the following:

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

(B) A family or household member who has a mental or physical disability if the offense is committed by an individual having care of the family or household member with the disability, regardless of whether the care is assumed voluntarily or because of a legal obligation.

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

(d) The offense described in subsection (a)(1) or (a)(2) is a Level 4 felony if it results in serious bodily injury to a family or household member who is an endangered adult (as defined in IC 12-10-3-2).

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

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

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

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

SECTION 65. IC 35-42-2-9, AS AMENDED BY P.L.40-2019, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 9. (a) This section does not apply to a medical procedure.

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

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

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

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

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



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

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

- (1) the offense is committed by a person:
 - (A) against a pregnant woman; and
 - (B) who knew the victim was pregnant at the time of the offense; **or**
 - (2) the person has a prior unrelated conviction under this section.
- or**
- (3) ~~the person has a prior unrelated conviction in any jurisdiction, including a military court, in which the elements of the crime for which the conviction was entered are substantially similar to the elements set forth in this section.~~

SECTION 66. IC 35-42-4-11, AS AMENDED BY P.L.220-2019, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 11. (a) As used in this section, and except as provided in subsection (d), "offender against children" means a person required to register as a sex or violent offender under IC 11-8-8 who has been:

- (1) found to be a sexually violent predator under IC 35-38-1-7.5;
- or**
- (2) convicted of one (1) or more of the following offenses:
 - (A) Child molesting (IC 35-42-4-3).
 - (B) Child exploitation (IC 35-42-4-4(b) or IC 35-42-4-4(c)).
 - (C) Child solicitation (IC 35-42-4-6).
 - (D) Child seduction (IC 35-42-4-7).
 - (E) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age, and the person is not the child's parent or guardian.
 - (F) ~~Attempt to commit or conspiracy to commit an offense listed in clauses (A) through (E).~~
 - (G) ~~An offense in another jurisdiction that is substantially similar to an offense described in clauses (A) through (F).~~

A person is an offender against children by operation of law if the person meets the conditions described in subdivision (1) or (2) at any time.

(b) As used in this section, "reside" means to spend more than three

(3) nights in:

- (1) a residence; or
- (2) if the person does not reside in a residence, a particular location;

in any thirty (30) day period.



- (c) An offender against children who knowingly or intentionally:
- (1) resides within one thousand (1,000) feet of:
 - (A) school property, not including property of an institution providing post-secondary education;
 - (B) a youth program center;
 - (C) a public park; or
 - (D) a day care center licensed under IC 12-17.2;
 - (2) establishes a residence within one (1) mile of the residence of the victim of the offender's sex offense; or
 - (3) resides in a residence where a child care provider (as defined by IC 31-33-26-1) provides child care services;

commits a sex offender residency offense, a Level 6 felony.

(d) This subsection does not apply to an offender against children who has two (2) or more unrelated convictions for an offense described in subsection (a). A person who is an offender against children may petition the court to consider whether the person should no longer be considered an offender against children. The person may file a petition under this subsection not earlier than ten (10) years after the person is released from incarceration or parole, whichever occurs last (or, if the person is not incarcerated, not earlier than ten (10) years after the person is released from probation). A person may file a petition under this subsection not more than one (1) time per year. A court may dismiss a petition filed under this subsection or conduct a hearing to determine if the person should no longer be considered an offender against children. If the court conducts a hearing, the court shall appoint two (2) psychologists or psychiatrists who have expertise in criminal behavioral disorders to evaluate the person and testify at the hearing. After conducting the hearing and considering the testimony of the two (2) psychologists or psychiatrists, the court shall determine whether the person should no longer be considered an offender against children. If a court finds that the person should no longer be considered an offender against children, the court shall send notice to the department of correction that the person is no longer considered an offender against children.

SECTION 67. IC 35-42-4-14, AS AMENDED BY P.L.87-2018, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 14. (a) As used in this section, "serious sex offender" means a person required to register as a sex offender under IC 11-8-8 who is:

- (1) found to be a sexually violent predator under IC 35-38-1-7.5;
- or
- (2) convicted of one (1) or more of the following offenses:



- (A) Child molesting (IC 35-42-4-3).
 - (B) Child exploitation (IC 35-42-4-4(b) or IC 35-42-4-4(c)).
 - (C) Possession of child pornography (IC 35-42-4-4(d) or IC 35-42-4-4(e)).
 - (D) Vicarious sexual gratification (IC 35-42-4-5(a) and IC 35-42-4-5(b)).
 - (E) Performing sexual conduct in the presence of a minor (IC 35-42-4-5(c)).
 - (F) Child solicitation (IC 35-42-4-6).
 - (G) Child seduction (IC 35-42-4-7).
 - (H) Sexual misconduct with a minor (IC 35-42-4-9).
 - (I) ~~A conspiracy or an attempt to commit an offense described in clauses (A) through (H).~~
 - (J) ~~An offense in another jurisdiction that is substantially similar to an offense described in clauses (A) through (I).~~
- (b) A serious sex offender who knowingly or intentionally enters school property commits unlawful entry by a serious sex offender, a Level 6 felony.
- (c) It is a defense to a prosecution under subsection (b) that:
- (1) a religious institution or house of worship is located on the school property; and
 - (2) the person:
 - (A) enters the school property or other entity described in IC 35-31.5-2-285(1)(A) through IC 35-31.5-2-285(1)(D) when classes, extracurricular activities, or any other school activities are not being held:
 - (i) for the sole purpose of attending worship services or receiving religious instruction; and
 - (ii) not earlier than thirty (30) minutes before the beginning of the worship services or religious instruction; and
 - (B) leaves the school property not later than thirty (30) minutes after the conclusion of the worship services or religious instruction.
- SECTION 68. IC 35-43-2-2.1 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2020]: **Sec. 2.1. (a) A person who, with the intent to commit theft under section 2 of this chapter:**
- (1) agrees with at least two (2) other persons to commit theft;**
 - and**
 - (2) performs an overt act in furtherance of the agreement;**
- commits organized theft, a Level 6 felony.**
- (b) It is not a defense to a prosecution under this section that one**



(1) or more persons with whom the accused person is alleged to have agreed:

- (1) has not been prosecuted;**
- (2) has not been convicted;**
- (3) has been acquitted;**
- (4) has been convicted of a different crime;**
- (5) cannot be prosecuted for any reason; or**
- (6) lacked the capacity to commit the crime.**

(c) A person may not be convicted of an offense under this section and:

- (1) an attempt to commit theft; or**
- (2) a conspiracy to commit theft;**

with respect to the same underlying theft.

SECTION 69. IC 35-43-6-13, AS AMENDED BY P.L.238-2015, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 13. (a) The offense in section 12(a) of this chapter is a Class A misdemeanor:

- (1) in the case of an offense under section 12(a)(1) through 12(a)(4) of this chapter or section 12(a)(6) through 12(a)(9) of this chapter, if the home improvement contract price is one thousand dollars (\$1,000) or more;
- (2) for the second or subsequent offense under this chapter; ~~or in another jurisdiction for an offense that is substantially similar to another offense described in this chapter;~~
- (3) if two (2) or more home improvement contracts exceed an aggregate amount of one thousand dollars (\$1,000) and are entered into with the same consumer by one (1) or more suppliers as part of or in furtherance of a common fraudulent scheme, design, or intention; or
- (4) if, in a violation of section 12(a)(5) of this chapter, the home improvement contract price is at least seven thousand dollars (\$7,000), but less than ten thousand dollars (\$10,000).

(b) The offense in section 12 of this chapter is a Level 6 felony:

- (1) if, in a violation of section 12(a)(5) of this chapter, the home improvement contract price is at least ten thousand dollars (\$10,000);
- (2) if, in a violation of:
 - (A) section 12(a)(1) through 12(a)(5); or
 - (B) section 12(a)(7) through 12(a)(9);
 of this chapter, the consumer is at least sixty (60) years of age and the home improvement contract price is less than ten thousand dollars (\$10,000);



- (3) if, in a violation of section 12(b) of this chapter, the consumer is at least sixty (60) years of age; or
 - (4) if the home improvement supplier violates more than one (1) subdivision of section 12(a) of this chapter.
- (c) The offense in section 12(a) of this chapter is a Level 5 felony:
- (1) if, in a violation of:
 - (A) section 12(a)(1) through 12(a)(5); or
 - (B) section 12(a)(7) through 12(a)(9);
 of this chapter, the consumer is at least sixty (60) years of age and the home improvement contract price is at least ten thousand dollars (\$10,000); or
 - (2) if, in a violation of:
 - (A) section 12(a)(1) through 12(a)(4); or
 - (B) section 12(a)(7) through 12(a)(9);
 of this chapter, the consumer is at least sixty (60) years of age, and two (2) or more home improvement contracts exceed an aggregate amount of one thousand dollars (\$1,000) and are entered into with the same consumer by one (1) or more suppliers as part of or in furtherance of a common fraudulent scheme, design, or intention.

SECTION 70. IC 35-44.1-2-3, AS AMENDED BY P.L.107-2016, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. (a) As used in this section, "consumer product" has the meaning set forth in IC 35-45-8-1.

(b) As used in this section, "misconduct" means a violation of a departmental rule or procedure of a law enforcement agency.

(c) A person who reports, by telephone, telegraph, mail, or other written or oral communication, that:

- (1) the person or another person has placed or intends to place an explosive, a destructive device, or other destructive substance in a building or transportation facility;
- (2) there has been or there will be tampering with a consumer product introduced into commerce; or
- (3) there has been or will be placed or introduced a weapon of mass destruction in a building or a place of assembly;

knowing the report to be false, commits false reporting, a Level 6 felony.

(d) A person who:

- (1) gives a false report of the commission of a crime or gives false information in the official investigation of the commission of a crime, knowing the report or information to be false;
- (2) gives a false alarm of fire to the fire department of a



- governmental entity, knowing the alarm to be false;
- (3) makes a false request for ambulance service to an ambulance service provider, knowing the request to be false;
- (4) gives a false report concerning a missing child (as defined in IC 10-13-5-4) or missing endangered adult (as defined in IC 12-7-2-131.3) or gives false information in the official investigation of a missing child or missing endangered adult knowing the report or information to be false;
- (5) makes a complaint against a law enforcement officer to the state or municipality (as defined in IC 8-1-13-3(b)) that employs the officer:
- (A) alleging the officer engaged in misconduct while performing the officer's duties; and
 - (B) knowing the complaint to be false;
- (6) makes a false report of a missing person, knowing the report or information is false; ~~or~~
- (7) gives a false report of actions, behavior, or conditions concerning:
- (A) a septic tank soil absorption system under IC 8-1-2-125 or IC 13-26-5-2.5; or
 - (B) a septic tank soil absorption system or constructed wetland septic system under IC 36-9-23-30.1;
- knowing the report or information to be false; **or**
- (8) makes a false report that a person is dangerous (as defined in IC 35-47-14-1) knowing the report or information to be false;**

commits false informing, a Class B misdemeanor. However, the offense is a Class A misdemeanor if it substantially hinders any law enforcement process or if it results in harm to another person.

SECTION 71. IC 35-45-4-1, AS AMENDED BY P.L.158-2013, SECTION 524, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) A person who knowingly or intentionally, in a public place:

- (1) engages in sexual intercourse;
 - (2) engages in other sexual conduct (as defined in IC 35-31.5-2-221.5);
 - (3) appears in a state of nudity with the intent to arouse the sexual desires of the person or another person; or
 - (4) fondles the person's genitals or the genitals of another person;
- commits public indecency, a Class A misdemeanor.

(b) A person at least eighteen (18) years of age who knowingly or intentionally, in a public place, appears in a state of nudity with the



intent to be seen by a child less than sixteen (16) years of age commits public indecency, a Class A misdemeanor.

(c) However, the offense under subsection (a) or (b) is a Level 6 felony if the person who commits the offense has a prior unrelated conviction

~~(1) under subsection (a) or (b). or~~

~~(2) in another jurisdiction, including a military court, that is substantially equivalent to an offense described in subsection (a) or (b).~~

(d) As used in this section, "nudity" means the showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of covered male genitals in a discernibly turgid state.

(e) A person who, in a place other than a public place, with the intent to be seen by persons other than invitees and occupants of that place:

(1) engages in sexual intercourse;

(2) engages in other sexual conduct (as defined in IC 35-31.5-2-221.5);

(3) fondles the person's genitals or the genitals of another person;
or

(4) appears in a state of nudity;

where the person can be seen by persons other than invitees and occupants of that place commits indecent exposure, a Class C misdemeanor.

SECTION 72. IC 35-45-4-5, AS AMENDED BY P.L.107-2017, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) The following definitions apply throughout this section:

(1) "Camera" means a camera, a video camera, a device that captures a digital image, or any other type of video recording device.

(2) "Peep" means any looking of a clandestine, surreptitious, prying, or secretive nature.

(3) "Private area" means the naked or undergarment clad genitals, pubic area, or buttocks of an individual.

(b) A person:

(1) who knowingly or intentionally:

(A) peeps; or

(B) goes upon the land of another with the intent to peep; into an occupied dwelling of another person; or



(2) who knowingly or intentionally peeps into an area where an occupant of the area reasonably can be expected to disrobe, including:

- (A) restrooms;
- (B) baths;
- (C) showers; and
- (D) dressing rooms;

without the consent of the other person, commits voyeurism, a Class B misdemeanor.

(c) However, the offense under subsection (b) is a Level 6 felony if:

- (1) it is knowingly or intentionally committed by means of a camera; or
- (2) the person who commits the offense has a prior unrelated conviction

~~(A) under this section. or~~

~~(B) in another jurisdiction, including a military court, for an offense that is substantially similar to an offense described in this section.~~

(d) A person who:

- (1) without the consent of the individual; and
- (2) with intent to peep at the private area of an individual;

peeps at the private area of an individual and records an image by means of a camera commits public voyeurism, a Class A misdemeanor.

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

- (1) publishes the image;
- (2) makes the image available on the Internet; or
- (3) transmits or disseminates the image to another person.

(f) It is a defense to a prosecution under subsection (d) that the individual deliberately exposed the individual's private area.

(g) A person who, with the intent to peep, operates an unmanned aerial vehicle in a manner that is intended to cause the unmanned aerial vehicle to enter the space above or surrounding another person's occupied dwelling for the purpose of capturing images, photographs, video recordings, or audio recordings of the other person while the other person is:

- (1) within the other person's occupied dwelling; or
- (2) on the land or premises:
 - (A) on which the other person's occupied dwelling is located;



and

(B) in a location that is not visible from an area:

(i) open to the general public; or

(ii) where a member of the general public has the right to be;

commits remote aerial voyeurism, a Class A misdemeanor.

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

(1) publishes the images, photographs, or recordings captured;

(2) makes the images, photographs, or recordings captured available on the Internet; or

(3) transmits or disseminates the images, photographs, or recordings captured to another person.

SECTION 73. IC 35-47-2-18, AS AMENDED BY P.L.158-2013, SECTION 582, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 18. (a) No person shall:

~~(1) change, alter, remove, or obliterate the name of the maker, model, manufacturer's serial number, or other mark of identification on any handgun; or~~

~~(2) possess any handgun on which the name of the maker, model, manufacturer's serial number, or other mark of identification has been changed, altered, removed, or obliterated;~~

except as provided by applicable United States statute:

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

(2) possess any firearm on which the importer or manufacturer's serial number has been removed, obliterated, or altered.

(b) A person who knowingly or intentionally violates this section commits a Level 5 felony.

SECTION 74. IC 35-47-4-5, AS AMENDED BY P.L.198-2018, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) As used in this section, "serious violent felon" means a person who has been convicted of

~~(1) committing a serious violent felony. in:~~

~~(A) Indiana; or~~

~~(B) any other jurisdiction in which the elements of the crime for which the conviction was entered are substantially similar to the elements of a serious violent felony; or~~

~~(2) attempting to commit or conspiring to commit a serious~~



violent felony in:

(A) Indiana as provided under IC 35-41-5-1 or IC 35-41-5-2;
or

(B) any other jurisdiction in which the elements of the crime for which the conviction was entered are substantially similar to the elements of attempting to commit or conspiring to commit a serious violent felony.

(b) As used in this section, "serious violent felony" means:

- (1) murder (IC 35-42-1-1);
- (2) voluntary manslaughter (IC 35-42-1-3);
- (3) reckless homicide not committed by means of a vehicle (IC 35-42-1-5);
- (4) battery (IC 35-42-2-1) as a:
 - (A) Class A felony, Class B felony, or Class C felony, for a crime committed before July 1, 2014; or
 - (B) Level 2 felony, Level 3 felony, Level 4 felony, or Level 5 felony, for a crime committed after June 30, 2014;
- (5) domestic battery (IC 35-42-2-1.3) as a Level 2 felony, Level 3 felony, Level 4 felony, or Level 5 felony;
- (6) aggravated battery (IC 35-42-2-1.5);
- (7) kidnapping (IC 35-42-3-2);
- (8) criminal confinement (IC 35-42-3-3);
- (9) rape (IC 35-42-4-1);
- (10) criminal deviate conduct (IC 35-42-4-2) (before its repeal);
- (11) child molesting (IC 35-42-4-3);
- (12) sexual battery (IC 35-42-4-8) as a:
 - (A) Class C felony, for a crime committed before July 1, 2014;
or
 - (B) Level 5 felony, for a crime committed after June 30, 2014;
- (13) robbery (IC 35-42-5-1);
- (14) carjacking (IC 35-42-5-2) (before its repeal);
- (15) arson (IC 35-43-1-1(a)) as a:
 - (A) Class A felony or Class B felony, for a crime committed before July 1, 2014; or
 - (B) Level 2 felony, Level 3 felony, or Level 4 felony, for a crime committed after June 30, 2014;
- (16) burglary (IC 35-43-2-1) as a:
 - (A) Class A felony or Class B felony, for a crime committed before July 1, 2014; or
 - (B) Level 1 felony, Level 2 felony, Level 3 felony, or Level 4 felony, for a crime committed after June 30, 2014;
- (17) assisting a criminal (IC 35-44.1-2-5) as a:



- (A) Class C felony, for a crime committed before July 1, 2014;
or
 - (B) Level 5 felony, for a crime committed after June 30, 2014;
 - (18) resisting law enforcement (IC 35-44.1-3-1) as a:
 - (A) Class B felony or Class C felony, for a crime committed before July 1, 2014; or
 - (B) Level 2 felony, Level 3 felony, or Level 5 felony, for a crime committed after June 30, 2014;
 - (19) escape (IC 35-44.1-3-4) as a:
 - (A) Class B felony or Class C felony, for a crime committed before July 1, 2014; or
 - (B) Level 4 felony or Level 5 felony, for a crime committed after June 30, 2014;
 - (20) trafficking with an inmate (IC 35-44.1-3-5) as a:
 - (A) Class C felony, for a crime committed before July 1, 2014;
or
 - (B) Level 5 felony, for a crime committed after June 30, 2014;
 - (21) criminal organization intimidation (IC 35-45-9-4);
 - (22) stalking (IC 35-45-10-5) as a:
 - (A) Class B felony or Class C felony, for a crime committed before July 1, 2014; or
 - (B) Level 4 felony or Level 5 felony, for a crime committed after June 30, 2014;
 - (23) incest (IC 35-46-1-3);
 - (24) dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1);
 - (25) dealing in methamphetamine (IC 35-48-4-1.1) or manufacturing methamphetamine (IC 35-48-4-1.2);
 - (26) dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2);
 - (27) dealing in a schedule IV controlled substance (IC 35-48-4-3);
 - (28) dealing in a schedule V controlled substance (IC 35-48-4-4);
or
 - (29) dealing in a controlled substance resulting in death (IC 35-42-1-1.5).
- (c) A serious violent felon who knowingly or intentionally possesses a firearm commits unlawful possession of a firearm by a serious violent felon, a Level 4 felony.

SECTION 75. IC 35-47-4-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 9. (a) As used in this section, "serious violent felony" has the meaning set forth in section 5 of this chapter.**



(b) A person who:

(1) has been adjudicated a delinquent child for committing an act while armed with a firearm that would be a serious violent felony if committed by an adult;

(2) is less than:

(A) twenty-six (26) years of age, if the delinquent act, if committed by an adult, would have been a:

- (i) Level 6 felony;**
- (ii) Level 5 felony;**
- (iii) Level 4 felony; or**
- (iv) Level 3 felony; or**

(B) twenty-eight (28) years of age, if the delinquent act, if committed by an adult, would have been:

- (i) a Level 2 felony;**
- (ii) a Level 1 felony; or**
- (iii) murder; and**

(3) knowingly or intentionally possesses a firearm; commits unlawful possession of a firearm by a dangerous person, a Level 6 felony. However, the offense is a Level 5 felony if the person has a prior unrelated conviction under this section.

SECTION 76. IC 35-47-14-2, AS AMENDED BY P.L.289-2019, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) A circuit or superior court may issue a warrant to search for and seize a firearm in the possession of an individual who is dangerous if:

(1) a law enforcement officer provides the court a sworn affidavit that:

- (A) states why the law enforcement officer believes that the individual is dangerous and in possession of a firearm; and
- (B) describes the law enforcement officer's interactions and conversations with:

- (i) the individual who is alleged to be dangerous; or
- (ii) another individual, if the law enforcement officer believes that information obtained from this individual is credible and reliable;

that have led the law enforcement officer to believe that the individual is dangerous and in possession of a firearm;

(2) the affidavit specifically describes the location of the firearm; and

(3) the circuit or superior court determines that probable cause exists to believe that the individual is:

- (A) dangerous; and



(B) in possession of a firearm.

(b) A law enforcement agency responsible for the seizure of the firearm under this section shall file a search warrant return with the court setting forth the:

- (1) quantity; and
- (2) type;

of each firearm seized from an individual under this section. **Beginning July 1, 2021, the court shall provide information described under this subsection to the office of judicial administration in a manner required by the office.**

SECTION 77. IC 35-47-14-3, AS AMENDED BY P.L.289-2019, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. (a) If a law enforcement officer seizes a firearm from an individual whom the law enforcement officer believes to be dangerous without obtaining a warrant, the law enforcement officer shall submit to the circuit or superior court having jurisdiction over the individual believed to be dangerous an affidavit describing the basis for the law enforcement officer's belief that the individual is dangerous.

(b) An affidavit described in subsection (a) shall:

- (1) **set forth the quantity and type of each firearm seized from the individual under this section; and**
- (2) be submitted to a circuit or superior court having jurisdiction over the individual believed to be dangerous not later than forty-eight (48) hours after the seizure of the firearm.

(c) The court shall review the affidavit described in subsection (a) as soon as possible.

(d) If the court finds that probable cause exists to believe that the individual is dangerous, the court shall order the law enforcement agency having custody of the firearm to retain the firearm. **Beginning July 1, 2021, the court shall provide information described under this subsection and subsection (b)(1) to the office of judicial administration in a manner required by the office.**

(e) A law enforcement agency responsible for the seizure of the firearm under this section shall file a search warrant return with the court setting forth the:

- (1) quantity; and
- (2) type;

of each firearm seized from an individual under this section:

(f) (e) If the court finds that there is no probable cause to believe that the individual is dangerous, the court shall order the law enforcement agency having custody of the firearm to return the firearm to the individual as quickly as practicable, but not later than five (5)



days after the date of the order.

SECTION 78. IC 35-47-14-6, AS AMENDED BY P.L.289-2019, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. (a) The court shall conduct a hearing as required under this chapter.

(b) The state has the burden of proving all material facts by clear and convincing evidence.

(c) If the court determines that the state has proved by clear and convincing evidence that the individual is dangerous, the court shall issue a written order:

- (1) finding the individual is dangerous (as defined in section 1 of this chapter);
- (2) ordering the law enforcement agency having custody of the seized firearm to retain the firearm;
- (3) ordering the individual's license to carry a handgun, if applicable, suspended; and
- (4) enjoining the individual from:
 - (A) renting;
 - (B) receiving transfer of;
 - (C) owning; or
 - (D) possessing;
 a firearm; and

determine whether the individual should be referred to further proceedings to consider whether the individual should be involuntarily detained or committed under IC 12-26-6-2(a)(2)(B).

(d) If the court finds that the individual is dangerous under subsection (c), the clerk shall transmit the order of the court to the office of judicial administration:

- (1) for transmission to NICS (as defined in IC 35-47-2.5-2.5); and
- (2) **beginning July 1, 2021, for the collection of certain data related to the confiscation and retention of firearms taken from dangerous individuals;**

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

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

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

- (1) the individual is not dangerous (as defined in section 1 of this chapter); and
- (2) the law enforcement agency having custody of the firearm



shall return the firearm as quickly as practicable, but not later than five (5) days after the date of the order, to the individual from whom it was seized.

SECTION 79. IC 35-47-14-8, AS AMENDED BY P.L.289-2019, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8. (a) At least one hundred eighty (180) days after the date on which a court orders a law enforcement agency to retain an individual's firearm under section 6(c) of this chapter, the individual may petition the court for a finding that the individual is no longer dangerous.

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

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

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

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

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

- (1) not later than one (1) year after the date of the order issued under section 6(c) of this chapter, the individual must prove by a preponderance of the evidence that the individual is no longer dangerous; and
- (2) later than one (1) year after the date of the order issued under section 6(c) of this chapter, the state must prove by clear and convincing evidence that the individual is still dangerous.

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

- (1) issue a court order that finds that the individual is no longer dangerous;
- (2) order the law enforcement agency having custody of any firearm to return the firearm as quickly as practicable, but not later than five (5) days after the date of the order, to the individual;
- (3) terminate any injunction issued under section 6 of this chapter; and
- (4) terminate the suspension of the individual's license to carry a handgun so that the individual may reapply for a license.

(g) If the court denies an individual's petition under this section, the individual may not file a subsequent petition until at least one hundred



eighty (180) days after the date on which the court denied the petition.

(h) If a court issues an order described under subsection (f), the court's order shall be transmitted, as soon as practicable, to the office of judicial administration for transmission to the NICS (as defined in IC 35-47-2.5-2.5) **and, beginning July 1, 2021, for the collection of certain data related to the confiscation and retention of firearms taken from dangerous individuals** in accordance with IC 33-24-6-3.

SECTION 80. IC 35-48-1-16.5, AS AMENDED BY P.L.182-2019, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 16.5. "Enhancing circumstance" means one (1) or more of the following:

- (1) The person has a prior conviction ~~in any jurisdiction~~, for dealing in a controlled substance that is not marijuana, hashish, hash oil, or salvia divinorum. ~~including an attempt or conspiracy to commit the offense.~~
- (2) The person committed the offense while in possession of a firearm.
- (3) The person committed the offense:
 - (A) on a school bus; or
 - (B) in, on, or within five hundred (500) feet of:
 - (i) school property while a person under eighteen (18) years of age was reasonably expected to be present; or
 - (ii) a public park while a person under eighteen (18) years of age was reasonably expected to be present.
- (4) The person delivered or financed the delivery of the drug to a person under eighteen (18) years of age at least three (3) years junior to the person.
- (5) The person manufactured or financed the manufacture of the drug.
- (6) The person committed the offense in the physical presence of a child less than eighteen (18) years of age, knowing that the child was present and might be able to see or hear the offense.
- (7) The person committed the offense on the property of a:
 - (A) penal facility; or
 - (B) juvenile facility (as defined in IC 35-44.1-3-5).
- (8) The person knowingly committed the offense in, on, or within one hundred (100) feet of a facility. For purposes of this subdivision, "facility" means a place that is:
 - (A) created and funded under IC 12-23-14 or IC 33-23-16;
 - (B) certified under IC 12-23-1-6; or
 - (C) used for the purpose of conducting a recovery or support group meeting;



and at which a drug abuser (as defined in IC 12-7-2-73) may be provided with treatment, care, or rehabilitation.

SECTION 81. IC 35-48-4-10.1, AS ADDED BY P.L.190-2019, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 10.1. (a) A person who:

- (1) knowingly or intentionally:
 - (A) manufactures;
 - (B) finances the manufacture of;
 - (C) delivers;
 - (D) finances the delivery of; or
 - (E) possesses;
 smokable hemp; or
- (2) possesses smokable hemp with intent to:
 - (A) manufacture;
 - (B) finance the manufacture of;
 - (C) deliver; or
 - (D) finance the delivery of;
 smokable hemp;

commits dealing in smokable hemp, a Class A misdemeanor.

(b) Subsection (a)(1)(B), (a)(1)(D), (a)(2)(B), and (a)(2)(D) do not apply to:

- (1) a financial institution organized or reorganized under the laws of Indiana, any other state, or the United States; or
- (2) any agency or instrumentality of the state or the United States.

(c) Subsection (a)(1)(C), (a)(1)(D), (a)(1)(E), (a)(2)(C), and (a)(2)(D) do not apply to the shipment of smokable hemp from a licensed producer in another state in continuous transit through Indiana to a licensed handler in any state.

SECTION 82. IC 35-48-4-12, AS AMENDED BY P.L.80-2019, SECTION 31, AND AS AMENDED BY P.L.190-2019, SECTION 32, AND AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2020 GENERAL ASSEMBLY, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 12. If a person who has no prior conviction of an offense under this article ~~or under a law of another jurisdiction~~ relating to controlled substances pleads guilty to possession of marijuana, hashish, ~~or~~ salvia, ~~or smokable hemp or a synthetic drug or a synthetic drug lookalike substance~~ as a misdemeanor, the court, without entering a judgment of conviction and with the consent of the person, may defer further proceedings and place the person in the custody of the court under conditions determined by the court. Upon violation of a condition of the custody, the court may enter a judgment of conviction. However, if



the person fulfills the conditions of the custody, the court shall dismiss the charges against the person. There may be only one (1) dismissal under this section with respect to a person.

SECTION 83. IC 35-50-1-2, AS AMENDED BY P.L.184-2019, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) As used in this section, "crime of violence" means the following:

- (1) Murder (IC 35-42-1-1).
- (2) Attempted murder (IC 35-41-5-1).
- (3) Voluntary manslaughter (IC 35-42-1-3).
- (4) Involuntary manslaughter (IC 35-42-1-4).
- (5) Reckless homicide (IC 35-42-1-5).
- (6) Battery (IC 35-42-2-1) as a:
 - (A) Level 2 felony;
 - (B) Level 3 felony;
 - (C) Level 4 felony; or
 - (D) Level 5 felony.
- (7) Domestic battery (IC 35-42-2-1.3) as a:**
 - (A) Level 2 felony;**
 - (B) Level 3 felony;**
 - (C) Level 4 felony; or**
 - (D) Level 5 felony.**
- ~~(7)~~ **(8)** Aggravated battery (IC 35-42-2-1.5).
- ~~(8)~~ **(9)** Kidnapping (IC 35-42-3-2).
- ~~(9)~~ **(10)** Rape (IC 35-42-4-1).
- ~~(10)~~ **(11)** Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
- ~~(11)~~ **(12)** Child molesting (IC 35-42-4-3).
- ~~(12)~~ **(13)** Sexual misconduct with a minor as a Level 1 felony under IC 35-42-4-9(a)(2) or a Level 2 felony under IC 35-42-4-9(b)(2).
- ~~(13)~~ **(14)** Robbery as a Level 2 felony or a Level 3 felony (IC 35-42-5-1).
- ~~(14)~~ **(15)** Burglary as a Level 1 felony, Level 2 felony, Level 3 felony, or Level 4 felony (IC 35-43-2-1).
- ~~(15)~~ **(16)** Operating a vehicle while intoxicated causing death or catastrophic injury (IC 9-30-5-5).
- ~~(16)~~ **(17)** Operating a vehicle while intoxicated causing serious bodily injury to another person (IC 9-30-5-4).
- ~~(17)~~ **(18)** Child exploitation as a Level 5 felony under IC 35-42-4-4(b) or a Level 4 felony under IC 35-42-4-4(c).
- ~~(18)~~ **(19)** Resisting law enforcement as a felony (IC 35-44.1-3-1).



~~(19)~~ **(20)** Unlawful possession of a firearm by a serious violent felon (IC 35-47-4-5).

(21) Strangulation (IC 35-42-2-9) as a Level 5 felony.

(b) As used in this section, "episode of criminal conduct" means offenses or a connected series of offenses that are closely related in time, place, and circumstance.

(c) Except as provided in subsection (e) or (f) the court shall determine whether terms of imprisonment shall be served concurrently or consecutively. The court may consider the:

- (1) aggravating circumstances in IC 35-38-1-7.1(a); and
- (2) mitigating circumstances in IC 35-38-1-7.1(b);

in making a determination under this subsection. The court may order terms of imprisonment to be served consecutively even if the sentences are not imposed at the same time. However, except for crimes of violence, the total of the consecutive terms of imprisonment, exclusive of terms of imprisonment under IC 35-50-2-8 and IC 35-50-2-10 (before its repeal) to which the defendant is sentenced for felony convictions arising out of an episode of criminal conduct shall not exceed the period described in subsection (d).

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

- (1) If the most serious crime for which the defendant is sentenced is a Level 6 felony, the total of the consecutive terms of imprisonment may not exceed four (4) years.
- (2) If the most serious crime for which the defendant is sentenced is a Level 5 felony, the total of the consecutive terms of imprisonment may not exceed seven (7) years.
- (3) If the most serious crime for which the defendant is sentenced is a Level 4 felony, the total of the consecutive terms of imprisonment may not exceed fifteen (15) years.
- (4) If the most serious crime for which the defendant is sentenced is a Level 3 felony, the total of the consecutive terms of imprisonment may not exceed twenty (20) years.
- (5) If the most serious crime for which the defendant is sentenced is a Level 2 felony, the total of the consecutive terms of imprisonment may not exceed thirty-two (32) years.
- (6) If the most serious crime for which the defendant is sentenced is a Level 1 felony, the total of the consecutive terms of imprisonment may not exceed forty-two (42) years.

(e) If, after being arrested for one (1) crime, a person commits



another crime:

- (1) before the date the person is discharged from probation, parole, or a term of imprisonment imposed for the first crime; or
- (2) while the person is released:
 - (A) upon the person's own recognizance; or
 - (B) on bond;

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

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

SECTION 84. IC 35-50-2-1, AS AMENDED BY P.L.20-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) As used in this chapter, "Level 6 felony conviction" means:

- (1) a conviction in Indiana for:
 - (A) a Class D felony, for a crime committed before July 1, 2014; or
 - (B) a Level 6 felony, for a crime committed after June 30, 2014; and
- (2) a conviction, in any other jurisdiction at any time, with respect to which the convicted person might have been imprisoned for more than one (1) year but less than two and one-half (2 1/2) years.

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

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

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

- (1) for murder, forty-five (45) years;
- (2) for a Class A felony, for a crime committed before July 1, 2014, twenty (20) years;
- (3) for a Class B felony, for a crime committed before July 1,



- 2014, six (6) years;
- (4) for a Class C felony, for a crime committed before July 1, 2014, two (2) years;
- (5) for a Class D felony, for a crime committed before July 1, 2014, one-half (1/2) year;
- (6) for a Level 1 felony, for a crime committed after June 30, 2014, twenty (20) years;
- (7) for a Level 2 felony, for a crime committed after June 30, 2014, ten (10) years;
- (8) for a Level 3 felony, for a crime committed after June 30, 2014, three (3) years;
- (9) for a Level 4 felony, for a crime committed after June 30, 2014, two (2) years;
- (10) for a Level 5 felony, for a crime committed after June 30, 2014, one (1) year; and
- (11) for a Level 6 felony, for a crime committed after June 30, 2014, one-half (1/2) year.

SECTION 85. IC 35-50-2-2.2, AS AMENDED BY P.L.252-2017, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2.2. (a) Except as provided in subsection (b), (c), (d), or (e), the court may suspend any part of a sentence for a felony.

(b) Except as provided in subsection (d), if a person is convicted of a Level 2 felony or a Level 3 felony, except a Level 2 felony or a Level 3 felony concerning a controlled substance under IC 35-48-4, and has any prior unrelated felony conviction, the court may suspend only that part of a sentence that is in excess of the minimum sentence for the:

- (1) Level 2 felony; or
- (2) Level 3 felony.

(c) If:

- (1) a person has a prior unrelated felony conviction ~~in any jurisdiction~~ for dealing in a controlled substance that is not marijuana, hashish, hash oil, or salvia divinorum; ~~or a synthetic drug, including an attempt or conspiracy to commit the offense;~~ and
- (2) the person is convicted of a Level 2 felony under IC 35-48-4-1.1 or IC 35-48-4-1.2;

the court may suspend only that part of a sentence that is in excess of the minimum sentence for the Level 2 felony.

(d) If a person:

- (1) is convicted of dealing in heroin as a Level 2 or Level 3 felony under IC 35-48-4-1 or IC 35-48-4-2; and
- (2) has a prior unrelated felony conviction;



the court may suspend only that part of a sentence that is in excess of the minimum sentence for the Level 2 or Level 3 felony.

(e) The court may suspend only that part of a sentence for murder or a Level 1 felony conviction that is in excess of the minimum sentence for murder or the Level 1 felony conviction.

SECTION 86. IC 35-50-2-14, AS AMENDED BY P.L.125-2009, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 14. (a) As used in this section, "sex offense" means a felony conviction

(1) under IC 35-42-4-1 through IC 35-42-4-9 or under IC 35-46-1-3.

(2) for an attempt or conspiracy to commit an offense described in subdivision (1); or

(3) for an offense under the laws of another jurisdiction, including a military court, that is substantially similar to an offense described in subdivision (1).

(b) The state may seek to have a person sentenced as a repeat sexual offender for a sex offense described in subsection (a)(1) or (a)(2) (a) by alleging, on a page separate from the rest of the charging instrument, that the person has accumulated one (1) prior unrelated felony conviction for a sex offense described in subsection (a).

(c) After a person has been convicted and sentenced for a felony described in subsection (a)(1) or (a)(2) (a) after having been sentenced for a prior unrelated sex offense described in subsection (a), the person has accumulated one (1) prior unrelated felony sex offense conviction. However, a conviction does not count for purposes of this subsection, if:

(1) it has been set aside; or

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

(d) If the person was convicted of the sex offense in a jury trial, the jury shall reconvene to hear evidence in the enhancement hearing. If the trial was to the court, or the judgment was entered on a guilty plea, the court alone shall hear evidence in the enhancement hearing.

(e) A person is a repeat sexual offender if the jury (if the hearing is by jury) or the court (if the hearing is to the court alone) finds that the state has proved beyond a reasonable doubt that the person had accumulated one (1) prior unrelated felony sex offense conviction.

(f) The court may sentence a person found to be a repeat sexual offender to an additional fixed term that is the advisory sentence for the underlying offense. However, the additional sentence may not exceed ten (10) years.

SECTION 87. IC 35-50-6-3.1, AS AMENDED BY P.L.44-2016,



SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3.1. (a) This section applies to a person who commits an offense after June 30, 2014.

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

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

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

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

(f) A person assigned to Class P earns one (1) day of good time credit for every four (4) days the person serves on pretrial home detention awaiting trial. **A person assigned to Class P does not earn accrued time for time served on pretrial home detention awaiting trial.**

SECTION 88. IC 35-50-6-3.3, AS AMENDED BY HEA 1120-2020, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3.3. (a) In addition to any educational credit a person earns under subsection (b), or good time credit a person earns under section 3 or 3.1 of this chapter, a person earns educational credit if the person:

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

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

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

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

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

(b) In addition to any educational credit that a person earns under subsection (a), or good time credit a person earns under section 3 or 3.1



of this chapter, a person may earn educational credit if, while confined by the department of correction, the person:

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

(9) An amount determined by the department of correction under a policy adopted by the department of correction concerning the individualized case management plan, not to exceed the maximum amount described in subsection (j).

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

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

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

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

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

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

(1) the release date that would otherwise apply to the person after



subtracting all other credit time earned by the person, if the person has not been convicted of an offense described in subdivision (2); or

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

- (A) Rape (IC 35-42-4-1).
- (B) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
- (C) Child molesting (IC 35-42-4-3).
- (D) Child exploitation (IC 35-42-4-4(b) or IC 35-42-4-4(c)).
- (E) Vicarious sexual gratification (IC 35-42-4-5).
- (F) Child solicitation (IC 35-42-4-6).
- (G) Child seduction (IC 35-42-4-7).
- (H) Sexual misconduct with a minor (IC 35-42-4-9) as a:
 - (i) Class A felony, Class B felony, or Class C felony for a crime committed before July 1, 2014; or
 - (ii) Level 1, Level 2, or Level 4 felony, for a crime committed after June 30, 2014.
- (I) Incest (IC 35-46-1-3).
- (J) Sexual battery (IC 35-42-4-8).
- (K) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age.
- (L) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age.
- ~~(M) An attempt or a conspiracy to commit a crime listed in clauses (A) through (L).~~

(j) The maximum amount of educational credit a person may earn under this section is the lesser of:

- (1) two (2) years; or
- (2) one-third (1/3) of the person's total applicable credit time.

(k) Educational credit earned under this section by an offender serving a sentence for stalking (IC 35-45-10-5), a felony against a person under IC 35-42, or for a crime listed in IC 11-8-8-5, shall be reduced to the extent that application of the educational credit would otherwise result in:

- (1) postconviction release (as defined in IC 35-40-4-6); or
- (2) assignment of the person to a community transition program; in less than forty-five (45) days after the person earns the educational credit.

(l) A person may earn educational credit for multiple degrees at the same education level under subsection (d) only in accordance with



guidelines approved by the department of correction. The department of correction may approve guidelines for proper sequence of education degrees under subsection (d).

(m) A person may not earn educational credit:

- (1) for a general educational development (GED) diploma if the person has previously earned a high school diploma; or
- (2) for a high school diploma if the person has previously earned a general educational development (GED) diploma.

(n) A person may not earn educational credit under this section if the person:

- (1) commits an offense listed in IC 11-8-8-4.5 while the person is required to register as a sex or violent offender under IC 11-8-8-7; and
- (2) is committed to the department of correction after being convicted of the offense listed in IC 11-8-8-4.5.

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

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

- (1) The ratio of case management staff to offenders participating in the individualized case management plan as of January 1, 2023.
- (2) The average number of days awarded to offenders participating in the individualized case management plan from January 1, 2022, through December 31, 2022.
- (3) The percentage of the prison population currently participating in an individualized case management plan as of January 1, 2023.
- (4) Any other data points or information related to the status of the implementation of the individualized case management plan.

This subsection expires June 30, 2023.

SECTION 89. IC 36-1-9.5-48 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 48. (a) An entity may revoke a certificate of qualification only if the entity determines that the contractor or subcontractor has done at least one (1) of the following:



- (1) Fails to timely pay or satisfactorily settle any bills due for labor and material on former or existing contracts.
- (2) Violates:
 - (A) a state or federal statute; or
 - (B) a rule or regulation of a state or federal department, board, bureau, agency, or commission.
- (3) Defaults on a contract.
- (4) Fails to enter into a contract with the entity.
- (5) Falsifies any document required by the entity, the state board of accounts, or any other agency.
- (6) Is convicted of a bidding crime. ~~in any jurisdiction.~~
- (7) Enters a plea of guilty or nolo contendere to a bidding crime in any state.
- (8) Does any of the following:
 - (A) Makes a public admission concerning a bidding crime in any state.
 - (B) Makes a presentation as an unindicted co-conspirator in a bidding crime in any state.
 - (C) Gives testimony that is protected by a grant of immunity in a trial for a bidding crime in any jurisdiction.
- (9) Fails to perform any part of an existing or previous contract.
- (10) Fails to submit in a timely manner information, documented explanations, or evidence required in the contract documents or proposal.
- (11) Has been debarred by a federal agency.
- (12) Failed to comply with any proposal requirements established by the entity concerning disadvantaged business enterprise goals or women business enterprise goals.

(b) An entity shall provide notification of a pending action for revocation in writing, setting forth the grounds for the proposed certificate revocation. The revocation becomes effective on the date determined by the entity.

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

SECTION 90. [EFFECTIVE JULY 1, 2020] (a) The legislative services agency shall prepare legislation for introduction in the 2021 regular session of the general assembly to make appropriate amendments to the Indiana Code necessary to conform with this act.

(b) This SECTION expires June 30, 2021.



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

SEA 335 — CC 1

