

SENATE BILL No. 335

DIGEST OF INTRODUCED BILL

Citations Affected: Numerous citations throughout the Indiana Code.

Synopsis: Criminal law issues. Provides that, if certain criminal penalties are increased (or, in the case of an infraction, imposed) due to a prior conviction or infraction committed by a defendant, the new offense must have been committed not later than seven years from the latter of the date: (1) of the conviction or infraction judgment; or (2) the person was released from incarceration, probation, or parole. Excludes certain crimes and classes of crimes from the seven year lookback period. Specifies the duties of an operator of a boat who is involved in an accident or collision resulting in injury. Provides that an indigent defendant has the right to consult with and be represented by counsel at the initial hearing. Adds strangulation and domestic battery to the definition of "crimes of violence". Removes: (1) unlawful possession of a firearm by a serious violent felon; and (2) resisting law enforcement by fleeing; from the definition of "crimes of violence". Specifies that references to a conviction for Indiana offenses include: (1) an attempt to commit the offense; (2) a conspiracy to commit the offense; and (3) a substantially similar offense committed in another jurisdiction. Provides that credit earned by a person on pretrial home detention does not include accrued time. Specifies that the violation of a condition of home detention does not constitute the crime of escape. Makes it a crime to possess a firearm with an obliterated serial number (under current law, it is only a crime to possess a handgun with an obliterated serial number). Provides a defense to possession of "smokable hemp" if the hemp is carried in continuous transit from another state through Indiana to another state. Makes technical corrections.

Effective: July 1, 2020.

Young M

January 13, 2020, read first time and referred to Committee on Corrections and Criminal Law.



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 BILL No. 335

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

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

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



1 penalty sentencing), and IC 35-50-2-14 (repeat sexual offender).

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

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

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

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

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

17 whichever occurred last.

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

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

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

26 (3) released from a term of incarceration, probation, or parole
27 imposed for one (1) of the prior convictions;

28 whichever occurred last.

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

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

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

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

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

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

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

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

41 SECTION 2. IC 1-1-2-4 IS ADDED TO THE INDIANA CODE AS
42 A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1,



1 2020]: Sec. 4. (a) As used in this section, "reference to a conviction
 2 for an Indiana criminal offense" includes both a specific reference
 3 to a criminal offense in Indiana (with or without an Indiana Code
 4 citation reference) and a general reference to a class or type of
 5 criminal offense, such as:

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

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

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

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

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

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

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



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

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

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

6 (2) a felony conviction that has been:

7 (A) reversed;

8 (B) vacated;

9 (C) set aside;

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

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

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

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

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

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

22 (3) in a:

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

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

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

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

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

35 (6) the person is subject to:

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

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

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

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



- 1 (1) jury has announced its verdict against the person for a felony;
 2 (2) court has announced its verdict against the person for a felony;
 3 or
 4 (3) person has pleaded guilty or nolo contendere to a felony;
 5 does not affect the operation of subsection (d).

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

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

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

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

- 22 (1) The nature and duties of the position applied for by the
 23 individual.
 24 (2) The nature and seriousness of the offense or conduct.
 25 (3) The circumstances under which the offense or conduct
 26 occurred.
 27 (4) The date of the offense or conduct.
 28 (5) The age of the individual when the offense or conduct was
 29 committed.
 30 (6) Whether the offense or conduct was an isolated or a repeated
 31 incident.
 32 (7) A social condition that may have contributed to the offense or
 33 conduct.
 34 (8) Evidence of rehabilitation, including good conduct in prison
 35 or in the community, counseling or psychiatric treatment received,
 36 acquisition of additional academic or vocational education,
 37 successful participation in a correctional work release program,
 38 or the recommendation of a person who has or has had the
 39 individual under the person's supervision.
 40 (9) The complete criminal record of the individual.
 41 (10) The prospective employer's written statement that:
 42 (A) the employer has been advised of all of the facts and



1 circumstances of the individual's criminal record; and

2 (B) after having considered the facts and circumstances, the
 3 prospective employer will hire the individual if the
 4 commission grants a waiver of the requirements of section
 5 3(2) of this chapter.

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

9 (1) A felony in violation of federal law (as classified in 18 U.S.C.
 10 3559).

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

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

16 ~~(4) (3) A felony of gambling under IC 35-45-5 or IC 35-45-6. or~~
 17 ~~a crime in any other jurisdiction in which the elements of the~~
 18 ~~crime for which the conviction was entered are substantially~~
 19 ~~similar to the elements of a crime described in IC 35-45-5 or~~
 20 ~~IC 35-45-6.~~

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

- 29 (1) The nature and duties of the position applied for by the
- 30 individual.
- 31 (2) The nature and seriousness of the offense or conduct.
- 32 (3) The circumstances under which the offense or conduct
- 33 occurred.
- 34 (4) The date of the offense or conduct.
- 35 (5) The age of the individual when the offense or conduct was
- 36 committed.
- 37 (6) Whether the offense or conduct was an isolated or a repeated
- 38 incident.
- 39 (7) A social condition that may have contributed to the offense or
- 40 conduct.
- 41 (8) Evidence of rehabilitation, including good conduct in prison
- 42 or in the community, counseling or psychiatric treatment received,



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



- 1 this chapter for an individual if:
- 2 (1) the individual has been convicted in Indiana or any other
- 3 jurisdiction of committing a felony not described in subsection (d)
- 4 or (e); and
- 5 (2) five (5) years have elapsed from the date the individual was
- 6 discharged from probation, imprisonment, or parole, whichever
- 7 is later, for the conviction described in subdivision (1).
- 8 (g) To enable a prospective employer to determine, for purposes of
- 9 subsection (c)(10), whether the prospective employer has been advised
- 10 of all of the facts and circumstances of the individual's criminal record,
- 11 the commission shall notify the prospective employer of all information
- 12 that the commission:
- 13 (1) has obtained concerning the individual; and
- 14 (2) is authorized to release under IC 5-14.
- 15 (h) The commission shall deny the individual's request to waive the
- 16 requirements of section 3(2) of this chapter if the individual fails to
- 17 disclose to both the commission and the prospective employer all
- 18 information relevant to this section.
- 19 SECTION 6. IC 7.1-1-3-13.5, AS AMENDED BY P.L.196-2015,
- 20 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 21 JULY 1, 2020]: Sec. 13.5. "Conviction for operating while intoxicated"
- 22 means a conviction (as defined in IC 9-13-2-38)
- 23 ~~(1) in Indiana~~ for a crime under IC 9-30-5-1 through IC 9-30-5-9,
- 24 IC 35-46-9-6, or IC 14-15-8 (before its repeal). ~~or~~
- 25 ~~(2) in any other jurisdiction in which the elements of the crime for~~
- 26 ~~which the conviction was entered are substantially similar to the~~
- 27 ~~elements of a crime described in IC 9-30-5-1 through IC 9-30-5-9;~~
- 28 ~~IC 35-46-9-6; or IC 14-15-8-8 (before its repeal):~~
- 29 SECTION 7. IC 7.1-3-26-5, AS AMENDED BY P.L.159-2014,
- 30 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 31 JULY 1, 2020]: Sec. 5. (a) A person located within Indiana or outside
- 32 Indiana that wants to sell and ship wine directly to a consumer must be
- 33 the holder of a direct wine seller's permit and comply with this chapter.
- 34 A person that sells and ships wine directly to a consumer without
- 35 holding a valid direct wine seller's permit commits a Class A infraction.
- 36 (b) The offense described in subsection (a) is:
- 37 (1) a Class A misdemeanor if the seller:
- 38 (A) knowingly or intentionally violates this section; and
- 39 (B) has one (1) prior unrelated conviction or judgment for an
- 40 infraction under this chapter; ~~for an act or omission that~~
- 41 ~~occurred not more than ten (10) years before the act or~~
- 42 ~~omission that is the basis for the most recent conviction or~~



- 1 judgment for an infraction; and
- 2 (2) a Level 6 felony if the seller:
 - 3 (A) knowingly or intentionally violates this section; and
 - 4 (B) has at least two (2) prior unrelated convictions or
 - 5 judgments for infractions under this chapter. ~~for acts or~~
 - 6 ~~omissions that occurred not more than ten (10) years before~~
 - 7 ~~the act or omission that is the basis for the most recent~~
 - 8 ~~conviction or judgment for an infraction.~~

9 SECTION 8. IC 7.1-3-26-6, AS AMENDED BY P.L.107-2015,
 10 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2020]: Sec. 6. (a) A seller may sell and ship wine directly only
 12 to a consumer who meets all of the following requirements:

- 13 (1) The consumer is at least twenty-one (21) years of age.
- 14 (2) The consumer has an Indiana address.
- 15 (3) The consumer intends to use wine purchased under this
- 16 chapter for personal use only and not for resale or other
- 17 commercial purposes.

18 (b) A seller who violates this section commits a Class A infraction.
 19 However, the offense is:

- 20 (1) a Class A misdemeanor if the seller:
 - 21 (A) knowingly or intentionally violates this section; and
 - 22 (B) has one (1) prior unrelated conviction or judgment for an
 - 23 infraction under this chapter; ~~for an act or omission that~~
 - 24 ~~occurred not more than ten (10) years before the act or~~
 - 25 ~~omission that is the basis for the most recent conviction or~~
 - 26 ~~judgment for an infraction; and~~
- 27 (2) a Level 6 felony if the seller:
 - 28 (A) knowingly or intentionally violates this section; and
 - 29 (B) has at least two (2) prior unrelated convictions or
 - 30 judgments for infractions under this chapter. ~~for acts or~~
 - 31 ~~omissions that occurred not more than ten (10) years before~~
 - 32 ~~the act or omission that is the basis for the most recent~~
 - 33 ~~conviction or judgment for an infraction.~~

34 SECTION 9. IC 7.1-3-26-10, AS AMENDED BY P.L.159-2014,
 35 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2020]: Sec. 10. (a) Except as provided in subsection (b), the
 37 holder of a farm winery brandy distiller's permit that ships brandy
 38 produced under this title to a consumer commits a Class A infraction.

- 39 (b) The offense described in subsection (a) is:
 - 40 (1) a Class A misdemeanor if the seller:
 - 41 (A) knowingly or intentionally violates this section; and
 - 42 (B) has one (1) prior unrelated conviction or judgment for an



1 infraction under this chapter; ~~for an act or omission that~~
 2 ~~occurred not more than ten (10) years before the act or~~
 3 ~~omission that is the basis for the most recent conviction or~~
 4 ~~judgment for an infraction;~~ and
 5 (2) a Level 6 felony if the seller:
 6 (A) knowingly or intentionally violates this section; and
 7 (B) has at least two (2) prior unrelated convictions or
 8 judgments for infractions under this chapter. ~~for acts or~~
 9 ~~omissions that occurred not more than ten (10) years before~~
 10 ~~the act or omission that is the basis for the most recent~~
 11 ~~conviction or judgment for an infraction.~~

12 SECTION 10. IC 7.1-5-7-8, AS AMENDED BY P.L.32-2019,
 13 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2020]: Sec. 8. (a) It is a Class B misdemeanor for a person to
 15 recklessly, knowingly, or intentionally sell, barter, exchange, provide,
 16 or furnish an alcoholic beverage to a minor.

17 (b) However, the offense described in subsection (a) is:
 18 (1) a Class A misdemeanor if the person has a prior unrelated
 19 conviction under this section; and
 20 (2) a Level 6 felony if the consumption, ingestion, or use of the
 21 alcoholic beverage is the proximate cause of the serious bodily
 22 injury or death of any person.

23 (c) A person who knowingly or intentionally:
 24 (1) rents property; or
 25 (2) provides or arranges for the use of property;
 26 for the purpose of allowing or enabling a minor to consume an
 27 alcoholic beverage on the property commits a Class C infraction.
 28 However, the violation is a Class B misdemeanor if the person has a
 29 prior unrelated adjudication or conviction for a violation of this section.
 30 ~~within the previous five (5) years.~~

31 (d) This section shall not be construed to impose civil liability upon
 32 any postsecondary educational institution, including public and private
 33 universities and colleges, business schools, vocational schools, and
 34 schools for continuing education, or its agents for injury to any person
 35 or property sustained in consequence of a violation of this section
 36 unless the institution or its agent:

37 (1) sells, barter, exchanges, provides, or furnishes an alcoholic
 38 beverage to a minor; or
 39 (2) either:
 40 (A) rents property; or
 41 (B) provides or arranges for the use of property;
 42 for the purpose of allowing or enabling a minor to consume an



1 alcoholic beverage on the property.

2 SECTION 11. IC 9-13-2-130 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 130. "Previous
4 conviction of operating while intoxicated" means a previous conviction
5 for:

6 ~~(1) in Indiana of:~~

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

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

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

14 SECTION 12. IC 9-21-8-56, AS AMENDED BY P.L.217-2014,
15 SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2020]: Sec. 56. (a) For purposes of this section, "highway
17 work zone" has the meaning set forth in IC 8-23-2-15.

18 (b) Except as provided in subsections (f) through (h), a person who
19 recklessly operates a vehicle in the immediate vicinity of a highway
20 work zone when workers are present commits a Class A misdemeanor.

21 (c) Except as provided in subsections (f) through (h), a person who
22 knowingly or intentionally operates a motor vehicle in the immediate
23 vicinity of a highway work zone when workers are present with the
24 intent to:

25 (1) damage traffic control devices; or

26 (2) inflict bodily injury on a worker;

27 commits a Class A misdemeanor.

28 (d) Except as provided in subsections (f) through (h), a person who
29 knowingly, intentionally, or recklessly engages in:

30 (1) aggressive driving, as defined in section 55 of this chapter; or

31 (2) a speed contest, as prohibited under IC 9-21-6-1;

32 in the immediate vicinity of a highway work zone when workers are
33 present commits a Class A misdemeanor.

34 (e) Except as provided in subsections (f) through (h), a person who
35 recklessly fails to obey a traffic control device or flagman, as
36 prohibited under section 41 of this chapter, in the immediate vicinity
37 of a highway work zone when workers are present commits a Class A
38 misdemeanor.

39 (f) An offense under subsection (b), (c), (d), or (e) is a Level 6
40 felony if the person who commits the offense:

41 (1) has a prior unrelated conviction under this section; ~~in the~~
42 ~~previous five (5) years;~~ or



1 (2) is operating the vehicle in violation of IC 9-30-5-1 or
2 IC 9-30-5-2.

3 (g) An offense under subsection (b), (c), (d), or (e) is a Level 6
4 felony if the offense results in bodily injury to a worker in the worksite.

5 (h) An offense under subsection (b), (c), (d), or (e) is a Level 5
6 felony if the offense results in the death of a worker in the worksite.

7 (i) A person who knowingly, intentionally, or recklessly engages in
8 an act described in section 55(b)(1), 55(b)(2), 55(b)(3), 55(b)(4),
9 55(b)(5), or 55(b)(6) of this chapter in the immediate vicinity of a
10 highway work zone when workers are present commits a Class B
11 infraction. Notwithstanding IC 34-28-5-5(c), the funds collected as
12 judgments for an infraction under this subsection shall be transferred
13 to the Indiana department of transportation to pay the costs of hiring off
14 duty police officers to perform the duties described in IC 8-23-2-15(b).

15 SECTION 13. IC 9-24-11-8, AS AMENDED BY P.L.198-2016,
16 SECTION 487, IS AMENDED TO READ AS FOLLOWS
17 [EFFECTIVE JULY 1, 2020]: Sec. 8. (a) Except as provided in
18 subsections (b) and (c), an individual who violates this chapter
19 commits a Class C infraction.

20 (b) An individual who:

21 (1) has been issued a permit or driver's license on which there is
22 a printed or stamped restriction as provided under section 7 of this
23 chapter; and

24 (2) operates a motor vehicle in violation of the restriction;
25 commits a Class C infraction.

26 (c) An individual who causes serious bodily injury to or the death
27 of another individual when operating a motor vehicle after knowingly
28 or intentionally failing to take prescribed medication, the taking of
29 which was a condition of the issuance of the restricted driver's license
30 under section 7 of this chapter, commits a Class A misdemeanor.
31 However, the offense is a Level 6 felony if, within the ~~five (5)~~ **seven**
32 **(7)** years preceding the commission of the offense, the individual had
33 a prior unrelated conviction under this subsection.

34 (d) An individual who violates subsection (c) commits a separate
35 offense for each individual whose serious bodily injury or death is
36 caused by the violation of subsection (c).

37 SECTION 14. IC 9-24-11-8, AS AMENDED BY P.L.178-2019,
38 SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 JULY 1, 2021]: Sec. 8. (a) Except as provided in subsections (b) and
40 (c), an individual who violates this chapter commits a Class C
41 infraction.

42 (b) An individual who:



- 1 (1) has been issued a permit or driver's license on which there is
- 2 a notated restriction as provided under section 7 of this chapter;
- 3 and
- 4 (2) operates a motor vehicle in violation of the restriction;
- 5 commits a Class C infraction.

6 (c) An individual who causes serious bodily injury to or the death
 7 of another individual when operating a motor vehicle after knowingly
 8 or intentionally failing to take prescribed medication, the taking of
 9 which was a condition of the issuance of the restricted driver's license
 10 under section 7 of this chapter, commits a Class A misdemeanor.
 11 However, the offense is a Level 6 felony if, within the ~~five (5)~~ **seven**
 12 **(7)** years preceding the commission of the offense, the individual had
 13 a prior unrelated conviction under this subsection.

14 (d) An individual who violates subsection (c) commits a separate
 15 offense for each individual whose serious bodily injury or death is
 16 caused by the violation of subsection (c).

17 SECTION 15. IC 9-26-1-1.1, AS AMENDED BY P.L.184-2019,
 18 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2020]: Sec. 1.1. (a) The operator of a motor vehicle involved
 20 in an accident shall do the following:

21 (1) Except as provided in section 1.2 of this chapter, the operator
 22 shall immediately stop the operator's motor vehicle:

- 23 (A) at the scene of the accident; or
 - 24 (B) as close to the accident as possible;
- 25 in a manner that does not obstruct traffic more than is necessary.

26 (2) Remain at the scene of the accident until the operator does the
 27 following:

- 28 (A) Gives the operator's name and address and the registration
 29 number of the motor vehicle the operator was driving to any
 30 person involved in the accident.
- 31 (B) Exhibits the operator's driver's license to any person
 32 involved in the accident or occupant of or any person attending
 33 to any vehicle involved in the accident.

34 (3) If the accident results in the injury or death of another person,
 35 the operator shall, in addition to the requirements of subdivisions
 36 (1) and (2):

- 37 (A) provide reasonable assistance to each person injured in or
 38 entrapped by the accident, as directed by a law enforcement
 39 officer, medical personnel, or a 911 telephone operator; and
- 40 (B) as soon as possible after the accident, immediately give
 41 notice of the accident, or ensure that another person gives
 42 notice of the accident, by the quickest means of



- 1 communication to one (1) of the following:
- 2 (i) The local police department, if the accident occurs within
- 3 a municipality.
- 4 (ii) The office of the county sheriff or the nearest state police
- 5 post, if the accident occurs outside a municipality.
- 6 (iii) A 911 telephone operator.
- 7 (4) If the accident involves a collision with an unattended vehicle
- 8 or damage to property other than a vehicle, the operator shall, in
- 9 addition to the requirements of subdivisions (1) and (2):
- 10 (A) take reasonable steps to locate and notify the owner or
- 11 person in charge of the damaged vehicle or property of the
- 12 damage; and
- 13 (B) if after reasonable inquiry the operator cannot find the
- 14 owner or person in charge of the damaged vehicle or property,
- 15 the operator must contact a law enforcement officer or agency
- 16 and provide the information required by this section.
- 17 (b) An operator of a motor vehicle who knowingly or intentionally
- 18 fails to comply with subsection (a) commits leaving the scene of an
- 19 accident, a Class B misdemeanor. However, the offense is:
- 20 (1) a Class A misdemeanor if the accident results in bodily injury
- 21 to another person;
- 22 (2) a Level 6 felony if:
- 23 (A) the accident results in moderate or serious bodily injury to
- 24 another person; or
- 25 (B) ~~within the five (5) years preceding the commission of the~~
- 26 ~~offense~~; the operator had a previous conviction of any of the
- 27 offenses listed in IC 9-30-10-4(a);
- 28 (3) a Level 4 felony if the accident results in the death or
- 29 catastrophic injury of another person; and
- 30 (4) a Level 3 felony if the operator knowingly or intentionally
- 31 fails to stop or comply with subsection (a) during or after the
- 32 commission of the offense of operating while intoxicated causing
- 33 serious bodily injury (IC 9-30-5-4) or operating while intoxicated
- 34 causing death or catastrophic injury (IC 9-30-5-5).
- 35 (c) An operator of a motor vehicle who commits an offense under
- 36 subsection (b)(1), (b)(2), (b)(3), or (b)(4) commits a separate offense
- 37 for each person whose injury or death was a result of the accident.
- 38 (d) A court may order terms of imprisonment imposed on a person
- 39 convicted of more than one (1) offense described in subsection (b)(1),
- 40 (b)(2), (b)(3), or (b)(4) to run consecutively. Consecutive terms of
- 41 imprisonment imposed under this subsection are not subject to the
- 42 sentencing restrictions set forth in IC 35-50-1-2(c) through



- 1 IC 35-50-1-2(d).
- 2 SECTION 16. IC 9-30-4-6.1, AS ADDED BY P.L.198-2016,
 3 SECTION 598, IS AMENDED TO READ AS FOLLOWS
 4 [EFFECTIVE JULY 1, 2020]: Sec. 6.1. (a) The bureau shall suspend
 5 or revoke the current driver's license or driving privileges and all
 6 certificates of registration and proof of registration issued to or
 7 registered in the name of an individual who is convicted of any of the
 8 following:
- 9 (1) Manslaughter or reckless homicide resulting from the
 10 operation of a motor vehicle.
 - 11 (2) Knowingly making a false application, or committing perjury
 12 with respect to an application made, under:
 - 13 (A) this chapter; or
 - 14 (B) any other law requiring the registration of motor vehicles
 15 or regulating motor vehicle operation on highways.
 - 16 (3) Three (3) charges of criminal recklessness involving the use
 17 of a motor vehicle within the preceding twelve (12) months.
 - 18 (4) Failure to stop and give information or assistance or failure to
 19 stop and disclose the individual's identity at the scene of an
 20 accident that has resulted in death, personal injury, or property
 21 damage in excess of two hundred dollars (\$200).
- 22 However, and unless otherwise required by law, the bureau may not
 23 suspend a certificate of registration or proof of registration if the
 24 individual gives and maintains, during the three (3) years following the
 25 date of suspension or revocation, proof of financial responsibility in the
 26 future in the manner specified in this section.
- 27 ~~(b) The bureau shall suspend a driver's license or driving privileges~~
 28 ~~of an individual upon conviction in another jurisdiction for the~~
 29 ~~following:~~
- 30 ~~(1) Manslaughter or reckless homicide resulting from the~~
 31 ~~operation of a motor vehicle.~~
 - 32 ~~(2) Knowingly making a false application, or committing perjury~~
 33 ~~with respect to an application made, under:~~
 - 34 ~~(A) this chapter; or~~
 - 35 ~~(B) any other law requiring the registration of motor vehicles~~
 36 ~~or regulating motor vehicle operation on highways.~~
 - 37 ~~(3) Three (3) charges of criminal recklessness involving the use~~
 38 ~~of a motor vehicle within the preceding twelve (12) months.~~
 - 39 ~~(4) Failure to stop and give information or assistance or failure to~~
 40 ~~stop and disclose the individual's identity at the scene of an~~
 41 ~~accident that has resulted in death, personal injury, or property~~
 42 ~~damage in excess of two hundred dollars (\$200).~~



1 However, if property damage under subdivision (4) is equal to or less
 2 than two hundred dollars (\$200), the bureau may determine whether
 3 the driver's license or driving privileges and certificates of registration
 4 and proof of registration shall be suspended or revoked.

5 (c) (b) An individual whose driving privileges are suspended under
 6 this chapter is eligible for specialized driving privileges under
 7 IC 9-30-16.

8 (d) (c) A suspension or revocation remains in effect and a new or
 9 renewal license may not be issued to the individual and a motor vehicle
 10 may not be registered in the name of the individual as follows:

11 (1) Except as provided in subdivision (2), for six (6) months after
 12 the date of conviction or on the date on which the individual is
 13 otherwise eligible for a license, whichever is later.

14 (2) Upon conviction of an offense described in subsection (a)(1)
 15 or (a)(4), ~~(b)(1)~~, or ~~(b)(4)~~, when the accident has resulted in
 16 death, for a fixed period of at least two (2) years and not more
 17 than five (5) years, to be fixed by the bureau based upon
 18 recommendation of the court entering a conviction. A new or
 19 reinstated driver's license or driving privileges may not be issued
 20 to the individual unless that individual, within the three (3) years
 21 following the expiration of the suspension or revocation, gives
 22 and maintains in force at all times during the effective period of
 23 a new or reinstated license proof of financial responsibility in the
 24 future in the manner specified in this chapter. However, the
 25 liability of the insurance carrier under a motor vehicle liability
 26 policy that is furnished for proof of financial responsibility in the
 27 future as set out in this chapter becomes absolute whenever loss
 28 or damage covered by the policy occurs, and the satisfaction by
 29 the insured of a final judgment for loss or damage is not a
 30 condition precedent to the right or obligation of the carrier to
 31 make payment on account of loss or damage, but the insurance
 32 carrier has the right to settle a claim covered by the policy. If the
 33 settlement is made in good faith, the amount must be deducted
 34 from the limits of liability specified in the policy. A policy may
 35 not be canceled or annulled with respect to a loss or damage by an
 36 agreement between the carrier and the insured after the insured
 37 has become responsible for the loss or damage, and a cancellation
 38 or annulment is void. The policy may provide that the insured or
 39 any other person covered by the policy shall reimburse the
 40 insurance carrier for payment made on account of any loss or
 41 damage claim or suit involving a breach of the terms, provisions,
 42 or conditions of the policy. If the policy provides for limits that



1 exceed the limits specified in this chapter, the insurance carrier
 2 may plead against any plaintiff, with respect to the amount of the
 3 excess limits of liability, any defenses that the carrier may be
 4 entitled to plead against the insured. The policy may further
 5 provide for prorating of the insurance with other applicable valid
 6 and collectible insurance. An action does not lie against the
 7 insurance carrier by or on behalf of any claimant under the policy
 8 until a final judgment has been obtained after actual trial by or on
 9 behalf of any claimant under the policy.

10 ~~(e)~~ (d) The bureau may take action as required in this section upon
 11 receiving satisfactory evidence of a conviction of an individual in
 12 another state.

13 ~~(f)~~ (e) A suspension or revocation under this section or
 14 IC 9-30-13-0.5 stands pending appeal of the conviction to a higher
 15 court and may be set aside or modified only upon the receipt by the
 16 bureau of the certificate of the court reversing or modifying the
 17 judgment that the cause has been reversed or modified. However, if the
 18 suspension or revocation follows a conviction in a court of no record
 19 in Indiana, the suspension or revocation is stayed pending appeal of the
 20 conviction to a court of record.

21 ~~(g)~~ (f) A person aggrieved by an order or act of the bureau under
 22 this section or IC 9-30-13-0.5 may file a petition for a court review.

23 ~~(h)~~ (g) An entry in the driving record of a defendant stating that
 24 notice of suspension or revocation was mailed by the bureau to the
 25 defendant constitutes prima facie evidence that the notice was mailed
 26 to the defendant's address as shown in the records of the bureau.

27 SECTION 17. IC 9-30-5-3, AS AMENDED BY P.L.184-2019,
 28 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2020]: Sec. 3. (a) Except as provided in subsection (b), a
 30 person who violates section 1 or 2 of this chapter commits a Level 6
 31 felony if:

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

36 (2) the person:

37 (A) is at least twenty-one (21) years of age;

38 (B) violates section 1(b) or 2(b) of this chapter; and

39 (C) operated a vehicle in which at least one (1) passenger was
 40 less than eighteen (18) years of age.

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



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

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

5 SECTION 18. IC 9-30-5-4, AS AMENDED BY P.L.184-2019,
6 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2020]: Sec. 4. (a) A person who causes serious bodily injury
8 to another person when operating a vehicle:

9 (1) with an alcohol concentration equivalent to at least
10 eight-hundredths (0.08) gram of alcohol per:

11 (A) one hundred (100) milliliters of the person's blood; or

12 (B) two hundred ten (210) liters of the person's breath;

13 (2) with a controlled substance listed in schedule I or II of
14 IC 35-48-2 or its metabolite in the person's blood; or

15 (3) while intoxicated;

16 commits a Level 5 felony. However, the offense is a Level 4 felony if
17 the person has a previous conviction of operating while intoxicated
18 within the ~~five (5)~~ **seven (7)** years preceding the commission of the
19 offense.

20 (b) A person who violates subsection (a) commits a separate offense
21 for each person whose serious bodily injury is caused by the violation
22 of subsection (a).

23 (c) It is a defense under subsection (a)(2) that the accused person
24 consumed the controlled substance in accordance with a valid
25 prescription or order of a practitioner (as defined in IC 35-48-1) who
26 acted in the course of the practitioner's professional practice.

27 SECTION 19. IC 10-13-3-27, AS AMENDED BY P.L.32-2019,
28 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 JULY 1, 2020]: Sec. 27. (a) Except as provided in subsection (b), on
30 request, a law enforcement agency shall release a limited criminal
31 history to or allow inspection of a limited criminal history by
32 noncriminal justice organizations or individuals only if the subject of
33 the request:

34 (1) has applied for employment with a noncriminal justice
35 organization or individual;

36 (2) has:

37 (A) applied for a license or is maintaining a license; and

38 (B) provided criminal history data as required by law to be
39 provided in connection with the license;

40 (3) is a candidate for public office or a public official;

41 (4) is in the process of being apprehended by a law enforcement
42 agency;



- 1 (5) is placed under arrest for the alleged commission of a crime;
 2 (6) has charged that the subject's rights have been abused
 3 repeatedly by criminal justice agencies;
 4 (7) is the subject of a judicial decision or determination with
 5 respect to the setting of bond, plea bargaining, sentencing, or
 6 probation;
 7 (8) has volunteered services that involve contact with, care of, or
 8 supervision over a child who is being placed, matched, or
 9 monitored by a social services agency or a nonprofit corporation;
 10 (9) is currently residing in a location designated by the
 11 department of child services (established by IC 31-25-1-1) or by
 12 a juvenile court as the out-of-home placement for a child at the
 13 time the child will reside in the location;
 14 (10) has volunteered services at a public school (as defined in
 15 IC 20-18-2-15) or nonpublic school (as defined in IC 20-18-2-12)
 16 that involve contact with, care of, or supervision over a student
 17 enrolled in the school;
 18 (11) is being investigated for welfare fraud by an investigator of
 19 the division of family resources or a county office of the division
 20 of family resources;
 21 (12) is being sought by the parent locator service of the child
 22 support bureau of the department of child services;
 23 (13) is or was required to register as a sex or violent offender
 24 under IC 11-8-8;
 25 (14) has been convicted of any of the following:
 26 (A) Rape (IC 35-42-4-1), if the victim is less than eighteen
 27 (18) years of age.
 28 (B) Criminal deviate conduct (IC 35-42-4-2) (repealed), if the
 29 victim is less than eighteen (18) years of age.
 30 (C) Child molesting (IC 35-42-4-3).
 31 (D) Child exploitation (IC 35-42-4-4(b) or IC 35-42-4-4(c)).
 32 (E) Possession of child pornography (IC 35-42-4-4(d) or
 33 IC 35-42-4-4(e)).
 34 (F) Vicarious sexual gratification (IC 35-42-4-5).
 35 (G) Child solicitation (IC 35-42-4-6).
 36 (H) Child seduction (IC 35-42-4-7).
 37 (I) Sexual misconduct with a minor as a felony (IC 35-42-4-9).
 38 (J) Incest (IC 35-46-1-3), if the victim is less than eighteen
 39 (18) years of age;
 40 ~~(K) Attempt under IC 35-41-5-1 to commit an offense listed in~~
 41 ~~clauses (A) through (J).~~
 42 ~~(L) Conspiracy under IC 35-41-5-2 to commit an offense listed~~



- 1 in clauses (A) through (J);
 2 ~~(M) An offense in any other jurisdiction in which the elements~~
 3 ~~of the offense for which the conviction was entered are~~
 4 ~~substantially similar to the elements of an offense described~~
 5 ~~under clauses (A) through (J);~~
 6 (15) is identified as a possible perpetrator of child abuse or
 7 neglect in an assessment conducted by the department of child
 8 services under IC 31-33-8; or
 9 (16) is:
 10 (A) a parent, guardian, or custodian of a child; or
 11 (B) an individual who is at least eighteen (18) years of age and
 12 resides in the home of the parent, guardian, or custodian;
 13 with whom the department of child services or a county probation
 14 department has a case plan, dispositional decree, or permanency
 15 plan approved under IC 31-34 or IC 31-37 that provides for
 16 reunification following an out-of-home placement.
 17 However, limited criminal history information obtained from the
 18 National Crime Information Center may not be released under this
 19 section except to the extent permitted by the Attorney General of the
 20 United States.
 21 (b) A law enforcement agency shall allow inspection of a limited
 22 criminal history by and release a limited criminal history to the
 23 following noncriminal justice organizations:
 24 (1) Federally chartered or insured banking institutions.
 25 (2) Officials of state and local government for any of the
 26 following purposes:
 27 (A) Employment with a state or local governmental entity.
 28 (B) Licensing.
 29 (3) Segments of the securities industry identified under 15 U.S.C.
 30 78q(f)(2).
 31 (c) Any person who knowingly or intentionally uses limited criminal
 32 history for any purpose not specified under this section commits a
 33 Class C infraction. However, the violation is a Class A misdemeanor
 34 if the person has a prior unrelated adjudication or conviction for a
 35 violation of this section within the previous five (5) years.
 36 SECTION 20. IC 10-13-6-10, AS AMENDED BY P.L.111-2017,
 37 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2020]: Sec. 10. (a) This section applies to the following:
 39 (1) A person arrested for a felony after December 31, 2017.
 40 (2) A person convicted of a felony under IC 35-42 (offenses
 41 against the person) or IC 35-43-2-1 (burglary):
 42 (A) after June 30, 1996, whether or not the person is sentenced



- 1 to a term of imprisonment; or
 2 (B) before July 1, 1996, if the person is held in jail or prison
 3 on or after July 1, 1996.
- 4 (3) A person convicted of a criminal law in effect before October
 5 1, 1977, that penalized an act substantially similar to a felony
 6 described in IC 35-42 or IC 35-43-2-1 or that would have been an
 7 included offense of a felony described in IC 35-42 or
 8 IC 35-43-2-1 if the felony had been in effect:
- 9 (A) after June 30, 1998, whether or not the person is sentenced
 10 to a term of imprisonment; or
 11 (B) before July 1, 1998, if the person is held in jail or prison
 12 on or after July 1, 1998.
- 13 (4) A person convicted of a felony: ~~conspiracy to commit a felony;~~
 14 ~~or attempt to commit a felony:~~
- 15 (A) after June 30, 2005, whether or not the person is sentenced
 16 to a term of imprisonment; or
 17 (B) before July 1, 2005, if the person is held in jail or prison
 18 on or after July 1, 2005.
- 19 (b) A person described in subsection (a) shall provide a DNA
 20 sample to the:
- 21 (1) department of correction or the designee of the department of
 22 correction if the offender is committed to the department of
 23 correction;
- 24 (2) county sheriff or the designee of the county sheriff if the
 25 offender is held in a county jail or other county penal facility,
 26 placed in a community corrections program (as defined in
 27 IC 35-38-2.6-2), placed on probation, or released on bond;
- 28 (3) agency that supervises the person, or the agency's designee, if
 29 the person is on conditional release in accordance with
 30 IC 35-38-1-27; or
- 31 (4) sheriff, in the case of a person arrested for a felony.
- 32 A DNA sample provided under subdivision (4) may be obtained only
 33 by buccal swab. A person is not required to submit a blood sample if
 34 doing so would present a substantial and an unreasonable risk to the
 35 person's health.
- 36 (c) The detention, arrest, or conviction of a person based on a data
 37 base match or data base information is not invalidated if a court
 38 determines that the DNA sample was obtained or placed in the Indiana
 39 DNA data base by mistake.
- 40 (d) The officer, employee, or designee who obtains a DNA sample
 41 from a person under this section shall:
- 42 (1) inform the person of the person's right to DNA removal under



- 1 section 18 of this chapter; and
 2 (2) provide the person with instructions and a form that may be
 3 used for DNA removal.
 4 (e) This subsection applies only to a DNA sample provided by a
 5 person arrested for a felony. A person described in subsection (b)(1),
 6 (b)(2), (b)(3), or (b)(4) may not ship a DNA sample collected from a
 7 felony arrestee for DNA identification testing unless:
 8 (1) the arrestee was arrested pursuant to a felony arrest warrant;
 9 or
 10 (2) a court has found probable cause for the felony arrest.
 11 SECTION 21. IC 11-8-8-4.5, AS AMENDED BY P.L.144-2018,
 12 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2020]: Sec. 4.5. (a) Except as provided in section 22 of this
 14 chapter, as used in this chapter, "sex offender" means a person
 15 convicted of any of the following offenses:
 16 (1) Rape (IC 35-42-4-1).
 17 (2) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
 18 (3) Child molesting (IC 35-42-4-3).
 19 (4) Child exploitation (IC 35-42-4-4(b) or IC 35-42-4-4(c)).
 20 (5) Vicarious sexual gratification (including performing sexual
 21 conduct in the presence of a minor) (IC 35-42-4-5).
 22 (6) Child solicitation (IC 35-42-4-6).
 23 (7) Child seduction (IC 35-42-4-7).
 24 (8) Sexual misconduct with a minor (IC 35-42-4-9) as a Class A,
 25 Class B, or Class C felony (for a crime committed before July 1,
 26 2014) or a Level 1, Level 2, Level 4, or Level 5 felony (for a
 27 crime committed after June 30, 2014), unless:
 28 (A) the person is convicted of sexual misconduct with a minor
 29 as a Class C felony (for a crime committed before July 1,
 30 2014) or a Level 5 felony (for a crime committed after June
 31 30, 2014);
 32 (B) the person is not more than:
 33 (i) four (4) years older than the victim if the offense was
 34 committed after June 30, 2007; or
 35 (ii) five (5) years older than the victim if the offense was
 36 committed before July 1, 2007; and
 37 (C) the sentencing court finds that the person should not be
 38 required to register as a sex offender.
 39 (9) Incest (IC 35-46-1-3).
 40 (10) Sexual battery (IC 35-42-4-8).
 41 (11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen
 42 (18) years of age, and the person who kidnapped the victim is not



- 1 the victim's parent or guardian.
 2 (12) Criminal confinement (IC 35-42-3-3), if the victim is less
 3 than eighteen (18) years of age, and the person who confined or
 4 removed the victim is not the victim's parent or guardian.
 5 (13) Possession of child pornography (IC 35-42-4-4(d) or
 6 IC 35-42-4-4(e)).
 7 (14) Promoting prostitution (IC 35-45-4-4) as a Class B felony
 8 (for a crime committed before July 1, 2014) or a Level 4 felony
 9 (for a crime committed after June 30, 2014).
 10 (15) Promotion of human sexual trafficking under
 11 IC 35-42-3.5-1.1.
 12 (16) Promotion of child sexual trafficking under
 13 IC 35-42-3.5-1.2(a).
 14 (17) Promotion of sexual trafficking of a younger child
 15 (IC 35-42-3.5-1.2(c)).
 16 (18) Child sexual trafficking (IC 35-42-3.5-1.3).
 17 (19) Human trafficking under IC 35-42-3.5-1.4 if the victim is
 18 less than eighteen (18) years of age.
 19 (20) Sexual misconduct by a service provider with a detained or
 20 supervised child (IC 35-44.1-3-10(c)).
 21 ~~(21) An attempt or conspiracy to commit a crime listed in this~~
 22 ~~subsection.~~
 23 ~~(22) A crime under the laws of another jurisdiction, including a~~
 24 ~~military court, that is substantially equivalent to any of the~~
 25 ~~offenses listed in this subsection.~~
 26 (b) The term includes:
 27 (1) a person who is required to register as a sex offender in any
 28 jurisdiction; and
 29 (2) a child who has committed a delinquent act and who:
 30 (A) is at least fourteen (14) years of age;
 31 (B) is on probation, is on parole, is discharged from a facility
 32 by the department of correction, is discharged from a secure
 33 private facility (as defined in IC 31-9-2-115), or is discharged
 34 from a juvenile detention facility as a result of an adjudication
 35 as a delinquent child for an act that would be an offense
 36 described in subsection (a) if committed by an adult; and
 37 (C) is found by a court by clear and convincing evidence to be
 38 likely to repeat an act that would be an offense described in
 39 subsection (a) if committed by an adult.
 40 (c) In making a determination under subsection (b)(2)(C), the court
 41 shall consider expert testimony concerning whether a child is likely to
 42 repeat an act that would be an offense described in subsection (a) if



- 1 committed by an adult.
- 2 SECTION 22. IC 11-8-8-5, AS AMENDED BY P.L.144-2018,
 3 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 4 JULY 1, 2020]: Sec. 5. (a) Except as provided in section 22 of this
 5 chapter, as used in this chapter, "sex or violent offender" means a
 6 person convicted of any of the following offenses:
- 7 (1) Rape (IC 35-42-4-1).
 - 8 (2) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
 - 9 (3) Child molesting (IC 35-42-4-3).
 - 10 (4) Child exploitation (IC 35-42-4-4(b) or IC 35-42-4-4(c)).
 - 11 (5) Vicarious sexual gratification (including performing sexual
 12 conduct in the presence of a minor) (IC 35-42-4-5).
 - 13 (6) Child solicitation (IC 35-42-4-6).
 - 14 (7) Child seduction (IC 35-42-4-7).
 - 15 (8) Sexual misconduct with a minor (IC 35-42-4-9) as a Class A,
 16 Class B, or Class C felony (for a crime committed before July 1,
 17 2014) or a Level 1, Level 2, Level 4, or Level 5 felony (for a
 18 crime committed after June 30, 2014), unless:
 - 19 (A) the person is convicted of sexual misconduct with a minor
 20 as a Class C felony (for a crime committed before July 1,
 21 2014) or a Level 5 felony (for a crime committed after June
 22 30, 2014);
 - 23 (B) the person is not more than:
 - 24 (i) four (4) years older than the victim if the offense was
 25 committed after June 30, 2007; or
 - 26 (ii) five (5) years older than the victim if the offense was
 27 committed before July 1, 2007; and
 - 28 (C) the sentencing court finds that the person should not be
 29 required to register as a sex offender.
 - 30 (9) Incest (IC 35-46-1-3).
 - 31 (10) Sexual battery (IC 35-42-4-8).
 - 32 (11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen
 33 (18) years of age, and the person who kidnapped the victim is not
 34 the victim's parent or guardian.
 - 35 (12) Criminal confinement (IC 35-42-3-3), if the victim is less
 36 than eighteen (18) years of age, and the person who confined or
 37 removed the victim is not the victim's parent or guardian.
 - 38 (13) Possession of child pornography (IC 35-42-4-4(d) or
 39 IC 35-42-4-4(e)).
 - 40 (14) Promoting prostitution (IC 35-45-4-4) as a Class B felony
 41 (for a crime committed before July 1, 2014) or a Level 4 felony
 42 (for a crime committed after June 30, 2014).



- 1 (15) Promotion of human sexual trafficking under
- 2 IC 35-42-3.5-1.1.
- 3 (16) Promotion of child sexual trafficking under
- 4 IC 35-42-3.5-1.2(a).
- 5 (17) Promotion of sexual trafficking of a younger child
- 6 (IC 35-42-3.5-1.2(c)).
- 7 (18) Child sexual trafficking (IC 35-42-3.5-1.3).
- 8 (19) Human trafficking under IC 35-42-3.5-1.4 if the victim is
- 9 less than eighteen (18) years of age.
- 10 (20) Murder (IC 35-42-1-1).
- 11 (21) Voluntary manslaughter (IC 35-42-1-3).
- 12 (22) Sexual misconduct by a service provider with a detained or
- 13 supervised child (IC 35-44.1-3-10(c)).
- 14 ~~(23) An attempt or conspiracy to commit a crime listed in this~~
- 15 ~~subsection.~~
- 16 ~~(24) A crime under the laws of another jurisdiction, including a~~
- 17 ~~military court, that is substantially equivalent to any of the~~
- 18 ~~offenses listed in this subsection.~~
- 19 (b) The term includes:
- 20 (1) a person who is required to register as a sex or violent
- 21 offender in any jurisdiction; and
- 22 (2) a child who has committed a delinquent act and who:
- 23 (A) is at least fourteen (14) years of age;
- 24 (B) is on probation, is on parole, is discharged from a facility
- 25 by the department of correction, is discharged from a secure
- 26 private facility (as defined in IC 31-9-2-115), or is discharged
- 27 from a juvenile detention facility as a result of an adjudication
- 28 as a delinquent child for an act that would be an offense
- 29 described in subsection (a) if committed by an adult; and
- 30 (C) is found by a court by clear and convincing evidence to be
- 31 likely to repeat an act that would be an offense described in
- 32 subsection (a) if committed by an adult.
- 33 (c) In making a determination under subsection (b)(2)(C), the court
- 34 shall consider expert testimony concerning whether a child is likely to
- 35 repeat an act that would be an offense described in subsection (a) if
- 36 committed by an adult.
- 37 SECTION 23. IC 11-8-8-17, AS AMENDED BY P.L.44-2018,
- 38 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 39 JULY 1, 2020]: Sec. 17. (a) A sex or violent offender who knowingly
- 40 or intentionally:
- 41 (1) fails to register when required to register under this chapter;
- 42 (2) fails to register in every location where the sex or violent



1 offender is required to register under this chapter;
 2 (3) makes a material misstatement or omission while registering
 3 as a sex or violent offender under this chapter;
 4 (4) fails to register in person as required under this chapter; or
 5 (5) does not reside at the sex or violent offender's registered
 6 address or location;
 7 commits a Level 6 felony.

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

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

14 (3) that

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

17 ~~(B) is:~~

18 ~~(i) the same or substantially similar to an offense under this~~
 19 ~~section; or~~

20 ~~(ii) is based on the person's failure to comply with a~~
 21 ~~requirement imposed on the person that is the same or~~
 22 ~~substantially similar to a requirement imposed on a sex or~~
 23 ~~violent offender under this chapter or under IC 5-2-12 before~~
 24 ~~its repeal.~~

25 (c) It is not a defense to a prosecution under this section that the sex
 26 or violent offender was unable to pay the sex or violent offender
 27 registration fee or the sex or violent offender address change fee
 28 described under IC 36-2-13-5.6.

29 SECTION 24. IC 11-12-3.7-6, AS AMENDED BY P.L.211-2019,
 30 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2020]: Sec. 6. As used in this chapter, "violent offense" means
 32 one (1) or more of the following offenses:

- 33 (1) Murder (IC 35-42-1-1).
 34 (2) Attempted murder (IC 35-41-5-1).
 35 (3) Voluntary manslaughter (IC 35-42-1-3).
 36 (4) Involuntary manslaughter (IC 35-42-1-4).
 37 (5) Reckless homicide (IC 35-42-1-5).
 38 (6) Aggravated battery (IC 35-42-2-1.5).
 39 (7) Battery (IC 35-42-2-1) as a:
 40 (A) Class A felony, Class B felony, or Class C felony (for a
 41 crime committed before July 1, 2014); or
 42 (B) Level 2 felony, Level 3 felony, or Level 5 felony (for a



- 1 crime committed after June 30, 2014).
2 (8) Kidnapping (IC 35-42-3-2).
3 (9) A sex crime listed in IC 35-42-4-1 through IC 35-42-4-8 that
4 is a:
5 (A) Class A felony, Class B felony, or Class C felony (for a
6 crime committed before July 1, 2014); or
7 (B) Level 1 felony, Level 2 felony, Level 3 felony, Level 4
8 felony, or Level 5 felony (for a crime committed after June 30,
9 2014).
10 (10) Sexual misconduct with a minor (IC 35-42-4-9) as a:
11 (A) Class A felony or Class B felony (for a crime committed
12 before July 1, 2014); or
13 (B) Level 1 felony, Level 2 felony, or Level 4 felony (for a
14 crime committed after June 30, 2014).
15 (11) Incest (IC 35-46-1-3).
16 (12) Robbery (IC 35-42-5-1) as a:
17 (A) Class A felony or a Class B felony (for a crime committed
18 before July 1, 2014); or
19 (B) Level 2 felony or Level 3 felony (for a crime committed
20 after June 30, 2014).
21 (13) Burglary (IC 35-43-2-1) as a:
22 (A) Class A felony or a Class B felony (for a crime committed
23 before July 1, 2014); or
24 (B) Level 1 felony, Level 2 felony, Level 3 felony, or Level 4
25 felony (for a crime committed after June 30, 2014).
26 (14) Carjacking (IC 35-42-5-2) (repealed).
27 (15) Assisting a criminal (IC 35-44.1-2-5) as a:
28 (A) Class C felony (for a crime committed before July 1,
29 2014); or
30 (B) Level 5 felony (for a crime committed after June 30,
31 2014).
32 (16) Escape (IC 35-44.1-3-4) as a:
33 (A) Class B felony or Class C felony (for a crime committed
34 before July 1, 2014); or
35 (B) Level 4 felony or Level 5 felony (for a crime committed
36 after June 30, 2014).
37 (17) Trafficking with an inmate (IC 35-44.1-3-5) as a:
38 (A) Class C felony (for a crime committed before July 1,
39 2014); or
40 (B) Level 5 felony (for a crime committed after June 30,
41 2014).
42 (18) Causing death or catastrophic injury when operating a



- 1 vehicle (IC 9-30-5-5).
 2 (19) Criminal confinement (IC 35-42-3-3) as a:
 3 (A) Class B felony (for a crime committed before July 1,
 4 2014); or
 5 (B) Level 3 felony (for a crime committed after June 30,
 6 2014).
 7 (20) Arson (IC 35-43-1-1) as a:
 8 (A) Class A or Class B felony (for a crime committed before
 9 July 1, 2014); or
 10 (B) Level 2, Level 3, or Level 4 felony (for a crime committed
 11 after June 30, 2014).
 12 (21) Possession, use, or manufacture of a weapon of mass
 13 destruction (IC 35-46.5-2-1) (or IC 35-47-12-1 before its repeal).
 14 (22) Terroristic mischief (IC 35-46.5-2-3) (or IC 35-47-12-3
 15 before its repeal) as a:
 16 (A) Class B felony (for a crime committed before July 1,
 17 2014); or
 18 (B) Level 4 felony (for a crime committed after June 30,
 19 2014).
 20 (23) Hijacking or disrupting an aircraft (IC 35-47-6-1.6).
 21 (24) A violation of IC 35-47.5 (controlled explosives) as a:
 22 (A) Class A or Class B felony (for a crime committed before
 23 July 1, 2014); or
 24 (B) Level 2 or Level 4 felony (for a crime committed after
 25 June 30, 2014).
 26 (25) Domestic battery (IC 35-42-2-1.3) as a Level 2 felony, Level
 27 3 felony, or Level 5 felony.
 28 ~~(26) A crime under the laws of another jurisdiction, including a~~
 29 ~~military court, that is substantially similar to any of the offenses~~
 30 ~~listed in this subdivision.~~
 31 ~~(27)~~ **(26)** Any other crimes evidencing a propensity or history of
 32 violence.
 33 SECTION 25. IC 12-7-2-53.2, AS AMENDED BY P.L.168-2014,
 34 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2020]: Sec. 53.2. "Dangerous felony", for purposes of
 36 IC 12-17.2, means one (1) or more of the following felonies:
 37 (1) Murder (IC 35-42-1-1).
 38 (2) Attempted murder (IC 35-41-5-1).
 39 (3) Voluntary manslaughter (IC 35-42-1-3).
 40 (4) Involuntary manslaughter (IC 35-42-1-4).
 41 (5) Reckless homicide (IC 35-42-1-5).
 42 (6) Aggravated battery (IC 35-42-2-1.5).



- 1 (7) Kidnapping (IC 35-42-3-2).
 2 (8) Rape (IC 35-42-4-1).
 3 (9) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
 4 (10) Child molesting (IC 35-42-4-3).
 5 (11) Sexual misconduct with a minor as a Class A felony (for a
 6 crime committed before July 1, 2014) or a Level 1 felony (for a
 7 crime committed after June 30, 2014) under IC 35-42-4-9(a)(2)
 8 or a Class B felony (for a crime committed before July 1, 2014)
 9 or a Level 2 felony (for a crime committed after June 30, 2014)
 10 under IC 35-42-4-9(b)(2).
 11 (12) Robbery as a Class A or Class B felony (for a crime
 12 committed before July 1, 2014) or a Level 2 or Level 3 felony (for
 13 a crime committed after June 30, 2014) (IC 35-42-5-1).
 14 (13) Burglary as a Class A or Class B felony (for a crime
 15 committed before July 1, 2014) or a Level 2 or Level 3 felony (for
 16 a crime committed after June 30, 2014) (IC 35-43-2-1).
 17 (14) Battery as a felony (IC 35-42-2-1).
 18 (15) Domestic battery (IC 35-42-2-1.3).
 19 (16) Strangulation (IC 35-42-2-9).
 20 (17) Criminal confinement (IC 35-42-3-3).
 21 (18) Sexual battery (IC 35-42-4-8).
 22 ~~(19) A felony committed in another jurisdiction that is~~
 23 ~~substantially similar to a felony in this section.~~
 24 ~~(20) An attempt to commit or a conspiracy to commit an offense~~
 25 ~~listed in subdivisions (1) through (19):~~
 26 SECTION 26. IC 14-15-4-1 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. **(a) Subject to**
 28 **subsection (b)**, the operator of a boat involved in an accident or a
 29 collision resulting in injury to or death of a person or damage to a boat
 30 or other property, shall do the following:
 31 (1) **If the action described in this subdivision can be done**
 32 **without endangering a person**, stop the boat immediately and as
 33 close as possible to the scene of the accident.
 34 (2) **If the action described in this subdivision can be done**
 35 **without endangering a person**, return to the scene of the
 36 accident and remain there until the operator has complied with
 37 this section.
 38 (3) Give:
 39 (A) the operator's name and address;
 40 (B) a full identification of the boat operated; and
 41 (C) the name and address of the owner;
 42 to the operator of each other boat and each person injured.



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

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

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

8 (B) the injured person so requests.

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

13 SECTION 27. IC 14-15-4-4, AS AMENDED BY P.L.195-2014,
14 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2020]: Sec. 4. A person who knowingly or intentionally
16 violates section 1, 2, or 3 of this chapter commits a Class C
17 misdemeanor. However, the offense is:

18 (1) a Class A misdemeanor if the accident or collision results in
19 an injury to a person;

20 (2) a Level 6 felony if:

21 (A) the accident or collision results in serious bodily injury to
22 a person; or

23 (B) ~~within the five (5) years preceding the commission of the~~
24 ~~offense~~; the person had a previous conviction of any of the
25 offenses listed in IC 9-30-10-4(a), IC 35-46-9-6, or
26 IC 14-15-8-8 (before its repeal); or

27 (3) a Level 5 felony if the accident or collision results in the death
28 of a person.

29 SECTION 28. IC 16-27-2-5, AS AMENDED BY P.L.51-2016,
30 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
31 JULY 1, 2020]: Sec. 5. (a) Except as provided in subsection (b), a
32 person who operates a home health agency under IC 16-27-1 or a
33 personal services agency under IC 16-27-4 may not employ a person to
34 provide services in a patient's or client's temporary or permanent
35 residence if that person's national criminal history background check
36 or expanded criminal history check indicates that the person has been
37 convicted of any of the following:

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

39 (2) Criminal deviate conduct (IC 35-42-4-2) (repealed).

40 (3) Exploitation of an endangered adult (IC 35-46-1-12).

41 (4) Failure to report battery, neglect, or exploitation of an
42 endangered adult (IC 35-46-1-13).



1 (5) Theft (IC 35-43-4), if the conviction for theft occurred less
 2 than ten (10) years before the person's employment application
 3 date.

4 ~~(6) A felony that is substantially equivalent to a felony listed in:~~

5 ~~(A) subdivisions (1) through (4); or~~

6 ~~(B) subdivision (5); if the conviction for theft occurred less~~
 7 ~~than ten (10) years before the person's employment application~~
 8 ~~date;~~

9 ~~for which the conviction was entered in another state.~~

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

21 SECTION 29. IC 16-31-3-14, AS AMENDED BY P.L.80-2019,
 22 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2020]: Sec. 14. (a) A person holding a certificate or license
 24 issued under this article must comply with the applicable standards and
 25 rules established under this article. A certificate holder or license
 26 holder is subject to disciplinary sanctions under subsection (b) if the
 27 department of homeland security determines that the certificate holder
 28 or license holder:

29 (1) engaged in or knowingly cooperated in fraud or material
 30 deception in order to obtain a certificate or license, including
 31 cheating on a certification or licensure examination;

32 (2) engaged in fraud or material deception in the course of
 33 professional services or activities;

34 (3) advertised services or goods in a false or misleading manner;

35 (4) falsified or knowingly allowed another person to falsify
 36 attendance records or certificates of completion of continuing
 37 education courses required under this article or rules adopted
 38 under this article;

39 (5) is convicted of a crime, if the act that resulted in the
 40 conviction has a direct bearing on determining if the certificate
 41 holder or license holder should be entrusted to provide emergency
 42 medical services;



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



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

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

3 (4) Issuance of a letter of reprimand.

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

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

8 (B) If the certificate holder or license holder fails to pay the
9 civil penalty within the time specified by the department of
10 homeland security, the department of homeland security may
11 suspend the certificate holder's certificate or license holder's
12 license without additional proceedings.

13 (6) Placement of a certificate holder or license holder on
14 probation status and requirement of the certificate holder or
15 license holder to:

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

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

20 (C) continue or renew professional education approved by the
21 department of homeland security until a satisfactory degree of
22 skill has been attained in those areas that are the basis of the
23 probation; or

24 (D) perform or refrain from performing any acts, including
25 community restitution or service without compensation, that
26 the department of homeland security considers appropriate to
27 the public interest or to the rehabilitation or treatment of the
28 certificate holder or license holder.

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

34 (c) If an applicant or a certificate holder or license holder has
35 engaged in or knowingly cooperated in fraud or material deception to
36 obtain a certificate or license, including cheating on the certification or
37 licensure examination, the department of homeland security may
38 rescind the certificate or license if it has been granted, void the
39 examination or other fraudulent or deceptive material, and prohibit the
40 applicant from reapplying for the certificate or license for a length of
41 time established by the department of homeland security.

42 (d) The department of homeland security may deny certification or



1 licensure to an applicant who would be subject to disciplinary sanctions
 2 under subsection (b) if that person were a certificate holder or license
 3 holder, has had disciplinary action taken against the applicant or the
 4 applicant's certificate or license to practice in another state or
 5 jurisdiction, or has practiced without a certificate or license in violation
 6 of the law. A certified copy of the record of disciplinary action is
 7 conclusive evidence of the other jurisdiction's disciplinary action.

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

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

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

- 28 (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
- 29 (2) Possession of methamphetamine under IC 35-48-4-6.1.
- 30 (3) Possession of a controlled substance under IC 35-48-4-7(a).
- 31 (4) Fraudulently obtaining a controlled substance under
 32 IC 35-48-4-7(c).
- 33 (5) Manufacture of paraphernalia as a Class D felony (for a crime
 34 committed before July 1, 2014) or Level 6 felony (for a crime
 35 committed after June 30, 2014) under IC 35-48-4-8.1(b).
- 36 (6) Dealing in paraphernalia as a Class D felony (for a crime
 37 committed before July 1, 2014) or Level 6 felony (for a crime
 38 committed after June 30, 2014) under IC 35-48-4-8.5(b).
- 39 (7) Possession of paraphernalia as a Class D felony (for a crime
 40 committed before July 1, 2014) or Level 6 felony (for a crime
 41 committed after June 30, 2014) under IC 35-48-4-8.3(b) (before
 42 its amendment on July 1, 2015).



- 1 (8) Possession of marijuana, hash oil, hashish, or salvia as a Class
 2 D felony (for a crime committed before July 1, 2014) or Level 6
 3 felony (for a crime committed after June 30, 2014) under
 4 IC 35-48-4-11.
- 5 (9) A felony offense under IC 35-48-4 involving:
 6 (A) possession of a synthetic drug (as defined in
 7 IC 35-31.5-2-321);
 8 (B) possession of a synthetic drug lookalike substance (as
 9 defined in IC 35-31.5-2-321.5 (before its repeal on July 1,
 10 2019)) as a:
 11 (i) Class D felony (for a crime committed before July 1,
 12 2014); or
 13 (ii) Level 6 felony (for a crime committed after June 30,
 14 2014);
 15 under IC 35-48-4-11.5 (before its repeal on July 1, 2019); or
 16 (C) possession of a controlled substance analog (as defined in
 17 IC 35-48-1-9.3).
- 18 (10) Maintaining a common nuisance under IC 35-48-4-13
 19 (repealed) or IC 35-45-1-5, if the common nuisance involves a
 20 controlled substance.
- 21 (11) An offense relating to registration, labeling, and prescription
 22 forms under IC 35-48-4-14.
- 23 ~~(12) Conspiracy under IC 35-41-5-2 to commit an offense listed~~
 24 ~~in this section.~~
- 25 ~~(13) Attempt under IC 35-41-5-1 to commit an offense listed in~~
 26 ~~this section.~~
- 27 ~~(14) An offense in any other jurisdiction in which the elements of~~
 28 ~~the offense for which the conviction was entered are substantially~~
 29 ~~similar to the elements of an offense described in this section.~~
- 30 (h) A decision of the department of homeland security under
 31 subsections (b) through (g) may be appealed to the commission under
 32 IC 4-21.5-3-7.
- 33 (i) The department of homeland security may temporarily suspend
 34 a certificate holder's certificate or license holder's license under
 35 IC 4-21.5-4 before a final adjudication or during the appeals process if
 36 the department of homeland security finds that a certificate holder or
 37 license holder would represent a clear and immediate danger to the
 38 public's health, safety, or property if the certificate holder or license
 39 holder were allowed to continue to practice.
- 40 (j) On receipt of a complaint or information alleging that a person
 41 certified or licensed under this chapter or IC 16-31-3.5 has engaged in
 42 or is engaging in a practice that is subject to disciplinary sanctions



1 under this chapter, the department of homeland security must initiate
2 an investigation against the person.

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

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

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

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

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

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

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

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

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

35 SECTION 30. IC 16-31-3-14.5, AS AMENDED BY P.L.80-2019,
36 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2020]: Sec. 14.5. The department of homeland security may
38 issue an order under IC 4-21.5-3-6 to deny an applicant's request for
39 certification or licensure or permanently revoke a certificate or license
40 under procedures provided by section 14 of this chapter if the
41 individual who holds the certificate or license issued under this title is
42 convicted of any of the following:



- 1 (1) Dealing in a controlled substance resulting in death under
 2 IC 35-42-1-1.5.
- 3 (2) Dealing in or manufacturing cocaine or a narcotic drug under
 4 IC 35-48-4-1.
- 5 (3) Dealing in methamphetamine under IC 35-48-4-1.1.
- 6 (4) Manufacturing methamphetamine under IC 35-48-4-1.2.
- 7 (5) Dealing in a schedule I, II, or III controlled substance under
 8 IC 35-48-4-2.
- 9 (6) Dealing in a schedule IV controlled substance under
 10 IC 35-48-4-3.
- 11 (7) Dealing in a schedule V controlled substance under
 12 IC 35-48-4-4.
- 13 (8) Dealing in a substance represented to be a controlled
 14 substance under IC 35-48-4-4.5 (repealed).
- 15 (9) Knowingly or intentionally manufacturing, advertising,
 16 distributing, or possessing with intent to manufacture, advertise,
 17 or distribute a substance represented to be a controlled substance
 18 under IC 35-48-4-4.6.
- 19 (10) Dealing in a counterfeit substance under IC 35-48-4-5.
- 20 (11) Dealing in marijuana, hash oil, hashish, or salvia as a felony
 21 under IC 35-48-4-10.
- 22 (12) An offense under IC 35-48-4 involving the manufacture or
 23 sale of a synthetic drug (as defined in IC 35-31.5-2-321), a
 24 synthetic drug lookalike substance (as defined in
 25 IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under
 26 IC 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled
 27 substance analog (as defined in IC 35-48-1-9.3), or a substance
 28 represented to be a controlled substance (as described in
 29 IC 35-48-4-4.6).
- 30 ~~(13) Conspiracy under IC 35-41-5-2 to commit an offense listed~~
 31 ~~in this section:~~
- 32 ~~(14) Attempt under IC 35-41-5-1 to commit an offense listed in~~
 33 ~~this section:~~
- 34 ~~(15) (13) A crime of violence (as defined in IC 35-50-1-2(a)).~~
- 35 ~~(16) An offense in any other jurisdiction in which the elements of~~
 36 ~~the offense for which the conviction was entered are substantially~~
 37 ~~similar to the elements of an offense described under this section:~~
- 38 SECTION 31. IC 20-26-5-11, AS AMENDED BY P.L.85-2017,
 39 SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2020]: Sec. 11. (a) This section applies to:
 41 (1) a school corporation;
 42 (2) a charter school; and



- 1 (3) an entity:
 2 (A) with which the school corporation contracts for services;
 3 and
 4 (B) that has employees who are likely to have direct, ongoing
 5 contact with children within the scope of the employees'
 6 employment.
- 7 (b) A school corporation, charter school, or entity may use
 8 information obtained under section 10 of this chapter concerning an
 9 individual's conviction for one (1) of the following offenses as grounds
 10 to not employ or contract with the individual:
- 11 (1) Murder (IC 35-42-1-1).
 - 12 (2) Causing suicide (IC 35-42-1-2).
 - 13 (3) Assisting suicide (IC 35-42-1-2.5).
 - 14 (4) Voluntary manslaughter (IC 35-42-1-3).
 - 15 (5) Reckless homicide (IC 35-42-1-5).
 - 16 (6) Battery (IC 35-42-2-1) unless ten (10) years have elapsed from
 17 the date the individual was discharged from probation,
 18 imprisonment, or parole, whichever is later.
 - 19 (7) Aggravated battery (IC 35-42-2-1.5).
 - 20 (8) Kidnapping (IC 35-42-3-2).
 - 21 (9) Criminal confinement (IC 35-42-3-3).
 - 22 (10) A sex offense under IC 35-42-4.
 - 23 (11) Carjacking (IC 35-42-5-2) (repealed).
 - 24 (12) Arson (IC 35-43-1-1), unless ten (10) years have elapsed
 25 from the date the individual was discharged from probation,
 26 imprisonment, or parole, whichever is later.
 - 27 (13) Incest (IC 35-46-1-3).
 - 28 (14) Neglect of a dependent as a Class B felony (for a crime
 29 committed before July 1, 2014) or a Level 1 felony or Level 3
 30 felony (for a crime committed after June 30, 2014)
 31 (IC 35-46-1-4(b)(2)), unless ten (10) years have elapsed from the
 32 date the individual was discharged from probation, imprisonment,
 33 or parole, whichever is later.
 - 34 (15) Child selling (IC 35-46-1-4(d)).
 - 35 (16) Contributing to the delinquency of a minor (IC 35-46-1-8),
 36 unless ten (10) years have elapsed from the date the individual
 37 was discharged from probation, imprisonment, or parole,
 38 whichever is later.
 - 39 (17) An offense involving a weapon under IC 35-47 or
 40 IC 35-47.5, unless ten (10) years have elapsed from the date the
 41 individual was discharged from probation, imprisonment, or
 42 parole, whichever is later.



1 (18) An offense relating to controlled substances under
 2 IC 35-48-4, unless ten (10) years have elapsed from the date the
 3 individual was discharged from probation, imprisonment, or
 4 parole, whichever is later.

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

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

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

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

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

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

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

33 SECTION 32. IC 20-26-14-8, AS ADDED BY P.L.169-2019,
 34 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2020]: Sec. 8. (a) The department shall notify the association
 36 of any license revocation or suspension involving a licensed teacher (as
 37 defined in IC 20-18-2-22) under IC 20-28-5-8 who:

38 (1) has:

39 (A) been convicted of an offense described in IC 20-28-5-8(c);

40 ~~or of a known comparable offense in another state;~~ or

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



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

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

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

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

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

22 (f) The:

23 (1) association or its employees;
24 (2) department or its employees; or
25 (3) school corporation, charter high school, or nonpublic high
26 school with at least one (1) employee or its employees;
27 are immune from civil liability for any act done or omitted under this
28 section or section 9 of this chapter unless the action constitutes gross
29 negligence or willful or wanton misconduct.

30 SECTION 33. IC 20-28-5-8, AS AMENDED BY P.L.80-2019,
31 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
32 JULY 1, 2020]: Sec. 8. (a) This section applies when a prosecuting
33 attorney knows that a licensed employee of a public school or a
34 nonpublic school has been convicted of an offense listed in subsection
35 (c). The prosecuting attorney shall immediately give written notice of
36 the conviction to the following:

37 (1) The state superintendent.
38 (2) Except as provided in subdivision (3), the superintendent of
39 the school corporation that employs the licensed employee or the
40 equivalent authority if a nonpublic school employs the licensed
41 employee.
42 (3) The presiding officer of the governing body of the school



- 1 corporation that employs the licensed employee, if the convicted
 2 licensed employee is the superintendent of the school corporation.
- 3 (b) The superintendent of a school corporation, presiding officer of
 4 the governing body, or equivalent authority for a nonpublic school shall
 5 immediately notify the state superintendent when the individual knows
 6 that a current or former licensed employee of the public school or
 7 nonpublic school has been convicted of an offense listed in subsection
 8 (c), or when the governing body or equivalent authority for a nonpublic
 9 school takes any final action in relation to an employee who engaged
 10 in any offense listed in subsection (c).
- 11 (c) Except as provided in section 8.5 of this chapter, the department
 12 shall permanently revoke the license of a person who is known by the
 13 department to have been convicted of any of the following felonies:
- 14 (1) Kidnapping (IC 35-42-3-2).
 - 15 (2) Criminal confinement (IC 35-42-3-3).
 - 16 (3) Rape (IC 35-42-4-1).
 - 17 (4) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
 - 18 (5) Child molesting (IC 35-42-4-3).
 - 19 (6) Child exploitation (IC 35-42-4-4(b) or IC 35-42-4-4(c)).
 - 20 (7) Vicarious sexual gratification (IC 35-42-4-5).
 - 21 (8) Child solicitation (IC 35-42-4-6).
 - 22 (9) Child seduction (IC 35-42-4-7).
 - 23 (10) Sexual misconduct with a minor (IC 35-42-4-9).
 - 24 (11) Incest (IC 35-46-1-3).
 - 25 (12) Dealing in or manufacturing cocaine or a narcotic drug
 26 (IC 35-48-4-1).
 - 27 (13) Dealing in methamphetamine (IC 35-48-4-1.1).
 - 28 (14) Manufacturing methamphetamine (IC 35-48-4-1.2).
 - 29 (15) Dealing in a schedule I, II, or III controlled substance
 30 (IC 35-48-4-2).
 - 31 (16) Dealing in a schedule IV controlled substance
 32 (IC 35-48-4-3).
 - 33 (17) Dealing in a schedule V controlled substance (IC 35-48-4-4).
 - 34 (18) Dealing in a counterfeit substance (IC 35-48-4-5).
 - 35 (19) Dealing in marijuana, hash oil, hashish, or salvia as a felony
 36 (IC 35-48-4-10).
 - 37 (20) An offense under IC 35-48-4 involving the manufacture or
 38 sale of a synthetic drug (as defined in IC 35-31.5-2-321), a
 39 synthetic drug lookalike substance (as defined in
 40 IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under
 41 IC 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled
 42 substance analog (as defined in IC 35-48-1-9.3), or a substance



- 1 represented to be a controlled substance (as described in
 2 IC 35-48-4-4.6).
 3 (21) Possession of child pornography (IC 35-42-4-4(d) or
 4 IC 35-42-4-4(e)).
 5 (22) Homicide (IC 35-42-1).
 6 (23) Voluntary manslaughter (IC 35-42-1-3).
 7 (24) Reckless homicide (IC 35-42-1-5).
 8 (25) Battery as any of the following:
 9 (A) A Class A felony (for a crime committed before July 1,
 10 2014) or a Level 2 felony (for a crime committed after June
 11 30, 2014).
 12 (B) A Class B felony (for a crime committed before July 1,
 13 2014) or a Level 3 felony (for a crime committed after June
 14 30, 2014).
 15 (C) A Class C felony (for a crime committed before July 1,
 16 2014) or a Level 5 felony (for a crime committed after June
 17 30, 2014).
 18 (26) Aggravated battery (IC 35-42-2-1.5).
 19 (27) Robbery (IC 35-42-5-1).
 20 (28) Carjacking (IC 35-42-5-2) (before its repeal).
 21 (29) Arson as a Class A felony or Class B felony (for a crime
 22 committed before July 1, 2014) or as a Level 2, Level 3, or Level
 23 4 felony (for a crime committed after June 30, 2014)
 24 (IC 35-43-1-1(a)).
 25 (30) Burglary as a Class A felony or Class B felony (for a crime
 26 committed before July 1, 2014) or as a Level 1, Level 2, Level 3,
 27 or Level 4 felony (for a crime committed after June 30, 2014)
 28 (IC 35-43-2-1).
 29 (31) Human trafficking (IC 35-42-3.5).
 30 (32) Dealing in a controlled substance resulting in death
 31 (IC 35-42-1-1.5).
 32 ~~(33) Attempt under IC 35-41-5-1 to commit an offense listed in~~
 33 ~~this subsection.~~
 34 ~~(34) Conspiracy under IC 35-41-5-2 to commit an offense listed~~
 35 ~~in this subsection.~~
 36 ~~(d) The department shall permanently revoke the license of a person~~
 37 ~~who is known by the department to have been convicted of a federal~~
 38 ~~offense or an offense in another state that is comparable to a felony~~
 39 ~~listed in subsection (c).~~
 40 ~~(e) (d) A license may be suspended by the state superintendent as~~
 41 ~~specified in IC 20-28-7.5.~~
 42 ~~(f) (e) The department shall develop a data base of information on~~



1 school corporation employees who have been reported to the
2 department under this section.

3 ~~(g)~~ (f) Upon receipt of information from the office of judicial
4 administration in accordance with IC 33-24-6-3 concerning persons
5 convicted of an offense listed in subsection (c), the department shall:

6 (1) cross check the information received from the office of
7 judicial administration with information concerning licensed
8 teachers (as defined in IC 20-18-2-22(b)) maintained by the
9 department; and

10 (2) if a licensed teacher (as defined in IC 20-18-2-22(b)) has been
11 convicted of an offense described in subsection (c), revoke the
12 licensed teacher's license.

13 SECTION 34. IC 22-15-5-16, AS AMENDED BY P.L.80-2019,
14 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2020]: Sec. 16. (a) A practitioner shall comply with the
16 standards established under this licensing program. A practitioner is
17 subject to the exercise of the disciplinary sanctions under subsection
18 (b) if the department finds that a practitioner has:

19 (1) engaged in or knowingly cooperated in fraud or material
20 deception in order to obtain a license to practice, including
21 cheating on a licensing examination;

22 (2) engaged in fraud or material deception in the course of
23 professional services or activities;

24 (3) advertised services or goods in a false or misleading manner;

25 (4) falsified or knowingly allowed another person to falsify
26 attendance records or certificates of completion of continuing
27 education courses provided under this chapter;

28 (5) been convicted of a crime that has a direct bearing on the
29 practitioner's ability to continue to practice competently;

30 (6) knowingly violated a state statute or rule or federal statute or
31 regulation regulating the profession for which the practitioner is
32 licensed;

33 (7) continued to practice although the practitioner has become
34 unfit to practice due to:

35 (A) professional incompetence;

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

38 (C) physical or mental disability; or

39 (D) addiction to, abuse of, or severe dependency on alcohol or
40 other drugs that endanger the public by impairing a
41 practitioner's ability to practice safely;

42 (8) engaged in a course of lewd or immoral conduct in connection



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



- 1 (B) limit practice to those areas prescribed by the department;
 2 (C) continue or renew professional education approved by the
 3 department until a satisfactory degree of skill has been attained
 4 in those areas that are the basis of the probation; or
 5 (D) perform or refrain from performing any acts, including
 6 community restitution or service without compensation, that
 7 the department considers appropriate to the public interest or
 8 to the rehabilitation or treatment of the practitioner.
- 9 The department may withdraw or modify this probation if the
 10 department finds after a hearing that the deficiency that required
 11 disciplinary action has been remedied or that changed
 12 circumstances warrant a modification of the order.
- 13 (c) If an applicant or a practitioner has engaged in or knowingly
 14 cooperated in fraud or material deception to obtain a license to
 15 practice, including cheating on the licensing examination, the
 16 department may rescind the license if it has been granted, void the
 17 examination or other fraudulent or deceptive material, and prohibit the
 18 applicant from reapplying for the license for a length of time
 19 established by the department.
- 20 (d) The department may deny licensure to an applicant who has had
 21 disciplinary action taken against the applicant or the applicant's license
 22 to practice in another state or jurisdiction or who has practiced without
 23 a license in violation of the law. A certified copy of the record of
 24 disciplinary action is conclusive evidence of the other jurisdiction's
 25 disciplinary action.
- 26 (e) The department may order a practitioner to submit to a
 27 reasonable physical or mental examination if the practitioner's physical
 28 or mental capacity to practice safely and competently is at issue in a
 29 disciplinary proceeding. Failure to comply with a department order to
 30 submit to a physical or mental examination makes a practitioner liable
 31 to temporary suspension under subsection (j).
- 32 (f) Except as provided under subsection (g) or (h), a license may not
 33 be denied, revoked, or suspended because the applicant or holder has
 34 been convicted of an offense. The acts from which the applicant's or
 35 holder's conviction resulted may, however, be considered as to whether
 36 the applicant or holder should be entrusted to serve the public in a
 37 specific capacity.
- 38 (g) The department may deny, suspend, or revoke a license issued
 39 under this chapter if the individual who holds the license is convicted
 40 of any of the following:
- 41 (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
 42 (2) Possession of methamphetamine under IC 35-48-4-6.1.



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



- 1 (1) Dealing in a controlled substance resulting in death under
 2 IC 35-42-1-1.5.
- 3 (2) Dealing in cocaine or a narcotic drug under IC 35-48-4-1.
- 4 (3) Dealing in methamphetamine under IC 35-48-4-1.1.
- 5 (4) Manufacturing methamphetamine under IC 35-48-4-1.2.
- 6 (5) Dealing in a schedule I, II, or III controlled substance under
 7 IC 35-48-4-2.
- 8 (6) Dealing in a schedule IV controlled substance under
 9 IC 35-48-4-3.
- 10 (7) Dealing in a schedule V controlled substance under
 11 IC 35-48-4-4.
- 12 (8) Dealing in a substance represented to be a controlled
 13 substance under IC 35-48-4-4.5 (repealed).
- 14 (9) Knowingly or intentionally manufacturing, advertising,
 15 distributing, or possessing with intent to manufacture, advertise,
 16 or distribute a substance represented to be a controlled substance
 17 under IC 35-48-4-4.6.
- 18 (10) Dealing in a counterfeit substance under IC 35-48-4-5.
- 19 (11) Dealing in marijuana, hash oil, hashish, or salvia as a felony
 20 under IC 35-48-4-10.
- 21 (12) An offense under IC 35-48-4 involving the manufacture or
 22 sale of a synthetic drug (as defined in IC 35-31.5-2-321), a
 23 synthetic drug lookalike substance (as defined in
 24 IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under
 25 IC 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled
 26 substance analog (as defined in IC 35-48-1-9.3), or a substance
 27 represented to be a controlled substance (as described in
 28 IC 35-48-4-4.6).
- 29 ~~(13) Conspiracy under IC 35-41-5-2 to commit an offense listed~~
 30 ~~in this subsection.~~
- 31 ~~(14) Attempt under IC 35-41-5-1 to commit an offense listed in~~
 32 ~~this subsection.~~
- 33 ~~(15) An offense in any other jurisdiction in which the elements of~~
 34 ~~the offense for which the conviction was entered are substantially~~
 35 ~~similar to the elements of an offense described in this subsection.~~
- 36 ~~(16) (13) A violation of any federal or state drug law or rule~~
 37 ~~related to wholesale legend drug distributors licensed under~~
 38 ~~IC 25-26-14.~~
- 39 (i) A decision of the department under subsections (b) through (h)
 40 may be appealed to the commission under IC 4-21.5-3-7.
- 41 (j) The department may temporarily suspend a practitioner's license
 42 under IC 4-21.5-4 before a final adjudication or during the appeals



1 process if the department finds that a practitioner represents a clear and
2 immediate danger to the public's health, safety, or property if the
3 practitioner is allowed to continue to practice.

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

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

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

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

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

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

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

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

- 40 (1) Court reporters.
41 (2) Transcripts.
42 (3) Certification of documents.



- 1 (4) Photo duplication.
 2 (5) Witness attendance and mileage fees.
 3 (6) Postage.
 4 (7) Expert witnesses.
 5 (8) Depositions.
 6 (9) Notarizations.
- 7 SECTION 35. IC 24-5-26-1, AS ADDED BY P.L.137-2009,
 8 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2020]: Sec. 1. As used in this chapter, "identity theft" means:
 10 (1) identity deception (IC 35-43-5-3.5); **or**
 11 (2) synthetic identity deception (IC 35-43-5-3.8). **or**
 12 ~~(3) a substantially similar crime committed in another~~
 13 ~~jurisdiction.~~
- 14 SECTION 36. IC 25-1-1.1-2, AS AMENDED BY P.L.80-2019,
 15 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2020]: Sec. 2. Notwithstanding IC 25-1-7, a board, a
 17 commission, or a committee may suspend, deny, or revoke a license or
 18 certificate issued under this title by the board, the commission, or the
 19 committee without an investigation by the office of the attorney general
 20 if the individual who holds the license or certificate is convicted of any
 21 of the following and the board, commission, or committee determines,
 22 after the individual has appeared in person, that the offense affects the
 23 individual's ability to perform the duties of the profession:
- 24 (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
 25 (2) Possession of methamphetamine under IC 35-48-4-6.1.
 26 (3) Possession of a controlled substance under IC 35-48-4-7(a).
 27 (4) Fraudulently obtaining a controlled substance under
 28 IC 35-48-4-7(c).
 29 (5) Manufacture of paraphernalia as a Class D felony (for a crime
 30 committed before July 1, 2014) or a Level 6 felony (for a crime
 31 committed after June 30, 2014) under IC 35-48-4-8.1(b).
 32 (6) Dealing in paraphernalia as a Class D felony (for a crime
 33 committed before July 1, 2014) or a Level 6 felony (for a crime
 34 committed after June 30, 2014) under IC 35-48-4-8.5(b).
 35 (7) Possession of paraphernalia as a Class D felony (for a crime
 36 committed before July 1, 2014) or a Level 6 felony (for a crime
 37 committed after June 30, 2014) under IC 35-48-4-8.3(b) (before
 38 its amendment on July 1, 2015).
 39 (8) Possession of marijuana, hash oil, hashish, or salvia as a Class
 40 D felony (for a crime committed before July 1, 2014) or a Level
 41 6 felony (for a crime committed after June 30, 2014) under
 42 IC 35-48-4-11.



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

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

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

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

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

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

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

19 ~~(14)~~ (12) A sex crime under IC 35-42-4.

20 ~~(15)~~ (13) A felony that reflects adversely on the individual's
 21 fitness to hold a professional license.

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

25 SECTION 37. IC 25-1-1.1-3, AS AMENDED BY P.L.80-2019,
 26 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2020]: Sec. 3. A board, a commission, or a committee shall
 28 revoke or suspend a license or certificate issued under this title by the
 29 board, the commission, or the committee if the individual who holds
 30 the license or certificate is convicted of any of the following:

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

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

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

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

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

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

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



- 1 (8) Dealing in a substance represented to be a controlled
 2 substance under IC 35-48-4-4.5 (before its repeal on July 1,
 3 2019).
 4 (9) Knowingly or intentionally manufacturing, advertising,
 5 distributing, or possessing with intent to manufacture, advertise,
 6 or distribute a substance represented to be a controlled substance
 7 under IC 35-48-4-4.6.
 8 (10) Dealing in a counterfeit substance under IC 35-48-4-5.
 9 (11) Dealing in marijuana, hash oil, hashish, or salvia as a felony
 10 under IC 35-48-4-10.
 11 (12) An offense under IC 35-48-4 involving the manufacture or
 12 sale of a synthetic drug (as defined in IC 35-31.5-2-321), a
 13 synthetic drug lookalike substance (as defined in
 14 IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under
 15 IC 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled
 16 substance analog (as defined in IC 35-48-1-9.3), or a substance
 17 represented to be a controlled substance (as described in
 18 IC 35-48-4-4.6).
 19 ~~(13) Conspiracy under IC 35-41-5-2 to commit an offense listed~~
 20 ~~in this section.~~
 21 ~~(14) Attempt under IC 35-41-5-1 to commit an offense listed in~~
 22 ~~this section.~~
 23 ~~(15) An offense in any other jurisdiction in which the elements of~~
 24 ~~the offense for which the conviction was entered are substantially~~
 25 ~~similar to the elements of an offense described in this section.~~
 26 ~~(16)~~ **(13)** A violation of any federal or state drug law or rule
 27 related to wholesale legend drug distributors licensed under
 28 IC 25-26-14.
 29 SECTION 38. IC 25-23.6-1-5.7, AS ADDED BY P.L.122-2009,
 30 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2020]: Sec. 5.7. (a) "Practice of addiction counseling" means
 32 the providing of professional services that are delivered by a licensed
 33 addiction counselor, that are designed to change substance use or
 34 addictive behavior, and that involve specialized knowledge and skill
 35 related to addictions and addictive behaviors, including understanding
 36 addiction, knowledge of the treatment process, application to practice,
 37 and professional readiness. The term includes:
 38 (1) gathering information through structured interview screens
 39 using routine protocols;
 40 (2) reviewing assessment findings to assist in the development of
 41 a plan individualized for treatment services and to coordinate
 42 services;



1 (3) referring for assessment, diagnosis, evaluation, and mental
2 health therapy;

3 (4) providing client and family education related to addictions;

4 (5) providing information on social networks and community
5 systems for referrals and discharge planning;

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

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

11 (A) mental and physical health facilities; and

12 (B) child and family service agencies; and

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

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

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

20 (1) holding a valid:

21 (A) level II or higher certification or the equivalent
22 certification from a credentialing agency approved by the
23 division of mental health and addiction; or

24 (B) certification as an addiction counselor or addiction
25 therapist from a credentialing agency that is approved by the
26 board;

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

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

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

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

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

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

40 SECTION 39. IC 25-23.6-10.5-1, AS ADDED BY P.L.122-2009,
41 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JULY 1, 2020]: Sec. 1. An individual who applies for a license as an



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



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



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



- 1 **IC 35-50-1-2);** or
 2 (B) conviction in the previous two (2) years that has a direct
 3 bearing on the individual's ability to practice competently.
 4 (3) Furnish satisfactory evidence to the board that the individual
 5 has not been the subject of a disciplinary action by a licensing or
 6 certification agency of another state or jurisdiction on the grounds
 7 that the individual was not able to practice as a clinical addiction
 8 counselor associate without endangering the public.
 9 (4) Pass an examination established by the board.
 10 (5) Pay the fee established by the board.
 11 SECTION 43. IC 29-1-2-1, AS AMENDED BY P.L.143-2009,
 12 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2020]: Sec. 1. (a) The estate of a person dying intestate shall
 14 descend and be distributed as provided in this section.
 15 (b) Except as otherwise provided in subsection (c), the surviving
 16 spouse shall receive the following share:
 17 (1) One-half (1/2) of the net estate if the intestate is survived by
 18 at least one (1) child or by the issue of at least one (1) deceased
 19 child.
 20 (2) Three-fourths (3/4) of the net estate, if there is no surviving
 21 issue, but the intestate is survived by one (1) or both of the
 22 intestate's parents.
 23 (3) All of the net estate, if there is no surviving issue or parent.
 24 (c) If the surviving spouse is a second or other subsequent spouse
 25 who did not at any time have children by the decedent, and the
 26 decedent left surviving the decedent a child or children or the
 27 descendants of a child or children by a previous spouse, the surviving
 28 second or subsequent childless spouse shall take only an amount equal
 29 to twenty-five percent (25%) of the remainder of:
 30 (1) the fair market value as of the date of death of the real
 31 property of the deceased spouse; minus
 32 (2) the value of the liens and encumbrances on the real property
 33 of the deceased spouse.
 34 The fee shall, at the decedent's death, vest at once in the decedent's
 35 surviving child or children, or the descendants of the decedent's child
 36 or children who may be dead. A second or subsequent childless spouse
 37 described in this subsection shall, however, receive the same share of
 38 the personal property of the decedent as is provided in subsection (b)
 39 with respect to surviving spouses generally.
 40 (d) The share of the net estate not distributable to the surviving
 41 spouse, or the entire net estate if there is no surviving spouse, shall
 42 descend and be distributed as follows:



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



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

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

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

14 SECTION 44. IC 29-3-7-7, AS AMENDED BY P.L.86-2018,
 15 SECTION 213, IS AMENDED TO READ AS FOLLOWS
 16 [EFFECTIVE JULY 1, 2020]: Sec. 7. A court may not appoint a person
 17 to serve as the guardian or permit a person to continue to serve as a
 18 guardian if the person:

- 19 (1) is a sexually violent predator (as described in IC 35-38-1-7.5);
 20 (2) was at least eighteen (18) years of age at the time of the
 21 offense and was convicted of child molesting (IC 35-42-4-3) or
 22 sexual misconduct with a minor (IC 35-42-4-9) against a child
 23 less than sixteen (16) years of age:
 24 (A) by using or threatening the use of deadly force;
 25 (B) while armed with a deadly weapon; or
 26 (C) that resulted in serious bodily injury; or
 27 (3) was less than eighteen (18) years of age at the time of the
 28 offense and was convicted as an adult of
 29 ~~(A)~~ an offense described in:
 30 ~~(i)~~ **(A)** IC 35-42-4-1;
 31 ~~(ii)~~ **(B)** IC 35-42-4-2 (before its repeal);
 32 ~~(iii)~~ **(C)** IC 35-42-4-3 as a Class A or Class B felony (for
 33 crimes committed before July 1, 2014) or as a Level 1, Level
 34 2, Level 3, or Level 4 felony (for crimes committed after June
 35 30, 2014);
 36 ~~(iv)~~ **(D)** IC 35-42-4-5(a)(1);
 37 ~~(v)~~ **(E)** IC 35-42-4-5(a)(2);
 38 ~~(vi)~~ **(F)** IC 35-42-4-5(a)(3) (before that provision was
 39 redesignated by P.L.158-2013, SECTION 441);
 40 ~~(vii)~~ **(G)** IC 35-42-4-5(b)(1) as a Class A or Class B felony
 41 (for crimes committed before July 1, 2014) or as a Level 2,
 42 Level 3, or Level 4 felony (for crimes committed after June 30,



1 2014);
 2 ~~(viii)~~ **(H)** IC 35-42-4-5(b)(2); or
 3 ~~(ix)~~ **(I)** IC 35-42-4-5(b)(3) as a Class A or Class B felony (for
 4 crimes committed before July 1, 2014) or as a Level 2, Level
 5 3, or Level 4 felony (for crimes committed after June 30,
 6 2014).
 7 ~~(B)~~ an attempt or conspiracy to commit a crime listed in clause
 8 ~~(A)~~; or
 9 ~~(C)~~ a crime under the laws of another jurisdiction, including a
 10 military court, that is substantially equivalent to any of the
 11 offenses listed in clauses ~~(A)~~ and ~~(B)~~;

12 SECTION 45. IC 31-9-2-84.8, AS AMENDED BY P.L.243-2019,
 13 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2020]: Sec. 84.8. "Nonwaivable offense", for purposes of this
 15 title, means a conviction of any of the following felonies:

- 16 (1) Murder (IC 35-42-1-1).
- 17 (2) Causing suicide (IC 35-42-1-2).
- 18 (3) Assisting suicide (IC 35-42-1-2.5).
- 19 (4) Voluntary manslaughter (IC 35-42-1-3).
- 20 (5) Involuntary manslaughter (IC 35-42-1-4).
- 21 (6) Reckless homicide (IC 35-42-1-5).
- 22 (7) Feticide (IC 35-42-1-6).
- 23 (8) Battery (IC 35-42-2-1) within the past five (5) years.
- 24 (9) Domestic battery (IC 35-42-2-1.3).
- 25 (10) Aggravated battery (IC 35-42-2-1.5).
- 26 (11) Criminal recklessness (IC 35-42-2-2) within the past five (5)
 27 years.
- 28 (12) Strangulation (IC 35-42-2-9).
- 29 (13) Kidnapping (IC 35-42-3-2).
- 30 (14) Criminal confinement (IC 35-42-3-3) within the past five (5)
 31 years.
- 32 (15) Human and sexual trafficking (IC 35-42-3.5).
- 33 (16) A felony sex offense under IC 35-42-4.
- 34 (17) Arson (IC 35-43-1-1) within the past five (5) years.
- 35 (18) Incest (IC 35-46-1-3).
- 36 (19) Neglect of a dependent (IC 35-46-1-4(a) and
 37 IC 35-46-1-4(b)).
- 38 (20) Child selling (IC 35-46-1-4(d)).
- 39 (21) Reckless supervision (IC 35-46-1-4.1).
- 40 (22) Nonsupport of a dependent child (IC 35-46-1-5) within the
 41 past five (5) years.
- 42 (23) Operating a motorboat while intoxicated (IC 35-46-9-6)



- 1 within the past five (5) years.
- 2 (24) A felony involving a weapon under IC 35-47 within the past
- 3 five (5) years.
- 4 (25) A felony relating to controlled substances under IC 35-48-4
- 5 within the past five (5) years.
- 6 (26) An offense relating to material or a performance that is
- 7 harmful to minors or obscene under IC 35-49-3.
- 8 (27) A felony under IC 9-30-5 within the past five (5) years.
- 9 (28) A felony related to the health or safety of a child (as defined
- 10 in IC 31-9-2-13(h)) or an endangered adult (as defined in
- 11 IC 12-10-3-2).
- 12 ~~(29) Attempt (IC 35-41-5-1) to commit a felony described in~~
- 13 ~~subdivisions (1) through (28). If a conviction for a felony is~~
- 14 ~~nonwaivable for a stated duration under subdivisions (1) through~~
- 15 ~~(28); a conviction for an attempt to commit the felony is~~
- 16 ~~nonwaivable for the same duration under this subdivision.~~
- 17 (30) A felony that is substantially equivalent to a felony described
- 18 in subdivisions (1) through (29) for which the conviction was
- 19 entered in another jurisdiction. If a conviction for a felony is
- 20 nonwaivable for a stated duration under subdivisions (1) through
- 21 (29); a conviction for a substantially equivalent felony in another
- 22 jurisdiction is nonwaivable for the same duration under this
- 23 subdivision.

24 SECTION 46. IC 31-19-9-8, AS AMENDED BY P.L.113-2017,
 25 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2020]: Sec. 8. (a) Consent to adoption, which may be required
 27 under section 1 of this chapter, is not required from any of the
 28 following:

- 29 (1) A parent or parents if the child is adjudged to have been
- 30 abandoned or deserted for at least six (6) months immediately
- 31 preceding the date of the filing of the petition for adoption.
- 32 (2) A parent of a child in the custody of another person if for a
- 33 period of at least one (1) year the parent:
- 34 (A) fails without justifiable cause to communicate
- 35 significantly with the child when able to do so; or
- 36 (B) knowingly fails to provide for the care and support of the
- 37 child when able to do so as required by law or judicial decree.
- 38 (3) The biological father of a child born out of wedlock whose
- 39 paternity has not been established:
- 40 (A) by a court proceeding other than the adoption proceeding;
- 41 or
- 42 (B) by executing a paternity affidavit under IC 16-37-2-2.1.



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



1 proceedings.

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

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

7 SECTION 47. IC 31-19-9-9 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 9. A court shall
9 determine that consent to adoption is not required from a parent if the:

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

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

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

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

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

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

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

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

23 SECTION 48. IC 31-19-9-10, AS AMENDED BY P.L.210-2019,
24 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 JULY 1, 2020]: Sec. 10. A court shall determine that consent to
26 adoption is not required from a parent if:

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

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

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

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

32 (D) rape (IC 35-42-4-1);

33 (E) criminal deviate conduct (IC 35-42-4-2) (before its repeal);

34 (F) child molesting (IC 35-42-4-3) as a:

35 (i) Class A or Class B felony, for a crime committed before
36 July 1, 2014; or

37 (ii) Level 1, Level 2, Level 3, or Level 4 felony, for a crime
38 committed after June 30, 2014;

39 (G) incest (IC 35-46-1-3) as a:

40 (i) Class B felony, for a crime committed before July 1,
41 2014; or

42 (ii) Level 4 felony, for a crime committed after June 30,



- 1 2014;
- 2 (H) neglect of a dependent (IC 35-46-1-4) as a:
- 3 (i) Class B felony, for a crime committed before July 1,
- 4 2014; or
- 5 (ii) Level 1 or Level 3 felony, for a crime committed after
- 6 June 30, 2014;
- 7 (I) battery (IC 35-42-2-1) of a child as a:
- 8 (i) Class C felony, for a crime committed before July 1,
- 9 2014; or
- 10 (ii) Level 5 felony, for a crime committed after June 30,
- 11 2014;
- 12 (J) battery (IC 35-42-2-1) as a:
- 13 (i) Class A or Class B felony, for a crime committed before
- 14 July 1, 2014; or
- 15 (ii) Level 2, Level 3, or Level 4 felony, for a crime
- 16 committed after June 30, 2014;
- 17 (K) domestic battery (IC 35-42-2-1.3) as a Level 5, Level 4,
- 18 Level 3, or Level 2 felony; **or**
- 19 (L) aggravated battery (IC 35-42-2-1.5) as a Level 3 or Level
- 20 1 felony;
- 21 ~~(M) an attempt under IC 35-41-5-1 to commit an offense~~
- 22 ~~described in this subdivision; or~~
- 23 ~~(N) a crime in another state that is substantially similar to a~~
- 24 ~~crime described in clauses (A) through (M);~~
- 25 (2) the child or the child's sibling, half-blood sibling, or
- 26 step-sibling of the parent's current marriage is the victim of the
- 27 offense; and
- 28 (3) after notice to the parent and a hearing, the court determines
- 29 that dispensing with the parent's consent to adoption is in the
- 30 child's best interests.
- 31 SECTION 49. IC 31-19-11-1, AS AMENDED BY P.L.243-2019,
- 32 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 33 JULY 1, 2020]: Sec. 1. (a) Whenever the court has heard the evidence
- 34 and finds that:
- 35 (1) the adoption requested is in the best interest of the child;
- 36 (2) the petitioner or petitioners for adoption are of sufficient
- 37 ability to rear the child and furnish suitable support and
- 38 education;
- 39 (3) the report of the investigation and recommendation under
- 40 IC 31-19-8-5 has been filed;
- 41 (4) the attorney or agency arranging an adoption has filed with the
- 42 court an affidavit prepared by the state department of health under



1 IC 31-19-5-16 indicating whether a man is entitled to notice of the
2 adoption because the man has registered with the putative father
3 registry in accordance with IC 31-19-5;

4 (5) proper notice arising under subdivision (4), if notice is
5 necessary, of the adoption has been given;

6 (6) the attorney or agency has filed with the court an affidavit
7 prepared by the state department of health under:

8 (A) IC 31-19-6 indicating whether a record of a paternity
9 determination; or

10 (B) IC 16-37-2-2(g) indicating whether a paternity affidavit
11 executed under IC 16-37-2-2.1;

12 has been filed in relation to the child;

13 (7) proper consent, if consent is necessary, to the adoption has
14 been given;

15 (8) the petitioner for adoption is not prohibited from adopting the
16 child as the result of an inappropriate criminal history described
17 in subsection (c) or (d); and

18 (9) the person, licensed child placing agency, or local office that
19 has placed the child for adoption has provided the documents and
20 other information required under IC 31-19-17 to the prospective
21 adoptive parents;

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

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

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

36 (1) a felony under IC 9-30-5;

37 (2) battery (IC 35-42-2-1);

38 (3) criminal recklessness (IC 35-42-2-2) as a felony;

39 (4) criminal confinement (IC 35-42-3-3);

40 (5) arson (IC 35-43-1-1);

41 (6) nonsupport of a dependent child (IC 35-46-1-5);

42 (7) operating a motorboat while intoxicated (IC 35-46-9-6) as a



- 1 felony;
 2 (8) a felony involving a weapon under IC 35-47; **or**
 3 (9) a felony relating to controlled substances under IC 35-48-4;
 4 ~~(10) attempt to commit a felony listed in subdivisions (1) through~~
 5 ~~(9); or~~
 6 ~~(11) a felony that is substantially equivalent to a felony listed in~~
 7 ~~this section for which the conviction was entered in another~~
 8 ~~jurisdiction;~~
 9 if the date of the conviction did not occur within the immediately
 10 preceding five (5) year period.
- 11 (d) A court may not grant an adoption if the petitioner is a sex or
 12 violent offender (as defined in IC 11-8-8-5) or a sexually violent
 13 predator (as defined in IC 35-38-1-7.5).
- 14 SECTION 50. IC 31-30-1-2.5, AS AMENDED BY P.L.86-2018,
 15 SECTION 218, IS AMENDED TO READ AS FOLLOWS
 16 [EFFECTIVE JULY 1, 2020]: Sec. 2.5. A juvenile court may not
 17 appoint a person to serve as the guardian or custodian of a child or
 18 permit a person to continue to serve as a guardian or custodian of a
 19 child if the person:
- 20 (1) is a sexually violent predator (as described in IC 35-38-1-7.5);
 21 (2) was at least eighteen (18) years of age at the time of the
 22 offense and committed child molesting (IC 35-42-4-3) or sexual
 23 misconduct with a minor (IC 35-42-4-9) against a child less than
 24 sixteen (16) years of age:
- 25 (A) by using or threatening the use of deadly force;
 26 (B) while armed with a deadly weapon; or
 27 (C) that resulted in serious bodily injury; or
- 28 (3) was less than eighteen (18) years of age at the time of the
 29 offense but was tried and convicted as an adult of
- 30 ~~(A)~~ an offense described in:
- 31 ~~(i)~~ **(A)** IC 35-42-4-1;
 32 ~~(ii)~~ **(B)** IC 35-42-4-2 (before its repeal);
 33 ~~(iii)~~ **(C)** IC 35-42-4-3 as a Class A or Class B felony (for
 34 crimes committed before July 1, 2014) or as a Level 1, Level
 35 2, or Level 3 felony (for crimes committed after June 30,
 36 2014);
 37 ~~(iv)~~ **(D)** IC 35-42-4-5(a)(1);
 38 ~~(v)~~ **(E)** IC 35-42-4-5(a)(2);
 39 ~~(vi)~~ **(F)** IC 35-42-4-5(a)(3) (before that provision was
 40 redesignated by P.L.158-2013, SECTION 441);
 41 ~~(vii)~~ **(G)** IC 35-42-4-5(b)(1) as a Class A or Class B felony
 42 (for crimes committed before July 1, 2014) or as a Level 2,



- 1 Level 3, or Level 4 felony (for crimes committed after June 30,
 2 2014);
 3 ~~(viii)~~ **(H)** IC 35-42-4-5(b)(2); or
 4 ~~(ix)~~ **(I)** IC 35-42-4-5(b)(3) as a Class A or Class B felony (for
 5 crimes committed before July 1, 2014) or as a Level 1, Level
 6 2, or Level 3 felony (for crimes committed after June 30,
 7 2014).
 8 ~~(B)~~ an attempt or conspiracy to commit a crime listed in clause
 9 ~~(A)~~; or
 10 ~~(C)~~ a crime under the laws of another jurisdiction, including a
 11 military court, that is substantially equivalent to any of the
 12 offenses listed in clauses ~~(A)~~ and ~~(B)~~;

13 SECTION 51. IC 31-34-1-2, AS AMENDED BY P.L.71-2018,
 14 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2020]: Sec. 2. (a) A child is a child in need of services if
 16 before the child becomes eighteen (18) years of age:

- 17 (1) the child's physical or mental health is seriously endangered
 18 due to injury by the act or omission of the child's parent, guardian,
 19 or custodian; and
 20 (2) the child needs care, treatment, or rehabilitation that:
 21 (A) the child is not receiving; and
 22 (B) is unlikely to be provided or accepted without the coercive
 23 intervention of the court.
 24 (b) A child is a child in need of services if, before the child becomes
 25 eighteen (18) years of age, the child:
 26 (1) is a victim of:
 27 (A) an offense under IC 35-42-1-2.5;
 28 (B) an offense under IC 35-42-2-1;
 29 (C) an offense under IC 35-42-2-1.3;
 30 (D) an offense under IC 35-42-2-1.5;
 31 (E) an offense under IC 35-42-2-9;
 32 (F) an offense under IC 35-46-1-4; **and**
 33 ~~(G)~~ an attempt or conspiracy to commit:
 34 (i) an offense listed in clauses ~~(A)~~ through ~~(F)~~; or
 35 (ii) an offense under ~~IC 35-42-1-1, IC 35-42-1-2,~~
 36 ~~IC 35-42-1-3, IC 35-42-1-4, or IC 35-42-1-5;~~ or
 37 ~~(H)~~ an offense under the law of another jurisdiction, including
 38 a military court, that is substantially equivalent to any of the
 39 offenses listed in clauses ~~(A)~~ through ~~(G)~~; and
 40 (2) needs care, treatment, or rehabilitation that:
 41 (A) the child is not receiving; and
 42 (B) is unlikely to be provided or accepted without the coercive



- 1 intervention of the court.
- 2 (c) A child is a child in need of services if, before the child becomes
- 3 eighteen (18) years of age, the child:
- 4 (1) lives in the same household as an adult who:
- 5 (A) committed:
- 6 (i) an offense described in subsection (b)(1); or
- 7 (ii) an offense under IC 35-42-1-1, IC 35-42-1-2,
- 8 IC 35-42-1-3, IC 35-42-1-4, or IC 35-42-1-5;
- 9 against another child who lives in the household and the
- 10 offense resulted in a conviction or a judgment under
- 11 IC 31-34-11-2; or
- 12 (B) has been charged with committing an offense described in
- 13 clause (A) against another child who lives in the household
- 14 and is awaiting trial; and
- 15 (2) needs care, treatment, or rehabilitation that:
- 16 (A) the child is not receiving; and
- 17 (B) is unlikely to be provided or accepted without the coercive
- 18 intervention of the court.
- 19 (d) Evidence that the illegal manufacture of a drug or controlled
- 20 substance is occurring on property where a child resides creates a
- 21 rebuttable presumption that the child's physical or mental health is
- 22 seriously endangered.
- 23 SECTION 52. IC 31-34-1-3, AS AMENDED BY P.L.144-2018,
- 24 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 25 JULY 1, 2020]: Sec. 3. (a) A child is a child in need of services if,
- 26 before the child becomes eighteen (18) years of age:
- 27 (1) the child is the victim of an offense under:
- 28 (A) IC 35-42-4-1;
- 29 (B) IC 35-42-4-2 (before its repeal);
- 30 (C) IC 35-42-4-3;
- 31 (D) IC 35-42-4-4;
- 32 (E) IC 35-42-4-5;
- 33 (F) IC 35-42-4-6;
- 34 (G) IC 35-42-4-7;
- 35 (H) IC 35-42-4-8;
- 36 (I) IC 35-42-4-9;
- 37 (J) IC 35-45-4-1;
- 38 (K) IC 35-45-4-2;
- 39 (L) IC 35-45-4-3;
- 40 (M) IC 35-45-4-4; **or**
- 41 (N) IC 35-46-1-3; **or**
- 42 ~~(O) the law of another jurisdiction, including a military court;~~



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



- 1 offense under IC 35-42-3.5-1 through IC 35-42-3.5-1.4 or the
 2 law of another jurisdiction, including federal law, and is
 3 awaiting trial; and
 4 (2) the child needs care, treatment, or rehabilitation that:
 5 (A) the child is not receiving; and
 6 (B) is unlikely to be provided or accepted without the coercive
 7 intervention of the court.
- 8 SECTION 53. IC 31-34-1-3.5, AS ADDED BY P.L.46-2016,
 9 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2020]: Sec. 3.5. (a) A child is a child in need of services if,
 11 before the child becomes eighteen (18) years of age:
 12 (1) the child is the victim of
 13 ~~(A) human or sexual trafficking (as defined in~~
 14 ~~IC 31-9-2-133.1); or~~
 15 ~~(B) a human or sexual trafficking offense under the law of~~
 16 ~~another jurisdiction, including federal law, that is substantially~~
 17 ~~equivalent to the act described in clause (A); and~~
 18 (2) the child needs care, treatment, or rehabilitation that:
 19 (A) the child is not receiving; and
 20 (B) is unlikely to be provided or accepted without the coercive
 21 intervention of the court.
- 22 (b) A child is considered a victim of human or sexual trafficking
 23 regardless of whether the child consented to the conduct described in
 24 subsection (a)(1).
- 25 SECTION 54. IC 31-34-4-2, AS AMENDED BY P.L.243-2019,
 26 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2020]: Sec. 2. (a) If a child alleged to be a child in need of
 28 services is taken into custody under an order of the court under this
 29 chapter and the court orders out-of-home placement, the department is
 30 responsible for that placement and care and must consider placing the
 31 child with a:
 32 (1) suitable and willing relative; or
 33 (2) de facto custodian;
 34 before considering any other out-of-home placement.
- 35 (b) The department shall consider placing a child described in
 36 subsection (a) with a relative related by blood, marriage, or adoption
 37 before considering any other placement of the child.
- 38 (c) Before the department places a child in need of services with a
 39 relative or a de facto custodian, the department shall complete an
 40 evaluation based on a home visit of the relative's home.
- 41 (d) Except as provided in subsection (f), before placing a child in
 42 need of services in an out-of-home placement, the department shall



1 conduct a criminal history check of each person who is currently
2 residing in the location designated as the out-of-home placement.

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

6 (1) committed an act resulting in a substantiated report of child
7 abuse or neglect; or

8 (2) been convicted of a nonwaivable offense, as defined in
9 IC 31-9-2-84.8 or had a juvenile adjudication for an act that
10 would be a nonwaivable offense, as defined in IC 31-9-2-84.8 if
11 committed by an adult.

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

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

18 (1) a person described in subsection (d) has:

19 (A) committed an act resulting in a substantiated report of
20 child abuse or neglect;

21 (B) been convicted of:

22 (i) battery (IC 35-42-2-1);

23 (ii) criminal recklessness (IC 35-42-2-2) as a felony;

24 (iii) criminal confinement (IC 35-42-3-3) as a felony;

25 (iv) arson (IC 35-43-1-1) as a felony;

26 (v) nonsupport of a dependent child (IC 35-46-1-5);

27 (vi) operating a motorboat while intoxicated (IC 35-46-9-6)
28 as a felony;

29 (vii) a felony involving a weapon under IC 35-47;

30 (viii) a felony relating to controlled substances under
31 IC 35-48-4; **or**

32 (ix) a felony under IC 9-30-5;

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

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

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

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

42 (2) the person's commission of the offense, delinquent act, or act



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

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

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

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

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

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

15 SECTION 55. IC 31-34-20-1.5, AS AMENDED BY P.L.243-2019,
 16 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2020]: Sec. 1.5. (a) Except as provided in subsection (d), the
 18 juvenile court may not enter a dispositional decree approving or
 19 ordering placement of a child in another home under section 1(a)(3) of
 20 this chapter or awarding wardship to the department that will place the
 21 child in another home under section 1(a)(4) of this chapter if a person
 22 who is currently residing in the home in which the child would be
 23 placed under section 1(a)(3) or 1(a)(4) of this chapter has committed
 24 an act resulting in a substantiated report of child abuse or neglect, has
 25 a juvenile adjudication for an act that would be a nonwaivable offense,
 26 as defined in IC 31-9-2-84.8 if committed by an adult, or has a
 27 conviction for a nonwaivable offense, as defined in IC 31-9-2-84.8.

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



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

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

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

6 (B) is licensed by the state; or

7 (2) placement under this section is undetermined at the time the
8 predispositional report is prepared.

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

13 (1) the person described in subsection (a) has:

14 (A) committed an act resulting in a substantiated report of
15 child abuse or neglect;

16 (B) been convicted of:

17 (i) battery (IC 35-42-2-1);

18 (ii) criminal recklessness (IC 35-42-2-2) as a felony;

19 (iii) criminal confinement (IC 35-42-3-3) as a felony;

20 (iv) arson (IC 35-43-1-1) as a felony;

21 (v) nonsupport of a dependent child (IC 35-46-1-5);

22 (vi) operating a motorboat while intoxicated (IC 35-46-9-6)
23 as a felony;

24 (vii) a felony involving a weapon under IC 35-47;

25 (viii) a felony relating to controlled substances under
26 IC 35-48-4; **or**

27 (ix) a felony under IC 9-30-5;

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

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

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

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

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

42 However, a court may not enter a dispositional decree that approves



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

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

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

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

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

13 SECTION 56. IC 31-34-21-7.5, AS AMENDED BY THE
 14 TECHNICAL CORRECTIONS BILL OF THE 2020 GENERAL
 15 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2020]: Sec. 7.5. (a) Except as provided in subsection (d), the
 17 juvenile court may not approve a permanency plan under subsection
 18 ~~(c)(1)(D)~~, **(c)(1)(C)**, ~~(c)(1)(E)~~, **(c)(1)(D)**, or ~~(c)(1)(F)~~ **(c)(1)(E)** if a
 19 person who is currently residing with a person described in subsection
 20 ~~(c)(1)(D)~~ **(c)(1)(C)** or ~~(c)(1)(E)~~ **(c)(1)(D)** or in a residence in which the
 21 child would be placed under subsection ~~(c)(1)(F)~~ **(c)(1)(E)** has
 22 committed an act resulting in a substantiated report of child abuse or
 23 neglect, has a juvenile adjudication for an act that would be a
 24 nonwaivable offense, as defined in IC 31-9-2-84.8 if committed by an
 25 adult, or has a conviction for a nonwaivable offense, as defined in
 26 IC 31-9-2-84.8.

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

42 (c) A permanency plan, or plans, if concurrent planning, under this



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



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



- 1 cooperation with a treatment plan, if applicable.
- 2 SECTION 57. IC 31-37-19-6.5, AS AMENDED BY P.L.243-2019,
3 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2020]: Sec. 6.5. (a) Except as provided in subsection (d), the
5 juvenile court may not enter a dispositional decree approving
6 placement of a child in another home under section 1(a)(3) or
7 6(b)(2)(D) of this chapter or awarding wardship to a person or facility
8 that results in a placement with a person under section 1(a)(4) or
9 6(b)(2)(E) of this chapter if a person who is currently residing in the
10 home in which the child would be placed under section 1(a)(3), 1(a)(4),
11 6(b)(2)(D), or 6(b)(2)(E) of this chapter has committed an act resulting
12 in a substantiated report of child abuse or neglect, has a juvenile
13 adjudication for an act that would be a nonwaivable offense, as defined
14 in IC 31-9-2-84.8 if committed by an adult, or has a conviction for a
15 nonwaivable offense, as defined in IC 31-9-2-84.8.
- 16 (b) The juvenile probation officer who prepared the predispositional
17 report shall conduct a criminal history check (as defined in
18 IC 31-9-2-22.5) to determine if a person described in subsection (a) has
19 committed an act resulting in a substantiated report of child abuse or
20 neglect, has a juvenile adjudication for an act that would be a
21 nonwaivable offense, as defined in IC 31-9-2-84.8 if committed by an
22 adult, or has a conviction for a nonwaivable offense, as defined in
23 IC 31-9-2-84.8. However, the probation officer is not required to
24 conduct a criminal history check under this section if criminal history
25 information obtained under IC 31-37-17-6.1 establishes whether a
26 person described in subsection (a) has committed an act resulting in a
27 substantiated report of child abuse or neglect, has a juvenile
28 adjudication for an act that would be a nonwaivable offense, as defined
29 in IC 31-9-2-84.8 if committed by an adult, or has a conviction for a
30 nonwaivable offense, as defined in IC 31-9-2-84.8.
- 31 (c) The juvenile probation officer is not required to conduct a
32 criminal history check under this section if:
- 33 (1) the probation officer is considering only an out-of-home
34 placement to an entity or a facility that:
- 35 (A) is not a residence (as defined in IC 3-5-2-42.5); or
36 (B) is licensed by the state; or
- 37 (2) placement under this section is undetermined at the time the
38 predispositional report is prepared.
- 39 (d) The juvenile court may enter a dispositional decree approving
40 placement of a child in another home under section 1(a)(3) or
41 6(b)(2)(D) of this chapter or awarding wardship to a person or facility
42 that results in a placement with a person under section 1(a)(4) or



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



- 1 cooperation with a treatment plan, if applicable.
- 2 SECTION 58. IC 31-37-22-11, AS ADDED BY P.L.86-2017,
 3 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 4 JULY 1, 2020]: Sec. 11. (a) As used in this section, "trafficked child"
 5 means a child who was the victim of human trafficking (IC 35-42-3.5),
 6 ~~or a substantially similar human trafficking offense committed in~~
 7 ~~another jurisdiction~~, regardless of whether the person who committed
 8 the human trafficking offense was charged, tried, or convicted. The
 9 term includes a person who is now an adult.
- 10 (b) Upon the written motion of a trafficked child, or any person
 11 acting on behalf of a trafficked child, the court that adjudicated the
 12 trafficked child a delinquent child shall vacate the adjudication issued
 13 with respect to the trafficked child, if the movant proves by a
 14 preponderance of the evidence that:
- 15 (1) the child was a trafficked child at the time the child performed
 16 the delinquent act that resulted in the adjudication;
 17 (2) the delinquent act did not result in bodily injury to another
 18 person; and
 19 (3) at the time the child committed the delinquent act, the child
 20 was:
- 21 (A) coerced by; or
 22 (B) under the control of;
 23 another person.
- 24 (c) Before vacating an adjudication under subsection (b), the court
 25 shall:
- 26 (1) forward a copy of the motion to the prosecuting attorney; and
 27 (2) conduct a hearing at which the prosecuting attorney and the
 28 movant are entitled to be heard.
- 29 SECTION 59. IC 32-30-8-1 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. As used in this
 31 chapter, "nuisance" means
 32 ~~(1) the use of a property to commit an act constituting an offense~~
 33 ~~under IC 35-48-4. or~~
 34 ~~(2) an attempt to commit or a conspiracy to commit an act~~
 35 ~~described in subdivision (1).~~
- 36 SECTION 60. IC 33-23-6-2, AS AMENDED BY P.L.55-2005,
 37 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2020]: Sec. 2. (a) In each county participating in the program
 39 under this chapter, there is established an alternative dispute resolution
 40 fund for each of the following:
 41 (1) The circuit court.
 42 (2) The superior court.



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



1 county under section 3 of this chapter.

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

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

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

8 SECTION 61. IC 33-23-8-4, AS AMENDED BY P.L.181-2005,
9 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2020]: Sec. 4. If a practitioner is convicted under
11 IC 35-43-5-4.5 of

12 ~~(1)~~ insurance fraud,

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

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

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

17 SECTION 62. IC 34-24-1-1, AS AMENDED BY P.L.211-2019,
18 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JULY 1, 2020]: Sec. 1. (a) The following may be seized:

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

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

27 (i) Dealing in or manufacturing cocaine or a narcotic drug
28 (IC 35-48-4-1).

29 (ii) Dealing in methamphetamine (IC 35-48-4-1.1).

30 (iii) Manufacturing methamphetamine (IC 35-48-4-1.2).

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

33 (v) Dealing in a schedule IV controlled substance
34 (IC 35-48-4-3).

35 (vi) Dealing in a schedule V controlled substance
36 (IC 35-48-4-4).

37 (vii) Dealing in a counterfeit substance (IC 35-48-4-5).

38 (viii) Possession of cocaine or a narcotic drug
39 (IC 35-48-4-6).

40 (ix) Possession of methamphetamine (IC 35-48-4-6.1).

41 (x) Dealing in paraphernalia (IC 35-48-4-8.5).

42 (xi) Dealing in marijuana, hash oil, hashish, or salvia



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



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



1 forgery in violation of IC 35-43-5-2.

2 (14) After December 31, 2005, if a person is convicted of an
3 offense specified in IC 25-26-14-26(b) or IC 35-43-10, the
4 following real or personal property:

5 (A) Property used or intended to be used to commit, facilitate,
6 or promote the commission of the offense.

7 (B) Property constituting, derived from, or traceable to the
8 gross proceeds that the person obtained directly or indirectly
9 as a result of the offense.

10 (15) Except as provided in subsection (e), a vehicle used by a
11 person who operates the vehicle:

12 (A) while intoxicated, in violation of IC 9-30-5-1 through
13 IC 9-30-5-5, if in the previous five (5) years the person has two
14 (2) or more prior unrelated convictions

15 (i) for operating a motor vehicle while intoxicated in
16 violation of IC 9-30-5-1 through IC 9-30-5-5; or

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

19 (B) on a highway while the person's driving privileges are
20 suspended in violation of IC 9-24-19-2 through IC 9-24-19-3,
21 if in the previous five (5) years the person has two (2) or more
22 prior unrelated convictions

23 (i) for operating a vehicle while intoxicated in violation of
24 IC 9-30-5-1 through IC 9-30-5-5. or

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

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

33 (16) The following real or personal property:

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

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

42 (17) An automated sales suppression device (as defined in



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



- 1 3, Level 4, or Level 5 felony.
 2 (10) IC 35-48-4-10 (dealing in marijuana, hash oil, hashish, or
 3 salvia) as a Level 5 felony.
 4 (11) IC 35-48-4-10.5 (before its repeal on July 1, 2019) (dealing
 5 in a synthetic drug or synthetic drug lookalike substance) as a
 6 Level 5 felony or Level 6 felony (or as a Class C felony or Class
 7 D felony under IC 35-48-4-10 before its amendment in 2013).
 8 (e) A vehicle operated by a person who is not:
 9 (1) an owner of the vehicle; or
 10 (2) the spouse of the person who owns the vehicle;

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

15 SECTION 63. IC 35-31.5-2-91, AS AMENDED BY P.L.158-2013,
 16 SECTION 365, IS AMENDED TO READ AS FOLLOWS
 17 [EFFECTIVE JULY 1, 2020]: Sec. 91. "Designated offense", for
 18 purposes of IC 35-33.5, means the following:

- 19 (1) A Class A, Class B, or Class C felony, for a crime committed
 20 before July 1, 2014, or a Level 1, Level 2, Level 3, Level 4, or
 21 Level 5 felony, for a crime committed after June 30, 2014, that is
 22 a controlled substance offense (IC 35-48-4).
 23 (2) Murder (IC 35-42-1-1).
 24 (3) Kidnapping (IC 35-42-3-2).
 25 (4) Criminal confinement (IC 35-42-3-3).
 26 (5) Robbery (IC 35-42-5-1).
 27 (6) Arson (IC 35-43-1-1).
 28 (7) Child solicitation (IC 35-42-4-6).
 29 (8) Human and sexual trafficking crimes under IC 35-42-3.5.
 30 (9) Escape as a Class B felony or Class C felony, for a crime
 31 committed before July 1, 2014, or a Level 4 felony or Level 5
 32 felony, for a crime committed after June 30, 2014
 33 (IC 35-44.1-3-4).
 34 (10) An offense that relates to a weapon of mass destruction (as
 35 defined in section 354 of this chapter).
 36 ~~(11) An attempt or conspiracy to commit an offense described in~~
 37 ~~subdivisions (1) through (10).~~
 38 ~~(12) An offense under the law of the United States or in another~~
 39 ~~state or country that is substantially similar to an offense~~
 40 ~~described in subdivisions (1) through (11).~~

41 SECTION 64. IC 35-33-7-5, AS AMENDED BY P.L.46-2018,
 42 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2020]: Sec. 5. At the initial hearing of a person, the judicial
 2 officer shall inform the person orally or in writing:

3 (1) that the person has a right to retain counsel and if the person
 4 intends to retain counsel the person must do so within:

5 (A) twenty (20) days if the person is charged with a felony; or

6 (B) ten (10) days if the person is charged only with one (1) or
 7 more misdemeanors;

8 after this initial hearing because there are deadlines for filing
 9 motions and raising defenses, and if those deadlines are missed,
 10 the legal issues and defenses that could have been raised will be
 11 waived;

12 (2) that the person has a right to:

13 (A) assigned counsel at no expense to the person if the person
 14 is indigent; **and**

15 (B) **consult with and be represented by counsel at the**
 16 **initial hearing under section 6 of this chapter;**

17 (3) that the person has a right to a speedy trial;

18 (4) of the amount and conditions of bail;

19 (5) of the person's privilege against self-incrimination;

20 (6) of the nature of the charge against the person;

21 (7) that a preliminary plea of not guilty is being entered for the
 22 person and the preliminary plea of not guilty will become a formal
 23 plea of not guilty:

24 (A) twenty (20) days after the completion of the initial
 25 hearing; or

26 (B) ten (10) days after the completion of the initial hearing if
 27 the person is charged only with one (1) or more
 28 misdemeanors;

29 unless the defendant enters a different plea; and

30 (8) that the person may request to petition for a specialized
 31 driving privileges hearing if the person is charged with:

32 (A) any offense in which the operation of a motor vehicle is an
 33 element of the offense;

34 (B) any offense under IC 9-30-5, IC 35-46-9, or IC 14-15-8
 35 (before its repeal); or

36 (C) any offense under IC 35-42-1, IC 35-42-2, or
 37 IC 35-44.1-3-1 that involves the use of a vehicle.

38 In addition, the judge shall direct the prosecuting attorney to give the
 39 defendant or the defendant's attorney a copy of any formal felony
 40 charges filed or ready to be filed. The judge shall, upon request of the
 41 defendant, direct the prosecuting attorney to give the defendant or the
 42 defendant's attorney a copy of any formal misdemeanor charges filed



1 or ready to be filed.

2 SECTION 65. IC 35-33-7-6 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. (a) Prior to ~~the~~
4 ~~completion of conducting~~ the initial hearing, the judicial officer shall
5 determine whether a person ~~who requests assigned counsel~~ is indigent.
6 If the person is found to be indigent, the judicial officer shall assign
7 counsel to the person. **The judicial officer shall provide the person**
8 **with sufficient time to consult with counsel prior to conducting the**
9 **initial hearing.**

10 (b) **Assigned counsel shall be present at the time of the**
11 **appointment to provide consultation and representation to a**
12 **person assigned counsel under subsection (a).**

13 ~~(b)~~ (c) If jurisdiction over an indigent defendant is transferred to
14 another court, the receiving court shall assign counsel immediately
15 upon acquiring jurisdiction over the defendant.

16 ~~(c)~~ (d) If the court finds that the person is able to pay part of the cost
17 of representation by the assigned counsel, the court shall order the
18 person to pay the following:

19 (1) For a felony action, a fee of one hundred dollars (\$100).

20 (2) For a misdemeanor action, a fee of fifty dollars (\$50).

21 The clerk of the court shall deposit fees collected under this subsection
22 in the county's supplemental public defender services fund established
23 under IC 33-40-3-1.

24 ~~(d)~~ (e) The court may review the finding of indigency at any time
25 during the proceedings.

26 SECTION 66. IC 35-37-4-6, AS AMENDED BY P.L.65-2016,
27 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2020]: Sec. 6. (a) This section applies to a criminal action
29 involving the following offenses where the victim is a protected person
30 under subsection (c)(1) or (c)(2):

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

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

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

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

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

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

38 ~~(7) An attempt under IC 35-41-5-1 to commit an offense listed in~~
39 ~~this subsection.~~

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

42 (1) Exploitation of a dependent or endangered adult



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



1 subsection (a) or (b) if the requirements of subsection (e) are met.

2 (e) A statement or videotape described in subsection (d) is
3 admissible in evidence in a criminal action listed in subsection (a) or
4 (b) if, after notice to the defendant of a hearing and of the defendant's
5 right to be present, all of the following conditions are met:

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

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

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

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

13 (2) The protected person:

14 (A) testifies at the trial; or

15 (B) is found by the court to be unavailable as a witness for one
16 (1) of the following reasons:

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

23 (ii) The protected person cannot participate in the trial for
24 medical reasons.

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

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

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

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

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

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

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

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



1 and that, in making that determination, the jury shall consider the
2 following:

- 3 (1) The mental and physical age of the person making the
4 statement or videotape.
5 (2) The nature of the statement or videotape.
6 (3) The circumstances under which the statement or videotape
7 was made.
8 (4) Other relevant factors.

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

- 12 (1) transcript; or
13 (2) videotape;

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

15 SECTION 67. IC 35-37-4-8, AS AMENDED BY P.L.65-2016,
16 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 JULY 1, 2020]: Sec. 8. (a) This section applies to a criminal action
18 under the following:

- 19 (1) Sex crimes (IC 35-42-4).
20 (2) A battery offense included in IC 35-42-2 upon a child less
21 than fourteen (14) years of age.
22 (3) Kidnapping and confinement (IC 35-42-3).
23 (4) Incest (IC 35-46-1-3).
24 (5) Neglect of a dependent (IC 35-46-1-4).
25 (6) Human and sexual trafficking crimes (IC 35-42-3.5).
26 (7) ~~An attempt under IC 35-41-5-1 for an offense listed in~~
27 ~~subdivisions (1) through (6).~~

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

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

- 35 (1) allows the protected person to see the accused and the trier of
36 fact; and
37 (2) allows the accused and the trier of fact to see and hear the
38 protected person.

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



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

3 (1) the testimony to be taken is the testimony of a protected
4 person who:

5 (A) is the alleged victim of an offense listed in subsection (a)
6 for which the defendant is being tried or is a witness in a trial
7 for an offense listed in subsection (a); and

8 (B) is found by the court to be a protected person who should
9 be permitted to testify outside the courtroom because:

10 (i) the court finds from the testimony of a psychiatrist,
11 physician, or psychologist and any other evidence that the
12 protected person's testifying in the physical presence of the
13 defendant would cause the protected person to suffer serious
14 emotional harm and the court finds that the protected person
15 could not reasonably communicate in the physical presence
16 of the defendant to the trier of fact;

17 (ii) a physician has certified that the protected person cannot
18 be present in the courtroom for medical reasons; or

19 (iii) evidence has been introduced concerning the effect of
20 the protected person's testifying in the physical presence of
21 the defendant, and the court finds that it is more likely than
22 not that the protected person's testifying in the physical
23 presence of the defendant creates a substantial likelihood of
24 emotional or mental harm to the protected person;

25 (2) the prosecuting attorney has informed the defendant and the
26 defendant's attorney of the intention to have the protected person
27 testify outside the courtroom; and

28 (3) the prosecuting attorney informed the defendant and the
29 defendant's attorney under subdivision (2) at least ten (10) days
30 before the trial of the prosecuting attorney's intention to have the
31 protected person testify outside the courtroom.

32 (f) If the court makes an order under subsection (c), only the
33 following persons may be in the same room as the protected person
34 during the protected person's testimony:

35 (1) A defense attorney if:

36 (A) the defendant is represented by the defense attorney; and

37 (B) the prosecuting attorney is also in the same room.

38 (2) The prosecuting attorney if:

39 (A) the defendant is represented by a defense attorney; and

40 (B) the defense attorney is also in the same room.

41 (3) Persons necessary to operate the closed circuit television
42 equipment.



- 1 (4) Persons whose presence the court finds will contribute to the
 2 protected person's well-being.
 3 (5) A court bailiff or court representative.
 4 (g) If the court makes an order under subsection (d), only the
 5 following persons may be in the same room as the protected person
 6 during the protected person's videotaped testimony:
 7 (1) The judge.
 8 (2) The prosecuting attorney.
 9 (3) The defendant's attorney (or the defendant, if the defendant is
 10 not represented by an attorney).
 11 (4) Persons necessary to operate the electronic equipment.
 12 (5) The court reporter.
 13 (6) Persons whose presence the court finds will contribute to the
 14 protected person's well-being.
 15 (7) The defendant, who can observe and hear the testimony of the
 16 protected person with the protected person being able to observe
 17 or hear the defendant. However, if the defendant is not
 18 represented by an attorney, the defendant may question the
 19 protected person.
 20 (h) If the court makes an order under subsection (c) or (d), only the
 21 following persons may question the protected person:
 22 (1) The prosecuting attorney.
 23 (2) The defendant's attorney (or the defendant, if the defendant is
 24 not represented by an attorney).
 25 (3) The judge.
 26 SECTION 68. IC 35-38-1-7.5, AS AMENDED BY P.L.86-2018,
 27 SECTION 332, IS AMENDED TO READ AS FOLLOWS
 28 [EFFECTIVE JULY 1, 2020]: Sec. 7.5. (a) As used in this section,
 29 "sexually violent predator" means a person who suffers from a mental
 30 abnormality or personality disorder that makes the individual likely to
 31 repeatedly commit a sex offense (as defined in IC 11-8-8-5.2). The
 32 term includes a person convicted in another jurisdiction who is
 33 identified as a sexually violent predator under IC 11-8-8-20. The term
 34 does not include a person no longer considered a sexually violent
 35 predator under subsection (g).
 36 (b) A person who:
 37 (1) being at least eighteen (18) years of age, commits an offense
 38 described in:
 39 (A) IC 35-42-4-1;
 40 (B) IC 35-42-4-2 (before its repeal);
 41 (C) IC 35-42-4-3 as a Class A or Class B felony (for a crime
 42 committed before July 1, 2014) or a Level 1, Level 2, Level 3,



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



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

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

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

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

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

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

27 (1) the sentencing court or juvenile court makes its determination
28 under subsection (e); or

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

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



1 offender against children. Notwithstanding any other law, a condition
 2 imposed on a person due to the person's status as a sexually violent
 3 predator, including lifetime parole or GPS monitoring, does not apply
 4 to a person no longer considered a sexually violent predator.

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

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

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

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

15 (4) The offense committed by the person was not any of the
 16 following:

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

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

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

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

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

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

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

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

36 SECTION 69. IC 35-38-10-1, AS ADDED BY P.L.86-2017,
 37 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2020]: Sec. 1. As used in this chapter, "trafficked person"
 39 means a person who was the victim of human trafficking
 40 (IC 35-42-3.5), or a substantially similar human trafficking offense
 41 committed in another jurisdiction, regardless of whether the person
 42 who committed the human trafficking offense was charged, tried, or



1 convicted.

2 SECTION 70. IC 35-40-14-1, AS ADDED BY P.L.137-2009,
3 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2020]: Sec. 1. As used in this chapter, "identity theft" means:

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

9 SECTION 71. IC 35-42-2-1, AS AMENDED BY P.L.80-2018,
10 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2020]: Sec. 1. (a) As used in this section, "public safety
12 official" means:

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

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

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

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



- 1 (1) touches another person in a rude, insolent, or angry manner;
 2 or
 3 (2) in a rude, insolent, or angry manner places any bodily fluid or
 4 waste on another person;
 5 commits battery, a Class B misdemeanor.
- 6 (d) The offense described in subsection (c)(1) or (c)(2) is a Class A
 7 misdemeanor if it:
 8 (1) results in bodily injury to any other person; or
 9 (2) is committed against a member of a foster family home (as
 10 defined in IC 35-31.5-2-139.3) by a person who is not a resident
 11 of the foster family home if the person who committed the offense
 12 is a relative of a person who lived in the foster family home at the
 13 time of the offense.
- 14 (e) The offense described in subsection (c)(1) or (c)(2) is a Level 6
 15 felony if one (1) or more of the following apply:
 16 (1) The offense results in moderate bodily injury to any other
 17 person.
 18 (2) The offense is committed against a public safety official while
 19 the official is engaged in the official's official duty.
 20 (3) The offense is committed against a person less than fourteen
 21 (14) years of age and is committed by a person at least eighteen
 22 (18) years of age.
 23 (4) The offense is committed against a person of any age who has
 24 a mental or physical disability and is committed by a person
 25 having the care of the person with the mental or physical
 26 disability, whether the care is assumed voluntarily or because of
 27 a legal obligation.
 28 (5) The offense is committed against an endangered adult (as
 29 defined in IC 12-10-3-2).
 30 (6) The offense:
 31 (A) is committed against a member of a foster family home (as
 32 defined in IC 35-31.5-2-139.3) by a person who is not a
 33 resident of the foster family home if the person who committed
 34 the offense is a relative of a person who lived in the foster
 35 family home at the time of the offense; and
 36 (B) results in bodily injury to the member of the foster family.
- 37 (f) The offense described in subsection (c)(2) is a Level 6 felony if
 38 the person knew or recklessly failed to know that the bodily fluid or
 39 waste placed on another person was infected with hepatitis,
 40 tuberculosis, or human immunodeficiency virus.
- 41 (g) The offense described in subsection (c)(1) or (c)(2) is a Level 5
 42 felony if one (1) or more of the following apply:



- 1 (1) The offense results in serious bodily injury to another person.
 2 (2) The offense is committed with a deadly weapon.
 3 (3) The offense results in bodily injury to a pregnant woman if the
 4 person knew of the pregnancy.
 5 (4) The person has a previous conviction for a battery offense
 6 ~~(A) included in this chapter against the same victim. or~~
 7 ~~(B) against the same victim in any other jurisdiction, including~~
 8 ~~a military court, in which the elements of the crime for which~~
 9 ~~the conviction was entered are substantially similar to the~~
 10 ~~elements of a battery offense included in this chapter.~~
 11 (5) The offense results in bodily injury to one (1) or more of the
 12 following:
 13 (A) A public safety official while the official is engaged in the
 14 official's official duties.
 15 (B) A person less than fourteen (14) years of age if the offense
 16 is committed by a person at least eighteen (18) years of age.
 17 (C) A person who has a mental or physical disability if the
 18 offense is committed by an individual having care of the
 19 person with the disability, regardless of whether the care is
 20 assumed voluntarily or because of a legal obligation.
 21 (D) An endangered adult (as defined in IC 12-10-3-2).
 22 (h) The offense described in subsection (c)(2) is a Level 5 felony if:
 23 (1) the person knew or recklessly failed to know that the bodily
 24 fluid or waste placed on another person was infected with
 25 hepatitis, tuberculosis, or human immunodeficiency virus; and
 26 (2) the person placed the bodily fluid or waste on a public safety
 27 official.
 28 (i) The offense described in subsection (c)(1) or (c)(2) is a Level 4
 29 felony if it results in serious bodily injury to an endangered adult (as
 30 defined in IC 12-10-3-2).
 31 (j) The offense described in subsection (c)(1) or (c)(2) is a Level 3
 32 felony if it results in serious bodily injury to a person less than fourteen
 33 (14) years of age if the offense is committed by a person at least
 34 eighteen (18) years of age.
 35 (k) The offense described in subsection (c)(1) or (c)(2) is a Level 2
 36 felony if it results in the death of one (1) or more of the following:
 37 (1) A person less than fourteen (14) years of age if the offense is
 38 committed by a person at least eighteen (18) years of age.
 39 (2) An endangered adult (as defined in IC 12-10-3-2).
 40 SECTION 72. IC 35-42-2-1.3, AS AMENDED BY P.L.40-2019,
 41 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2020]: Sec. 1.3. (a) Except as provided in subsections (b)



- 1 through (f), a person who knowingly or intentionally:
- 2 (1) touches a family or household member in a rude, insolent, or
- 3 angry manner; or
- 4 (2) in a rude, insolent, or angry manner places any bodily fluid or
- 5 waste on a family or household member;
- 6 commits domestic battery, a Class A misdemeanor.
- 7 (b) The offense under subsection (a)(1) or (a)(2) is a Level 6 felony
- 8 if one (1) or more of the following apply:
- 9 (1) The person who committed the offense has a previous,
- 10 unrelated conviction:
- 11 (A) for a battery offense included in this chapter; **or**
- 12 (B) for a strangulation offense under IC 35-42-2-9. ~~or~~
- 13 ~~(C) in any other jurisdiction, including a military court, in~~
- 14 ~~which the elements of the crime for which the conviction was~~
- 15 ~~entered are substantially similar to the elements of:~~
- 16 ~~(i) a battery offense included in this chapter; or~~
- 17 ~~(ii) a strangulation offense under IC 35-42-2-9.~~
- 18 (2) The person who committed the offense is at least eighteen (18)
- 19 years of age and committed the offense against a family or
- 20 household member in the physical presence of a child less than
- 21 sixteen (16) years of age, knowing that the child was present and
- 22 might be able to see or hear the offense.
- 23 (3) The offense results in moderate bodily injury to a family or
- 24 household member.
- 25 (4) The offense is committed against a family or household
- 26 member who is less than fourteen (14) years of age and is
- 27 committed by a person at least eighteen (18) years of age.
- 28 (5) The offense is committed against a family or household
- 29 member of any age who has a mental or physical disability and is
- 30 committed by a person having the care of the family or household
- 31 member with the mental or physical disability, whether the care
- 32 is assumed voluntarily or because of a legal obligation.
- 33 (6) The offense is committed against a family or household
- 34 member who is an endangered adult (as defined in IC 12-10-3-2).
- 35 (c) The offense described in subsection (a)(1) or (a)(2) is a Level 5
- 36 felony if one (1) or more of the following apply:
- 37 (1) The offense results in serious bodily injury to a family or
- 38 household member.
- 39 (2) The offense is committed with a deadly weapon against a
- 40 family or household member.
- 41 (3) The offense results in bodily injury to a pregnant family or
- 42 household member if the person knew of the pregnancy.



- 1 (4) The person has a previous conviction for a battery offense
- 2 ~~(A) included in this chapter against the same family or~~
- 3 ~~household member. or~~
- 4 ~~(B) against the same family or household member in any other~~
- 5 ~~jurisdiction; including a military court; in which the elements~~
- 6 ~~of the crime for which the conviction was entered are~~
- 7 ~~substantially similar to the elements of a battery offense~~
- 8 ~~included in this chapter.~~
- 9 (5) The offense results in bodily injury to one (1) or more of the
- 10 following:
- 11 (A) A family or household member who is less than fourteen
- 12 (14) years of age if the offense is committed by a person at
- 13 least eighteen (18) years of age.
- 14 (B) A family or household member who has a mental or
- 15 physical disability if the offense is committed by an individual
- 16 having care of the family or household member with the
- 17 disability, regardless of whether the care is assumed
- 18 voluntarily or because of a legal obligation.
- 19 (C) A family or household member who is an endangered
- 20 adult (as defined in IC 12-10-3-2).
- 21 (d) The offense described in subsection (a)(1) or (a)(2) is a Level 4
- 22 felony if it results in serious bodily injury to a family or household
- 23 member who is an endangered adult (as defined in IC 12-10-3-2).
- 24 (e) The offense described in subsection (a)(1) or (a)(2) is a Level 3
- 25 felony if it results in serious bodily injury to a family or household
- 26 member who is less than fourteen (14) years of age if the offense is
- 27 committed by a person at least eighteen (18) years of age.
- 28 (f) The offense described in subsection (a)(1) or (a)(2) is a Level 2
- 29 felony if it results in the death of one (1) or more of the following:
- 30 (1) A family or household member who is less than fourteen (14)
- 31 years of age if the offense is committed by a person at least
- 32 eighteen (18) years of age.
- 33 (2) A family or household member who is an endangered adult (as
- 34 defined in IC 12-10-3-2).
- 35 SECTION 73. IC 35-42-2-9, AS AMENDED BY P.L.40-2019,
- 36 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 37 JULY 1, 2020]: Sec. 9. (a) This section does not apply to a medical
- 38 procedure.
- 39 (b) As used in this section, "torso" means any part of the upper body
- 40 from the collarbone to the hips.
- 41 (c) A person who, in a rude, angry, or insolent manner, knowingly
- 42 or intentionally:



- 1 (1) applies pressure to the throat or neck of another person;
- 2 (2) obstructs the nose or mouth of the another person; or
- 3 (3) applies pressure to the torso of another person;
- 4 in a manner that impedes the normal breathing or the blood circulation
- 5 of the other person commits strangulation, a Level 6 felony.
- 6 (d) However, the offense under subsection (c) is a Level 5 felony if:
- 7 (1) the offense is committed by a person:
- 8 (A) against a pregnant woman; and
- 9 (B) who knew the victim was pregnant at the time of the
- 10 offense; **or**
- 11 (2) the person has a prior unrelated conviction under this section.
- 12 **or**
- 13 ~~(3) the person has a prior unrelated conviction in any jurisdiction;~~
- 14 ~~including a military court; in which the elements of the crime for~~
- 15 ~~which the conviction was entered are substantially similar to the~~
- 16 ~~elements set forth in this section.~~
- 17 SECTION 74. IC 35-42-4-11, AS AMENDED BY P.L.220-2019,
- 18 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 19 JULY 1, 2020]: Sec. 11. (a) As used in this section, and except as
- 20 provided in subsection (d), "offender against children" means a person
- 21 required to register as a sex or violent offender under IC 11-8-8 who
- 22 has been:
- 23 (1) found to be a sexually violent predator under IC 35-38-1-7.5;
- 24 or
- 25 (2) convicted of one (1) or more of the following offenses:
- 26 (A) Child molesting (IC 35-42-4-3).
- 27 (B) Child exploitation (IC 35-42-4-4(b) or IC 35-42-4-4(c)).
- 28 (C) Child solicitation (IC 35-42-4-6).
- 29 (D) Child seduction (IC 35-42-4-7).
- 30 (E) Kidnapping (IC 35-42-3-2), if the victim is less than
- 31 eighteen (18) years of age, and the person is not the child's
- 32 parent or guardian.
- 33 ~~(F) Attempt to commit or conspiracy to commit an offense~~
- 34 ~~listed in clauses (A) through (E).~~
- 35 ~~(G) An offense in another jurisdiction that is substantially~~
- 36 ~~similar to an offense described in clauses (A) through (F).~~
- 37 A person is an offender against children by operation of law if the
- 38 person meets the conditions described in subdivision (1) or (2) at any
- 39 time.
- 40 (b) As used in this section, "reside" means to spend more than three
- 41 (3) nights in:
- 42 (1) a residence; or



1 (2) if the person does not reside in a residence, a particular
2 location;
3 in any thirty (30) day period.
4 (c) An offender against children who knowingly or intentionally:
5 (1) resides within one thousand (1,000) feet of:
6 (A) school property, not including property of an institution
7 providing post-secondary education;
8 (B) a youth program center;
9 (C) a public park; or
10 (D) a day care center licensed under IC 12-17.2;
11 (2) establishes a residence within one (1) mile of the residence of
12 the victim of the offender's sex offense; or
13 (3) resides in a residence where a child care provider (as defined
14 by IC 31-33-26-1) provides child care services;
15 commits a sex offender residency offense, a Level 6 felony.
16 (d) This subsection does not apply to an offender against children
17 who has two (2) or more unrelated convictions for an offense described
18 in subsection (a). A person who is an offender against children may
19 petition the court to consider whether the person should no longer be
20 considered an offender against children. The person may file a petition
21 under this subsection not earlier than ten (10) years after the person is
22 released from incarceration or parole, whichever occurs last (or, if the
23 person is not incarcerated, not earlier than ten (10) years after the
24 person is released from probation). A person may file a petition under
25 this subsection not more than one (1) time per year. A court may
26 dismiss a petition filed under this subsection or conduct a hearing to
27 determine if the person should no longer be considered an offender
28 against children. If the court conducts a hearing, the court shall appoint
29 two (2) psychologists or psychiatrists who have expertise in criminal
30 behavioral disorders to evaluate the person and testify at the hearing.
31 After conducting the hearing and considering the testimony of the two
32 (2) psychologists or psychiatrists, the court shall determine whether the
33 person should no longer be considered an offender against children. If
34 a court finds that the person should no longer be considered an offender
35 against children, the court shall send notice to the department of
36 correction that the person is no longer considered an offender against
37 children.
38 SECTION 75. IC 35-42-4-14, AS AMENDED BY P.L.87-2018,
39 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JULY 1, 2020]: Sec. 14. (a) As used in this section, "serious sex
41 offender" means a person required to register as a sex offender under
42 IC 11-8-8 who is:



- 1 (1) found to be a sexually violent predator under IC 35-38-1-7.5;
- 2 or
- 3 (2) convicted of one (1) or more of the following offenses:
- 4 (A) Child molesting (IC 35-42-4-3).
- 5 (B) Child exploitation (IC 35-42-4-4(b) or IC 35-42-4-4(c)).
- 6 (C) Possession of child pornography (IC 35-42-4-4(d) or
- 7 IC 35-42-4-4(e)).
- 8 (D) Vicarious sexual gratification (IC 35-42-4-5(a) and
- 9 IC 35-42-4-5(b)).
- 10 (E) Performing sexual conduct in the presence of a minor
- 11 (IC 35-42-4-5(c)).
- 12 (F) Child solicitation (IC 35-42-4-6).
- 13 (G) Child seduction (IC 35-42-4-7).
- 14 (H) Sexual misconduct with a minor (IC 35-42-4-9).
- 15 ~~(I) A conspiracy or an attempt to commit an offense described~~
- 16 ~~in clauses (A) through (H).~~
- 17 ~~(J) An offense in another jurisdiction that is substantially~~
- 18 ~~similar to an offense described in clauses (A) through (I).~~
- 19 (b) A serious sex offender who knowingly or intentionally enters
- 20 school property commits unlawful entry by a serious sex offender, a
- 21 Level 6 felony.
- 22 (c) It is a defense to a prosecution under subsection (b) that:
- 23 (1) a religious institution or house of worship is located on the
- 24 school property; and
- 25 (2) the person:
- 26 (A) enters the school property or other entity described in
- 27 IC 35-31.5-2-285(1)(A) through IC 35-31.5-2-285(1)(D) when
- 28 classes, extracurricular activities, or any other school activities
- 29 are not being held:
- 30 (i) for the sole purpose of attending worship services or
- 31 receiving religious instruction; and
- 32 (ii) not earlier than thirty (30) minutes before the beginning
- 33 of the worship services or religious instruction; and
- 34 (B) leaves the school property not later than thirty (30)
- 35 minutes after the conclusion of the worship services or
- 36 religious instruction.
- 37 SECTION 76. IC 35-43-6-13, AS AMENDED BY P.L.238-2015,
- 38 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 39 JULY 1, 2020]: Sec. 13. (a) The offense in section 12(a) of this chapter
- 40 is a Class A misdemeanor:
- 41 (1) in the case of an offense under section 12(a)(1) through
- 42 12(a)(4) of this chapter or section 12(a)(6) through 12(a)(9) of



- 1 this chapter, if the home improvement contract price is one
 2 thousand dollars (\$1,000) or more;
- 3 (2) for the second or subsequent offense under this chapter; ~~or in~~
 4 ~~another jurisdiction for an offense that is substantially similar to~~
 5 ~~another offense described in this chapter;~~
- 6 (3) if two (2) or more home improvement contracts exceed an
 7 aggregate amount of one thousand dollars (\$1,000) and are
 8 entered into with the same consumer by one (1) or more suppliers
 9 as part of or in furtherance of a common fraudulent scheme,
 10 design, or intention; or
- 11 (4) if, in a violation of section 12(a)(5) of this chapter, the home
 12 improvement contract price is at least seven thousand dollars
 13 (\$7,000), but less than ten thousand dollars (\$10,000).
- 14 (b) The offense in section 12 of this chapter is a Level 6 felony:
- 15 (1) if, in a violation of section 12(a)(5) of this chapter, the home
 16 improvement contract price is at least ten thousand dollars
 17 (\$10,000);
- 18 (2) if, in a violation of:
- 19 (A) section 12(a)(1) through 12(a)(5); or
 20 (B) section 12(a)(7) through 12(a)(9);
 21 of this chapter, the consumer is at least sixty (60) years of age and
 22 the home improvement contract price is less than ten thousand
 23 dollars (\$10,000);
- 24 (3) if, in a violation of section 12(b) of this chapter, the consumer
 25 is at least sixty (60) years of age; or
- 26 (4) if the home improvement supplier violates more than one (1)
 27 subdivision of section 12(a) of this chapter.
- 28 (c) The offense in section 12(a) of this chapter is a Level 5 felony:
- 29 (1) if, in a violation of:
- 30 (A) section 12(a)(1) through 12(a)(5); or
 31 (B) section 12(a)(7) through 12(a)(9);
 32 of this chapter, the consumer is at least sixty (60) years of age and
 33 the home improvement contract price is at least ten thousand
 34 dollars (\$10,000); or
- 35 (2) if, in a violation of:
- 36 (A) section 12(a)(1) through 12(a)(4); or
 37 (B) section 12(a)(7) through 12(a)(9);
 38 of this chapter, the consumer is at least sixty (60) years of age,
 39 and two (2) or more home improvement contracts exceed an
 40 aggregate amount of one thousand dollars (\$1,000) and are
 41 entered into with the same consumer by one (1) or more suppliers
 42 as part of or in furtherance of a common fraudulent scheme,



1 design, or intention.

2 SECTION 77. IC 35-44.1-3-1, AS AMENDED BY P.L.184-2019,
3 SECTION 12, AND AS AMENDED BY P.L.201-2019, SECTION 3,
4 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) A person who knowingly or
6 intentionally:

7 (1) forcibly resists, obstructs, or interferes with a law enforcement
8 officer or a person assisting the officer while the officer is
9 lawfully engaged in the execution of the officer's duties;

10 (2) forcibly resists, obstructs, or interferes with the authorized
11 service or execution of a civil or criminal process or order of a
12 court; or

13 (3) flees from a law enforcement officer after the officer has, by
14 visible or audible means, including operation of the law
15 enforcement officer's siren or emergency lights, identified himself
16 or herself and ordered the person to stop;

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

19 (b) *A person who, having been denied entry by a law enforcement*
20 *officer, knowingly or intentionally enters an area that is marked off*
21 *with barrier tape or other physical barriers, commits interfering with*
22 *law enforcement, a Class B misdemeanor, except as provided in*
23 *subsection (c) or ~~(h)~~ (j).*

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

25 (1) Level 6 felony if:

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

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

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

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

39 (4) Level 2 felony if, while committing any offense described in
40 subsection (a), the person operates a vehicle in a manner that
41 causes the death *or catastrophic injury* of a law enforcement
42 officer while the law enforcement officer is engaged in the



- 1 officer's official duties.
- 2 ~~(e)~~ (d) If a person uses a vehicle to commit a felony offense under
 3 subsection ~~(b)(1)(B), (b)(2), (b)(3), or (b)(4)~~ (c)(1)(B), (c)(2), (c)(3), or
 4 (c)(4), as part of the criminal penalty imposed for the offense, the court
 5 shall impose a minimum executed sentence of at least:
- 6 (1) thirty (30) days, if the person does not have a prior unrelated
 7 conviction under this section;
- 8 (2) one hundred eighty (180) days, if the person has one (1) prior
 9 unrelated conviction under this section; or
- 10 (3) one (1) year, if the person has two (2) or more prior unrelated
 11 convictions under this section.
- 12 ~~(d)~~ (e) Notwithstanding IC 35-50-2-2.2 and IC 35-50-3-1, the
 13 mandatory minimum sentence imposed under subsection ~~(e)~~ (d) may
 14 not be suspended.
- 15 ~~(e)~~ (f) If a person is convicted of an offense involving the use of a
 16 motor vehicle under:
- 17 (1) ~~subsection (b)(1)(A),~~ subsection (c)(1)(A), if the person
 18 exceeded the speed limit by at least twenty (20) miles per hour
 19 while committing the offense;
- 20 (2) ~~subsection (b)(2),~~ subsection (c)(2); or
- 21 (3) ~~subsection (b)(3),~~ subsection (c)(3);
- 22 the court may notify the bureau of motor vehicles to suspend or revoke
 23 the person's driver's license and all certificates of registration and
 24 license plates issued or registered in the person's name in accordance
 25 with ~~IC 9-30-4-6.1(b)(3)~~ **IC 9-30-4-6.1(a)** for the period described in
 26 ~~IC 9-30-4-6.1(d)(1)~~ **IC 9-30-4-6.1(c)(1)** or ~~IC 9-30-4-6.1(d)(2)~~.
 27 **IC 9-30-4-6.1(c)(2)**. The court shall inform the bureau whether the
 28 person has been sentenced to a term of incarceration. At the time of
 29 conviction, the court may obtain the person's current driver's license
 30 and return the license to the bureau of motor vehicles.
- 31 ~~(f)~~ (g) A person may not be charged or convicted of a crime under
 32 subsection (a)(3) if the law enforcement officer is a school resource
 33 officer acting in the officer's capacity as a school resource officer.
- 34 ~~(g)~~ (h) *A person who commits an offense described in subsection ~~(b)~~*
 35 **(c) commits a separate offense for each person whose bodily injury,**
 36 *serious bodily injury, catastrophic injury, or death is caused by a*
 37 *violation of subsection ~~(b)~~. **(c).***
- 38 ~~(h)~~ (i) *A court may order terms of imprisonment imposed on a*
 39 *person convicted of more than one (1) offense described in subsection*
 40 *~~(b)~~ (c) to run consecutively. Consecutive terms of imprisonment*
 41 *imposed under this subsection are not subject to the sentencing*
 42 *restrictions set forth in IC 35-50-1-2(c) through IC 35-50-1-2(d).*



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

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

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

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

11 SECTION 78. IC 35-44.1-3-4, AS AMENDED BY P.L.158-2013,
 12 SECTION 511, IS AMENDED TO READ AS FOLLOWS
 13 [EFFECTIVE JULY 1, 2020]: Sec. 4. (a) A person, except as provided
 14 in subsection (b), who intentionally flees from lawful detention
 15 commits escape, a Level 5 felony. However, the offense is a Level 4
 16 felony if, while committing it, the person draws or uses a deadly
 17 weapon or inflicts bodily injury on another person.

18 (b) A person who knowingly or intentionally ~~violates a home~~
 19 ~~detention order or intentionally~~ removes an electronic monitoring
 20 device or GPS tracking device commits escape, a Level 6 felony.

21 (c) A person who knowingly or intentionally fails to return to lawful
 22 detention following temporary leave granted for a specified purpose or
 23 limited period commits failure to return to lawful detention, a Level 6
 24 felony. However, the offense is a Level 5 felony if, while committing
 25 it, the person draws or uses a deadly weapon or inflicts bodily injury on
 26 another person.

27 SECTION 79. IC 35-45-4-1, AS AMENDED BY P.L.158-2013,
 28 SECTION 524, IS AMENDED TO READ AS FOLLOWS
 29 [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) A person who knowingly or
 30 intentionally, in a public place:

31 (1) engages in sexual intercourse;

32 (2) engages in other sexual conduct (as defined in
 33 IC 35-31.5-2-221.5);

34 (3) appears in a state of nudity with the intent to arouse the sexual
 35 desires of the person or another person; or

36 (4) fondles the person's genitals or the genitals of another person;
 37 commits public indecency, a Class A misdemeanor.

38 (b) A person at least eighteen (18) years of age who knowingly or
 39 intentionally, in a public place, appears in a state of nudity with the
 40 intent to be seen by a child less than sixteen (16) years of age commits
 41 public indecency, a Class A misdemeanor.

42 (c) However, the offense under subsection (a) or (b) is a Level 6



1 felony if the person who commits the offense has a prior unrelated
2 conviction

3 ~~(1)~~ under subsection (a) or (b). ~~or~~

4 ~~(2) in another jurisdiction, including a military court, that is~~
5 ~~substantially equivalent to an offense described in subsection (a)~~
6 ~~or (b).~~

7 (d) As used in this section, "nudity" means the showing of the
8 human male or female genitals, pubic area, or buttocks with less than
9 a fully opaque covering, the showing of the female breast with less than
10 a fully opaque covering of any part of the nipple, or the showing of
11 covered male genitals in a discernibly turgid state.

12 (e) A person who, in a place other than a public place, with the
13 intent to be seen by persons other than invitees and occupants of that
14 place:

15 (1) engages in sexual intercourse;

16 (2) engages in other sexual conduct (as defined in
17 IC 35-31.5-2-221.5);

18 (3) fondles the person's genitals or the genitals of another person;
19 or

20 (4) appears in a state of nudity;

21 where the person can be seen by persons other than invitees and
22 occupants of that place commits indecent exposure, a Class C
23 misdemeanor.

24 SECTION 80. IC 35-45-4-5, AS AMENDED BY P.L.107-2017,
25 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JULY 1, 2020]: Sec. 5. (a) The following definitions apply throughout
27 this section:

28 (1) "Camera" means a camera, a video camera, a device that
29 captures a digital image, or any other type of video recording
30 device.

31 (2) "Peep" means any looking of a clandestine, surreptitious,
32 prying, or secretive nature.

33 (3) "Private area" means the naked or undergarment clad genitals,
34 pubic area, or buttocks of an individual.

35 (b) A person:

36 (1) who knowingly or intentionally:

37 (A) peeps; or

38 (B) goes upon the land of another with the intent to peep;

39 into an occupied dwelling of another person; or

40 (2) who knowingly or intentionally peeps into an area where a
41 occupant of the area reasonably can be expected to disrobe,
42 including:



- 1 (A) restrooms;
 2 (B) baths;
 3 (C) showers; and
 4 (D) dressing rooms;
 5 without the consent of the other person, commits voyeurism, a Class B
 6 misdemeanor.
 7 (c) However, the offense under subsection (b) is a Level 6 felony if:
 8 (1) it is knowingly or intentionally committed by means of a
 9 camera; or
 10 (2) the person who commits the offense has a prior unrelated
 11 conviction
 12 ~~(A) under this section. or~~
 13 ~~(B) in another jurisdiction, including a military court, for an~~
 14 ~~offense that is substantially similar to an offense described in~~
 15 ~~this section.~~
 16 (d) A person who:
 17 (1) without the consent of the individual; and
 18 (2) with intent to peep at the private area of an individual;
 19 peeps at the private area of an individual and records an image by
 20 means of a camera commits public voyeurism, a Class A misdemeanor.
 21 (e) The offense under subsection (d) is a Level 6 felony if the person
 22 has a prior unrelated conviction under this section ~~or in another~~
 23 ~~jurisdiction, including a military court, for an offense that is~~
 24 ~~substantially similar to an offense described in this section;~~ or if the
 25 person:
 26 (1) publishes the image;
 27 (2) makes the image available on the Internet; or
 28 (3) transmits or disseminates the image to another person.
 29 (f) It is a defense to a prosecution under subsection (d) that the
 30 individual deliberately exposed the individual's private area.
 31 (g) A person who, with the intent to peep, operates an unmanned
 32 aerial vehicle in a manner that is intended to cause the unmanned aerial
 33 vehicle to enter the space above or surrounding another person's
 34 occupied dwelling for the purpose of capturing images, photographs,
 35 video recordings, or audio recordings of the other person while the
 36 other person is:
 37 (1) within the other person's occupied dwelling; or
 38 (2) on the land or premises:
 39 (A) on which the other person's occupied dwelling is located;
 40 and
 41 (B) in a location that is not visible from an area:
 42 (i) open to the general public; or



1 (ii) where a member of the general public has the right to be;
2 commits remote aerial voyeurism, a Class A misdemeanor.

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

- 8 (1) publishes the images, photographs, or recordings captured;
9 (2) makes the images, photographs, or recordings captured
10 available on the Internet; or
11 (3) transmits or disseminates the images, photographs, or
12 recordings captured to another person.

13 SECTION 81. IC 35-47-2-1, AS AMENDED BY P.L.221-2017,
14 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2020]: Sec. 1. (a) Except as provided in subsections (b) and
16 (c) and sections 2 through 2.1 of this chapter, a person shall not carry
17 a handgun in any vehicle or on or about the person's body without
18 being licensed under this chapter to carry a handgun.

19 (b) Except as provided in subsection (c), a person may carry a
20 handgun without being licensed under this chapter to carry a handgun
21 if:

- 22 (1) the person carries the handgun on or about the person's body
23 in or on property that is owned, leased, rented, or otherwise
24 legally controlled by the person;
25 (2) the person carries the handgun on or about the person's body
26 while lawfully present in or on property that is owned, leased,
27 rented, or otherwise legally controlled by another person, if the
28 person:
29 (A) has the consent of the owner, renter, lessor, or person who
30 legally controls the property to have the handgun on the
31 premises;
32 (B) is attending a firearms related event on the property,
33 including a gun show, firearms expo, gun owner's club or
34 convention, hunting club, shooting club, or training course; or
35 (C) is on the property to receive firearms related services,
36 including the repair, maintenance, or modification of a
37 firearm;
38 (3) the person carries the handgun in a vehicle that is owned,
39 leased, rented, or otherwise legally controlled by the person, if the
40 handgun is:
41 (A) unloaded;
42 (B) not readily accessible; and



- 1 (C) secured in a case;
 2 (4) the person carries the handgun while lawfully present in a
 3 vehicle that is owned, leased, rented, or otherwise legally
 4 controlled by another person, if the handgun is:
 5 (A) unloaded;
 6 (B) not readily accessible; and
 7 (C) secured in a case;
 8 (5) the person carries the handgun:
 9 (A) at a shooting range (as defined in IC 14-22-31.5-3);
 10 (B) while attending a firearms instructional course; or
 11 (C) while engaged in a legal hunting activity; or
 12 (6) the person is permitted to carry a handgun without a license
 13 under section 2.1 of this chapter (persons protected by a
 14 protection order).
 15 (c) Unless the person's right to possess a firearm has been restored
 16 under IC 35-47-4-7, a person who has been convicted of domestic
 17 battery under IC 35-42-2-1.3 may not possess or carry a handgun.
 18 (d) This section may not be construed:
 19 (1) to prohibit a person who owns, leases, rents, or otherwise
 20 legally controls private property from regulating or prohibiting the
 21 possession of firearms on the private property;
 22 (2) to allow a person to adopt or enforce an ordinance, resolution,
 23 policy, or rule that:
 24 (A) prohibits; or
 25 (B) has the effect of prohibiting;
 26 an employee of the person from possessing a firearm or
 27 ammunition that is locked in the trunk of the employee's vehicle,
 28 kept in the glove compartment of the employee's locked vehicle,
 29 or stored out of plain sight in the employee's locked vehicle,
 30 unless the person's adoption or enforcement of the ordinance,
 31 resolution, policy, or rule is allowed under IC 34-28-7-2(b); or
 32 (3) to allow a person to adopt or enforce a law, statute, ordinance,
 33 resolution, policy, or rule that allows a person to possess or
 34 transport a firearm or ammunition if the person is prohibited from
 35 possessing or transporting the firearm or ammunition by state or
 36 federal law.
 37 (e) A person who knowingly or intentionally violates this section
 38 commits a Class A misdemeanor. However, the offense is a Level 5
 39 felony:
 40 (1) if the offense is committed:
 41 (A) on or in school property;
 42 (B) within five hundred (500) feet of school property; or



- 1 (C) on a school bus; or
- 2 (2) if the person:
- 3 (A) has a prior conviction of any offense under:
- 4 (i) this section; or
- 5 (ii) section 22 of this chapter; or
- 6 (B) has been convicted of a felony within fifteen (15) years
- 7 before the date of the offense: a prior unrelated felony
- 8 conviction.
- 9 SECTION 82. IC 35-47-2-18, AS AMENDED BY P.L.158-2013,
- 10 SECTION 582, IS AMENDED TO READ AS FOLLOWS
- 11 [EFFECTIVE JULY 1, 2020]: Sec. 18. (a) No person shall:
- 12 (1) change, alter, remove, or obliterate the name of the maker,
- 13 model, manufacturer's serial number, or other mark of
- 14 identification on any ~~handgun; firearm;~~ or
- 15 (2) possess any ~~handgun firearm~~ on which the name of the
- 16 maker, model, manufacturer's serial number, or other mark of
- 17 identification has been changed, altered, removed, or obliterated;
- 18 except as provided by applicable United States statute.
- 19 (b) A person who knowingly or intentionally violates this section
- 20 commits a Level 5 felony.
- 21 SECTION 83. IC 35-47-4-5, AS AMENDED BY P.L.198-2018,
- 22 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 23 JULY 1, 2020]: Sec. 5. (a) As used in this section, "serious violent
- 24 felon" means a person who has been convicted of
- 25 ~~(1) committing a serious violent felony. in:~~
- 26 ~~(A) Indiana; or~~
- 27 ~~(B) any other jurisdiction in which the elements of the crime~~
- 28 ~~for which the conviction was entered are substantially similar~~
- 29 ~~to the elements of a serious violent felony; or~~
- 30 ~~(2) attempting to commit or conspiring to commit a serious~~
- 31 ~~violent felony in:~~
- 32 ~~(A) Indiana as provided under IC 35-41-5-1 or IC 35-41-5-2;~~
- 33 ~~or~~
- 34 ~~(B) any other jurisdiction in which the elements of the crime~~
- 35 ~~for which the conviction was entered are substantially similar~~
- 36 ~~to the elements of attempting to commit or conspiring to~~
- 37 ~~commit a serious violent felony.~~
- 38 (b) As used in this section, "serious violent felony" means:
- 39 (1) murder (IC 35-42-1-1);
- 40 (2) voluntary manslaughter (IC 35-42-1-3);
- 41 (3) reckless homicide not committed by means of a vehicle
- 42 (IC 35-42-1-5);



- 1 (4) battery (IC 35-42-2-1) as a:
 2 (A) Class A felony, Class B felony, or Class C felony, for a
 3 crime committed before July 1, 2014; or
 4 (B) Level 2 felony, Level 3 felony, Level 4 felony, or Level 5
 5 felony, for a crime committed after June 30, 2014;
 6 (5) domestic battery (IC 35-42-2-1.3) as a Level 2 felony, Level
 7 3 felony, Level 4 felony, or Level 5 felony;
 8 (6) aggravated battery (IC 35-42-2-1.5);
 9 (7) kidnapping (IC 35-42-3-2);
 10 (8) criminal confinement (IC 35-42-3-3);
 11 (9) rape (IC 35-42-4-1);
 12 (10) criminal deviate conduct (IC 35-42-4-2) (before its repeal);
 13 (11) child molesting (IC 35-42-4-3);
 14 (12) sexual battery (IC 35-42-4-8) as a:
 15 (A) Class C felony, for a crime committed before July 1, 2014;
 16 or
 17 (B) Level 5 felony, for a crime committed after June 30, 2014;
 18 (13) robbery (IC 35-42-5-1);
 19 (14) carjacking (IC 5-42-5-2) (before its repeal);
 20 (15) arson (IC 35-43-1-1(a)) as a:
 21 (A) Class A felony or Class B felony, for a crime committed
 22 before July 1, 2014; or
 23 (B) Level 2 felony, Level 3 felony, or Level 4 felony, for a
 24 crime committed after June 30, 2014;
 25 (16) burglary (IC 35-43-2-1) as a:
 26 (A) Class A felony or Class B felony, for a crime committed
 27 before July 1, 2014; or
 28 (B) Level 1 felony, Level 2 felony, Level 3 felony, or Level 4
 29 felony, for a crime committed after June 30, 2014;
 30 (17) assisting a criminal (IC 35-44.1-2-5) as a:
 31 (A) Class C felony, for a crime committed before July 1, 2014;
 32 or
 33 (B) Level 5 felony, for a crime committed after June 30, 2014;
 34 (18) resisting law enforcement (IC 35-44.1-3-1) as a:
 35 (A) Class B felony or Class C felony, for a crime committed
 36 before July 1, 2014; or
 37 (B) Level 2 felony, Level 3 felony, or Level 5 felony, for a
 38 crime committed after June 30, 2014;
 39 (19) escape (IC 35-44.1-3-4) as a:
 40 (A) Class B felony or Class C felony, for a crime committed
 41 before July 1, 2014; or
 42 (B) Level 4 felony or Level 5 felony, for a crime committed



- 1 after June 30, 2014;
- 2 (20) trafficking with an inmate (IC 35-44.1-3-5) as a:
- 3 (A) Class C felony, for a crime committed before July 1, 2014;
- 4 or
- 5 (B) Level 5 felony, for a crime committed after June 30, 2014;
- 6 (21) criminal organization intimidation (IC 35-45-9-4);
- 7 (22) stalking (IC 35-45-10-5) as a:
- 8 (A) Class B felony or Class C felony, for a crime committed
- 9 before July 1, 2014; or
- 10 (B) Level 4 felony or Level 5 felony, for a crime committed
- 11 after June 30, 2014;
- 12 (23) incest (IC 35-46-1-3);
- 13 (24) dealing in or manufacturing cocaine or a narcotic drug
- 14 (IC 35-48-4-1);
- 15 (25) dealing in methamphetamine (IC 35-48-4-1.1) or
- 16 manufacturing methamphetamine (IC 35-48-4-1.2);
- 17 (26) dealing in a schedule I, II, or III controlled substance
- 18 (IC 35-48-4-2);
- 19 (27) dealing in a schedule IV controlled substance (IC 35-48-4-3);
- 20 (28) dealing in a schedule V controlled substance (IC 35-48-4-4);
- 21 or
- 22 (29) dealing in a controlled substance resulting in death
- 23 (IC 35-42-1-1.5).
- 24 (c) A serious violent felon who knowingly or intentionally possesses
- 25 a firearm commits unlawful possession of a firearm by a serious violent
- 26 felon, a Level 4 felony.
- 27 SECTION 84. IC 35-48-1-16.5, AS AMENDED BY P.L.182-2019,
- 28 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 29 JULY 1, 2020]: Sec. 16.5. "Enhancing circumstance" means one (1) or
- 30 more of the following:
- 31 (1) The person has a prior conviction ~~in any jurisdiction~~, for
- 32 dealing in a controlled substance that is not marijuana, hashish,
- 33 hash oil, or salvia divinorum. ~~including an attempt or conspiracy~~
- 34 ~~to commit the offense.~~
- 35 (2) The person committed the offense while in possession of a
- 36 firearm.
- 37 (3) The person committed the offense:
- 38 (A) on a school bus; or
- 39 (B) in, on, or within five hundred (500) feet of:
- 40 (i) school property while a person under eighteen (18) years
- 41 of age was reasonably expected to be present; or
- 42 (ii) a public park while a person under eighteen (18) years



- 1 of age was reasonably expected to be present.
- 2 (4) The person delivered or financed the delivery of the drug to a
- 3 person under eighteen (18) years of age at least three (3) years
- 4 junior to the person.
- 5 (5) The person manufactured or financed the manufacture of the
- 6 drug.
- 7 (6) The person committed the offense in the physical presence of
- 8 a child less than eighteen (18) years of age, knowing that the child
- 9 was present and might be able to see or hear the offense.
- 10 (7) The person committed the offense on the property of a:
- 11 (A) penal facility; or
- 12 (B) juvenile facility (as defined in IC 35-44.1-3-5).
- 13 (8) The person knowingly committed the offense in, on, or within
- 14 one hundred (100) feet of a facility. For purposes of this
- 15 subdivision, "facility" means a place that is:
- 16 (A) created and funded under IC 12-23-14 or IC 33-23-16;
- 17 (B) certified under IC 12-23-1-6; or
- 18 (C) used for the purpose of conducting a recovery or support
- 19 group meeting;
- 20 and at which a drug abuser (as defined in IC 12-7-2-73) may be
- 21 provided with treatment, care, or rehabilitation.
- 22 SECTION 85. IC 35-48-4-10.1, AS ADDED BY P.L.190-2019,
- 23 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 24 JULY 1, 2020]: Sec. 10.1. (a) A person who:
- 25 (1) knowingly or intentionally:
- 26 (A) manufactures;
- 27 (B) finances the manufacture of;
- 28 (C) delivers;
- 29 (D) finances the delivery of; or
- 30 (E) possesses;
- 31 smokable hemp; or
- 32 (2) possesses smokable hemp with intent to:
- 33 (A) manufacture;
- 34 (B) finance the manufacture of;
- 35 (C) deliver; or
- 36 (D) finance the delivery of;
- 37 smokable hemp;
- 38 commits dealing in smokable hemp, a Class A misdemeanor.
- 39 (b) Subsection (a)(1)(B), (a)(1)(D), (a)(2)(B), and (a)(2)(D) do not
- 40 apply to:
- 41 (1) a financial institution organized or reorganized under the laws
- 42 of Indiana, any other state, or the United States; or



1 (2) any agency or instrumentality of the state or the United States.

2 (c) **Subsection (a)(1)(C), (a)(1)(D), (a)(1)(E), (a)(2)(C), and**
 3 **(a)(2)(D) do not apply to the shipment of smokable hemp from**
 4 **another state in continuous transit through Indiana into another**
 5 **state.**

6 SECTION 86. IC 35-48-4-12, AS AMENDED BY P.L.80-2019,
 7 SECTION 31, AND AS AMENDED BY P.L.190-2019, SECTION 32,
 8 AND AS AMENDED BY THE TECHNICAL CORRECTIONS BILL
 9 OF THE 2020 GENERAL ASSEMBLY, IS CORRECTED AND
 10 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]:
 11 Sec. 12. If a person who has no prior conviction of an offense under
 12 this article ~~or under a law of another jurisdiction~~ relating to controlled
 13 substances pleads guilty to possession of marijuana, hashish, ~~or~~ salvia,
 14 ~~or smokable hemp or a synthetic drug or a synthetic drug lookalike~~
 15 ~~substance~~ as a misdemeanor, the court, without entering a judgment of
 16 conviction and with the consent of the person, may defer further
 17 proceedings and place the person in the custody of the court under
 18 conditions determined by the court. Upon violation of a condition of
 19 the custody, the court may enter a judgment of conviction. However, if
 20 the person fulfills the conditions of the custody, the court shall dismiss
 21 the charges against the person. There may be only one (1) dismissal
 22 under this section with respect to a person.

23 SECTION 87. IC 35-50-1-2, AS AMENDED BY P.L.184-2019,
 24 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2020]: Sec. 2. (a) As used in this section, "crime of violence"
 26 means the following:

- 27 (1) Murder (IC 35-42-1-1).
 28 (2) Attempted murder (IC 35-41-5-1).
 29 (3) Voluntary manslaughter (IC 35-42-1-3).
 30 (4) Involuntary manslaughter (IC 35-42-1-4).
 31 (5) Reckless homicide (IC 35-42-1-5).
 32 (6) Battery (IC 35-42-2-1) as a:
 33 (A) Level 2 felony;
 34 (B) Level 3 felony;
 35 (C) Level 4 felony; or
 36 (D) Level 5 felony.
 37 (7) **Domestic battery (IC 35-42-2-1.3) as a:**
 38 **(A) Level 2 felony;**
 39 **(B) Level 3 felony;**
 40 **(C) Level 4 felony; or**
 41 **(D) Level 5 felony.**
 42 ~~(7)~~ **(8) Aggravated battery (IC 35-42-2-1.5).**



- 1 ~~(8)~~ **(9)** Kidnapping (IC 35-42-3-2).
 2 ~~(9)~~ **(10)** Rape (IC 35-42-4-1).
 3 ~~(10)~~ **(11)** Criminal deviate conduct (IC 35-42-4-2) (before its
 4 repeal).
 5 ~~(11)~~ **(12)** Child molesting (IC 35-42-4-3).
 6 ~~(12)~~ **(13)** Sexual misconduct with a minor as a Level 1 felony
 7 under IC 35-42-4-9(a)(2) or a Level 2 felony under
 8 IC 35-42-4-9(b)(2).
 9 ~~(13)~~ **(14)** Robbery as a Level 2 felony or a Level 3 felony
 10 (IC 35-42-5-1).
 11 ~~(14)~~ **(15)** Burglary as a Level 1 felony, Level 2 felony, Level 3
 12 felony, or Level 4 felony (IC 35-43-2-1).
 13 ~~(15)~~ **(16)** Operating a vehicle while intoxicated causing death or
 14 catastrophic injury (IC 9-30-5-5).
 15 ~~(16)~~ **(17)** Operating a vehicle while intoxicated causing serious
 16 bodily injury to another person (IC 9-30-5-4).
 17 ~~(17)~~ **(18)** Child exploitation as a Level 5 felony under
 18 IC 35-42-4-4(b) or a Level 4 felony under IC 35-42-4-4(c).
 19 ~~(18)~~ **(19)** Resisting law enforcement as a felony (IC 35-44.1-3-1)
 20 **other than the felony described in IC 35-44.1-3-1(a)(3)**
 21 **(fleeing).**
 22 ~~(19)~~ **Unlawful possession of a firearm by a serious violent felon**
 23 ~~(IC 35-47-4-5).~~
 24 **(20) Strangulation (IC 35-42-2-9) as a Level 5 felony.**
 25 (b) As used in this section, "episode of criminal conduct" means
 26 offenses or a connected series of offenses that are closely related in
 27 time, place, and circumstance.
 28 (c) Except as provided in subsection (e) or (f) the court shall
 29 determine whether terms of imprisonment shall be served concurrently
 30 or consecutively. The court may consider the:
 31 (1) aggravating circumstances in IC 35-38-1-7.1(a); and
 32 (2) mitigating circumstances in IC 35-38-1-7.1(b);
 33 in making a determination under this subsection. The court may order
 34 terms of imprisonment to be served consecutively even if the sentences
 35 are not imposed at the same time. However, except for crimes of
 36 violence, the total of the consecutive terms of imprisonment, exclusive
 37 of terms of imprisonment under IC 35-50-2-8 and IC 35-50-2-10
 38 (before its repeal) to which the defendant is sentenced for felony
 39 convictions arising out of an episode of criminal conduct shall not
 40 exceed the period described in subsection (d).
 41 (d) Except as provided in subsection (c), the total of the consecutive
 42 terms of imprisonment to which the defendant is sentenced for felony



- 1 convictions arising out of an episode of criminal conduct may not
- 2 exceed the following:
- 3 (1) If the most serious crime for which the defendant is sentenced
- 4 is a Level 6 felony, the total of the consecutive terms of
- 5 imprisonment may not exceed four (4) years.
- 6 (2) If the most serious crime for which the defendant is sentenced
- 7 is a Level 5 felony, the total of the consecutive terms of
- 8 imprisonment may not exceed seven (7) years.
- 9 (3) If the most serious crime for which the defendant is sentenced
- 10 is a Level 4 felony, the total of the consecutive terms of
- 11 imprisonment may not exceed fifteen (15) years.
- 12 (4) If the most serious crime for which the defendant is sentenced
- 13 is a Level 3 felony, the total of the consecutive terms of
- 14 imprisonment may not exceed twenty (20) years.
- 15 (5) If the most serious crime for which the defendant is sentenced
- 16 is a Level 2 felony, the total of the consecutive terms of
- 17 imprisonment may not exceed thirty-two (32) years.
- 18 (6) If the most serious crime for which the defendant is sentenced
- 19 is a Level 1 felony, the total of the consecutive terms of
- 20 imprisonment may not exceed forty-two (42) years.
- 21 (e) If, after being arrested for one (1) crime, a person commits
- 22 another crime:
- 23 (1) before the date the person is discharged from probation,
- 24 parole, or a term of imprisonment imposed for the first crime; or
- 25 (2) while the person is released:
- 26 (A) upon the person's own recognizance; or
- 27 (B) on bond;
- 28 the terms of imprisonment for the crimes shall be served consecutively,
- 29 regardless of the order in which the crimes are tried and sentences are
- 30 imposed.
- 31 (f) If the factfinder determines under IC 35-50-2-11 that a person
- 32 used a firearm in the commission of the offense for which the person
- 33 was convicted, the term of imprisonment for the underlying offense and
- 34 the additional term of imprisonment imposed under IC 35-50-2-11
- 35 must be served consecutively.
- 36 SECTION 88. IC 35-50-2-1, AS AMENDED BY P.L.20-2018,
- 37 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 38 JULY 1, 2020]: Sec. 1. (a) As used in this chapter, "Level 6 felony
- 39 conviction" means:
- 40 (1) a conviction in Indiana for:
- 41 (A) a Class D felony, for a crime committed before July 1,
- 42 2014; or



- 1 (B) a Level 6 felony, for a crime committed after June 30,
 2 2014; and
 3 (2) a conviction, in any other jurisdiction at any time, with respect
 4 to which the convicted person might have been imprisoned for
 5 more than one (1) year but less than two and one-half (2 1/2)
 6 years.
- 7 However, the term does not include a conviction with respect to which
 8 the person has been pardoned, or a conviction of a Class A
 9 misdemeanor entered under IC 35-38-1-1.5 or section 7(c) or 7(d) of
 10 this chapter.
- 11 (b) As used in this chapter, "felony conviction" means a conviction,
 12 ~~in any jurisdiction~~ at any time, with respect to which the convicted
 13 person might have been imprisoned for more than one (1) year.
 14 However, it does not include a conviction with respect to which the
 15 person has been pardoned, or a conviction of a Class A misdemeanor
 16 under section 7(c) of this chapter.
- 17 (c) As used in this chapter, "minimum sentence" means:
 18 (1) for murder, forty-five (45) years;
 19 (2) for a Class A felony, for a crime committed before July 1,
 20 2014, twenty (20) years;
 21 (3) for a Class B felony, for a crime committed before July 1,
 22 2014, six (6) years;
 23 (4) for a Class C felony, for a crime committed before July 1,
 24 2014, two (2) years;
 25 (5) for a Class D felony, for a crime committed before July 1,
 26 2014, one-half (1/2) year;
 27 (6) for a Level 1 felony, for a crime committed after June 30,
 28 2014, twenty (20) years;
 29 (7) for a Level 2 felony, for a crime committed after June 30,
 30 2014, ten (10) years;
 31 (8) for a Level 3 felony, for a crime committed after June 30,
 32 2014, three (3) years;
 33 (9) for a Level 4 felony, for a crime committed after June 30,
 34 2014, two (2) years;
 35 (10) for a Level 5 felony, for a crime committed after June 30,
 36 2014, one (1) year; and
 37 (11) for a Level 6 felony, for a crime committed after June 30,
 38 2014, one-half (1/2) year.
- 39 SECTION 89. IC 35-50-2-2.2, AS AMENDED BY P.L.252-2017,
 40 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2020]: Sec. 2.2. (a) Except as provided in subsection (b), (c),
 42 (d), or (e), the court may suspend any part of a sentence for a felony.



1 (b) Except as provided in subsection (d), if a person is convicted of
 2 a Level 2 felony or a Level 3 felony, except a Level 2 felony or a Level
 3 3 felony concerning a controlled substance under IC 35-48-4, and has
 4 any prior unrelated felony conviction, the court may suspend only that
 5 part of a sentence that is in excess of the minimum sentence for the:

- 6 (1) Level 2 felony; or
 7 (2) Level 3 felony.

8 (c) If:

- 9 (1) a person has a prior unrelated felony conviction ~~in any~~
 10 ~~jurisdiction~~ for dealing in a controlled substance that is not
 11 marijuana, hashish, hash oil, ~~or salvia divinorum; or a synthetic~~
 12 ~~drug; including an attempt or conspiracy to commit the offense;~~
 13 and
 14 (2) the person is convicted of a Level 2 felony under
 15 IC 35-48-4-1.1 or IC 35-48-4-1.2;

16 the court may suspend only that part of a sentence that is in excess of
 17 the minimum sentence for the Level 2 felony.

18 (d) If a person:

- 19 (1) is convicted of dealing in heroin as a Level 2 or Level 3 felony
 20 under IC 35-48-4-1 or IC 35-48-4-2; and
 21 (2) has a prior unrelated felony conviction;
 22 the court may suspend only that part of a sentence that is in excess of
 23 the minimum sentence for the Level 2 or Level 3 felony.

24 (e) The court may suspend only that part of a sentence for murder
 25 or a Level 1 felony conviction that is in excess of the minimum
 26 sentence for murder or the Level 1 felony conviction.

27 SECTION 90. IC 35-50-2-14, AS AMENDED BY P.L.125-2009,
 28 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2020]: Sec. 14. (a) As used in this section, "sex offense"
 30 means a felony conviction

31 ~~(1)~~ under IC 35-42-4-1 through IC 35-42-4-9 or under
 32 IC 35-46-1-3.

33 ~~(2) for an attempt or conspiracy to commit an offense described~~
 34 ~~in subdivision (1); or~~

35 ~~(3) for an offense under the laws of another jurisdiction; including~~
 36 ~~a military court, that is substantially similar to an offense~~
 37 ~~described in subdivision (1).~~

38 (b) The state may seek to have a person sentenced as a repeat sexual
 39 offender for a sex offense described in subsection ~~(a)(1) or (a)(2)(a)~~ by
 40 alleging, on a page separate from the rest of the charging instrument,
 41 that the person has accumulated one (1) prior unrelated felony
 42 conviction for a sex offense described in subsection (a).



1 (c) After a person has been convicted and sentenced for a felony
 2 described in subsection ~~(a)(1)~~ or ~~(a)(2)(a)~~ after having been sentenced
 3 for a prior unrelated sex offense described in subsection (a), the person
 4 has accumulated one (1) prior unrelated felony sex offense conviction.
 5 However, a conviction does not count for purposes of this subsection,
 6 if:

7 (1) it has been set aside; or

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

9 (d) If the person was convicted of the sex offense in a jury trial, the
 10 jury shall reconvene to hear evidence in the enhancement hearing. If
 11 the trial was to the court, or the judgment was entered on a guilty plea,
 12 the court alone shall hear evidence in the enhancement hearing.

13 (e) A person is a repeat sexual offender if the jury (if the hearing is
 14 by jury) or the court (if the hearing is to the court alone) finds that the
 15 state has proved beyond a reasonable doubt that the person had
 16 accumulated one (1) prior unrelated felony sex offense conviction.

17 (f) The court may sentence a person found to be a repeat sexual
 18 offender to an additional fixed term that is the advisory sentence for the
 19 underlying offense. However, the additional sentence may not exceed
 20 ten (10) years.

21 SECTION 91. IC 35-50-6-3.1, AS AMENDED BY P.L.44-2016,
 22 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2020]: Sec. 3.1. (a) This section applies to a person who
 24 commits an offense after June 30, 2014.

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

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

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

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

35 (f) A person assigned to Class P earns one (1) day of good time
 36 credit for every four (4) days the person serves on pretrial home
 37 detention awaiting trial. **A person assigned to Class P does not earn**
 38 **accrued time for time served on pretrial home detention awaiting**
 39 **trial.**

40 SECTION 92. IC 35-50-6-3.3, AS AMENDED BY P.L.13-2016,
 41 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2020]: Sec. 3.3. (a) In addition to any educational credit a



1 person earns under subsection (b), or good time credit a person earns
2 under section 3 or 3.1 of this chapter, a person earns educational credit
3 if the person:

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

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

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

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

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

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

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

28 (A) A certificate of completion of a career and technical or
29 vocational education program approved by the department of
30 correction.

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

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

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

37 (c) The department of correction shall establish admissions criteria
38 and other requirements for programs available for earning educational
39 credit under subsection (b). A person may not earn educational credit
40 under both subsections (a) and (b) for the same program of study. The
41 department of correction, in consultation with the department of
42 workforce development, shall approve a program only if the program



1 is likely to lead to an employable occupation.

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

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

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

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

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

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

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

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

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

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

40 (e) Educational credit earned under this section must be directly
41 proportional to the time served and course work completed while
42 incarcerated. The department of correction shall adopt rules under



- 1 IC 4-22-2 necessary to implement this subsection.
- 2 (f) Educational credit earned by a person under this section is
3 subtracted from the release date that would otherwise apply to the
4 person by the sentencing court after subtracting all other credit time
5 earned by the person.
- 6 (g) A person does not earn educational credit under subsection (a)
7 unless the person completes at least a portion of the degree
8 requirements after June 30, 1993.
- 9 (h) A person does not earn educational credit under subsection (b)
10 unless the person completes at least a portion of the program
11 requirements after June 30, 1999.
- 12 (i) Educational credit earned by a person under subsection (a) for a
13 diploma or degree completed before July 1, 1999, shall be subtracted
14 from:
- 15 (1) the release date that would otherwise apply to the person after
16 subtracting all other credit time earned by the person, if the
17 person has not been convicted of an offense described in
18 subdivision (2); or
- 19 (2) the period of imprisonment imposed on the person by the
20 sentencing court, if the person has been convicted of one (1) of
21 the following crimes:
- 22 (A) Rape (IC 35-42-4-1).
23 (B) Criminal deviate conduct (IC 35-42-4-2) (before its
24 repeal).
25 (C) Child molesting (IC 35-42-4-3).
26 (D) Child exploitation (IC 35-42-4-4(b) or IC 35-42-4-4(c)).
27 (E) Vicarious sexual gratification (IC 35-42-4-5).
28 (F) Child solicitation (IC 35-42-4-6).
29 (G) Child seduction (IC 35-42-4-7).
30 (H) Sexual misconduct with a minor (IC 35-42-4-9) as a:
31 (i) Class A felony, Class B felony, or Class C felony for a
32 crime committed before July 1, 2014; or
33 (ii) Level 1, Level 2, or Level 4 felony, for a crime
34 committed after June 30, 2014.
35 (I) Incest (IC 35-46-1-3).
36 (J) Sexual battery (IC 35-42-4-8).
37 (K) Kidnapping (IC 35-42-3-2), if the victim is less than
38 eighteen (18) years of age.
39 (L) Criminal confinement (IC 35-42-3-3), if the victim is less
40 than eighteen (18) years of age.
41 ~~(M) An attempt or a conspiracy to commit a crime listed in~~
42 ~~clauses (A) through (L):~~



1 (j) The maximum amount of educational credit a person may earn
2 under this section is the lesser of:

3 (1) two (2) years; or

4 (2) one-third (1/3) of the person's total applicable credit time.

5 (k) Educational credit earned under this section by an offender
6 serving a sentence for stalking (IC 35-45-10-5), a felony against a
7 person under IC 35-42, or for a crime listed in IC 11-8-8-5, shall be
8 reduced to the extent that application of the educational credit would
9 otherwise result in:

10 (1) postconviction release (as defined in IC 35-40-4-6); or

11 (2) assignment of the person to a community transition program;
12 in less than forty-five (45) days after the person earns the educational
13 credit.

14 (l) A person may earn educational credit for multiple degrees at the
15 same education level under subsection (d) only in accordance with
16 guidelines approved by the department of correction. The department
17 of correction may approve guidelines for proper sequence of education
18 degrees under subsection (d).

19 (m) A person may not earn educational credit:

20 (1) for a general educational development (GED) diploma if the
21 person has previously earned a high school diploma; or

22 (2) for a high school diploma if the person has previously earned
23 a general educational development (GED) diploma.

24 (n) A person may not earn educational credit under this section if
25 the person:

26 (1) commits an offense listed in IC 11-8-8-4.5 while the person is
27 required to register as a sex or violent offender under IC 11-8-8-7;
28 and

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

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

39 SECTION 93. IC 36-1-9.5-48 IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 48. (a) An entity may
41 revoke a certificate of qualification only if the entity determines that
42 the contractor or subcontractor has done at least one (1) of the



- 1 following:
- 2 (1) Fails to timely pay or satisfactorily settle any bills due for
- 3 labor and material on former or existing contracts.
- 4 (2) Violates:
- 5 (A) a state or federal statute; or
- 6 (B) a rule or regulation of a state or federal department, board,
- 7 bureau, agency, or commission.
- 8 (3) Defaults on a contract.
- 9 (4) Fails to enter into a contract with the entity.
- 10 (5) Falsifies any document required by the entity, the state board
- 11 of accounts, or any other agency.
- 12 (6) Is convicted of a bidding crime. ~~in any jurisdiction.~~
- 13 (7) Enters a plea of guilty or nolo contendere to a bidding crime
- 14 in any state.
- 15 (8) Does any of the following:
- 16 (A) Makes a public admission concerning a bidding crime in
- 17 any state.
- 18 (B) Makes a presentation as an unindicted co-conspirator in a
- 19 bidding crime in any state.
- 20 (C) Gives testimony that is protected by a grant of immunity
- 21 in a trial for a bidding crime in any jurisdiction.
- 22 (9) Fails to perform any part of an existing or previous contract.
- 23 (10) Fails to submit in a timely manner information, documented
- 24 explanations, or evidence required in the contract documents or
- 25 proposal.
- 26 (11) Has been debarred by a federal agency.
- 27 (12) Failed to comply with any proposal requirements established
- 28 by the entity concerning disadvantaged business enterprise goals
- 29 or women business enterprise goals.
- 30 (b) An entity shall provide notification of a pending action for
- 31 revocation in writing, setting forth the grounds for the proposed
- 32 certificate revocation. The revocation becomes effective on the date
- 33 determined by the entity.
- 34 (c) A period of disqualification under this chapter may not exceed
- 35 two (2) years.
- 36 SECTION 94. [EFFECTIVE JULY 1, 2020] **(a) It is the intent of**
- 37 **the general assembly that IC 9-24-11-8, as amended by**
- 38 **P.L.198-2016, SECTION 487, as amended by this act, is effective**
- 39 **until July 1, 2021.**
- 40 **(b) It is the intent of the general assembly that IC 9-24-11-8, as**
- 41 **amended by P.L.198-2016, SECTION 487, and as amended by**
- 42 **P.L.178-2019, SECTION 51, as amended by this act, is effective**



1 **July 1, 2021.**

2 **(c) This SECTION expires July 1, 2023.**

3 SECTION 95. [EFFECTIVE JULY 1, 2020] **(a) The legislative**
4 **services agency shall prepare legislation for introduction in the**
5 **2021 regular session of the general assembly to make appropriate**
6 **amendments to the Indiana Code necessary to conform with this**
7 **act.**

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

