



February 10, 2017

SENATE BILL No. 367

DIGEST OF SB 367 (Updated February 8, 2017 11:33 am - DI 106)

Citations Affected: IC 20-26; IC 20-28; IC 33-24; IC 35-38; IC 35-50.

Synopsis: Revocation of teaching licenses. Prohibits a school from hiring persons who have been convicted of certain crimes. Adds human trafficking to the list of offenses requiring license revocation. Permits the department of education to reinstate the license of a person convicted of certain crimes if the conviction is vacated on appeal. Requires the division of state court administration to weekly transmit a list of persons convicted of specified crimes to the department of education, and requires the department of education to: (1) compare this list with the department's list of licensed employees; and (2) institute revocation proceedings if it appears that a licensed employee has been convicted of a specified offense. Provides that a presentence investigation includes gathering information with respect to whether the convicted defendant holds a teaching license or is a teacher.

Effective: July 1, 2017.

Bassler, Kruse

January 10, 2017, read first time and referred to Committee on Judiciary.
February 9, 2017, amended, reported favorably — Do Pass.

SB 367—LS 6314/DI 110



February 10, 2017

First Regular Session 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

SENATE BILL No. 367

A BILL FOR AN ACT to amend the Indiana Code concerning education.

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

- 1 SECTION 1. IC 20-26-5-10, AS AMENDED BY P.L.106-2016,
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2017]: Sec. 10. (a) This section applies to a:
4 (1) school corporation;
5 (2) charter school; or
6 (3) a nonpublic school that employs one (1) or more employees.
7 (b) A school corporation, including a charter school and a nonpublic
8 school, shall adopt a policy concerning criminal history information for
9 individuals who:
10 (1) apply for:
11 (A) employment with the school corporation, charter school,
12 or nonpublic school; or
13 (B) employment with an entity with which the school
14 corporation, charter school, or nonpublic school contracts for
15 services;
16 (2) seek to enter into a contract to provide services to the school
17 corporation, charter school, or nonpublic school; or

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1 (3) are employed by an entity that seeks to enter into a contract to
2 provide services to the school corporation, charter school, or
3 nonpublic school;
4 if the individuals are likely to have direct, ongoing contact with
5 children within the scope of the individuals' employment.
6 (c) A school corporation, including a charter school and a nonpublic
7 school, shall administer a policy adopted under this section uniformly
8 for all individuals to whom the policy applies. A policy adopted under
9 this section must require that the school corporation, charter school, or
10 nonpublic school conduct an expanded criminal history check and an
11 expanded child protection index check concerning each applicant for
12 noncertificated employment or certificated employment before or not
13 later than three (3) months after the applicant's employment by the
14 school corporation, charter school, or nonpublic school. Each
15 individual hired for noncertificated employment or certificated
16 employment may be required to provide a written consent for the
17 school corporation, charter school, or nonpublic school to request an
18 expanded criminal history check and an expanded child protection
19 index check concerning the individual before or not later than three (3)
20 months after the individual's employment by the school corporation or
21 school. The school corporation, charter school, or nonpublic school
22 may require the individual to provide a set of fingerprints and pay any
23 fees required for the expanded criminal history check and expanded
24 child protection index check. Each applicant for noncertificated
25 employment or certificated employment may be required at the time the
26 individual applies to answer questions concerning the individual's
27 expanded criminal history check and expanded child protection index
28 check. The failure to answer honestly questions asked under this
29 subsection is grounds for termination of the employee's employment.
30 The applicant is responsible for all costs associated with obtaining the
31 expanded criminal history check and expanded child protection index
32 check. An applicant may not be required by a school corporation,
33 charter school, or nonpublic school to obtain an expanded criminal
34 history check or an expanded child protection index check more than
35 one (1) time during a five (5) year period.
36 **(d) As used in this subsection, "offense requiring license**
37 **revocation" means an offense listed in IC 20-28-5-8(c). A policy**
38 **adopted under this section must prohibit a school corporation,**
39 **including a charter school and a nonpublic school, from hiring a**
40 **person who has been convicted of an offense requiring license**
41 **revocation, unless the conviction has been reversed, vacated, or set**
42 **aside on appeal.**



1 ~~(d)~~ (e) Information obtained under this section must be used in
2 accordance with law.

3 SECTION 2. IC 20-28-5-8, AS AMENDED BY P.L.13-2016,
4 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2017]: Sec. 8. (a) This section applies when a prosecuting
6 attorney knows that a licensed employee of a public school or a
7 nonpublic school has been convicted of an offense listed in subsection
8 (c). The prosecuting attorney shall immediately give written notice of
9 the conviction to the following:

10 (1) The state superintendent.

11 (2) Except as provided in subdivision (3), the superintendent of
12 the school corporation that employs the licensed employee or the
13 equivalent authority if a nonpublic school employs the licensed
14 employee.

15 (3) The presiding officer of the governing body of the school
16 corporation that employs the licensed employee, if the convicted
17 licensed employee is the superintendent of the school corporation.

18 (b) The superintendent of a school corporation, presiding officer of
19 the governing body, or equivalent authority for a nonpublic school shall
20 immediately notify the state superintendent when the individual knows
21 that a current or former licensed employee of the public school or
22 nonpublic school has been convicted of an offense listed in subsection
23 (c), or when the governing body or equivalent authority for a nonpublic
24 school takes any final action in relation to an employee who engaged
25 in any offense listed in subsection (c).

26 (c) **Except as provided in section 8.5 of this chapter**, the
27 department, after holding a hearing on the matter, shall permanently
28 revoke the license of a person who is known by the department to have
29 been convicted of any of the following felonies:

30 (1) Kidnapping (IC 35-42-3-2).

31 (2) Criminal confinement (IC 35-42-3-3).

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

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

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

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

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

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

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

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

40 (11) Incest (IC 35-46-1-3).

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



- 1 (13) Dealing in methamphetamine (IC 35-48-4-1.1).
 2 (14) Dealing in a schedule I, II, or III controlled substance
 3 (IC 35-48-4-2).
 4 (15) Dealing in a schedule IV controlled substance
 5 (IC 35-48-4-3).
 6 (16) Dealing in a schedule V controlled substance (IC 35-48-4-4).
 7 (17) Dealing in a counterfeit substance (IC 35-48-4-5).
 8 (18) Dealing in marijuana, hash oil, hashish, or salvia as a felony
 9 (IC 35-48-4-10).
 10 (19) Dealing in a synthetic drug or synthetic drug lookalike
 11 substance (IC 35-48-4-10.5, or IC 35-48-4-10(b) before its
 12 amendment in 2013).
 13 (20) Possession of child pornography (IC 35-42-4-4(d) or
 14 IC 35-42-4-4(e)).
 15 (21) Homicide (IC 35-42-1).
 16 (22) Voluntary manslaughter (IC 35-42-1-3).
 17 (23) Reckless homicide (IC 35-42-1-5).
 18 (24) Battery as any of the following:
 19 (A) A Class A felony (for a crime committed before July 1,
 20 2014) or a Level 2 felony (for a crime committed after June
 21 30, 2014).
 22 (B) A Class B felony (for a crime committed before July 1,
 23 2014) or a Level 3 felony (for a crime committed after June
 24 30, 2014).
 25 (C) A Class C felony (for a crime committed before July 1,
 26 2014) or a Level 5 felony (for a crime committed after June
 27 30, 2014).
 28 (25) Aggravated battery (IC 35-42-2-1.5).
 29 (26) Robbery (IC 35-42-5-1).
 30 (27) Carjacking (IC 35-42-5-2) (before its repeal).
 31 (28) Arson as a Class A felony or Class B felony (for a crime
 32 committed before July 1, 2014) or as a Level 2, Level 3, or Level
 33 4 felony (for a crime committed after June 30, 2014)
 34 (IC 35-43-1-1(a)).
 35 (29) Burglary as a Class A felony or Class B felony (for a crime
 36 committed before July 1, 2014) or as a Level 1, Level 2, Level 3,
 37 or Level 4 felony (for a crime committed after June 30, 2014)
 38 (IC 35-43-2-1).
 39 **(30) Human trafficking (IC 35-42-3.5).**
 40 ~~(30)~~ **(31)** Attempt under IC 35-41-5-1 to commit an offense listed
 41 in this subsection.
 42 ~~(31)~~ **(32)** Conspiracy under IC 35-41-5-2 to commit an offense



1 listed in this subsection.

2 (d) The department, after holding a hearing on the matter, shall
3 permanently revoke the license of a person who is known by the
4 department to have been convicted of a federal offense or an offense in
5 another state that is comparable to a felony listed in subsection (c).

6 (e) A license may be suspended by the state superintendent as
7 specified in IC 20-28-7.5.

8 (f) The department shall develop a data base of information on
9 school corporation employees who have been reported to the
10 department under this section.

11 **(g) Upon receipt of information from the division of state court
12 administration in accordance with IC 33-24-6-3 concerning
13 persons convicted of an offense listed in subsection (c), the
14 department shall:**

15 **(1) cross check the information received from the division of
16 state court administration with information concerning
17 licensed employees maintained by the department; and**

18 **(2) if a licensed employee has been convicted of an offense
19 described in subsection (c), institute revocation proceedings
20 under subsection (c).**

21 SECTION 3. IC 20-28-5-8.5 IS ADDED TO THE INDIANA CODE
22 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
23 1, 2017]: **Sec. 8.5. The department may, after holding a hearing on
24 the matter, reinstate the license of a person whose license has been
25 revoked under section 8 of this chapter if the person's conviction
26 has been reversed, vacated, or set aside on appeal.**

27 SECTION 4. IC 33-24-6-3, AS AMENDED BY P.L.9-2016,
28 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 JULY 1, 2017]: Sec. 3. (a) The division of state court administration
30 shall do the following:

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

35 (2) Collect and compile statistical data and other information on
36 the judicial work of the courts in Indiana. All justices of the
37 supreme court, judges of the court of appeals, judges of all trial
38 courts, and any city or town courts, whether having general or
39 special jurisdiction, court clerks, court reporters, and other
40 officers and employees of the courts shall, upon notice by the
41 executive director and in compliance with procedures prescribed
42 by the executive director, furnish the executive director the



1 information as is requested concerning the nature and volume of
 2 judicial business. The information must include the following:

3 (A) The volume, condition, and type of business conducted by
 4 the courts.

5 (B) The methods of procedure in the courts.

6 (C) The work accomplished by the courts.

7 (D) The receipt and expenditure of public money by and for
 8 the operation of the courts.

9 (E) The methods of disposition or termination of cases.

10 (3) Prepare and publish reports, not less than one (1) or more than
 11 two (2) times per year, on the nature and volume of judicial work
 12 performed by the courts as determined by the information
 13 required in subdivision (2).

14 (4) Serve the judicial nominating commission and the judicial
 15 qualifications commission in the performance by the commissions
 16 of their statutory and constitutional functions.

17 (5) Administer the civil legal aid fund as required by IC 33-24-12.

18 (6) Administer the judicial technology and automation project
 19 fund established by section 12 of this chapter.

20 (7) By December 31, 2013, develop and implement a standard
 21 protocol for sending and receiving court data:

22 (A) between the protective order registry, established by
 23 IC 5-2-9-5.5, and county court case management systems;

24 (B) at the option of the county prosecuting attorney, for:

25 (i) a prosecuting attorney's case management system;

26 (ii) a county court case management system; and

27 (iii) a county court case management system developed and
 28 operated by the division of state court administration;

29 to interface with the electronic traffic tickets, as defined by
 30 IC 9-30-3-2.5; and

31 (C) between county court case management systems and the
 32 case management system developed and operated by the
 33 division of state court administration.

34 The standard protocol developed and implemented under this
 35 subdivision shall permit private sector vendors, including vendors
 36 providing service to a local system and vendors accessing the
 37 system for information, to send and receive court information on
 38 an equitable basis and at an equitable cost.

39 (8) Establish and administer an electronic system for receiving
 40 information that relates to certain individuals who may be
 41 prohibited from possessing a firearm and transmitting this
 42 information to the Federal Bureau of Investigation for inclusion



- 1 in the NICS.
 2 (9) Establish and administer an electronic system for receiving
 3 felony conviction information for each felony described in
 4 IC 35-48-4-14.5(h)(1) from courts. The division shall notify
 5 NPLEx of each felony described in IC 35-48-4-14.5(h)(1) entered
 6 after June 30, 2012, and do the following:
 7 (A) Provide NPLEx with the following information:
 8 (i) The convicted individual's full name.
 9 (ii) The convicted individual's date of birth.
 10 (iii) The convicted individual's driver's license number, state
 11 personal identification number, or other unique number, if
 12 available.
 13 (iv) The date the individual was convicted of the felony.
 14 Upon receipt of the information from the division, a stop sale
 15 alert must be generated through NPLEx for each individual
 16 reported under this clause.
 17 (B) Notify NPLEx if the felony of an individual reported under
 18 clause (A) has been:
 19 (i) set aside;
 20 (ii) reversed;
 21 (iii) expunged; or
 22 (iv) vacated.
 23 Upon receipt of information under this clause, NPLEx shall
 24 remove the stop sale alert issued under clause (A) for the
 25 individual.
 26 (10) Staff the judicial technology oversight committee established
 27 by IC 33-23-17-2.
 28 **(11) After December 31, 2017, establish and administer an**
 29 **electronic system for receiving felony conviction information**
 30 **for each felony described in IC 20-28-5-8(c) from courts. The**
 31 **division shall notify the department of education at least one**
 32 **(1) time each week of each felony described in IC 20-28-5-8(c)**
 33 **entered after December 31, 2017, and do the following:**
 34 **(A) Provide the department of education with the following**
 35 **information:**
 36 **(i) The convicted individual's full name.**
 37 **(ii) The convicted individual's date of birth.**
 38 **(iii) The convicted individual's driver's license number,**
 39 **state personal identification number, or other unique**
 40 **number, if available.**
 41 **(iv) The date the individual was convicted of the felony.**
 42 **(B) Notify the department of education if the felony of an**



1 **individual reported under clause (A) has been:**

- 2 **(i) set aside;**
 3 **(ii) reversed;**
 4 **(iii) expunged; or**
 5 **(iv) vacated.**

6 (b) All forms to be used in gathering data must be approved by the
 7 supreme court and shall be distributed to all judges and clerks before
 8 the start of each period for which reports are required.

9 (c) The division may adopt rules to implement this section.

10 SECTION 5. IC 35-38-1-9, AS AMENDED BY P.L.179-2015,
 11 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2017]: Sec. 9. (a) As used in this chapter, "recommendation"
 13 has the meaning set forth in IC 35-31.5-2-272, and "victim" has the
 14 meaning set forth in IC 35-31.5-2-348.

15 (b) The presentence investigation consists of the gathering of
 16 information with respect to:

- 17 (1) the circumstances attending the commission of the offense;
 18 (2) the convicted person's history of delinquency or criminality,
 19 social history, employment history, family situation, economic
 20 status, education, and personal habits;
 21 (3) the impact of the crime upon the victim; and
 22 (4) whether the convicted person is:
 23 **(A) licensed or certified in a profession regulated by IC 25;**
 24 **(B) licensed under IC 20-28-5; or**
 25 **(C) a teacher in a primary or secondary school, including**
 26 **a public or nonpublic school.**

27 (c) The presentence investigation may include any matter that the
 28 probation officer conducting the investigation believes is relevant to
 29 the question of sentence, and must include:

- 30 (1) any matters the court directs to be included;
 31 (2) any written statements submitted to the prosecuting attorney
 32 by a victim under IC 35-35-3;
 33 (3) any written statements submitted to the probation officer by a
 34 victim; and
 35 (4) preparation of the victim impact statement required under
 36 section 8.5 of this chapter.

37 (d) If there are no written statements submitted to the probation
 38 officer, the probation officer shall certify to the court:

- 39 (1) that the probation officer has attempted to contact the victim;
 40 and
 41 (2) that if the probation officer has contacted the victim, the
 42 probation officer has offered to accept the written statements of



- 1 the victim or to reduce the victim's oral statements to writing,
 2 concerning the sentence, including the acceptance of any
 3 recommendation.
- 4 (e) A presentence investigation report prepared by a probation
 5 officer must include the information and comply with any other
 6 requirements established in the rules adopted under IC 11-13-1-8.
- 7 (f) The probation officer shall consult with a community corrections
 8 program officer or employee (if there is a community corrections
 9 program in the county) regarding services and programs available to
 10 the defendant while preparing the presentence investigation report.
- 11 SECTION 6. IC 35-50-10-1, AS ADDED BY P.L.106-2016,
 12 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2017]: Sec. 1. (a) **As used in this section, "offense requiring
 14 license revocation" means an offense listed in IC 20-28-5-8(c).**
- 15 (b) If an individual is a teacher in a primary or secondary school,
 16 including a public or nonpublic school, and is convicted of
- 17 (1) kidnapping (IC 35-42-3-2);
 - 18 (2) criminal confinement (IC 35-42-3-3);
 - 19 (3) rape (IC 35-42-4-1);
 - 20 (4) criminal deviate conduct (IC 35-42-4-2) (before its repeal);
 - 21 (5) child molesting (IC 35-42-4-3);
 - 22 (6) child exploitation (IC 35-42-4-4(b));
 - 23 (7) vicarious sexual gratification (IC 35-42-4-5);
 - 24 (8) child solicitation (IC 35-42-4-6);
 - 25 (9) child seduction (IC 35-42-4-7);
 - 26 (10) sexual misconduct with a minor (IC 35-42-4-9);
 - 27 (11) incest (IC 35-46-1-3);
 - 28 (12) dealing in or manufacturing cocaine or a narcotic drug
 29 (IC 35-48-4-1);
 - 30 (13) dealing in methamphetamine (IC 35-48-4-1.1);
 - 31 (14) dealing in a schedule I, H, or III controlled substance
 32 (IC 35-48-4-2);
 - 33 (15) dealing in a schedule IV controlled substance (IC 35-48-4-3);
 - 34 (16) dealing in a schedule V controlled substance (IC 35-48-4-4);
 - 35 (17) dealing in a counterfeit substance (IC 35-48-4-5);
 - 36 (18) dealing in marijuana, hash oil, hashish, or salvia as a felony
 37 (IC 35-48-4-10);
 - 38 (19) dealing in a synthetic drug or synthetic drug lookalike
 39 substance (IC 35-48-4-10.5, or IC 35-48-4-10(b) before its
 40 amendment in 2013);
 - 41 (20) possession of child pornography (IC 35-42-4-4(c));
 - 42 (21) homicide (IC 35-42-1);



- 1 (22) voluntary manslaughter (IC 35-42-1-3);
 2 (23) reckless homicide (IC 35-42-1-5);
 3 (24) battery (IC 35-42-2-1) as:
 4 (A) a Class A felony (for a crime committed before July 1,
 5 2014) or a Level 2 felony (for a crime committed after June
 6 30, 2014);
 7 (B) a Class B felony (for a crime committed before July 1,
 8 2014) or a Level 3 felony (for a crime committed after June
 9 30, 2014); or
 10 (C) a Class C felony (for a crime committed before July 1,
 11 2014) or a Level 5 felony (for a crime committed after June
 12 30, 2014);
 13 (25) aggravated battery (IC 35-42-2-1.5);
 14 (26) robbery (IC 35-42-5-1);
 15 (27) carjacking (IC 35-42-5-2) (before its repeal);
 16 (28) arson as a Class A felony or Class B felony (for a crime
 17 committed before July 1, 2014) or as a Level 2, Level 3, or Level
 18 4 felony (for a crime committed after June 30, 2014)
 19 (IC 35-43-1-1(a));
 20 (29) burglary as a Class A felony or Class B felony (for a crime
 21 committed before July 1, 2014) or as a Level 1, Level 2, Level 3,
 22 or Level 4 felony (for a crime committed after June 30, 2014)
 23 (IC 35-43-2-1);
 24 (30) attempt under IC 35-41-5-1 to commit an offense listed in
 25 this subsection; or
 26 (31) conspiracy under IC 35-41-5-2 to commit an offense listed
 27 in this subsection;
 28 **an offense requiring license revocation**, the judge who presided over
 29 the trial or accepted a plea agreement shall give written notice of the
 30 conviction to the state superintendent and the chief administrative
 31 officer of the primary or secondary school, including a public or
 32 nonpublic school, or, if the individual is employed in a public school,
 33 the superintendent of the school district in which the individual is
 34 employed.
 35 (b) (c) Notice under subsection (a) (b) must occur not later than
 36 seven (7) days after the date the judgment is entered.
 37 (c) (d) The notification sent to a school or school district under
 38 subsection (a) (b) must include only the felony for which the individual
 39 was convicted.
 40 (d) (e) If a judge later modifies the individual's sentence after giving
 41 notice under this section, the judge shall notify the school or the school
 42 district of the modification.



1 ~~(e)~~ **(f)** After receiving a notification under subsection ~~(a)~~; **(b)**, the
2 superintendent shall initiate procedures to revoke the individual's
3 license to teach.



COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 367, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 20-26-5-10, AS AMENDED BY P.L.106-2016, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 10. (a) This section applies to a:

- (1) school corporation;
- (2) charter school; or
- (3) a nonpublic school that employs one (1) or more employees.

(b) A school corporation, including a charter school and a nonpublic school, shall adopt a policy concerning criminal history information for individuals who:

- (1) apply for:
 - (A) employment with the school corporation, charter school, or nonpublic school; or
 - (B) employment with an entity with which the school corporation, charter school, or nonpublic school contracts for services;
- (2) seek to enter into a contract to provide services to the school corporation, charter school, or nonpublic school; or
- (3) are employed by an entity that seeks to enter into a contract to provide services to the school corporation, charter school, or nonpublic school;

if the individuals are likely to have direct, ongoing contact with children within the scope of the individuals' employment.

(c) A school corporation, including a charter school and a nonpublic school, shall administer a policy adopted under this section uniformly for all individuals to whom the policy applies. A policy adopted under this section must require that the school corporation, charter school, or nonpublic school conduct an expanded criminal history check and an expanded child protection index check concerning each applicant for noncertificated employment or certificated employment before or not later than three (3) months after the applicant's employment by the school corporation, charter school, or nonpublic school. Each individual hired for noncertificated employment or certificated employment may be required to provide a written consent for the school corporation, charter school, or nonpublic school to request an



expanded criminal history check and an expanded child protection index check concerning the individual before or not later than three (3) months after the individual's employment by the school corporation or school. The school corporation, charter school, or nonpublic school may require the individual to provide a set of fingerprints and pay any fees required for the expanded criminal history check and expanded child protection index check. Each applicant for noncertificated employment or certificated employment may be required at the time the individual applies to answer questions concerning the individual's expanded criminal history check and expanded child protection index check. The failure to answer honestly questions asked under this subsection is grounds for termination of the employee's employment. The applicant is responsible for all costs associated with obtaining the expanded criminal history check and expanded child protection index check. An applicant may not be required by a school corporation, charter school, or nonpublic school to obtain an expanded criminal history check or an expanded child protection index check more than one (1) time during a five (5) year period.

(d) As used in this subsection, "offense requiring license revocation" means an offense listed in IC 20-28-5-8(c). A policy adopted under this section must prohibit a school corporation, including a charter school and a nonpublic school, from hiring a person who has been convicted of an offense requiring license revocation, unless the conviction has been reversed, vacated, or set aside on appeal.

~~(e)~~ **(e)** Information obtained under this section must be used in accordance with law."

Page 2, line 7, delete "The" and insert **"Except as provided in section 8.5 of this chapter, the"**.

Page 3, between lines 18 and 19, begin a new line block indented and insert:

"(30) Human trafficking (IC 35-42-3.5)."

Page 3, line 19, strike "(30)" and insert **"(31)"**.

Page 3, line 21, strike "(31)" and insert **"(32)"**.

Page 3, delete lines 27 through 29.

Page 3, line 30, reset in roman **"(e)"**.

Page 3, line 30, delete **"(f)"**.

Page 3, line 32, reset in roman **"(f)"**.

Page 3, line 32, delete **"(g)"**.

Page 3, between lines 34 and 35, begin a new paragraph and insert:

"(g) Upon receipt of information from the division of state court administration in accordance with IC 33-24-6-3 concerning



persons convicted of an offense listed in subsection (c), the department shall:

- (1) cross check the information received from the division of state court administration with information concerning licensed employees maintained by the department; and
- (2) if a licensed employee has been convicted of an offense described in subsection (c), institute revocation proceedings under subsection (c).

SECTION 3. IC 20-28-5-8.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 8.5. The department may, after holding a hearing on the matter, reinstate the license of a person whose license has been revoked under section 8 of this chapter if the person's conviction has been reversed, vacated, or set aside on appeal.**

SECTION 4. IC 33-24-6-3, AS AMENDED BY P.L.9-2016, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 3. (a) The division of state court administration shall do the following:**

- (1) Examine the administrative and business methods and systems employed in the offices of the clerks of court and other offices related to and serving the courts and make recommendations for necessary improvement.
- (2) Collect and compile statistical data and other information on the judicial work of the courts in Indiana. All justices of the supreme court, judges of the court of appeals, judges of all trial courts, and any city or town courts, whether having general or special jurisdiction, court clerks, court reporters, and other officers and employees of the courts shall, upon notice by the executive director and in compliance with procedures prescribed by the executive director, furnish the executive director the information as is requested concerning the nature and volume of judicial business. The information must include the following:
 - (A) The volume, condition, and type of business conducted by the courts.
 - (B) The methods of procedure in the courts.
 - (C) The work accomplished by the courts.
 - (D) The receipt and expenditure of public money by and for the operation of the courts.
 - (E) The methods of disposition or termination of cases.
- (3) Prepare and publish reports, not less than one (1) or more than two (2) times per year, on the nature and volume of judicial work performed by the courts as determined by the information



required in subdivision (2).

(4) Serve the judicial nominating commission and the judicial qualifications commission in the performance by the commissions of their statutory and constitutional functions.

(5) Administer the civil legal aid fund as required by IC 33-24-12.

(6) Administer the judicial technology and automation project fund established by section 12 of this chapter.

(7) By December 31, 2013, develop and implement a standard protocol for sending and receiving court data:

(A) between the protective order registry, established by IC 5-2-9-5.5, and county court case management systems;

(B) at the option of the county prosecuting attorney, for:

(i) a prosecuting attorney's case management system;

(ii) a county court case management system; and

(iii) a county court case management system developed and operated by the division of state court administration;

to interface with the electronic traffic tickets, as defined by IC 9-30-3-2.5; and

(C) between county court case management systems and the case management system developed and operated by the division of state court administration.

The standard protocol developed and implemented under this subdivision shall permit private sector vendors, including vendors providing service to a local system and vendors accessing the system for information, to send and receive court information on an equitable basis and at an equitable cost.

(8) Establish and administer an electronic system for receiving information that relates to certain individuals who may be prohibited from possessing a firearm and transmitting this information to the Federal Bureau of Investigation for inclusion in the NICS.

(9) Establish and administer an electronic system for receiving felony conviction information for each felony described in IC 35-48-4-14.5(h)(1) from courts. The division shall notify NPLEx of each felony described in IC 35-48-4-14.5(h)(1) entered after June 30, 2012, and do the following:

(A) Provide NPLEx with the following information:

(i) The convicted individual's full name.

(ii) The convicted individual's date of birth.

(iii) The convicted individual's driver's license number, state personal identification number, or other unique number, if available.



(iv) The date the individual was convicted of the felony.

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

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

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

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

(10) Staff the judicial technology oversight committee established by IC 33-23-17-2.

(11) After December 31, 2017, establish and administer an electronic system for receiving felony conviction information for each felony described in IC 20-28-5-8(c) from courts. The division shall notify the department of education at least one (1) time each week of each felony described in IC 20-28-5-8(c) entered after December 31, 2017, and do the following:

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

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

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

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

(b) All forms to be used in gathering data must be approved by the supreme court and shall be distributed to all judges and clerks before the start of each period for which reports are required.

(c) The division may adopt rules to implement this section."

Page 3, delete lines 35 through 39.

Page 4, line 11, delete "or".

Page 4, line 12, delete "." and insert "; or



(C) a teacher in a primary or secondary school, including a public or nonpublic school."

Page 4, delete lines 39 through 42, begin a new paragraph and insert:

"SECTION 7. IC 35-50-10-1, AS ADDED BY P.L.106-2016, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 1. (a) **As used in this section, "offense requiring license revocation" means an offense listed in IC 20-28-5-8(c).**

(b) If an individual is a teacher in a primary or secondary school, including a public or nonpublic school, and is convicted of

- (1) kidnapping (IC 35-42-3-2);
- (2) criminal confinement (IC 35-42-3-3);
- (3) rape (IC 35-42-4-1);
- (4) criminal deviate conduct (IC 35-42-4-2) (before its repeal);
- (5) child molesting (IC 35-42-4-3);
- (6) child exploitation (IC 35-42-4-4(b));
- (7) vicarious sexual gratification (IC 35-42-4-5);
- (8) child solicitation (IC 35-42-4-6);
- (9) child seduction (IC 35-42-4-7);
- (10) sexual misconduct with a minor (IC 35-42-4-9);
- (11) incest (IC 35-46-1-3);
- (12) dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1);
- (13) dealing in methamphetamine (IC 35-48-4-1.1);
- (14) dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2);
- (15) dealing in a schedule IV controlled substance (IC 35-48-4-3);
- (16) dealing in a schedule V controlled substance (IC 35-48-4-4);
- (17) dealing in a counterfeit substance (IC 35-48-4-5);
- (18) dealing in marijuana, hash oil, hashish, or salvia as a felony (IC 35-48-4-10);
- (19) dealing in a synthetic drug or synthetic drug lookalike substance (IC 35-48-4-10.5; or IC 35-48-4-10(b) before its amendment in 2013);
- (20) possession of child pornography (IC 35-42-4-4(c));
- (21) homicide (IC 35-42-1);
- (22) voluntary manslaughter (IC 35-42-1-3);
- (23) reckless homicide (IC 35-42-1-5);
- (24) battery (IC 35-42-2-1) as:
 - (A) a Class A felony (for a crime committed before July 1, 2014) or a Level 2 felony (for a crime committed after June 30, 2014);



(B) a Class B felony (for a crime committed before July 1, 2014) or a Level 3 felony (for a crime committed after June 30, 2014); or

(C) a Class C felony (for a crime committed before July 1, 2014) or a Level 5 felony (for a crime committed after June 30, 2014);

(25) aggravated battery (IC 35-42-2-1.5);

(26) robbery (IC 35-42-5-1);

(27) carjacking (IC 35-42-5-2) (before its repeal);

(28) arson as a Class A felony or Class B felony (for a crime committed before July 1, 2014) or as a Level 2, Level 3, or Level 4 felony (for a crime committed after June 30, 2014) (IC 35-43-1-1(a));

(29) burglary as a Class A felony or Class B felony (for a crime committed before July 1, 2014) or as a Level 1, Level 2, Level 3, or Level 4 felony (for a crime committed after June 30, 2014) (IC 35-43-2-1);

(30) attempt under IC 35-41-5-1 to commit an offense listed in this subsection; or

(31) conspiracy under IC 35-41-5-2 to commit an offense listed in this subsection;

an offense requiring license revocation, the judge who presided over the trial or accepted a plea agreement shall give written notice of the conviction to the state superintendent and the chief administrative officer of the primary or secondary school, including a public or nonpublic school, or, if the individual is employed in a public school, the superintendent of the school district in which the individual is employed.

(b) (c) Notice under subsection (a) (b) must occur not later than seven (7) days after the date the judgment is entered.

(c) (d) The notification sent to a school or school district under subsection (a) (b) must include only the felony for which the individual was convicted.

(d) (e) If a judge later modifies the individual's sentence after giving notice under this section, the judge shall notify the school or the school district of the modification.

(e) (f) After receiving a notification under subsection (a); (b), the superintendent shall initiate procedures to revoke the individual's



license to teach."

Delete page 5.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 367 as introduced.)

BRAY, Chairperson

Committee Vote: Yeas 10, Nays 0.

