



Reprinted
February 4, 2020

SENATE BILL No. 335

DIGEST OF SB 335 (Updated February 3, 2020 4:43 pm - DI 106)

Citations Affected: Numerous provisions throughout the Indiana Code.

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

Effective: July 1, 2020.

Young M, Brown L, Koch, Tallian

January 13, 2020, read first time and referred to Committee on Corrections and Criminal Law.
January 30, 2020, amended, reported favorably — Do Pass.
February 3, 2020, read second time, amended, ordered engrossed.

SB 335—LS 6968/DI 106



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

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

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

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

SENATE 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**

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

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

6 (d) Subject to subsection (e), and except as provided in
7 subsection (f), a prior conviction or a prior judgment for an
8 infraction increases the class or level of the crime, the penalty for
9 the crime from a misdemeanor to a felony, or the penalty for an
10 infraction to a misdemeanor or felony only if the current crime was
11 committed not later than fifteen (15) years from the date the
12 defendant was:

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

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

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

18 whichever occurred last.

19 (e) If a crime described in subsection (a) requires proof of more
20 than one (1) criminal conviction or judgment for an infraction, the
21 increased penalty applies only if the current crime was committed
22 not later than fifteen (15) years from the date the defendant was:

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

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

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

30 whichever occurred last.

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

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

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

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

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

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

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

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

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



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

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

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

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

13 **(1) a felony;**

14 **(2) a misdemeanor;**

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

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

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

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

19 **(7) fraud;**

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

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

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

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

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

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

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

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

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



1 **committed in another jurisdiction.**

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

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

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

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

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

13 (2) a felony conviction that has been:

14 (A) reversed;

15 (B) vacated;

16 (C) set aside;

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

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

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

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

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

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

29 (3) in a:

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

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

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

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

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

42 (6) the person is subject to:



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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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



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



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



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



1 support bureau of the department of child services;
2 (13) is or was required to register as a sex or violent offender
3 under IC 11-8-8;
4 (14) has been convicted of any of the following:
5 (A) Rape (IC 35-42-4-1), if the victim is less than eighteen
6 (18) years of age.
7 (B) Criminal deviate conduct (IC 35-42-4-2) (repealed), if the
8 victim is less than eighteen (18) years of age.
9 (C) Child molesting (IC 35-42-4-3).
10 (D) Child exploitation (IC 35-42-4-4(b) or IC 35-42-4-4(c)).
11 (E) Possession of child pornography (IC 35-42-4-4(d) or
12 IC 35-42-4-4(e)).
13 (F) Vicarious sexual gratification (IC 35-42-4-5).
14 (G) Child solicitation (IC 35-42-4-6).
15 (H) Child seduction (IC 35-42-4-7).
16 (I) Sexual misconduct with a minor as a felony (IC 35-42-4-9).
17 (J) Incest (IC 35-46-1-3), if the victim is less than eighteen
18 (18) years of age;
19 ~~(K) Attempt under IC 35-41-5-1 to commit an offense listed in~~
20 ~~clauses (A) through (J).~~
21 ~~(L) Conspiracy under IC 35-41-5-2 to commit an offense listed~~
22 ~~in clauses (A) through (J).~~
23 ~~(M) An offense in any other jurisdiction in which the elements~~
24 ~~of the offense for which the conviction was entered are~~
25 ~~substantially similar to the elements of an offense described~~
26 ~~under clauses (A) through (J);~~
27 (15) is identified as a possible perpetrator of child abuse or
28 neglect in an assessment conducted by the department of child
29 services under IC 31-33-8; or
30 (16) is:
31 (A) a parent, guardian, or custodian of a child; or
32 (B) an individual who is at least eighteen (18) years of age and
33 resides in the home of the parent, guardian, or custodian;
34 with whom the department of child services or a county probation
35 department has a case plan, dispositional decree, or permanency
36 plan approved under IC 31-34 or IC 31-37 that provides for
37 reunification following an out-of-home placement.
38 However, limited criminal history information obtained from the
39 National Crime Information Center may not be released under this
40 section except to the extent permitted by the Attorney General of the
41 United States.
42 (b) A law enforcement agency shall allow inspection of a limited



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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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



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



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



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



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

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

16 SECTION 12. IC 11-8-8-17, AS AMENDED BY P.L.44-2018,
 17 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2020]: Sec. 17. (a) A sex or violent offender who knowingly
 19 or intentionally:

- 20 (1) fails to register when required to register under this chapter;
- 21 (2) fails to register in every location where the sex or violent
- 22 offender is required to register under this chapter;
- 23 (3) makes a material misstatement or omission while registering
- 24 as a sex or violent offender under this chapter;
- 25 (4) fails to register in person as required under this chapter; or
- 26 (5) does not reside at the sex or violent offender's registered
- 27 address or location;
- 28 commits a Level 6 felony.

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

- 31 (1) under this section;
- 32 (2) based on the person's failure to comply with any requirement
- 33 imposed on a sex or violent offender under this chapter or under
- 34 IC 5-2-12 before its repeal; or
- 35 (3) that
- 36 ~~(A) is a crime under the laws of another jurisdiction, including~~
- 37 ~~a military court; and~~
- 38 ~~(B) is:~~
- 39 ~~(i) the same or substantially similar to an offense under this~~
- 40 ~~section; or~~
- 41 ~~(ii) is based on the person's failure to comply with a~~
- 42 ~~requirement imposed on the person that is the same or~~



1 substantially similar to a requirement imposed on a sex or
 2 violent offender under this chapter or under IC 5-2-12 before
 3 its repeal.

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

8 SECTION 13. IC 11-12-3.7-6, AS AMENDED BY P.L.211-2019,
 9 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2020]: Sec. 6. As used in this chapter, "violent offense" means
 11 one (1) or more of the following offenses:

- 12 (1) Murder (IC 35-42-1-1).
 13 (2) Attempted murder (IC 35-41-5-1).
 14 (3) Voluntary manslaughter (IC 35-42-1-3).
 15 (4) Involuntary manslaughter (IC 35-42-1-4).
 16 (5) Reckless homicide (IC 35-42-1-5).
 17 (6) Aggravated battery (IC 35-42-2-1.5).
 18 (7) Battery (IC 35-42-2-1) as a:
 19 (A) Class A felony, Class B felony, or Class C felony (for a
 20 crime committed before July 1, 2014); or
 21 (B) Level 2 felony, Level 3 felony, or Level 5 felony (for a
 22 crime committed after June 30, 2014).
 23 (8) Kidnapping (IC 35-42-3-2).
 24 (9) A sex crime listed in IC 35-42-4-1 through IC 35-42-4-8 that
 25 is a:
 26 (A) Class A felony, Class B felony, or Class C felony (for a
 27 crime committed before July 1, 2014); or
 28 (B) Level 1 felony, Level 2 felony, Level 3 felony, Level 4
 29 felony, or Level 5 felony (for a crime committed after June 30,
 30 2014).
 31 (10) Sexual misconduct with a minor (IC 35-42-4-9) as a:
 32 (A) Class A felony or Class B felony (for a crime committed
 33 before July 1, 2014); or
 34 (B) Level 1 felony, Level 2 felony, or Level 4 felony (for a
 35 crime committed after June 30, 2014).
 36 (11) Incest (IC 35-46-1-3).
 37 (12) Robbery (IC 35-42-5-1) as a:
 38 (A) Class A felony or a Class B felony (for a crime committed
 39 before July 1, 2014); or
 40 (B) Level 2 felony or Level 3 felony (for a crime committed
 41 after June 30, 2014).
 42 (13) Burglary (IC 35-43-2-1) as a:



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



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



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

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

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

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

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

17 (3) Give:

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

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

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

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

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

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

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

29 (B) the injured person so requests.

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

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



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



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



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

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

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

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

8 (4) Issuance of a letter of reprimand.

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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



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



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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



1 SECTION 19. IC 20-26-5-11, AS AMENDED BY P.L.85-2017,
 2 SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2020]: Sec. 11. (a) This section applies to:

- 4 (1) a school corporation;
 5 (2) a charter school; and
 6 (3) an entity:
 7 (A) with which the school corporation contracts for services;
 8 and
 9 (B) that has employees who are likely to have direct, ongoing
 10 contact with children within the scope of the employees'
 11 employment.

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

- 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) Reckless homicide (IC 35-42-1-5).
 21 (6) Battery (IC 35-42-2-1) unless ten (10) years have elapsed from
 22 the date the individual was discharged from probation,
 23 imprisonment, or parole, whichever is later.
 24 (7) Aggravated battery (IC 35-42-2-1.5).
 25 (8) Kidnapping (IC 35-42-3-2).
 26 (9) Criminal confinement (IC 35-42-3-3).
 27 (10) A sex offense under IC 35-42-4.
 28 (11) Carjacking (IC 35-42-5-2) (repealed).
 29 (12) Arson (IC 35-43-1-1), unless ten (10) years have elapsed
 30 from the date the individual was discharged from probation,
 31 imprisonment, or parole, whichever is later.
 32 (13) Incest (IC 35-46-1-3).
 33 (14) Neglect of a dependent as a Class B felony (for a crime
 34 committed before July 1, 2014) or a Level 1 felony or Level 3
 35 felony (for a crime committed after June 30, 2014)
 36 (IC 35-46-1-4(b)(2)), unless ten (10) years have elapsed from the
 37 date the individual was discharged from probation, imprisonment,
 38 or parole, whichever is later.
 39 (15) Child selling (IC 35-46-1-4(d)).
 40 (16) Contributing to the delinquency of a minor (IC 35-46-1-8),
 41 unless ten (10) years have elapsed from the date the individual
 42 was discharged from probation, imprisonment, or parole,



- 1 whichever is later.
- 2 (17) An offense involving a weapon under IC 35-47 or
- 3 IC 35-47.5, unless ten (10) years have elapsed from the date the
- 4 individual was discharged from probation, imprisonment, or
- 5 parole, whichever is later.
- 6 (18) An offense relating to controlled substances under
- 7 IC 35-48-4, unless ten (10) years have elapsed from the date the
- 8 individual was discharged from probation, imprisonment, or
- 9 parole, whichever is later.
- 10 (19) An offense relating to material or a performance that is
- 11 harmful to minors or obscene under IC 35-49-3, unless ten (10)
- 12 years have elapsed from the date the individual was discharged
- 13 from probation, imprisonment, or parole, whichever is later.
- 14 (20) An offense relating to operating a motor vehicle while
- 15 intoxicated under IC 9-30-5, unless five (5) years have elapsed
- 16 from the date the individual was discharged from probation,
- 17 imprisonment, or parole, whichever is later.
- 18 (21) Domestic battery (IC 35-42-2-1.3), unless ten (10) years have
- 19 elapsed from the date the individual was discharged from
- 20 probation, imprisonment, or parole, whichever is latest.
- 21 ~~(22) An offense that is substantially equivalent to any of the~~
- 22 ~~offenses listed in this subsection in which the judgment of~~
- 23 ~~conviction was entered under the law of any other jurisdiction:~~
- 24 (c) An individual employed by a school corporation, charter school,
- 25 or entity described in subsection (a) shall notify the governing body of
- 26 the school corporation, if during the course of the individual's
- 27 employment, the individual is convicted in Indiana or another
- 28 jurisdiction of an offense described in subsection (b).
- 29 (d) A school corporation, charter school, or entity may use
- 30 information obtained under section 10 of this chapter concerning an
- 31 individual being the subject of a substantiated report of child abuse or
- 32 neglect as grounds to not employ or contract with the individual.
- 33 (e) An individual employed by a school corporation, charter school,
- 34 or entity described in subsection (a) shall notify the governing body of
- 35 the school corporation, if during the course of the individual's
- 36 employment, the individual is the subject of a substantiated report of
- 37 child abuse or neglect.
- 38 SECTION 20. IC 20-26-14-8, AS ADDED BY P.L.169-2019,
- 39 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 40 JULY 1, 2020]: Sec. 8. (a) The department shall notify the association
- 41 of any license revocation or suspension involving a licensed teacher (as
- 42 defined in IC 20-18-2-22) under IC 20-28-5-8 who:



- 1 (1) has:
- 2 (A) been convicted of an offense described in IC 20-28-5-8(c);
- 3 ~~or of a known comparable offense in another state;~~ or
- 4 (B) committed misconduct described in IC 20-28-5-7(1) or
- 5 IC 20-28-5-7(2); and
- 6 (2) is also a coach accredited by the association.
- 7 (b) A school corporation, charter high school, or nonpublic high
- 8 school with at least one (1) employee must report to the association, in
- 9 a manner prescribed by the association, when a nonteaching or
- 10 volunteer coach accredited by the association has been convicted of an
- 11 offense described in IC 20-28-5-8(c). ~~or of a known comparable~~
- 12 ~~offense in another state.~~
- 13 (c) The association shall develop a rule, as soon as practicable, to
- 14 suspend or revoke the coaching accreditation of a teacher who has been
- 15 reported to the association under subsection (a) for committing
- 16 misconduct described in IC 20-28-5-7(1) or IC 20-28-5-7(2).
- 17 (d) The association shall revoke the accreditation of any coach who
- 18 has been convicted of an offense described in IC 20-28-5-8. The
- 19 association may, after holding a hearing on the matter, reinstate the
- 20 accreditation of an individual whose accreditation has been revoked by
- 21 the association if the individual's conviction has been reversed,
- 22 vacated, or set aside on appeal.
- 23 (e) Nothing in this section shall be construed to prohibit the
- 24 association from revoking a coaching accreditation or otherwise
- 25 imposing any other form of discipline for misconduct not described in
- 26 IC 20-28-5-7(1), IC 20-28-5-7(2), or IC 20-28-5-8.
- 27 (f) The:
- 28 (1) association or its employees;
- 29 (2) department or its employees; or
- 30 (3) school corporation, charter high school, or nonpublic high
- 31 school with at least one (1) employee or its employees;
- 32 are immune from civil liability for any act done or omitted under this
- 33 section or section 9 of this chapter unless the action constitutes gross
- 34 negligence or willful or wanton misconduct.
- 35 SECTION 21. IC 22-15-5-16, AS AMENDED BY P.L.80-2019,
- 36 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 37 JULY 1, 2020]: Sec. 16. (a) A practitioner shall comply with the
- 38 standards established under this licensing program. A practitioner is
- 39 subject to the exercise of the disciplinary sanctions under subsection
- 40 (b) if the department finds that a practitioner has:
- 41 (1) engaged in or knowingly cooperated in fraud or material
- 42 deception in order to obtain a license to practice, including



- 1 cheating on a licensing examination;
 2 (2) engaged in fraud or material deception in the course of
 3 professional services or activities;
 4 (3) advertised services or goods in a false or misleading manner;
 5 (4) falsified or knowingly allowed another person to falsify
 6 attendance records or certificates of completion of continuing
 7 education courses provided under this chapter;
 8 (5) been convicted of a crime that has a direct bearing on the
 9 practitioner's ability to continue to practice competently;
 10 (6) knowingly violated a state statute or rule or federal statute or
 11 regulation regulating the profession for which the practitioner is
 12 licensed;
 13 (7) continued to practice although the practitioner has become
 14 unfit to practice due to:
 15 (A) professional incompetence;
 16 (B) failure to keep abreast of current professional theory or
 17 practice;
 18 (C) physical or mental disability; or
 19 (D) addiction to, abuse of, or severe dependency on alcohol or
 20 other drugs that endanger the public by impairing a
 21 practitioner's ability to practice safely;
 22 (8) engaged in a course of lewd or immoral conduct in connection
 23 with the delivery of services to the public;
 24 (9) allowed the practitioner's name or a license issued under this
 25 chapter to be used in connection with an individual or business
 26 who renders services beyond the scope of that individual's or
 27 business's training, experience, or competence;
 28 (10) had disciplinary action taken against the practitioner or the
 29 practitioner's license to practice in another state or jurisdiction on
 30 grounds similar to those under this chapter;
 31 (11) assisted another person in committing an act that would
 32 constitute a ground for disciplinary sanction under this chapter;
 33 or
 34 (12) allowed a license issued by the department to be:
 35 (A) used by another person; or
 36 (B) displayed to the public when the license has expired, is
 37 inactive, is invalid, or has been revoked or suspended.
 38 For purposes of subdivision (10), a certified copy of a record of
 39 disciplinary action constitutes prima facie evidence of a disciplinary
 40 action in another jurisdiction.
 41 (b) The department may impose one (1) or more of the following
 42 sanctions if the department finds that a practitioner is subject to



- 1 disciplinary sanctions under subsection (a):
- 2 (1) Permanent revocation of a practitioner's license.
- 3 (2) Suspension of a practitioner's license.
- 4 (3) Censure of a practitioner.
- 5 (4) Issuance of a letter of reprimand.
- 6 (5) Assessment of a civil penalty against the practitioner in
- 7 accordance with the following:
- 8 (A) The civil penalty may not be more than one thousand
- 9 dollars (\$1,000) for each violation listed in subsection (a),
- 10 except for a finding of incompetency due to a physical or
- 11 mental disability.
- 12 (B) When imposing a civil penalty, the department shall
- 13 consider a practitioner's ability to pay the amount assessed. If
- 14 the practitioner fails to pay the civil penalty within the time
- 15 specified by the department, the department may suspend the
- 16 practitioner's license without additional proceedings. However,
- 17 a suspension may not be imposed if the sole basis for the
- 18 suspension is the practitioner's inability to pay a civil penalty.
- 19 (6) Placement of a practitioner on probation status and
- 20 requirement of the practitioner to:
- 21 (A) report regularly to the department upon the matters that
- 22 are the basis of probation;
- 23 (B) limit practice to those areas prescribed by the department;
- 24 (C) continue or renew professional education approved by the
- 25 department until a satisfactory degree of skill has been attained
- 26 in those areas that are the basis of the probation; or
- 27 (D) perform or refrain from performing any acts, including
- 28 community restitution or service without compensation, that
- 29 the department considers appropriate to the public interest or
- 30 to the rehabilitation or treatment of the practitioner.
- 31 The department may withdraw or modify this probation if the
- 32 department finds after a hearing that the deficiency that required
- 33 disciplinary action has been remedied or that changed
- 34 circumstances warrant a modification of the order.
- 35 (c) If an applicant or a practitioner has engaged in or knowingly
- 36 cooperated in fraud or material deception to obtain a license to
- 37 practice, including cheating on the licensing examination, the
- 38 department may rescind the 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 license for a length of time
- 41 established by the department.
- 42 (d) The department may deny licensure to an applicant who has had



1 disciplinary action taken against the applicant or the applicant's license
 2 to practice in another state or jurisdiction or who has practiced without
 3 a license in violation of the law. A certified copy of the record of
 4 disciplinary action is conclusive evidence of the other jurisdiction's
 5 disciplinary action.

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

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

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

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



1 controlled substance analog (as defined in IC 35-48-1-9.3), or
 2 possession of a synthetic drug lookalike substance (as defined in
 3 IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) as a:

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

5 or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



- 1 (12) An offense under IC 35-48-4 involving the manufacture or
 2 sale of a synthetic drug (as defined in IC 35-31.5-2-321), a
 3 synthetic drug lookalike substance (as defined in
 4 IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under
 5 IC 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled
 6 substance analog (as defined in IC 35-48-1-9.3), or a substance
 7 represented to be a controlled substance (as described in
 8 IC 35-48-4-4.6).
- 9 ~~(13) Conspiracy under IC 35-41-5-2 to commit an offense listed~~
 10 ~~in this subsection.~~
- 11 ~~(14) Attempt under IC 35-41-5-1 to commit an offense listed in~~
 12 ~~this subsection.~~
- 13 ~~(15) An offense in any other jurisdiction in which the elements of~~
 14 ~~the offense for which the conviction was entered are substantially~~
 15 ~~similar to the elements of an offense described in this subsection.~~
- 16 ~~(16)~~ **(13)** A violation of any federal or state drug law or rule
 17 related to wholesale legend drug distributors licensed under
 18 IC 25-26-14.
- 19 (i) A decision of the department under subsections (b) through (h)
 20 may be appealed to the commission under IC 4-21.5-3-7.
- 21 (j) The department may temporarily suspend a practitioner's license
 22 under IC 4-21.5-4 before a final adjudication or during the appeals
 23 process if the department finds that a practitioner represents a clear and
 24 immediate danger to the public's health, safety, or property if the
 25 practitioner is allowed to continue to practice.
- 26 (k) On receipt of a complaint or an information alleging that a
 27 person licensed under this chapter has engaged in or is engaging in a
 28 practice that jeopardizes the public health, safety, or welfare, the
 29 department shall initiate an investigation against the person.
- 30 (l) Any complaint filed with the office of the attorney general
 31 alleging a violation of this licensing program shall be referred to the
 32 department for summary review and for its general information and any
 33 authorized action at the time of the filing.
- 34 (m) The department shall conduct a fact finding investigation as the
 35 department considers proper in relation to the complaint.
- 36 (n) The department may reinstate a license that has been suspended
 37 under this section if, after a hearing, the department is satisfied that the
 38 applicant is able to practice with reasonable skill, safety, and
 39 competency to the public. As a condition of reinstatement, the
 40 department may impose disciplinary or corrective measures authorized
 41 under this chapter.
- 42 (o) The department may not reinstate a license that has been



1 revoked under this chapter. An individual whose license has been
 2 revoked under this chapter may not apply for a new license until seven
 3 (7) years after the date of revocation.

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

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

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

- 20 (1) Court reporters.
- 21 (2) Transcripts.
- 22 (3) Certification of documents.
- 23 (4) Photo duplication.
- 24 (5) Witness attendance and mileage fees.
- 25 (6) Postage.
- 26 (7) Expert witnesses.
- 27 (8) Depositions.
- 28 (9) Notarizations.

29 SECTION 22. IC 24-5-26-1, AS ADDED BY P.L.137-2009,
 30 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2020]: Sec. 1. As used in this chapter, "identity theft" means:

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

36 SECTION 23. IC 25-1-1.1-2, AS AMENDED BY P.L.80-2019,
 37 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2020]: Sec. 2. Notwithstanding IC 25-1-7, a board, a
 39 commission, or a committee may suspend, deny, or revoke a license or
 40 certificate issued under this title by the board, the commission, or the
 41 committee without an investigation by the office of the attorney general
 42 if the individual who holds the license or certificate is convicted of any



1 of the following and the board, commission, or committee determines,
 2 after the individual has appeared in person, that the offense affects the
 3 individual's ability to perform the duties of the profession:

4 (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.

5 (2) Possession of methamphetamine under IC 35-48-4-6.1.

6 (3) Possession of a controlled substance under IC 35-48-4-7(a).

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

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

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

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

19 (8) Possession of marijuana, hash oil, hashish, or salvia as a Class
 20 D felony (for a crime committed before July 1, 2014) or a Level
 21 6 felony (for a crime committed after June 30, 2014) under
 22 IC 35-48-4-11.

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

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

29 or

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

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

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

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

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

41 ~~(14)~~ (12) A sex crime under IC 35-42-4.

42 ~~(15)~~ (13) A felony that reflects adversely on the individual's



1 fitness to hold a professional license.

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

5 SECTION 24. IC 25-1-1.1-3, AS AMENDED BY P.L.80-2019,
 6 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2020]: Sec. 3. A board, a commission, or a committee shall
 8 revoke or suspend a license or certificate issued under this title by the
 9 board, the commission, or the committee if the individual who holds
 10 the license or certificate is convicted of any of the following:

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

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

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

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

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

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

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

23 (8) Dealing in a substance represented to be a controlled
 24 substance under IC 35-48-4-4.5 (before its repeal on July 1,
 25 2019).

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

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

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

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

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



- 1 (~~14~~) Attempt under IC 35-41-5-1 to commit an offense listed in
 2 this section.
 3 (~~15~~) An offense in any other jurisdiction in which the elements of
 4 the offense for which the conviction was entered are substantially
 5 similar to the elements of an offense described in this section.
 6 (~~16~~) **(13)** A violation of any federal or state drug law or rule
 7 related to wholesale legend drug distributors licensed under
 8 IC 25-26-14.
- 9 SECTION 25. IC 25-23.6-1-5.7, AS ADDED BY P.L.122-2009,
 10 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2020]: Sec. 5.7. (a) "Practice of addiction counseling" means
 12 the providing of professional services that are delivered by a licensed
 13 addiction counselor, that are designed to change substance use or
 14 addictive behavior, and that involve specialized knowledge and skill
 15 related to addictions and addictive behaviors, including understanding
 16 addiction, knowledge of the treatment process, application to practice,
 17 and professional readiness. The term includes:
- 18 (1) gathering information through structured interview screens
 19 using routine protocols;
 - 20 (2) reviewing assessment findings to assist in the development of
 21 a plan individualized for treatment services and to coordinate
 22 services;
 - 23 (3) referring for assessment, diagnosis, evaluation, and mental
 24 health therapy;
 - 25 (4) providing client and family education related to addictions;
 - 26 (5) providing information on social networks and community
 27 systems for referrals and discharge planning;
 - 28 (6) participating in multidisciplinary treatment team meetings or
 29 consulting with clinical addiction professionals;
 - 30 (7) counseling, through individual and group counseling, as well
 31 as group and family education, to treat addiction and substance
 32 abuse in a variety of settings, including:
 - 33 (A) mental and physical health facilities; and
 - 34 (B) child and family service agencies; and
 - 35 (8) maintaining the highest level of professionalism and ethical
 36 responsibility.
- 37 (b) The term does not include the use of psychotherapy or diagnosis
 38 (as defined in IC 25-22.5-1-1.1(c) or as defined as the practice of
 39 psychology under IC 25-33-1-2(a)).
- 40 (c) For an individual who obtains a license as an addiction counselor
 41 by:
- 42 (1) holding a valid:



- 1 (A) level II or higher certification or the equivalent
 2 certification from a credentialing agency approved by the
 3 division of mental health and addiction; or
 4 (B) certification as an addiction counselor or addiction
 5 therapist from a credentialing agency that is approved by the
 6 board;
- 7 (2) having at least ten (10) years of experience in addiction
 8 counseling;
- 9 (3) furnishing satisfactory evidence to the board that the
 10 individual does not have:
- 11 (A) a conviction for a crime of violence (as defined in
 12 ~~IC 35-50-1-2(a)(1) through IC 35-50-1-2(a)(13));~~
 13 **IC 35-50-1-2);** or
- 14 (B) a conviction in the previous two (2) years that has a direct
 15 bearing on the individual's ability to practice competently; and
- 16 (4) filing an initial application with the board before July 1, 2010;
 17 the term includes the provision of addiction counseling services in
 18 private practice in consultation with other licensed professionals as
 19 required by the client's individualized treatment plan.
- 20 SECTION 26. IC 25-23.6-10.5-1, AS ADDED BY P.L.122-2009,
 21 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2020]: Sec. 1. An individual who applies for a license as an
 23 addiction counselor must meet the following requirements:
- 24 (1) Furnish satisfactory evidence to the board that the individual
 25 has:
- 26 (A) received a baccalaureate or higher degree in addiction
 27 counseling or in a related area as determined by the board
 28 from:
- 29 (i) an eligible postsecondary educational institution that
 30 meets the requirements under section 3(1) of this chapter; or
 31 (ii) a foreign school that has a program of study that meets
 32 the requirements under section 3(2) or 3(3) of this chapter;
- 33 (B) completed the educational requirements under section 5 of
 34 this chapter; and
- 35 (C) completed the experience requirements under section 7 of
 36 this chapter.
- 37 (2) Furnish satisfactory evidence to the board that the individual
 38 does not have a:
- 39 (A) conviction for a crime of violence (as defined in
 40 ~~IC 35-50-1-2(a)(1) through IC 35-50-1-2(a)(13));~~
 41 **IC 35-50-1-2);** or
- 42 (B) conviction in the previous two (2) years that has a direct



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



- 1 (1) meets the educational requirements for a license as an
 2 addiction counselor or clinical addiction counselor;
 3 (2) is pursuing the required clinical supervisory hours for a
 4 license as an addiction counselor or clinical addiction counselor;
 5 and
 6 (3) pays a fee for the temporary permit set by the board.

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

12 SECTION 28. IC 25-23.6-10.5-2, AS ADDED BY P.L.122-2009,
 13 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2020]: Sec. 2. An individual who applies for a license as a
 15 clinical addiction counselor must meet the following requirements:

- 16 (1) Furnish satisfactory evidence to the board that the individual
 17 has:
 18 (A) received a master's or doctor's degree in addiction
 19 counseling, addiction therapy, or a related area as determined
 20 by the board from an eligible postsecondary educational
 21 institution that meets the requirements under section 4(a)(1) of
 22 this chapter or from a foreign school that has a program of
 23 study that meets the requirements under section 4(a)(2) or
 24 4(a)(3) of this chapter;
 25 (B) completed the educational requirements under section 6 of
 26 this chapter; and
 27 (C) completed the experience requirements under section 8 of
 28 this chapter.
 29 (2) Furnish satisfactory evidence to the board that the individual
 30 does not have a:
 31 (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) conviction in the previous two (2) years that has a direct
 35 bearing on the individual's ability to practice competently.
 36 (3) Furnish satisfactory evidence to the board that the individual
 37 has not been the subject of a disciplinary action by a licensing or
 38 certification agency of another state or jurisdiction on the grounds
 39 that the individual was not able to practice as a clinical addiction
 40 counselor without endangering the public.
 41 (4) Pass an examination established by the board.
 42 (5) Pay the fee established by the board.



1 SECTION 29. IC 25-23.6-10.5-2.5, AS AMENDED BY
 2 P.L.80-2018, SECTION 2, IS AMENDED TO READ AS FOLLOWS
 3 [EFFECTIVE JULY 1, 2020]: Sec. 2.5. An individual who applies for
 4 a license as a clinical addiction counselor associate must meet the
 5 following requirements:

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

8 (A) received a master's or doctor's degree in addiction
 9 counseling, or in a related area as determined by the board
 10 from:

11 (i) an eligible postsecondary educational institution that
 12 meets the requirements under section 4(a)(1) of this chapter;

13 or

14 (ii) a foreign school that has a program of study that meets
 15 the requirements under section 4(a)(2) or 4(a)(3) of this
 16 chapter; and

17 (B) completed the education requirements under section 6 of
 18 this chapter.

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

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

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

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

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

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

33 SECTION 30. IC 29-1-2-1, AS AMENDED BY P.L.143-2009,
 34 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2020]: Sec. 1. (a) The estate of a person dying intestate shall
 36 descend and be distributed as provided in this section.

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

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

42 (2) Three-fourths (3/4) of the net estate, if there is no surviving



- 1 issue, but the intestate is survived by one (1) or both of the
 2 intestate's parents.
- 3 (3) All of the net estate, if there is no surviving issue or parent.
- 4 (c) If the surviving spouse is a second or other subsequent spouse
 5 who did not at any time have children by the decedent, and the
 6 decedent left surviving the decedent a child or children or the
 7 descendants of a child or children by a previous spouse, the surviving
 8 second or subsequent childless spouse shall take only an amount equal
 9 to twenty-five percent (25%) of the remainder of:
- 10 (1) the fair market value as of the date of death of the real
 11 property of the deceased spouse; minus
- 12 (2) the value of the liens and encumbrances on the real property
 13 of the deceased spouse.
- 14 The fee shall, at the decedent's death, vest at once in the decedent's
 15 surviving child or children, or the descendants of the decedent's child
 16 or children who may be dead. A second or subsequent childless spouse
 17 described in this subsection shall, however, receive the same share of
 18 the personal property of the decedent as is provided in subsection (b)
 19 with respect to surviving spouses generally.
- 20 (d) The share of the net estate not distributable to the surviving
 21 spouse, or the entire net estate if there is no surviving spouse, shall
 22 descend and be distributed as follows:
- 23 (1) To the issue of the intestate, if they are all of the same degree
 24 of kinship to the intestate, they shall take equally, or if of unequal
 25 degree, then those of more remote degrees shall take by
 26 representation.
- 27 (2) Except as provided in subsection (e), if there is a surviving
 28 spouse but no surviving issue of the intestate, then to the
 29 surviving parents of the intestate.
- 30 (3) Except as provided in subsection (e), if there is no surviving
 31 spouse or issue of the intestate, then to the surviving parents,
 32 brothers, and sisters, and the issue of deceased brothers and
 33 sisters of the intestate. Each living parent of the intestate shall be
 34 treated as of the same degree as a brother or sister and shall be
 35 entitled to the same share as a brother or sister. However, the
 36 share of each parent shall be not less than one-fourth (1/4) of the
 37 decedent's net estate. Issue of deceased brothers and sisters shall
 38 take by representation.
- 39 (4) If there is no surviving parent or brother or sister of the
 40 intestate, then to the issue of brothers and sisters. If the
 41 distributees described in this subdivision are all in the same
 42 degree of kinship to the intestate, they shall take equally or, if of



- 1 unequal degree, then those of more remote degrees shall take by
2 representation.
- 3 (5) If there is no surviving issue or parent of the intestate or issue
4 of a parent, then to the surviving grandparents of the intestate
5 equally.
- 6 (6) If there is no surviving issue or parent or issue of a parent, or
7 grandparent of the intestate, then the estate of the decedent shall
8 be divided into that number of shares equal to the sum of:
- 9 (A) the number of brothers and sisters of the decedent's
10 parents surviving the decedent; plus
- 11 (B) the number of deceased brothers and sisters of the
12 decedent's parents leaving issue surviving both them and the
13 decedent;
- 14 and one (1) of the shares shall pass to each of the brothers and
15 sisters of the decedent's parents or their respective issue per
16 stirpes.
- 17 (7) If interests in real estate go to a husband and wife under this
18 subsection, the aggregate interests so descending shall be owned
19 by them as tenants by the entireties. Interests in personal property
20 so descending shall be owned as tenants in common.
- 21 (8) If there is no person mentioned in subdivisions (1) through
22 (7), then to the state.
- 23 (e) A parent may not receive an intestate share of the estate of the
24 parent's minor or adult child if the parent was convicted of causing the
25 death of the child's other parent by:
- 26 (1) murder (IC 35-42-1-1);
- 27 (2) voluntary manslaughter (IC 35-42-1-3); **or**
- 28 (3) another criminal act, if the death does not result from the
29 operation of a vehicle. **or**
- 30 ~~(4) a crime in any other jurisdiction in which the elements of the~~
31 ~~crime are substantially similar to the elements of a crime listed in~~
32 ~~subdivisions (1) through (3).~~
- 33 If a parent is disqualified from receiving an intestate share under this
34 subsection, the estate of the deceased child shall be distributed as
35 though the parent had predeceased the child.
- 36 SECTION 31. IC 29-3-7-7, AS AMENDED BY P.L.86-2018,
37 SECTION 213, IS AMENDED TO READ AS FOLLOWS
38 [EFFECTIVE JULY 1, 2020]: Sec. 7. A court may not appoint a person
39 to serve as the guardian or permit a person to continue to serve as a
40 guardian if the person:
- 41 (1) is a sexually violent predator (as described in IC 35-38-1-7.5);
42 (2) was at least eighteen (18) years of age at the time of the



1 offense and was convicted of child molesting (IC 35-42-4-3) or
 2 sexual misconduct with a minor (IC 35-42-4-9) against a child
 3 less than sixteen (16) years of age:

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

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

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

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

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

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

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

12 ~~(iii)~~ (C) IC 35-42-4-3 as a Class A or Class B felony (for
 13 crimes committed before July 1, 2014) or as a Level 1, Level
 14 2, Level 3, or Level 4 felony (for crimes committed after June
 15 30, 2014);

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

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

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

20 ~~(vii)~~ (G) IC 35-42-4-5(b)(1) as a Class A or Class B felony
 21 (for crimes committed before July 1, 2014) or as a Level 2,
 22 Level 3, or Level 4 felony (for crimes committed after June 30,
 23 2014);

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

25 ~~(ix)~~ (I) IC 35-42-4-5(b)(3) as a Class A or Class B felony (for
 26 crimes committed before July 1, 2014) or as a Level 2, Level
 27 3, or Level 4 felony (for crimes committed after June 30,
 28 2014).

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

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

34 SECTION 32. IC 31-9-2-84.8, AS AMENDED BY P.L.243-2019,
 35 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2020]: Sec. 84.8. "Nonwaivable offense", for purposes of this
 37 title, means a conviction of any of the following felonies:

38 (1) Murder (IC 35-42-1-1).

39 (2) Causing suicide (IC 35-42-1-2).

40 (3) Assisting suicide (IC 35-42-1-2.5).

41 (4) Voluntary manslaughter (IC 35-42-1-3).

42 (5) Involuntary manslaughter (IC 35-42-1-4).



- 1 (6) Reckless homicide (IC 35-42-1-5).
 2 (7) Feticide (IC 35-42-1-6).
 3 (8) Battery (IC 35-42-2-1) within the past five (5) years.
 4 (9) Domestic battery (IC 35-42-2-1.3).
 5 (10) Aggravated battery (IC 35-42-2-1.5).
 6 (11) Criminal recklessness (IC 35-42-2-2) within the past five (5)
 7 years.
 8 (12) Strangulation (IC 35-42-2-9).
 9 (13) Kidnapping (IC 35-42-3-2).
 10 (14) Criminal confinement (IC 35-42-3-3) within the past five (5)
 11 years.
 12 (15) Human and sexual trafficking (IC 35-42-3.5).
 13 (16) A felony sex offense under IC 35-42-4.
 14 (17) Arson (IC 35-43-1-1) within the past five (5) years.
 15 (18) Incest (IC 35-46-1-3).
 16 (19) Neglect of a dependent (IC 35-46-1-4(a) and
 17 IC 35-46-1-4(b)).
 18 (20) Child selling (IC 35-46-1-4(d)).
 19 (21) Reckless supervision (IC 35-46-1-4.1).
 20 (22) Nonsupport of a dependent child (IC 35-46-1-5) within the
 21 past five (5) years.
 22 (23) Operating a motorboat while intoxicated (IC 35-46-9-6)
 23 within the past five (5) years.
 24 (24) A felony involving a weapon under IC 35-47 within the past
 25 five (5) years.
 26 (25) A felony relating to controlled substances under IC 35-48-4
 27 within the past five (5) years.
 28 (26) An offense relating to material or a performance that is
 29 harmful to minors or obscene under IC 35-49-3.
 30 (27) A felony under IC 9-30-5 within the past five (5) years.
 31 (28) A felony related to the health or safety of a child (as defined
 32 in IC 31-9-2-13(h)) or an endangered adult (as defined in
 33 IC 12-10-3-2).
 34 ~~(29) Attempt (IC 35-41-5-1) to commit a felony described in~~
 35 ~~subdivisions (1) through (28). If a conviction for a felony is~~
 36 ~~nonwaivable for a stated duration under subdivisions (1) through~~
 37 ~~(28); a conviction for an attempt to commit the felony is~~
 38 ~~nonwaivable for the same duration under this subdivision.~~
 39 (30) A felony that is substantially equivalent to a felony described
 40 in subdivisions (1) through (29) for which the conviction was
 41 entered in another jurisdiction. If a conviction for a felony is
 42 nonwaivable for a stated duration under subdivisions (1) through



- 1 ~~(29); a conviction for a substantially equivalent felony in another~~
 2 ~~jurisdiction is nonwaivable for the same duration under this~~
 3 ~~subdivision.~~
- 4 SECTION 33. IC 31-19-9-8, AS AMENDED BY P.L.113-2017,
 5 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2020]: Sec. 8. (a) Consent to adoption, which may be required
 7 under section 1 of this chapter, is not required from any of the
 8 following:
- 9 (1) A parent or parents if the child is adjudged to have been
 10 abandoned or deserted for at least six (6) months immediately
 11 preceding the date of the filing of the petition for adoption.
- 12 (2) A parent of a child in the custody of another person if for a
 13 period of at least one (1) year the parent:
- 14 (A) fails without justifiable cause to communicate
 15 significantly with the child when able to do so; or
 16 (B) knowingly fails to provide for the care and support of the
 17 child when able to do so as required by law or judicial decree.
- 18 (3) The biological father of a child born out of wedlock whose
 19 paternity has not been established:
- 20 (A) by a court proceeding other than the adoption proceeding;
 21 or
 22 (B) by executing a paternity affidavit under IC 16-37-2-2.1.
- 23 (4) The biological father of a child born out of wedlock who was
 24 conceived as a result of:
- 25 (A) a rape for which the father was convicted under
 26 IC 35-42-4-1;
 27 (B) child molesting (IC 35-42-4-3);
 28 (C) sexual misconduct with a minor (IC 35-42-4-9); or
 29 (D) incest (IC 35-46-1-3). or
 30 ~~(E) a crime in any other jurisdiction in which the elements of~~
 31 ~~the crime are substantially similar to the elements of a crime~~
 32 ~~listed in clauses (A) through (D).~~
- 33 (5) The putative father of a child born out of wedlock if the
 34 putative father's consent to adoption is irrevocably implied under
 35 section 15 of this chapter.
- 36 (6) The biological father of a child born out of wedlock if the:
- 37 (A) father's paternity is established after the filing of a petition
 38 for adoption in a court proceeding or by executing a paternity
 39 affidavit under IC 16-37-2-2.1; and
 40 (B) father is required to but does not register with the putative
 41 father registry established by IC 31-19-5 within the period
 42 required by IC 31-19-5-12.



- 1 (7) A parent who has relinquished the parent's right to consent to
 2 adoption as provided in this chapter.
- 3 (8) A parent after the parent-child relationship has been
 4 terminated under IC 31-35 (or IC 31-6-5 before its repeal).
- 5 (9) A parent judicially declared incompetent or mentally defective
 6 if the court dispenses with the parent's consent to adoption.
- 7 (10) A legal guardian or lawful custodian of the person to be
 8 adopted who has failed to consent to the adoption for reasons
 9 found by the court not to be in the best interests of the child.
- 10 (11) A parent if:
- 11 (A) a petitioner for adoption proves by clear and convincing
 12 evidence that the parent is unfit to be a parent; and
- 13 (B) the best interests of the child sought to be adopted would
 14 be served if the court dispensed with the parent's consent.
- 15 (12) A child's biological father who denies paternity of the child
 16 before or after the birth of the child if the denial of paternity:
- 17 (A) is in writing;
- 18 (B) is signed by the child's father in the presence of a notary
 19 public; and
- 20 (C) contains an acknowledgment that:
- 21 (i) the denial of paternity is irrevocable; and
- 22 (ii) the child's father will not receive notice of adoption
 23 proceedings.
- 24 A child's father who denies paternity of the child under this
 25 subdivision may not challenge or contest the child's adoption.
- 26 (b) If a parent has made only token efforts to support or to
 27 communicate with the child the court may declare the child abandoned
 28 by the parent.
- 29 SECTION 34. IC 31-19-9-9 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 9. A court shall
 31 determine that consent to adoption is not required from a parent if the:
- 32 (1) parent is convicted of and incarcerated at the time of the filing
 33 of a petition for adoption for:
- 34 (A) murder (IC 35-42-1-1);
- 35 (B) causing suicide (IC 35-42-1-2); **or**
- 36 (C) voluntary manslaughter (IC 35-42-1-3);
- 37 ~~(D) an attempt under IC 35-41-5-1 to commit a crime~~
 38 ~~described in clauses (A) through (C); or~~
- 39 ~~(E) a crime in another state that is substantially similar to a~~
 40 ~~crime described in clauses (A) through (D);~~
- 41 (2) victim of the crime is the child's other parent; and
- 42 (3) court determines, after notice to the convicted parent and a



- 1 hearing, that dispensing with the parent's consent to adoption is
 2 in the child's best interests.
- 3 SECTION 35. IC 31-19-9-10, AS AMENDED BY P.L.210-2019,
 4 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2020]: Sec. 10. A court shall determine that consent to
 6 adoption is not required from a parent if:
- 7 (1) the parent is convicted of and incarcerated at the time of the
 8 filing of a petition for adoption for:
 - 9 (A) murder (IC 35-42-1-1);
 - 10 (B) causing suicide (IC 35-42-1-2);
 - 11 (C) voluntary manslaughter (IC 35-42-1-3);
 - 12 (D) rape (IC 35-42-4-1);
 - 13 (E) criminal deviate conduct (IC 35-42-4-2) (before its repeal);
 - 14 (F) child molesting (IC 35-42-4-3) as a:
 - 15 (i) Class A or Class B felony, for a crime committed before
 16 July 1, 2014; or
 - 17 (ii) Level 1, Level 2, Level 3, or Level 4 felony, for a crime
 18 committed after June 30, 2014;
 - 19 (G) incest (IC 35-46-1-3) as a:
 - 20 (i) Class B felony, for a crime committed before July 1,
 21 2014; or
 - 22 (ii) Level 4 felony, for a crime committed after June 30,
 23 2014;
 - 24 (H) neglect of a dependent (IC 35-46-1-4) as a:
 - 25 (i) Class B felony, for a crime committed before July 1,
 26 2014; or
 - 27 (ii) Level 1 or Level 3 felony, for a crime committed after
 28 June 30, 2014;
 - 29 (I) battery (IC 35-42-2-1) of a child as a:
 - 30 (i) Class C felony, for a crime committed before July 1,
 31 2014; or
 - 32 (ii) Level 5 felony, for a crime committed after June 30,
 33 2014;
 - 34 (J) battery (IC 35-42-2-1) as a:
 - 35 (i) Class A or Class B felony, for a crime committed before
 36 July 1, 2014; or
 - 37 (ii) Level 2, Level 3, or Level 4 felony, for a crime
 38 committed after June 30, 2014;
 - 39 (K) domestic battery (IC 35-42-2-1.3) as a Level 5, Level 4,
 40 Level 3, or Level 2 felony; **or**
 - 41 (L) aggravated battery (IC 35-42-2-1.5) as a Level 3 or Level
 42 1 felony;



- 1 ~~(M)~~ an attempt under IC 35-41-5-1 to commit an offense
 2 described in this subdivision; or
 3 ~~(N)~~ a crime in another state that is substantially similar to a
 4 crime described in clauses ~~(A)~~ through ~~(M)~~;
 5 (2) the child or the child's sibling, half-blood sibling, or
 6 step-sibling of the parent's current marriage is the victim of the
 7 offense; and
 8 (3) after notice to the parent and a hearing, the court determines
 9 that dispensing with the parent's consent to adoption is in the
 10 child's best interests.
- 11 SECTION 36. IC 31-19-11-1, AS AMENDED BY P.L.243-2019,
 12 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2020]: Sec. 1. (a) Whenever the court has heard the evidence
 14 and finds that:
- 15 (1) the adoption requested is in the best interest of the child;
 16 (2) the petitioner or petitioners for adoption are of sufficient
 17 ability to rear the child and furnish suitable support and
 18 education;
 19 (3) the report of the investigation and recommendation under
 20 IC 31-19-8-5 has been filed;
 21 (4) the attorney or agency arranging an adoption has filed with the
 22 court an affidavit prepared by the state department of health under
 23 IC 31-19-5-16 indicating whether a man is entitled to notice of the
 24 adoption because the man has registered with the putative father
 25 registry in accordance with IC 31-19-5;
 26 (5) proper notice arising under subdivision (4), if notice is
 27 necessary, of the adoption has been given;
 28 (6) the attorney or agency has filed with the court an affidavit
 29 prepared by the state department of health under:
 30 (A) IC 31-19-6 indicating whether a record of a paternity
 31 determination; or
 32 (B) IC 16-37-2-2(g) indicating whether a paternity affidavit
 33 executed under IC 16-37-2-2.1;
 34 has been filed in relation to the child;
 35 (7) proper consent, if consent is necessary, to the adoption has
 36 been given;
 37 (8) the petitioner for adoption is not prohibited from adopting the
 38 child as the result of an inappropriate criminal history described
 39 in subsection (c) or (d); and
 40 (9) the person, licensed child placing agency, or local office that
 41 has placed the child for adoption has provided the documents and
 42 other information required under IC 31-19-17 to the prospective



1 adoptive parents;
 2 the court shall grant the petition for adoption and enter an adoption
 3 decree.

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

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

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

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

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

36 SECTION 37. IC 31-30-1-2.5, AS AMENDED BY P.L.86-2018,
 37 SECTION 218, IS AMENDED TO READ AS FOLLOWS
 38 [EFFECTIVE JULY 1, 2020]: Sec. 2.5. A juvenile court may not
 39 appoint a person to serve as the guardian or custodian of a child or
 40 permit a person to continue to serve as a guardian or custodian of a
 41 child if the person:

- 42 (1) is a sexually violent predator (as described in IC 35-38-1-7.5);



1 (2) was at least eighteen (18) years of age at the time of the
 2 offense and committed child molesting (IC 35-42-4-3) or sexual
 3 misconduct with a minor (IC 35-42-4-9) against a child less than
 4 sixteen (16) years of age:

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

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

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

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

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

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

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

13 ~~(iii)~~ **(C)** IC 35-42-4-3 as a Class A or Class B felony (for
 14 crimes committed before July 1, 2014) or as a Level 1, Level
 15 2, or Level 3 felony (for crimes committed after June 30,
 16 2014);

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

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

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

21 ~~(vii)~~ **(G)** IC 35-42-4-5(b)(1) as a Class A or Class B felony
 22 (for crimes committed before July 1, 2014) or as a Level 2,
 23 Level 3, or Level 4 felony (for crimes committed after June 30,
 24 2014);

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

26 ~~(ix)~~ **(I)** IC 35-42-4-5(b)(3) as a Class A or Class B felony (for
 27 crimes committed before July 1, 2014) or as a Level 1, Level
 28 2, or Level 3 felony (for crimes committed after June 30,
 29 2014).

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

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

35 SECTION 38. IC 31-34-1-2, AS AMENDED BY P.L.71-2018,
 36 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2020]: Sec. 2. (a) A child is a child in need of services if
 38 before the child becomes eighteen (18) years of age:

39 (1) the child's physical or mental health is seriously endangered
 40 due to injury by the act or omission of the child's parent, guardian,
 41 or custodian; and

42 (2) the child needs care, treatment, or rehabilitation that:



- 1 (A) the child is not receiving; and
 2 (B) is unlikely to be provided or accepted without the coercive
 3 intervention of the court.
- 4 (b) A child is a child in need of services if, before the child becomes
 5 eighteen (18) years of age, the child:
- 6 (1) is a victim of:
- 7 (A) an offense under IC 35-42-1-2.5;
 8 (B) an offense under IC 35-42-2-1;
 9 (C) an offense under IC 35-42-2-1.3;
 10 (D) an offense under IC 35-42-2-1.5;
 11 (E) an offense under IC 35-42-2-9;
 12 (F) an offense under IC 35-46-1-4; **and**
 13 ~~(G) an attempt or conspiracy to commit:~~
 14 ~~(i) an offense listed in clauses (A) through (F); or~~
 15 ~~(ii) an offense under IC 35-42-1-1, IC 35-42-1-2,~~
 16 ~~IC 35-42-1-3, IC 35-42-1-4, or IC 35-42-1-5; or~~
 17 ~~(H) an offense under the law of another jurisdiction, including~~
 18 ~~a military court, that is substantially equivalent to any of the~~
 19 ~~offenses listed in clauses (A) through (G); and~~
- 20 (2) 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 (c) A child is a child in need of services if, before the child becomes
 25 eighteen (18) years of age, the child:
- 26 (1) lives in the same household as an adult who:
- 27 (A) committed:
 28 (i) an offense described in subsection (b)(1); or
 29 (ii) an offense under IC 35-42-1-1, IC 35-42-1-2,
 30 IC 35-42-1-3, IC 35-42-1-4, or IC 35-42-1-5;
 31 against another child who lives in the household and the
 32 offense resulted in a conviction or a judgment under
 33 IC 31-34-11-2; or
 34 (B) has been charged with committing an offense described in
 35 clause (A) against another child who lives in the household
 36 and is awaiting trial; and
- 37 (2) needs care, treatment, or rehabilitation that:
- 38 (A) the child is not receiving; and
 39 (B) is unlikely to be provided or accepted without the coercive
 40 intervention of the court.
- 41 (d) Evidence that the illegal manufacture of a drug or controlled
 42 substance is occurring on property where a child resides creates a



1 rebuttable presumption that the child's physical or mental health is
2 seriously endangered.

3 SECTION 39. IC 31-34-1-3, AS AMENDED BY P.L.144-2018,
4 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2020]: Sec. 3. (a) A child is a child in need of services if,
6 before the child becomes eighteen (18) years of age:

7 (1) the child is the victim of an offense under:

8 (A) IC 35-42-4-1;

9 (B) IC 35-42-4-2 (before its repeal);

10 (C) IC 35-42-4-3;

11 (D) IC 35-42-4-4;

12 (E) IC 35-42-4-5;

13 (F) IC 35-42-4-6;

14 (G) IC 35-42-4-7;

15 (H) IC 35-42-4-8;

16 (I) IC 35-42-4-9;

17 (J) IC 35-45-4-1;

18 (K) IC 35-45-4-2;

19 (L) IC 35-45-4-3;

20 (M) IC 35-45-4-4; **or**

21 (N) IC 35-46-1-3; **or**

22 ~~(O) the law of another jurisdiction, including a military court,~~
23 ~~that is substantially equivalent to any of the offenses listed in~~
24 ~~clauses (A) through (N); and~~

25 (2) the child needs care, treatment, or rehabilitation that:

26 (A) the child is not receiving; and

27 (B) is unlikely to be provided or accepted without the coercive
28 intervention of the court.

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

31 (1) lives in the same household as an adult who:

32 (A) committed an offense described in subsection (a)(1)
33 against a child and the offense resulted in a conviction or a
34 judgment under IC 31-34-11-2; or

35 (B) has been charged with an offense described in subsection
36 (a)(1) against a child and is awaiting trial; and

37 (2) needs care, treatment, or rehabilitation that:

38 (A) the child is not receiving; and

39 (B) is unlikely to be provided or accepted without the coercive
40 intervention of the court.

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

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- 1 (1) the child lives in the same household as another child who is
 2 the victim of an offense described in subsection (a)(1);
 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; and
 7 (3) a caseworker assigned to provide services to the child:
 8 (A) places the child in a program of informal adjustment or
 9 other family or rehabilitative services based on the existence
 10 of the circumstances described in subdivisions (1) and (2), and
 11 the caseworker subsequently determines further intervention
 12 is necessary; or
 13 (B) determines that a program of informal adjustment or other
 14 family or rehabilitative services is inappropriate.
 15 (d) A child is a child in need of services if, before the child becomes
 16 eighteen (18) years of age:
 17 (1) the child lives in the same household as an adult who:
 18 (A) committed a human or sexual trafficking offense under
 19 IC 35-42-3.5-1 through IC 35-42-3.5-1.4 or the law of another
 20 jurisdiction, including federal law, that resulted in a conviction
 21 or a judgment under IC 31-34-11-2; or
 22 (B) has been charged with a human or sexual trafficking
 23 offense under IC 35-42-3.5-1 through IC 35-42-3.5-1.4 or the
 24 law of another jurisdiction, including federal law, and is
 25 awaiting trial; and
 26 (2) the child needs care, treatment, or rehabilitation that:
 27 (A) the child is not receiving; and
 28 (B) is unlikely to be provided or accepted without the coercive
 29 intervention of the court.
 30 SECTION 40. IC 31-34-1-3.5, AS ADDED BY P.L.46-2016,
 31 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2020]: Sec. 3.5. (a) A child is a child in need of services if,
 33 before the child becomes eighteen (18) years of age:
 34 (1) the child is the victim of
 35 ~~(A)~~ human or sexual trafficking (as defined in
 36 IC 31-9-2-133.1); ~~or~~
 37 ~~(B)~~ a human or sexual trafficking offense under the law of
 38 another jurisdiction, including federal law, that is substantially
 39 equivalent to the act described in clause ~~(A)~~; and
 40 (2) the child needs care, treatment, or rehabilitation that:
 41 (A) the child is not receiving; and
 42 (B) is unlikely to be provided or accepted without the coercive



- 1 intervention of the court.
- 2 (b) A child is considered a victim of human or sexual trafficking
3 regardless of whether the child consented to the conduct described in
4 subsection (a)(1).
- 5 SECTION 41. IC 31-34-4-2, AS AMENDED BY P.L.243-2019,
6 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2020]: Sec. 2. (a) If a child alleged to be a child in need of
8 services is taken into custody under an order of the court under this
9 chapter and the court orders out-of-home placement, the department is
10 responsible for that placement and care and must consider placing the
11 child with a:
- 12 (1) suitable and willing relative; or
13 (2) de facto custodian;
14 before considering any other out-of-home placement.
- 15 (b) The department shall consider placing a child described in
16 subsection (a) with a relative related by blood, marriage, or adoption
17 before considering any other placement of the child.
- 18 (c) Before the department places a child in need of services with a
19 relative or a de facto custodian, the department shall complete an
20 evaluation based on a home visit of the relative's home.
- 21 (d) Except as provided in subsection (f), before placing a child in
22 need of services in an out-of-home placement, the department shall
23 conduct a criminal history check of each person who is currently
24 residing in the location designated as the out-of-home placement.
- 25 (e) Except as provided in subsection (g), the department may not
26 make an out-of-home placement if a person described in subsection (d)
27 has:
- 28 (1) committed an act resulting in a substantiated report of child
29 abuse or neglect; or
30 (2) been convicted of a nonwaivable offense, as defined in
31 IC 31-9-2-84.8 or had a juvenile adjudication for an act that
32 would be a nonwaivable offense, as defined in IC 31-9-2-84.8 if
33 committed by an adult.
- 34 (f) The department is not required to conduct a criminal history
35 check under subsection (d) if the department makes an out-of-home
36 placement to an entity or a facility that is not a residence (as defined in
37 IC 3-5-2-42.5) or that is licensed by the state.
- 38 (g) A court may order or the department may approve an
39 out-of-home placement if:
- 40 (1) a person described in subsection (d) has:
41 (A) committed an act resulting in a substantiated report of
42 child abuse or neglect;



- 1 (B) been convicted of:
 2 (i) battery (IC 35-42-2-1);
 3 (ii) criminal recklessness (IC 35-42-2-2) as a felony;
 4 (iii) criminal confinement (IC 35-42-3-3) as a felony;
 5 (iv) arson (IC 35-43-1-1) as a felony;
 6 (v) nonsupport of a dependent child (IC 35-46-1-5);
 7 (vi) operating a motorboat while intoxicated (IC 35-46-9-6)
 8 as a felony;
 9 (vii) a felony involving a weapon under IC 35-47;
 10 (viii) a felony relating to controlled substances under
 11 IC 35-48-4; **or**
 12 (ix) a felony under IC 9-30-5;
 13 ~~(x) attempt to commit a felony listed in items (i) through~~
 14 ~~(ix); or~~
 15 ~~(xi) a felony that is substantially equivalent to a felony listed~~
 16 ~~in this clause for which the conviction was entered in~~
 17 ~~another jurisdiction;~~
 18 if the conviction did not occur within the past five (5) years; or
 19 (C) had a juvenile adjudication for a nonwaivable offense, as
 20 defined in IC 31-9-2-84.8 that, if committed by an adult,
 21 would be a felony; and
 22 (2) the person's commission of the offense, delinquent act, or act
 23 of abuse or neglect described in subdivision (1) is not relevant to
 24 the person's present ability to care for a child, and the placement
 25 is in the best interest of the child.

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

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

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

37 SECTION 42. IC 31-34-20-1.5, AS AMENDED BY P.L.243-2019,
 38 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2020]: Sec. 1.5. (a) Except as provided in subsection (d), the
 40 juvenile court may not enter a dispositional decree approving or
 41 ordering placement of a child in another home under section 1(a)(3) of
 42 this chapter or awarding wardship to the department that will place the



1 child in another home under section 1(a)(4) of this chapter if a person
 2 who is currently residing in the home in which the child would be
 3 placed under section 1(a)(3) or 1(a)(4) of this chapter has committed
 4 an act resulting in a substantiated report of child abuse or neglect, has
 5 a juvenile adjudication for an act that would be a nonwaivable offense,
 6 as defined in IC 31-9-2-84.8 if committed by an adult, or has a
 7 conviction for a nonwaivable offense, as defined in IC 31-9-2-84.8.

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

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

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

- 27 (A) is not a residence (as defined in IC 3-5-2-42.5); or
 28 (B) is licensed by the state; or

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

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

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

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

38 (B) been convicted of:

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

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

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

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



- 1 (v) nonsupport of a dependent child (IC 35-46-1-5);
- 2 (vi) operating a motorboat while intoxicated (IC 35-46-9-6)
- 3 as a felony;
- 4 (vii) a felony involving a weapon under IC 35-47;
- 5 (viii) a felony relating to controlled substances under
- 6 IC 35-48-4; **or**
- 7 (ix) a felony under IC 9-30-5;
- 8 ~~(x) attempt to commit a felony listed in items (i) through~~
- 9 ~~(ix); or~~
- 10 ~~(xi) a felony that is substantially equivalent to a felony listed~~
- 11 ~~in this clause for which the conviction was entered in~~
- 12 ~~another jurisdiction;~~
- 13 if the conviction did not occur within the past five (5) years; or
- 14 (C) had a juvenile adjudication for a nonwaivable offense, as
- 15 defined in IC 31-9-2-84.8 that, if committed by an adult,
- 16 would be a felony; and
- 17 (2) the person's commission of the offense, delinquent act, or act
- 18 of abuse or neglect described in subdivision (1) is not relevant to
- 19 the person's present ability to care for a child, and placing a child
- 20 in another home or awarding wardship to the department is in the
- 21 best interest of the child.

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

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

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

35 SECTION 43. IC 31-34-21-7.5, AS AMENDED BY THE
 36 TECHNICAL CORRECTIONS BILL OF THE 2020 GENERAL
 37 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2020]: Sec. 7.5. (a) Except as provided in subsection (d), the
 39 juvenile court may not approve a permanency plan under subsection
 40 ~~(e)(1)(D)~~; **(c)(1)(C)**, ~~(e)(1)(E)~~; **(c)(1)(D)**, or ~~(e)(1)(F)~~ **(c)(1)(E)** if a
 41 person who is currently residing with a person described in subsection
 42 ~~(e)(1)(D)~~ **(c)(1)(C)** or ~~(e)(1)(E)~~ **(c)(1)(D)** or in a residence in which the



1 child would be placed under subsection ~~(c)(1)(F)~~ **(c)(1)(E)** has
 2 committed an act resulting in a substantiated report of child abuse or
 3 neglect, has a juvenile adjudication for an act that would be a
 4 nonwaivable offense, as defined in IC 31-9-2-84.8 if committed by an
 5 adult, or has a conviction for a nonwaivable offense, as defined in
 6 IC 31-9-2-84.8.

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

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

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

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

32 (B) Placement of the child for adoption.

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

35 (i) an adult sibling;

36 (ii) a grandparent;

37 (iii) an aunt;

38 (iv) an uncle;

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

40 (vi) another relative;

41 who is able and willing to act as the child's permanent
 42 custodian and carry out the responsibilities required by the



- 1 permanency plan.
- 2 (D) Appointment of a legal guardian. The legal guardian
- 3 appointed under this section is a caretaker in a judicially
- 4 created relationship between the child and caretaker that is
- 5 intended to be permanent and self-sustaining as evidenced by
- 6 the transfer to the caretaker of the following parental rights
- 7 with respect to the child:
- 8 (i) Care, custody, and control of the child.
- 9 (ii) Decision making concerning the child's upbringing.
- 10 (E) A supervised independent living arrangement or foster
- 11 care for the child with a permanency plan of another planned,
- 12 permanent living arrangement. However, a child less than
- 13 sixteen (16) years of age may not have another planned,
- 14 permanent living arrangement as the child's permanency plan.
- 15 (2) A time schedule for implementing the applicable provisions
- 16 of the permanency plan.
- 17 (3) Provisions for temporary or interim arrangements for care and
- 18 custody of the child, pending completion of implementation of the
- 19 permanency plan.
- 20 (4) Other items required to be included in a case plan under
- 21 IC 31-34-15 or federal law, consistent with the permanent or long
- 22 term arrangements described by the permanency plan.
- 23 (d) A juvenile court may approve a permanency plan if:
- 24 (1) a person described in subsection (a) has:
- 25 (A) committed an act resulting in a substantiated report of
- 26 child abuse or neglect;
- 27 (B) been convicted of:
- 28 (i) battery (IC 35-42-2-1);
- 29 (ii) criminal recklessness (IC 35-42-2-2) as a felony;
- 30 (iii) criminal confinement (IC 35-42-3-3) as a felony;
- 31 (iv) arson (IC 35-43-1-1) as a felony;
- 32 (v) nonsupport of a dependent child (IC 35-46-1-5);
- 33 (vi) operating a motorboat while intoxicated (IC 35-46-9-6)
- 34 as a felony;
- 35 (vii) a felony involving a weapon under IC 35-47;
- 36 (viii) a felony relating to controlled substances under
- 37 IC 35-48-4; **or**
- 38 (ix) a felony under IC 9-30-5;
- 39 ~~(x) attempt to commit a felony listed in items (i) through~~
- 40 ~~(ix); or~~
- 41 ~~(xi) a felony that is substantially equivalent to a felony listed~~
- 42 ~~in this clause for which the conviction was entered in~~



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

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

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

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

24 SECTION 44. IC 31-37-19-6.5, AS AMENDED BY P.L.243-2019,
 25 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2020]: Sec. 6.5. (a) Except as provided in subsection (d), the
 27 juvenile court may not enter a dispositional decree approving
 28 placement of a child in another home under section 1(a)(3) or
 29 6(b)(2)(D) of this chapter or awarding wardship to a person or facility
 30 that results in a placement with a person under section 1(a)(4) or
 31 6(b)(2)(E) of this chapter if a person who is currently residing in the
 32 home in which the child would be placed under section 1(a)(3), 1(a)(4),
 33 6(b)(2)(D), or 6(b)(2)(E) of this chapter has committed an act resulting
 34 in a substantiated report of child abuse or neglect, has a juvenile
 35 adjudication for an act that would be a nonwaivable offense, as defined
 36 in IC 31-9-2-84.8 if committed by an adult, or has a conviction for a
 37 nonwaivable offense, as defined in IC 31-9-2-84.8.

38 (b) The juvenile probation officer who prepared the predispositional
 39 report shall conduct a criminal history check (as defined in
 40 IC 31-9-2-22.5) to determine if a person described in subsection (a) has
 41 committed an act resulting in a substantiated report of child abuse or
 42 neglect, has a juvenile adjudication for an act that would be a



1 nonwaivable offense, as defined in IC 31-9-2-84.8 if committed by an
 2 adult, or has a conviction for a nonwaivable offense, as defined in
 3 IC 31-9-2-84.8. However, the probation officer is not required to
 4 conduct a criminal history check under this section if criminal history
 5 information obtained under IC 31-37-17-6.1 establishes whether a
 6 person described in subsection (a) has committed an act resulting in a
 7 substantiated report of child abuse or neglect, has a juvenile
 8 adjudication for an act that would be a nonwaivable offense, as defined
 9 in IC 31-9-2-84.8 if committed by an adult, or has a conviction for a
 10 nonwaivable offense, as defined in IC 31-9-2-84.8.

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

13 (1) the probation officer is considering only an out-of-home
 14 placement to an entity or a facility that:

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

16 (B) is licensed by the state; or

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

19 (d) The juvenile court may enter a dispositional decree approving
 20 placement of a child in another home under section 1(a)(3) or
 21 6(b)(2)(D) of this chapter or awarding wardship to a person or facility
 22 that results in a placement with a person under section 1(a)(4) or
 23 6(b)(2)(E) of this chapter if:

24 (1) a person described in subsection (a) has:

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

27 (B) been convicted of:

28 (i) a felony under IC 9-30-5;

29 (ii) battery (IC 35-42-2-1);

30 (iii) criminal recklessness (IC 35-42-2-2) as a felony;

31 (iv) criminal confinement (IC 35-42-3-3) as a felony;

32 (v) arson (IC 35-43-1-1) as a felony;

33 (vi) nonsupport of a dependent child (IC 35-46-1-5);

34 (vii) operating a motorboat while intoxicated (IC 35-46-9-6)
 35 as a felony;

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

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

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

41 (xi) a felony that is substantially equivalent to a felony listed
 42 in this clause for which the conviction was entered in



- 1 ~~another jurisdiction;~~
 2 if the conviction did not occur within the past five (5) years; or
 3 (C) had a juvenile adjudication for a nonwaivable offense, as
 4 defined in IC 31-9-2-84.8 that, if committed by an adult,
 5 would be a felony; and
 6 (2) the person's commission of the offense, delinquent act, or act
 7 of abuse or neglect described in subdivision (1) is not relevant to
 8 the person's present ability to care for a child, and placing the
 9 child in another home is in the best interest of the child.
- 10 However, a court may not enter a dispositional decree placing a child
 11 in another home under section 1(a)(3) or 6(b)(2)(D) of this chapter or
 12 awarding wardship to a person or facility under this subsection if a
 13 person with whom the child is or will be placed has been convicted of
 14 a nonwaivable offense, as defined in IC 31-9-2-84.8 that is not
 15 specifically excluded under subdivision (1)(B).
- 16 (e) In considering the placement under subsection (d), the court
 17 shall consider the following:
- 18 (1) The length of time since the person committed the offense,
 19 delinquent act, or act that resulted in the substantiated report of
 20 abuse or neglect.
 21 (2) The severity of the offense, delinquent act, or abuse or neglect.
 22 (3) Evidence of the person's rehabilitation, including the person's
 23 cooperation with a treatment plan, if applicable.
- 24 SECTION 45. IC 31-37-22-11, AS ADDED BY P.L.86-2017,
 25 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2020]: Sec. 11. (a) As used in this section, "trafficked child"
 27 means a child who was the victim of human trafficking (IC 35-42-3.5),
 28 ~~or a substantially similar human trafficking offense committed in~~
 29 ~~another jurisdiction;~~ regardless of whether the person who committed
 30 the human trafficking offense was charged, tried, or convicted. The
 31 term includes a person who is now an adult.
- 32 (b) Upon the written motion of a trafficked child, or any person
 33 acting on behalf of a trafficked child, the court that adjudicated the
 34 trafficked child a delinquent child shall vacate the adjudication issued
 35 with respect to the trafficked child, if the movant proves by a
 36 preponderance of the evidence that:
- 37 (1) the child was a trafficked child at the time the child performed
 38 the delinquent act that resulted in the adjudication;
 39 (2) the delinquent act did not result in bodily injury to another
 40 person; and
 41 (3) at the time the child committed the delinquent act, the child
 42 was:



- 1 (A) coerced by; or
 2 (B) under the control of;
 3 another person.
 4 (c) Before vacating an adjudication under subsection (b), the court
 5 shall:
 6 (1) forward a copy of the motion to the prosecuting attorney; and
 7 (2) conduct a hearing at which the prosecuting attorney and the
 8 movant are entitled to be heard.
- 9 SECTION 46. IC 32-30-8-1 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. As used in this
 11 chapter, "nuisance" means
 12 ~~(1) the use of a property to commit an act constituting an offense~~
 13 ~~under IC 35-48-4. or~~
 14 ~~(2) an attempt to commit or a conspiracy to commit an act~~
 15 ~~described in subdivision (1);~~
- 16 SECTION 47. IC 33-23-6-2, AS AMENDED BY P.L.55-2005,
 17 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2020]: Sec. 2. (a) In each county participating in the program
 19 under this chapter, there is established an alternative dispute resolution
 20 fund for each of the following:
 21 (1) The circuit court.
 22 (2) The superior court.
 23 (3) The probate court established by IC 33-31-1.
- 24 (b) Notwithstanding subsection (a), if more than one (1) court
 25 exercises jurisdiction over domestic relations and paternity cases in a
 26 county, one (1) alternative dispute resolution fund may be established
 27 to be used by all the courts to implement this chapter if:
 28 (1) the:
 29 (A) county auditor; and
 30 (B) judge of each court that exercises jurisdiction over
 31 domestic relations and paternity cases in the county;
 32 agree to establish one (1) fund; and
 33 (2) the agreement to establish the fund is included in the plan
 34 adopted by the county under section 3 of this chapter.
- 35 (c) The sources of money for each fund established under subsection
 36 (a) or (b) are:
 37 (1) the alternative dispute resolution fee collected under section
 38 1 of this chapter for the circuit court, superior court, or probate
 39 court, respectively; and
 40 (2) copayments collected under subsection (d) if:
 41 (A) a county chooses to deposit the copayments into the fund;
 42 and



1 (B) the county specifies in the plan adopted by the county
 2 under section 3 of this chapter that the copayments will be
 3 deposited in the fund.

4 (d) The funds shall be used to foster domestic relations alternative
 5 dispute resolution, including:
 6 (1) mediation;
 7 (2) reconciliation;
 8 (3) nonbinding arbitration; and
 9 (4) parental counseling.

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

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

24 (f) A court may not order parties into mediation or refer parties to
 25 mediation if a party is currently charged with or has been convicted of
 26 a crime
 27 ~~(1) under IC 35-42. or~~
 28 ~~(2) in another jurisdiction that is substantially similar to the~~
 29 ~~elements of a crime described in IC 35-42.~~

30 SECTION 48. IC 33-23-8-4, AS AMENDED BY P.L.181-2005,
 31 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2020]: Sec. 4. If a practitioner is convicted under
 33 IC 35-43-5-4.5 of
 34 ~~(1) insurance fraud,~~
 35 ~~(2) an attempt to commit insurance fraud; or~~
 36 ~~(3) conspiracy to commit insurance fraud;~~
 37 the sentencing court shall provide notice of the conviction to each
 38 governmental body that has issued a license to the practitioner.

39 SECTION 49. IC 34-24-1-1, AS AMENDED BY P.L.211-2019,
 40 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2020]: Sec. 1. (a) The following may be seized:
 42 (1) All vehicles (as defined by IC 35-31.5-2-346), if they are used



1 or are intended for use by the person or persons in possession of
 2 them to transport or in any manner to facilitate the transportation
 3 of the following:

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

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

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

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

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

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

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

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

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

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

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

22 (xi) Dealing in marijuana, hash oil, hashish, or salvia
 23 (IC 35-48-4-10).

24 (xii) An offense under IC 35-48-4 involving a synthetic drug
 25 (as defined in IC 35-31.5-2-321), a synthetic drug lookalike
 26 substance (as defined in IC 35-31.5-2-321.5 (before its
 27 repeal on July 1, 2019)) under IC 35-48-4-10.5 (before its
 28 repeal on July 1, 2019), a controlled substance analog (as
 29 defined in IC 35-48-1-9.3), or a substance represented to be
 30 a controlled substance (as described in IC 35-48-4-4.6).

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

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

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

42 (2) All money, negotiable instruments, securities, weapons,



1 communications devices, or any property used to commit, used in
 2 an attempt to commit, or used in a conspiracy to commit a felony
 3 terrorist offense (as defined in IC 35-50-2-18) or an offense under
 4 IC 35-47 as part of or in furtherance of an act of terrorism or
 5 commonly used as consideration for a violation of IC 35-48-4
 6 (other than items subject to forfeiture under IC 16-42-20-5 or
 7 IC 16-6-8.5-5.1, before its repeal):

- 8 (A) furnished or intended to be furnished by any person in
 9 exchange for an act that is in violation of a criminal statute;
 10 (B) used to facilitate any violation of a criminal statute; or
 11 (C) traceable as proceeds of the violation of a criminal statute.

12 (3) Any portion of real or personal property purchased with
 13 money that is traceable as a proceed of a violation of a criminal
 14 statute.

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

- 16 (A) commit, attempt to commit, or conspire to commit;
 17 (B) facilitate the commission of; or
 18 (C) escape from the commission of;

19 murder (IC 35-42-1-1), dealing in a controlled substance resulting
 20 in death (IC 35-42-1-1.5), kidnapping (IC 35-42-3-2), criminal
 21 confinement (IC 35-42-3-3), rape (IC 35-42-4-1), child molesting
 22 (IC 35-42-4-3), or child exploitation (IC 35-42-4-4), or an offense
 23 under IC 35-47 as part of or in furtherance of an act of terrorism.

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

- 27 (A) Dealing in or manufacturing cocaine or a narcotic drug
 28 (IC 35-48-4-1).
 29 (B) Dealing in methamphetamine (IC 35-48-4-1.1).
 30 (C) Manufacturing methamphetamine (IC 35-48-4-1.2).
 31 (D) Dealing in a schedule I, II, or III controlled substance
 32 (IC 35-48-4-2).
 33 (E) Dealing in a schedule IV controlled substance
 34 (IC 35-48-4-3).
 35 (F) Dealing in marijuana, hash oil, hashish, or salvia
 36 (IC 35-48-4-10).
 37 (G) Dealing in a synthetic drug (as defined in
 38 IC 35-31.5-2-321) or synthetic drug lookalike substance (as
 39 defined in IC 35-31.5-2-321.5 (before its repeal on July 1,
 40 2019)) under IC 35-48-4-10.5 (before its repeal on July 1,
 41 2019).
 42 (H) Dealing in a controlled substance resulting in death



- 1 (IC 35-42-1-1.5).
- 2 (6) Equipment and recordings used by a person to commit fraud
- 3 under IC 35-43-5-4(10).
- 4 (7) Recordings sold, rented, transported, or possessed by a person
- 5 in violation of IC 24-4-10.
- 6 (8) Property (as defined by IC 35-31.5-2-253) or an enterprise (as
- 7 defined by IC 35-45-6-1) that is the object of a corrupt business
- 8 influence violation (IC 35-45-6-2).
- 9 (9) Unlawful telecommunications devices (as defined in
- 10 IC 35-45-13-6) and plans, instructions, or publications used to
- 11 commit an offense under IC 35-45-13.
- 12 (10) Any equipment, including computer equipment and cellular
- 13 telephones, used for or intended for use in preparing,
- 14 photographing, recording, videotaping, digitizing, printing,
- 15 copying, or disseminating matter in violation of IC 35-42-4.
- 16 (11) Destructive devices used, possessed, transported, or sold in
- 17 violation of IC 35-47.5.
- 18 (12) Tobacco products that are sold in violation of IC 24-3-5,
- 19 tobacco products that a person attempts to sell in violation of
- 20 IC 24-3-5, and other personal property owned and used by a
- 21 person to facilitate a violation of IC 24-3-5.
- 22 (13) Property used by a person to commit counterfeiting or
- 23 forgery in violation of IC 35-43-5-2.
- 24 (14) After December 31, 2005, if a person is convicted of an
- 25 offense specified in IC 25-26-14-26(b) or IC 35-43-10, the
- 26 following real or personal property:
- 27 (A) Property used or intended to be used to commit, facilitate,
- 28 or promote the commission of the offense.
- 29 (B) Property constituting, derived from, or traceable to the
- 30 gross proceeds that the person obtained directly or indirectly
- 31 as a result of the offense.
- 32 (15) Except as provided in subsection (e), a vehicle used by a
- 33 person who operates the vehicle:
- 34 (A) while intoxicated, in violation of IC 9-30-5-1 through
- 35 IC 9-30-5-5, if in the previous five (5) years the person has two
- 36 (2) or more prior unrelated convictions
- 37 (i) for operating a motor vehicle while intoxicated in
- 38 violation of IC 9-30-5-1 through IC 9-30-5-5; or
- 39 (ii) for an offense that is substantially similar to IC 9-30-5-1
- 40 through IC 9-30-5-5 in another jurisdiction; or
- 41 (B) on a highway while the person's driving privileges are
- 42 suspended in violation of IC 9-24-19-2 through IC 9-24-19-3,



1 if in the previous five (5) years the person has two (2) or more
2 prior unrelated convictions

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

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

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

13 (16) The following real or personal property:

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

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

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

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

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

28 (B) facilitate the commission of; or

29 (C) escape from the commission of;

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

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

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

42 (d) Money, negotiable instruments, securities, weapons,



1 communications devices, or any property commonly used as
 2 consideration for a violation of IC 35-48-4 found near or on a person
 3 who is committing, attempting to commit, or conspiring to commit any
 4 of the following offenses shall be admitted into evidence in an action
 5 under this chapter as prima facie evidence that the money, negotiable
 6 instrument, security, or other thing of value is property that has been
 7 used or was to have been used to facilitate the violation of a criminal
 8 statute or is the proceeds of the violation of a criminal statute:

9 (1) IC 35-42-1-1.5 (dealing in a controlled substance resulting in
 10 death).

11 (2) IC 35-48-4-1 (dealing in or manufacturing cocaine or a
 12 narcotic drug).

13 (3) IC 35-48-4-1.1 (dealing in methamphetamine).

14 (4) IC 35-48-4-1.2 (manufacturing methamphetamine).

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

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

18 (7) IC 35-48-4-4 (dealing in a schedule V controlled substance)
 19 as a Level 4 felony.

20 (8) IC 35-48-4-6 (possession of cocaine or a narcotic drug) as a
 21 Level 3, Level 4, or Level 5 felony.

22 (9) IC 35-48-4-6.1 (possession of methamphetamine) as a Level
 23 3, Level 4, or Level 5 felony.

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

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

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

31 (1) an owner of the vehicle; or

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

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

37 SECTION 50. IC 35-31.5-2-91, AS AMENDED BY P.L.158-2013,
 38 SECTION 365, IS AMENDED TO READ AS FOLLOWS
 39 [EFFECTIVE JULY 1, 2020]: Sec. 91. "Designated offense", for
 40 purposes of IC 35-33.5, means the following:

41 (1) A Class A, Class B, or Class C felony, for a crime committed
 42 before July 1, 2014, or a Level 1, Level 2, Level 3, Level 4, or



- 1 Level 5 felony, for a crime committed after June 30, 2014, that is
 2 a controlled substance offense (IC 35-48-4).
 3 (2) Murder (IC 35-42-1-1).
 4 (3) Kidnapping (IC 35-42-3-2).
 5 (4) Criminal confinement (IC 35-42-3-3).
 6 (5) Robbery (IC 35-42-5-1).
 7 (6) Arson (IC 35-43-1-1).
 8 (7) Child solicitation (IC 35-42-4-6).
 9 (8) Human and sexual trafficking crimes under IC 35-42-3.5.
 10 (9) Escape as a Class B felony or Class C felony, for a crime
 11 committed before July 1, 2014, or a Level 4 felony or Level 5
 12 felony, for a crime committed after June 30, 2014
 13 (IC 35-44.1-3-4).
 14 (10) An offense that relates to a weapon of mass destruction (as
 15 defined in section 354 of this chapter).
 16 ~~(11) An attempt or conspiracy to commit an offense described in~~
 17 ~~subdivisions (1) through (10):~~
 18 ~~(12) An offense under the law of the United States or in another~~
 19 ~~state or country that is substantially similar to an offense~~
 20 ~~described in subdivisions (1) through (11):~~
 21 SECTION 51. IC 35-37-4-6, AS AMENDED BY P.L.65-2016,
 22 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2020]: Sec. 6. (a) This section applies to a criminal action
 24 involving the following offenses where the victim is a protected person
 25 under subsection (c)(1) or (c)(2):
 26 (1) Sex crimes (IC 35-42-4).
 27 (2) A battery offense included in IC 35-42-2 upon a child less
 28 than fourteen (14) years of age.
 29 (3) Kidnapping and confinement (IC 35-42-3).
 30 (4) Incest (IC 35-46-1-3).
 31 (5) Neglect of a dependent (IC 35-46-1-4).
 32 (6) Human and sexual trafficking crimes (IC 35-42-3.5).
 33 ~~(7) An attempt under IC 35-41-5-1 to commit an offense listed in~~
 34 ~~this subsection.~~
 35 (b) This section applies to a criminal action involving the following
 36 offenses where the victim is a protected person under subsection (c)(3):
 37 (1) Exploitation of a dependent or endangered adult
 38 (IC 35-46-1-12).
 39 (2) A sex crime (IC 35-42-4).
 40 (3) A battery offense included in IC 35-42-2.
 41 (4) Kidnapping, confinement, or interference with custody
 42 (IC 35-42-3).



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



- 1 (1) The court finds, in a hearing:
 2 (A) conducted outside the presence of the jury; and
 3 (B) attended by the protected person in person or by using
 4 closed circuit television testimony as described in section 8(f)
 5 and 8(g) of this chapter;
 6 that the time, content, and circumstances of the statement or
 7 videotape provide sufficient indications of reliability.
- 8 (2) The protected person:
 9 (A) testifies at the trial; or
 10 (B) is found by the court to be unavailable as a witness for one
 11 (1) of the following reasons:
 12 (i) From the testimony of a psychiatrist, physician, or
 13 psychologist, and other evidence, if any, the court finds that
 14 the protected person's testifying in the physical presence of
 15 the defendant will cause the protected person to suffer
 16 serious emotional distress such that the protected person
 17 cannot reasonably communicate.
 18 (ii) The protected person cannot participate in the trial for
 19 medical reasons.
 20 (iii) The court has determined that the protected person is
 21 incapable of understanding the nature and obligation of an
 22 oath.
- 23 (f) If a protected person is unavailable to testify at the trial for a
 24 reason listed in subsection (e)(2)(B), a statement or videotape may be
 25 admitted in evidence under this section only if the protected person was
 26 available for cross-examination:
 27 (1) at the hearing described in subsection (e)(1); or
 28 (2) when the statement or videotape was made.
- 29 (g) A statement or videotape may not be admitted in evidence under
 30 this section unless the prosecuting attorney informs the defendant and
 31 the defendant's attorney at least ten (10) days before the trial of:
 32 (1) the prosecuting attorney's intention to introduce the statement
 33 or videotape in evidence; and
 34 (2) the content of the statement or videotape.
- 35 (h) If a statement or videotape is admitted in evidence under this
 36 section, the court shall instruct the jury that it is for the jury to
 37 determine the weight and credit to be given the statement or videotape
 38 and that, in making that determination, the jury shall consider the
 39 following:
 40 (1) The mental and physical age of the person making the
 41 statement or videotape.
 42 (2) The nature of the statement or videotape.



- 1 (3) The circumstances under which the statement or videotape
 2 was made.
 3 (4) Other relevant factors.
 4 (i) If a statement or videotape described in subsection (d) is
 5 admitted into evidence under this section, a defendant may introduce
 6 a:
 7 (1) transcript; or
 8 (2) videotape;
 9 of the hearing held under subsection (e)(1) into evidence at trial.
 10 SECTION 52. IC 35-37-4-8, AS AMENDED BY P.L.65-2016,
 11 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2020]: Sec. 8. (a) This section applies to a criminal action
 13 under the following:
 14 (1) Sex crimes (IC 35-42-4).
 15 (2) A battery offense included in IC 35-42-2 upon a child less
 16 than fourteen (14) years of age.
 17 (3) Kidnapping and confinement (IC 35-42-3).
 18 (4) Incest (IC 35-46-1-3).
 19 (5) Neglect of a dependent (IC 35-46-1-4).
 20 (6) Human and sexual trafficking crimes (IC 35-42-3.5).
 21 ~~(7) An attempt under IC 35-41-5-1 for an offense listed in~~
 22 ~~subdivisions (1) through (6).~~
 23 (b) As used in this section, "protected person" has the meaning set
 24 forth in section 6 of this chapter.
 25 (c) On the motion of the prosecuting attorney, the court may order
 26 that the testimony of a protected person be taken in a room other than
 27 the courtroom, and that the questioning of the protected person by the
 28 prosecution and the defense be transmitted using a two-way closed
 29 circuit television arrangement that:
 30 (1) allows the protected person to see the accused and the trier of
 31 fact; and
 32 (2) allows the accused and the trier of fact to see and hear the
 33 protected person.
 34 (d) On the motion of the prosecuting attorney or the defendant, the
 35 court may order that the testimony of a protected person be videotaped
 36 for use at trial. The videotaping of the testimony of a protected person
 37 under this subsection must meet the requirements of subsection (c).
 38 (e) The court may not make an order under subsection (c) or (d)
 39 unless:
 40 (1) the testimony to be taken is the testimony of a protected
 41 person who:
 42 (A) is the alleged victim of an offense listed in subsection (a)



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



1 during the protected person's videotaped testimony:

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

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

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

21 SECTION 53. IC 35-38-1-7.5, AS AMENDED BY P.L.86-2018,
 22 SECTION 332, IS AMENDED TO READ AS FOLLOWS
 23 [EFFECTIVE JULY 1, 2020]: Sec. 7.5. (a) As used in this section,
 24 "sexually violent predator" means a person who suffers from a mental
 25 abnormality or personality disorder that makes the individual likely to
 26 repeatedly commit a sex offense (as defined in IC 11-8-8-5.2). The
 27 term includes a person convicted in another jurisdiction who is
 28 identified as a sexually violent predator under IC 11-8-8-20. The term
 29 does not include a person no longer considered a sexually violent
 30 predator under subsection (g).

31 (b) A person who:

- 32 (1) being at least eighteen (18) years of age, commits an offense
 33 described in:
 34 (A) IC 35-42-4-1;
 35 (B) IC 35-42-4-2 (before its repeal);
 36 (C) IC 35-42-4-3 as a Class A or Class B felony (for a crime
 37 committed before July 1, 2014) or a Level 1, Level 2, Level 3,
 38 or Level 4 felony (for a crime committed after June 30, 2014);
 39 (D) IC 35-42-4-5(a)(1);
 40 (E) IC 35-42-4-5(a)(2);
 41 (F) IC 35-42-4-5(a)(3) (before that provision was redesignated
 42 by P.L.158-2013, SECTION 441);



- 1 (G) IC 35-42-4-5(b)(1) as a Class A or Class B felony (for a
 2 crime committed before July 1, 2014) or Level 2, Level 3, or
 3 Level 4 felony (for a crime committed after June 30, 2014);
 4 (H) IC 35-42-4-5(b)(2); **or**
 5 (I) IC 35-42-4-5(b)(3) as a Class A or Class B felony (for a
 6 crime committed before July 1, 2014) or a Level 2, Level 3, or
 7 Level 4 felony (for a crime committed after June 30, 2014);
 8 ~~(J) an attempt or conspiracy to commit a crime listed in~~
 9 ~~clauses (A) through (I); or~~
 10 ~~(K) a crime under the laws of another jurisdiction, including~~
 11 ~~a military court, that is substantially equivalent to any of the~~
 12 ~~offenses listed in clauses (A) through (J);~~
 13 (2) commits a sex offense (as defined in IC 11-8-8-5.2) while
 14 having a previous unrelated conviction for a sex offense for which
 15 the person is required to register as a sex or violent offender under
 16 IC 11-8-8;
 17 (3) commits a sex offense (as defined in IC 11-8-8-5.2) while
 18 having had a previous unrelated adjudication as a delinquent child
 19 for an act that would be a sex offense if committed by an adult, if,
 20 after considering expert testimony, a court finds by clear and
 21 convincing evidence that the person is likely to commit an
 22 additional sex offense; or
 23 (4) commits a sex offense (as defined in IC 11-8-8-5.2) while
 24 having had a previous unrelated adjudication as a delinquent child
 25 for an act that would be a sex offense if committed by an adult, if
 26 the person was required to register as a sex or violent offender
 27 under IC 11-8-8-5(b)(2);
 28 is a sexually violent predator. Except as provided in subsection (g) or
 29 (h), a person is a sexually violent predator by operation of law if an
 30 offense committed by the person satisfies the conditions set forth in
 31 subdivision (1) or (2) and the person was released from incarceration,
 32 secure detention, probation, or parole for the offense after June 30,
 33 1994.
 34 (c) This section applies whenever a court sentences a person or a
 35 juvenile court issues a dispositional decree for a sex offense (as defined
 36 in IC 11-8-8-5.2) for which the person is required to register with the
 37 local law enforcement authority under IC 11-8-8.
 38 (d) At the sentencing hearing, the court shall indicate on the record
 39 whether the person has been convicted of an offense that makes the
 40 person a sexually violent predator under subsection (b).
 41 (e) If a person is not a sexually violent predator under subsection
 42 (b), the prosecuting attorney may request the court to conduct a hearing



1 to determine whether the person (including a child adjudicated to be a
2 delinquent child) is a sexually violent predator under subsection (a). If
3 the court grants the motion, the court shall appoint two (2)
4 psychologists or psychiatrists who have expertise in criminal
5 behavioral disorders to evaluate the person and testify at the hearing.
6 After conducting the hearing and considering the testimony of the two
7 (2) psychologists or psychiatrists, the court shall determine whether the
8 person is a sexually violent predator under subsection (a). A hearing
9 conducted under this subsection may be combined with the person's
10 sentencing hearing.

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

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

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

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

22 (1) the sentencing court or juvenile court makes its determination
23 under subsection (e); or

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

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

42 (h) A person is not a sexually violent predator by operation of law



1 under subsection (b)(1) if all of the following conditions are met:

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

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

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

10 (4) The offense committed by the person was not any of the
11 following:

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

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

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

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

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

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

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

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

31 SECTION 54. IC 35-38-10-1, AS ADDED BY P.L.86-2017,
32 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 JULY 1, 2020]: Sec. 1. As used in this chapter, "trafficked person"
34 means a person who was the victim of human trafficking
35 (IC 35-42-3.5), ~~or a substantially similar human trafficking offense~~
36 ~~committed in another jurisdiction,~~ regardless of whether the person
37 who committed the human trafficking offense was charged, tried, or
38 convicted.

39 SECTION 55. IC 35-40-14-1, AS ADDED BY P.L.137-2009,
40 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 JULY 1, 2020]: Sec. 1. As used in this chapter, "identity theft" means:

42 (1) identity deception (IC 35-43-5-3.5); **or**



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

4 SECTION 56. IC 35-41-5-2, AS AMENDED BY P.L.158-2013,
 5 SECTION 409, IS AMENDED TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) A person conspires to commit
 7 ~~a felony~~ **an offense** when, with intent to commit the ~~felony~~, **offense**,
 8 the person agrees with another person to commit the ~~felony~~. **offense**.
 9 A conspiracy to commit a ~~felony~~ **an offense** is a ~~felony~~ **an offense** of
 10 the same level **(if the offense is a felony) or class (if the offense is a**
 11 **misdemeanor)** as the underlying ~~felony~~. **offense**. However, a
 12 conspiracy to commit murder is:

13 (1) a Level 2 felony if the conspiracy does not result in the death
 14 of a person; and

15 (2) a Level 1 felony if the conspiracy results in the death of
 16 another person.

17 (b) The state must allege and prove that either the person or the
 18 person with whom he or she agreed performed an overt act in
 19 furtherance of the agreement.

20 (c) It is no defense that the person with whom the accused person is
 21 alleged to have conspired:

22 (1) has not been prosecuted;

23 (2) has not been convicted;

24 (3) has been acquitted;

25 (4) has been convicted of a different crime;

26 (5) cannot be prosecuted for any reason; or

27 (6) lacked the capacity to commit the crime.

28 SECTION 57. IC 35-42-2-1, AS AMENDED BY P.L.80-2018,
 29 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2020]: Sec. 1. (a) As used in this section, "public safety
 31 official" means:

32 (1) a law enforcement officer, including an alcoholic beverage
 33 enforcement officer;

34 (2) an employee of a penal facility or a juvenile detention facility
 35 (as defined in IC 31-9-2-71);

36 (3) an employee of the department of correction;

37 (4) a probation officer;

38 (5) a parole officer;

39 (6) a community corrections worker;

40 (7) a home detention officer;

41 (8) a department of child services employee;

42 (9) a firefighter;



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



1 a mental or physical disability and is committed by a person
 2 having the care of the person with the mental or physical
 3 disability, whether the care is assumed voluntarily or because of
 4 a legal obligation.

5 (5) The offense is committed against an endangered adult (as
 6 defined in IC 12-10-3-2).

7 (6) The offense:

8 (A) is committed against a member of a foster family home (as
 9 defined in IC 35-31.5-2-139.3) by a person who is not a
 10 resident of the foster family home if the person who committed
 11 the offense is a relative of a person who lived in the foster
 12 family home at the time of the offense; and

13 (B) results in bodily injury to the member of the foster family.

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

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

20 (1) The offense results in serious bodily injury to another person.

21 (2) The offense is committed with a deadly weapon.

22 (3) The offense results in bodily injury to a pregnant woman if the
 23 person knew of the pregnancy.

24 (4) The person has a previous conviction for a battery offense

25 ~~(A) included in this chapter against the same victim. or~~

26 ~~(B) against the same victim in any other jurisdiction, including~~
 27 ~~a military court, in which the elements of the crime for which~~
 28 ~~the conviction was entered are substantially similar to the~~
 29 ~~elements of a battery offense included in this chapter.~~

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

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

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

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

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

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

42 (1) the person knew or recklessly failed to know that the bodily



- 1 fluid or waste placed on another person was infected with
 2 hepatitis, tuberculosis, or human immunodeficiency virus; and
 3 (2) the person placed the bodily fluid or waste on a public safety
 4 official.
- 5 (i) The offense described in subsection (c)(1) or (c)(2) is a Level 4
 6 felony if it results in serious bodily injury to an endangered adult (as
 7 defined in IC 12-10-3-2).
- 8 (j) The offense described in subsection (c)(1) or (c)(2) is a Level 3
 9 felony if it results in serious bodily injury to a person less than fourteen
 10 (14) years of age if the offense is committed by a person at least
 11 eighteen (18) years of age.
- 12 (k) The offense described in subsection (c)(1) or (c)(2) is a Level 2
 13 felony if it results in the death of one (1) or more of the following:
- 14 (1) A person less than fourteen (14) years of age if the offense is
 15 committed by a person at least eighteen (18) years of age.
- 16 (2) An endangered adult (as defined in IC 12-10-3-2).
- 17 SECTION 58. IC 35-42-2-1.3, AS AMENDED BY P.L.40-2019,
 18 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2020]: Sec. 1.3. (a) Except as provided in subsections (b)
 20 through (f), a person who knowingly or intentionally:
- 21 (1) touches a family or household member in a rude, insolent, or
 22 angry manner; or
 23 (2) in a rude, insolent, or angry manner places any bodily fluid or
 24 waste on a family or household member;
 25 commits domestic battery, a Class A misdemeanor.
- 26 (b) The offense under subsection (a)(1) or (a)(2) is a Level 6 felony
 27 if one (1) or more of the following apply:
- 28 (1) The person who committed the offense has a previous,
 29 unrelated conviction:
- 30 (A) for a battery offense included in this chapter; **or**
 31 (B) for a strangulation offense under IC 35-42-2-9. **or**
 32 ~~(C) in any other jurisdiction, including a military court, in~~
 33 ~~which the elements of the crime for which the conviction was~~
 34 ~~entered are substantially similar to the elements of:~~
 35 ~~(i) a battery offense included in this chapter; or~~
 36 ~~(ii) a strangulation offense under IC 35-42-2-9.~~
- 37 (2) The person who committed the offense is at least eighteen (18)
 38 years of age and committed the offense against a family or
 39 household member in the physical presence of a child less than
 40 sixteen (16) years of age, knowing that the child was present and
 41 might be able to see or hear the offense.
- 42 (3) The offense results in moderate bodily injury to a family or



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



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

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

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

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

12 SECTION 59. IC 35-42-2-9, AS AMENDED BY P.L.40-2019,
 13 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2020]: Sec. 9. (a) This section does not apply to a medical
 15 procedure.

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

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

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

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

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

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

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

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

27 (A) against a pregnant woman; and

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

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

31 **or**

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

36 SECTION 60. IC 35-42-4-11, AS AMENDED BY P.L.220-2019,
 37 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2020]: Sec. 11. (a) As used in this section, and except as
 39 provided in subsection (d), "offender against children" means a person
 40 required to register as a sex or violent offender under IC 11-8-8 who
 41 has been:

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



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



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

15 SECTION 61. IC 35-42-4-14, AS AMENDED BY P.L.87-2018,
 16 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2020]: Sec. 14. (a) As used in this section, "serious sex
 18 offender" means a person required to register as a sex offender under
 19 IC 11-8-8 who is:

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

21 or

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

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

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

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

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

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

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

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

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

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

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

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

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

42 (1) a religious institution or house of worship is located on the



- 1 school property; and
- 2 (2) the person:
 - 3 (A) enters the school property or other entity described in
 - 4 IC 35-31.5-2-285(1)(A) through IC 35-31.5-2-285(1)(D) when
 - 5 classes, extracurricular activities, or any other school activities
 - 6 are not being held:
 - 7 (i) for the sole purpose of attending worship services or
 - 8 receiving religious instruction; and
 - 9 (ii) not earlier than thirty (30) minutes before the beginning
 - 10 of the worship services or religious instruction; and
 - 11 (B) leaves the school property not later than thirty (30)
 - 12 minutes after the conclusion of the worship services or
 - 13 religious instruction.
- 14 SECTION 62. IC 35-43-6-13, AS AMENDED BY P.L.238-2015,
- 15 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 16 JULY 1, 2020]: Sec. 13. (a) The offense in section 12(a) of this chapter
- 17 is a Class A misdemeanor:
 - 18 (1) in the case of an offense under section 12(a)(1) through
 - 19 12(a)(4) of this chapter or section 12(a)(6) through 12(a)(9) of
 - 20 this chapter, if the home improvement contract price is one
 - 21 thousand dollars (\$1,000) or more;
 - 22 (2) for the second or subsequent offense under this chapter; ~~or in~~
 - 23 ~~another jurisdiction for an offense that is substantially similar to~~
 - 24 ~~another offense described in this chapter;~~
 - 25 (3) if two (2) or more home improvement contracts exceed an
 - 26 aggregate amount of one thousand dollars (\$1,000) and are
 - 27 entered into with the same consumer by one (1) or more suppliers
 - 28 as part of or in furtherance of a common fraudulent scheme,
 - 29 design, or intention; or
 - 30 (4) if, in a violation of section 12(a)(5) of this chapter, the home
 - 31 improvement contract price is at least seven thousand dollars
 - 32 (\$7,000), but less than ten thousand dollars (\$10,000).
- 33 (b) The offense in section 12 of this chapter is a Level 6 felony:
 - 34 (1) if, in a violation of section 12(a)(5) of this chapter, the home
 - 35 improvement contract price is at least ten thousand dollars
 - 36 (\$10,000);
 - 37 (2) if, in a violation of:
 - 38 (A) section 12(a)(1) through 12(a)(5); or
 - 39 (B) section 12(a)(7) through 12(a)(9);
 - 40 of this chapter, the consumer is at least sixty (60) years of age and
 - 41 the home improvement contract price is less than ten thousand
 - 42 dollars (\$10,000);



1 (3) if, in a violation of section 12(b) of this chapter, the consumer
 2 is at least sixty (60) years of age; or
 3 (4) if the home improvement supplier violates more than one (1)
 4 subdivision of section 12(a) of this chapter.
 5 (c) The offense in section 12(a) of this chapter is a Level 5 felony:
 6 (1) if, in a violation of:
 7 (A) section 12(a)(1) through 12(a)(5); or
 8 (B) section 12(a)(7) through 12(a)(9);
 9 of this chapter, the consumer is at least sixty (60) years of age and
 10 the home improvement contract price is at least ten thousand
 11 dollars (\$10,000); or
 12 (2) if, in a violation of:
 13 (A) section 12(a)(1) through 12(a)(4); or
 14 (B) section 12(a)(7) through 12(a)(9);
 15 of this chapter, the consumer is at least sixty (60) years of age,
 16 and two (2) or more home improvement contracts exceed an
 17 aggregate amount of one thousand dollars (\$1,000) and are
 18 entered into with the same consumer by one (1) or more suppliers
 19 as part of or in furtherance of a common fraudulent scheme,
 20 design, or intention.
 21 SECTION 63. IC 35-44.1-3-1, AS AMENDED BY P.L.184-2019,
 22 SECTION 12, AND AS AMENDED BY P.L.201-2019, SECTION 3,
 23 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 24 [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) A person who knowingly or
 25 intentionally:
 26 (1) forcibly resists, obstructs, or interferes with a law enforcement
 27 officer or a person assisting the officer while the officer is
 28 lawfully engaged in the execution of the officer's duties;
 29 (2) forcibly resists, obstructs, or interferes with the authorized
 30 service or execution of a civil or criminal process or order of a
 31 court; or
 32 (3) flees from a law enforcement officer after the officer has, by
 33 visible or audible means, including operation of the law
 34 enforcement officer's siren or emergency lights, identified himself
 35 or herself and ordered the person to stop;
 36 commits resisting law enforcement, a Class A misdemeanor, except as
 37 provided in ~~subsection (b)~~: *subsection (c)*.
 38 (b) *A person who, having been denied entry by a law enforcement*
 39 *officer, knowingly or intentionally enters an area that is marked off*
 40 *with barrier tape or other physical barriers, commits interfering with*
 41 *law enforcement, a Class B misdemeanor, except as provided in*
 42 *subsection (c) or ~~(h)~~: (j).*



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

2 (1) Level 6 felony if:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

41 the court may notify the bureau of motor vehicles to suspend or revoke
42 the person's driver's license and all certificates of registration and



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

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

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

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

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

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

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

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

29 SECTION 64. IC 35-45-4-1, AS AMENDED BY P.L.158-2013,
 30 SECTION 524, IS AMENDED TO READ AS FOLLOWS
 31 [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) A person who knowingly or
 32 intentionally, in a public place:

33 (1) engages in sexual intercourse;

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

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

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

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



1 public indecency, a Class A misdemeanor.

2 (c) However, the offense under subsection (a) or (b) is a Level 6
3 felony if the person who commits the offense has a prior unrelated
4 conviction

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

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

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

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

17 (1) engages in sexual intercourse;

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

20 (3) fondles the person's genitals or the genitals of another person;
21 or

22 (4) appears in a state of nudity;

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

26 SECTION 65. IC 35-45-4-5, AS AMENDED BY P.L.107-2017,
27 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2020]: Sec. 5. (a) The following definitions apply throughout
29 this section:

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

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

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

37 (b) A person:

38 (1) who knowingly or intentionally:

39 (A) peeps; or

40 (B) goes upon the land of another with the intent to peep;
41 into an occupied dwelling of another person; or

42 (2) who knowingly or intentionally peeps into an area where an



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



- 1 (B) in a location that is not visible from an area:
 2 (i) open to the general public; or
 3 (ii) where a member of the general public has the right to be;
 4 commits remote aerial voyeurism, a Class A misdemeanor.
 5 (h) The offense under subsection (g) is a Level 6 felony if the person
 6 has a prior unrelated conviction under this section ~~or in another~~
 7 ~~jurisdiction, including a military court, for an offense that is~~
 8 ~~substantially similar to an offense described in this section, or if the~~
 9 ~~person:~~
 10 (1) publishes the images, photographs, or recordings captured;
 11 (2) makes the images, photographs, or recordings captured
 12 available on the Internet; or
 13 (3) transmits or disseminates the images, photographs, or
 14 recordings captured to another person.
 15 SECTION 66. IC 35-47-2-18, AS AMENDED BY P.L.158-2013,
 16 SECTION 582, IS AMENDED TO READ AS FOLLOWS
 17 [EFFECTIVE JULY 1, 2020]: Sec. 18. (a) No person shall:
 18 ~~(1) change, alter, remove, or obliterate the name of the maker,~~
 19 ~~model, manufacturer's serial number, or other mark of~~
 20 ~~identification on any handgun; or~~
 21 ~~(2) possess any handgun on which the name of the maker, model,~~
 22 ~~manufacturer's serial number, or other mark of identification has~~
 23 ~~been changed, altered, removed, or obliterated;~~
 24 except as provided by applicable United States statute:
 25 **(1) remove, obliterate, or alter the importer or**
 26 **manufacturer's serial number on any firearm; or**
 27 **(2) possess any firearm on which the importer or**
 28 **manufacturer's serial number has been removed, obliterated,**
 29 **or altered.**
 30 (b) A person who knowingly or intentionally violates this section
 31 commits a Level 5 felony.
 32 SECTION 67. IC 35-47-4-5, AS AMENDED BY P.L.198-2018,
 33 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2020]: Sec. 5. (a) As used in this section, "serious violent
 35 felon" means a person who has been convicted of
 36 ~~(1) committing a serious violent felony. in:~~
 37 ~~(A) Indiana; or~~
 38 ~~(B) any other jurisdiction in which the elements of the crime~~
 39 ~~for which the conviction was entered are substantially similar~~
 40 ~~to the elements of a serious violent felony; or~~
 41 ~~(2) attempting to commit or conspiring to commit a serious~~
 42 ~~violent felony in:~~



- 1 (A) ~~Indiana as provided under IC 35-41-5-1 or IC 35-41-5-2;~~
 2 or
 3 (B) any other jurisdiction in which the elements of the crime
 4 for which the conviction was entered are substantially similar
 5 to the elements of attempting to commit or conspiring to
 6 commit a serious violent felony;
- 7 (b) As used in this section, "serious violent felony" means:
- 8 (1) murder (IC 35-42-1-1);
 9 (2) voluntary manslaughter (IC 35-42-1-3);
 10 (3) reckless homicide not committed by means of a vehicle
 11 (IC 35-42-1-5);
 12 (4) battery (IC 35-42-2-1) as a:
 13 (A) Class A felony, Class B felony, or Class C felony, for a
 14 crime committed before July 1, 2014; or
 15 (B) Level 2 felony, Level 3 felony, Level 4 felony, or Level 5
 16 felony, for a crime committed after June 30, 2014;
 17 (5) domestic battery (IC 35-42-2-1.3) as a Level 2 felony, Level
 18 3 felony, Level 4 felony, or Level 5 felony;
 19 (6) aggravated battery (IC 35-42-2-1.5);
 20 (7) kidnapping (IC 35-42-3-2);
 21 (8) criminal confinement (IC 35-42-3-3);
 22 (9) rape (IC 35-42-4-1);
 23 (10) criminal deviate conduct (IC 35-42-4-2) (before its repeal);
 24 (11) child molesting (IC 35-42-4-3);
 25 (12) sexual battery (IC 35-42-4-8) as a:
 26 (A) Class C felony, for a crime committed before July 1, 2014;
 27 or
 28 (B) Level 5 felony, for a crime committed after June 30, 2014;
 29 (13) robbery (IC 35-42-5-1);
 30 (14) carjacking (IC 35-42-5-2) (before its repeal);
 31 (15) arson (IC 35-43-1-1(a)) as a:
 32 (A) Class A felony or Class B felony, for a crime committed
 33 before July 1, 2014; or
 34 (B) Level 2 felony, Level 3 felony, or Level 4 felony, for a
 35 crime committed after June 30, 2014;
 36 (16) burglary (IC 35-43-2-1) as a:
 37 (A) Class A felony or Class B felony, for a crime committed
 38 before July 1, 2014; or
 39 (B) Level 1 felony, Level 2 felony, Level 3 felony, or Level 4
 40 felony, for a crime committed after June 30, 2014;
 41 (17) assisting a criminal (IC 35-44.1-2-5) as a:
 42 (A) Class C felony, for a crime committed before July 1, 2014;



- 1 or
 2 (B) Level 5 felony, for a crime committed after June 30, 2014;
 3 (18) resisting law enforcement (IC 35-44.1-3-1) as a:
 4 (A) Class B felony or Class C felony, for a crime committed
 5 before July 1, 2014; or
 6 (B) Level 2 felony, Level 3 felony, or Level 5 felony, for a
 7 crime committed after June 30, 2014;
 8 (19) escape (IC 35-44.1-3-4) as a:
 9 (A) Class B felony or Class C felony, for a crime committed
 10 before July 1, 2014; or
 11 (B) Level 4 felony or Level 5 felony, for a crime committed
 12 after June 30, 2014;
 13 (20) trafficking with an inmate (IC 35-44.1-3-5) as a:
 14 (A) Class C felony, for a crime committed before July 1, 2014;
 15 or
 16 (B) Level 5 felony, for a crime committed after June 30, 2014;
 17 (21) criminal organization intimidation (IC 35-45-9-4);
 18 (22) stalking (IC 35-45-10-5) as a:
 19 (A) Class B felony or Class C felony, for a crime committed
 20 before July 1, 2014; or
 21 (B) Level 4 felony or Level 5 felony, for a crime committed
 22 after June 30, 2014;
 23 (23) incest (IC 35-46-1-3);
 24 (24) dealing in or manufacturing cocaine or a narcotic drug
 25 (IC 35-48-4-1);
 26 (25) dealing in methamphetamine (IC 35-48-4-1.1) or
 27 manufacturing methamphetamine (IC 35-48-4-1.2);
 28 (26) dealing in a schedule I, II, or III controlled substance
 29 (IC 35-48-4-2);
 30 (27) dealing in a schedule IV controlled substance (IC 35-48-4-3);
 31 (28) dealing in a schedule V controlled substance (IC 35-48-4-4);
 32 or
 33 (29) dealing in a controlled substance resulting in death
 34 (IC 35-42-1-1.5).
 35 (c) A serious violent felon who knowingly or intentionally possesses
 36 a firearm commits unlawful possession of a firearm by a serious violent
 37 felon, a Level 4 felony.
 38 SECTION 68. IC 35-48-1-16.5, AS AMENDED BY P.L.182-2019,
 39 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2020]: Sec. 16.5. "Enhancing circumstance" means one (1) or
 41 more of the following:
 42 (1) The person has a prior conviction ~~in any jurisdiction~~, for



- 1 dealing in a controlled substance that is not marijuana, hashish,
- 2 hash oil, or salvia divinorum. ~~including an attempt or conspiracy~~
- 3 ~~to commit the offense.~~
- 4 (2) The person committed the offense while in possession of a
- 5 firearm.
- 6 (3) The person committed the offense:
- 7 (A) on a school bus; or
- 8 (B) in, on, or within five hundred (500) feet of:
- 9 (i) school property while a person under eighteen (18) years
- 10 of age was reasonably expected to be present; or
- 11 (ii) a public park while a person under eighteen (18) years
- 12 of age was reasonably expected to be present.
- 13 (4) The person delivered or financed the delivery of the drug to a
- 14 person under eighteen (18) years of age at least three (3) years
- 15 junior to the person.
- 16 (5) The person manufactured or financed the manufacture of the
- 17 drug.
- 18 (6) The person committed the offense in the physical presence of
- 19 a child less than eighteen (18) years of age, knowing that the child
- 20 was present and might be able to see or hear the offense.
- 21 (7) The person committed the offense on the property of a:
- 22 (A) penal facility; or
- 23 (B) juvenile facility (as defined in IC 35-44.1-3-5).
- 24 (8) The person knowingly committed the offense in, on, or within
- 25 one hundred (100) feet of a facility. For purposes of this
- 26 subdivision, "facility" means a place that is:
- 27 (A) created and funded under IC 12-23-14 or IC 33-23-16;
- 28 (B) certified under IC 12-23-1-6; or
- 29 (C) used for the purpose of conducting a recovery or support
- 30 group meeting;
- 31 and at which a drug abuser (as defined in IC 12-7-2-73) may be
- 32 provided with treatment, care, or rehabilitation.
- 33 SECTION 69. IC 35-48-4-10.1, AS ADDED BY P.L.190-2019,
- 34 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 35 JULY 1, 2020]: Sec. 10.1. (a) A person who:
- 36 (1) knowingly or intentionally:
- 37 (A) manufactures;
- 38 (B) finances the manufacture of;
- 39 (C) delivers;
- 40 (D) finances the delivery of; or
- 41 (E) possesses;
- 42 smokable hemp; or



- 1 (2) possesses smokable hemp with intent to:
- 2 (A) manufacture;
- 3 (B) finance the manufacture of;
- 4 (C) deliver; or
- 5 (D) finance the delivery of;
- 6 smokable hemp;
- 7 commits dealing in smokable hemp, a Class A misdemeanor.
- 8 (b) Subsection (a)(1)(B), (a)(1)(D), (a)(2)(B), and (a)(2)(D) do not
- 9 apply to:
- 10 (1) a financial institution organized or reorganized under the laws
- 11 of Indiana, any other state, or the United States; or
- 12 (2) any agency or instrumentality of the state or the United States.
- 13 **(c) Subsection (a)(1)(C), (a)(1)(D), (a)(1)(E), (a)(2)(C), and**
- 14 **(a)(2)(D) do not apply to the shipment of smokable hemp from a**
- 15 **licensed producer in another state in continuous transit through**
- 16 **Indiana to a licensed handler in any state.**
- 17 SECTION 70. IC 35-48-4-12, AS AMENDED BY P.L.80-2019,
- 18 SECTION 31, AND AS AMENDED BY P.L.190-2019, SECTION 32,
- 19 AND AS AMENDED BY THE TECHNICAL CORRECTIONS BILL
- 20 OF THE 2020 GENERAL ASSEMBLY, IS CORRECTED AND
- 21 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]:
- 22 Sec. 12. If a person who has no prior conviction of an offense under
- 23 this article ~~or under a law of another jurisdiction~~ relating to controlled
- 24 substances pleads guilty to possession of marijuana, hashish, ~~or~~ salvia,
- 25 ~~or smokable hemp or a synthetic drug or a synthetic drug lookalike~~
- 26 ~~substance~~ as a misdemeanor, the court, without entering a judgment of
- 27 conviction and with the consent of the person, may defer further
- 28 proceedings and place the person in the custody of the court under
- 29 conditions determined by the court. Upon violation of a condition of
- 30 the custody, the court may enter a judgment of conviction. However, if
- 31 the person fulfills the conditions of the custody, the court shall dismiss
- 32 the charges against the person. There may be only one (1) dismissal
- 33 under this section with respect to a person.
- 34 SECTION 71. IC 35-50-1-2, AS AMENDED BY P.L.184-2019,
- 35 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 36 JULY 1, 2020]: Sec. 2. (a) As used in this section, "crime of violence"
- 37 means the following:
- 38 (1) Murder (IC 35-42-1-1).
- 39 (2) Attempted murder (IC 35-41-5-1).
- 40 (3) Voluntary manslaughter (IC 35-42-1-3).
- 41 (4) Involuntary manslaughter (IC 35-42-1-4).
- 42 (5) Reckless homicide (IC 35-42-1-5).



- 1 (6) Battery (IC 35-42-2-1) as a:
- 2 (A) Level 2 felony;
- 3 (B) Level 3 felony;
- 4 (C) Level 4 felony; or
- 5 (D) Level 5 felony.
- 6 **(7) Domestic battery (IC 35-42-2-1.3) as a:**
- 7 **(A) Level 2 felony;**
- 8 **(B) Level 3 felony;**
- 9 **(C) Level 4 felony; or**
- 10 **(D) Level 5 felony.**
- 11 ~~(7)~~ **(8)** Aggravated battery (IC 35-42-2-1.5).
- 12 ~~(8)~~ **(9)** Kidnapping (IC 35-42-3-2).
- 13 ~~(9)~~ **(10)** Rape (IC 35-42-4-1).
- 14 ~~(10)~~ **(11)** Criminal deviate conduct (IC 35-42-4-2) (before its
- 15 repeal).
- 16 ~~(11)~~ **(12)** Child molesting (IC 35-42-4-3).
- 17 ~~(12)~~ **(13)** Sexual misconduct with a minor as a Level 1 felony
- 18 under IC 35-42-4-9(a)(2) or a Level 2 felony under
- 19 IC 35-42-4-9(b)(2).
- 20 ~~(13)~~ **(14)** Robbery as a Level 2 felony or a Level 3 felony
- 21 (IC 35-42-5-1).
- 22 ~~(14)~~ **(15)** Burglary as a Level 1 felony, Level 2 felony, Level 3
- 23 felony, or Level 4 felony (IC 35-43-2-1).
- 24 ~~(15)~~ **(16)** Operating a vehicle while intoxicated causing death or
- 25 catastrophic injury (IC 9-30-5-5).
- 26 ~~(16)~~ **(17)** Operating a vehicle while intoxicated causing serious
- 27 bodily injury to another person (IC 9-30-5-4).
- 28 ~~(17)~~ **(18)** Child exploitation as a Level 5 felony under
- 29 IC 35-42-4-4(b) or a Level 4 felony under IC 35-42-4-4(c).
- 30 ~~(18)~~ **(19)** Resisting law enforcement as a felony (IC 35-44.1-3-1).
- 31 ~~(19)~~ **(20)** Unlawful possession of a firearm by a serious violent
- 32 felon (IC 35-47-4-5).
- 33 **(21) Strangulation (IC 35-42-2-9) as a Level 5 felony.**
- 34 (b) As used in this section, "episode of criminal conduct" means
- 35 offenses or a connected series of offenses that are closely related in
- 36 time, place, and circumstance.
- 37 (c) Except as provided in subsection (e) or (f) the court shall
- 38 determine whether terms of imprisonment shall be served concurrently
- 39 or consecutively. The court may consider the:
- 40 (1) aggravating circumstances in IC 35-38-1-7.1(a); and
- 41 (2) mitigating circumstances in IC 35-38-1-7.1(b);
- 42 in making a determination under this subsection. The court may order



1 terms of imprisonment to be served consecutively even if the sentences
 2 are not imposed at the same time. However, except for crimes of
 3 violence, the total of the consecutive terms of imprisonment, exclusive
 4 of terms of imprisonment under IC 35-50-2-8 and IC 35-50-2-10
 5 (before its repeal) to which the defendant is sentenced for felony
 6 convictions arising out of an episode of criminal conduct shall not
 7 exceed the period described in subsection (d).

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

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

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

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

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

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

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

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

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

34 (2) while the person is released:

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

36 (B) on bond;

37 the terms of imprisonment for the crimes shall be served consecutively,
 38 regardless of the order in which the crimes are tried and sentences are
 39 imposed.

40 (f) If the factfinder determines under IC 35-50-2-11 that a person
 41 used a firearm in the commission of the offense for which the person
 42 was convicted, the term of imprisonment for the underlying offense and



1 the additional term of imprisonment imposed under IC 35-50-2-11
2 must be served consecutively.

3 SECTION 72. IC 35-50-2-1, AS AMENDED BY P.L.20-2018,
4 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2020]: Sec. 1. (a) As used in this chapter, "Level 6 felony
6 conviction" means:

7 (1) a conviction in Indiana for:

8 (A) a Class D felony, for a crime committed before July 1,
9 2014; or

10 (B) a Level 6 felony, for a crime committed after June 30,
11 2014; and

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

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

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

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

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

28 (2) for a Class A felony, for a crime committed before July 1,
29 2014, twenty (20) years;

30 (3) for a Class B felony, for a crime committed before July 1,
31 2014, six (6) years;

32 (4) for a Class C felony, for a crime committed before July 1,
33 2014, two (2) years;

34 (5) for a Class D felony, for a crime committed before July 1,
35 2014, one-half (1/2) year;

36 (6) for a Level 1 felony, for a crime committed after June 30,
37 2014, twenty (20) years;

38 (7) for a Level 2 felony, for a crime committed after June 30,
39 2014, ten (10) years;

40 (8) for a Level 3 felony, for a crime committed after June 30,
41 2014, three (3) years;

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



1 2014, two (2) years;
 2 (10) for a Level 5 felony, for a crime committed after June 30,
 3 2014, one (1) year; and
 4 (11) for a Level 6 felony, for a crime committed after June 30,
 5 2014, one-half (1/2) year.
 6 SECTION 73. IC 35-50-2-2.2, AS AMENDED BY P.L.252-2017,
 7 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2020]: Sec. 2.2. (a) Except as provided in subsection (b), (c),
 9 (d), or (e), the court may suspend any part of a sentence for a felony.
 10 (b) Except as provided in subsection (d), if a person is convicted of
 11 a Level 2 felony or a Level 3 felony, except a Level 2 felony or a Level
 12 3 felony concerning a controlled substance under IC 35-48-4, and has
 13 any prior unrelated felony conviction, the court may suspend only that
 14 part of a sentence that is in excess of the minimum sentence for the:
 15 (1) Level 2 felony; or
 16 (2) Level 3 felony.
 17 (c) If:
 18 (1) a person has a prior unrelated felony conviction ~~in any~~
 19 ~~jurisdiction~~ for dealing in a controlled substance that is not
 20 marijuana, hashish, hash oil, ~~or~~ salvia divinorum; ~~or a synthetic~~
 21 ~~drug, including an attempt or conspiracy to commit the offense;~~
 22 and
 23 (2) the person is convicted of a Level 2 felony under
 24 IC 35-48-4-1.1 or IC 35-48-4-1.2;
 25 the court may suspend only that part of a sentence that is in excess of
 26 the minimum sentence for the Level 2 felony.
 27 (d) If a person:
 28 (1) is convicted of dealing in heroin as a Level 2 or Level 3 felony
 29 under IC 35-48-4-1 or IC 35-48-4-2; and
 30 (2) has a prior unrelated felony conviction;
 31 the court may suspend only that part of a sentence that is in excess of
 32 the minimum sentence for the Level 2 or Level 3 felony.
 33 (e) The court may suspend only that part of a sentence for murder
 34 or a Level 1 felony conviction that is in excess of the minimum
 35 sentence for murder or the Level 1 felony conviction.
 36 SECTION 74. IC 35-50-2-14, AS AMENDED BY P.L.125-2009,
 37 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2020]: Sec. 14. (a) As used in this section, "sex offense"
 39 means a felony conviction
 40 ~~(1)~~ under IC 35-42-4-1 through IC 35-42-4-9 or under
 41 IC 35-46-1-3.
 42 ~~(2)~~ for an attempt or conspiracy to commit an offense described



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

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

10 (c) After a person has been convicted and sentenced for a felony
 11 described in subsection (a)(1) or (a)(2)(a) after having been sentenced
 12 for a prior unrelated sex offense described in subsection (a), the person
 13 has accumulated one (1) prior unrelated felony sex offense conviction.
 14 However, a conviction does not count for purposes of this subsection,
 15 if:

- 16 (1) it has been set aside; or
- 17 (2) it is a conviction for which the person has been pardoned.

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

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

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

30 SECTION 75. IC 35-50-6-3.1, AS AMENDED BY P.L.44-2016,
 31 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2020]: Sec. 3.1. (a) This section applies to a person who
 33 commits an offense after June 30, 2014.

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

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

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



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

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

7 SECTION 76. IC 35-50-6-3.3, AS AMENDED BY P.L.13-2016,
8 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2020]: Sec. 3.3. (a) In addition to any educational credit a
10 person earns under subsection (b), or good time credit a person earns
11 under section 3 or 3.1 of this chapter, a person earns educational credit
12 if the person:

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

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

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

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

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

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

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

37 (A) A certificate of completion of a career and technical or
38 vocational education program approved by the department of
39 correction.

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

42 (C) A certificate of completion of a literacy and basic life



1 skills program approved by the department of correction.
 2 (D) A certificate of completion of a reformatory program
 3 approved by the department of correction.
 4 (c) The department of correction shall establish admissions criteria
 5 and other requirements for programs available for earning educational
 6 credit under subsection (b). A person may not earn educational credit
 7 under both subsections (a) and (b) for the same program of study. The
 8 department of correction, in consultation with the department of
 9 workforce development, shall approve a program only if the program
 10 is likely to lead to an employable occupation.
 11 (d) The amount of educational credit a person may earn under this
 12 section is the following:
 13 (1) Six (6) months for completion of a state of Indiana general
 14 educational development (GED) diploma under IC 20-20-6
 15 (before its repeal) or IC 22-4.1-18.
 16 (2) One (1) year for graduation from high school.
 17 (3) Not more than one (1) year for completion of an associate
 18 degree.
 19 (4) Not more than two (2) years for completion of a bachelor
 20 degree.
 21 (5) Not more than a total of one (1) year, as determined by the
 22 department of correction, for the completion of one (1) or more
 23 career and technical or vocational education programs approved
 24 by the department of correction.
 25 (6) Not more than a total of six (6) months, as determined by the
 26 department of correction, for the completion of one (1) or more
 27 substance abuse programs approved by the department of
 28 correction.
 29 (7) Not more than a total of six (6) months, as determined by the
 30 department of correction, for the completion of one (1) or more
 31 literacy and basic life skills programs approved by the department
 32 of correction.
 33 (8) Not more than a total of six (6) months, as determined by the
 34 department of correction, for completion of one (1) or more
 35 reformatory programs approved by the department of correction.
 36 However, a person who is serving a sentence for an offense listed
 37 under IC 11-8-8-4.5 may not earn educational credit under this
 38 subdivision.
 39 However, a person who does not have a substance abuse problem that
 40 qualifies the person to earn educational credit in a substance abuse
 41 program may earn not more than a total of twelve (12) months of
 42 educational credit, as determined by the department of correction, for



1 the completion of one (1) or more career and technical or vocational
 2 education programs approved by the department of correction. If a
 3 person earns more than six (6) months of educational credit for the
 4 completion of one (1) or more career and technical or vocational
 5 education programs, the person is ineligible to earn educational credit
 6 for the completion of one (1) or more substance abuse programs.

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

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

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

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

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

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

28 (2) the period of imprisonment imposed on the person by the
 29 sentencing court, if the person has been convicted of one (1) of
 30 the following crimes:

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

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

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

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

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

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

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

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

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

42 (ii) Level 1, Level 2, or Level 4 felony, for a crime



- 1 committed after June 30, 2014.
- 2 (I) Incest (IC 35-46-1-3).
- 3 (J) Sexual battery (IC 35-42-4-8).
- 4 (K) Kidnapping (IC 35-42-3-2), if the victim is less than
- 5 eighteen (18) years of age.
- 6 (L) Criminal confinement (IC 35-42-3-3), if the victim is less
- 7 than eighteen (18) years of age.
- 8 ~~(M) An attempt or a conspiracy to commit a crime listed in~~
- 9 ~~clauses (A) through (L).~~
- 10 (j) The maximum amount of educational credit a person may earn
- 11 under this section is the lesser of:
- 12 (1) two (2) years; or
- 13 (2) one-third (1/3) of the person's total applicable credit time.
- 14 (k) Educational credit earned under this section by an offender
- 15 serving a sentence for stalking (IC 35-45-10-5), a felony against a
- 16 person under IC 35-42, or for a crime listed in IC 11-8-8-5, shall be
- 17 reduced to the extent that application of the educational credit would
- 18 otherwise result in:
- 19 (1) postconviction release (as defined in IC 35-40-4-6); or
- 20 (2) assignment of the person to a community transition program;
- 21 in less than forty-five (45) days after the person earns the educational
- 22 credit.
- 23 (l) A person may earn educational credit for multiple degrees at the
- 24 same education level under subsection (d) only in accordance with
- 25 guidelines approved by the department of correction. The department
- 26 of correction may approve guidelines for proper sequence of education
- 27 degrees under subsection (d).
- 28 (m) A person may not earn educational credit:
- 29 (1) for a general educational development (GED) diploma if the
- 30 person has previously earned a high school diploma; or
- 31 (2) for a high school diploma if the person has previously earned
- 32 a general educational development (GED) diploma.
- 33 (n) A person may not earn educational credit under this section if
- 34 the person:
- 35 (1) commits an offense listed in IC 11-8-8-4.5 while the person is
- 36 required to register as a sex or violent offender under IC 11-8-8-7;
- 37 and
- 38 (2) is committed to the department of correction after being
- 39 convicted of the offense listed in IC 11-8-8-4.5.
- 40 (o) For a person to earn educational credit under subsection
- 41 (a)(3)(B) for successfully completing the requirements for a high
- 42 school diploma through correspondence courses, each correspondence



1 course must be approved by the department before the person begins
 2 the correspondence course. The department may approve a
 3 correspondence course only if the entity administering the course is
 4 recognized and accredited by the department of education in the state
 5 where the entity is located.

6 SECTION 77. IC 36-1-9.5-48 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 48. (a) An entity may
 8 revoke a certificate of qualification only if the entity determines that
 9 the contractor or subcontractor has done at least one (1) of the
 10 following:

11 (1) Fails to timely pay or satisfactorily settle any bills due for
 12 labor and material on former or existing contracts.

13 (2) Violates:

14 (A) a state or federal statute; or

15 (B) a rule or regulation of a state or federal department, board,
 16 bureau, agency, or commission.

17 (3) Defaults on a contract.

18 (4) Fails to enter into a contract with the entity.

19 (5) Falsifies any document required by the entity, the state board
 20 of accounts, or any other agency.

21 (6) Is convicted of a bidding crime. ~~in any jurisdiction.~~

22 (7) Enters a plea of guilty or nolo contendere to a bidding crime
 23 in any state.

24 (8) Does any of the following:

25 (A) Makes a public admission concerning a bidding crime in
 26 any state.

27 (B) Makes a presentation as an unindicted co-conspirator in a
 28 bidding crime in any state.

29 (C) Gives testimony that is protected by a grant of immunity
 30 in a trial for a bidding crime in any jurisdiction.

31 (9) Fails to perform any part of an existing or previous contract.

32 (10) Fails to submit in a timely manner information, documented
 33 explanations, or evidence required in the contract documents or
 34 proposal.

35 (11) Has been debarred by a federal agency.

36 (12) Failed to comply with any proposal requirements established
 37 by the entity concerning disadvantaged business enterprise goals
 38 or women business enterprise goals.

39 (b) An entity shall provide notification of a pending action for
 40 revocation in writing, setting forth the grounds for the proposed
 41 certificate revocation. The revocation becomes effective on the date
 42 determined by the entity.



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

3 SECTION 78. [EFFECTIVE JULY 1, 2020] (a) **The legislative**
4 **services agency shall prepare legislation for introduction in the**
5 **2021 regular session of the general assembly to make appropriate**
6 **amendments to the Indiana Code necessary to conform with this**
7 **act.**

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



COMMITTEE REPORT

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

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

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

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

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

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

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

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

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

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

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

Page 9, delete lines 29 through 42.

Delete pages 10 through 11.

Page 12, delete line 1.

Page 12, delete lines 14 through 42.

Delete pages 13 through 18.

Page 19, delete lines 1 through 26.

Page 31, delete lines 13 through 28.

Page 41, delete lines 30 through 42.

Delete pages 42 through 43.

Page 44, delete lines 1 through 12.

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

(A) the amount of the original bail; or

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

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



or the full amount of the bond in cash.

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

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

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

(A) the amount of the original bail; or

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

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

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

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

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

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

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

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

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

Page 108, delete lines 11 through 26.

Page 111, delete lines 13 through 42.

Delete page 112.

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

"SECTION 83. IC 35-47-2-18, AS AMENDED BY P.L.158-2013, SECTION 582, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 18. (a) No person shall:

~~(1) change, alter, remove, or obliterate the name of the maker, model, manufacturer's serial number, or other mark of~~



identification on any handgun; or
(2) possess any handgun on which the name of the maker, model,
manufacturer's serial number, or other mark of identification has
been changed, altered, removed, or obliterated;

except as provided by applicable United States statute:

- (1) remove, obliterate, or alter the importer or
manufacturer's serial number on any firearm; or
- (2) possess any firearm on which the importer or
manufacturer's serial number has been removed, obliterated,
or altered.

(b) A person who knowingly or intentionally violates this section
commits a Level 5 felony."

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

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

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

Page 118, delete lines 20 through 21.

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

Page 118, line 22, reset in roman "Unlawful possession of a firearm
by a serious violent felon".

Page 118, reset in roman line 23.

Page 118, line 24, delete "(20)" and insert "**(21)**".

Page 127, delete lines 36 through 42.

Page 128, delete lines 1 through 2.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 335 as introduced.)

YOUNG M, Chairperson

Committee Vote: Yeas 4, Nays 2.

SENATE MOTION

Madam President: I move that Senate Bill 335 be amended to read
as follows:

Page 76, delete lines 6 through 42.

Delete page 77.

SB 335—LS 6968/DI 106



Renumber all SECTIONS consecutively.

(Reference is to SB 335 as printed January 31, 2020.)

YOUNG M

SENATE MOTION

Madam President: I move that Senate Bill 335 be amended to read as follows:

Page 86, between lines 25 and 26, begin a new paragraph and insert:

"SECTION 71. IC 35-41-5-2, AS AMENDED BY P.L.158-2013, SECTION 409, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) A person conspires to commit a **felony an offense** when, with intent to commit the ~~felony~~, **offense**, the person agrees with another person to commit the ~~felony~~: **offense**. A conspiracy to commit a **felony an offense** is a **felony an offense** of the same level **(if the offense is a felony) or class (if the offense is a misdemeanor)** as the underlying ~~felony~~: **offense**. However, a conspiracy to commit murder is:

- (1) a Level 2 felony if the conspiracy does not result in the death of a person; and
- (2) a Level 1 felony if the conspiracy results in the death of another person.

(b) The state must allege and prove that either the person or the person with whom he or she agreed performed an overt act in furtherance of the agreement.

(c) It is no defense that the person with whom the accused person is alleged to have conspired:

- (1) has not been prosecuted;
- (2) has not been convicted;
- (3) has been acquitted;
- (4) has been convicted of a different crime;
- (5) cannot be prosecuted for any reason; or
- (6) lacked the capacity to commit the crime."

Renumber all SECTIONS consecutively.

(Reference is to SB 335 as printed January 31, 2020.)

MESSMER



SENATE MOTION

Madam President: I move that Senate Bill 335 be amended to read as follows:

Page 74, delete lines 21 through 42.

Delete page 75.

Page 76, delete lines 1 through 5.

Renumber all SECTIONS consecutively.

(Reference is to SB 335 as printed January 31, 2020.)

FREEMAN

