

Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1032

AN ACT to amend the Indiana Code concerning the general assembly.

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

SECTION 1. IC 2-3-4-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2024]: **Sec. 0.5. As used in this chapter, "legislative notary" refers to any of the following:**

- (1) **A member of the general assembly.**
- (2) **The principal clerk of the house of representatives.**
- (3) **The principal secretary of the senate.**

SECTION 2. IC 2-3-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 1. (a) Any member of the general assembly, the principal clerk of the house of representatives, or the secretary of the senate A legislative notary may do any of the following:**

- (1) Take acknowledgment to ~~deeds a deed~~ or **any other instruments instrument** in writing.
 - (2) Administer oaths, protest notes, and checks.
 - (3) Take the deposition of a witness.
 - (4) Take and certify ~~affidavits and depositions~~ **an affidavit or a deposition. and**
 - (5) Perform any other duty conferred upon a notary public by ~~the statutes of Indiana~~ **statutes.**
- (b) ~~Acknowledgments~~ **An acknowledgment to deeds a deed** or

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other instruments ~~instrument~~ taken by any such person shall entitle such deeds a legislative notary entitles the deed or other instruments ~~instrument~~ to be recorded the same as though acknowledged before a notary public.

SECTION 3. IC 2-3-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 2. (a) ~~No member of the general assembly shall be~~ **Except as provided in subsection (c), a legislative notary is not** authorized to perform any of the duties mentioned acts described in section 1 of this chapter until he shall have procured such ~~the individual procures a seal as that~~ will stamp upon paper a distinct impression, in words or letters, sufficiently indicating ~~his the individual's~~ official character as a legislative notary. ~~The individual to which may be added such add to the seal any other device as he may choose. All acts the individual chooses.~~

(b) **Except as provided in subsection (c), an act not attested by such a seal shall be described in subsection (a) is void.**

(c) **If a legislative notary is performing an act described in section 1(a)(2) of this chapter, the act does not need to be attested by a seal.**

SECTION 4. IC 2-3-4-3, AS AMENDED BY P.L.136-2018, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 3. (a) ~~It shall be the duty of every member of the general assembly~~ **When performing any of the acts as set forth described in section 1 of this chapter, a legislative notary must show the date that the legislative notary's power expires as provided in subsection (c) on the document at the time of signing any certificates of the legislative notary signs an acknowledgment, of a deed, mortgage or other instrument, or any a jurat, or any other official document. to append to such certificate the date of the member's election to the general assembly.**

(b) ~~The jurisdiction power of any such member a legislative notary to perform the duties mentioned acts described in this section shall be coextensive with the state of section 1 of this chapter extends throughout Indiana.~~

(c) **The power of a legislative notary expires as follows:**

(1) **If the individual is a member of the general assembly, the date the individual's current term of office expires.**

(2) **If the legislative notary is not a member of the general assembly, the date the term of the current general assembly expires.**

SECTION 5. IC 2-3-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 4. (a) ~~Any such member A~~



legislative notary performing any of the acts ~~or duties hereunder shall be described in section 1 of this chapter~~ is entitled to the same fees as those charged by ~~notaries a notary public. and where any~~

(b) If an act by a notary public would be a violation of the law, it shall likewise be the same act performed by a legislative notary is a violation of the law. ~~if committed by a member of said general assembly in the performance of any of the duties or acts authorized hereunder. All laws and parts of laws in conflict herewith are hereby repeated.~~

SECTION 6. IC 33-42-0.5-13, AS ADDED BY P.L.59-2018, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 13. "Electronic seal" means information that:

- (1) is specific to an individual notary public;
- (2) is attached to or associated with a notarized electronic record;
- and
- (3) contains:
 - (A) the words, "notary public";
 - (B) the words, "state of Indiana";
 - ~~(C) the word, "seal";~~
 - ~~(D)~~ (C) the notary public's name as it appears on the notary public's commission certificate;
 - ~~(E)~~ (D) the words, "commission number", followed by the commission number of the notary public; and
 - ~~(F)~~ (E) the words, "my commission expires", followed by the expiration date of the notary public's commission.

SECTION 7. IC 33-42-0.5-21, AS ADDED BY P.L.59-2018, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 21. **(a)** "Official seal" means either of the following:

- (1) A physical image that is affixed to or embossed upon a tangible record.
- (2) An electronic image that is attached to or associated with an electronic record.

(b) An "official seal" does not require the word "seal" to be contained within the physical or electronic image described in subsection (a).

SECTION 8. IC 33-42-10-2, AS ADDED BY P.L.128-2017, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 2. (a) The official seal of a notary public must include the following:

- (1) The words "notary public".
- (2) The words "state of Indiana".



~~(3)~~ The word "seal".

~~(4)~~ **(3)** The name of the notary public exactly as it appears on the notary public's commission certificate.

~~(5)~~ **(4)** The words "commission number" followed by the commission number of the notary public.

~~(6)~~ **(5)** The words "my commission expires" followed by the expiration date of the notary public's commission.

(b) The seal described in subsection (a) must be capable of being copied together with the record to which it is affixed, attached, or associated.

(c) The seal described in subsection (a) may include any other information chosen by the notary public to be included on the seal.



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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