

HOUSE BILL No. 1111

DIGEST OF INTRODUCED BILL

Citations Affected: IC 11-8-8; IC 11-10-11.5-11; IC 11-13-3-4; IC 20-24.2-4; IC 20-26-5-10; IC 20-28; IC 31-27-4-35; IC 31-34; IC 31-35-3-4; IC 33-24-6-3; IC 35-38-2; IC 35-42-4; IC 35-44.1-3-9; IC 35-50.

Synopsis: Age of consent. Adds the criminal offense of indiscretion, which is committed when a person who is at least 23 years of age engages in sexual intercourse or other sexual conduct, fondling, or touching with a child who is at least 16 years of age but less than 18 years of age. Provides that a teacher's license may be revoked or contract canceled for conviction of indiscretion. Adds indiscretion to the list of sex offenses. Makes conforming amendments.

Effective: July 1, 2018; January 1, 2019.

Macer

January 4, 2018, read first time and referred to Committee on Courts and Criminal Code.



Second Regular Session of the 120th General Assembly (2018)

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 2017 Regular Session of the General Assembly.

HOUSE BILL No. 1111

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 11-8-8-4.5, AS AMENDED BY P.L.13-2016,
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2018]: Sec. 4.5. (a) Except as provided in section 22 of this
4 chapter, as used in this chapter, "sex offender" means a person
5 convicted of any of the following offenses:
6 (1) Rape (IC 35-42-4-1).
7 (2) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
8 (3) Child molesting (IC 35-42-4-3).
9 (4) Child exploitation (IC 35-42-4-4(b) or IC 35-42-4-4(c)).
10 (5) Vicarious sexual gratification (including performing sexual
11 conduct in the presence of a minor) (IC 35-42-4-5).
12 (6) Child solicitation (IC 35-42-4-6).
13 (7) Child seduction (IC 35-42-4-7).
14 (8) Sexual misconduct with a minor (IC 35-42-4-9) as a Class A,
15 Class B, or Class C felony (for a crime committed before July 1,
16 2014) or a Level 1, Level 2, Level 4, or Level 5 felony (for a
17 crime committed after June 30, 2014), unless:



- 1 (A) the person is convicted of sexual misconduct with a minor
 2 as a Class C felony (for a crime committed before July 1,
 3 2014) or a Level 5 felony (for a crime committed after June
 4 30, 2014);
 5 (B) the person is not more than:
 6 (i) four (4) years older than the victim if the offense was
 7 committed after June 30, 2007; or
 8 (ii) five (5) years older than the victim if the offense was
 9 committed before July 1, 2007; and
 10 (C) the sentencing court finds that the person should not be
 11 required to register as a sex offender.
 12 (9) Incest (IC 35-46-1-3).
 13 (10) Sexual battery (IC 35-42-4-8).
 14 (11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen
 15 (18) years of age, and the person who kidnapped the victim is not
 16 the victim's parent or guardian.
 17 (12) Criminal confinement (IC 35-42-3-3), if the victim is less
 18 than eighteen (18) years of age, and the person who confined or
 19 removed the victim is not the victim's parent or guardian.
 20 (13) Possession of child pornography (IC 35-42-4-4(d) or
 21 IC 35-42-4-4(e)).
 22 (14) Promoting prostitution (IC 35-45-4-4) as a Class B felony
 23 (for a crime committed before July 1, 2014) or a Level 4 felony
 24 (for a crime committed after June 30, 2014).
 25 (15) Promotion of human trafficking under IC 35-42-3.5-1(a)(2).
 26 (16) Promotion of human trafficking of a minor under
 27 IC 35-42-3.5-1(b)(1)(B) or IC 35-42-3.5-1(b)(2).
 28 (17) Sexual trafficking of a minor (IC 35-42-3.5-1(c)).
 29 (18) Human trafficking under IC 35-42-3.5-1(d)(3) if the victim
 30 is less than eighteen (18) years of age.
 31 (19) Sexual misconduct by a service provider with a detained or
 32 supervised child (IC 35-44.1-3-10(c)).
 33 **(20) Indiscretion (IC 35-42-4-9.5).**
 34 ~~(20)~~ **(21)** An attempt or conspiracy to commit a crime listed in
 35 this subsection.
 36 ~~(21)~~ **(22)** A crime under the laws of another jurisdiction,
 37 including a military court, that is substantially equivalent to any
 38 of the offenses listed in this subsection.
 39 (b) The term includes:
 40 (1) a person who is required to register as a sex offender in any
 41 jurisdiction; and
 42 (2) a child who has committed a delinquent act and who:



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

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

15 SECTION 2. IC 11-8-8-5, AS AMENDED BY P.L.13-2016,
 16 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2018]: Sec. 5. (a) Except as provided in section 22 of this
 18 chapter, as used in this chapter, "sex or violent offender" means a
 19 person convicted of any of the following offenses:

- 20 (1) Rape (IC 35-42-4-1).
 21 (2) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
 22 (3) Child molesting (IC 35-42-4-3).
 23 (4) Child exploitation (IC 35-42-4-4(b) or IC 35-42-4-4(c)).
 24 (5) Vicarious sexual gratification (including performing sexual
 25 conduct in the presence of a minor) (IC 35-42-4-5).
 26 (6) Child solicitation (IC 35-42-4-6).
 27 (7) Child seduction (IC 35-42-4-7).
 28 (8) Sexual misconduct with a minor (IC 35-42-4-9) as a Class A,
 29 Class B, or Class C felony (for a crime committed before July 1,
 30 2014) or a Level 1, Level 2, Level 4, or Level 5 felony (for a
 31 crime committed after June 30, 2014), unless:
 32 (A) the person is convicted of sexual misconduct with a minor
 33 as a Class C felony (for a crime committed before July 1,
 34 2014) or a Level 5 felony (for a crime committed after June
 35 30, 2014);
 36 (B) the person is not more than:
 37 (i) four (4) years older than the victim if the offense was
 38 committed after June 30, 2007; or
 39 (ii) five (5) years older than the victim if the offense was
 40 committed before July 1, 2007; and
 41 (C) the sentencing court finds that the person should not be
 42 required to register as a sex offender.



- 1 (9) Incest (IC 35-46-1-3).
 2 (10) Sexual battery (IC 35-42-4-8).
 3 (11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen
 4 (18) years of age, and the person who kidnapped the victim is not
 5 the victim's parent or guardian.
 6 (12) Criminal confinement (IC 35-42-3-3), if the victim is less
 7 than eighteen (18) years of age, and the person who confined or
 8 removed the victim is not the victim's parent or guardian.
 9 (13) Possession of child pornography (IC 35-42-4-4(d) or
 10 IC 35-42-4-4(e)).
 11 (14) Promoting prostitution (IC 35-45-4-4) as a Class B felony
 12 (for a crime committed before July 1, 2014) or a Level 4 felony
 13 (for a crime committed after June 30, 2014).
 14 (15) Promotion of human trafficking under IC 35-42-3.5-1(a)(2).
 15 (16) Promotion of human trafficking of a minor under
 16 IC 35-42-3.5-1(b)(1)(B) or IC 35-42-3.5-1(b)(2).
 17 (17) Sexual trafficking of a minor (IC 35-42-3.5-1(c)).
 18 (18) Human trafficking under IC 35-42-3.5-1(d)(3) if the victim
 19 is less than eighteen (18) years of age.
 20 (19) Murder (IC 35-42-1-1).
 21 (20) Voluntary manslaughter (IC 35-42-1-3).
 22 (21) Sexual misconduct by a service provider with a detained or
 23 supervised child (IC 35-44.1-3-10(c)).
 24 **(22) Indiscretion (IC 35-42-4-9.5).**
 25 ~~(22)~~ **(23)** An attempt or conspiracy to commit a crime listed in
 26 this subsection.
 27 ~~(23)~~ **(24)** A crime under the laws of another jurisdiction,
 28 including a military court, that is substantially equivalent to any
 29 of the offenses listed in this subsection.
 30 (b) The term includes:
 31 (1) a person who is required to register as a sex or violent
 32 offender in any jurisdiction; and
 33 (2) a child who has committed a delinquent act and who:
 34 (A) is at least fourteen (14) years of age;
 35 (B) is on probation, is on parole, is discharged from a facility
 36 by the department of correction, is discharged from a secure
 37 private facility (as defined in IC 31-9-2-115), or is discharged
 38 from a juvenile detention facility as a result of an adjudication
 39 as a delinquent child for an act that would be an offense
 40 described in subsection (a) if committed by an adult; and
 41 (C) is found by a court by clear and convincing evidence to be
 42 likely to repeat an act that would be an offense described in



1 subsection (a) if committed by an adult.

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

6 SECTION 3. IC 11-10-11.5-11, AS AMENDED BY P.L.209-2015,
7 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2018]: Sec. 11. (a) While assigned to a community transition
9 program, a person must comply with:

10 (1) the rules concerning the conduct of persons in the community
11 transition program, including rules related to payments described
12 in section 12 of this chapter, that are adopted by the community
13 corrections advisory board establishing the program or, in
14 counties that are not served by a community corrections program,
15 that are jointly adopted by the courts in the county with felony
16 jurisdiction; and

17 (2) any conditions established by the sentencing court for the
18 person.

19 (b) As a rule of the community transition program, a person
20 convicted of a sex offense (as defined in IC 11-8-8-5.2) may not use a
21 social networking web site (as defined in IC 35-31.5-2-307) or an
22 instant messaging or chat room program (as defined in
23 IC 35-31.5-2-173) to communicate, directly or through an intermediary,
24 with a child less than ~~sixteen (16)~~ **eighteen (18)** years of age. However,
25 the rules of the community transition program may permit the offender
26 to communicate using a social networking web site or an instant
27 messaging or chat room program with:

28 (1) the offender's own child, stepchild, or sibling; or

29 (2) another relative of the offender specifically named in the rules
30 applicable to that person.

31 (c) As a rule of the community transition program, an individual
32 may be required to receive:

33 (1) addiction counseling;

34 (2) inpatient detoxification;

35 (3) case management;

36 (4) daily living skills; and

37 (5) medication assisted treatment, including a federal Food and
38 Drug Administration approved long acting, nonaddictive
39 medication for the treatment of opioid or alcohol dependence.

40 SECTION 4. IC 11-13-3-4, AS AMENDED BY P.L.95-2017,
41 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JULY 1, 2018]: Sec. 4. (a) A condition to remaining on parole is that



1 the parolee not commit a crime during the period of parole.

2 (b) The parole board may also adopt, under IC 4-22-2, additional
3 conditions to remaining on parole and require a parolee to satisfy one
4 (1) or more of these conditions. These conditions must be reasonably
5 related to the parolee's successful reintegration into the community and
6 not unduly restrictive of a fundamental right.

7 (c) If a person is released on parole, the parolee shall be given a
8 written statement of the conditions of parole. Signed copies of this
9 statement shall be:

10 (1) retained by the parolee;

11 (2) forwarded to any person charged with the parolee's
12 supervision; and

13 (3) placed in the parolee's master file.

14 (d) The parole board may modify parole conditions if the parolee
15 receives notice of that action and had ten (10) days after receipt of the
16 notice to express the parolee's views on the proposed modification.
17 This subsection does not apply to modification of parole conditions
18 after a revocation proceeding under section 10 of this chapter.

19 (e) As a condition of parole, the parole board may require the
20 parolee to reside in a particular parole area. In determining a parolee's
21 residence requirement, the parole board shall:

22 (1) consider:

23 (A) the residence of the parolee prior to the parolee's
24 incarceration; and

25 (B) the parolee's place of employment; and

26 (2) assign the parolee to reside in the county where the parolee
27 resided prior to the parolee's incarceration unless assignment on
28 this basis would be detrimental to the parolee's successful
29 reintegration into the community.

30 (f) As a condition of parole, the parole board may require the
31 parolee to:

32 (1) periodically undergo a laboratory chemical test (as defined in
33 IC 9-13-2-22) or series of tests to detect and confirm the presence
34 of a controlled substance (as defined in IC 35-48-1-9); and

35 (2) have the results of any test under this subsection reported to
36 the parole board by the laboratory.

37 The parolee is responsible for any charges resulting from a test
38 required under this subsection. However, a person's parole may not be
39 revoked on the basis of the person's inability to pay for a test under this
40 subsection.

41 (g) As a condition of parole, the parole board:

42 (1) may require a parolee who is a sex offender (as defined in



- 1 IC 11-8-8-4.5) to:
- 2 (A) participate in a treatment program for sex offenders
- 3 approved by the parole board; and
- 4 (B) avoid contact with any person who is less than ~~sixteen (16)~~
- 5 **eighteen (18)** years of age unless the parolee:
- 6 (i) receives the parole board's approval; or
- 7 (ii) successfully completes the treatment program referred to
- 8 in clause (A); and
- 9 (2) shall:
- 10 (A) require a parolee who is a sex or violent offender (as
- 11 defined in IC 11-8-8-5) to register with a local law
- 12 enforcement authority under IC 11-8-8;
- 13 (B) prohibit a parolee who is a sex offender from residing
- 14 within one thousand (1,000) feet of school property (as defined
- 15 in IC 35-31.5-2-285) for the period of parole, unless the sex
- 16 offender obtains written approval from the parole board;
- 17 (C) prohibit a parolee who is a sex offender convicted of a sex
- 18 offense (as defined in IC 35-38-2-2.5) from residing within
- 19 one (1) mile of the victim of the sex offender's sex offense
- 20 unless the sex offender obtains a waiver under IC 35-38-2-2.5;
- 21 (D) prohibit a parolee who is a sex offender from owning,
- 22 operating, managing, being employed by, or volunteering at
- 23 any attraction designed to be primarily enjoyed by children
- 24 less than ~~sixteen (16)~~ **eighteen (18)** years of age;
- 25 (E) require a parolee who is a sex offender to consent:
- 26 (i) to the search of the sex offender's personal computer at
- 27 any time; and
- 28 (ii) to the installation on the sex offender's personal
- 29 computer or device with Internet capability, at the sex
- 30 offender's expense, of one (1) or more hardware or software
- 31 systems to monitor Internet usage; and
- 32 (F) prohibit the sex offender from:
- 33 (i) accessing or using certain web sites, chat rooms, or
- 34 instant messaging programs frequented by children; and
- 35 (ii) deleting, erasing, or tampering with information on the
- 36 sex offender's personal computer with intent to conceal an
- 37 activity prohibited by item (i).
- 38 The parole board may not grant a sexually violent predator (as defined
- 39 in IC 35-38-1-7.5) or a sex offender who is an offender against children
- 40 under IC 35-42-4-11 a waiver under subdivision (2)(B) or (2)(C). If the
- 41 parole board allows the sex offender to reside within one thousand
- 42 (1,000) feet of school property under subdivision (2)(B), the parole



1 board shall notify each school within one thousand (1,000) feet of the
2 sex offender's residence of the order.

3 (h) The address of the victim of a parolee who is a sex offender
4 convicted of a sex offense (as defined in IC 35-38-2-2.5) is
5 confidential, even if the sex offender obtains a waiver under
6 IC 35-38-2-2.5.

7 (i) As a condition of parole, the parole board may require a parolee
8 to participate in a reentry court program.

9 (j) As a condition of parole, the parole board shall require a parolee
10 who is a sexually violent predator under IC 35-38-1-7.5 or who is a sex
11 or violent offender (as defined in IC 11-8-8-5) to wear a monitoring
12 device (as described in IC 35-38-2.5-3) that can transmit information
13 twenty-four (24) hours each day regarding a person's precise location,
14 subject to a validated sex offender risk assessment, and subject to the
15 amount appropriated to the department for a monitoring program as a
16 condition of parole.

17 (k) As a condition of parole, the parole board may prohibit, in
18 accordance with IC 35-38-2-2.6, a parolee who has been convicted of
19 stalking from residing within one thousand (1,000) feet of the residence
20 of the victim of the stalking for a period that does not exceed five (5)
21 years.

22 (l) As a condition of parole, the parole board may prohibit a parolee
23 convicted of an offense under IC 35-46-3 from owning, harboring, or
24 training an animal, and, if the parole board prohibits a parolee
25 convicted of an offense under IC 35-46-3 from having direct or indirect
26 contact with an individual, the parole board may also prohibit the
27 parolee from having direct or indirect contact with any animal
28 belonging to the individual.

29 (m) As a condition of parole, the parole board may require a parolee
30 to receive:

- 31 (1) addiction counseling;
32 (2) inpatient detoxification;
33 (3) case management;
34 (4) daily living skills; and
35 (5) medication assisted treatment, including a federal Food and
36 Drug Administration approved long acting, nonaddictive
37 medication for the treatment of opioid or alcohol dependence.

38 (n) A parolee may be responsible for the reasonable expenses, as
39 determined by the department, of the parolee's participation in a
40 treatment or other program required as a condition of parole under this
41 section. However, a person's parole may not be revoked solely on the
42 basis of the person's inability to pay for a program required as a



1 condition of parole under this section.

2 (o) When an offender is placed on lifetime parole, the parole board
3 shall inform the sheriff and the prosecuting attorney of the county in
4 which the offender committed the offense:

5 (1) that the offender has been placed on lifetime parole; and

6 (2) whether the offender is required to wear a monitoring device
7 as described in subsection (j).

8 SECTION 5. IC 20-24.2-4-3, AS AMENDED BY P.L.242-2017,
9 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2018]: Sec. 3. (a) Except as specifically provided in this
11 article and section 4 of this chapter, the following provisions of this
12 title and a rule or guideline adopted by the state board under one (1) of
13 the following provisions of this title do not apply to a qualified district
14 or qualified high school:

15 (1) Provisions that do not apply to school corporations in general.

16 (2) IC 20-20 (programs administered by the state), except for
17 IC 20-20-1 (educational service centers) and IC 20-20-8 (school
18 corporation annual performance report).

19 (3) IC 20-28 (school teachers), except for IC 20-28-3-4 (teacher
20 continuing education), IC 20-28-4-8 (hiring of transition to
21 teaching participants; restrictions), IC 20-28-4-11 (transition to
22 teaching participants; school corporation or subject area;
23 transition to teaching permit), IC 20-28-5-8 (conviction of certain
24 **felonies; felony or misdemeanor offenses**; notice and hearing;
25 permanent revocation of license; data base of school employees
26 who have been reported), IC 20-28-6 (teacher contracts),
27 IC 20-28-7.5 (cancellation of teacher contracts), IC 20-28-8
28 (contracts with school administrators), IC 20-28-9 (teacher salary
29 and related payments), IC 20-28-10 (conditions of employment),
30 and IC 20-28-11.5 (staff performance evaluations).

31 (4) IC 20-30 (curriculum), except for IC 20-30-3-2 and
32 IC 20-30-3-4 (patriotic commemorative observances),
33 IC 20-30-5-13 (human sexuality instructional requirements), and
34 IC 20-30-5-19 (personal financial responsibility instruction).

35 (5) IC 20-32 (student standards, assessments, and performance),
36 except for IC 20-32-4 (graduation requirements), IC 20-32-5
37 (Indiana statewide testing for educational progress for a school
38 year ending before July 1, 2018), IC 20-32-5.1 (statewide
39 assessment program for a school year beginning after June 30,
40 2018), and IC 20-32-8 (remediation).

41 (6) IC 20-37 (career and technical education).

42 (b) Notwithstanding any other law, a school corporation may not



1 receive a decrease in state funding based upon the school corporation's
 2 status as a qualified district or the status of a high school within the
 3 school corporation as a qualified high school, or because of the
 4 implementation of a waiver of a statute or rule that is allowed to be
 5 waived by a qualified district or qualified high school.

6 SECTION 6. IC 20-24.2-4-4, AS AMENDED BY P.L.242-2017,
 7 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2018]: Sec. 4. The following provisions of this title and rules
 9 and guidelines adopted under the following provisions of this title
 10 apply to a qualified district or qualified high school:

11 IC 20-20-1 (educational service centers).

12 IC 20-20-8 (school corporation annual performance report).

13 IC 20-23 (organization of school corporations).

14 IC 20-26 (school corporation general administrative provisions).

15 IC 20-27 (school transportation).

16 IC 20-28-3-4 (teacher continuing education).

17 IC 20-28-4-8 (hiring of transition to teaching participants;
 18 restrictions).

19 IC 20-28-4-11 (transition to teaching participants; school
 20 corporation or subject area; transition to teaching permit).

21 IC 20-28-5-8 (conviction of certain ~~felonies~~; **felony or**
 22 **misdemeanor offenses**; notice and hearing; permanent
 23 revocation of license; data base of school employees who have
 24 been reported).

25 IC 20-28-6 (teacher contracts).

26 IC 20-28-7.5 (cancellation of teacher contracts).

27 IC 20-28-8 (contracts with school administrators).

28 IC 20-28-9 (teacher salary and related payments).

29 IC 20-28-10 (conditions of employment).

30 IC 20-28-11.5 (staff performance evaluations).

31 IC 20-29 (collective bargaining for teachers).

32 IC 20-30-3-2 and IC 20-30-3-4 (patriotic commemorative
 33 observances).

34 IC 20-30-5-13 (human sexuality instructional requirements).

35 IC 20-30-5-19 (personal financial responsibility instruction).

36 IC 20-31 (accountability for school performance and
 37 improvement).

38 IC 20-32-4, IC 20-32-5 (for a school year beginning before July
 39 1, 2018), IC 20-32-5.1 (for a school year ending after June 30,
 40 2018), and IC 20-32-8 (accreditation, assessment, and
 41 remediation), or any other statute, rule, or guideline related to
 42 standardized assessments.



- 1 IC 20-33 (students: general provisions).
 2 IC 20-34-3 (health and safety measures).
 3 IC 20-35 (special education).
 4 IC 20-36 (high ability students).
 5 IC 20-39 (accounting and financial reporting procedures).
 6 IC 20-40 (government funds and accounts).
 7 IC 20-41 (extracurricular funds and accounts).
 8 IC 20-42.5 (allocation of expenditures to student instruction).
 9 IC 20-43 (state tuition support).
 10 IC 20-44 (property tax levies).
 11 IC 20-45 (general fund levies).
 12 IC 20-46 (levies other than general fund levies).
 13 IC 20-47 (related entities; holding companies; lease agreements).
 14 IC 20-48 (borrowing and bonds).
 15 IC 20-49 (state management of common school funds; state
 16 advances and loans).
 17 IC 20-50 (homeless children and foster care children).
 18 SECTION 7. IC 20-24.2-4-4, AS AMENDED BY P.L.242-2017,
 19 SECTION 13, AND AS AMENDED BY P.L.244-2017, SECTION 31,
 20 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 21 [EFFECTIVE JANUARY 1, 2019]: Sec. 4. The following provisions
 22 of this title and rules and guidelines adopted under the following
 23 provisions of this title apply to a qualified district or qualified high
 24 school:
 25 IC 20-20-1 (educational service centers).
 26 IC 20-20-8 (school corporation annual performance report).
 27 IC 20-23 (organization of school corporations).
 28 IC 20-26 (school corporation general administrative provisions).
 29 IC 20-27 (school transportation).
 30 IC 20-28-3-4 (teacher continuing education).
 31 IC 20-28-4-8 (hiring of transition to teaching participants;
 32 restrictions).
 33 IC 20-28-4-11 (transition to teaching participants; school
 34 corporation or subject area; transition to teaching permit).
 35 IC 20-28-5-8 (conviction of certain ~~felonies~~; **felony or**
 36 **misdemeanor offenses**; notice and hearing; permanent
 37 revocation of license; data base of school employees who have
 38 been reported).
 39 IC 20-28-6 (teacher contracts).
 40 IC 20-28-7.5 (cancellation of teacher contracts).
 41 IC 20-28-8 (contracts with school administrators).
 42 IC 20-28-9 (teacher salary and related payments).



- 1 IC 20-28-10 (conditions of employment).
 2 IC 20-28-11.5 (staff performance evaluations).
 3 IC 20-29 (collective bargaining for teachers).
 4 IC 20-30-3-2 and IC 20-30-3-4 (patriotic commemorative
 5 observances).
 6 IC 20-30-5-13 (human sexuality instructional requirements).
 7 IC 20-30-5-19 (personal financial responsibility instruction).
 8 IC 20-31 (accountability for school performance and
 9 improvement).
 10 IC 20-32-4, IC 20-32-5 (*for a school year beginning before July*
 11 *1, 2018*), IC 20-32-5.1 (*for a school year ending after June 30,*
 12 *2018*), and IC 20-32-8 (accreditation, assessment, and
 13 remediation), or any other statute, rule, or guideline related to
 14 standardized assessments.
 15 IC 20-33 (students: general provisions).
 16 IC 20-34-3 (health and safety measures).
 17 IC 20-35 (special education).
 18 IC 20-36 (high ability students).
 19 IC 20-39 (accounting and financial reporting procedures).
 20 IC 20-40 (government funds and accounts).
 21 IC 20-41 (extracurricular funds and accounts).
 22 IC 20-42.5 (allocation of expenditures to student instruction *and*
 23 *learning*).
 24 IC 20-43 (state tuition support).
 25 IC 20-44 (property tax levies).
 26 ~~IC 20-45 (general fund levies).~~
 27 IC 20-46 (levies other than general fund levies).
 28 IC 20-47 (related entities; holding companies; lease agreements).
 29 IC 20-48 (borrowing and bonds).
 30 IC 20-49 (state management of common school funds; state
 31 advances and loans).
 32 IC 20-50 (homeless children and foster care children).
 33 SECTION 8. IC 20-26-5-10, AS AMENDED BY P.L.185-2017,
 34 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2018]: Sec. 10. (a) This section applies to a:
 36 (1) school corporation;
 37 (2) charter school; or
 38 (3) nonpublic school that employs one (1) or more employees.
 39 (b) A school corporation, a charter school, and a nonpublic school
 40 shall adopt a policy concerning criminal history information for
 41 individuals who:
 42 (1) apply for:



- 1 (A) employment with the school corporation, charter school,
 2 or nonpublic school; or
 3 (B) employment with an entity with which the school
 4 corporation, charter school, or nonpublic school contracts for
 5 services;
 6 (2) seek to enter into a contract to provide services to the school
 7 corporation, charter school, or nonpublic school; or
 8 (3) are employed by an entity that seeks to enter into a contract to
 9 provide services to the school corporation, charter school, or
 10 nonpublic school;
 11 if the individuals are likely to have direct, ongoing contact with
 12 children within the scope of the individuals' employment.
 13 (c) Except as provided in subsections (f) and (g), a school
 14 corporation, a charter school, and a nonpublic school shall administer
 15 a policy adopted under this section uniformly for all individuals to
 16 whom the policy applies.
 17 (d) A policy adopted under this section must require that the school
 18 corporation, charter school, or nonpublic school conduct an expanded
 19 criminal history check concerning each applicant for employment who
 20 is likely to have direct, ongoing contact with children within the scope
 21 of the individual's employment before or not later than thirty (30) days
 22 after the start date of the applicant's employment by the school
 23 corporation, charter school, or nonpublic school.
 24 (e) A policy adopted under this section must require that the school
 25 corporation, charter school, or nonpublic school conduct an expanded
 26 child protection index check concerning each applicant for employment
 27 who is likely to have direct, ongoing contact with children within the
 28 scope of the individual's employment before or not later than sixty (60)
 29 days after the start date of the applicant's employment by the school
 30 corporation, charter school, or nonpublic school. An expanded child
 31 protection index check made under this section must include inquiries
 32 to each state in which information necessary to complete the expanded
 33 child protection index check is available.
 34 (f) A policy adopted under this section must state that the school
 35 corporation, charter school, or nonpublic school requires an expanded
 36 criminal history check concerning an employee of the school
 37 corporation, charter school, or nonpublic school. The checks must be
 38 conducted every five (5) years. A school corporation, charter school,
 39 or nonpublic school may adopt a policy to require an employee to
 40 obtain an expanded child protection index check every five (5) years.
 41 (g) In implementing subsection (f), and subject to subsection (j), a
 42 school corporation, charter school, or nonpublic school may update the



1 checks required under subsection (f) for employees who are employed
2 by the school corporation, charter school, or nonpublic school as of
3 July 1, 2017, over a period not to exceed five (5) years by annually
4 conducting updated expanded criminal history checks and expanded
5 child protection index checks for at least one-fifth (1/5) of the number
6 of employees who are employed by the school corporation, charter
7 school, or nonpublic school on July 1, 2017.

8 (h) An applicant or employee may be required to provide a written
9 consent for the school corporation, charter school, or nonpublic school
10 to request an expanded criminal history check and an expanded child
11 protection index check concerning the individual before the
12 individual's employment by the school corporation, charter school, or
13 nonpublic school. The school corporation, charter school, or nonpublic
14 school may require the individual to provide a set of fingerprints and
15 pay any fees required for the expanded criminal history check and
16 expanded child protection index check. Each applicant for employment
17 or employee described in subsection (f) may be required:

18 (1) at the time the individual applies or updates an expanded
19 criminal history check under subsection (f); or

20 (2) while an expanded criminal history check or expanded child
21 protection index check is being conducted;

22 to answer questions concerning the individual's expanded criminal
23 history check and expanded child protection index check. The failure
24 to answer honestly questions asked under this subsection is grounds for
25 termination of the employee's employment.

26 (i) An applicant is responsible for all costs associated with obtaining
27 the expanded criminal history check and expanded child protection
28 index check unless the school corporation, charter school, or nonpublic
29 school agrees to pay the costs. A school corporation, charter school, or
30 nonpublic school may agree to pay the costs associated with obtaining
31 an expanded criminal history background check for an employee. An
32 employee of a school corporation, charter school, or nonpublic school
33 may not be required to pay the costs of an expanded child protection
34 index check.

35 (j) An applicant or employee may not be required by a school
36 corporation, charter school, or nonpublic school to obtain an expanded
37 criminal history check more than one (1) time during a five (5) year
38 period. However, a school corporation, charter school, or nonpublic
39 school may obtain an expanded criminal history check or an expanded
40 child protection index check at any time if the school corporation,
41 charter school, or nonpublic school has reason to believe that the
42 applicant or employee:



1 (1) is the subject of a substantiated report of child abuse or
2 neglect; or

3 (2) has been charged with or convicted of a crime listed in section
4 11(b) of this chapter.

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

12 (l) Information obtained under this section must be used in
13 accordance with law.

14 SECTION 9. IC 20-28-5-8, AS AMENDED BY P.L.252-2017,
15 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2018]: Sec. 8. (a) This section applies when a prosecuting
17 attorney knows that a licensed employee of a public school or a
18 nonpublic school has been convicted of an offense listed in subsection
19 (c) **or described in subsection (d)**. The prosecuting attorney shall
20 immediately give written notice of the conviction to the following:

21 (1) The state superintendent.

22 (2) Except as provided in subdivision (3), the superintendent of
23 the school corporation that employs the licensed employee or the
24 equivalent authority if a nonpublic school employs the licensed
25 employee.

26 (3) The presiding officer of the governing body of the school
27 corporation that employs the licensed employee, if the convicted
28 licensed employee is the superintendent of the school corporation.

29 (b) The superintendent of a school corporation, presiding officer of
30 the governing body, or equivalent authority for a nonpublic school shall
31 immediately notify the state superintendent when the individual knows
32 that a current or former licensed employee of the public school or
33 nonpublic school has been convicted of an offense listed in subsection
34 (c) **or described in subsection (d)**, or when the governing body or
35 equivalent authority for a nonpublic school takes any final action in
36 relation to an employee who engaged in any offense listed in subsection
37 (c) **or described in subsection (d)**.

38 (c) Except as provided in section 8.5 of this chapter, the department
39 shall permanently revoke the license of a person who is known by the
40 department to have been convicted of any of the following felonies:

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

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



- 1 (3) Rape (IC 35-42-4-1).
- 2 (4) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
- 3 (5) Child molesting (IC 35-42-4-3).
- 4 (6) Child exploitation (IC 35-42-4-4(b) or IC 35-42-4-4(c)).
- 5 (7) Vicarious sexual gratification (IC 35-42-4-5).
- 6 (8) Child solicitation (IC 35-42-4-6).
- 7 (9) Child seduction (IC 35-42-4-7).
- 8 (10) Sexual misconduct with a minor (IC 35-42-4-9).
- 9 (11) Incest (IC 35-46-1-3).
- 10 (12) Dealing in or manufacturing cocaine or a narcotic drug
- 11 (IC 35-48-4-1).
- 12 (13) Dealing in methamphetamine (IC 35-48-4-1.1).
- 13 (14) Manufacturing methamphetamine (IC 35-48-4-1.2).
- 14 (15) Dealing in a schedule I, II, or III controlled substance
- 15 (IC 35-48-4-2).
- 16 (16) Dealing in a schedule IV controlled substance
- 17 (IC 35-48-4-3).
- 18 (17) Dealing in a schedule V controlled substance (IC 35-48-4-4).
- 19 (18) Dealing in a counterfeit substance (IC 35-48-4-5).
- 20 (19) Dealing in marijuana, hash oil, hashish, or salvia as a felony
- 21 (IC 35-48-4-10).
- 22 (20) Dealing in a synthetic drug or synthetic drug lookalike
- 23 substance (IC 35-48-4-10.5, or IC 35-48-4-10(b) before its
- 24 amendment in 2013).
- 25 (21) Possession of child pornography (IC 35-42-4-4(d) or
- 26 IC 35-42-4-4(e)).
- 27 (22) Homicide (IC 35-42-1).
- 28 (23) Voluntary manslaughter (IC 35-42-1-3).
- 29 (24) Reckless homicide (IC 35-42-1-5).
- 30 (25) Battery as any of the following:
- 31 (A) A Class A felony (for a crime committed before July 1,
- 32 2014) or a Level 2 felony (for a crime committed after June
- 33 30, 2014).
- 34 (B) A Class B felony (for a crime committed before July 1,
- 35 2014) or a Level 3 felony (for a crime committed after June
- 36 30, 2014).
- 37 (C) A Class C felony (for a crime committed before July 1,
- 38 2014) or a Level 5 felony (for a crime committed after June
- 39 30, 2014).
- 40 (26) Aggravated battery (IC 35-42-2-1.5).
- 41 (27) Robbery (IC 35-42-5-1).
- 42 (28) Carjacking (IC 35-42-5-2) (before its repeal).



- 1 (29) Arson as a Class A felony or Class B felony (for a crime
 2 committed before July 1, 2014) or as a Level 2, Level 3, or Level
 3 4 felony (for a crime committed after June 30, 2014)
 4 (IC 35-43-1-1(a)).
 5 (30) Burglary as a Class A felony or Class B felony (for a crime
 6 committed before July 1, 2014) or as a Level 1, Level 2, Level 3,
 7 or Level 4 felony (for a crime committed after June 30, 2014)
 8 (IC 35-43-2-1).
 9 (31) Human trafficking (IC 35-42-3.5).
 10 (32) Attempt under IC 35-41-5-1 to commit an offense listed in
 11 this subsection.
 12 (33) Conspiracy under IC 35-41-5-2 to commit an offense listed
 13 in this subsection.
 14 **(d) Except as provided in section 8.5 of this chapter, the**
 15 **department shall permanently revoke the license of a person who**
 16 **is known by the department to have been convicted of indiscretion**
 17 **(IC 35-42-4-9.5).**
 18 ~~(d)~~ **(e) Except as provided in section 8.5 of this chapter,** the
 19 department shall permanently revoke the license of a person who is
 20 known by the department to have been convicted of a federal offense
 21 or an offense in another state that is comparable to a felony listed in
 22 subsection (c) **or an offense described in subsection (d).**
 23 ~~(e)~~ **(f)** A license may be suspended by the state superintendent as
 24 specified in IC 20-28-7.5.
 25 ~~(f)~~ **(g)** The department shall develop a data base of information on
 26 school corporation employees who have been reported to the
 27 department under this section.
 28 ~~(g)~~ **(h)** Upon receipt of information from the division of state court
 29 administration in accordance with IC 33-24-6-3 concerning persons
 30 convicted of an offense listed in subsection (c) **or described in**
 31 **subsection (d),** the department shall:
 32 (1) cross check the information received from the division of state
 33 court administration with information concerning licensed
 34 teachers (as defined in IC 20-18-2-22(b)) maintained by the
 35 department; and
 36 (2) if a licensed teacher (as defined in IC 20-18-2-22(b)) has been
 37 convicted of an offense described in subsection (c) **or (d),** revoke
 38 the licensed teacher's license.
 39 SECTION 10. IC 20-28-7.5-1, AS AMENDED BY P.L.239-2015,
 40 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2018]: Sec. 1. (a) This chapter applies to a teacher in a school
 42 corporation (as defined in IC 20-18-2-16(a)).



1 (b) A contract with a teacher may be canceled immediately in the
 2 manner set forth in sections 2 through 4 of this chapter for any of the
 3 following reasons:

4 (1) Immorality.

5 (2) Insubordination, which means a willful refusal to obey the
 6 state school laws or reasonable rules adopted for the governance
 7 of the school building or the school corporation.

8 (3) Incompetence, including:

9 (A) for probationary teachers, receiving an ineffective
 10 designation on a performance evaluation or receiving two (2)
 11 consecutive improvement necessary ratings on a performance
 12 evaluation under IC 20-28-11.5; or

13 (B) for any teacher, receiving an ineffective designation on
 14 two (2) consecutive performance evaluations or an ineffective
 15 designation or improvement necessary rating under
 16 IC 20-28-11.5 for three (3) years of any five (5) year period.

17 (4) Neglect of duty.

18 (5) A conviction of an offense listed in IC 20-28-5-8(c) **or**
 19 **described in IC 20-28-5-8(d).**

20 (6) Other good or just cause.

21 (c) In addition to the reasons set forth in subsection (b), a
 22 probationary teacher's contract may be canceled for any reason relevant
 23 to the school corporation's interest in the manner set forth in sections
 24 2 through 4 of this chapter.

25 (d) After June 30, 2012, the cancellation of teacher's contracts due
 26 to a justifiable decrease in the number of teaching positions shall be
 27 determined on the basis of performance rather than seniority. In cases
 28 where teachers are placed in the same performance category, any of the
 29 items in IC 20-28-9-1.5(b) may be considered.

30 (e) Only the governing body may terminate, cancel, or otherwise
 31 refuse to renew a contract of a superintendent or assistant
 32 superintendent. Notice of the contract cancellation or the refusal to
 33 renew the individual's contract must be provided in the manner
 34 provided in IC 20-28-8-3(a).

35 SECTION 11. IC 31-27-4-35, AS ADDED BY P.L.145-2006,
 36 SECTION 273, IS AMENDED TO READ AS FOLLOWS
 37 [EFFECTIVE JULY 1, 2018]: Sec. 35. (a) A licensee must immediately
 38 contact the department if:

39 (1) a foster child less than ~~sixteen (16)~~ **eighteen (18)** years of age,
 40 while living in a foster home, engages in or is the victim of sexual
 41 contact (as defined in IC 25-1-9-3.5);

42 (2) a foster child, while living in a foster home, is:



- 1 (A) charged with or adjudicated as having committed an act
- 2 that would be a crime under IC 35-42-4 if committed by an
- 3 adult;
- 4 (B) charged with or convicted of an offense under IC 35-42-4;
- 5 or
- 6 (C) the victim of an offense under IC 35-42-4; or
- 7 (3) the licensee learns that a foster child has, before placement
- 8 with the licensee, engaged in or been the victim of an act
- 9 described in subdivision (1) or (2).
- 10 (b) The information provided to the department under subsection (a)
- 11 must include:
- 12 (1) the name of the child;
- 13 (2) the date of the occurrence of the act if it can be determined;
- 14 (3) a description of the act;
- 15 (4) the name of the responding law enforcement agency if a law
- 16 enforcement agency is contacted; and
- 17 (5) any other information the licensee determines is relevant.
- 18 (c) Notwithstanding any other law, the department shall provide
- 19 information described in subsection (b)(1) through (b)(4), whether
- 20 received from a licensee or another reliable source, to:
- 21 (1) a prospective licensee before the placement of the foster child
- 22 with that licensee; and
- 23 (2) each licensee with whom the foster child has previously been
- 24 placed.
- 25 (d) The notification requirements of subsection (c) apply to a foster
- 26 child who has:
- 27 (1) engaged in sexual contact (as defined in IC 25-1-9-3.5) if the
- 28 foster child is less than ~~sixteen (16)~~ **eighteen (18)** years of age;
- 29 (2) been charged with or adjudicated as having committed an act
- 30 that would be a crime under IC 35-42-4 if committed by an adult;
- 31 or
- 32 (3) been charged with or convicted of an offense under
- 33 IC 35-42-4.
- 34 SECTION 12. IC 31-34-1-3, AS AMENDED BY P.L.183-2017,
- 35 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 36 JULY 1, 2018]: Sec. 3. (a) A child is a child in need of services if,
- 37 before the child becomes eighteen (18) years of age:
- 38 (1) the child is the victim of an offense under:
- 39 (A) IC 35-42-4-1;
- 40 (B) IC 35-42-4-2 (before its repeal);
- 41 (C) IC 35-42-4-3;
- 42 (D) IC 35-42-4-4;



- 1 (E) IC 35-42-4-5;
 2 (F) IC 35-42-4-6;
 3 (G) IC 35-42-4-7;
 4 (H) IC 35-42-4-8;
 5 (I) IC 35-42-4-9;
 6 **(J) IC 35-42-4-9.5;**
 7 ~~(K)~~ **(K)** IC 35-45-4-1;
 8 ~~(L)~~ **(L)** IC 35-45-4-2;
 9 ~~(M)~~ **(M)** IC 35-45-4-3;
 10 ~~(N)~~ **(N)** IC 35-45-4-4;
 11 ~~(O)~~ **(O)** IC 35-46-1-3; or
 12 ~~(P)~~ **(P)** the law of another jurisdiction, including a military
 13 court, that is substantially equivalent to any of the offenses
 14 listed in clauses (A) through ~~(N)~~; **(O)**; and
 15 (2) the child needs care, treatment, or rehabilitation that:
 16 (A) the child is not receiving; and
 17 (B) is unlikely to be provided or accepted without the coercive
 18 intervention of the court.
 19 (b) A child is a child in need of services if, before the child becomes
 20 eighteen (18) years of age, the child:
 21 (1) lives in the same household as an adult who:
 22 (A) committed an offense described in subsection (a)(1)
 23 against a child and the offense resulted in a conviction or a
 24 judgment under IC 31-34-11-2; or
 25 (B) has been charged with an offense described in subsection
 26 (a)(1) against a child and is awaiting trial; and
 27 (2) needs care, treatment, or rehabilitation that:
 28 (A) the child is not receiving; and
 29 (B) is unlikely to be provided or accepted without the coercive
 30 intervention of the court.
 31 (c) A child is a child in need of services if, before the child becomes
 32 eighteen (18) years of age:
 33 (1) the child lives in the same household as another child who is
 34 the victim of an offense described in subsection (a)(1);
 35 (2) the child needs care, treatment, or rehabilitation that:
 36 (A) the child is not receiving; and
 37 (B) is unlikely to be provided or accepted without the coercive
 38 intervention of the court; and
 39 (3) a caseworker assigned to provide services to the child:
 40 (A) places the child in a program of informal adjustment or
 41 other family or rehabilitative services based on the existence
 42 of the circumstances described in subdivisions (1) and (2), and



- 1 the caseworker subsequently determines further intervention
 2 is necessary; or
 3 (B) determines that a program of informal adjustment or other
 4 family or rehabilitative services is inappropriate.
- 5 (d) A child is a child in need of services if, before the child becomes
 6 eighteen (18) years of age:
- 7 (1) the child lives in the same household as an adult who:
 8 (A) committed a human or sexual trafficking offense under
 9 IC 35-42-3.5-1 or the law of another jurisdiction, including
 10 federal law, that resulted in a conviction or a judgment under
 11 IC 31-34-11-2; or
 12 (B) has been charged with a human or sexual trafficking
 13 offense under IC 35-42-3.5-1 or the law of another
 14 jurisdiction, including federal law, and is awaiting trial; and
 15 (2) the child needs care, treatment, or rehabilitation that:
 16 (A) the child is not receiving; and
 17 (B) is unlikely to be provided or accepted without the coercive
 18 intervention of the court.
- 19 SECTION 13. IC 31-34-21-5.6, AS AMENDED BY P.L.46-2016,
 20 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2018]: Sec. 5.6. Except as provided in subsection (c), a court
 22 may make a finding described in this section at any phase of a child in
 23 need of services proceeding.
- 24 (b) Reasonable efforts to reunify a child with the child's parent,
 25 guardian, or custodian or preserve a child's family as described in
 26 section 5.5 of this chapter are not required if the court finds any of the
 27 following:
- 28 (1) A parent, guardian, or custodian of a child who is a child in
 29 need of services has been convicted of:
 30 (A) an offense described in IC 31-35-3-4(1)(B) or
 31 IC 31-35-3-4(1)(D) through ~~IC 31-35-3-4(1)(J)~~
 32 **IC 31-35-3-4(1)(K)** against a victim who is:
 33 (i) a child described in IC 31-35-3-4(2); or
 34 (ii) a parent of the child; or
 35 (B) a comparable offense as described in clause (A) in any
 36 other state, territory, or country by a court of competent
 37 jurisdiction.
- 38 (2) A parent, guardian, or custodian of a child who is a child in
 39 need of services:
 40 (A) has been convicted of:
 41 (i) the murder (IC 35-42-1-1) or voluntary manslaughter
 42 (IC 35-42-1-3) of a victim who is a child described in



- 1 IC 31-35-3-4(2)(B) or a parent of the child; or
 2 (ii) a comparable offense described in item (i) in any other
 3 state, territory, or country; or
 4 (B) has been convicted of:
 5 (i) aiding, inducing, or causing another person;
 6 (ii) attempting; or
 7 (iii) conspiring with another person;
 8 to commit an offense described in clause (A).
 9 (3) A parent, guardian, or custodian of a child who is a child in
 10 need of services has been convicted of:
 11 (A) battery as a Class A felony (for a crime committed before
 12 July 1, 2014) or Level 2 felony (for a crime committed after
 13 June 30, 2014);
 14 (B) battery as a Class B felony (for a crime committed before
 15 July 1, 2014) or Level 3 or Level 4 felony (for a crime
 16 committed after June 30, 2014);
 17 (C) battery as a Class C felony (for a crime committed before
 18 July 1, 2014) or Level 5 felony (for a crime committed after
 19 June 30, 2014);
 20 (D) aggravated battery (IC 35-42-2-1.5);
 21 (E) criminal recklessness (IC 35-42-2-2) as a Class C felony
 22 (for a crime committed before July 1, 2014) or a Level 5
 23 felony (for a crime committed after June 30, 2014);
 24 (F) neglect of a dependent (IC 35-46-1-4) as a Class B felony
 25 (for a crime committed before July 1, 2014) or a Level 1 or
 26 Level 3 felony (for a crime committed after June 30, 2014);
 27 (G) promotion of human trafficking, promotion of human
 28 trafficking of a minor, sexual trafficking of a minor, or human
 29 trafficking (IC 35-42-3.5-1) as a felony; or
 30 (H) a comparable offense described in clauses (A) through (G)
 31 under federal law or in another state, territory, or country;
 32 against a child described in IC 31-35-3-4(2)(B).
 33 (4) The parental rights of a parent with respect to a biological or
 34 adoptive sibling of a child who is a child in need of services have
 35 been involuntarily terminated by a court under:
 36 (A) IC 31-35-2 (involuntary termination involving a
 37 delinquent child or a child in need of services);
 38 (B) IC 31-35-3 (involuntary termination involving a
 39 individual convicted of a criminal offense); or
 40 (C) any comparable law described in clause (A) or (B) in any
 41 other state, territory, or country.
 42 (5) The child is an abandoned infant, provided that the court:



1 (A) has appointed a guardian ad litem or court appointed
2 special advocate for the child; and

3 (B) after receiving a written report and recommendation from
4 the guardian ad litem or court appointed special advocate, and
5 after a hearing, finds that reasonable efforts to locate the
6 child's parents or reunify the child's family would not be in the
7 best interests of the child.

8 (c) During or at any time after the first periodic case review under
9 IC 31-34-21-2 of a child in need of services proceeding, if the court
10 finds that a parent, guardian, or custodian of the child has been charged
11 with an offense described in subsection (b)(3) and is awaiting trial, the
12 court may make a finding that reasonable efforts to reunify the child
13 with the child's parent, guardian, or custodian or preserve the child's
14 family as described in section 5.5 of this chapter may be suspended
15 pending the disposition of the parent's, guardian's, or custodian's
16 criminal charge.

17 SECTION 14. IC 31-35-3-4, AS AMENDED BY P.L.214-2013,
18 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JULY 1, 2018]: Sec. 4. If:

20 (1) an individual is convicted of the offense of:

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

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

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

24 (D) involuntary manslaughter (IC 35-42-1-4);

25 (E) rape (IC 35-42-4-1);

26 (F) criminal deviate conduct (IC 35-42-4-2) (repealed);

27 (G) child molesting (IC 35-42-4-3);

28 (H) child exploitation (IC 35-42-4-4);

29 (I) sexual misconduct with a minor (IC 35-42-4-9); ~~or~~

30 **(J) indiscretion (IC 35-42-4-9.5); or**

31 ~~(K)~~ **(K) incest (IC 35-46-1-3); and**

32 (2) the victim of the offense:

33 (A) was less than:

34 **(i) sixteen (16) years of age at the time of the offense for an**
35 **offense described in subdivision (1)(A) through (1)(I) or**
36 **subdivision (1)(K); and or**

37 **(ii) eighteen (18) years of age at the time of the offense**
38 **for an offense described in subdivision (1)(J); and**

39 (B) is:

40 (i) the individual's biological or adoptive child; or

41 (ii) the child of a spouse of the individual who has
42 committed the offense;



1 the attorney for the department, the child's guardian ad litem, or the
 2 court appointed special advocate may file a petition with the juvenile
 3 or probate court to terminate the parent-child relationship of the
 4 individual who has committed the offense with the victim of the
 5 offense, the victim's siblings, or any biological or adoptive child of that
 6 individual.

7 SECTION 15. IC 33-24-6-3, AS AMENDED BY P.L.252-2017,
 8 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2018]: Sec. 3. (a) The division of state court administration
 10 shall do the following:

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

15 (2) Collect and compile statistical data and other information on
 16 the judicial work of the courts in Indiana. All justices of the
 17 supreme court, judges of the court of appeals, judges of all trial
 18 courts, and any city or town courts, whether having general or
 19 special jurisdiction, court clerks, court reporters, and other
 20 officers and employees of the courts shall, upon notice by the
 21 executive director and in compliance with procedures prescribed
 22 by the executive director, furnish the executive director the
 23 information as is requested concerning the nature and volume of
 24 judicial business. The information must include the following:

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

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

28 (C) The work accomplished by the courts.

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

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

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

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

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

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

42 (7) By December 31, 2013, develop and implement a standard



- 1 protocol for sending and receiving court data:
- 2 (A) between the protective order registry, established by
- 3 IC 5-2-9-5.5, and county court case management systems;
- 4 (B) at the option of the county prosecuting attorney, for:
- 5 (i) a prosecuting attorney's case management system;
- 6 (ii) a county court case management system; and
- 7 (iii) a county court case management system developed and
- 8 operated by the division of state court administration;
- 9 to interface with the electronic traffic tickets, as defined by
- 10 IC 9-30-3-2.5; and
- 11 (C) between county court case management systems and the
- 12 case management system developed and operated by the
- 13 division of state court administration.
- 14 The standard protocol developed and implemented under this
- 15 subdivision shall permit private sector vendors, including vendors
- 16 providing service to a local system and vendors accessing the
- 17 system for information, to send and receive court information on
- 18 an equitable basis and at an equitable cost.
- 19 (8) Establish and administer an electronic system for receiving
- 20 information that relates to certain individuals who may be
- 21 prohibited from possessing a firearm and transmitting this
- 22 information to the Federal Bureau of Investigation for inclusion
- 23 in the NICS.
- 24 (9) Establish and administer an electronic system for receiving
- 25 drug related felony conviction information from courts. The
- 26 division shall notify NPLeX of each drug related felony entered
- 27 after June 30, 2012, and do the following:
- 28 (A) Provide NPLeX with the following information:
- 29 (i) The convicted individual's full name.
- 30 (ii) The convicted individual's date of birth.
- 31 (iii) The convicted individual's driver's license number, state
- 32 personal identification number, or other unique number, if
- 33 available.
- 34 (iv) The date the individual was convicted of the felony.
- 35 Upon receipt of the information from the division, a stop sale
- 36 alert must be generated through NPLeX for each individual
- 37 reported under this clause.
- 38 (B) Notify NPLeX if the felony of an individual reported under
- 39 clause (A) has been:
- 40 (i) set aside;
- 41 (ii) reversed;
- 42 (iii) expunged; or



- 1 (iv) vacated.
- 2 Upon receipt of information under this clause, NPLeX shall
- 3 remove the stop sale alert issued under clause (A) for the
- 4 individual.
- 5 (10) Staff the judicial technology oversight committee established
- 6 by IC 33-23-17-2.
- 7 (11) After July 1, 2018, establish and administer an electronic
- 8 system for receiving from courts ~~felony~~ conviction information for
- 9 each felony described in IC 20-28-5-8(c) **and for each offense**
- 10 **described in IC 20-28-5-8(d)**. The division shall notify the
- 11 department of education at least one (1) time each week of each
- 12 felony described in IC 20-28-5-8(c) **or offense described in**
- 13 **IC 20-28-5-8(d)** entered after July 1, 2018, and do the following:
- 14 (A) Provide the department of education with the following
- 15 information:
- 16 (i) The convicted individual's full name.
- 17 (ii) The convicted individual's date of birth.
- 18 (iii) The convicted individual's driver's license number, state
- 19 personal identification number, or other unique number, if
- 20 available.
- 21 (iv) The date the individual was convicted of the felony **or**
- 22 **misdemeanor**.
- 23 (B) Notify the department of education if the felony **or**
- 24 **misdemeanor** of an individual reported under clause (A) has
- 25 been:
- 26 (i) set aside;
- 27 (ii) reversed; or
- 28 (iii) vacated.
- 29 (b) All forms to be used in gathering data must be approved by the
- 30 supreme court and shall be distributed to all judges and clerks before
- 31 the start of each period for which reports are required.
- 32 (c) The division may adopt rules to implement this section.
- 33 SECTION 16. IC 35-38-2-2.4, AS AMENDED BY P.L.1-2010,
- 34 SECTION 142, IS AMENDED TO READ AS FOLLOWS
- 35 [EFFECTIVE JULY 1, 2018]: Sec. 2.4. As a condition of probation, the
- 36 court may require a sex offender (as defined in IC 11-8-8-4.5) to:
- 37 (1) participate in a treatment program for sex offenders approved
- 38 by the court; and
- 39 (2) avoid contact with any person who is less than ~~sixteen (16)~~
- 40 **eighteen (18)** years of age unless the probationer:
- 41 (A) receives the court's approval; or
- 42 (B) successfully completes the treatment program referred to



- 1 in subdivision (1).
- 2 SECTION 17. IC 35-38-2-2.5, AS AMENDED BY P.L.13-2016,
3 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2018]: Sec. 2.5. (a) As used in this section, "offender" means
5 an individual convicted of a sex offense.
- 6 (b) As used in this section, "sex offense" means any of the
7 following:
- 8 (1) Rape (IC 35-42-4-1).
 - 9 (2) Criminal deviate conduct (IC 35-42-4-2) (repealed).
 - 10 (3) Child molesting (IC 35-42-4-3).
 - 11 (4) Child exploitation (IC 35-42-4-4(b) or IC 35-42-4-4(c)).
 - 12 (5) Vicarious sexual gratification (IC 35-42-4-5).
 - 13 (6) Child solicitation (IC 35-42-4-6).
 - 14 (7) Child seduction (IC 35-42-4-7).
 - 15 (8) Sexual battery (IC 35-42-4-8).
 - 16 (9) Sexual misconduct with a minor as a felony (IC 35-42-4-9).
 - 17 **(10) Indiscretion (IC 35-42-4-9.5).**
 - 18 ~~(11)~~ **(11) Incest (IC 35-46-1-3).**
- 19 (c) A condition of remaining on probation or parole after conviction
20 for a sex offense is that the offender not reside within one (1) mile of
21 the residence of the victim of the offender's sex offense.
- 22 (d) An offender:
- 23 (1) who will be placed on probation shall provide the sentencing
24 court and the probation department with the address where the
25 offender intends to reside during the period of probation:
 - 26 (A) at the time of sentencing if the offender will be placed on
27 probation without first being incarcerated; or
 - 28 (B) before the offender's release from incarceration if the
29 offender will be placed on probation after completing a term
30 of incarceration; or
 - 31 (2) who will be placed on parole shall provide the parole board
32 with the address where the offender intends to reside during the
33 period of parole.
- 34 (e) An offender, while on probation or parole, may not establish a
35 new residence within one (1) mile of the residence of the victim of the
36 offender's sex offense unless the offender first obtains a waiver from
37 the:
- 38 (1) court, if the offender is placed on probation; or
 - 39 (2) parole board, if the offender is placed on parole;
- 40 for the change of address under subsection (f).
- 41 (f) The court or parole board may waive the requirement set forth in
42 subsection (c) only if the court or parole board, at a hearing at which



1 the offender is present and of which the prosecuting attorney has been
2 notified, determines that:

- 3 (1) the offender has successfully completed a sex offender
4 treatment program during the period of probation or parole;
5 (2) the offender is in compliance with all terms of the offender's
6 probation or parole; and
7 (3) good cause exists to allow the offender to reside within one (1)
8 mile of the residence of the victim of the offender's sex offense.

9 However, the court or parole board may not grant a waiver under this
10 subsection if the offender is a sexually violent predator under
11 IC 35-38-1-7.5 or if the offender is an offender against children under
12 IC 35-42-4-11.

13 (g) If the court or parole board grants a waiver under subsection (f),
14 the court or parole board shall state in writing the reasons for granting
15 the waiver. The court's written statement of its reasons shall be
16 incorporated into the record.

17 (h) The address of the victim of the offender's sex offense is
18 confidential even if the court or parole board grants a waiver under
19 subsection (f).

20 SECTION 18. IC 35-38-2-2.7, AS ADDED BY P.L.247-2013,
21 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 JULY 1, 2018]: Sec. 2.7. As a condition of probation or parole after
23 conviction for a sex offense (as defined in IC 11-8-8-5.2), the court
24 shall prohibit the convicted person from using a social networking web
25 site or an instant messaging or chat room program to communicate,
26 directly or through an intermediary, with a child less than ~~sixteen (16)~~
27 **eighteen (18)** years of age. However, the court may permit the offender
28 to communicate using a social networking web site or an instant
29 messaging or chat room program with:

- 30 (1) the offender's own child, stepchild, or sibling; or
31 (2) another relative of the offender specifically named in the
32 court's order.

33 SECTION 19. IC 35-42-4-9.5 IS ADDED TO THE INDIANA
34 CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 9.5. (a) A person at least
35 twenty-three (23) years of age who, with a child at least sixteen (16)
36 years of age but less than eighteen (18) years of age, performs or
37 submits to sexual intercourse or other sexual conduct (as defined
38 in IC 35-31.5-2-221.5) commits indiscretion, a Level 6 felony.**

39 **(b) A person at least twenty-three (23) years of age who, with a
40 child at least sixteen (16) years of age but less than eighteen (18)
41 years of age, performs or submits to any fondling or touching of
42**



1 either the child or the older person, with intent to arouse or to
 2 satisfy the sexual desires of either the child or the older person,
 3 commits indiscretion, a Class A misdemeanor.

4 (c) It is a defense that the accused person reasonably believed
 5 that the child was at least eighteen (18) years of age at the time of
 6 the conduct.

7 (d) It is a defense that the child is or has ever been married.

8 SECTION 20. IC 35-42-4-12, AS AMENDED BY P.L.168-2014,
 9 SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2018]: Sec. 12. (a) This section applies only to a sex offender
 11 (as defined in IC 11-8-8-4.5).

12 (b) A sex offender who knowingly or intentionally violates a:

13 (1) condition of probation;

14 (2) condition of parole; or

15 (3) rule of a community transition program;

16 that prohibits the offender from using a social networking web site or
 17 an instant messaging or chat room program to communicate, directly
 18 or through an intermediary, with a child less than ~~sixteen (16)~~ **eighteen**
 19 **(18)** years of age commits a sex offender Internet offense, a Class A
 20 misdemeanor. However, the offense is a Level 6 felony if the person
 21 has a prior unrelated conviction under this section.

22 (c) It is a defense to a prosecution under subsection (b) that the
 23 person reasonably believed that the child was at least ~~sixteen (16)~~
 24 **eighteen (18)** years of age.

25 SECTION 21. IC 35-44.1-3-9, AS AMENDED BY P.L.95-2017,
 26 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2018]: Sec. 9. (a) A person who is being supervised on
 28 lifetime parole (as described in IC 35-50-6-1) and who knowingly or
 29 intentionally violates a condition of lifetime parole that involves direct
 30 or indirect contact with a child less than ~~sixteen (16)~~ **eighteen (18)**
 31 years of age or with the victim of a crime that was committed by the
 32 person commits criminal parole violation by a sexual predator, a Level
 33 6 felony.

34 (b) The offense described in subsection (a) is a Level 5 felony if the
 35 person has a prior unrelated conviction under this section.

36 SECTION 22. 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, 2018]: 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~~ **IC 35-42-4-9.5** or
 41 under 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) 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) after having been sentenced for
 12 a prior unrelated sex offense described in subsection (a), the person has
 13 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 23. IC 35-50-10-1, AS AMENDED BY P.L.185-2017,
 31 SECTION 9, AND AS AMENDED BY P.L.252-2017, SECTION 29,
 32 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 33 [EFFECTIVE JULY 1, 2018]: Sec. 1. (a) *As used in this section,*
 34 *"offense requiring license revocation" means an offense listed in*
 35 *IC 20-28-5-8(c) or described in IC 20-28-5-8(d).*

36 (b) If an individual is *or was* a teacher in a *primary or secondary*
 37 *school, including a public school corporation, charter school, or*
 38 *nonpublic school, and is convicted of*

39 *(1) kidnapping (IC 35-42-3-2);*
 40 *(2) criminal confinement (IC 35-42-3-3);*
 41 *(3) rape (IC 35-42-4-1);*
 42 *(4) criminal deviate conduct (IC 35-42-4-2) (before its repeal);*



- 1 (5) child molesting (IC 35-42-4-3);
 2 (6) child exploitation (IC 35-42-4-4(b));
 3 (7) vicarious sexual gratification (IC 35-42-4-5);
 4 (8) child solicitation (IC 35-42-4-6);
 5 (9) child seduction (IC 35-42-4-7);
 6 (10) sexual misconduct with a minor (IC 35-42-4-9);
 7 (11) incest (IC 35-46-1-3);
 8 (12) dealing in or manufacturing cocaine or a narcotic drug
 9 (IC 35-48-4-1);
 10 (13) dealing in methamphetamine (IC 35-48-4-1.1);
 11 (14) manufacturing methamphetamine (IC 35-48-4-1.2);
 12 (15) dealing in a schedule I, II, or III controlled substance
 13 (IC 35-48-4-2);
 14 (16) dealing in a schedule IV controlled substance
 15 (IC 35-48-4-3);
 16 (17) dealing in a schedule V controlled substance (IC 35-48-4-4);
 17 (18) dealing in a counterfeit substance (IC 35-48-4-5);
 18 (19) dealing in marijuana, hash oil, hashish, or salvia as a felony
 19 (IC 35-48-4-10);
 20 (20) dealing in a synthetic drug or synthetic drug lookalike
 21 substance (IC 35-48-4-10.5; or IC 35-48-4-10(b) before its
 22 amendment in 2013);
 23 (21) possession of child pornography (IC 35-42-4-4(c));
 24 (22) homicide (IC 35-42-1);
 25 (23) voluntary manslaughter (IC 35-42-1-3);
 26 (24) reckless homicide (IC 35-42-1-5);
 27 (25) battery (IC 35-42-2-1) as:
 28 (A) a Class A felony (for a crime committed before July 1,
 29 2014) or a Level 2 felony (for a crime committed after June
 30 30, 2014);
 31 (B) a Class B felony (for a crime committed before July 1,
 32 2014) or a Level 3 felony (for a crime committed after June
 33 30, 2014); or
 34 (C) a Class C felony (for a crime committed before July 1,
 35 2014) or a Level 5 felony (for a crime committed after June
 36 30, 2014);
 37 (26) aggravated battery (IC 35-42-2-1.5);
 38 (27) robbery (IC 35-42-5-1);
 39 (28) carjacking (IC 35-42-5-2) (before its repeal);
 40 (29) arson as a Class A felony or Class B felony (for a crime
 41 committed before July 1, 2014) or as a Level 2, Level 3, or Level
 42 4 felony (for a crime committed after June 30, 2014)



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

