

SENATE BILL No. 238

DIGEST OF INTRODUCED BILL

Citations Affected: IC 2-5; IC 4-23-30.2-9; IC 5-2; IC 5-15-1-1; IC 6-8.1-9.5-12; IC 9-30; IC 11-10-4-3; IC 11-12; IC 11-13; IC 12-23-14; IC 12-26; IC 20-28-5-8; IC 25-23.6-10.1-2; IC 29-3-3-4; IC 31-11-4-18; IC 31-31-10-2; IC 31-32-13-9; IC 31-34-19-6.1; IC 31-37; IC 32-30-10.5; IC 33-23; IC 33-24; IC 33-27-2-7; IC 33-28-3; IC 33-29-2; IC 33-31; IC 33-33; IC 33-34-7-4; IC 33-35-1-1; IC 33-37; IC 33-38; IC 33-39-1-8; IC 33-40-6; IC 34-26; IC 34-28-9.2; IC 35-33-8-3.2; IC 35-33.5-2-5; IC 35-34-1-2; IC 35-36; IC 35-38.

Synopsis: Office of judicial administration. Changes all references to the division of state court administration and the judicial center to the office of judicial administration. Changes all references to the executive director of the division of state court administration and the judicial center to chief administrative officer of the office of judicial administration. Makes various changes to laws governing courts and court officers, including laws concerning evening court sessions, magistrate judges, specialized driving privileges, temporary guardianships, judicial conference membership, and senior judge compensation. Repeals the law describing the division of state court administration. Repeals the law setting forth the duties of the division of supreme court administration. Repeals the law requiring the judicial center to maintain a roster of in-state facilities to provide child services in a residential setting. Makes technical corrections. Makes conforming changes.

Effective: Upon passage; July 1, 2018.

Bray

January 3, 2018, read first time and referred to Committee on Judiciary.



Second Regular Session 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.

SENATE BILL No. 238

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

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

- 1 SECTION 1. IC 2-5-1.3-17 IS REPEALED [EFFECTIVE JULY 1,
- 2 2018]. Sec. 17: (a) The interim study committee on courts and the
- 3 judiciary established by section 4(4) of this chapter shall receive
- 4 reports from the Indiana judicial center concerning the circuit and
- 5 superior court motion clerk pilot program authorized under
- 6 IC 33-38-15, if the Indiana judicial center establishes a circuit and
- 7 superior court motion clerk pilot program:
- 8 (b) The committee may make recommendations and propose
- 9 legislation concerning the pilot program:
- 10 SECTION 2. IC 2-5-36-4, AS ADDED BY P.L.119-2013,
- 11 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 12 JULY 1, 2018]: Sec. 4. The commission consists of eighteen (18)
- 13 members as follows:
- 14 (1) One (1) legislative member appointed by the speaker of the
- 15 house of representatives.
- 16 (2) One (1) legislative member appointed by the minority leader
- 17 of the house of representatives.



- 1 (3) One (1) legislative member appointed by the president pro
 2 tempore of the senate.
 3 (4) One (1) legislative member appointed by the minority leader
 4 of the senate.
 5 (5) The superintendent of public instruction.
 6 (6) The director of the department of child services.
 7 (7) One (1) judge or justice with experience in juvenile law
 8 appointed by the chief justice of Indiana to serve on the
 9 commission for a period of four (4) years.
 10 (8) The executive director of the prosecuting attorneys council of
 11 Indiana.
 12 (9) The executive director of the public defender council of
 13 Indiana.
 14 (10) The secretary of family and social services.
 15 (11) The state health commissioner.
 16 (12) The director of the department of correction division of youth
 17 services.
 18 (13) One (1) representative of the juvenile probation system,
 19 appointed by the chief justice of Indiana for a period of four (4)
 20 years.
 21 (14) The director of the office of management and budget, or the
 22 director of the state budget agency, as selected by the governor.
 23 (15) A member of the governor's staff, to be appointed by the
 24 governor.
 25 (16) The ~~executive director~~ **chief administrative officer** of the
 26 ~~division office~~ **of state court judicial** administration.
 27 (17) The director of the division of mental health and addiction.
 28 (18) The attorney general, who shall serve as a nonvoting
 29 member.

30 SECTION 3. IC 2-5-36-11, AS AMENDED BY P.L.13-2017,
 31 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2018]: Sec. 11. The ~~Indiana office of~~ **judicial center**
 33 **administration** shall provide support staff for:

- 34 (1) the commission; and
 35 (2) the executive director of the commission.

36 SECTION 4. IC 2-5-36-12, AS ADDED BY P.L.53-2014,
 37 SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2018]: Sec. 12. The commission and this chapter expire
 39 January 1, ~~2019~~ **2029**.

40 SECTION 5. IC 4-23-30.2-9, AS ADDED BY P.L.173-2009,
 41 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2018]: Sec. 9. (a) The board consists of the following



- 1 members:
- 2 (1) The secretary of family and social services, or the secretary's
- 3 designee.
- 4 (2) The state superintendent of public instruction, or the state
- 5 superintendent's designee.
- 6 (3) The director of the department of child services, or the
- 7 director's designee.
- 8 (4) The commissioner of the department of correction, or the
- 9 commissioner's designee.
- 10 (5) The director of the Indiana criminal justice institute, or the
- 11 director's designee.
- 12 (6) The director of the budget agency, or the director's designee.
- 13 (7) An executive assistant to the governor designated by the
- 14 governor, who shall serve as the board's chairperson.
- 15 (8) The commissioner of the department of workforce
- 16 development, or the commissioner's designee.
- 17 (9) The director of the state personnel department, or the
- 18 director's designee.
- 19 (10) The director of the civil rights commission, or the director's
- 20 designee.
- 21 (11) The director of the division of mental health and addiction or
- 22 the director's designee.
- 23 (12) The director of the office of Medicaid policy and planning or
- 24 the director's designee.
- 25 (13) A representative of the ~~Indiana office of judicial center-~~
- 26 **administration.**
- 27 (14) A representative of the public defender council of Indiana.
- 28 (15) A representative of the prosecuting attorneys council of
- 29 Indiana.
- 30 (16) A representative of the office of guardian ad litem and court
- 31 appointed special advocate services.
- 32 (b) The affirmative votes of a majority of the members appointed to
- 33 the board are required for the board to take action on any measure,
- 34 including reports.
- 35 (c) The board shall meet every two (2) months or more often, at the
- 36 call of the chairperson.
- 37 (d) The board shall provide quarterly reports to the governor, the
- 38 general assembly, and the Indiana criminal justice institute on the
- 39 progress of the board and on issues affecting the provision of services
- 40 to members of a vulnerable population. The report to the general
- 41 assembly must be in an electronic format under IC 5-14-6.
- 42 SECTION 6. IC 5-2-6-4 IS AMENDED TO READ AS FOLLOWS



1 [EFFECTIVE JULY 1, 2018]: Sec. 4. (a) The board of trustees is
2 composed of:

3 (1) the governor, or ~~his~~ **the governor's** designee, who shall act as
4 chairman;

5 (2) the attorney general, or ~~his~~ **the attorney general's** designee;

6 (3) the superintendent of state police, or ~~his~~ **the superintendent's**
7 designee;

8 (4) the commissioner of the department of correction, or ~~his~~ **the**
9 **commissioner's** designee;

10 (5) the executive director of the prosecuting attorneys council;

11 (6) the ~~executive director~~ **chief administrative officer** of the
12 **office of judicial ~~center~~ administration**;

13 (7) the executive director of the public defenders council;

14 (8) the state public defender;

15 (9) eight (8) persons who are appointed by and who serve at the
16 pleasure of the governor, including:

17 (A) one (1) sheriff;

18 (B) one (1) chief of police;

19 (C) one (1) judge of a court with both juvenile jurisdiction and
20 general criminal jurisdiction; and

21 (D) five (5) citizens who have manifested an interest in
22 criminal or juvenile justice, one (1) of whom shall be a
23 member of the state advisory group under the Juvenile Justice
24 Act.

25 (b) The president pro tempore of the senate, or a senator appointed
26 by ~~him~~, **the president pro tempore**, and the speaker of the house of
27 representatives, or a representative appointed by ~~him~~, **the speaker**, may
28 serve as nonvoting advisors to the trustees.

29 (c) Trustees appointed by the governor serve an initial three (3) year
30 term and may be reappointed for additional terms. The additional terms
31 may be four (4) years in length.

32 (d) Membership on the board of trustees does not constitute holding
33 a public office.

34 SECTION 7. IC 5-2-9-1.4, AS AMENDED BY P.L.1-2010,
35 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JULY 1, 2018]: Sec. 1.4. As used in this chapter, "Indiana protective
37 order registry" or "registry" means the Internet based registry of
38 protective orders established under section 5.5 of this chapter and
39 developed and maintained by the ~~division office~~ of state court **judicial**
40 administration.

41 SECTION 8. IC 5-2-9-5.5, AS AMENDED BY P.L.1-2010,
42 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2018]: Sec. 5.5. (a) The Indiana protective order registry is
2 established.

3 (b) The registry is an Internet based, electronic depository for
4 protective orders. Copies of all protective orders shall be retained in the
5 registry.

6 (c) The registry must contain confidential information about
7 protected persons.

8 (d) The ~~division office of state court~~ **judicial** administration shall
9 create, manage, and maintain the registry.

10 (e) A protective order retained under section 5 of this chapter may
11 be entered in the registry.

12 (f) The ~~division office of state court~~ **judicial** administration shall
13 make the protective order registry established by this section available
14 so that county case management systems may interface with the
15 protective order registry by not later than December 31, 2009.

16 (g) The ~~division office of state court~~ **judicial** administration shall
17 submit information concerning a standard protocol for county case
18 management systems to interface with the protective order registry to
19 each:

20 (1) prosecuting attorney; and

21 (2) court.

22 SECTION 9. IC 5-2-9-6, AS AMENDED BY P.L.109-2015,
23 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 JULY 1, 2018]: Sec. 6. (a) The clerk of a court that issues a protective
25 order shall:

26 (1) provide a copy of the order to the petitioner; and

27 (2) provide a copy of the order and service of process to the
28 respondent or defendant in accordance with the rules of trial
29 procedure.

30 (b) The clerk of a court that issues a protective order or the clerk of
31 a court in which a petition is filed shall maintain a confidential file to
32 secure any confidential information about a protected person
33 designated on a uniform statewide form prescribed by the ~~division~~
34 **office of state court **judicial** administration.**

35 (c) This subsection applies to a protective order that a sheriff or law
36 enforcement agency received under subsection (a) before July 1, 2009,
37 and a confidential form under subsection (b) that was not retained in
38 the registry. The sheriff or law enforcement agency shall:

39 (1) maintain a copy of the protective order in the depository
40 established under this chapter;

41 (2) enter:

42 (A) the date and time the sheriff or law enforcement agency



- 1 receives the protective order;
- 2 (B) the location of the person who is subject to the protective
- 3 order, if reasonably ascertainable from the information
- 4 received;
- 5 (C) the name and identification number of the officer who
- 6 serves the protective order;
- 7 (D) the manner in which the protective order is served;
- 8 (E) the name of the petitioner and any other protected parties;
- 9 (F) the name, Social Security number, date of birth, and
- 10 physical description of the person who is the subject of the
- 11 protective order, if reasonably ascertainable from the
- 12 information received;
- 13 (G) the date the protective order expires;
- 14 (H) a caution indicator stating whether a person who is the
- 15 subject of the protective order is believed to be armed and
- 16 dangerous, if reasonably ascertainable from the information
- 17 received; and
- 18 (I) if furnished, a Brady record indicator stating whether a
- 19 person who is the subject of the protective order is prohibited
- 20 from purchasing or possessing a firearm or ammunition under
- 21 federal law, if reasonably ascertainable from the information
- 22 received;
- 23 on the copy of the protective order or the confidential form; and
- 24 (3) except for a protective order that is retained in the registry,
- 25 establish a confidential file in which a confidential form that
- 26 contains information concerning a protected person is kept.
- 27 (d) Except for a protective order that is retained in the registry, a
- 28 protective order may be removed from the depository established under
- 29 this chapter only if the sheriff or law enforcement agency that
- 30 administers the depository receives:
- 31 (1) a notice of termination on a form prescribed or approved by
- 32 the ~~division office~~ of ~~state court~~ **judicial** administration;
- 33 (2) an order of the court; or
- 34 (3) a notice of termination and an order of the court.
- 35 (e) If a protective order in a depository established under this
- 36 chapter is terminated, the person who obtained the order must file a
- 37 notice of termination on a form prescribed or approved by the ~~division~~
- 38 **office** of ~~state court~~ **judicial** administration with the clerk of the court.
- 39 The clerk of the court shall:
- 40 (1) enter the notice of termination into; or
- 41 (2) provide a copy of the notice of termination to;
- 42 the registry and provide a copy of the notice of termination to each of



1 the depositories to which the protective order was sent. The clerk of the
2 court shall maintain the notice of termination in the court's file.

3 (f) If a protective order or form is extended or modified, the person
4 who obtained the extension or modification must file a notice of
5 extension or modification on a form prescribed or approved by the
6 ~~division office of state court~~ **judicial** administration with the clerk of
7 the court. Except for a protective order retained in the registry, the
8 clerk of the court shall provide a copy of the notice of extension or
9 modification of a protective order to each of the depositories to which
10 the order and a confidential form were sent. The clerk of the court shall
11 maintain the notice of extension or modification of a protective order
12 in the court's file.

13 (g) The clerk of a court that issued an order terminating a protective
14 order that is an ex parte order shall provide a copy of the order to the
15 following:

- 16 (1) Each party.
- 17 (2) Except for a protective order retained in the registry, the law
18 enforcement agency provided with a copy of a protective order
19 under subsection (a).

20 SECTION 10. IC 5-2-9-7, AS AMENDED BY P.L.130-2009,
21 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 JULY 1, 2018]: Sec. 7. (a) Any information:

- 23 (1) in a uniform statewide confidential form or any part of a
24 confidential form prescribed by the ~~division office of state court~~
25 **judicial** administration that must be filed with a protective order;
26 or
- 27 (2) otherwise acquired concerning a protected person;
28 is confidential and may not be divulged to any respondent or defendant.

29 (b) Information described in subsection (a) may only be used by:

- 30 (1) a court;
- 31 (2) a sheriff;
- 32 (3) another law enforcement agency;
- 33 (4) a prosecuting attorney; or
- 34 (5) a court clerk;

35 to comply with a law concerning the distribution of the information.

36 SECTION 11. IC 5-2-22-1, AS AMENDED BY P.L.85-2017,
37 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 JULY 1, 2018]: Sec. 1. The following definitions apply throughout this
39 chapter:

- 40 (1) "Crime of child abuse" means:
41 (A) neglect of a dependent (IC 35-46-1-4) if the dependent is
42 a child and the offense is committed under:



- 1 (i) IC 35-46-1-4(a)(1);
 2 (ii) IC 35-46-1-4(a)(2); or
 3 (iii) IC 35-46-1-4(a)(3);
 4 (B) child selling (IC 35-46-1-4(d));
 5 (C) a sex offense (as defined in IC 11-8-8-5.2) committed
 6 against a child; or
 7 (D) battery against a child under:
 8 (i) IC 35-42-2-1(e)(3) (battery on a child);
 9 (ii) IC 35-42-2-1(g)(5)(B) (battery causing bodily injury to
 10 a child);
 11 (iii) IC 35-42-2-1(j) (battery causing serious bodily injury to
 12 a child); or
 13 (iv) IC 35-42-2-1(k) (battery resulting in the death of a
 14 child).

15 (2) ~~"Division"~~ **"Office"** refers to the ~~division office~~ **division office** of state court
 16 **judicial** administration created under ~~IC 33-24-6-1(b)(2)~~.
 17 **IC 33-24-6-1.**

18 (3) "Registry" means the child abuse registry established under
 19 section 2 of this chapter.

20 SECTION 12. IC 5-2-22-2, AS ADDED BY P.L.52-2016,
 21 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2018]: Sec. 2. ~~Not later than July 1, 2017,~~ The ~~division office~~ **division office**
 23 shall establish and maintain a child abuse registry.

24 SECTION 13. IC 5-2-22-3, AS ADDED BY P.L.52-2016,
 25 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2018]: Sec. 3. The registry must contain:

- 27 (1) the name;
 28 (2) the age;
 29 (3) the last known city of residence;
 30 (4) a photograph, if available;
 31 (5) a description of the crime of child abuse conviction; and
 32 (6) any other identifying information, as determined by the
 33 ~~division;~~ **office;**
 34 of every person convicted of a crime of child abuse.

35 SECTION 14. IC 5-2-22-4, AS ADDED BY P.L.52-2016,
 36 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2018]: Sec. 4. (a) The ~~division office~~ **division office** shall publish the registry
 38 on the ~~division's office's~~ Internet web site. The registry must be
 39 searchable and available to the public.

40 (b) The ~~division office~~ **division office** shall ensure that the registry is updated at
 41 least one (1) time every thirty (30) days.

42 (c) The ~~division office~~ **division office** shall ensure that the registry displays the



1 following or similar words:

2 "Based on information submitted to law enforcement, a person
3 whose name appears in this registry has been convicted of a crime
4 of child abuse. However, information on the registry may not be
5 complete."

6 SECTION 15. IC 5-15-1-1, AS AMENDED BY P.L.171-2015,
7 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2018]: Sec. 1. (a) Any officer, office, court, commission,
9 board, institution, department, agent, or employee of the state, county,
10 or any political subdivision being charged with the duty or authorized
11 or required by law to record, preserve, keep, maintain, or file any
12 record, document, plat, paper or instrument-in-writing, may, whenever
13 any such officer, office, court, commission, board, institution,
14 department, agent, or employee of the state, county, or any political
15 subdivision shall deem it necessary, for the purpose of recording or
16 copying same, preserving and protecting same, reducing space required
17 for storage or filing of same, or any similar purpose, have or cause to
18 have any or all such records recorded, copied, or reproduced by any
19 photostatic, photographic, micrographic, electronic, or other process
20 which correctly and accurately copies or reproduces, recreates, or
21 forms a medium of copying or reproducing the original record,
22 document, plat, paper, or instrument-in-writing. Any officer, office,
23 court, commission, board, institution, department, agent, or employee
24 of the state may have or cause to have records recorded, copied, or
25 reproduced under this subsection by any optical imaging process that
26 correctly and accurately copies or reproduces, recreates, or forms a
27 medium of copying or reproducing the original record, document, plat,
28 paper, or instrument-in-writing.

29 (b) The original filing record may be destroyed if:

- 30 (1) the record has been copied or is capable of being reproduced
31 or recreated under subsection (a); and
32 (2) an approved retention schedule allows for the destruction.

33 (c) Copies, recreations, or reproductions made under subsection (a):

- 34 (1) shall have the same force and effect at law as the original
35 record destroyed under subsection (b); and
36 (2) shall be received as evidence in any court where the original
37 record could have been so introduced;

38 if the recreations, copies, or reproductions are properly certified as to
39 authenticity and accuracy by a duly constituted official custodian of
40 such records.

41 (d) All micrographics and imaging processes done under this
42 chapter shall comply with the quality standards developed under



- 1 IC 5-15-5.1-8.
- 2 (e) This section does not apply to the ~~state court~~ **office of judicial**
 3 **administration division** of the supreme court.
- 4 SECTION 16. IC 6-8.1-9.5-12, AS AMENDED BY THE
 5 TECHNICAL CORRECTIONS BILL OF THE 2018 GENERAL
 6 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2018]: Sec. 12. Priority in multiple claims to refunds allowed
 8 to be set off under this chapter shall be in the following order:
- 9 (1) Department of state revenue.
- 10 (2) Child support bureau.
- 11 (3) Department of workforce development.
- 12 (4) Family and social services administration for claims
 13 concerning the Temporary Assistance for Needy Families
 14 **(TANF)** program. ~~(TANF)~~.
- 15 (5) Family and social services administration for claims
 16 concerning the federal Supplemental Nutrition Assistance
 17 Program (SNAP).
- 18 (6) Family and social services administration for claims
 19 concerning the Child Care and Development Fund (CCDF).
- 20 (7) Approved postsecondary educational institutions (as defined
 21 in IC 21-7-13-6).
- 22 (8) Office of judicial administration for claims concerning the
 23 **judicial court technology and automation project** fund.
- 24 (9) A claimant agency described in section 1(1)(A) of this
 25 chapter:
- 26 (A) that is not listed in subdivisions (1) through (8); and
- 27 (B) that enters into a formal agreement with the department
 28 under IC 6-8.1-9-14(d) after December 31, 2017.
- 29 The priority of multiple claims of claimant agencies in this
 30 ~~subsection~~ **subdivision** must be in the order in time that a
 31 claimant agency entered into a formal agreement with the
 32 department.
- 33 (10) United States Internal Revenue Service.
- 34 (11) A claimant agency described in section 1(1)(A) of this
 35 chapter that is not identified in the order priority under
 36 subdivisions (1) through (9). The priority of multiple claims of
 37 claimant agencies in this ~~subsection~~ **subdivision** must be in the
 38 order in time that a claimant agency has filed a written notice with
 39 the department of its intention to effect collection through a set
 40 off under this chapter.
- 41 (12) A claimant agency described in section 1(1)(B) of this
 42 chapter. The priority of multiple claims of claimant agencies in



1 this ~~subsection~~ **subdivision** must be in the order in time that the
2 clearinghouse representing the claimant agency files an
3 application on behalf of the claimant agency to effect collection
4 through a set off under this chapter.

5 SECTION 17. IC 9-30-3-2.5, AS ADDED BY P.L.206-2007,
6 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2018]: Sec. 2.5. (a) As used in this chapter, "electronic traffic
8 ticket" means:

- 9 (1) a traffic information and summons; or
 - 10 (2) a complaint and summons;
- 11 for traffic cases that is in an electronic format prescribed by the
12 ~~division office of state court~~ **judicial** administration.

13 (b) An electronic traffic ticket may be referred to as an "e-citation".

14 SECTION 18. IC 9-30-3-5.3, AS ADDED BY P.L.206-2007,
15 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2018]: Sec. 5.3. In prescribing the contents of an electronic
17 traffic ticket, the ~~division office of state court~~ **judicial** administration
18 shall require the inclusion in an electronic traffic ticket of the contents
19 required in an information and summons under section 6 of this
20 chapter. The ~~division office of state court~~ **judicial** administration may
21 modify the prescribed contents of an electronic traffic ticket as
22 necessary for the ticket to be in an electronic format.

23 SECTION 19. IC 9-30-3-8, AS AMENDED BY P.L.85-2013,
24 SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 JULY 1, 2018]: Sec. 8. (a) The court may issue a warrant for the arrest
26 of a defendant who is an Indiana resident and who fails to appear or
27 answer a traffic information and summons or a complaint and summons
28 served upon the defendant. If the warrant is not executed within thirty
29 (30) days after issue, the court shall promptly forward the court copy
30 of the traffic information and summons or complaint and summons to
31 the bureau indicating that the defendant failed to appear in court as
32 ordered. The court shall then mark the case as failure to appear on the
33 court's records.

34 (b) If a defendant who is not an Indiana resident fails to appear or
35 answer a traffic summons served upon the defendant and upon which
36 the information or complaint has been filed thirty (30) days after the
37 return date of the information and summons or complaint and
38 summons, the court shall promptly forward the court copy of the traffic
39 information and summons or complaint and summons to the bureau.
40 The bureau shall notify the motor vehicle commission of the state of
41 the nonresident defendant of the defendant's failure to appear and also
42 of any action taken by the bureau relative to the Indiana driving



1 privileges of the defendant. If the defendant fails to appear or otherwise
 2 answer within thirty (30) days, the court shall mark the case as failure
 3 to appear on the court's records.

4 (c) The court may suspend the driving privileges of a defendant who
 5 fails to satisfy a judgment entered against the defendant for:

6 (1) violation of a traffic ordinance; or

7 (2) commission of a traffic infraction;

8 by a date set by the court under IC 34-28-5-6. The court shall forward
 9 notice to the bureau indicating that the defendant failed to pay as
 10 ordered.

11 (d) If the bureau receives a copy of the traffic information and
 12 summons or complaint and summons for failure to appear in court
 13 under subsection (a) or (b) or a notice of failure to pay under
 14 subsection (c), either on a form prescribed by the bureau or in an
 15 electronic format prescribed by the ~~division office~~ of ~~state court~~
 16 **judicial** administration, the bureau shall suspend the driving privileges
 17 of the defendant until the defendant appears in court and the case has
 18 been disposed of, or until the date payment is received by the court.
 19 The order of suspension may be served upon the defendant by mailing
 20 the order by first class mail to the defendant at the last address shown
 21 for the defendant in the records of the bureau.

22 (e) For nonresidents of Indiana, the order of suspension shall be
 23 mailed to the defendant at the address given to the arresting officer or
 24 the clerk of court by the defendant as shown by the traffic information
 25 or complaint. A copy of the order shall also be sent to the motor vehicle
 26 bureau of the state of the nonresident defendant. If:

27 (1) the defendant's failure to appear in court has been certified to
 28 the bureau under this chapter; and

29 (2) the defendant subsequently appears in court to answer the
 30 charges against the defendant;

31 the court shall proceed to hear and determine the case in the same
 32 manner as other cases pending in the court. Upon final determination
 33 of the case, the court shall notify the bureau of the determination either
 34 in an electronic format or upon forms prescribed by the bureau. The
 35 notification shall be made by the court within ten (10) days after the
 36 final determination of the case, and information from the original copy
 37 of the traffic information and summons or complaint and summons
 38 must accompany the notification.

39 SECTION 20. IC 9-30-16-3, AS AMENDED BY P.L.120-2017,
 40 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2018]: Sec. 3. (a) This section does not apply to specialized
 42 driving privileges granted in accordance with section 3.5 of this



1 chapter. If a court orders a suspension of driving privileges under this
 2 chapter, or imposes a suspension of driving privileges under
 3 IC 9-30-6-9(c), the court may stay the suspension and grant a
 4 specialized driving privilege as set forth in this section.

5 (b) An individual who seeks specialized driving privileges must file
 6 a petition for specialized driving privileges in each court that has
 7 ordered or imposed a suspension of the individual's driving privileges.
 8 Each petition must:

- 9 (1) be verified by the petitioner;
- 10 (2) state the petitioner's age, date of birth, and address;
- 11 (3) state the grounds for relief and the relief sought;
- 12 (4) be filed in a ~~circuit or superior court~~; **the court case that**
 13 **resulted in the order of suspension**; and
- 14 (5) be served on the bureau and the prosecuting attorney.

15 A prosecuting attorney shall appear on behalf of the bureau to respond
 16 to a petition filed under this subsection.

17 (c) Regardless of the underlying offense, specialized driving
 18 privileges granted under this section shall be granted for:

- 19 (1) at least one hundred eighty (180) days; and
- 20 (2) not more than two and one-half ~~(2.5)~~ **(2 1/2)** years.

21 (d) The terms of specialized driving privileges must be determined
 22 by a court.

23 (e) A stay of a suspension and specialized driving privileges may
 24 not be granted to an individual who:

- 25 (1) has previously been granted specialized driving privileges;
 26 and
- 27 (2) has more than one (1) conviction under section 5 of this
 28 chapter.

29 (f) An individual who has been granted specialized driving
 30 privileges shall:

- 31 (1) maintain proof of future financial responsibility insurance
 32 during the period of specialized driving privileges;
- 33 (2) carry a copy of the order granting specialized driving
 34 privileges or have the order in the vehicle being operated by the
 35 individual;
- 36 (3) produce the copy of the order granting specialized driving
 37 privileges upon the request of a police officer; and
- 38 (4) carry a validly issued state identification card or driver's
 39 license.

40 (g) An individual who holds a commercial driver's license and has
 41 been granted specialized driving privileges under this chapter may not,
 42 for the duration of the suspension for which the specialized driving



1 privileges are sought, operate any vehicle that requires the individual
2 to hold a commercial driver's license to operate the vehicle.

3 SECTION 21. IC 9-30-16-5, AS AMENDED BY P.L.198-2016,
4 SECTION 610, IS AMENDED TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2018]: Sec. 5. (a) A person who knowingly or
6 intentionally violates a condition imposed by a court under section 3,
7 3.5, or 4 of this chapter, or imposed under IC 9-30-10-14.2, commits
8 a Class C misdemeanor. **The prosecuting attorney may notify the**
9 **court that issued the specialized driving privileges order of the**
10 **alleged violation. If the specialized driving privilege order is from**
11 **a different county, the prosecuting attorney may also notify the**
12 **prosecuting attorney in that county of the violation.**

13 (b) For a person convicted of an offense under subsection (a), the
14 court **that issued the specialized driving privilege order that was**
15 **violated** may modify or revoke specialized driving privileges. The
16 court **that issued the specialized driving privilege order that was**
17 **violated** may order the bureau to lift the stay of a suspension of driving
18 privileges and suspend the person's driving license as originally
19 ordered in addition to any additional suspension.

20 SECTION 22. IC 11-10-4-3, AS AMENDED BY P.L.110-2009,
21 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 JULY 1, 2018]: Sec. 3. (a) A committed offender may be involuntarily
23 transferred to the division of mental health and addiction or to a mental
24 health facility only if:

25 (1) the offender has been examined by a psychiatrist employed or
26 retained by the department and the psychiatrist reports to the
27 department in writing that, in the psychiatrist's opinion, the
28 offender has a mental illness and is in need of care and treatment
29 by the division of mental health and addiction or in a mental
30 health facility;

31 (2) the director of mental health approves of the transfer if the
32 offender is to be transferred to the division of mental health and
33 addiction; and

34 (3) the department affords the offender a hearing to determine the
35 need for the transfer, which hearing must comply with the
36 following minimum standards:

37 (A) The offender shall be given at least ten (10) days advance
38 written and verbal notice of the date, time, and place of the
39 hearing and the reason for the contemplated transfer. This
40 notice must advise the offender of the rights enumerated in
41 clauses (C) and (D). Notice must also be given to one (1) of
42 the following:



- 1 (i) The offender's spouse.
2 (ii) The offender's parent.
3 (iii) The offender's attorney.
4 (iv) The offender's guardian.
5 (v) The offender's custodian.
6 (vi) The offender's relative.
- 7 (B) A copy of the psychiatrist's report must be given to the
8 offender not later than at the time notice of the hearing is
9 given.
- 10 (C) The offender is entitled to appear in person, speak in the
11 offender's own behalf, call witnesses, present documentary
12 evidence, and confront and cross-examine witnesses.
- 13 (D) The offender is entitled to be represented by counsel or
14 other representative.
- 15 (E) The offender must be given a written statement of the
16 findings of fact, the evidence relied upon, and the reasons for
17 the action taken.
- 18 (F) A finding that the offender is in need of mental health care
19 and treatment in the division of mental health and addiction or
20 a mental health facility must be based upon clear and
21 convincing evidence.
- 22 (b) If the official in charge of the facility or program to which the
23 offender is assigned determines that emergency care and treatment in
24 the division of mental health and addiction or a mental health facility
25 is necessary to control a mentally ill offender who is either gravely
26 disabled or dangerous, that offender may be involuntarily transferred,
27 subject to the approval of the director of the division of mental health
28 and addiction, before holding the hearing described in subsection
29 (a)(3). However, this subsection does not deprive the offender of the
30 offender's right to a hearing.
- 31 (c) The official in charge of the division of mental health and
32 addiction or facility to which an offender is transferred under this
33 section must give the offender a semiannual written report, based on a
34 psychiatrist's examination, concerning the offender's mental condition
35 and the need for continued care and treatment in the division of mental
36 health and addiction or facility. If the report states that the offender is
37 still in need of care and treatment in the division of mental health and
38 addiction or a mental health facility, the division of mental health and
39 addiction or facility shall, upon request of the offender or a
40 representative in the offender's behalf, conduct a hearing to review the
41 need for that continued care and treatment. The hearing must comply
42 with the minimum standards established by subsection (a)(3). The



1 division of mental health and addiction or facility to which the offender
 2 is transferred under this section may conduct a hearing under this
 3 subsection upon its initiative.

4 (d) If the division of mental health and addiction or facility to which
 5 an offender is transferred under this section determines that the
 6 offender no longer needs care and treatment in the division of mental
 7 health and addiction or facility, the division of mental health and
 8 addiction or facility shall return the offender to the custody of the
 9 department of correction, and the department of correction shall
 10 reassign the offender to another facility or program.

11 (e) After an offender has been involuntarily transferred to and
 12 accepted by the division of mental health and addiction, the department
 13 shall transmit any information required by the ~~division office~~ of state
 14 ~~court~~ **judicial** administration for transmission to the NICS (as defined
 15 in IC 35-47-2.5-2.5) in accordance with IC 33-24-6-3.

16 SECTION 23. IC 11-12-2-4, AS AMENDED BY P.L.86-2017,
 17 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2018]: Sec. 4. (a) Except as provided in subsection (h), a
 19 county or group of counties, or a court or a group of courts, seeking
 20 financial aid under this chapter must apply to the commissioner in a
 21 manner and form prescribed by the commissioner. If the application is
 22 for a community corrections program, the application must include a
 23 community corrections plan that has been approved by the community
 24 corrections board and the county executive or, in a county having a
 25 consolidated city, by the city-county council. If the application is for a
 26 court supervised recidivism reduction program, the application must
 27 include information required by the department. If:

28 (1) the application is from a county (not including a court); and

29 (2) the county operates a community corrections program;

30 the application must be approved by the community corrections
 31 advisory board. The commissioner shall give priority consideration to
 32 applicants that demonstrate collaboration between the local community
 33 corrections advisory board and court supervised recidivism reduction
 34 programs or juvenile justice programs. No county may receive financial
 35 aid until its application is approved by the commissioner.

36 (b) A community corrections plan must comply with rules adopted
 37 under section 5 of this chapter and must include:

38 (1) a description of each program for which financial aid is
 39 sought;

40 (2) the purpose, objective, administrative structure, staffing, and
 41 duration of the program;

42 (3) a method to evaluate each component of the program to



- 1 determine the overall use of department approved best practices
2 for the program;
- 3 (4) the program's total operating budget, including all other
4 sources of anticipated income;
- 5 (5) the amount of community involvement and client participation
6 in the program;
- 7 (6) the location and description of facilities that will be used in
8 the program;
- 9 (7) the manner in which counties that jointly apply for financial
10 aid under this chapter will operate a coordinated community
11 corrections program; and
- 12 (8) a plan of collaboration among the probation department, the
13 community corrections program, and any other local criminal
14 justice agency that receives funding from the department for the
15 provision of community supervision for adult offenders. Counties
16 are encouraged to include the courts, prosecuting attorneys, public
17 defenders, and sheriffs when addressing the needs of the local
18 criminal justice population. The community supervision
19 collaboration plan must be submitted to the department and the
20 Indiana judicial center by January 1, 2016, and must include:
- 21 (A) a description of the evidence based services provided to
22 felony offenders by the community corrections program and
23 the probation department;
- 24 (B) the manner in which the community corrections program
25 and the probation department intend to reduce the duplication
26 of services to offenders under community supervision;
- 27 (C) the manner in which the community corrections program
28 and the probation department intend to coordinate operations
29 and collaborate on the supervision of adult felony offenders;
- 30 (D) the eligibility criteria established for community based
31 services provided to adult felony offenders;
- 32 (E) the criteria for using the community corrections program
33 as an intermediate sanction for an offender's violation of
34 probation conditions;
- 35 (F) a description of how financial aid from the department,
36 program fees, and probation user fees will be used to provide
37 services to adult felony offenders; and
- 38 (G) documentary evidence of compliance with department
39 rules for community corrections programs and judicial
40 conference of Indiana standards for probation departments.
- 41 (c) A community corrections plan must be annually updated,
42 approved by the county executive or, in a city having a consolidated



1 city, by the city-county council, and submitted to the commissioner.

2 (d) No amendment to or substantial modification of an approved
3 community corrections plan may be placed in effect until the
4 department and county executive, or in a county having a consolidated
5 city, the city-county council, have approved the amendment or
6 modification.

7 (e) A copy of the final plan as approved by the department shall be
8 made available to the board in a timely manner.

9 (f) The commissioner may, subject to availability of funds, give
10 priority in issuing additional financial aid to counties with a community
11 supervision collaboration plan approved by the department and the
12 ~~Indiana office of judicial center:~~ **administration.** The additional
13 financial aid may be used for any evidence based service or program
14 in the approved plan.

15 (g) Purposes for which the commissioner may award financial aid
16 under this chapter include:

17 (1) assisting a county in defraying the expenses of incarceration;

18 (2) funding mental health, addiction, and cognitive behavior
19 treatment programs for incarcerated persons;

20 (3) funding mental health, addiction, and cognitive behavior
21 treatment programs for persons who are on probation, are
22 supervised by a community corrections program, or are
23 participating in a pretrial diversion program offered by a
24 prosecuting attorney;

25 (4) funding work release and other community corrections
26 programs;

27 (5) reimbursing a county for probation officer and community
28 correction officer salaries; and

29 (6) funding a court appointed forensic advocate program (as
30 described in IC 35-36-12) for persons who are on probation, are
31 supervised by a community corrections program, or are
32 participating in a pretrial diversion program.

33 (h) If the application described in subsection (a) is for a juvenile
34 justice program, the county executive, or in a county having a
35 consolidated city, the city-county council, may apply directly to the
36 division of youth services in a manner and form prescribed by the
37 commissioner.

38 SECTION 24. IC 11-12-3.7-7.5, AS ADDED BY P.L.154-2015,
39 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JULY 1, 2018]: Sec. 7.5. The following persons shall provide or be
41 provided information and training concerning diversion programs or
42 other probationary programs available for individuals with an addictive



1 disorder, including information on medication assisted treatment within
2 these programs:

- 3 (1) Judges, provided by the ~~Indiana office of judicial center~~
4 **administration.**
5 (2) Prosecutors, provided by the prosecuting attorneys council.
6 (3) Public defenders, provided by the public defender council of
7 Indiana.

8 SECTION 25. IC 11-13-1-8, AS AMENDED BY P.L.149-2016,
9 SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2018]: Sec. 8. (a) As used in this section, "board" refers to the
11 board of directors of the judicial conference of Indiana established by
12 IC 33-38-9-3.

13 (b) The board shall adopt rules consistent with this chapter,
14 prescribing minimum standards concerning:

- 15 (1) educational and occupational qualifications for employment
16 as a probation officer;
17 (2) compensation of probation officers;
18 (3) protection of probation records and disclosure of information
19 contained in those records;
20 (4) presentence investigation reports;
21 (5) a schedule of progressive probation incentives and violation
22 sanctions, including judicial review procedures; and
23 (6) qualifications for probation officers to administer probation
24 violation sanctions under IC 35-38-2-3(e).

25 (c) The conference shall prepare a written examination to be used
26 in establishing lists of persons eligible for appointment as probation
27 officers. The conference shall prescribe the qualifications for entrance
28 to the examination and establish a minimum passing score and rules for
29 the administration of the examination after obtaining recommendations
30 on these matters from the probation standards and practices advisory
31 committee. The examination must be offered at least once every other
32 month.

33 (d) The conference shall, by its rules, establish an effective date for
34 the minimum standards and written examination for probation officers.

35 (e) The conference shall provide probation departments with
36 training and technical assistance for:

- 37 (1) the implementation and management of probation case
38 classification; and
39 (2) the development and use of workload information.

40 The staff of the Indiana judicial center may include a probation case
41 management coordinator and probation case management assistant.

42 (f) The conference shall, in cooperation with the department of child



1 services and the department of education, provide probation
 2 departments with training and technical assistance relating to special
 3 education services and programs that may be available for delinquent
 4 children or children in need of services. The subjects addressed by the
 5 training and technical assistance must include the following:

- 6 (1) Eligibility standards.
 7 (2) Testing requirements and procedures.
 8 (3) Procedures and requirements for placement in programs
 9 provided by school corporations or special education cooperatives
 10 under IC 20-35-5.
 11 (4) Procedures and requirements for placement in residential
 12 special education institutions or facilities under IC 20-35-6-2.
 13 (5) Development and implementation of individual education
 14 programs for eligible children in:
 15 (A) accordance with applicable requirements of state and
 16 federal laws and rules; and
 17 (B) coordination with:
 18 (i) individual case plans; and
 19 (ii) informal adjustment programs or dispositional decrees
 20 entered by courts having juvenile jurisdiction under
 21 IC 31-34 and IC 31-37.
 22 (6) Sources of federal, state, and local funding that is or may be
 23 available to support special education programs for children for
 24 whom proceedings have been initiated under IC 31-34 and
 25 IC 31-37.

26 Training for probation departments may be provided jointly with
 27 training provided to child welfare caseworkers relating to the same
 28 subject matter.

29 (g) The conference shall, in cooperation with the division of mental
 30 health and addiction (IC 12-21) and the division of disability and
 31 rehabilitative services (IC 12-9-1), provide probation departments with
 32 training and technical assistance concerning mental illness, addictive
 33 disorders, intellectual disabilities, and developmental disabilities,
 34 including evidence based treatment programs for mental illness and
 35 addictive disorders and cognitive behavior treatment.

36 (h) The conference shall make recommendations to courts and
 37 probation departments concerning:

- 38 (1) selection, training, distribution, and removal of probation
 39 officers;
 40 (2) methods and procedure for the administration of probation,
 41 including investigation, supervision, workloads, record keeping,
 42 and reporting; and



1 (3) use of citizen volunteers and public and private agencies.

2 (i) The conference may delegate any of the functions described in
3 this section to the advisory committee or the ~~Indiana office of judicial~~
4 ~~center.~~ **administration.**

5 SECTION 26. IC 11-13-4-3 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3. (a) The compact
7 administrator selected by the state council under IC 11-13-4.5 is the
8 administrator for probationers participating in the interstate compact
9 for the supervision of parolees and probationers under this chapter and
10 under IC 11-13-5.

11 (b) The judicial conference of Indiana may establish a staff position
12 within the ~~Indiana office of judicial center~~ **administration** to which the
13 duties of the compact administrator may be delegated.

14 (c) The judicial conference of Indiana shall adopt rules under
15 IC 4-22-2 prescribing duties and procedures for administering
16 probationers participating in the interstate compact under this chapter
17 and under IC 11-13-5.

18 SECTION 27. IC 11-13-4.5-2, AS AMENDED BY P.L.137-2011,
19 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 JULY 1, 2018]: Sec. 2. (a) As used in this section, "council" refers to:

21 (1) the state council for interstate adult offender supervision
22 described in section 1 of this chapter (Article III of the interstate
23 compact for adult offender supervision); and

24 (2) the state council for interstate juvenile supervision described
25 in section 1.5 of this chapter (Article VIII of the interstate
26 compact for juveniles).

27 (b) The council consists of the following members:

28 (1) The commissioner of the department of correction.

29 (2) The ~~executive director~~ **chief administrative officer** of the
30 ~~Indiana office of judicial center.~~ **administration or the chief**
31 **administrative officer's designee.**

32 (3) The executive director of the Indiana criminal justice institute.

33 (4) One (1) member of a victim's group appointed by the governor
34 upon recommendation of the executive director of the Indiana
35 criminal justice institute.

36 (5) The executive director of the Indiana sheriffs' association.

37 (6) The executive director of the public defender council of
38 Indiana.

39 (7) The executive director of the prosecuting attorneys council of
40 Indiana.

41 (8) One (1) member of the general assembly appointed by the
42 chairman of the legislative council. The legislative member serves



- 1 at the pleasure of the chairman of the legislative council.
- 2 (9) The compact administrator, if the compact administrator is not
- 3 already a member of the council.
- 4 (10) The director of the department of child services.
- 5 (11) The president of the Indiana council of juvenile and family
- 6 court judges.
- 7 (c) The ~~executive director~~ **chief administrative officer** of the
- 8 **Indiana office of judicial center administration** shall serve as the
- 9 chairperson of the council.
- 10 (d) The **Indiana office of judicial center administration** shall staff
- 11 the council.
- 12 (e) The council shall meet at the call of the chairperson or upon
- 13 request by a majority of the members, but at least one (1) time per
- 14 calendar year.
- 15 (f) The commissioner of the department of correction shall appoint
- 16 sufficient deputy compact administrators to fulfill Indiana's obligations
- 17 under the interstate compact for adult offender supervision with respect
- 18 to out-of-state offenders who are on parole.
- 19 (g) The ~~executive director~~ **chief administrative officer or designee**
- 20 of the **Indiana office of judicial center administration** shall appoint
- 21 sufficient deputy compact administrators to fulfill Indiana's obligations
- 22 under the interstate compact for adult offender supervision with respect
- 23 to out-of-state offenders who are on probation.
- 24 (h) The council has the following duties:
- 25 (1) The council shall receive the recommendation of the
- 26 commissioner of the department of correction and the ~~executive~~
- 27 ~~director~~ **chief administrative officer** of the **Indiana office of**
- 28 **judicial center administration** concerning the appointment of a
- 29 compact administrator.
- 30 (2) The council shall appoint the compact administrator, who
- 31 shall serve as commissioner on the interstate commission. If the
- 32 compact administrator is unable to serve as commissioner at a
- 33 meeting of the interstate commission, the council shall designate
- 34 another person to serve in place of the compact administrator.
- 35 (3) The council shall oversee activities of the interstate
- 36 commission.
- 37 (4) The council may make recommendations concerning the
- 38 operation of the interstate compact within Indiana and to facilitate
- 39 the implementation of the rules and bylaws adopted by the
- 40 interstate commission.
- 41 (5) The council shall carry out the duties of the state council
- 42 under section 1.5 of this chapter.



1 (i) The expenses of the council shall be paid from appropriations
2 made to the Indiana ~~judicial center~~ **supreme court**.

3 (j) Each member of the council who is not a state employee is not
4 entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b).
5 The member is entitled to reimbursement for traveling expenses as
6 provided under IC 4-13-1-4 and other expenses actually incurred in
7 connection with the member's duties as provided in the state policies
8 and procedures established by the Indiana department of administration
9 and approved by the budget agency.

10 (k) Each member of the council who is a state employee but who is
11 not a member of the general assembly is entitled to reimbursement for
12 traveling expenses as provided under IC 4-13-1-4 and other expenses
13 actually incurred in connection with the member's duties as provided
14 in the state policies and procedures established by the Indiana
15 department of administration and approved by the budget agency.

16 (l) Each member of the council who is a member of the general
17 assembly is entitled to receive the same per diem, mileage, and travel
18 allowances paid to legislative members of interim study committees
19 established by the legislative council. Per diem, mileage, and travel
20 allowances paid under this subsection shall be paid from appropriations
21 made to the legislative council or the legislative services agency.

22 (m) A member of the council who is a member of the general
23 assembly serves as a nonvoting member.

24 (n) The affirmative votes of a majority of the voting members
25 appointed to the council are required for the committee to take action
26 on any measure, including making a recommendation.

27 SECTION 28. IC 11-13-4.5-4, AS AMENDED BY P.L.137-2011,
28 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 JULY 1, 2018]: Sec. 4. (a) Except as provided in subsection (b), an
30 Indiana offender or delinquent child on probation or parole who applies
31 to be transferred out of state under the interstate compact for adult
32 supervision or the interstate compact for juveniles shall pay an
33 application fee of one hundred twenty-five dollars (\$125). The
34 application fee shall be used to cover the costs of administering the
35 interstate compact for adult offender supervision and the interstate
36 compact for juveniles.

37 (b) An offender or delinquent child who has been found indigent by
38 a trial court at the time the offender applies to be transferred out of
39 state under the interstate compact for adult supervision or the interstate
40 compact for juveniles may, at the court's discretion, be required to pay
41 a lesser amount of the cost of the application fee under subsection (a).

42 (c) An Indiana offender or delinquent child who is on probation



1 shall pay the application fee to the county probation department.

2 (d) An Indiana offender or delinquent child who is on parole shall
3 pay the application fee to the department of correction.

4 (e) The application fee paid by an Indiana offender or delinquent
5 child who is on probation shall be transferred to the county treasurer.
6 The county treasurer shall deposit fifty percent (50%) of the money
7 collected under this subsection into the county offender transportation
8 fund and shall transmit the remaining fifty percent (50%) of the money
9 collected under this subsection to the Indiana ~~judicial center~~ **supreme**
10 **court** for deposit in the general fund, to be used to cover the cost of
11 administering the interstate compact for adult offender supervision and
12 the interstate compact for juveniles.

13 (f) The ~~executive director~~ **chief administrative officer or designee**
14 of the ~~Indiana office of judicial center administration~~ shall submit a
15 proposed budget for expenditure of the money deposited in the general
16 fund under this section to the budget agency in accordance with
17 IC 4-12-1.

18 (g) The application fee paid by an Indiana offender or delinquent
19 child who is on parole shall be deposited into the general fund to be
20 used to cover the cost of administering the interstate compact for adult
21 offender supervision and the interstate compact for juveniles.

22 (h) The commissioner of the department of correction shall submit
23 a proposed budget for expenditure of the money deposited in the
24 general fund under this section to the budget agency in accordance with
25 IC 4-12-1.

26 (i) The ~~office of judicial center administration~~ and the department
27 of correction shall develop a process to ensure that a sex or violent
28 offender who transfers to or out of Indiana under the compact will be
29 registered appropriately.

30 SECTION 29. IC 12-23-14-8 IS AMENDED TO READ AS
31 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 8. Before an alcohol
32 and drug services program may be established in a county, the court
33 must do the following:

34 (1) Have a written statement from the ~~Indiana office of judicial~~
35 **center administration** approving the establishment of the
36 program and the plans for operation before the court may submit
37 the petition to the legislative and appropriating body for approval.

38 (2) Obtain the approval of the legislative and appropriating body
39 from which the court derives the court's money.

40 SECTION 30. IC 12-23-14-13, AS AMENDED BY P.L.2-2007,
41 SECTION 165, IS AMENDED TO READ AS FOLLOWS
42 [EFFECTIVE JULY 1, 2018]: Sec. 13. (a) As used in this section,



1 "board" refers to the board of directors of the judicial conference of
2 Indiana established by IC 33-38-9-3.

3 (b) As used in this section, "effective date" means the date
4 established by the board after which minimum employment standards
5 are required for persons employed in court drug and alcohol programs.

6 (c) A program established under this chapter is subject to the
7 regulatory powers of the ~~Indiana office of judicial center~~
8 **administration** established by IC 33-38-9-4.

9 (d) With regard to alcohol and drug services programs established
10 under this chapter, the ~~Indiana office of judicial center~~ **administration**
11 may do the following:

12 (1) Ensure that programs comply with rules adopted under this
13 section and applicable federal regulations.

14 (2) Revoke the authorization of a program upon a determination
15 that the program does not comply with rules adopted under this
16 section and applicable federal regulations.

17 (3) Make agreements and contracts with:

18 (A) another department, authority, or agency of the state;

19 (B) another state;

20 (C) the federal government;

21 (D) a state educational institution or a private postsecondary
22 educational institution; or

23 (E) a public or private agency;

24 to effectuate the purposes of this chapter.

25 (4) Directly, or by contract, approve and certify programs
26 established under this chapter.

27 (5) Require, as a condition of operation, that each program
28 created or funded under this chapter be certified according to
29 rules established by the ~~Indiana office of judicial center~~
30 **administration**.

31 (6) Adopt rules to implement this chapter.

32 (e) The board shall adopt rules concerning standards, requirements,
33 and procedures for initial certification, recertification, and
34 decertification of alcohol and drug services programs.

35 (f) The board may adopt rules concerning educational and
36 occupational qualifications needed to be employed by or to provide
37 services to a court alcohol and drug services program. If the board
38 adopts qualifications under this subsection:

39 (1) the board shall establish an effective date after which any
40 person employed by a court alcohol and drug services program
41 must meet the minimum qualifications adopted under this
42 subsection; and



1 (2) the minimum employment qualifications adopted under this
2 subsection do not apply to a person who is employed:

3 (A) by a certified court alcohol and drug program before the
4 effective date; or

5 (B) as administrative personnel.

6 (g) The board may delegate any of the functions described in
7 subsections (e) and (f) to the court alcohol and drug program advisory
8 committee or the ~~Indiana office of judicial center~~ **administration**.

9 SECTION 31. IC 12-23-14-17, AS AMENDED BY P.L.158-2013,
10 SECTION 182, IS AMENDED TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 2018]: Sec. 17. (a) The Indiana ~~judicial center~~
12 **supreme court** drug and alcohol programs fund is established for the
13 purpose of administering, certifying, and supporting alcohol and drug
14 services programs under this chapter. The fund shall be administered
15 by the ~~Indiana office of judicial center~~ **administration** established by
16 ~~IC 33-38-9-4~~ **IC 33-24-6-1**.

17 (b) The treasurer of state shall invest the money in the fund not
18 currently needed to meet the obligations of the fund in the same
19 manner as other public funds may be invested.

20 (c) Money in the fund at the end of the fiscal year does not revert to
21 the state general fund.

22 (d) The ~~Indiana office of judicial center~~ **administration** may award
23 a grant from the fund to a probation department or a community
24 corrections program to increase substance abuse treatment access for
25 individuals on probation or individuals placed in a community
26 corrections program who are under court supervision and who have
27 been diagnosed with a substance abuse disorder or co-occurring
28 disorder.

29 (e) To receive a grant under this section, a probation department or
30 community corrections program and the agency that will be providing
31 treatment if the grant is approved must submit an application to the
32 ~~Indiana office of judicial center~~ **administration**:

33 (1) on a form; and

34 (2) in the manner;

35 prescribed by the ~~Indiana office of judicial center~~ **administration**.

36 (f) The ~~Indiana office of judicial center~~ **administration** shall
37 determine the amount of a grant awarded under this section in
38 consultation with the division of mental health and addiction and the
39 local probation department or community corrections program.

40 (g) Mental health and substance abuse counseling provided by
41 grants under this section must be contracted for with a certified mental
42 health or addiction provider as determined by the division of mental



1 health and addiction.

2 SECTION 32. IC 12-26-1-1.5, AS ADDED BY P.L.154-2015,
3 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2018]: Sec. 1.5. The following shall, in consultation with the
5 division of mental health and addiction, provide or be provided
6 information and training concerning involuntary commitment,
7 including the use of involuntary commitment for individuals who have
8 a substance abuse or addiction condition:

9 (1) Judges, provided by the ~~Indiana office of judicial center-~~
10 **administration.**

11 (2) Prosecutors, provided by the prosecuting attorneys council.

12 (3) Public defenders, provided by the public defender council of
13 Indiana.

14 SECTION 33. IC 12-26-6-8, AS AMENDED BY P.L.110-2009,
15 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2018]: Sec. 8. (a) If, upon the completion of the hearing and
17 consideration of the record, the court finds that the individual is
18 mentally ill and either dangerous or gravely disabled, the court may
19 order the individual to:

20 (1) be committed to an appropriate facility; or

21 (2) enter an outpatient treatment program under IC 12-26-14 for
22 a period of not more than ninety (90) days.

23 (b) The court's order must require that the superintendent of the
24 facility or the attending physician file a treatment plan with the court
25 within fifteen (15) days of the individual's admission to the facility
26 under a commitment order.

27 (c) If the commitment ordered under subsection (a) is to a state
28 institution administered by the division of mental health and addiction,
29 the record of commitment proceedings must include a report from a
30 community mental health center stating both of the following:

31 (1) That the community mental health center has evaluated the
32 individual.

33 (2) That commitment to a state institution administered by the
34 division of mental health and addiction under this chapter is
35 appropriate.

36 (d) The physician who makes the statement required by section 2(c)
37 of this chapter may be affiliated with the community mental health
38 center that submits to the court the report required by subsection (c).

39 (e) If the commitment is of an adult to a research bed at Larue D.
40 Carter Memorial Hospital as set forth in IC 12-21-2-3, the report from
41 a community mental health center is not required.

42 (f) If a commitment ordered under subsection (a) is to a state



1 institution administered by the division of disability and rehabilitative
 2 services, the record of commitment proceedings must include a report
 3 from a service coordinator employed by the division of disability and
 4 rehabilitative services stating that, based on a diagnostic assessment of
 5 the individual, commitment to a state institution administered by the
 6 division of disability and rehabilitative services under this chapter is
 7 appropriate.

8 (g) If the court makes a finding under subsection (a) (including a
 9 finding in reference to a child under IC 31-37-18-3), the court shall
 10 transmit any information required by the ~~division office~~ of ~~state court~~
 11 **judicial** administration to the ~~division office~~ of ~~state court~~ **judicial**
 12 administration for transmission to the NICS (as defined in
 13 IC 35-47-2.5-2.5) in accordance with IC 33-24-6-3.

14 SECTION 34. IC 12-26-7-5, AS AMENDED BY P.L.110-2009,
 15 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2018]: Sec. 5. (a) If at the completion of the hearing and the
 17 consideration of the record an individual is found to be mentally ill and
 18 either dangerous or gravely disabled, the court may enter either of the
 19 following orders:

- 20 (1) For the individual's custody, care, or treatment, or continued
 21 custody, care, or treatment in an appropriate facility.
 22 (2) For the individual to enter an outpatient therapy program
 23 under IC 12-26-14.

24 (b) An order entered under subsection (a) continues until any of the
 25 following occurs:

- 26 (1) The individual has been:
 27 (A) discharged from the facility; or
 28 (B) released from the therapy program.
 29 (2) The court enters an order:
 30 (A) terminating the commitment; or
 31 (B) releasing the individual from the therapy program.

32 (c) If the court makes a finding under subsection (a), the court shall
 33 transmit any information required by the ~~division office~~ of ~~state court~~
 34 **judicial** administration to the ~~division office~~ of ~~state court~~ **judicial**
 35 administration for transmission to the NICS (as defined in
 36 IC 35-47-2.5-2.5) in accordance with IC 33-24-6-3.

37 SECTION 35. IC 20-28-5-8, AS AMENDED BY P.L.252-2017,
 38 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2018]: Sec. 8. (a) This section applies when a prosecuting
 40 attorney knows that a licensed employee of a public school or a
 41 nonpublic school has been convicted of an offense listed in subsection
 42 (c). The prosecuting attorney shall immediately give written notice of



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



- 1 (IC 35-48-4-10).
- 2 (20) Dealing in a synthetic drug or synthetic drug lookalike
- 3 substance (IC 35-48-4-10.5, or IC 35-48-4-10(b) before its
- 4 amendment in 2013).
- 5 (21) Possession of child pornography (IC 35-42-4-4(d) or
- 6 IC 35-42-4-4(e)).
- 7 (22) Homicide (IC 35-42-1).
- 8 (23) Voluntary manslaughter (IC 35-42-1-3).
- 9 (24) Reckless homicide (IC 35-42-1-5).
- 10 (25) Battery as any of the following:
- 11 (A) A Class A felony (for a crime committed before July 1,
- 12 2014) or a Level 2 felony (for a crime committed after June
- 13 30, 2014).
- 14 (B) A Class B felony (for a crime committed before July 1,
- 15 2014) or a Level 3 felony (for a crime committed after June
- 16 30, 2014).
- 17 (C) A Class C felony (for a crime committed before July 1,
- 18 2014) or a Level 5 felony (for a crime committed after June
- 19 30, 2014).
- 20 (26) Aggravated battery (IC 35-42-2-1.5).
- 21 (27) Robbery (IC 35-42-5-1).
- 22 (28) Carjacking (IC 35-42-5-2) (before its repeal).
- 23 (29) Arson as a Class A felony or Class B felony (for a crime
- 24 committed before July 1, 2014) or as a Level 2, Level 3, or Level
- 25 4 felony (for a crime committed after June 30, 2014)
- 26 (IC 35-43-1-1(a)).
- 27 (30) Burglary as a Class A felony or Class B felony (for a crime
- 28 committed before July 1, 2014) or as a Level 1, Level 2, Level 3,
- 29 or Level 4 felony (for a crime committed after June 30, 2014)
- 30 (IC 35-43-2-1).
- 31 (31) Human trafficking (IC 35-42-3.5).
- 32 (32) Attempt under IC 35-41-5-1 to commit an offense listed in
- 33 this subsection.
- 34 (33) Conspiracy under IC 35-41-5-2 to commit an offense listed
- 35 in this subsection.
- 36 (d) The department shall permanently revoke the license of a person
- 37 who is known by the department to have been convicted of a federal
- 38 offense or an offense in another state that is comparable to a felony
- 39 listed in subsection (c).
- 40 (e) A license may be suspended by the state superintendent as
- 41 specified in IC 20-28-7.5.
- 42 (f) The department shall develop a data base of information on



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

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

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

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

14 SECTION 36. IC 25-23.6-10.1-2, AS ADDED BY P.L.122-2009,
15 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2018]: Sec. 2. (a) This article may not be construed to limit
17 addiction counselor or clinical addiction counselor services performed
18 by a person who does not use a title specified in this article and who is
19 any of the following:

20 (1) A licensed or certified health care professional acting within
21 the scope of the person's license or certificate, including a:

22 (A) social worker licensed under this article;

23 (B) clinical social worker licensed under this article;

24 (C) marriage and family therapist licensed under this article;

25 (D) mental health counselor licensed under this article;

26 (E) psychologist licensed under IC 25-33;

27 (F) physician licensed under IC 25-22.5; or

28 (G) nurse licensed under IC 25-23;

29 and who has training and experience in addiction counseling.

30 (2) A student, an intern, or a trainee pursuing a course of study in
31 medicine or psychology or a course of study to gain licensure
32 under this article:

33 (A) in an accredited eligible postsecondary educational
34 institution or training institution accredited by the Council for
35 Accreditation of Counseling and Related Educational
36 Programs;

37 (B) through a National Association of Alcohol and Drug
38 Abuse Counselors approved academic education provider; or

39 (C) by a graduate accumulating experience required for
40 licensure if:

41 (i) the services are performed under qualified supervision
42 and constitute a part of the person's supervised course of



- 1 study or other level of supervision; and
 2 (ii) the student or graduate uses a title that contains the term
 3 "intern", "student", or "trainee".
 4 (3) A nonresident of Indiana if the person performs addiction
 5 counseling or therapy in Indiana for not more than:
 6 (A) five (5) days in any one (1) month; or
 7 (B) fifteen (15) days in any one (1) calendar year;
 8 and the person is authorized to perform such services under the
 9 laws of the state or country in which the person resides.
 10 (4) A rabbi, priest, Christian Science practitioner, minister, or
 11 other member of the clergy.
 12 (5) An employee or a volunteer for an organization performing
 13 charitable, religious, or educational functions or providing
 14 pastoral counseling or other assistance.
 15 (6) A person who provides school counseling.
 16 (7) A governmental employee who remains in the same job
 17 classification or job family of that job classification.
 18 (8) An employee of a court alcohol and drug program, a drug
 19 court, or a reentry court certified by the ~~Indiana office of Judicial~~
 20 ~~Center~~ **judicial administration** when performing assigned job
 21 duties.
 22 (9) A probation officer when performing assigned job duties.
 23 (b) This section does not prohibit a person referred to in subsection
 24 (a) from qualifying for licensure under this article.
 25 SECTION 37. IC 29-3-3-4, AS AMENDED BY P.L.178-2011,
 26 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2018]: Sec. 4. (a) If:
 28 (1) a guardian has not been appointed for an incapacitated person
 29 or minor;
 30 (2) an emergency exists;
 31 (3) the welfare of the incapacitated person or minor requires
 32 immediate action; and
 33 (4) no other person appears to have authority to act in the
 34 circumstances;
 35 the court, on petition by any person or on its own motion, may appoint
 36 a temporary guardian for the incapacitated person or minor for a
 37 specified period not to exceed ninety (90) days. **Upon notice and**
 38 **hearing, the court may, with good cause shown, grant an extension**
 39 **of the temporary guardianship.** No such appointment shall be made
 40 except after notice and hearing unless it is alleged and found by the
 41 court that immediate and irreparable injury to the person or injury, loss,
 42 or damage to the property of the alleged incapacitated person or minor



1 may result before the alleged incapacitated person or minor can be
 2 heard in response to the petition. If a temporary guardian is appointed
 3 without advance notice and the alleged incapacitated person or minor
 4 files a petition that the guardianship be terminated or the court order
 5 modified, the court shall hear and determine the petition at the earliest
 6 possible time.

7 (b) If:

8 (1) a petition is filed under this section for the appointment of a
 9 temporary guardian; and

10 (2) each person required to receive notice under IC 29-3-6-1(a)
 11 has not:

12 (A) received a complete copy of the petition and notice
 13 required by IC 29-3-6-2 before the court considers and acts on
 14 the petition; or

15 (B) received actual notice of the filing of the petition and
 16 specifically waived in writing the necessity for service of the
 17 notice required under IC 29-3-6-2 before the court considers
 18 and acts on the petition;

19 the petitioner shall, on the earlier of the date the court enters an order
 20 scheduling a hearing on the petition or the date the court enters an
 21 order appointing a temporary guardian, serve complete copies of the
 22 petition, the court's order, and the notice required by IC 29-3-6-2 on
 23 every person entitled to receive notice under IC 29-3-6-1(a) and on
 24 each additional person to whom the court directs that notice be given.
 25 The requirements of this subsection are in addition to the petitioner's
 26 obligations under Rule 65 of the Indiana Rules of Trial Procedure to
 27 make a specific showing of the petitioner's efforts to provide advance
 28 notice to all interested persons or the reasons why advance notice
 29 cannot or should not be given.

30 (c) If the court finds that a previously appointed guardian is not
 31 effectively performing fiduciary duties and that the welfare of the
 32 protected person requires immediate action, the court may suspend the
 33 authority of the previously appointed guardian and appoint a temporary
 34 guardian for the protected person for any period fixed by the court. The
 35 authority of the previously appointed guardian is suspended as long as
 36 a temporary guardian appointed under this subsection has authority to
 37 act.

38 (d) A temporary guardian appointed under this section has only the
 39 responsibilities and powers that are ordered by the court. The court
 40 shall order only the powers that are necessary to prevent immediate and
 41 substantial injury or loss to the person or property of the alleged
 42 incapacitated person or minor in an appointment made under this



1 section.

2 (e) Proceedings under this section are not subject to the provisions
3 of IC 29-3-4.

4 (f) A proceeding under this section may be joined with a proceeding
5 under IC 29-3-4 or IC 29-3-5.

6 SECTION 38. IC 31-11-4-18, AS AMENDED BY P.L.22-2012,
7 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2018]: Sec. 18. (a) The clerk of the circuit court shall forward
9 records of marriage to the state department of health on at least a
10 monthly basis. A clerk:

11 (1) may forward a record of marriage to the state department of
12 health in:

13 (A) a paper form; or

14 (B) an electronic form by using:

15 (i) an automated system developed by the **office of judicial**
16 **technology and automation project; administration;** or

17 (ii) another automated system approved by the state
18 department of health; and

19 (2) who forwards a record of marriage to the state department of
20 health in an electronic form is not required to forward the record
21 of marriage to the state department of health in a paper form.

22 (b) The state department of health shall:

23 (1) prescribe a form for recording marriages;

24 (2) accept a court order under section 17 of this chapter (or
25 IC 31-7-3-15.5 before its repeal) in place of a marriage certificate;

26 (3) prepare an annual index of all marriages solemnized in
27 Indiana and furnish at least one (1) index to the Indiana state
28 library; and

29 (4) furnish reports on records of marriage published by the state
30 department of health to the Indiana state library.

31 SECTION 39. IC 31-31-10-2 IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2. (a) Each probation
33 department shall, not later than October 1 of each year, file a report
34 with the ~~division office of state court~~ **judicial** administration that
35 includes the information the probation department is required to
36 maintain under section 1 of this chapter.

37 (b) The report under subsection (a) must:

38 (1) cover the previous state fiscal year; and

39 (2) include at least the following:

40 (A) The number of delinquent children and children in need of
41 services who received juvenile law services.

42 (B) Demographic information relating to the delinquent



- 1 children and children in need of services who received
 2 juvenile law services.
- 3 (C) All financial information relating to juvenile law services
 4 provided to delinquent children and children in need of
 5 services.
- 6 SECTION 40. IC 31-32-13-9 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 9. When a court issues
 8 an order or an emergency order under this chapter:
- 9 (1) the clerk of the court shall comply with IC 5-2-9; and
 10 (2) the petitioner shall file a confidential form prescribed or
 11 approved by the ~~division office~~ **of state court judicial**
 12 **administration** with the clerk.
- 13 SECTION 41. IC 31-34-19-6.1, AS AMENDED BY P.L.48-2012,
 14 SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2018]: Sec. 6.1. (a) Before entering its dispositional decree or
 16 a modification to a dispositional decree, the juvenile court shall do the
 17 following:
- 18 (1) Consider the recommendations for the needs of the child for
 19 care, treatment, rehabilitation, or placement made by the
 20 department in the department's predispositional report.
- 21 (2) Consider the recommendations for the needs of the child for
 22 care, treatment, rehabilitation, or placement made by the parent,
 23 guardian or custodian, guardian ad litem or court appointed
 24 special advocate, foster parent, other caretaker of the child, or
 25 other party to the proceeding.
- 26 (3) If the juvenile court determines that the best interests of the
 27 child require consideration of other dispositional options, submit
 28 the juvenile court's own recommendations for care, treatment,
 29 rehabilitation, or placement of the child.
- 30 (b) If the juvenile court accepts the recommendations in the
 31 department's predispositional report, the juvenile court shall enter its
 32 dispositional decree with its findings and conclusions under section 10
 33 of this chapter.
- 34 (c) If during or after conclusion of the dispositional hearing or
 35 modification hearing, the juvenile court does not accept the
 36 recommendations of the department as set out under subsection (a) in
 37 the predispositional report and states that the juvenile court wants the
 38 department to consider the recommendations made under subsection
 39 (a)(2) or (a)(3), the dispositional hearing or modification hearing shall
 40 be continued for not more than seven (7) business days after service of
 41 notice of the juvenile court's determination. The department shall
 42 consider the recommendations that the juvenile court requested the



1 department to consider and submit to the juvenile court a supplemental
 2 predispositional report stating the department's final recommendations
 3 and reasons for accepting or rejecting the recommendations that were
 4 not included in the department's original predispositional report. If the
 5 juvenile court accepts the recommendations in the department's
 6 supplemental report, the juvenile court may adopt the
 7 recommendations as its findings and enter its dispositional decree.

8 (d) The juvenile court shall accept each final recommendation of the
 9 department contained in a supplemental predispositional report
 10 submitted under subsection (c), unless the juvenile court finds that a
 11 recommendation is:

12 (1) unreasonable, based on the facts and circumstances of the
 13 case; or

14 (2) contrary to the welfare and best interests of the child.

15 (e) If the juvenile court does not accept one (1) or more of the
 16 department's final recommendations contained in the department's
 17 supplemental predispositional report, the juvenile court shall:

18 (1) enter its dispositional decree with its written findings and
 19 conclusions under sections 6 and 10 of this chapter; and

20 (2) specifically state why the juvenile court is not accepting the
 21 final recommendations of the department.

22 (f) If the juvenile court enters its findings and decree under
 23 subsections (d) and (e), the department may appeal the juvenile court's
 24 decree under any available procedure provided by the Indiana Rules of
 25 Trial Procedure or the Indiana Rules of Appellate Procedure to allow
 26 any disputes arising under this section to be decided in an expeditious
 27 manner.

28 (g) If the department prevails on appeal, the department shall pay
 29 the following costs and expenses incurred by or on behalf of the child
 30 before the date of the final decision:

31 (1) Any programs or services implemented during the appeal
 32 initiated under subsection (f), other than the cost of an
 33 out-of-home placement ordered by the juvenile court.

34 (2) Any out-of-home placement ordered by the juvenile court and
 35 implemented after entry of the dispositional decree or
 36 modification order, if the court has made written findings that the
 37 placement is an emergency required to protect the health and
 38 welfare of the child.

39 If the court has not made written findings that the placement is an
 40 emergency, the department shall file a notice with the ~~Indiana office of~~
 41 ~~judicial center.~~ **administration.**

42 SECTION 42. IC 31-37-17-4, AS AMENDED BY P.L.48-2012,



1 SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2018]: Sec. 4. (a) If consistent with the safety and best interest
3 of the child and the community, the probation officer preparing the
4 report shall recommend care, treatment, rehabilitation, or placement
5 that:

6 (1) is:

7 (A) in the least restrictive (most family like) and most
8 appropriate setting available; and

9 (B) close to the parents' home, consistent with the best interest
10 and special needs of the child;

11 (2) least interferes with family autonomy;

12 (3) is least disruptive of family life;

13 (4) imposes the least restraint on the freedom of the child and the
14 child's parent, guardian, or custodian; and

15 (5) provides a reasonable opportunity for participation by the
16 child's parent, guardian, or custodian.

17 (b) If the report recommends a placement or services for which the
18 department will be responsible for payment under IC 31-40-1, the
19 report must include a risk assessment and needs assessment for the
20 child. The probation officer shall submit to the department a copy of
21 the report and the financial report prepared by the probation officer.

22 (c) If the report does not include the:

23 (1) risk assessment and needs assessment required in subsection

24 (b); or

25 (2) information required to be provided under section 1(a)(3) of
26 this chapter;

27 the department shall file a notice with the ~~Indiana~~ **office of judicial**
28 **center: administration.**

29 SECTION 43. IC 31-37-19-2, AS AMENDED BY P.L.85-2017,
30 SECTION 106, IS AMENDED TO READ AS FOLLOWS
31 [EFFECTIVE JULY 1, 2018]: Sec. 2. If a court enters a dispositional
32 decree that includes a no contact order under section 1(a)(7) of this
33 chapter:

34 (1) the clerk of the court that enters a dispositional decree that
35 includes a no contact order under section 1(a)(7) of this chapter
36 shall comply with IC 5-2-9; and

37 (2) the petitioner shall file a confidential form prescribed or
38 approved by the ~~division~~ **office of state court judicial**
39 **administration** with the clerk.

40 SECTION 44. IC 31-37-19-22 IS AMENDED TO READ AS
41 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 22. If a court issues a
42 dispositional decree that includes a no contact order under section



1 6(b)(2)(G) of this chapter:

- 2 (1) the clerk of the court shall comply with IC 5-2-9; and
 3 (2) the petitioner shall file a confidential form prescribed or
 4 approved by the ~~division office~~ **of state court judicial**
 5 **administration** with the clerk.

6 SECTION 45. IC 32-30-10.5-8, AS AMENDED BY P.L.102-2012,
 7 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2018]: Sec. 8. (a) This section applies to a foreclosure action
 9 that is filed after June 30, 2009. Except as provided in subsection (e)
 10 and section 10(g) of this chapter, not later than thirty (30) days before
 11 a creditor files an action for foreclosure, the creditor shall send to the
 12 debtor by certified mail a presuit notice on a form prescribed by the
 13 authority. The notice required by this subsection must do the following:

- 14 (1) Inform the debtor that:
 15 (A) the debtor is in default;
 16 (B) the debtor is encouraged to obtain assistance from a
 17 mortgage foreclosure counselor; and
 18 (C) if the creditor proceeds to file a foreclosure action and
 19 obtains a foreclosure judgment, the debtor has a right to do the
 20 following before a sheriff's sale is conducted:
 21 (i) Appeal a finding of abandonment by a court under
 22 IC 32-30-10.6.
 23 (ii) Redeem the real estate from the judgment under
 24 IC 32-29-7-7.
 25 (iii) Retain possession of the property under
 26 IC 32-29-7-11(b), subject to the conditions set forth in
 27 IC 32-29-7-11(b).
 28 (2) Provide the contact information for the Indiana Foreclosure
 29 Prevention Network.
 30 (3) Include the following statement printed in at least 14 point
 31 boldface type:

32 "NOTICE REQUIRED BY STATE LAW

33 Mortgage foreclosure is a complex process. People may
 34 approach you about "saving" your home. You should be
 35 careful about any such promises. There are government
 36 agencies and nonprofit organizations you may contact for
 37 helpful information about the foreclosure process. For the
 38 name and telephone number of an organization near you,
 39 please call the Indiana Foreclosure Prevention Network."

- 40 (b) The notice required by subsection (a) shall be sent to:
 41 (1) the address of the mortgaged property; or
 42 (2) the last known mailing address of the debtor if the creditor's



- 1 records indicate that the mailing address of the debtor is other
 2 than the address of the mortgaged property.
- 3 If the creditor provides evidence that the notice required by subsection
 4 (a) was sent by certified mail, return receipt requested, and in
 5 accordance with this subsection, it is not necessary that the debtor
 6 accept receipt of the notice for an action to proceed as allowed under
 7 this chapter.
- 8 (c) Except as provided in subsection (e) and section 10(g) of this
 9 chapter, if a creditor files an action to foreclose a mortgage, the creditor
 10 shall:
- 11 (1) in the case of a foreclosure action filed after June 30, 2009,
 12 but before July 1, 2011, include with the complaint served on the
 13 debtor, on a form prescribed by the authority; and
- 14 (2) subject to subsection (f), in the case of a foreclosure action
 15 filed after June 30, 2011, include on the first page of the summons
 16 that is served on the debtor in conjunction with the complaint;
 17 a notice that informs the debtor of the debtor's right to participate in a
 18 settlement conference, subject to section 9(b) of this chapter. The
 19 notice under subdivision (1) or (2) must inform the debtor that the
 20 debtor may schedule a settlement conference by notifying the court, not
 21 later than thirty (30) days after the complaint is served on the debtor,
 22 of the debtor's intent to participate in a settlement conference.
- 23 (d) If a creditor files an action to foreclose a mortgage, the creditor
 24 shall do the following:
- 25 (1) Include with the complaint filed with the court:
- 26 (A) except as provided in subsection (e) and section 10(g) of
 27 this chapter, a copy of the notices sent to the debtor under
 28 subsections (a) and (c), if the foreclosure action is filed after
 29 June 30, 2009, but before July 1, 2011; or
- 30 (B) the following, if the foreclosure action is filed after June
 31 30, 2011:
- 32 (i) Except as provided in subsection (e) and section 10(g) of
 33 this chapter, a copy of the notice sent to the debtor under
 34 subsection (a).
- 35 (ii) The following most recent contact information for the
 36 debtor that the creditor has on file: all telephone numbers
 37 and electronic mail addresses for the debtor and any mailing
 38 address described in subsection (b)(2). The contact
 39 information provided under this item is confidential under
 40 IC 5-14-3-4(a)(13).
- 41 (2) For a foreclosure action filed after June 30, 2011, at the time
 42 the complaint is filed with the court, send:



- 1 (A) by certified mail, return receipt requested; and
 2 (B) to the last known mailing address of the insurance
 3 company;
 4 a copy of the complaint filed with the court to the insurance
 5 company of record for the property that is the subject of the
 6 foreclosure action.

7 It is not necessary that the insurance company accept receipt of the
 8 copy of the complaint for the creditor to satisfy the requirement of
 9 subdivision (2). A creditor's failure to provide a copy of the complaint
 10 as required by subdivision (2) does not affect the foreclosure action or
 11 subject the creditor to any liability. Subject to section 9(b) of this
 12 chapter, in the case of a foreclosure action filed after June 30, 2011,
 13 upon the filing of the complaint by the creditor, the court shall send to
 14 the debtor, by United States mail and to the address of the mortgaged
 15 property, or to an address for the debtor provided by the creditor under
 16 subdivision (1)(B)(ii), if applicable, a notice that informs the debtor of
 17 the debtor's right to participate in a settlement conference. The court's
 18 notice must inform the debtor that the debtor may schedule a settlement
 19 conference by notifying the court of the debtor's intent to participate in
 20 a settlement conference. The court's notice must specify a date by
 21 which the debtor must request a settlement conference, which date
 22 must be the date that is thirty (30) days after the date of the creditor's
 23 service of the complaint on the debtor under subsection (c), as
 24 determined by the court from the service list included with the
 25 complaint filed with the court. The court may not delegate the duty to
 26 send the notice the court is required to provide under this subsection to
 27 the creditor or to any other person.

28 (e) A creditor is not required to send the notices described in this
 29 section if:

- 30 (1) the mortgage is secured by a dwelling that is not occupied by
 31 the debtor as the debtor's primary residence;
 32 (2) the mortgage has been the subject of a prior foreclosure
 33 prevention agreement under this chapter and the debtor has
 34 defaulted with respect to the terms of that foreclosure prevention
 35 agreement; or
 36 (3) bankruptcy law prohibits the creditor from participating in a
 37 settlement conference under this chapter with respect to the
 38 mortgage.

39 (f) Not later than June 1, 2011, the authority, in consultation with
 40 the ~~division office of state court~~ **judicial** administration, shall prescribe
 41 language for the notice required under subsection (c)(2) to be included
 42 on the first page of the summons that is served on the debtor in a



1 foreclosure action filed after June 30, 2011. The language must convey
 2 the same information as the form prescribed by the authority under
 3 subsection (c)(1) for foreclosure actions filed after June 30, 2009, but
 4 before July 1, 2011. The authority shall make the language prescribed
 5 under this subsection available on the authority's Internet web site. A
 6 creditor complies with subsection (c)(2) in a foreclosure action filed
 7 after June 30, 2011, if the creditor includes on the first page of the
 8 summons served on the debtor:

9 (1) the language that is prescribed by the authority under this
 10 subsection and made available on the authority's Internet web site;

11 or

12 (2) language that conveys the same information as the language
 13 that is prescribed by the authority under this subsection and made
 14 available on the authority's Internet web site.

15 SECTION 46. IC 32-30-10.5-10, AS AMENDED BY P.L.170-2011,
 16 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2018]: Sec. 10. (a) Unless a settlement conference is not
 18 required under this chapter, the court shall issue a notice of a
 19 settlement conference if the debtor contacts the court to schedule a
 20 settlement conference as described in section 8(c) of this chapter. The
 21 court's notice of a settlement conference must do the following:

22 (1) Order the creditor and the debtor to conduct a settlement
 23 conference on or before a date and time specified in the notice,
 24 which date:

25 (A) must not be earlier than twenty-five (25) days after the
 26 date of the notice under this section or later than sixty (60)
 27 days after the date of the notice under this section, in the case
 28 of a foreclosure action filed after June 30, 2009, but before
 29 July 1, 2011; and

30 (B) must not be earlier than forty (40) days after the date of the
 31 notice under this section or later than sixty (60) days after the
 32 date of the notice under this section, in the case of a
 33 foreclosure action filed after June 30, 2011;

34 for the purpose of attempting to negotiate a foreclosure prevention
 35 agreement.

36 (2) Encourage the debtor to contact a mortgage foreclosure
 37 counselor before the date of the settlement conference. The notice
 38 must provide the contact information for the Indiana Foreclosure
 39 Prevention Network.

40 (3) Require the debtor to do the following:

41 (A) In the case of a foreclosure action filed after June 30,
 42 2011, provide, not later than a date specified in the order,



1 which date must be the date that is thirty (30) days before the
 2 date of the settlement conference specified by the court under
 3 subdivision (1), a copy of the debtor's loss mitigation package
 4 to the following:

5 (i) The creditor's attorney, as identified by the creditor in the
 6 complaint, at the address specified in the complaint.

7 (ii) The court, at an address specified by the court.

8 In setting forth the requirement described in this clause, the
 9 court shall reference the listing that must be included as an
 10 attachment to the notice under subdivision (8), and shall direct
 11 the debtor to consult the attachment in compiling the debtor's
 12 loss mitigation package.

13 (B) Bring the following to the settlement conference:

14 (i) In the case of a foreclosure action filed after June 30,
 15 2009, but before July 1, 2011, documents needed to engage
 16 in good faith negotiations with the creditor, including
 17 documentation of the debtor's present and projected future
 18 income, expenses, assets, and liabilities (including
 19 documentation of the debtor's employment history), and any
 20 other documentation or information that the court
 21 determines is needed for the debtor to engage in good faith
 22 negotiations with the creditor. The court shall identify any
 23 documents required under this item with enough specificity
 24 to allow the debtor to obtain the documents before the
 25 scheduled settlement conference.

26 (ii) In the case of a foreclosure action filed after June 30,
 27 2011, the debtor's loss mitigation package.

28 Any document submitted to the court under this subdivision as
 29 part of the debtor's loss mitigation package is confidential under
 30 IC 5-14-3-4(a)(13).

31 (4) Require the creditor to do the following:

32 (A) In the case of a foreclosure action filed after June 30,
 33 2011, send to the debtor, by certified mail and not later than a
 34 date specified in the order, which date must be the date that is
 35 thirty (30) days before the date of the settlement conference
 36 specified by the court under subdivision (1), the following
 37 transaction history for the mortgage:

38 (i) A payment record substantiating the default, such as a
 39 payment history.

40 (ii) An itemization of all amounts claimed by the creditor as
 41 being owed on the mortgage, such as an account payoff
 42 statement.



- 1 If the creditor provides evidence that the transaction history
 2 required by this clause was sent by certified mail, return
 3 receipt requested, it is not necessary that the debtor accept
 4 receipt of the transaction history for an action to proceed as
 5 allowed under this chapter.
- 6 (B) Bring the following to the settlement conference:
 7 (i) A copy of the original note and mortgage.
 8 (ii) A payment record substantiating the default, such as a
 9 payment history.
 10 (iii) An itemization of all amounts claimed by the creditor as
 11 being owed on the mortgage, such as an account payoff
 12 statement.
 13 (iv) Any other documentation that the court determines is
 14 needed.
- 15 (5) Inform the parties that:
 16 (A) each party has the right to be represented by an attorney or
 17 assisted by a mortgage foreclosure counselor at the settlement
 18 conference; and
 19 (B) subject to subsection (b), an attorney or a mortgage
 20 foreclosure counselor may participate in the settlement
 21 conference in person or by telephone.
- 22 (6) Inform the parties that the settlement conference will be
 23 conducted at the county courthouse, or at another place
 24 designated by the court, on the date and time specified in the
 25 notice under subdivision (1) unless the parties submit to the court
 26 a stipulation to:
 27 (A) modify the date, time, and place of the settlement
 28 conference; or
 29 (B) hold the settlement conference by telephone at a date and
 30 time agreed to by the parties.
- 31 (7) In the case of a foreclosure action filed after June 30, 2011,
 32 inform the parties of the following:
 33 (A) That if the parties stipulate under subdivision (6) to
 34 modify the date of the settlement conference:
 35 (i) the debtor must provide the debtor's loss mitigation
 36 package to the creditor and to the court, as described in
 37 subdivision (3), at least thirty (30) days before the settlement
 38 conference date, as modified by the parties; and
 39 (ii) the creditor must send to the debtor, by certified mail,
 40 the transaction history described in subdivision (4)(A) at
 41 least thirty (30) days before the settlement conference date,
 42 as modified by the parties.



- 1 (B) That if the parties stipulate under subdivision (6)(B) to
2 conduct the settlement conference by telephone, the parties
3 shall ensure the availability of any technology needed to allow
4 simultaneous participation in the settlement conference by all
5 participants.
- 6 (8) In the case of a foreclosure action filed after June 30, 2011,
7 include as an attachment the loss mitigation package listing
8 prescribed by the authority under subsection (i).
- 9 (b) An attorney for the creditor shall attend the settlement
10 conference, and an authorized representative of the creditor shall be
11 available by telephone during the settlement conference. In addition,
12 the court may require any person that is a party to the foreclosure
13 action to appear at or participate in a settlement conference held under
14 this chapter, and, for cause shown, the court may order the creditor and
15 the debtor to reconvene a settlement conference at any time before
16 judgment is entered. Any:
- 17 (1) costs to a creditor associated with a settlement conference
18 under this chapter; or
19 (2) civil penalty imposed on a creditor by the court in connection
20 with a violation of a court order issued in the case;
21 may not be charged to or collected from the debtor, either directly or
22 indirectly.
- 23 (c) At the court's discretion, a settlement conference may or may not
24 be attended by a judicial officer.
- 25 (d) The creditor shall ensure that any person representing the
26 creditor:
- 27 (1) at a settlement conference scheduled under this section; or
28 (2) in any negotiations with the debtor designed to reach
29 agreement on the terms of a foreclosure prevention agreement;
30 has authority to represent the creditor in negotiating a foreclosure
31 prevention agreement with the debtor.
- 32 (e) If, as a result of a settlement conference held under this chapter,
33 the debtor and the creditor agree to enter into a foreclosure prevention
34 agreement, the agreement shall be reduced to writing and signed by
35 both parties, and each party shall retain a copy of the signed agreement.
36 Not later than seven (7) business days after the signing of the
37 foreclosure prevention agreement, the creditor shall file with the court
38 a copy of the signed agreement. At the election of the creditor, the
39 foreclosure shall be dismissed or stayed for as long as the debtor
40 complies with the terms of the foreclosure prevention agreement.
- 41 (f) If, as a result of a settlement conference held under this chapter,
42 the debtor and the creditor are unable to agree on the terms of a



- 1 foreclosure prevention agreement:
- 2 (1) the creditor shall, not later than seven (7) business days after
- 3 the conclusion of the settlement conference, file with the court a
- 4 notice indicating that the settlement conference held under this
- 5 chapter has concluded and a foreclosure prevention agreement
- 6 was not reached; and
- 7 (2) the foreclosure action filed by the creditor may proceed as
- 8 otherwise allowed by law, subject to the court's right under
- 9 subsection (b) to order the creditor and the debtor to reconvene a
- 10 settlement conference at any time before judgment is entered.
- 11 (g) If:
- 12 (1) a foreclosure is dismissed by the creditor under subsection (e)
- 13 after a foreclosure prevention agreement is reached; and
- 14 (2) a default in the terms of the foreclosure prevention agreement
- 15 later occurs;
- 16 the creditor or its assigns may bring a foreclosure action with respect
- 17 to the mortgage that is the subject of the foreclosure prevention
- 18 agreement without sending the notices described in section 8 of this
- 19 chapter.
- 20 (h) Participation in a settlement conference under this chapter
- 21 satisfies any mediation or alternative dispute resolution requirement
- 22 established by court rule.
- 23 (i) Not later than June 1, 2011, the authority shall prescribe a list of
- 24 documents that must be included as part of a debtor's loss mitigation
- 25 package in a foreclosure action filed after June 30, 2011. In prescribing
- 26 the list of documents required by this subsection, the authority:
- 27 (1) shall require those documents that:
- 28 (A) provide information about a debtor's present and projected
- 29 future income, expenses, assets, and liabilities; and
- 30 (B) are necessary for a creditor to make underwriting decisions
- 31 or other determinations in connection with a potential
- 32 foreclosure prevention agreement with the debtor to whom the
- 33 documents apply; and
- 34 (2) may amend the list:
- 35 (A) in response to changes in any federal loan modification
- 36 programs; or
- 37 (B) as otherwise determined to be necessary by the authority.
- 38 The authority shall make the list prescribed under this subsection
- 39 available on the authority's Internet web site. The **division office** of
- 40 **state court judicial** administration shall make the list prescribed under
- 41 this subsection available on the Internet web site maintained by the
- 42 state's judicial branch. If the authority determines that an amendment



1 to the list is necessary under subdivision (2), the authority shall notify
 2 the ~~division office~~ of ~~state court~~ **judicial** administration of the
 3 amendment as soon as practicable before the amendment takes effect
 4 and shall update the list on the authority's Internet web site not later
 5 than the effective date of the amendment. Upon receiving notice of an
 6 amendment to the list from the authority, the ~~division office~~ of ~~state~~
 7 ~~court~~ **judicial** administration shall update the list on the Internet web
 8 site maintained by the state's judicial branch not later than the effective
 9 date of the amendment.

10 SECTION 47. IC 33-23-3-5, AS AMENDED BY P.L.119-2007,
 11 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 UPON PASSAGE]: Sec. 5. (a) A senior judge is entitled to the
 13 following compensation:

14 (1) For each of the first thirty (30) days of service in a calendar
 15 year, a per diem of ~~one hundred dollars (\$100)~~: **one hundred**
 16 **seventy-five dollars (\$175)**.

17 (2) Except as provided in subsection (c), for each day the senior
 18 judge serves after serving the first thirty (30) days of service in a
 19 calendar year, a per diem of two hundred fifty dollars (\$250).

20 (3) Reimbursement for:

21 (A) mileage; and

22 (B) reasonable expenses, including but not limited to meals
 23 and lodging, incurred in performing service as a senior judge;
 24 for each day served as a senior judge.

25 (b) Subject to subsection (c), the per diem and reimbursement for
 26 mileage and reasonable expenses under subsection (a) shall be paid by
 27 the state.

28 (c) The compensation under subsection (a)(2) must be paid by the
 29 state from funds appropriated to the supreme court for judicial payroll.
 30 If the payroll fund is insufficient to pay the compensation under
 31 subsection (a)(2), the supreme court may issue an order adjusting the
 32 compensation rate.

33 (d) A senior judge appointed under this chapter may not be
 34 compensated as a senior judge for more than one hundred (100) total
 35 calendar days during a calendar year.

36 SECTION 48. IC 33-23-5-8, AS AMENDED BY P.L.127-2008,
 37 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2018]: Sec. 8. Except as provided under sections 5(14) and
 39 9(b) of this chapter, a magistrate

40 ~~(1)~~ does not have the power of judicial mandate. ~~and~~

41 ~~(2)~~ may not enter a final appealable order unless sitting as a judge
 42 ~~pro tempore or a special judge.~~



1 SECTION 49. IC 33-23-13-3 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3. If a judge or
 3 prosecuting attorney is sued for civil damages or equitable relief and
 4 the suit would be construed, under notice pleading, as arising out of an
 5 act performed within the scope of the duties of the judge or prosecuting
 6 attorney, the attorney general shall:

- 7 (1) defend the judge or prosecuting attorney in the suit; or
 8 (2) authorize the ~~executive director~~ **chief administrative officer**
 9 of the ~~division office of state court~~ **judicial** administration to hire
 10 private counsel to provide the defense.

11 SECTION 50. IC 33-23-15-2, AS AMENDED BY P.L.127-2011,
 12 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2018]: Sec. 2. (a) If a person described in section 1 of this
 14 chapter:

- 15 (1) has been released from commitment; or
 16 (2) successfully completes a treatment or rehabilitation program;
 17 the person may petition the court (if the adjudication leading to the
 18 person's commitment, rehabilitation, or treatment program was from a
 19 court) or the department of correction (if the determination leading to
 20 the person's rehabilitation or treatment program was from a psychiatrist
 21 employed by or retained by the department of correction) to determine
 22 whether the person is prohibited from possessing a firearm because the
 23 person is not a proper person under IC 35-47-1-7(11) through
 24 IC 35-47-1-7(13).

25 (b) In determining whether the person is prohibited from possessing
 26 a firearm because the person is not a proper person under
 27 IC 35-47-1-7(11) through IC 35-47-1-7(13), the court or department of
 28 correction shall consider the following evidence:

- 29 (1) The facts and circumstances leading to the person being
 30 included in the category of persons to whom this chapter applies.
 31 (2) The person's mental health and criminal history records.
 32 (3) Evidence concerning the person's reputation, including the
 33 testimony of character witnesses.
 34 (4) A recent mental health evaluation by a psychiatrist or
 35 psychologist licensed to practice in Indiana.

36 (c) If the court or the department of correction, after considering the
 37 evidence described in subsection (b), finds by clear and convincing
 38 evidence that:

- 39 (1) the person is not a danger to the person or to others;
 40 (2) the person is not likely to act in a manner dangerous to public
 41 safety; and
 42 (3) the requested relief would not be contrary to public interest;



1 the court or department of correction shall transmit its findings to the
 2 ~~department office of state court~~ **judicial** administration, and any other
 3 information required by the ~~division office of state court~~ **judicial**
 4 administration, for transmission to the NICS in accordance with
 5 IC 33-24-6-3.

6 (d) A determination under this section may be appealed only in
 7 accordance with section 3 of this chapter.

8 SECTION 51. IC 33-23-16-11, AS ADDED BY P.L.108-2010,
 9 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2018]: Sec. 11. A city court or county court may establish a
 11 problem solving court. A problem solving court established under this
 12 section may be a:

- 13 (1) drug court;
- 14 (2) mental health court;
- 15 (3) family dependency drug court;
- 16 (4) community court;
- 17 (5) reentry court;
- 18 (6) domestic violence court;
- 19 (7) ~~veteran's~~ **veterans'** court; or
- 20 (8) any other court certified as a problem solving court by the
 21 ~~Indiana office of judicial center~~ **administration** under section 17
 22 of this chapter.

23 SECTION 52. IC 33-23-16-16, AS ADDED BY P.L.108-2010,
 24 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2018]: Sec. 16. (a) As used in this section, "effective date"
 26 means the date established by the board after which minimum
 27 employment qualifications are required for persons employed by a
 28 problem solving court program.

29 (b) A program established under this chapter is subject to the
 30 regulatory powers of the ~~Indiana office of judicial center~~
 31 **administration** established ~~under IC 33-38-9~~ **by IC 33-24-6-1**.

32 (c) The board:

- 33 (1) shall adopt rules establishing requirements and procedures for:
 34 (A) initial certification;
 35 (B) recertification; and
 36 (C) decertification;
 37 of problem solving courts; and
- 38 (2) may adopt rules concerning educational and occupational
 39 qualifications for problem solving court employees.

40 (d) If the board adopts qualifications for the employees of problem
 41 solving courts under subsection (c)(2):

- 42 (1) the board shall establish an effective date after which a person



1 employed by a problem solving court must meet the
2 qualifications; and

- 3 (2) the qualifications do not apply to a person who is employed:
4 (A) by a certified problem solving court before the effective
5 date; or
6 (B) as administrative personnel.

7 SECTION 53. IC 33-23-16-17, AS ADDED BY P.L.108-2010,
8 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2018]: Sec. 17. The **Indiana office of judicial center**
10 **administration** shall:

- 11 (1) ensure that problem solving courts comply with the rules
12 adopted under this chapter and applicable federal regulations;
13 (2) certify problem solving courts according to the requirements
14 and procedures established under section 16(c)(1) of this chapter;
15 and
16 (3) require, as a condition of operation, that each problem solving
17 court created or funded under this chapter be certified according
18 to the rules adopted by the board.

19 SECTION 54. IC 33-23-16-18, AS ADDED BY P.L.108-2010,
20 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 JULY 1, 2018]: Sec. 18. The **Indiana office of judicial center**
22 **administration** may:

- 23 (1) revoke the certification of a problem solving court if the
24 **Indiana office of judicial center administration** determines that
25 the problem solving court does not comply with rules adopted
26 under this chapter and applicable federal regulations; and
27 (2) enter into agreements or contracts with:
28 (A) another department, authority, or agency of the state;
29 (B) another state;
30 (C) the federal government;
31 (D) a state educational institution or private postsecondary
32 educational institution; or
33 (E) a public or private agency;
34 to implement this chapter.

35 SECTION 55. IC 33-23-16-19, AS ADDED BY P.L.108-2010,
36 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2018]: Sec. 19. (a) A court shall notify the **Indiana office of**
38 **judicial center administration** of the court's intention to establish a
39 problem solving court during the planning for the establishment of the
40 problem solving court.

41 (b) A court seeking to establish a problem solving court must submit
42 a petition for approval to the **Indiana office of judicial center**



1 **administration** in accordance with rules adopted by the board.

2 (c) A problem solving court may not:

3 (1) assess fees; or

4 (2) collect fees;

5 until the problem solving court is certified by the ~~Indiana office of~~
6 ~~judicial center.~~ **administration.**

7 SECTION 56. IC 33-23-16-22, AS AMENDED BY P.L.179-2015,
8 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2018]: Sec. 22. (a) The costs of a problem solving court may,
10 at the discretion of the fiscal body of the unit, be supplemented out of
11 the city general fund or the county general fund and may be further
12 supplemented by payment from the user fee fund upon appropriation
13 made under IC 33-37-8.

14 (b) A problem solving court may apply for and receive the
15 following:

16 (1) Gifts, bequests, and donations from private sources.

17 (2) Grants and contract money from governmental sources.

18 (3) Other forms of financial assistance approved by the court to
19 supplement the problem solving court's budget.

20 (c) A court wishing to establish a problem solving court, including
21 a veteran's court, may apply to the **office of** judicial ~~center~~
22 **administration** for financial assistance. The **office of** judicial ~~center~~
23 **administration** may provide financial aid to establish the court from
24 funds appropriated to the **office of** judicial ~~center~~ **administration** for
25 that purpose.

26 SECTION 57. IC 33-23-16-25, AS ADDED BY P.L.108-2010,
27 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2018]: Sec. 25. (a) The Indiana ~~judicial center~~ **supreme court**
29 problem solving court fund is established for the purpose of
30 administering, certifying, and supporting problem solving court
31 programs under this chapter. The fund shall be administered by the
32 ~~Indiana office of~~ judicial ~~center.~~ **administration.**

33 (b) The treasurer of state shall invest the money in the fund not
34 currently needed to meet the obligations of the fund in the same
35 manner as other public funds may be invested.

36 (c) Money in the fund at the end of a state fiscal year does not revert
37 to the state general fund.

38 SECTION 58. IC 33-23-17-4, AS ADDED BY P.L.284-2013,
39 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JULY 1, 2018]: Sec. 4. (a) The committee shall do the following:

41 (1) Conduct a continuous study of information technology
42 applications for Indiana's judicial system, including an analysis of



1 appropriate and equitable funding, automated recordkeeping fees
 2 and record perpetuation costs, and their allocation between state
 3 and local governmental entities.

4 (2) Develop a long range strategy for technology and automation
 5 in Indiana's judicial system, including:

6 (A) establishing plans for funding and implementing
 7 technology and automation;

8 (B) making recommendations to the ~~division~~ **office** of state
 9 ~~court~~ **judicial** administration for the establishment of a pilot
 10 program concerning electronic filing;

11 (C) allowing public court records to be available on the
 12 Internet;

13 (D) studying the appropriate use of private sector vendors that
 14 offer similar interfacing or complementary systems; and

15 (E) studying any other issues the committee considers
 16 appropriate.

17 (3) Make recommendations to the supreme court concerning the
 18 implementation of policies, standards, and rules that promote the
 19 effective use of technology and automation in Indiana courts.

20 (b) The committee may employ an independent consultant to assist
 21 with its study.

22 SECTION 59. IC 33-23-17-5, AS ADDED BY P.L.284-2013,
 23 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2018]: Sec. 5. The ~~division~~ **office** of state ~~court~~ **judicial**
 25 administration shall staff the committee.

26 SECTION 60. IC 33-24-6-1 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. ~~(a)~~ There is created
 28 within the office of chief justice the office of judicial administration,
 29 **which must:**

30 **(1) be headed by a chief administrative officer; and**

31 **(2) have departments within the office as designated by the**
 32 **administrative rules of the Indiana supreme court.**

33 ~~(b) The office consists of two (2) divisions; entitled:~~

34 ~~(1) supreme court administration; and~~

35 ~~(2) state court administration.~~

36 ~~(c) The division of supreme court administration shall be headed by~~
 37 ~~a supreme court administrator. The division of state court~~
 38 ~~administration shall be headed by an executive director.~~

39 SECTION 61. IC 33-24-6-3, AS AMENDED BY P.L.252-2017,
 40 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2018]: Sec. 3. (a) The ~~division~~ **office** of state ~~court~~ **judicial**
 42 administration shall do the following:



- 1 (1) Examine the administrative and business methods and systems
 2 employed in the offices of the clerks of court and other offices
 3 related to and serving the courts and make recommendations for
 4 necessary improvement.
- 5 (2) Collect and compile statistical data and other information on
 6 the judicial work of the courts in Indiana. All justices of the
 7 supreme court, judges of the court of appeals, judges of all trial
 8 courts, and any city or town courts, whether having general or
 9 special jurisdiction, court clerks, court reporters, and other
 10 officers and employees of the courts shall, upon notice by the
 11 ~~executive director~~ **chief administrative officer** and in
 12 compliance with procedures prescribed by the ~~executive director,~~
 13 **chief administrative officer**, furnish the ~~executive director~~ **chief**
 14 **administrative officer** the information as is requested concerning
 15 the nature and volume of judicial business. The information must
 16 include the following:
- 17 (A) The volume, condition, and type of business conducted by
 18 the courts.
- 19 (B) The methods of procedure in the courts.
- 20 (C) The work accomplished by the courts.
- 21 (D) The receipt and expenditure of public money by and for
 22 the operation of the courts.
- 23 (E) The methods of disposition or termination of cases.
- 24 (3) Prepare and publish reports, not less than one (1) or more than
 25 two (2) times per year, on the nature and volume of judicial work
 26 performed by the courts as determined by the information
 27 required in subdivision (2).
- 28 (4) Serve the judicial nominating commission and the judicial
 29 qualifications commission in the performance by the commissions
 30 of their statutory and constitutional functions.
- 31 (5) Administer the civil legal aid fund as required by IC 33-24-12.
- 32 (6) Administer the ~~judicial court~~ **technology and automation**
 33 **project** fund established by section 12 of this chapter.
- 34 (7) By December 31, 2013, develop and implement a standard
 35 protocol for sending and receiving court data:
- 36 (A) between the protective order registry, established by
 37 IC 5-2-9-5.5, and county court case management systems;
- 38 (B) at the option of the county prosecuting attorney, for:
- 39 (i) a prosecuting attorney's case management system;
- 40 (ii) a county court case management system; and
- 41 (iii) a county court case management system developed and
 42 operated by the ~~division office~~ **of state court judicial**



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



1 (11) After July 1, 2018, establish and administer an electronic
 2 system for receiving from courts felony conviction information for
 3 each felony described in IC 20-28-5-8(c). The ~~division office of~~
 4 **judicial administration** shall notify the department of education
 5 at least one (1) time each week of each felony described in
 6 IC 20-28-5-8(c) entered after July 1, 2018, and do the following:

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

9 (i) The convicted individual's full name.

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

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

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

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

17 (i) set aside;

18 (ii) reversed; or

19 (iii) vacated.

20 **(12) Perform legal and administrative duties for the justices**
 21 **as determined by the justices.**

22 **(13) Provide staff support for the judicial conference of**
 23 **Indiana established in IC 33-38-9.**

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

27 (c) The ~~division office of judicial administration~~ may adopt rules
 28 to implement this section.

29 SECTION 62. IC 33-24-6-4, AS AMENDED BY P.L.129-2005,
 30 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2018]: Sec. 4. (a) The ~~division office of state court~~ **judicial**
 32 **administration** shall establish and administer an office of guardian ad
 33 litem and court appointed special advocate services. The ~~division office~~
 34 **of judicial administration** shall use money it receives from the state
 35 general fund to administer the office. If funds for guardian ad litem and
 36 court appointed special advocate programs are appropriated by the
 37 general assembly, the ~~division office of judicial administration~~ shall
 38 provide matching funds to counties that implement and administer, in
 39 courts with juvenile jurisdiction, a guardian ad litem or court appointed
 40 special advocate program for children who are alleged to be victims of
 41 child abuse or neglect under IC 31-33. Matching funds must be
 42 distributed in accordance with the provisions of section 5 of this



1 chapter. A county may use these matching funds to supplement
 2 amounts that are collected as fees under IC 31-40-3-1 and used for the
 3 operation of guardian ad litem and court appointed special advocate
 4 programs. The ~~division~~ **office of judicial administration** may use its
 5 administrative fund to provide training services and communication
 6 services for local officials and local guardian ad litem and court
 7 appointed special advocate programs. The county fiscal body shall
 8 appropriate adequate funds for the county to be eligible for matching
 9 funds under this section.

10 (b) Matching funds provided to a county under this section shall be
 11 used for guardian ad litem and court appointed special advocate
 12 programs and may be deposited in the county's guardian ad litem or
 13 court appointed special advocate fund described in IC 31-40-3.

14 (c) Any matching funds appropriated to the ~~division~~ **office of state**
 15 ~~court~~ **judicial** administration that are not used before July 1 of each
 16 fiscal year do not revert but shall be redistributed under this section on
 17 July 1. The ~~division~~ **office of judicial administration** shall redistribute
 18 the funds among counties providing guardian ad litem and court
 19 appointed special advocate programs that are entitled to receive
 20 matching funds.

21 (d) Money appropriated to the ~~division~~ **office of state court judicial**
 22 administration does not revert at the end of a state fiscal year to the
 23 state general fund.

24 (e) Only guardian ad litem or court appointed special advocate
 25 programs certified by the supreme court are eligible for funding under
 26 this section.

27 SECTION 63. IC 33-24-6-5, AS AMENDED BY P.L.91-2007,
 28 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2018]: Sec. 5. (a) If appropriated by the general assembly, the
 30 ~~division~~ **office of state court judicial** administration shall grant to each
 31 county with a guardian ad litem or court appointed special advocate
 32 program an annual appropriation calculated under the following
 33 formula:

34 STEP ONE: Deduct the annual appropriation to the ~~division~~
 35 **office of state court judicial** administration for administrative
 36 expenses.

37 STEP TWO: Ascertain the number of children in need of services
 38 cases in each county, as determined by the ~~division~~ **office of state**
 39 **court judicial** administration from reports filed under
 40 IC 33-24-6-3, during the preceding calendar year.

41 STEP THREE: Divide the result under STEP TWO by the total
 42 number of children in need of services cases in Indiana, as



1 determined by the ~~division office~~ of ~~state court~~ **judicial**
 2 administration from reports filed under IC 33-24-6-3, during the
 3 preceding calendar year.

4 STEP FOUR: Multiply the result under STEP THREE by the
 5 remaining state match appropriation.

6 (b) If, under subsection (a), a county's grant would result in a grant
 7 of two thousand dollars (\$2,000) or less, the county is entitled to
 8 receive a grant of two thousand dollars (\$2,000). After subtracting the
 9 state match appropriation distributed to these counties from the total
 10 remaining state appropriation, the ~~division office~~ of ~~state court~~ **judicial**
 11 administration shall distribute the remaining state appropriation under
 12 the following formula:

13 STEP ONE: Subtract the total number of children in need of
 14 services cases in the counties covered under subsection (a) from
 15 the total number of children in need of services cases in Indiana,
 16 as determined by the ~~division office~~ of ~~state court~~ **judicial**
 17 administration, during the preceding calendar year.

18 STEP TWO: Divide the number of children in need of services
 19 cases in each of the counties not covered under subsection (a) by
 20 the result under STEP ONE.

21 STEP THREE: Multiply the result under STEP TWO by the total
 22 remaining state match appropriation.

23 STEP FOUR: Distribute the result under STEP THREE to each
 24 county not covered under subsection (a).

25 SECTION 64. IC 33-24-6-6 IS REPEALED [EFFECTIVE JULY 1,
 26 2018]. ~~Sec. 6: The division of supreme court administration shall~~
 27 ~~perform legal and administrative duties for the justices as are~~
 28 ~~determined by the justices.~~

29 SECTION 65. IC 33-24-6-10 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 10. (a) The ~~executive~~
 31 ~~director chief administrative officer~~ shall, with the approval of the
 32 supreme court, divide the state geographically into at least eight (8)
 33 trial court districts.

34 (b) On the basis of relevant information compiled by the ~~executive~~
 35 ~~director chief administrative officer~~ concerning the volume and
 36 nature of judicial workload, the ~~executive director chief~~
 37 ~~administrative officer~~ shall recommend to the supreme court the
 38 temporary transfer of any judge or judges. The supreme court shall
 39 consider the recommendation and temporarily transfer any judge of a
 40 trial court of general or special jurisdiction to another court if the
 41 temporary transfer is determined to be beneficial to facilitate the
 42 judicial work of the court to which the judge is transferred without



1 placing an undue burden on the court from which the judge is
 2 transferred. However, a judge may not be temporarily transferred to a
 3 court in another county within the district the judge normally serves
 4 that, at its nearest point, is more than forty (40) miles from the seat of
 5 the county the judge normally serves unless the judge consents to the
 6 transfer.

7 SECTION 66. IC 33-24-6-12, AS AMENDED BY P.L.284-2013,
 8 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2018]: Sec. 12. (a) The ~~judicial court~~ technology and
 10 ~~automation project~~ fund is established to fund the ~~judicial court~~
 11 technology. and ~~automation project~~. The ~~division of state court office~~
 12 ~~of judicial~~ administration shall administer the fund. The fund consists
 13 of the following:

- 14 (1) Deposits made under IC 33-37-9-4.
- 15 (2) Other appropriations made by the general assembly.
- 16 (3) Grants and gifts designated for the fund or ~~the judicial court~~
 17 technology. and ~~automation project~~.

18 (b) The treasurer of state shall invest the money in the fund not
 19 currently needed to meet the obligations of the fund in the same
 20 manner as other public funds may be invested.

21 (c) Money in the fund at the end of a state fiscal year does not revert
 22 to the state general fund.

23 (d) The budget committee may release funds for ~~the judicial court~~
 24 technology and ~~automation project~~ after the ~~division office~~ of ~~state~~
 25 ~~court judicial~~ administration certifies in conjunction with the Indiana
 26 office of technology, that the ~~judicial court~~ technology ~~automation~~
 27 ~~project~~ is in compliance with the information sharing and exchange
 28 provisions of IC 33-24-6-3(a).

29 SECTION 67. IC 33-24-6-13, AS ADDED BY P.L.38-2016,
 30 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2018]: Sec. 13. (a) Beginning in 2018, not later than March
 32 1 of each year, the ~~division office~~ of ~~state court~~ ~~judicial~~
 33 administration shall submit a report to the legislative council in an electronic format
 34 under IC 5-14-6 providing the following information relating to the
 35 enforcement of residential complex traffic ordinances on the property
 36 of residential complexes under contracts entered into under
 37 IC 9-21-18-4.1:

- 38 (1) The number of traffic stops.
- 39 (2) The number of citations issued.
- 40 (3) The number of traffic stops and citations issued.

41 (b) The report must set forth information required under subsection
 42 (a) by:



- 1 (1) each unit that has adopted a residential complex traffic
 2 ordinance:
 3 (A) under IC 9-21-18-4.1; and
 4 (B) through issuance of electronic traffic tickets (as defined in
 5 IC 9-30-3-2.5); and
 6 (2) the totals for all units described in subdivision (1).
 7 (c) The ~~division office~~ of ~~state court~~ **judicial** administration must
 8 issue a report under this section for each of the following years:
 9 (1) 2017.
 10 (2) 2018.
 11 (3) 2019.
 12 (4) 2020.
 13 (d) This section expires July 1, 2021.
- 14 SECTION 68. IC 33-24-12-4 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 4. To be eligible for the
 16 receipt of funds under this chapter, a legal services provider must meet
 17 the following requirements:
 18 (1) The legal services provider must have been:
 19 (A) incorporated before July 2, 1997; or
 20 (B) incorporated and providing civil legal aid to the indigent
 21 for three (3) years immediately preceding the application for
 22 funds from the civil legal aid fund.
 23 (2) The legal services provider must submit an opt-in form to the
 24 ~~executive director~~ **chief administrative officer** of the ~~division~~
 25 **office** of ~~state court~~ **judicial** administration before May 2 of each
 26 year. The form must include the following information:
 27 (A) The name, address, and telephone number of the legal
 28 services provider.
 29 (B) The Internal Revenue Code 501(c)(3) form of the legal
 30 services provider.
 31 (C) The name and address of the ~~executive director~~ **chief**
 32 **administrative officer** and board president of the legal
 33 services provider.
 34 (D) A list of all counties within the incorporated service area
 35 of the legal services provider.
 36 (E) Certification that the legal services provider has provided
 37 legal services to indigent individuals within its service area for
 38 the preceding three (3) years and that the legal services
 39 provider will continue to provide legal services to the indigent
 40 for the year following receipt of funds from the civil legal aid
 41 fund.
 42 (3) The legal services provider may not do any of the following:



- 1 (A) Make available funds, personnel, or equipment for use in
 2 advocating or opposing a plan or proposal, represent a party,
 3 or participate in litigation that is intended to or has the effect
 4 of altering, revising, or reapportioning a legislative, a judicial,
 5 or an elective district at any level of government, including
 6 influencing the timing or manner of the taking of a census.
- 7 (B) Attempt to influence the issuance, amendment, or
 8 revocation of an executive order, regulation, or other statement
 9 of general applicability and future effect by a federal, state, or
 10 local agency.
- 11 (C) Attempt to influence an adjudicatory proceeding of a
 12 federal, state, or local agency if such part of the proceeding is
 13 designed for the formulation or modification of an agency
 14 policy of general applicability and future effect.
- 15 (D) Attempt to influence the passage or defeat of legislation,
 16 a constitutional amendment, a referendum, an initiative, or
 17 similar procedure of the Congress, a state, or a local legislative
 18 body.
- 19 (E) Attempt to influence the conduct of oversight proceedings
 20 of the Legal Services Corporation or a person or an entity
 21 receiving financial assistance provided by the Legal Services
 22 Corporation.
- 23 (F) Pay for a personal service, an advertisement, a telegram, a
 24 telephone communication, a letter, printed or written matter,
 25 an administrative expense, or a related expense, associated
 26 with an activity prohibited in this subdivision.
- 27 (G) Initiate or participate in a class action suit.
- 28 (H) Support or conduct a training program for the purpose of
 29 advocating a particular public policy or encouraging a political
 30 activity, a labor or an antilabor activity, a boycott, picketing,
 31 a strike, or a demonstration, including the dissemination of
 32 information about such a policy or activity. However, this
 33 clause may not be construed to prohibit the training of an
 34 attorney or a paralegal in the provision of:
- 35 (i) adequate legal assistance to eligible clients; or
 36 (ii) advice to an eligible client as to the legal rights of the
 37 client.
- 38 (I) Participate in litigation:
- 39 (i) on behalf of a person incarcerated in a federal, state, or
 40 local prison; or
 41 (ii) arising out of the incarceration of a person described in
 42 item (i).



1 SECTION 69. IC 33-24-12-5 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 5. (a) The civil legal
 3 aid fund is established to provide additional revenue for legal services
 4 providers.

5 (b) The fund is administered by the ~~division office~~ of ~~state court~~
 6 **judicial** administration.

7 SECTION 70. IC 33-24-12-6 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 6. (a) The ~~division~~
 9 **office of state court judicial** administration shall annually determine
 10 the amount to be distributed from the fund to each county's legal
 11 services provider under the following formula:

12 STEP ONE: Determine the number of civil cases filed in the
 13 county during the year as reported by the most recent Indiana
 14 Judicial Report.

15 STEP TWO: Determine the number of civil cases filed in Indiana
 16 during the year as reported by the most recent Indiana Judicial
 17 Report.

18 STEP THREE: Divide the amount determined in STEP ONE by
 19 the amount determined in STEP TWO.

20 STEP FOUR: Multiply the quotient determined in STEP THREE
 21 by the annual amount appropriated under section 7 of this chapter
 22 or by the annual amount of the appropriation from the state
 23 general fund as provided in the state budget act, whichever is
 24 greater.

25 Except as provided in subsection (b), the product determined in STEP
 26 FOUR is the amount to be distributed to the legal services provider or
 27 providers having the county in its service area.

28 (b) In a county where there is more than one (1) legal services
 29 provider, the amount distributed from the fund for that county shall be
 30 distributed among the legal services providers in direct proportion to
 31 the number of legal services providers in that county.

32 (c) Distributions from the fund shall be made on January 1 and July
 33 1 of each year. Money in the fund is annually appropriated to carry out
 34 the purposes of the fund.

35 SECTION 71. IC 33-24-13-7 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 7. During every state
 37 fiscal year, there is appropriated from the state general fund to the
 38 ~~office of judicial administration, division of state court administration;~~
 39 **supreme court** six hundred twenty-five thousand dollars (\$625,000)
 40 to be used for the Indiana conference for legal education opportunity
 41 established by this chapter.

42 SECTION 72. IC 33-27-2-7 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 7. (a) The judicial
 2 nominating commission may employ investigators and other experts
 3 that the commission determines are necessary to carry out its functions
 4 and purposes. The commission may employ special counsel in a
 5 proceeding if the commission determines the employment is advisable.

6 (b) The ~~division office of state court~~ **judicial** administration shall
 7 serve the judicial nominating commission in performing the
 8 commission's statutory and constitutional functions.

9 (c) The general assembly may appropriate the sums it considers
 10 necessary for expenses that may be incurred in the administration of
 11 this article.

12 SECTION 73. IC 33-28-3-9 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 9. ~~(a) The court shall~~
 14 ~~provide by rule for an evening session to be held once each week.~~

15 ~~(b)~~ The court ~~shall~~ **may** hold additional sessions in the evening and
 16 on holidays as necessary to ensure the just, speedy, and inexpensive
 17 determination of every action.

18 SECTION 74. IC 33-28-3-10 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 10. The court shall
 20 comply with all requests made under IC 33-24-6-3 by the ~~executive~~
 21 ~~director chief administrative officer~~ of the ~~division office of state~~
 22 ~~court~~ **judicial** administration concerning the small claims and
 23 misdemeanor division.

24 SECTION 75. IC 33-29-2-9 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 9. ~~(a) The court shall~~
 26 ~~provide by rule for an evening session to be held one (1) time each~~
 27 ~~week.~~

28 ~~(b)~~ The court ~~shall~~ **may** hold additional sessions in the evening and
 29 on holidays as necessary to ensure the just, speedy, and inexpensive
 30 determination of every action.

31 SECTION 76. IC 33-29-2-10 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 10. The court shall
 33 comply with all requests made under IC 33-24-6-3 by the ~~executive~~
 34 ~~director chief administrative officer~~ of the ~~division office of state~~
 35 ~~court~~ **judicial** administration concerning the small claims and
 36 misdemeanor division.

37 SECTION 77. IC 33-31-1-21 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 21. (a) The salary of the
 39 judge of the probate court shall be the same as that of the judge of the
 40 circuit court of the county. The salary of the judge and the
 41 compensation of a judge pro tempore shall be paid in the same manner
 42 and from the same sources as the judge of the circuit court or judges



1 pro tempore of the court.

2 (b) A full-time judge of a probate court may not be paid
3 compensation for serving as a special judge, except for reasonable
4 expenses for meals, lodging, travel, and other incidental expenses
5 approved by the ~~executive director~~ **chief administrative officer** of the
6 ~~division office~~ of ~~state court~~ **judicial** administration.

7 SECTION 78. IC 33-31-2-9, AS ADDED BY P.L.201-2011,
8 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2018]: Sec. 9. The court shall comply with all requests made
10 under IC 33-24-6-3 by the ~~executive director~~ **chief administrative**
11 **officer** of the ~~division office~~ of ~~state court~~ **judicial** administration
12 concerning the small claims and misdemeanor division.

13 SECTION 79. IC 33-33-2-8, AS AMENDED BY P.L.169-2015,
14 SECTION 166, IS AMENDED TO READ AS FOLLOWS
15 [EFFECTIVE JULY 1, 2018]: Sec. 8. (a) The Allen superior court
16 consists of nine (9) judges as follows:

- 17 (1) Two (2) judges serve in the family relations division.
18 (2) Three (3) judges serve in the criminal division.
19 (3) Four (4) judges serve in the civil division.

20 A newly elected or appointed judge assumes the division assignment
21 of the judge whom the judge replaces.

22 (b) If in the opinion of a majority of the judges there is an undue
23 disparity in the number of cases in any division, the chief judge may
24 assign specific cases normally assigned to that division to a judge in
25 another division as directed by a majority of the judges.

26 (c) Not later than December 31 of the year immediately preceding
27 a year in which the office of judge of the Allen superior court will be
28 on the ballot, the clerk of the circuit court shall file with the election
29 division a list containing the name, the division assignment, and the
30 court number assigned by the roster of judicial officers maintained by
31 the ~~Supreme Court of Indiana, Division office of State Court~~
32 ~~Administration, judicial administration~~, for each judge of the Allen
33 superior court.

34 (d) During the period under IC 3-8-2-4 in which a declaration of
35 candidacy may be filed for a primary election, any person desiring to
36 become a candidate for one (1) of the Allen superior court judgeships
37 must file with the election division a declaration of candidacy adapted
38 from the form prescribed under IC 3-8-2 that:

- 39 (1) is signed by the candidate; and
40 (2) designates the division and the court number of the judgeship
41 that the candidate seeks.

42 (e) A petition without the designation required under subsection (c)



1 shall be rejected by the election division (or by the Indiana election
2 commission under IC 3-8-1-2).

3 (f) If an individual who files a declaration under subsection (d)
4 ceases to be a candidate after the final date for filing a declaration
5 under subsection (d), the election division may accept the filing of
6 additional declarations of candidacy for that seat not later than noon on
7 August 1.

8 SECTION 80. IC 33-33-10-19, AS ADDED BY P.L.201-2011,
9 SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2018]: Sec. 19. (a) Before March 15 of each year, the board
11 of judges of the circuit court shall adopt rules to provide for the
12 administration of the circuit court, including rules governing the
13 following:

- 14 (1) Allocation of case load.
- 15 (2) Legal representation for indigents.
- 16 (3) Budgetary matters of the circuit court.
- 17 (4) Operation of the probation department.
- 18 (5) Term of administration of the presiding judge.
- 19 (6) Employment and management of circuit court personnel.
- 20 (7) Cooperative efforts with other courts for establishing and
21 administering shared programs and facilities.

22 (b) The board of judges of the circuit court shall file with the
23 ~~division of state court office of judicial~~ administration a copy of the
24 rules adopted under this section.

25 SECTION 81. IC 33-33-18-6 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 6. (a) The judges of the
27 Delaware circuit court shall adopt rules to provide for the
28 administration of the court, including rules governing the following:

- 29 (1) Allocation of case load.
- 30 (2) Legal representation for indigents.
- 31 (3) Budgetary matters of the court.
- 32 (4) Operation of the probation department.
- 33 (5) Term of administration of the presiding judge.
- 34 (6) Employment and management of court personnel.
- 35 (7) Cooperative efforts with other courts for establishing and
36 administering shared programs and facilities.

37 (b) The court shall file with the ~~division office of state court~~ **judicial**
38 administration a copy of the rules adopted under this section.

39 SECTION 82. IC 33-33-33-12, AS ADDED BY P.L.201-2011,
40 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 JULY 1, 2018]: Sec. 12. (a) The judges of the Henry circuit court shall
42 adopt rules to provide for the administration of the circuit court,



1 including rules governing the following:

- 2 (1) Allocation of case load.
- 3 (2) Legal representation for indigents.
- 4 (3) Budgetary matters of the circuit court.
- 5 (4) Operation of the probation department.
- 6 (5) Term of administration of the presiding judge.
- 7 (6) Employment and management of circuit court personnel.
- 8 (7) Cooperative efforts with other courts for establishing and
- 9 administering shared programs and facilities.

10 (b) The circuit court shall file with the ~~division office~~ of ~~state court~~
11 **judicial** administration a copy of the rules adopted under this section.

12 SECTION 83. IC 33-33-37-5 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 5. (a) The judge of
14 Jasper superior court No. 1 shall adopt rules to provide for the
15 administration of the Jasper superior court, including rules governing
16 the following:

- 17 (1) Legal representation for indigents.
- 18 (2) Budgetary matters of the Jasper superior court.
- 19 (3) Operation of the probation department.
- 20 (4) Employment and management of court personnel.
- 21 (5) Cooperative efforts with other courts for establishing and
- 22 administering shared programs and facilities.

23 (b) The judge of the Jasper superior court shall file with the ~~division~~
24 **office of state court judicial** administration a copy of the rules adopted
25 under this section.

26 SECTION 84. IC 33-33-48-16, AS ADDED BY P.L.201-2011,
27 SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2018]: Sec. 16. (a) The judges of the circuit court shall adopt
29 rules to provide for the administration of the circuit court, including
30 rules governing the following:

- 31 (1) Allocation of case load.
- 32 (2) Legal representation for indigents.
- 33 (3) Budgetary matters of the circuit court.
- 34 (4) Operation of the probation department.
- 35 (5) Term of administration of the chief judge.
- 36 (6) Employment and management of circuit court personnel.
- 37 (7) Cooperative efforts with other courts for establishing and
- 38 administering shared programs and facilities.

39 (b) The circuit court shall file with the ~~division office~~ of ~~state court~~
40 **judicial** administration a copy of the rules adopted under this section.

41 SECTION 85. IC 33-33-53-6 IS AMENDED TO READ AS
42 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 6. (a) The judges of the



1 court shall adopt rules to provide for the administration of the court,
2 including rules governing the following:

- 3 (1) Allocation of case load.
- 4 (2) Legal representation for indigents.
- 5 (3) Budgetary matters of the court.
- 6 (4) Operation of the probation department.
- 7 (5) Term of administration of the presiding judge.
- 8 (6) Employment and management of court personnel.
- 9 (7) Cooperative efforts with other courts for establishing and
10 administering shared programs and facilities.

11 (b) The court shall file with the ~~division office of state court~~ **judicial**
12 administration a copy of the rules adopted under this section.

13 SECTION 86. IC 33-33-60-6, AS ADDED BY P.L.83-2013,
14 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2018]: Sec. 6. (a) The judges of the Owen circuit court shall
16 adopt rules to provide for the administration of the circuit court,
17 including rules governing the following:

- 18 (1) Allocation of case load.
- 19 (2) Legal representation for indigents.
- 20 (3) Budgetary matters of the circuit court.
- 21 (4) Operation of the probation department.
- 22 (5) Term of administration of the presiding judge.
- 23 (6) Employment and management of circuit court personnel.
- 24 (7) Cooperative efforts with other courts for establishing and
25 administering shared programs and facilities.

26 (b) The Owen circuit court shall file with the ~~division office of state~~
27 **court judicial** administration a copy of the rules adopted under this
28 section.

29 SECTION 87. IC 33-33-82-31, AS AMENDED BY THE
30 TECHNICAL CORRECTIONS BILL OF THE 2018 GENERAL
31 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
32 JULY 1, 2018]: Sec. 31. (a) The judge of the Vanderburgh circuit court
33 and each of the seven (7) judges of the Vanderburgh superior court
34 shall be elected in nonpartisan elections every six (6) years.

35 (b) Not later than December 31 of the year immediately preceding
36 a year in which the office of judge of the Vanderburgh superior court
37 will be on the ballot, the clerk of the circuit court shall file with the
38 election division a list containing the name and the court number
39 assigned by the roster of judicial officers maintained by the ~~Supreme~~
40 ~~Court of Indiana, Division office of State Court Administration,~~
41 **judicial administration**, for each judge of the Vanderburgh superior
42 court.



1 (c) During the period under IC 3-8-2-4 in which a declaration of
 2 candidacy may be filed for a primary election, any person desiring to
 3 become a candidate for any one (1) of the eight (8) judgeships affected
 4 by this chapter shall file with the election division a declaration of
 5 candidacy adapted from the form prescribed under IC 3-8-2, signed by
 6 the candidate and designating by court number the judgeship the
 7 candidate seeks. Any petition without the designation shall be rejected
 8 by the election division (or by the Indiana election commission under
 9 IC 3-8-1-2). To be eligible for election, a candidate must be:

- 10 (1) domiciled in the county of Vanderburgh;
 11 (2) a citizen of the United States; and
 12 (3) admitted to the practice of law in Indiana.

13 (c) (d) If an individual who files a declaration under subsection (c)
 14 ceases to be a candidate after the final date for filing a declaration
 15 under subsection (c), the election division may accept the filing of
 16 additional declarations of candidacy for that judgeship not later than
 17 noon August 1.

18 (c) (e) All candidates for each respective judgeship shall be listed
 19 on the general election ballot in the form prescribed by IC 3-11,
 20 without party designation. The candidate receiving the highest number
 21 of votes for each judgeship shall be elected to that office.

22 (c) (f) IC 3, where not inconsistent with this chapter, applies to
 23 elections under this chapter.

24 SECTION 88. IC 33-34-7-4, AS ADDED BY P.L.170-2015,
 25 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2018]: Sec. 4. (a) The small claims courts shall use a
 27 centralized case management system approved by the ~~division office~~
 28 of ~~state court~~ **judicial** administration.

29 (b) The judge of a small claims court is responsible for:

- 30 (1) preparing and submitting the court's budget to the township
 31 advisory board; and
 32 (2) after the budget has been approved by the township advisory
 33 board, managing the budget of the small claims court.

34 SECTION 89. IC 33-35-1-1, AS AMENDED BY P.L.74-2017,
 35 SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2018]: Sec. 1. (a) During 2018 and every fourth year after
 37 that, a second or third class city or a town may by ordinance establish
 38 or abolish a city or town court. An ordinance to establish a city or town
 39 court must be adopted not less than one (1) year before the judge's term
 40 would begin under section 3 of this chapter.

41 (b) The judge for a court established under subsection (a) shall be
 42 elected under IC 3-10-6 or IC 3-10-7 at the municipal election in



1 November 2019 and every four (4) years thereafter.

2 (c) A court established under subsection (a) comes into existence on
3 January 1 of the year following the year in which a judge is elected to
4 serve in that court.

5 (d) A city or town court in existence on January 1, 1986, may
6 continue in operation until it is abolished by ordinance.

7 (e) A city or town that establishes or abolishes a court under this
8 section shall give notice of its action to the ~~division of state court~~
9 ~~administration of the~~ office of judicial administration under IC 33-24-6.

10 SECTION 90. IC 33-37-7-9, AS AMENDED BY P.L.217-2017,
11 SECTION 156, IS AMENDED TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2018]: Sec. 9. (a) On June 30 and on December
13 31 of each year, the auditor of state shall transfer to the treasurer of
14 state nine million four hundred ninety-two thousand twenty-three
15 dollars (\$9,492,023) for distribution under subsection (b).

16 (b) On June 30 and on December 31 of each year, the treasurer of
17 state shall deposit into:

18 (1) the family violence and victim assistance fund established by
19 IC 5-2-6.8-3 an amount equal to seven and eighty-five hundredths
20 percent (7.85%);

21 (2) the Indiana judges' retirement fund established by
22 IC 33-38-6-12 an amount equal to thirty-seven and sixty-eight
23 hundredths percent (37.68%);

24 (3) the law enforcement academy fund established by IC 5-2-1-13
25 an amount equal to twelve and fifty-five hundredths percent
26 (12.55%);

27 (4) the violent crime victims compensation fund established by
28 IC 5-2-6.1-40 an amount equal to eleven and sixty-six hundredths
29 percent (11.66%);

30 (5) the motor vehicle highway account an amount equal to
31 nineteen and five hundredths percent (19.05%);

32 (6) the fish and wildlife fund established by IC 14-22-3-2 an
33 amount equal to twenty-five hundredths percent (0.25%);

34 (7) the Indiana ~~judicial center~~ **supreme court** drug and alcohol
35 programs fund established by IC 12-23-14-17 for the
36 administration, certification, and support of alcohol and drug
37 services programs under IC 12-23-14 an amount equal to one and
38 six-tenths percent (1.6%); and

39 (8) the DNA sample processing fund established under
40 IC 10-13-6-9.5 for the funding of the collection, shipment,
41 analysis, and preservation of DNA samples and the conduct of a
42 DNA data base program under IC 10-13-6 an amount equal to



1 nine and thirty-six hundredths percent (9.36%);
 2 of the amount transferred by the auditor of state under subsection (a).

3 (c) On June 30 and on December 31 of each year, the auditor of
 4 state shall transfer to the treasurer of state for deposit into the public
 5 defense fund established under IC 33-40-6-1 three million seven
 6 hundred thousand dollars (\$3,700,000).

7 SECTION 91. IC 33-37-9-4, AS AMENDED BY P.L.130-2009,
 8 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2018]: Sec. 4. (a) The treasurer of state shall distribute
 10 semiannually one million two hundred eighty-eight thousand dollars
 11 (\$1,288,000) of the amounts transferred to the state fund under section
 12 3 of this chapter as follows:

13 (1) Fourteen and ninety-eight hundredths percent (14.98%) shall
 14 be deposited into the alcohol and drug countermeasures fund
 15 established by IC 9-27-2-11.

16 (2) Eight and forty-two hundredths percent (8.42%) shall be
 17 deposited into the drug interdiction fund established by
 18 IC 10-11-7-1.

19 (3) Four and sixty-eight hundredths percent (4.68%) shall be
 20 deposited into the drug prosecution fund established by
 21 IC 33-39-8-6.

22 (4) Five and sixty-two hundredths percent (5.62%) shall be
 23 deposited into the corrections drug abuse fund established by
 24 IC 11-8-2-11.

25 (5) Twenty-two and forty-seven hundredths percent (22.47%)
 26 shall be deposited into the state drug free communities fund
 27 established by IC 5-2-10-2.

28 (6) Seven and ninety-eight hundredths percent (7.98%) shall be
 29 distributed to the Indiana department of transportation for use
 30 under IC 8-23-2-15.

31 (7) Twenty and thirty-two hundredths percent (20.32%) shall be
 32 deposited in the family violence and victim assistance fund
 33 established by IC 5-2-6.8-3.

34 (8) Fifteen and fifty-three hundredths percent (15.53%) shall be
 35 deposited in the Indiana safe schools fund established by
 36 IC 5-2-10.1.

37 (b) The treasurer of state shall distribute semiannually the amount
 38 remaining after the distributions are made under subsection (a) to the
 39 **judicial court technology and automation project** fund established by
 40 IC 33-24-6-12.

41 SECTION 92. IC 33-38-5-6, AS AMENDED BY P.L.159-2005,
 42 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2018]; Sec. 6. (a) The annual salary of each full-time judge of
 2 a circuit, superior, municipal, county, or probate court is one hundred
 3 ten thousand five hundred dollars (\$110,500), as adjusted after June 30,
 4 2006, under section 8.1 of this chapter, paid by the state. In addition,
 5 a judge under this section may receive any additional salary provided
 6 by the county under IC 36-2-5-14 or IC 36-3-6-3(c). The state shall
 7 deposit quarterly the money received from the counties under
 8 subsection (c) for additional salary in the state general fund.

9 (b) Before November 2 of each year, the county auditor of each
 10 county shall certify to the ~~division office~~ **division office of state court judicial**
 11 administration the amounts, if any, to be provided by the county during
 12 the ensuing calendar year for judges' salaries under IC 36-2-5-14 or
 13 IC 36-3-6-3(c).

14 (c) When making each payment under subsection (a), the county
 15 shall determine for each judge whether the total of:

- 16 (1) the payment made on behalf of that judge;
- 17 (2) previous payments made on behalf of that judge in the same
 18 calendar year; and
- 19 (3) the state share of the judge's salary under subsection (a);

20 exceeds the Social Security wage base established by the federal
 21 government for that year. If the total does not exceed the Social
 22 Security wage base, the payment on behalf of that judge must also be
 23 accompanied by an amount equal to the employer's share of Social
 24 Security taxes and Medicare taxes. If the total exceeds the Social
 25 Security wage base, the part of the payment on behalf of the judge that
 26 is below the Social Security wage base must be accompanied by an
 27 amount equal to the employer's share of Social Security taxes and
 28 Medicare taxes, and the part of the payment on behalf of the judge that
 29 exceeds the Social Security wage base must be accompanied by an
 30 amount equal to the employer's share of Medicare taxes. Payments
 31 made under this subsection shall be deposited in the state general fund
 32 under subsection (a).

33 (d) For purposes of determining the amount of life insurance
 34 premiums to be paid by a judge who participates in a life insurance
 35 program that:

- 36 (1) is established by the state;
- 37 (2) applies to a judge who is covered by this section; and
- 38 (3) bases the amount of premiums to be paid by the judge on the
 39 amount of the judge's salary;

40 the judge's salary does not include any amounts paid to the state by a
 41 county under subsection (a).

42 SECTION 93. IC 33-38-9-3, AS AMENDED BY P.L.201-2011,



1 SECTION 104, IS AMENDED TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2018]: Sec. 3. (a) The judicial conference of
 3 Indiana is established.

4 (b) The membership of the judicial conference consists of the
 5 following:

6 (1) All justices of the supreme court.

7 (2) All judges of the court of appeals.

8 (3) The judge of the tax court.

9 (4) All circuit, superior, and probate court judges.

10 (5) ~~All municipal court judges who are serving on a full-time~~
 11 ~~basis.~~

12 (6) ~~Any retired judge who serves as a special judge and notifies~~
 13 ~~the conference of the service.~~

14 **(5) Certified senior judges.**

15 (c) A full-time magistrate under IC 33-23-5 **and a Marion County**
 16 **small claims court judge under IC 33-34** ~~is a~~ **are** nonvoting member
 17 **members** of the conference.

18 SECTION 94. IC 33-38-9-4 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 4. (a) The activities of
 20 the judicial conference shall be directed by a board of directors having
 21 the following members:

22 (1) The chief justice of Indiana.

23 (2) The chief judge of the court of appeals.

24 (3) The president of the Indiana judges association.

25 (4) The president of the Indiana council of juvenile **and family**
 26 **court judges.**

27 (5) ~~One (1) judge from each of the trial court districts established~~
 28 ~~by the supreme court, elected for a term of two (2) years by the~~
 29 ~~trial court judges of the district.~~

30 **(5) Judges from the districts established by the administrative**
 31 **rules of the supreme court and rules of the board of directors**
 32 **of the judicial conference.**

33 (6) Five (5) trial court judges appointed for terms of one (1) year
 34 by the chief justice of Indiana.

35 (b) The chief justice of Indiana shall serve as chairperson of the
 36 board of directors. ~~The judicial conference, through the board of~~
 37 ~~directors:~~

38 (1) ~~shall establish a staff agency to be designated the Indiana~~
 39 ~~judicial center; and~~

40 (2) ~~may establish positions for an executive director, staff~~
 41 ~~personnel, and other necessary personnel.~~

42 ~~All personnel of the Indiana judicial center shall be appointed by the~~



1 chief justice of Indiana; and their salaries shall be fixed by the supreme
2 court, subject to appropriation by the general assembly:

3 SECTION 95. IC 33-38-9-5 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 5. (a) The entire
5 membership of the judicial conference shall meet:

6 (1) at least once a year at a time and place to be fixed by the board
7 of directors; and

8 (2) at other times as may be designated by the board of directors.

9 (b) The judicial conference may create committees either upon
10 action of the board of directors or by majority vote of the members
11 attending a meeting of the judicial conference. The judicial conference,
12 the board of directors, or any committee of the judicial conference may
13 hold hearings on any question related to the duties set out in section 6
14 of this chapter. A proposal for legislation relating to courts that is made
15 by the judicial conference shall be presented to the ~~division office of~~
16 ~~state court~~ **judicial** administration for study and recommendation by
17 the division before being presented to the general assembly.

18 SECTION 96. IC 33-38-9-7 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 7. All members,
20 including full-time magistrates **and Marion County small claims**
21 **court judges**, shall attend and those invited to participate may attend
22 the meetings of the judicial conference. Per diem and travel allowances
23 authorized by law shall be paid to the members, ~~and~~ full-time
24 magistrates, **and Marion County small claims court judges** attending
25 from the annual appropriation to the ~~judicial conference:~~ **supreme**
26 **court.**

27 SECTION 97. IC 33-38-9-8 IS REPEALED [EFFECTIVE JULY 1,
28 2018]. Sec. 8: (a) ~~The Indiana judicial center shall maintain a roster of~~
29 ~~in-state facilities that have the expertise to provide child services (as~~
30 ~~defined in IC 31-9-2-17.8) in a residential setting to:~~

31 (1) ~~children in need of services (as described in IC 31-34-1); or~~

32 (2) ~~delinquent children (as described in IC 31-37-1 and~~
33 ~~IC 31-37-2).~~

34 (b) ~~The roster under subsection (a) must include the information~~
35 ~~necessary to allow a court having juvenile jurisdiction to select an~~
36 ~~in-state placement of a child instead of placing the child in an~~
37 ~~out-of-state facility under IC 31-34 or IC 31-37. The roster must~~
38 ~~include at least the following information:~~

39 (1) ~~Name; address; and telephone number of each facility.~~

40 (2) ~~Owner and contact person for each facility.~~

41 (3) ~~Description of the child services that each facility provides~~
42 ~~and any limitations that the facility imposes on acceptance of a~~



1 child placed by a juvenile court.

2 (4) Number of children that each facility can serve on a
3 residential basis.

4 (5) Number of residential openings at each facility.

5 (c) The Indiana judicial center shall revise the information in the
6 roster at least monthly.

7 (d) The Indiana judicial center shall make the information in the
8 roster readily available to courts with juvenile jurisdiction.

9 SECTION 98. IC 33-38-9-9, AS AMENDED BY P.L.62-2016,
10 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2018]: Sec. 9. The **Indiana office of judicial center**
12 **administration** shall administer the following:

13 (1) The alcohol and drug services program under IC 12-23-14.

14 (2) The certification of problem solving courts under IC 33-23-16.

15 (3) ~~The circuit and superior court motion clerk pilot program~~
16 ~~under IC 33-38-15; if the Indiana judicial center establishes a~~
17 ~~circuit and superior court motion clerk pilot program.~~

18 SECTION 99. IC 33-38-9.5-1, AS ADDED BY P.L.179-2015,
19 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 JULY 1, 2018]: Sec. 1. The following definitions apply throughout this
21 chapter:

22 (1) "Advisory council" means the justice reinvestment advisory
23 council established by section 2 of this chapter.

24 (2) "Board" means the board of directors of the judicial
25 conference of Indiana established by IC 33-38-9-3.

26 (3) ~~"Indiana "Office of judicial center" administration"~~ means
27 ~~the Indiana office of judicial center administration~~ established
28 ~~under IC 33-38-9-4(b).~~ **IC 33-24-6-1.**

29 SECTION 100. IC 33-38-9.5-2, AS AMENDED BY P.L.151-2017,
30 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
31 JULY 1, 2018]: Sec. 2. (a) The justice reinvestment advisory council
32 is established. The advisory council consists of the following members:

33 (1) The executive director of the Indiana public defender council
34 or the executive director's designee.

35 (2) The executive director of the Indiana prosecuting attorneys
36 council or the executive director's designee.

37 (3) The director of the division of mental health and addiction or
38 the director's designee.

39 (4) The president of the Indiana Sheriffs' Association or the
40 president's designee.

41 (5) The commissioner of the Indiana department of correction or
42 the commissioner's designee.



- 1 (6) The ~~executive director~~ **chief administrative officer** of the
 2 **Indiana office of judicial center administration** or the ~~executive~~
 3 ~~director's~~ **chief administrative officer's** designee.
- 4 (7) The executive director of the Indiana criminal justice institute
 5 or the executive director's designee.
- 6 (8) The president of the Indiana Association of Community
 7 Corrections Act Counties or the president's designee.
- 8 (9) The president of the Probation Officers Professional
 9 Association of Indiana or the president's designee.
- 10 (b) The ~~executive director~~ **chief administrative officer** of the
 11 **Indiana office of judicial center administration** shall serve as
 12 chairperson of the advisory council.
- 13 (c) The purpose of the advisory council is to conduct a state level
 14 review and evaluation of:
- 15 (1) local corrections programs, including community corrections,
 16 county jails, and probation services; and
- 17 (2) the processes used by the department of correction and the
 18 division of mental health and addiction in awarding grants.
- 19 (d) The advisory council may make a recommendation to the
 20 department of correction, community corrections advisory boards, and
 21 the division of mental health and addiction concerning the award of
 22 grants.
- 23 (e) The **Indiana office of judicial center administration** shall staff
 24 the advisory council.
- 25 (f) The expenses of the advisory council shall be paid by the Indiana
 26 judicial center from funds appropriated to the **Indiana office of judicial**
 27 **center administration** for the administrative costs of the justice
 28 reinvestment advisory council.
- 29 (g) A member of the advisory council is not entitled to the minimum
 30 salary per diem provided by IC 4-10-11-2.1(b). The member is,
 31 however, entitled to reimbursement for traveling expenses as provided
 32 under IC 4-13-1-4 and other expenses actually incurred in connection
 33 with the member's duties as provided in the state policies and
 34 procedures established by the Indiana department of administration and
 35 approved by the budget agency.
- 36 (h) The affirmative votes of a majority of the voting members
 37 appointed to the advisory council are required for the advisory council
 38 to take action on any measure.
- 39 (i) The advisory council shall meet as necessary to:
- 40 (1) work with the department of correction and the division of
 41 mental health and addiction to establish the grant criteria and
 42 grant reporting requirements described in subsection (l);



- 1 (2) review grant applications;
 2 (3) make recommendations and provide feedback to the
 3 department of correction and the division of mental health and
 4 addiction concerning grants to be awarded;
 5 (4) review grants awarded by the department of correction and the
 6 division of mental health and addiction; and
 7 (5) suggest areas and programs in which the award of future
 8 grants might be beneficial.
- 9 (j) The advisory council shall issue an annual report, before October
 10 1 of each year, to the:
 11 (1) legislative council;
 12 (2) chief justice; and
 13 (3) governor.
- 14 The report to the legislative council must be in an electronic format
 15 under IC 5-14-6.
- 16 (k) Any entity that receives funds:
 17 (1) recommended by the advisory council; and
 18 (2) appropriated by the department of correction;
 19 for the purpose of providing additional treatment or supervision
 20 services shall provide the information described in subsection (l) to the
 21 department of correction to aid in the compilation of the report
 22 described in subsection (j).
- 23 (l) The department of correction shall provide the advisory council
 24 with the following information:
 25 (1) The total number of participants, categorized by level of most
 26 serious offense, who were served by the entity through funds
 27 described in subsection (k).
 28 (2) The percentage of participants, categorized by level of most
 29 serious offense, who completed a treatment program, service, or
 30 level of supervision.
 31 (3) The percentage of participants, categorized by level of most
 32 serious offense, who were discharged from a treatment program,
 33 service, or level of supervision.
 34 (4) The percentage of participants, categorized by level of most
 35 serious offense, who:
 36 (A) completed a funded treatment program, service, or level of
 37 supervision; and
 38 (B) were subsequently committed to the department of
 39 correction;
 40 within twenty-four (24) months after completing the funded
 41 treatment program, service, or level of supervision.
 42 (5) The percentage of participants, categorized by level of most



- 1 serious offense, who were:
- 2 (A) discharged from a funded treatment program, service, or
- 3 level of supervision; and
- 4 (B) subsequently committed to the department of correction;
- 5 within twenty-four (24) months after being discharged from the
- 6 funded treatment program, service, or level of supervision.
- 7 (6) The total number of participants who completed a funded
- 8 treatment program, service, or level of supervision.
- 9 (7) The total number of participants who:
- 10 (A) completed a funded treatment program, service, or level of
- 11 supervision; and
- 12 (B) were legally employed.
- 13 (8) Any other information relevant to the funding of the entity as
- 14 described in subsection (k).
- 15 (m) ~~Not later than November 1, 2016, the advisory council shall~~
- 16 ~~consult with the commission on improving the status of children in~~
- 17 ~~Indiana under IC 2-5-36 concerning how funds should be distributed~~
- 18 ~~for innovative juvenile justice programs and juvenile community~~
- 19 ~~corrections. This subsection expires January 1, 2018.~~
- 20 SECTION 101. IC 33-38-10-2 IS AMENDED TO READ AS
- 21 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2. (a) A person who:
- 22 (1) has been but is not currently a judge of a circuit, superior,
- 23 criminal, probate, municipal, or county court and has served in
- 24 the capacity of judge for at least four (4) consecutive years;
- 25 (2) is admitted to the practice of law in Indiana; and
- 26 (3) is a resident of Indiana;
- 27 may act as judge for certain cases under this chapter.
- 28 (b) A person may act as a judge of a case under this chapter only if:
- 29 (1) all parties to the action file a written petition with the
- 30 ~~executive director~~ **chief administrative officer** of the ~~division~~
- 31 **office** of ~~state court~~ **judicial** administration consenting to the case
- 32 being heard by a private judge, and naming the person whom the
- 33 parties wish to have as private judge;
- 34 (2) the case is one over which the court in which the former judge
- 35 served would have had subject matter and monetary jurisdiction;
- 36 (3) the case is founded exclusively on contract, tort, or a
- 37 combination of contract and tort; and
- 38 (4) the case is one in which a utility (as defined in IC 8-1-2-1) is
- 39 not a party.
- 40 SECTION 102. IC 33-38-10-3 IS AMENDED TO READ AS
- 41 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3. (a) A former judge
- 42 qualified under section 2(a) of this chapter who wishes to serve as a



1 private judge must register with the ~~executive director~~ **chief**
 2 **administrative officer** of the ~~division office~~ of state court **judicial**
 3 administration. The ~~executive director~~ **chief administrative officer**
 4 shall:

- 5 (1) compile;
- 6 (2) periodically update; and
- 7 (3) make available to the public;

8 a list of registered former judges.

9 (b) If the parties to an action wish to have the action heard before a
 10 private judge, the parties shall submit to the ~~executive director~~ **chief**
 11 **administrative officer** of the ~~division office~~ of state court **judicial**
 12 administration a written petition as described in section 2(b)(1) of this
 13 chapter. After verifying that the former judge is qualified under section
 14 2(a) of this chapter and is registered under subsection (a), the ~~executive~~
 15 **director chief administrative officer** shall forward the petition to the
 16 former judge named on the petition.

17 (c) The regular or presiding judge of the court in which the action
 18 is filed shall appoint the private judge to hear the action if the written
 19 petition of the parties to the action and the written consent of the
 20 private judge to hear the action is presented to the regular or presiding
 21 judge:

- 22 (1) contemporaneously with the filing of the action; or
- 23 (2) after the action has been filed.

24 SECTION 103. IC 33-38-12-2 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2. As used in this
 26 chapter, "expenses" includes the following:

- 27 (1) Reasonable attorney's fees, if the attorney general has
 28 authorized the ~~executive director~~ **chief administrative officer** of
 29 the ~~division of state court office of judicial~~ administration to hire
 30 private counsel to provide the defense.
- 31 (2) A judgment.
- 32 (3) A settlement.
- 33 (4) Court costs.
- 34 (5) Discovery costs.
- 35 (6) Expert witness fees.
- 36 (7) Any other expense incurred as a result of an action or a
 37 proceeding.

38 SECTION 104. IC 33-38-15-1, AS ADDED BY P.L.62-2016,
 39 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2018]: Sec. 1. As used in this chapter, "complex motion"
 41 means a motion defined as a complex motion by guidelines adopted by
 42 the ~~Indiana office of judicial center~~ **administration** under section 6 of



1 this chapter. The term may include a motion to dismiss or a motion for
2 summary judgment.

3 SECTION 105. IC 33-39-1-8, AS AMENDED BY P.L.198-2016,
4 SECTION 665, IS AMENDED TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2018]: Sec. 8. (a) After June 30, 2005, this
6 section does not apply to a person who:

- 7 (1) holds a commercial driver's license; and
8 (2) has been charged with an offense involving the operation of
9 a motor vehicle in accordance with the federal Motor Carrier
10 Safety Improvement Act of 1999 (MCSIA) (Public Law
11 106-159.113 Stat. 1748).

12 (b) This section does not apply to a person arrested for or charged
13 with:

- 14 (1) an offense under IC 9-30-5-1 through IC 9-30-5-5; or
15 (2) if a person was arrested or charged with an offense under
16 IC 9-30-5-1 through IC 9-30-5-5, an offense involving:
17 (A) intoxication; or
18 (B) the operation of a vehicle;

19 if the offense involving intoxication or the operation of a vehicle was
20 part of the same episode of criminal conduct as the offense under
21 IC 9-30-5-1 through IC 9-30-5-5.

22 (c) This section does not apply to a person:

- 23 (1) who is arrested for or charged with an offense under:
24 (A) IC 7.1-5-7-7, if the alleged offense occurred while the
25 person was operating a motor vehicle;
26 (B) IC 9-30-4-8(a), if the alleged offense occurred while the
27 person was operating a motor vehicle;
28 (C) IC 35-44.1-2-13(b)(1); or
29 (D) IC 35-43-1-2(a), if the alleged offense occurred while the
30 person was operating a motor vehicle; and
31 (2) who was less than eighteen (18) years of age at the time of the
32 alleged offense.

33 (d) A prosecuting attorney may withhold prosecution against an
34 accused person if:

- 35 (1) the person is charged with a misdemeanor, a Level 6 felony,
36 or a Level 5 felony;
37 (2) the person agrees to conditions of a pretrial diversion program
38 offered by the prosecuting attorney;
39 (3) the terms of the agreement are recorded in an instrument
40 signed by the person and the prosecuting attorney and filed in the
41 court in which the charge is pending; and
42 (4) the prosecuting attorney electronically transmits information



- 1 required by the prosecuting attorneys council concerning the
2 withheld prosecution to the prosecuting attorneys council, in a
3 manner and format designated by the prosecuting attorneys
4 council.
- 5 (e) An agreement under subsection (d) may include conditions that
6 the person:
- 7 (1) pay to the clerk of the court an initial user's fee and monthly
8 user's fees in the amounts specified in IC 33-37-4-1;
 - 9 (2) work faithfully at a suitable employment or faithfully pursue
10 a course of study or career and technical education that will equip
11 the person for suitable employment;
 - 12 (3) undergo available medical treatment or mental health
13 counseling and remain in a specified facility required for that
14 purpose, including:
 - 15 (A) addiction counseling;
 - 16 (B) inpatient detoxification; and
 - 17 (C) medication assisted treatment, including a federal Food
18 and Drug Administration approved long acting, nonaddictive
19 medication for the treatment of opioid or alcohol dependence;
 - 20 (4) receive evidence based mental health and addiction,
21 intellectual disability, developmental disability, autism, and
22 co-occurring autism and mental illness forensic treatment services
23 to reduce the risk of recidivism;
 - 24 (5) support the person's dependents and meet other family
25 responsibilities;
 - 26 (6) make restitution or reparation to the victim of the crime for the
27 damage or injury that was sustained;
 - 28 (7) refrain from harassing, intimidating, threatening, or having
29 any direct or indirect contact with the victim or a witness;
 - 30 (8) report to the prosecuting attorney at reasonable times;
 - 31 (9) answer all reasonable inquiries by the prosecuting attorney
32 and promptly notify the prosecuting attorney of any change in
33 address or employment; and
 - 34 (10) participate in dispute resolution either under IC 34-57-3 or
35 a program established by the prosecuting attorney.
- 36 (f) An agreement under subsection (d)(2) may include other
37 provisions reasonably related to the defendant's rehabilitation, if
38 approved by the court.
- 39 (g) The prosecuting attorney shall notify the victim when
40 prosecution is withheld under this section.
- 41 (h) All money collected by the clerk as user's fees under this section
42 shall be deposited in the appropriate user fee fund under IC 33-37-8.



1 (i) If a court withholds prosecution under this section and the terms
2 of the agreement contain conditions described in subsection (e)(7):

3 (1) the clerk of the court shall comply with IC 5-2-9; and

4 (2) the prosecuting attorney shall file a confidential form
5 prescribed or approved by the ~~division office~~ of ~~state court~~
6 **judicial** administration with the clerk.

7 SECTION 106. IC 33-40-6-1 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. The public defense
9 fund is established to receive court costs or other revenues for county
10 reimbursement and administrative expenses. The fund shall be
11 administered by the ~~division office~~ of ~~state court~~ **judicial**
12 administration of the supreme court.

13 SECTION 107. IC 33-40-6-5 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 5. (a) Except as
15 provided under section 6 of this chapter, upon certification by a county
16 auditor and a determination by the public defender commission that the
17 request is in compliance with the guidelines and standards set by the
18 commission, the commission shall quarterly authorize an amount of
19 reimbursement due the county:

20 (1) that is equal to fifty percent (50%) of the county's certified
21 expenditures for indigent defense services provided for a
22 defendant against whom the death sentence is sought under
23 IC 35-50-2-9; and

24 (2) that is equal to forty percent (40%) of the county's certified
25 expenditures for defense services provided in noncapital cases
26 except misdemeanors.

27 The ~~division office~~ of ~~state court~~ **judicial** administration shall then
28 certify to the auditor of state the amount of reimbursement owed to a
29 county under this chapter.

30 (b) Upon receiving certification from the ~~division office~~ of ~~state~~
31 ~~court~~ **judicial** administration, the auditor of state shall issue a warrant
32 to the treasurer of state for disbursement to the county of the amount
33 certified.

34 SECTION 108. IC 34-26-5-3, AS AMENDED BY P.L.130-2009,
35 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JULY 1, 2018]: Sec. 3. (a) The ~~division office~~ of ~~state court~~ **judicial**
37 administration shall:

38 (1) develop and adopt:

39 (A) a petition for an order for protection;

40 (B) an order for protection, including:

41 (i) orders issued under this chapter;

42 (ii) ex parte orders;



- 1 (iii) no contact orders under IC 31 and IC 35;
 2 (iv) forms relating to workplace violence restraining orders
 3 under IC 34-26-6; and
 4 (v) forms relating to a child protective order under
 5 IC 31-34-2.3;
 6 (C) a confidential form;
 7 (D) a notice of modification or extension for an order for
 8 protection, a no contact order, a workplace violence restraining
 9 order, or a child protective order;
 10 (E) a notice of termination for an order for protection, a no
 11 contact order, a workplace violence restraining order, or a
 12 child protective order; and
 13 (F) any other uniform statewide forms necessary to maintain
 14 an accurate registry of orders; and
 15 (2) provide the forms under subdivision (1) to the clerk of each
 16 court authorized to issue the orders.
 17 (b) In addition to any other required information, a petition for an
 18 order for protection must contain a statement listing each civil or
 19 criminal action involving:
 20 (1) either party; or
 21 (2) a child of either party.
 22 (c) The following statements must be printed in boldface type or in
 23 capital letters on an order for protection, a no contact order, a
 24 workplace violence restraining order, or a child protective order:
 25 **VIOLATION OF THIS ORDER IS PUNISHABLE BY**
 26 **CONFINEMENT IN JAIL, PRISON, AND/OR A FINE.**
 27 **IF SO ORDERED BY THE COURT, THE RESPONDENT IS**
 28 **FORBIDDEN TO ENTER OR STAY AT THE PETITIONER'S**
 29 **RESIDENCE OR RESIDENCE OF ANY CHILD WHO IS THE**
 30 **SUBJECT OF THE ORDER, EVEN IF INVITED TO DO SO BY**
 31 **THE PETITIONER OR ANY OTHER PERSON. IN NO EVENT**
 32 **IS THE ORDER FOR PROTECTION VOIDED.**
 33 **PURSUANT TO 18 U.S.C. 2265, THIS ORDER FOR**
 34 **PROTECTION SHALL BE GIVEN FULL FAITH AND CREDIT**
 35 **IN ANY OTHER STATE OR TRIBAL LAND AND SHALL BE**
 36 **ENFORCED AS IF IT WERE AN ORDER ISSUED IN THAT**
 37 **STATE OR TRIBAL LAND. PURSUANT TO 18 U.S.C. 922(g),**
 38 **ONCE A RESPONDENT HAS RECEIVED NOTICE OF THIS**
 39 **ORDER AND AN OPPORTUNITY TO BE HEARD, IT IS A**
 40 **FEDERAL VIOLATION TO PURCHASE, RECEIVE, OR**
 41 **POSSESS A FIREARM WHILE SUBJECT TO THIS ORDER IF**
 42 **THE PROTECTED PERSON IS:**



- 1 (A) THE RESPONDENT'S CURRENT OR FORMER
 2 SPOUSE;
 3 (B) A CURRENT OR FORMER PERSON WITH WHOM
 4 THE RESPONDENT RESIDED WHILE IN AN INTIMATE
 5 RELATIONSHIP; OR
 6 (C) A PERSON WITH WHOM THE RESPONDENT HAS A
 7 CHILD.
 8 INTERSTATE VIOLATION OF THIS ORDER MAY SUBJECT
 9 THE RESPONDENT TO FEDERAL CRIMINAL PENALTIES
 10 UNDER 18 U.S.C. 2261 AND 18 U.S.C. 2262.
 11 (d) The clerk of the circuit court, or a person or entity designated by
 12 the clerk of the circuit court, shall provide to a person requesting an
 13 order for protection:
 14 (1) the forms adopted under subsection (a);
 15 (2) all other forms required to petition for an order for protection,
 16 including forms:
 17 (A) necessary for service; and
 18 (B) required under IC 31-21 (or IC 31-17-3 before its repeal);
 19 and
 20 (3) clerical assistance in reading or completing the forms and
 21 filing the petition.
 22 Clerical assistance provided by the clerk or court personnel under this
 23 section does not constitute the practice of law. The clerk of the circuit
 24 court may enter into a contract with a person or another entity to
 25 provide this assistance. A person, other than a person or other entity
 26 with whom the clerk has entered into a contract to provide assistance,
 27 who in good faith performs the duties the person is required to perform
 28 under this subsection is not liable for civil damages that might
 29 otherwise be imposed on the person as a result of the performance of
 30 those duties unless the person commits an act or omission that amounts
 31 to gross negligence or willful and wanton misconduct.
 32 (e) A petition for an order for protection must be:
 33 (1) verified or under oath under Trial Rule 11; and
 34 (2) issued on the forms adopted under subsection (a).
 35 (f) If an order for protection is issued under this chapter, the clerk
 36 shall comply with IC 5-2-9.
 37 (g) After receiving a petition for an order for protection, the clerk of
 38 the circuit court shall immediately enter the case in the Indiana
 39 protective order registry established by IC 5-2-9-5.5.
 40 SECTION 109. IC 34-26-5-7 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 7. A petitioner may
 42 omit the petitioner's address from all nonconfidential documents filed



1 with a court. However, a petitioner must provide the court with
 2 complete information concerning the protected address on the uniform
 3 statewide confidential form and on other confidential forms developed
 4 by the ~~division office~~ of ~~state court~~ **judicial** administration under
 5 section 3 of this chapter. A petitioner shall also provide the clerk with
 6 a public mailing address for purposes of serving pleadings, notices, and
 7 court orders. The petitioner may use the address confidentiality
 8 program under IC 5-26.5. If disclosure of a petitioner's address is
 9 necessary to determine jurisdiction or to consider venue, the court may
 10 order the disclosure to be made:

- 11 (1) after receiving a petitioner's consent;
- 12 (2) orally in the judge's chambers and out of the presence of a
 13 respondent with a sealed record made; or
- 14 (3) after a hearing in which the court considers the safety of a
 15 petitioner and finds that disclosure of the address is in the interest
 16 of justice.

17 SECTION 110. IC 34-26-5-8, AS AMENDED BY P.L.130-2009,
 18 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2018]: Sec. 8. If a petitioner seeks:

- 20 (1) an order for protection;
- 21 (2) an extension of an order for protection;
- 22 (3) a modification of an order for protection;
- 23 (4) the termination of an order for protection; or
- 24 (5) the registration of a foreign protective order;

25 the petitioner is responsible for completing the forms prescribed by the
 26 ~~division office~~ of ~~state court~~ **judicial** administration and for
 27 transmitting those forms to the clerk of the court.

28 SECTION 111. IC 34-26-5-17, AS AMENDED BY P.L.130-2009,
 29 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2018]: Sec. 17. (a) A foreign protection order is facially valid
 31 if it:

- 32 (1) identifies the protected person and the respondent;
- 33 (2) is currently in effect;
- 34 (3) was issued by a state or tribal court with jurisdiction over the:
 35 (A) parties; and
 36 (B) subject matter;
- 37 under the law of the issuing state or Indian tribe; and
- 38 (4) was issued after a respondent was given reasonable notice and
 39 an opportunity to be heard sufficient to protect the respondent's
 40 right to due process. In the case of an ex parte order, notice and
 41 opportunity to be heard must be provided within the time required
 42 by state or tribal law and within a reasonable time after the order



- 1 is issued sufficient to protect the respondent's due process rights.
- 2 (b) A facially valid foreign protection order is prima facie evidence
3 of its validity. The protection order may be inscribed on a tangible
4 medium or stored in an electronic or other medium if it is retrievable
5 in perceivable form. Presentation of a certified copy of an order for
6 protection is not required for enforcement.
- 7 (c) Except as provided in subsection (d), a protection order that is
8 facially valid and issued by a court of a state (issuing state) or Indian
9 tribe shall be accorded full faith and credit by Indiana courts.
- 10 (d) A mutual foreign protection order is not entitled to full faith and
11 credit if the order is issued by a state or tribal court against a person
12 who has petitioned, filed a complaint, or otherwise filed a written
13 pleading for protection against a family or household member, unless:
14 (1) a separate petition or motion was filed by a respondent;
15 (2) the issuing court has reviewed each motion separately and
16 granted or denied each on its individual merits; and
17 (3) separate orders were issued and the issuing court made
18 specific findings that each party was entitled to an order.
- 19 (e) Registration or filing of a foreign protection order is not a
20 prerequisite to enforcement of the order in Indiana, and a protection
21 order that is consistent with this section shall be accorded full faith and
22 credit notwithstanding a failure to register or file the order in Indiana.
23 However, if a petitioner wishes to register a foreign protection order in
24 Indiana, all Indiana courts of record shall accommodate the request.
25 The ~~division office of state court~~ **judicial** administration shall develop
26 a form to be used by courts, clerks, and law enforcement agencies when
27 a petitioner makes a request to register a foreign protection order.
28 Except for a protective order issued to the Indiana protective order
29 registry established by IC 5-2-9-5.5, the courts, clerks of the courts, and
30 sheriffs or law enforcement agencies maintaining depositories shall
31 employ the same procedures required under IC 5-2-9-6 for entering,
32 modifying, extending, or terminating a foreign protection order as those
33 used for a protection order and a no contact order originating in
34 Indiana.
- 35 (f) A facially valid foreign protection order shall be enforced by a
36 law enforcement officer and a state court as if it were an order
37 originating in Indiana. The order must be enforced if the foreign
38 protection order contains relief that the state courts lack the power to
39 provide in an order for protection issued in Indiana.
- 40 (g) An Indiana law enforcement officer:
41 (1) may not require notification, registration, or filing of a facially
42 valid foreign order for protection as a prerequisite to enforcement



1 of an order;

2 (2) if a foreign protection order is not presented, may consider
3 other information to determine under a totality of the
4 circumstances whether there is probable cause to believe that a
5 valid foreign order for protection exists; and

6 (3) who determines that an otherwise valid foreign protection
7 order cannot be enforced because a respondent has not been
8 notified or served with the order, shall:

9 (A) inform the respondent of the order;

10 (B) serve the order on the respondent;

11 (C) ensure that the order and service of the order are entered
12 into the state depository;

13 (D) allow the respondent a reasonable opportunity to comply
14 with the order before enforcing the order; and

15 (E) ensure the safety of the protected person while giving the
16 respondent the opportunity to comply with the order.

17 (h) After a foreign protective order is registered, the clerk shall enter
18 the order in the Indiana protective order registry established by
19 IC 5-2-9-5.5.

20 SECTION 112. IC 34-26-5-20, AS ADDED BY P.L.16-2009,
21 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 JULY 1, 2018]: Sec. 20. (a) A protective order issued before July 1,
23 2002, under IC 31-34-17, IC 31-37-16, or IC 34-26-2 (before their
24 repeal) remains in effect for the period indicated in the court order
25 granting the protective order.

26 (b) A protective order issued before July 1, 2002, under IC 31-14-16
27 or IC 31-15-5 remains in effect for the period indicated in the court
28 order granting the protective order.

29 (c) After June 30, 2002, a protected person must use the forms
30 developed by the ~~division office~~ of ~~state court~~ **judicial** administration
31 under section 3 of this chapter if the person is seeking an extension or
32 a modification of an order issued under subsection (a) or (b).

33 SECTION 113. IC 34-26-6-13 IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 13. (a) The ~~division~~
35 **office** of ~~state court~~ **judicial** administration shall develop forms,
36 instructions, and rules for the scheduling of hearings and other
37 procedures under this chapter. A party to an action under this chapter
38 must use the forms developed by the ~~division office~~ of ~~state court~~
39 **judicial** administration.

40 (b) A temporary restraining order or an injunction issued for
41 harassment or domestic or family violence under this chapter must be
42 issued on forms adopted and approved by the ~~division office~~ of ~~state~~



1 ~~court~~ **judicial** administration and must be consistent with IC 34-26-5-3.
 2 However, an order or injunction issued under this section is not
 3 rendered unenforceable solely because it is not issued on forms adopted
 4 and approved by the ~~division~~ **office** of state ~~court~~ **judicial**
 5 administration.

6 (c) Information in a temporary restraining order or an injunction
 7 relating to harassment or domestic or family violence must be
 8 transmitted to the Indiana data and communication system (IDACS) as
 9 required under IC 34-26-5-18.

10 SECTION 114. IC 34-28-9.2-9, AS ADDED BY P.L.198-2014,
 11 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2018]: Sec. 9. (a) If the Internal Revenue Service or a court
 13 issues a determination letter, revenue ruling, other public ruling of the
 14 Internal Revenue Service, or a published decision to the commission
 15 or any lottery winner, declaring that the voluntary assignment of prizes
 16 will affect the federal income tax treatment of a prize winner who does
 17 not assign the winner's prize payment or payments, the state lottery
 18 commission shall file a copy of the letter, ruling, or decision with the
 19 attorney general's office and the ~~Indiana office of judicial center:~~
 20 **administration**. A court may not issue an order authorizing a voluntary
 21 assignment of a prize after the date the ruling, letter, or published
 22 decision is filed.

23 (b) If a determination letter, revenue ruling, other public ruling, or
 24 published decision is issued under subsection (a), the Internal Revenue
 25 Service or the court that issued the document shall send a certified copy
 26 of the document to the director of the commission.

27 SECTION 115. IC 34-28-9.2-10, AS ADDED BY P.L.198-2014,
 28 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2018]: Sec. 10. If the department of state revenue issues a
 30 determination, ruling, or finding to the commission or any lottery
 31 winner declaring that the voluntary assignment of a prize will reduce
 32 the state income tax due on the prize, the department of state revenue
 33 shall file the determination, ruling, or finding with the lottery
 34 commission, the attorney general's office, and the ~~Indiana office of~~
 35 ~~judicial center:~~ **administration**. A court may not issue an order
 36 authorizing a voluntary assignment of a prize after the date the
 37 determination, ruling, or finding is filed.

38 SECTION 116. IC 35-33-8-3.2, AS AMENDED BY P.L.187-2017,
 39 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2018]: Sec. 3.2. (a) After considering the results of the Indiana
 41 pretrial risk assessment system (if available), other relevant factors, and
 42 bail guidelines described in section 3.8 of this chapter, a court may



1 admit a defendant to bail and impose any of the following conditions
 2 to assure the defendant's appearance at any stage of the legal
 3 proceedings, or, upon a showing of clear and convincing evidence that
 4 the defendant poses a risk of physical danger to another person or the
 5 community, to assure the public's physical safety:

6 (1) Require the defendant to:

7 (A) execute a bail bond with sufficient solvent sureties;

8 (B) deposit cash or securities in an amount equal to the bail;

9 (C) execute a bond secured by real estate in the county, where
 10 thirty-three hundredths (0.33) of the true tax value less
 11 encumbrances is at least equal to the amount of the bail;

12 (D) post a real estate bond; or

13 (E) perform any combination of the requirements described in
 14 clauses (A) through (D).

15 If the court requires the defendant to deposit cash or cash and
 16 another form of security as bail, the court may require the
 17 defendant and each person who makes the deposit on behalf of the
 18 defendant to execute an agreement that allows the court to retain
 19 all or a part of the cash to pay publicly paid costs of
 20 representation and fines, costs, fees, and restitution that the court
 21 may order the defendant to pay if the defendant is convicted. The
 22 defendant must also pay the fee required by subsection (d).

23 (2) Require the defendant to execute:

24 (A) a bail bond by depositing cash or securities with the clerk
 25 of the court in an amount not less than ten percent (10%) of
 26 the bail; and

27 (B) an agreement that allows the court to retain all or a part of
 28 the cash or securities to pay fines, costs, fees, and restitution
 29 that the court may order the defendant to pay if the defendant
 30 is convicted.

31 A portion of the deposit, not to exceed ten percent (10%) of the
 32 monetary value of the deposit or fifty dollars (\$50), whichever is
 33 the lesser amount, may be retained as an administrative fee. The
 34 clerk shall also retain from the deposit under this subdivision
 35 fines, costs, fees, and restitution as ordered by the court, publicly
 36 paid costs of representation that shall be disposed of in
 37 accordance with subsection (b), and the fee required by
 38 subsection (d). In the event of the posting of a real estate bond,
 39 the bond shall be used only to insure the presence of the
 40 defendant at any stage of the legal proceedings, but shall not be
 41 foreclosed for the payment of fines, costs, fees, or restitution. The
 42 individual posting bail for the defendant or the defendant



1 admitted to bail under this subdivision must be notified by the
 2 sheriff, court, or clerk that the defendant's deposit may be
 3 forfeited under section 7 of this chapter or retained under
 4 subsection (b).

5 (3) Impose reasonable restrictions on the activities, movements,
 6 associations, and residence of the defendant during the period of
 7 release.

8 (4) Except as provided in section 3.6 of this chapter, require the
 9 defendant to refrain from any direct or indirect contact with an
 10 individual and, if the defendant has been charged with an offense
 11 under IC 35-46-3, any animal belonging to the individual,
 12 including if the defendant has not been released from lawful
 13 detention.

14 (5) Place the defendant under the reasonable supervision of a
 15 probation officer, pretrial services agency, or other appropriate
 16 public official. If the court places the defendant under the
 17 supervision of a probation officer or pretrial services agency, the
 18 court shall determine whether the defendant must pay the pretrial
 19 services fee under section 3.3 of this chapter.

20 (6) Release the defendant into the care of a qualified person or
 21 organization responsible for supervising the defendant and
 22 assisting the defendant in appearing in court. The supervisor shall
 23 maintain reasonable contact with the defendant in order to assist
 24 the defendant in making arrangements to appear in court and,
 25 where appropriate, shall accompany the defendant to court. The
 26 supervisor need not be financially responsible for the defendant.

27 (7) Release the defendant on personal recognizance unless:

28 (A) the state presents evidence relevant to a risk by the
 29 defendant:

30 (i) of nonappearance; or

31 (ii) to the physical safety of the public; and

32 (B) the court finds by a preponderance of the evidence that the
 33 risk exists.

34 (8) Require a defendant charged with an offense under IC 35-46-3
 35 to refrain from owning, harboring, or training an animal.

36 (9) Impose any other reasonable restrictions designed to assure
 37 the defendant's presence in court or the physical safety of another
 38 person or the community.

39 (b) Within thirty (30) days after disposition of the charges against
 40 the defendant, the court that admitted the defendant to bail shall order
 41 the clerk to remit the amount of the deposit remaining under subsection
 42 (a)(2) to the defendant. The portion of the deposit that is not remitted



1 to the defendant shall be deposited by the clerk in the supplemental
2 public defender services fund established under IC 33-40-3.

3 (c) For purposes of subsection (b), "disposition" occurs when the
4 indictment or information is dismissed or the defendant is acquitted or
5 convicted of the charges.

6 (d) Except as provided in subsection (e), the clerk of the court shall:

7 (1) collect a fee of five dollars (\$5) from each bond or deposit
8 required under subsection (a)(1); and

9 (2) retain a fee of five dollars (\$5) from each deposit under
10 subsection (a)(2).

11 The clerk of the court shall semiannually remit the fees collected under
12 this subsection to the board of trustees of the Indiana public retirement
13 system for deposit in the special death benefit fund. The fee required
14 by subdivision (2) is in addition to the administrative fee retained under
15 subsection (a)(2).

16 (e) With the approval of the clerk of the court, the county sheriff
17 may collect the bail posted under this section. The county sheriff shall
18 remit the bail to the clerk of the court by the following business day
19 and remit monthly the five dollar (\$5) special death benefit fee to the
20 county auditor.

21 (f) When a court imposes a condition of bail described in subsection
22 (a)(4):

23 (1) the clerk of the court shall comply with IC 5-2-9; and

24 (2) the prosecuting attorney shall file a confidential form
25 prescribed or approved by the ~~division office~~ of ~~state court~~
26 **judicial** administration with the clerk.

27 SECTION 117. IC 35-33.5-2-5, AS AMENDED BY P.L.105-2007,
28 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 JULY 1, 2018]: Sec. 5. Within twenty-eight (28) days after the
30 termination of a warrant or an extension, or the denial of an application
31 for a warrant or an extension, the court to which application for the
32 warrant or an extension was made shall submit a report to the ~~executive~~
33 **director chief administrative officer** of the ~~division office~~ of ~~state~~
34 **court judicial** administration (IC 33-24-6-1) containing the following
35 information:

36 (1) The fact that a warrant or an extension was applied for.

37 (2) The type of warrant or extension applied for.

38 (3) The fact that the application for a warrant or an extension was
39 granted, modified, or denied.

40 (4) The duration authorized for interception by the warrant and
41 the number and duration of any extensions.

42 (5) The designated offense for which the warrant or extension was



1 issued or applied for.

2 (6) The identity of the persons who applied for the warrant or
3 extension.

4 (7) The nature and location of the place, facility, or device from
5 which communications were to be intercepted.

6 (8) The reasons for withholding notice under IC 35-33.5-4-3, if
7 the notice was withheld.

8 SECTION 118. IC 35-34-1-2, AS AMENDED BY P.L.85-2013,
9 SECTION 115, IS AMENDED TO READ AS FOLLOWS
10 [EFFECTIVE JULY 1, 2018]: Sec. 2. (a) The indictment or information
11 shall be in writing and allege the commission of an offense by:

12 (1) stating the title of the action and the name of the court in
13 which the indictment or information is filed;

14 (2) stating the name of the offense in the words of the statute or
15 any other words conveying the same meaning;

16 (3) citing the statutory provision alleged to have been violated,
17 except that any failure to include such a citation or any error in
18 such a citation does not constitute grounds for reversal of a
19 conviction where the defendant was not otherwise misled as to the
20 nature of the charges against the defendant;

21 (4) setting forth the nature and elements of the offense charged in
22 plain and concise language without unnecessary repetition;

23 (5) stating the date of the offense with sufficient particularity to
24 show that the offense was committed within the period of
25 limitations applicable to that offense;

26 (6) stating the time of the offense as definitely as can be done if
27 time is of the essence of the offense;

28 (7) stating the place of the offense with sufficient particularity to
29 show that the offense was committed within the jurisdiction of the
30 court where the charge is to be filed;

31 (8) stating the place of the offense as definitely as can be done if
32 the place is of the essence of the offense; and

33 (9) stating the name of every defendant, if known, and if not
34 known, by designating the defendant by any name or description
35 by which ~~he~~ **the defendant** can be identified with reasonable
36 certainty.

37 (b) An indictment shall be signed by:

38 (1) the foreman or five (5) members of the grand jury; and

39 (2) the prosecuting attorney or ~~his~~ **the prosecuting attorney's**
40 deputy.

41 (c) An information shall be signed by the prosecuting attorney or ~~his~~
42 **the prosecuting attorney's** deputy. ~~and sworn to or affirmed by him~~



1 or any other person:

2 (e) (d) An indictment or information shall have stated upon it the
3 names of all the material witnesses. Other witnesses may afterwards be
4 subpoenaed by the state, but unless the name of a witness is stated on
5 the indictment or information, no continuance shall be granted to the
6 state due to the absence of the witness.

7 (f) (e) The indictment or information shall be a plain, concise, and
8 definite written statement of the essential facts constituting the offense
9 charged. It need not contain a formal commencement, a formal
10 conclusion, or any other matter not necessary to the statement.
11 Presumptions of law and matters of which judicial notice is taken need
12 not be stated.

13 (g) (f) The indictment may be substantially in the following form:

14 IN THE _____ COURT OF INDIANA, 20 ____

15 STATE OF INDIANA

16 vs. CAUSE NUMBER _____

17 A _____ B _____

18 The grand jury of the county of _____ upon their oath or
19 affirmation do present that AB, on the _____ day of _____
20 20____ at the county of _____ in the state of Indiana (HERE SET
21 FORTH THE OFFENSE CHARGED).

22 (h) (g) The information may be substantially in the same form as the
23 indictment, substituting for the words, "the grand jury of the county of
24 _____, upon their oath or affirmation so present" the following:
25 "CD, being duly sworn on his oath or having affirmed, says." It is not
26 necessary in an information to state the reason why the proceeding is
27 by information rather than indictment.

28 (i) (h) This section applies to a traffic offense (as defined in
29 IC 9-13-2-183) if the traffic offense is:

30 (1) a felony; or

31 (2) a misdemeanor.

32 SECTION 119. IC 35-36-2-4, AS AMENDED BY P.L.67-2017,
33 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
34 JULY 1, 2018]: Sec. 4. (a) Whenever a defendant is found not
35 responsible by reason of insanity at the time of the crime, the
36 prosecuting attorney shall file a written petition with the court under
37 IC 12-26-6-2(a)(3) or under IC 12-26-7. If a petition is filed under
38 IC 12-26-6-2(a)(3), the court shall hold a commitment hearing under
39 IC 12-26-6. If a petition is filed under IC 12-26-7, the court shall hold
40 a commitment hearing under IC 12-26-7.

41 (b) The hearing shall be conducted at the earliest opportunity after
42 the finding of not responsible by reason of insanity at the time of the



1 crime, and the defendant shall be detained in custody until the
 2 completion of the hearing. The court may take judicial notice of
 3 evidence introduced during the trial of the defendant and may call the
 4 physicians appointed by the court to testify concerning whether the
 5 defendant is currently mentally ill and dangerous or currently mentally
 6 ill and gravely disabled, as those terms are defined by IC 12-7-2-96 and
 7 IC 12-7-2-130(1). The court may subpoena any other persons with
 8 knowledge concerning the issues presented at the hearing.

9 (c) The defendant has all the rights provided by the provisions of
 10 IC 12-26 under which the petition against the defendant was filed. The
 11 prosecuting attorney may cross-examine the witnesses and present
 12 relevant evidence concerning the issues presented at the hearing.

13 (d) If a court orders an individual to be committed under IC 12-26-6
 14 or IC 12-26-7 following a verdict of not responsible by reason of
 15 insanity at the time of the crime, the warden of the facility to which the
 16 individual is committed and the attending physician are subject to the
 17 requirements of IC 12-26-15-1.

18 (e) If a defendant is found not responsible by reason of insanity, the
 19 court shall transmit any information required by the ~~division office~~ of
 20 ~~state court~~ **judicial** administration to the ~~division office~~ of ~~state court~~
 21 **judicial** administration for transmission to the NICS (as defined in
 22 IC 35-47-2.5-2.5) in accordance with IC 33-24-6-3.

23 SECTION 120. IC 35-36-2-5, AS AMENDED BY P.L.117-2015,
 24 SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2018]: Sec. 5. (a) Except as provided by subsection (e),
 26 whenever a defendant is found guilty but mentally ill at the time of the
 27 crime or enters a plea to that effect that is accepted by the court, the
 28 court shall sentence the defendant in the same manner as a defendant
 29 found guilty of the offense.

30 (b) Before sentencing the defendant under subsection (a), the court
 31 shall require the defendant to be evaluated by a physician licensed
 32 under IC 25-22.5 who practices psychiatric medicine, a licensed
 33 psychologist, or a community mental health center (as defined in
 34 IC 12-7-2-38). However, the court may waive this requirement if the
 35 defendant was evaluated by a physician licensed under IC 25-22.5 who
 36 practices psychiatric medicine, a licensed psychologist, or a community
 37 mental health center and the evaluation is contained in the record of the
 38 defendant's trial or plea agreement hearing.

39 (c) If a defendant who is found guilty but mentally ill at the time of
 40 the crime is committed to the department of correction, the defendant
 41 shall be further evaluated and then treated in such a manner as is
 42 psychiatrically indicated for the defendant's mental illness. Treatment



1 may be provided by:

- 2 (1) the department of correction; or
 3 (2) the division of mental health and addiction after transfer under
 4 IC 11-10-4.

5 (d) If a defendant who is found guilty but mentally ill at the time of
 6 the crime is placed on probation, the court may, in accordance with
 7 IC 35-38-2-2.3, require that the defendant undergo treatment.

8 (e) As used in this subsection, "individual with an intellectual
 9 disability" means an individual who, before becoming twenty-two (22)
 10 years of age, manifests:

- 11 (1) significantly subaverage intellectual functioning; and
 12 (2) substantial impairment of adaptive behavior;

13 that is documented in a court ordered evaluative report. If a court
 14 determines under IC 35-36-9 that a defendant who is charged with a
 15 murder for which the state seeks a death sentence is an individual with
 16 an intellectual disability, the court shall sentence the defendant under
 17 IC 35-50-2-3(a).

18 (f) If a defendant is found guilty but mentally ill, the court shall
 19 transmit any information required by the ~~division office~~ of state court
 20 **judicial** administration to the ~~division office~~ of state court **judicial**
 21 administration for transmission to the NICS (as defined in
 22 IC 35-47-2.5-2.5) in accordance with IC 33-24-6-3.

23 SECTION 121. IC 35-36-3-1, AS AMENDED BY P.L.151-2011,
 24 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2018]: Sec. 1. (a) If at any time before the final submission of
 26 any criminal case to the court or the jury trying the case, the court has
 27 reasonable grounds for believing that the defendant lacks the ability to
 28 understand the proceedings and assist in the preparation of a defense,
 29 the court shall immediately fix a time for a hearing to determine
 30 whether the defendant has that ability. The court shall appoint two (2)
 31 or three (3) competent, disinterested:

- 32 (1) psychiatrists;
 33 (2) psychologists endorsed by the Indiana state board of
 34 examiners in psychology as health service providers in
 35 psychology; or
 36 (3) physicians;

37 who have expertise in determining competency. At least one (1) of the
 38 individuals appointed under this subsection must be a psychiatrist or
 39 psychologist. However, none may be an employee or a contractor of a
 40 state institution (as defined in IC 12-7-2-184). The individuals who are
 41 appointed shall examine the defendant and testify at the hearing as to
 42 whether the defendant can understand the proceedings and assist in the



1 preparation of the defendant's defense.

2 (b) At the hearing, other evidence relevant to whether the defendant
3 has the ability to understand the proceedings and assist in the
4 preparation of the defendant's defense may be introduced. If the court
5 finds that the defendant has the ability to understand the proceedings
6 and assist in the preparation of the defendant's defense, the trial shall
7 proceed. If the court finds that the defendant lacks this ability, it shall
8 delay or continue the trial and order the defendant committed to the
9 division of mental health and addiction. The division of mental health
10 and addiction shall provide competency restoration services or enter
11 into a contract for the provision of competency restoration services by
12 a third party in the:

13 (1) location where the defendant currently resides; or

14 (2) least restrictive setting appropriate to the needs of the
15 defendant and the safety of the defendant and others.

16 However, if the defendant is serving an unrelated executed sentence in
17 the department of correction at the time the defendant is committed to
18 the division of mental health and addiction under this section, the
19 division of mental health and addiction shall provide competency
20 restoration services or enter into a contract for the provision of
21 competency restoration services by a third party at a department of
22 correction facility agreed upon by the division of mental health and
23 addiction or the third party contractor and the department of correction.

24 (c) If the court makes a finding under subsection (b), the court shall
25 transmit any information required by the ~~division office~~ of ~~state court~~
26 **judicial** administration to the ~~division office~~ of ~~state court~~ **judicial**
27 administration for transmission to the NICS (as defined in
28 IC 35-47-2.5-2.5) in accordance with IC 33-24-6-3.

29 SECTION 122. IC 35-38-1-7.7, AS AMENDED BY P.L.114-2012,
30 SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
31 JULY 1, 2018]: Sec. 7.7. (a) At the time of sentencing, a court shall
32 determine whether a person has committed a crime of domestic
33 violence (as defined in IC 35-31.5-2-78).

34 (b) A determination under subsection (a) must be based upon:

35 (1) evidence introduced at trial; or

36 (2) a factual basis provided as part of a guilty plea.

37 (c) Upon determining that a defendant has committed a crime of
38 domestic violence, a court shall advise the defendant of the
39 consequences of this finding.

40 (d) A judge shall record a determination that a defendant has
41 committed a crime of domestic violence on a form prepared by the
42 ~~division office~~ of ~~state court~~ **judicial** administration.



1 SECTION 123. IC 35-38-1-31, AS ADDED BY P.L.147-2012,
 2 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2018]: Sec. 31. (a) If a court imposes on a person convicted
 4 of a felony a sentence that involves a commitment to the department of
 5 correction, the court shall complete an abstract of judgment in an
 6 electronic format approved by the department of correction and the
 7 ~~division office~~ of ~~state court judicial~~ administration. The abstract of
 8 judgment must include, but not be limited to:

- 9 (1) each offense the person is convicted of;
 10 (2) the sentence, including whether the sentence includes a
 11 suspended sentence, probation, or direct commitment to
 12 community corrections; and
 13 (3) whether the person is a credit restricted felon.

14 (b) If a person convicted of a felony is committed to the department
 15 of correction by a court as a result of a violation of the terms of
 16 probation or other community placement, the court shall state in the
 17 abstract of judgment the specific reasons for revocation if probation,
 18 parole, or a community corrections placement has been revoked.

19 SECTION 124. IC 35-38-2-2.3, AS AMENDED BY P.L.111-2017,
 20 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2018]: Sec. 2.3. (a) As a condition of probation, the court may
 22 require a person to do a combination of the following:

- 23 (1) Work faithfully at suitable employment or faithfully pursue a
 24 course of study or career and technical education that will equip
 25 the person for suitable employment.
 26 (2) Undergo available medical or psychiatric treatment and
 27 remain in a specified institution if required for that purpose.
 28 (3) Attend or reside in a facility established for the instruction,
 29 recreation, or residence of persons on probation.
 30 (4) Participate in a treatment program, educational class, or
 31 rehabilitative service provided by a probation department or by
 32 referral to an agency.
 33 (5) Support the person's dependents and meet other family
 34 responsibilities.
 35 (6) Make restitution or reparation to the victim of the crime for
 36 damage or injury that was sustained by the victim. When
 37 restitution or reparation is a condition of probation, the court shall
 38 fix the amount, which may not exceed an amount the person can
 39 or will be able to pay, and shall fix the manner of performance.
 40 (7) Execute a repayment agreement with the appropriate
 41 governmental entity to repay the full amount of public relief or
 42 assistance wrongfully received, and make repayments according



- 1 to a repayment schedule set out in the agreement.
 2 (8) Pay a fine authorized by IC 35-50.
 3 (9) Refrain from possessing a firearm or other deadly weapon
 4 unless granted written permission by the court or the person's
 5 probation officer.
 6 (10) Report to a probation officer at reasonable times as directed
 7 by the court or the probation officer.
 8 (11) Permit the person's probation officer to visit the person at
 9 reasonable times at the person's home or elsewhere.
 10 (12) Remain within the jurisdiction of the court, unless granted
 11 permission to leave by the court or by the person's probation
 12 officer.
 13 (13) Answer all reasonable inquiries by the court or the person's
 14 probation officer and promptly notify the court or probation
 15 officer of any change in address or employment.
 16 (14) Perform uncompensated work that benefits the community.
 17 (15) Satisfy other conditions reasonably related to the person's
 18 rehabilitation.
 19 (16) Undergo home detention under IC 35-38-2.5.
 20 (17) Undergo a laboratory test or series of tests approved by the
 21 state department of health to detect and confirm the presence of
 22 the human immunodeficiency virus (HIV) antigen or antibodies
 23 to the human immunodeficiency virus (HIV), if:
 24 (A) the person had been convicted of an offense relating to a
 25 criminal sexual act and the offense created an
 26 epidemiologically demonstrated risk of transmission of the
 27 human immunodeficiency virus (HIV); or
 28 (B) the person had been convicted of an offense relating to a
 29 controlled substance and the offense involved:
 30 (i) the delivery by any person to another person; or
 31 (ii) the use by any person on another person;
 32 of a contaminated sharp (as defined in IC 16-41-16-2) or other
 33 paraphernalia that creates an epidemiologically demonstrated
 34 risk of transmission of HIV by involving percutaneous contact.
 35 (18) Refrain from any direct or indirect contact with an individual
 36 and, if convicted of an offense under IC 35-46-3, any animal
 37 belonging to the individual.
 38 (19) Execute a repayment agreement with the appropriate
 39 governmental entity or with a person for reasonable costs incurred
 40 because of the taking, detention, or return of a missing child (as
 41 defined in IC 10-13-5-4).
 42 (20) Periodically undergo a laboratory chemical test (as defined



1 in IC 9-13-2-22) or series of chemical tests as specified by the
 2 court to detect and confirm the presence of a controlled substance
 3 (as defined in IC 35-48-1-9). The person on probation is
 4 responsible for any charges resulting from a test and shall have
 5 the results of any test under this subdivision reported to the
 6 person's probation officer by the laboratory.

7 (21) If the person was confined in a penal facility, execute a
 8 reimbursement plan as directed by the court and make repayments
 9 under the plan to the authority that operates the penal facility for
 10 all or part of the costs of the person's confinement in the penal
 11 facility. The court shall fix an amount that:

12 (A) may not exceed an amount the person can or will be able
 13 to pay;

14 (B) does not harm the person's ability to reasonably be self
 15 supporting or to reasonably support any dependent of the
 16 person; and

17 (C) takes into consideration and gives priority to any other
 18 restitution, reparation, repayment, or fine the person is
 19 required to pay under this section.

20 (22) Refrain from owning, harboring, or training an animal.

21 (23) Participate in a reentry court program.

22 (24) Receive:

23 (A) addiction counseling;

24 (B) mental health counseling;

25 (C) inpatient detoxification; and

26 (D) medication assisted treatment, including a federal Food
 27 and Drug Administration approved long acting, nonaddictive
 28 medication for the treatment of opioid or alcohol dependence.

29 (b) When a person is placed on probation, the person shall be given
 30 a written statement specifying:

31 (1) the conditions of probation; and

32 (2) that if the person violates a condition of probation during the
 33 probationary period, a petition to revoke probation may be filed
 34 before the earlier of the following:

35 (A) One (1) year after the termination of probation.

36 (B) Forty-five (45) days after the state receives notice of the
 37 violation.

38 (c) As a condition of probation, the court may require that the
 39 person serve a term of imprisonment in an appropriate facility at the
 40 time or intervals (consecutive or intermittent) within the period of
 41 probation the court determines.

42 (d) Intermittent service may be required only for a term of not more



1 than sixty (60) days and must be served in the county or local penal
 2 facility. The intermittent term is computed on the basis of the actual
 3 days spent in confinement and shall be completed within one (1) year.
 4 A person does not earn good time credit while serving an intermittent
 5 term of imprisonment under this subsection. When the court orders
 6 intermittent service, the court shall state:

- 7 (1) the term of imprisonment;
 8 (2) the days or parts of days during which a person is to be
 9 confined; and
 10 (3) the conditions.

11 (e) Supervision of a person may be transferred from the court that
 12 placed the person on probation to a court of another jurisdiction, with
 13 the concurrence of both courts. Retransfers of supervision may occur
 14 in the same manner. This subsection does not apply to transfers made
 15 under IC 11-13-4 or IC 11-13-5.

16 (f) When a court imposes a condition of probation described in
 17 subsection (a)(18):

- 18 (1) the clerk of the court shall comply with IC 5-2-9; and
 19 (2) the prosecuting attorney shall file a confidential form
 20 prescribed or approved by the ~~division office~~ of state court
 21 **judicial** administration with the clerk.

22 (g) As a condition of probation, a court shall require a person:

- 23 (1) who is described in IC 10-13-6-10(a);
 24 (2) who has not previously provided a DNA sample in accordance
 25 with IC 10-13-6; and
 26 (3) whose sentence does not involve a commitment to the
 27 department of correction;

28 to provide a DNA sample as a condition of probation.

29 (h) If a court imposes a condition of probation described in
 30 subsection (a)(4), the person on probation is responsible for any costs
 31 resulting from the participation in a program, class, or service. Any
 32 costs collected for services provided by the probation department shall
 33 be deposited in the county or local supplemental adult services fund.

34 SECTION 125. IC 35-38-4-7, AS AMENDED BY P.L.3-2008,
 35 SECTION 250, IS AMENDED TO READ AS FOLLOWS
 36 [EFFECTIVE JULY 1, 2018]: Sec. 7. (a) This section applies to state
 37 reimbursement of expenses for conducting a new trial if:

- 38 (1) a defendant is convicted of an offense in a criminal
 39 proceeding conducted in a trial court;
 40 (2) the defendant appeals the defendant's conviction to the Indiana
 41 court of appeals or Indiana supreme court; and
 42 (3) the court of appeals or supreme court remands the case to the



- 1 trial court for a new trial.
- 2 (b) Subject to subsection (d), the state shall reimburse the trial court,
3 the prosecuting attorney, and, if the defendant is represented by a
4 public defender, the public defender for expenses:
- 5 (1) incurred by the trial court, prosecuting attorney, and public
6 defender in conducting a new trial described in subsection (a);
7 and
8 (2) that would ordinarily be paid by the county in which the trial
9 court is located.
- 10 (c) The expenses of a trial court, prosecuting attorney, and public
11 defender reimbursed under this section:
- 12 (1) may not include any salary or other remuneration paid to a
13 trial court judge, prosecuting attorney, deputy prosecuting
14 attorney, or public defender; and
15 (2) must be paid from money in the state general fund.
- 16 (d) The office ~~division~~ of ~~state court~~ **judicial** administration
17 (IC 33-24-6-1) shall administer a program to pay claims for
18 reimbursement under this section. The maximum amount that may be
19 reimbursed for all proceedings and all offenses arising out of the same
20 facts is fifty thousand dollars (\$50,000). The maximum amount that
21 may be paid in any particular year for all expenses otherwise eligible
22 for reimbursement under this section is one million dollars
23 (\$1,000,000). If the total of all claims that would otherwise be eligible
24 for reimbursement under this section exceeds the maximum amount
25 that may be reimbursed under this subsection, the ~~division office~~ of
26 ~~state court~~ **judicial** administration shall prorate reimbursement of
27 eligible expenses, as determined by the ~~division office~~ of ~~state court~~
28 **judicial** administration.
- 29 **SECTION 126. An emergency is declared for this act.**

