



February 2, 2018

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## SENATE BILL No. 238

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DIGEST OF SB 238 (Updated January 31, 2018 5:32 pm - DI 106)

**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, and judicial conference membership. 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:** July 1, 2018.

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### Bray

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January 3, 2018, read first time and referred to Committee on Judiciary.  
February 1, 2018, amended, reported favorably — Do Pass.

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SB 238—LS 6706/DI 128





February 2, 2018

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

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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.

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- 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 one (1)**  
 39 **extension of the temporary guardianship for not more than ninety**  
 40 **(90) days.** No such appointment shall be made except after notice and  
 41 hearing unless it is alleged and found by the court that immediate and  
 42 irreparable injury to the person or injury, loss, or damage to the



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

**SB 238—LS 6706/DI 128**



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 33-23-5-8, AS AMENDED BY P.L.127-2008,  
 11 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 12 JULY 1, 2018]: Sec. 8. Except as provided under sections 5(14) and  
 13 9(b) of this chapter, a magistrate

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

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

17 SECTION 48. IC 33-23-13-3 IS AMENDED TO READ AS  
 18 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3. If a judge or  
 19 prosecuting attorney is sued for civil damages or equitable relief and  
 20 the suit would be construed, under notice pleading, as arising out of an  
 21 act performed within the scope of the duties of the judge or prosecuting  
 22 attorney, the attorney general shall:

23 (1) defend the judge or prosecuting attorney in the suit; or

24 (2) authorize the ~~executive director~~ **chief administrative officer**  
 25 of the ~~division office of state court~~ **judicial** administration to hire  
 26 private counsel to provide the defense.

27 SECTION 49. IC 33-23-15-2, AS AMENDED BY P.L.127-2011,  
 28 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 JULY 1, 2018]: Sec. 2. (a) If a person described in section 1 of this  
 30 chapter:

31 (1) has been released from commitment; or

32 (2) successfully completes a treatment or rehabilitation program;

33 the person may petition the court (if the adjudication leading to the  
 34 person's commitment, rehabilitation, or treatment program was from a  
 35 court) or the department of correction (if the determination leading to  
 36 the person's rehabilitation or treatment program was from a psychiatrist  
 37 employed by or retained by the department of correction) to determine  
 38 whether the person is prohibited from possessing a firearm because the  
 39 person is not a proper person under IC 35-47-1-7(11) through  
 40 IC 35-47-1-7(13).

41 (b) In determining whether the person is prohibited from possessing  
 42 a firearm because the person is not a proper person under





1 IC 35-47-1-7(11) through IC 35-47-1-7(13), the court or department of  
2 correction shall consider the following evidence:

3 (1) The facts and circumstances leading to the person being  
4 included in the category of persons to whom this chapter applies.

5 (2) The person's mental health and criminal history records.

6 (3) Evidence concerning the person's reputation, including the  
7 testimony of character witnesses.

8 (4) A recent mental health evaluation by a psychiatrist or  
9 psychologist licensed to practice in Indiana.

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

13 (1) the person is not a danger to the person or to others;

14 (2) the person is not likely to act in a manner dangerous to public  
15 safety; and

16 (3) the requested relief would not be contrary to public interest;  
17 the court or department of correction shall transmit its findings to the  
18 ~~department office~~ of ~~state court~~ **judicial** administration, and any other  
19 information required by the ~~division office~~ of ~~state court~~ **judicial**  
20 administration, for transmission to the NICS in accordance with  
21 IC 33-24-6-3.

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

24 SECTION 50. IC 33-23-16-11, AS ADDED BY P.L.108-2010,  
25 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
26 JULY 1, 2018]: Sec. 11. A city court or county court may establish a  
27 problem solving court. A problem solving court established under this  
28 section may be a:

29 (1) drug court;

30 (2) mental health court;

31 (3) family dependency drug court;

32 (4) community court;

33 (5) reentry court;

34 (6) domestic violence court;

35 (7) ~~veteran's~~ **veterans'** court; or

36 (8) any other court certified as a problem solving court by the  
37 ~~Indiana office of judicial center~~ **administration** under section 17  
38 of this chapter.

39 SECTION 51. IC 33-23-16-16, AS ADDED BY P.L.108-2010,  
40 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
41 JULY 1, 2018]: Sec. 16. (a) As used in this section, "effective date"  
42 means the date established by the board after which minimum



1 employment qualifications are required for persons employed by a  
2 problem solving court program.

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

6 (c) The board:

7 (1) shall adopt rules establishing requirements and procedures for:

8 (A) initial certification;

9 (B) recertification; and

10 (C) decertification;

11 of problem solving courts; and

12 (2) may adopt rules concerning educational and occupational  
13 qualifications for problem solving court employees.

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

16 (1) the board shall establish an effective date after which a person  
17 employed by a problem solving court must meet the  
18 qualifications; and

19 (2) the qualifications do not apply to a person who is employed:

20 (A) by a certified problem solving court before the effective  
21 date; or

22 (B) as administrative personnel.

23 SECTION 52. IC 33-23-16-17, AS ADDED BY P.L.108-2010,  
24 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
25 JULY 1, 2018]: Sec. 17. The ~~Indiana office of judicial center~~  
26 **administration** shall:

27 (1) ensure that problem solving courts comply with the rules  
28 adopted under this chapter and applicable federal regulations;

29 (2) certify problem solving courts according to the requirements  
30 and procedures established under section 16(c)(1) of this chapter;  
31 and

32 (3) require, as a condition of operation, that each problem solving  
33 court created or funded under this chapter be certified according  
34 to the rules adopted by the board.

35 SECTION 53. IC 33-23-16-18, AS ADDED BY P.L.108-2010,  
36 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
37 JULY 1, 2018]: Sec. 18. The ~~Indiana office of judicial center~~  
38 **administration** may:

39 (1) revoke the certification of a problem solving court if the  
40 ~~Indiana office of judicial center administration~~ determines that  
41 the problem solving court does not comply with rules adopted  
42 under this chapter and applicable federal regulations; and



- 1 (2) enter into agreements or contracts with:  
 2 (A) another department, authority, or agency of the state;  
 3 (B) another state;  
 4 (C) the federal government;  
 5 (D) a state educational institution or private postsecondary  
 6 educational institution; or  
 7 (E) a public or private agency;  
 8 to implement this chapter.

9 SECTION 54. IC 33-23-16-19, AS ADDED BY P.L.108-2010,  
 10 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 11 JULY 1, 2018]: Sec. 19. (a) A court shall notify the **Indiana office of**  
 12 **judicial center administration** of the court's intention to establish a  
 13 problem solving court during the planning for the establishment of the  
 14 problem solving court.

15 (b) A court seeking to establish a problem solving court must submit  
 16 a petition for approval to the **Indiana office of judicial center**  
 17 **administration** in accordance with rules adopted by the board.

18 (c) A problem solving court may not:

- 19 (1) assess fees; or  
 20 (2) collect fees;

21 until the problem solving court is certified by the **Indiana office of**  
 22 **judicial center administration**.

23 SECTION 55. IC 33-23-16-22, AS AMENDED BY P.L.179-2015,  
 24 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 25 JULY 1, 2018]: Sec. 22. (a) The costs of a problem solving court may,  
 26 at the discretion of the fiscal body of the unit, be supplemented out of  
 27 the city general fund or the county general fund and may be further  
 28 supplemented by payment from the user fee fund upon appropriation  
 29 made under IC 33-37-8.

30 (b) A problem solving court may apply for and receive the  
 31 following:

- 32 (1) Gifts, bequests, and donations from private sources.  
 33 (2) Grants and contract money from governmental sources.  
 34 (3) Other forms of financial assistance approved by the court to  
 35 supplement the problem solving court's budget.

36 (c) A court wishing to establish a problem solving court, including  
 37 a veteran's court, may apply to the **office of judicial center**  
 38 **administration** for financial assistance. The **office of judicial center**  
 39 **administration** may provide financial aid to establish the court from  
 40 funds appropriated to the **office of judicial center administration** for  
 41 that purpose.

42 SECTION 56. IC 33-23-16-25, AS ADDED BY P.L.108-2010,



1 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 2 JULY 1, 2018]: Sec. 25. (a) The Indiana ~~judicial center~~ **supreme court**  
 3 problem solving court fund is established for the purpose of  
 4 administering, certifying, and supporting problem solving court  
 5 programs under this chapter. The fund shall be administered by the  
 6 **Indiana office of judicial center administration.**

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

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

12 SECTION 57. IC 33-23-17-4, AS ADDED BY P.L.284-2013,  
 13 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 14 JULY 1, 2018]: Sec. 4. (a) The committee shall do the following:

15 (1) Conduct a continuous study of information technology  
 16 applications for Indiana's judicial system, including an analysis of  
 17 appropriate and equitable funding, automated recordkeeping fees  
 18 and record perpetuation costs, and their allocation between state  
 19 and local governmental entities.

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

22 (A) establishing plans for funding and implementing  
 23 technology and automation;

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

27 (C) allowing public court records to be available on the  
 28 Internet;

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

31 (E) studying any other issues the committee considers  
 32 appropriate.

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

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

38 SECTION 58. IC 33-23-17-5, AS ADDED BY P.L.284-2013,  
 39 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 40 JULY 1, 2018]: Sec. 5. The ~~division office of state court~~ **judicial**  
 41 administration shall staff the committee.

42 SECTION 59. IC 33-24-6-1 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. ~~(a)~~ There is created  
 2 within the office of chief justice the office of judicial administration,  
 3 **which must:**

- 4 **(1) be headed by a chief administrative officer; and**  
 5 **(2) have departments within the office as designated by the**  
 6 **administrative rules of the Indiana supreme court.**

7 ~~(b) The office consists of two (2) divisions, entitled:~~

- 8 ~~(1) supreme court administration; and~~  
 9 ~~(2) state court administration.~~

10 ~~(c) The division of supreme court administration shall be headed by~~  
 11 ~~a supreme court administrator. The division of state court~~  
 12 ~~administration shall be headed by an executive director.~~

13 SECTION 60. IC 33-24-6-3, AS AMENDED BY P.L.252-2017,  
 14 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 15 JULY 1, 2018]: Sec. 3. (a) The ~~division office~~ of ~~state court~~ **judicial**  
 16 administration shall do the following:

17 (1) Examine the administrative and business methods and systems  
 18 employed in the offices of the clerks of court and other offices  
 19 related to and serving the courts and make recommendations for  
 20 necessary improvement.

21 (2) Collect and compile statistical data and other information on  
 22 the judicial work of the courts in Indiana. All justices of the  
 23 supreme court, judges of the court of appeals, judges of all trial  
 24 courts, and any city or town courts, whether having general or  
 25 special jurisdiction, court clerks, court reporters, and other  
 26 officers and employees of the courts shall, upon notice by the  
 27 ~~executive director~~ **chief administrative officer** and in  
 28 compliance with procedures prescribed by the ~~executive director;~~  
 29 **chief administrative officer**, furnish the ~~executive director~~ **chief**  
 30 **administrative officer** the information as is requested concerning  
 31 the nature and volume of judicial business. The information must  
 32 include the following:

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

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

36 (C) The work accomplished by the courts.

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

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

40 (3) Prepare and publish reports, not less than one (1) or more than  
 41 two (2) times per year, on the nature and volume of judicial work  
 42 performed by the courts as determined by the information



- 1 required in subdivision (2).
- 2 (4) Serve the judicial nominating commission and the judicial
- 3 qualifications commission in the performance by the commissions
- 4 of their statutory and constitutional functions.
- 5 (5) Administer the civil legal aid fund as required by IC 33-24-12.
- 6 (6) Administer the **judicial court** technology and **automation**
- 7 **project** fund established by section 12 of this chapter.
- 8 (7) By December 31, 2013, develop and implement a standard
- 9 protocol for sending and receiving court data:
- 10 (A) between the protective order registry, established by
- 11 IC 5-2-9-5.5, and county court case management systems;
- 12 (B) at the option of the county prosecuting attorney, for:
- 13 (i) a prosecuting attorney's case management system;
- 14 (ii) a county court case management system; and
- 15 (iii) a county court case management system developed and
- 16 operated by the **division office** of **state court judicial**
- 17 **administration**;
- 18 to interface with the electronic traffic tickets, as defined by
- 19 IC 9-30-3-2.5; and
- 20 (C) between county court case management systems and the
- 21 case management system developed and operated by the
- 22 **division office** of **state court judicial** administration.
- 23 The standard protocol developed and implemented under this
- 24 subdivision shall permit private sector vendors, including vendors
- 25 providing service to a local system and vendors accessing the
- 26 system for information, to send and receive court information on
- 27 an equitable basis and at an equitable cost.
- 28 (8) Establish and administer an electronic system for receiving
- 29 information that relates to certain individuals who may be
- 30 prohibited from possessing a firearm and transmitting this
- 31 information to the Federal Bureau of Investigation for inclusion
- 32 in the NICS.
- 33 (9) Establish and administer an electronic system for receiving
- 34 drug related felony conviction information from courts. The
- 35 **division office of judicial administration** shall notify NPLEx of
- 36 each drug related felony entered after June 30, 2012, and do the
- 37 following:
- 38 (A) Provide NPLEx with the following information:
- 39 (i) The convicted individual's full name.
- 40 (ii) The convicted individual's date of birth.
- 41 (iii) The convicted individual's driver's license number, state
- 42 personal identification number, or other unique number, if



- 1 available.
- 2 (iv) The date the individual was convicted of the felony.
- 3 Upon receipt of the information from the ~~division~~, **office of**
- 4 **judicial administration**, a stop sale alert must be generated
- 5 through NPLEx for each individual reported under this clause.
- 6 (B) Notify NPLEx if the felony of an individual reported under
- 7 clause (A) has been:
- 8 (i) set aside;
- 9 (ii) reversed;
- 10 (iii) expunged; or
- 11 (iv) vacated.
- 12 Upon receipt of information under this clause, NPLEx shall
- 13 remove the stop sale alert issued under clause (A) for the
- 14 individual.
- 15 (10) Staff the judicial technology oversight committee established
- 16 by IC 33-23-17-2.
- 17 (11) After July 1, 2018, establish and administer an electronic
- 18 system for receiving from courts felony conviction information for
- 19 each felony described in IC 20-28-5-8(c). The ~~division~~ **office of**
- 20 **judicial administration** shall notify the department of education
- 21 at least one (1) time each week of each felony described in
- 22 IC 20-28-5-8(c) entered after July 1, 2018, and do the following:
- 23 (A) Provide the department of education with the following
- 24 information:
- 25 (i) The convicted individual's full name.
- 26 (ii) The convicted individual's date of birth.
- 27 (iii) The convicted individual's driver's license number, state
- 28 personal identification number, or other unique number, if
- 29 available.
- 30 (iv) The date the individual was convicted of the felony.
- 31 (B) Notify the department of education if the felony of a
- 32 individual reported under clause (A) has been:
- 33 (i) set aside;
- 34 (ii) reversed; or
- 35 (iii) vacated.
- 36 **(12) Perform legal and administrative duties for the justices**
- 37 **as determined by the justices.**
- 38 **(13) Provide staff support for the judicial conference of**
- 39 **Indiana established in IC 33-38-9.**
- 40 (b) All forms to be used in gathering data must be approved by the
- 41 supreme court and shall be distributed to all judges and clerks before
- 42 the start of each period for which reports are required.



1 (c) The ~~division~~ **office of judicial administration** may adopt rules  
2 to implement this section.

3 SECTION 61. IC 33-24-6-4, AS AMENDED BY P.L.129-2005,  
4 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 JULY 1, 2018]: Sec. 4. (a) The ~~division~~ **office of state court judicial**  
6 **administration** shall establish and administer an office of guardian ad  
7 litem and court appointed special advocate services. The ~~division~~ **office**  
8 **of judicial administration** shall use money it receives from the state  
9 general fund to administer the office. If funds for guardian ad litem and  
10 court appointed special advocate programs are appropriated by the  
11 general assembly, the ~~division~~ **office of judicial administration** shall  
12 provide matching funds to counties that implement and administer, in  
13 courts with juvenile jurisdiction, a guardian ad litem or court appointed  
14 special advocate program for children who are alleged to be victims of  
15 child abuse or neglect under IC 31-33. Matching funds must be  
16 distributed in accordance with the provisions of section 5 of this  
17 chapter. A county may use these matching funds to supplement  
18 amounts that are collected as fees under IC 31-40-3-1 and used for the  
19 operation of guardian ad litem and court appointed special advocate  
20 programs. The ~~division~~ **office of judicial administration** may use its  
21 administrative fund to provide training services and communication  
22 services for local officials and local guardian ad litem and court  
23 appointed special advocate programs. The county fiscal body shall  
24 appropriate adequate funds for the county to be eligible for matching  
25 funds under this section.

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

30 (c) Any matching funds appropriated to the ~~division~~ **office of state**  
31 **court judicial** administration that are not used before July 1 of each  
32 fiscal year do not revert but shall be redistributed under this section on  
33 July 1. The ~~division~~ **office of judicial administration** shall redistribute  
34 the funds among counties providing guardian ad litem and court  
35 appointed special advocate programs that are entitled to receive  
36 matching funds.

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

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





1 SECTION 62. IC 33-24-6-5, AS AMENDED BY P.L.91-2007,  
 2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JULY 1, 2018]: Sec. 5. (a) If appropriated by the general assembly, the  
 4 ~~division office~~ of ~~state court~~ **judicial** administration shall grant to each  
 5 county with a guardian ad litem or court appointed special advocate  
 6 program an annual appropriation calculated under the following  
 7 formula:

8 STEP ONE: Deduct the annual appropriation to the ~~division~~  
 9 ~~office~~ of ~~state court~~ **judicial** administration for administrative  
 10 expenses.

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

15 STEP THREE: Divide the result under STEP TWO by the total  
 16 number of children in need of services cases in Indiana, as  
 17 determined by the ~~division office~~ of ~~state court~~ **judicial**  
 18 administration from reports filed under IC 33-24-6-3, during the  
 19 preceding calendar year.

20 STEP FOUR: Multiply the result under STEP THREE by the  
 21 remaining state match appropriation.

22 (b) If, under subsection (a), a county's grant would result in a grant  
 23 of two thousand dollars (\$2,000) or less, the county is entitled to  
 24 receive a grant of two thousand dollars (\$2,000). After subtracting the  
 25 state match appropriation distributed to these counties from the total  
 26 remaining state appropriation, the ~~division office~~ of ~~state court~~ **judicial**  
 27 administration shall distribute the remaining state appropriation under  
 28 the following formula:

29 STEP ONE: Subtract the total number of children in need of  
 30 services cases in the counties covered under subsection (a) from  
 31 the total number of children in need of services cases in Indiana,  
 32 as determined by the ~~division office~~ of ~~state court~~ **judicial**  
 33 administration, during the preceding calendar year.

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

37 STEP THREE: Multiply the result under STEP TWO by the total  
 38 remaining state match appropriation.

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

41 SECTION 63. IC 33-24-6-6 IS REPEALED [EFFECTIVE JULY 1,  
 42 2018]. Sec. 6: ~~The division of supreme court administration shall~~



1 perform legal and administrative duties for the justices as are  
2 determined by the justices:

3 SECTION 64. IC 33-24-6-10 IS AMENDED TO READ AS  
4 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 10. (a) The ~~executive~~  
5 ~~director chief administrative officer~~ shall, with the approval of the  
6 supreme court, divide the state geographically into at least eight (8)  
7 trial court districts.

8 (b) On the basis of relevant information compiled by the ~~executive~~  
9 ~~director chief administrative officer~~ concerning the volume and  
10 nature of judicial workload, the ~~executive director chief~~  
11 ~~administrative officer~~ shall recommend to the supreme court the  
12 temporary transfer of any judge or judges. The supreme court shall  
13 consider the recommendation and temporarily transfer any judge of a  
14 trial court of general or special jurisdiction to another court if the  
15 temporary transfer is determined to be beneficial to facilitate the  
16 judicial work of the court to which the judge is transferred without  
17 placing an undue burden on the court from which the judge is  
18 transferred. However, a judge may not be temporarily transferred to a  
19 court in another county within the district the judge normally serves  
20 that, at its nearest point, is more than forty (40) miles from the seat of  
21 the county the judge normally serves unless the judge consents to the  
22 transfer.

23 SECTION 65. IC 33-24-6-12, AS AMENDED BY P.L.284-2013,  
24 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
25 JULY 1, 2018]: Sec. 12. (a) The ~~judicial court~~ technology ~~and~~  
26 ~~automation project~~ fund is established to fund the ~~judicial court~~  
27 ~~technology. and automation project~~. The ~~division of state court office~~  
28 ~~of judicial~~ administration shall administer the fund. The fund consists  
29 of the following:

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

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

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

39 (d) The budget committee may release funds for ~~the judicial court~~  
40 ~~technology and automation project~~ after the ~~division office~~ of state  
41 ~~court judicial~~ administration certifies in conjunction with the Indiana  
42 office of technology, that the ~~judicial court~~ technology ~~automation~~



1 project is in compliance with the information sharing and exchange  
2 provisions of IC 33-24-6-3(a).

3 SECTION 66. IC 33-24-6-13, AS ADDED BY P.L.38-2016,  
4 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 JULY 1, 2018]: Sec. 13. (a) Beginning in 2018, not later than March  
6 1 of each year, the ~~division office of state court~~ **judicial** administration  
7 shall submit a report to the legislative council in an electronic format  
8 under IC 5-14-6 providing the following information relating to the  
9 enforcement of residential complex traffic ordinances on the property  
10 of residential complexes under contracts entered into under  
11 IC 9-21-18-4.1:

- 12 (1) The number of traffic stops.
- 13 (2) The number of citations issued.
- 14 (3) The number of traffic stops and citations issued.

15 (b) The report must set forth information required under subsection  
16 (a) by:

- 17 (1) each unit that has adopted a residential complex traffic  
18 ordinance:
  - 19 (A) under IC 9-21-18-4.1; and
  - 20 (B) through issuance of electronic traffic tickets (as defined in  
21 IC 9-30-3-2.5); and
- 22 (2) the totals for all units described in subdivision (1).

23 (c) The ~~division office of state court~~ **judicial** administration must  
24 issue a report under this section for each of the following years:

- 25 (1) 2017.
- 26 (2) 2018.
- 27 (3) 2019.
- 28 (4) 2020.

29 (d) This section expires July 1, 2021.

30 SECTION 67. IC 33-24-12-4 IS AMENDED TO READ AS  
31 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 4. To be eligible for the  
32 receipt of funds under this chapter, a legal services provider must meet  
33 the following requirements:

- 34 (1) The legal services provider must have been:
  - 35 (A) incorporated before July 2, 1997; or
  - 36 (B) incorporated and providing civil legal aid to the indigent  
37 for three (3) years immediately preceding the application for  
38 funds from the civil legal aid fund.
- 39 (2) The legal services provider must submit an opt-in form to the  
40 **executive director chief administrative officer** of the ~~division~~  
41 **office of state court judicial** administration before May 2 of each  
42 year. The form must include the following information:



- 1 (A) The name, address, and telephone number of the legal  
2 services provider.
- 3 (B) The Internal Revenue Code 501(c)(3) form of the legal  
4 services provider.
- 5 (C) The name and address of the **executive director chief**  
6 **administrative officer** and board president of the legal  
7 services provider.
- 8 (D) A list of all counties within the incorporated service area  
9 of the legal services provider.
- 10 (E) Certification that the legal services provider has provided  
11 legal services to indigent individuals within its service area for  
12 the preceding three (3) years and that the legal services  
13 provider will continue to provide legal services to the indigent  
14 for the year following receipt of funds from the civil legal aid  
15 fund.
- 16 (3) The legal services provider may not do any of the following:
- 17 (A) Make available funds, personnel, or equipment for use in  
18 advocating or opposing a plan or proposal, represent a party,  
19 or participate in litigation that is intended to or has the effect  
20 of altering, revising, or reapportioning a legislative, a judicial,  
21 or an elective district at any level of government, including  
22 influencing the timing or manner of the taking of a census.
- 23 (B) Attempt to influence the issuance, amendment, or  
24 revocation of an executive order, regulation, or other statement  
25 of general applicability and future effect by a federal, state, or  
26 local agency.
- 27 (C) Attempt to influence an adjudicatory proceeding of a  
28 federal, state, or local agency if such part of the proceeding is  
29 designed for the formulation or modification of an agency  
30 policy of general applicability and future effect.
- 31 (D) Attempt to influence the passage or defeat of legislation,  
32 a constitutional amendment, a referendum, an initiative, or  
33 similar procedure of the Congress, a state, or a local legislative  
34 body.
- 35 (E) Attempt to influence the conduct of oversight proceedings  
36 of the Legal Services Corporation or a person or an entity  
37 receiving financial assistance provided by the Legal Services  
38 Corporation.
- 39 (F) Pay for a personal service, an advertisement, a telegram, a  
40 telephone communication, a letter, printed or written matter,  
41 an administrative expense, or a related expense, associated  
42 with an activity prohibited in this subdivision.



- 1 (G) Initiate or participate in a class action suit.
- 2 (H) Support or conduct a training program for the purpose of
- 3 advocating a particular public policy or encouraging a political
- 4 activity, a labor or an antilabor activity, a boycott, picketing,
- 5 a strike, or a demonstration, including the dissemination of
- 6 information about such a policy or activity. However, this
- 7 clause may not be construed to prohibit the training of an
- 8 attorney or a paralegal in the provision of:
- 9 (i) adequate legal assistance to eligible clients; or
- 10 (ii) advice to an eligible client as to the legal rights of the
- 11 client.
- 12 (I) Participate in litigation:
- 13 (i) on behalf of a person incarcerated in a federal, state, or
- 14 local prison; or
- 15 (ii) arising out of the incarceration of a person described in
- 16 item (i).

17 SECTION 68. IC 33-24-12-5 IS AMENDED TO READ AS  
 18 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 5. (a) The civil legal  
 19 aid fund is established to provide additional revenue for legal services  
 20 providers.

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

23 SECTION 69. IC 33-24-12-6 IS AMENDED TO READ AS  
 24 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 6. (a) The ~~division~~  
 25 **office of state court judicial** administration shall annually determine  
 26 the amount to be distributed from the fund to each county's legal  
 27 services provider under the following formula:

28 STEP ONE: Determine the number of civil cases filed in the  
 29 county during the year as reported by the most recent Indiana  
 30 Judicial Report.

31 STEP TWO: Determine the number of civil cases filed in Indiana  
 32 during the year as reported by the most recent Indiana Judicial  
 33 Report.

34 STEP THREE: Divide the amount determined in STEP ONE by  
 35 the amount determined in STEP TWO.

36 STEP FOUR: Multiply the quotient determined in STEP THREE  
 37 by the annual amount appropriated under section 7 of this chapter  
 38 or by the annual amount of the appropriation from the state  
 39 general fund as provided in the state budget act, whichever is  
 40 greater.

41 Except as provided in subsection (b), the product determined in STEP  
 42 FOUR is the amount to be distributed to the legal services provider or



1 providers having the county in its service area.

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

6 (c) Distributions from the fund shall be made on January 1 and July  
7 1 of each year. Money in the fund is annually appropriated to carry out  
8 the purposes of the fund.

9 SECTION 70. IC 33-24-13-7 IS AMENDED TO READ AS  
10 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 7. During every state  
11 fiscal year, there is appropriated from the state general fund to the  
12 ~~office of judicial administration, division of state court administration;~~  
13 **supreme court** six hundred twenty-five thousand dollars (\$625,000)  
14 to be used for the Indiana conference for legal education opportunity  
15 established by this chapter.

16 SECTION 71. IC 33-27-2-7 IS AMENDED TO READ AS  
17 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 7. (a) The judicial  
18 nominating commission may employ investigators and other experts  
19 that the commission determines are necessary to carry out its functions  
20 and purposes. The commission may employ special counsel in a  
21 proceeding if the commission determines the employment is advisable.

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

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

28 SECTION 72. IC 33-28-3-9 IS AMENDED TO READ AS  
29 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 9. ~~(a) The court shall~~  
30 ~~provide by rule for an evening session to be held once each week.~~

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

34 SECTION 73. IC 33-28-3-10 IS AMENDED TO READ AS  
35 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 10. The court shall  
36 comply with all requests made under IC 33-24-6-3 by the ~~executive~~  
37 ~~director~~ **chief administrative officer** of the ~~division office~~ of ~~state~~  
38 ~~court~~ **judicial** administration concerning the small claims and  
39 misdemeanor division.

40 SECTION 74. IC 33-29-2-9 IS AMENDED TO READ AS  
41 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 9. ~~(a) The court shall~~  
42 ~~provide by rule for an evening session to be held one (1) time each~~



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~~week.~~

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

SECTION 75. IC 33-29-2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 10. The court shall comply with all requests made under IC 33-24-6-3 by the ~~executive director~~ **chief administrative officer** of the ~~division office~~ of ~~state court~~ **judicial** administration concerning the small claims and misdemeanor division.

SECTION 76. IC 33-31-1-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 21. (a) The salary of the judge of the probate court shall be the same as that of the judge of the circuit court of the county. The salary of the judge and the compensation of a judge pro tempore shall be paid in the same manner and from the same sources as the judge of the circuit court or judges pro tempore of the court.

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

SECTION 77. IC 33-31-2-9, AS ADDED BY P.L.201-2011, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 9. The court shall comply with all requests made under IC 33-24-6-3 by the ~~executive director~~ **chief administrative officer** of the ~~division office~~ of ~~state court~~ **judicial** administration concerning the small claims and misdemeanor division.

SECTION 78. IC 33-33-2-8, AS AMENDED BY P.L.169-2015, SECTION 166, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 8. (a) The Allen superior court consists of nine (9) judges as follows:

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

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

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

(c) Not later than December 31 of the year immediately preceding



1 a year in which the office of judge of the Allen superior court will be  
 2 on the ballot, the clerk of the circuit court shall file with the election  
 3 division a list containing the name, the division assignment, and the  
 4 court number assigned by the roster of judicial officers maintained by  
 5 the ~~Supreme Court of Indiana; Division office of State Court~~  
 6 ~~Administration;~~ **judicial administration**, for each judge of the Allen  
 7 superior court.

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

- 13 (1) is signed by the candidate; and
- 14 (2) designates the division and the court number of the judgeship  
 15 that the candidate seeks.

16 (e) A petition without the designation required under subsection (c)  
 17 shall be rejected by the election division (or by the Indiana election  
 18 commission under IC 3-8-1-2).

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

24 SECTION 79. IC 33-33-10-19, AS ADDED BY P.L.201-2011,  
 25 SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 26 JULY 1, 2018]: Sec. 19. (a) Before March 15 of each year, the board  
 27 of judges of the circuit court shall adopt rules to provide for the  
 28 administration of the circuit court, including rules governing the  
 29 following:

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

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

41 SECTION 80. IC 33-33-18-6 IS AMENDED TO READ AS  
 42 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 6. (a) The judges of the





1 Delaware circuit court shall adopt rules to provide for the  
2 administration of the court, 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 81. IC 33-33-33-12, AS ADDED BY P.L.201-2011,  
14 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
15 JULY 1, 2018]: Sec. 12. (a) The judges of the Henry 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 circuit court shall file with the ~~division office of state court~~  
27 **judicial** administration a copy of the rules adopted under this section.

28 SECTION 82. IC 33-33-37-5 IS AMENDED TO READ AS  
29 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 5. (a) The judge of  
30 Jasper superior court No. 1 shall adopt rules to provide for the  
31 administration of the Jasper superior court, including rules governing  
32 the following:

- 33 (1) Legal representation for indigents.
- 34 (2) Budgetary matters of the Jasper superior court.
- 35 (3) Operation of the probation department.
- 36 (4) Employment and management of court personnel.
- 37 (5) Cooperative efforts with other courts for establishing and  
38 administering shared programs and facilities.

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

42 SECTION 83. IC 33-33-48-16, AS ADDED BY P.L.201-2011,



1 SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 JULY 1, 2018]: Sec. 16. (a) The judges of the circuit court shall adopt  
3 rules to provide for the administration of the circuit court, including  
4 rules governing the following:

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

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

15 SECTION 84. IC 33-33-53-6 IS AMENDED TO READ AS  
16 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 6. (a) The judges of the  
17 court shall adopt rules to provide for the administration of the court,  
18 including rules governing the following:

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

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

29 SECTION 85. IC 33-33-60-6, AS ADDED BY P.L.83-2013,  
30 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
31 JULY 1, 2018]: Sec. 6. (a) The judges of the Owen circuit court shall  
32 adopt rules to provide for the administration of the circuit court,  
33 including rules governing the following:

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

42 (b) The Owen circuit court shall file with the ~~division office~~ of ~~state~~



1 ~~court~~ **judicial** administration a copy of the rules adopted under this  
2 section.

3 SECTION 86. IC 33-33-82-31, AS AMENDED BY THE  
4 TECHNICAL CORRECTIONS BILL OF THE 2018 GENERAL  
5 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
6 JULY 1, 2018]: Sec. 31. (a) The judge of the Vanderburgh circuit court  
7 and each of the seven (7) judges of the Vanderburgh superior court  
8 shall be elected in nonpartisan elections every six (6) years.

9 (b) Not later than December 31 of the year immediately preceding  
10 a year in which the office of judge of the Vanderburgh superior court  
11 will be on the ballot, the clerk of the circuit court shall file with the  
12 election division a list containing the name and the court number  
13 assigned by the roster of judicial officers maintained by the ~~Supreme~~  
14 ~~Court of Indiana, Division office of State Court Administration;~~  
15 **judicial administration**, for each judge of the Vanderburgh superior  
16 court.

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

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

29 ~~(e)~~ **(d)** If an individual who files a declaration under subsection (c)  
30 ceases to be a candidate after the final date for filing a declaration  
31 under subsection (c), the election division may accept the filing of  
32 additional declarations of candidacy for that judgeship not later than  
33 noon August 1.

34 ~~(d)~~ **(e)** All candidates for each respective judgeship shall be listed  
35 on the general election ballot in the form prescribed by IC 3-11,  
36 without party designation. The candidate receiving the highest number  
37 of votes for each judgeship shall be elected to that office.

38 ~~(e)~~ **(f)** IC 3, where not inconsistent with this chapter, applies to  
39 elections under this chapter.

40 SECTION 87. IC 33-34-7-4, AS ADDED BY P.L.170-2015,  
41 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
42 JULY 1, 2018]: Sec. 4. (a) The small claims courts shall use a



1 centralized case management system approved by the ~~division office~~  
2 of ~~state court~~ **judicial** administration.

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

4 (1) preparing and submitting the court's budget to the township  
5 advisory board; and

6 (2) after the budget has been approved by the township advisory  
7 board, managing the budget of the small claims court.

8 SECTION 88. IC 33-35-1-1, AS AMENDED BY P.L.74-2017,  
9 SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
10 JULY 1, 2018]: Sec. 1. (a) During 2018 and every fourth year after  
11 that, a second or third class city or a town may by ordinance establish  
12 or abolish a city or town court. An ordinance to establish a city or town  
13 court must be adopted not less than one (1) year before the judge's term  
14 would begin under section 3 of this chapter.

15 (b) The judge for a court established under subsection (a) shall be  
16 elected under IC 3-10-6 or IC 3-10-7 at the municipal election in  
17 November 2019 and every four (4) years thereafter.

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

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

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

26 SECTION 89. IC 33-37-7-9, AS AMENDED BY P.L.217-2017,  
27 SECTION 156, IS AMENDED TO READ AS FOLLOWS  
28 [EFFECTIVE JULY 1, 2018]: Sec. 9. (a) On June 30 and on December  
29 31 of each year, the auditor of state shall transfer to the treasurer of  
30 state nine million four hundred ninety-two thousand twenty-three  
31 dollars (\$9,492,023) for distribution under subsection (b).

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

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

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

40 (3) the law enforcement academy fund established by IC 5-2-1-13  
41 an amount equal to twelve and fifty-five hundredths percent  
42 (12.55%);



- 1 (4) the violent crime victims compensation fund established by  
 2 IC 5-2-6.1-40 an amount equal to eleven and sixty-six hundredths  
 3 percent (11.66%);  
 4 (5) the motor vehicle highway account an amount equal to  
 5 nineteen and five hundredths percent (19.05%);  
 6 (6) the fish and wildlife fund established by IC 14-22-3-2 an  
 7 amount equal to twenty-five hundredths percent (0.25%);  
 8 (7) the Indiana ~~judicial center~~ **supreme court** drug and alcohol  
 9 programs fund established by IC 12-23-14-17 for the  
 10 administration, certification, and support of alcohol and drug  
 11 services programs under IC 12-23-14 an amount equal to one and  
 12 six-tenths percent (1.6%); and  
 13 (8) the DNA sample processing fund established under  
 14 IC 10-13-6-9.5 for the funding of the collection, shipment,  
 15 analysis, and preservation of DNA samples and the conduct of a  
 16 DNA data base program under IC 10-13-6 an amount equal to  
 17 nine and thirty-six hundredths percent (9.36%);

18 of the amount transferred by the auditor of state under subsection (a).

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

23 SECTION 90. IC 33-37-9-4, AS AMENDED BY P.L.130-2009,  
 24 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 25 JULY 1, 2018]: Sec. 4. (a) The treasurer of state shall distribute  
 26 semiannually one million two hundred eighty-eight thousand dollars  
 27 (\$1,288,000) of the amounts transferred to the state fund under section  
 28 3 of this chapter as follows:

- 29 (1) Fourteen and ninety-eight hundredths percent (14.98%) shall  
 30 be deposited into the alcohol and drug countermeasures fund  
 31 established by IC 9-27-2-11.  
 32 (2) Eight and forty-two hundredths percent (8.42%) shall be  
 33 deposited into the drug interdiction fund established by  
 34 IC 10-11-7-1.  
 35 (3) Four and sixty-eight hundredths percent (4.68%) shall be  
 36 deposited into the drug prosecution fund established by  
 37 IC 33-39-8-6.  
 38 (4) Five and sixty-two hundredths percent (5.62%) shall be  
 39 deposited into the corrections drug abuse fund established by  
 40 IC 11-8-2-11.  
 41 (5) Twenty-two and forty-seven hundredths percent (22.47%)  
 42 shall be deposited into the state drug free communities fund



- 1 established by IC 5-2-10-2.
- 2 (6) Seven and ninety-eight hundredths percent (7.98%) shall be  
3 distributed to the Indiana department of transportation for use  
4 under IC 8-23-2-15.
- 5 (7) Twenty and thirty-two hundredths percent (20.32%) shall be  
6 deposited in the family violence and victim assistance fund  
7 established by IC 5-2-6.8-3.
- 8 (8) Fifteen and fifty-three hundredths percent (15.53%) shall be  
9 deposited in the Indiana safe schools fund established by  
10 IC 5-2-10.1.
- 11 (b) The treasurer of state shall distribute semiannually the amount  
12 remaining after the distributions are made under subsection (a) to the  
13 **judicial court technology and automation project** fund established by  
14 IC 33-24-6-12.
- 15 SECTION 91. IC 33-38-5-6, AS AMENDED BY P.L.159-2005,  
16 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
17 JULY 1, 2018]: Sec. 6. (a) The annual salary of each full-time judge of  
18 a circuit, superior, municipal, county, or probate court is one hundred  
19 ten thousand five hundred dollars (\$110,500), as adjusted after June 30,  
20 2006, under section 8.1 of this chapter, paid by the state. In addition,  
21 a judge under this section may receive any additional salary provided  
22 by the county under IC 36-2-5-14 or IC 36-3-6-3(c). The state shall  
23 deposit quarterly the money received from the counties under  
24 subsection (c) for additional salary in the state general fund.
- 25 (b) Before November 2 of each year, the county auditor of each  
26 county shall certify to the ~~division office~~ of ~~state court~~ **judicial**  
27 **administration** the amounts, if any, to be provided by the county during  
28 the ensuing calendar year for judges' salaries under IC 36-2-5-14 or  
29 IC 36-3-6-3(c).
- 30 (c) When making each payment under subsection (a), the county  
31 shall determine for each judge whether the total of:  
32 (1) the payment made on behalf of that judge;  
33 (2) previous payments made on behalf of that judge in the same  
34 calendar year; and  
35 (3) the state share of the judge's salary under subsection (a);  
36 exceeds the Social Security wage base established by the federal  
37 government for that year. If the total does not exceed the Social  
38 Security wage base, the payment on behalf of that judge must also be  
39 accompanied by an amount equal to the employer's share of Social  
40 Security taxes and Medicare taxes. If the total exceeds the Social  
41 Security wage base, the part of the payment on behalf of the judge that  
42 is below the Social Security wage base must be accompanied by an



1 amount equal to the employer's share of Social Security taxes and  
 2 Medicare taxes, and the part of the payment on behalf of the judge that  
 3 exceeds the Social Security wage base must be accompanied by an  
 4 amount equal to the employer's share of Medicare taxes. Payments  
 5 made under this subsection shall be deposited in the state general fund  
 6 under subsection (a).

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

- 10 (1) is established by the state;
- 11 (2) applies to a judge who is covered by this section; and
- 12 (3) bases the amount of premiums to be paid by the judge on the  
 13 amount of the judge's salary;

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

16 SECTION 92. IC 33-38-9-3, AS AMENDED BY P.L.201-2011,  
 17 SECTION 104, IS AMENDED TO READ AS FOLLOWS  
 18 [EFFECTIVE JULY 1, 2018]: Sec. 3. (a) The judicial conference of  
 19 Indiana is established.

20 (b) The membership of the judicial conference consists of the  
 21 following:

- 22 (1) All justices of the supreme court.
- 23 (2) All judges of the court of appeals.
- 24 (3) The judge of the tax court.
- 25 (4) All circuit, superior, and probate court judges.
- 26 (5) ~~All municipal court judges who are serving on a full-time~~  
 27 ~~basis.~~
- 28 (6) ~~Any retired judge who serves as a special judge and notifies~~  
 29 ~~the conference of the service.~~

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

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

34 SECTION 93. IC 33-38-9-4 IS AMENDED TO READ AS  
 35 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 4. (a) The activities of  
 36 the judicial conference shall be directed by a board of directors having  
 37 the following members:

- 38 (1) The chief justice of Indiana.
- 39 (2) The chief judge of the court of appeals.
- 40 (3) The president of the Indiana judges association.
- 41 (4) The president of the Indiana council of juvenile **and family**  
 42 court judges.



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

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

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

9 (b) The chief justice of Indiana shall serve as chairperson of the  
 10 board of directors. The judicial conference, through the board of  
 11 directors:

12 (1) shall establish a staff agency to be designated the Indiana  
 13 judicial center; and

14 (2) may establish positions for an executive director; staff  
 15 personnel; and other necessary personnel.

16 All personnel of the Indiana judicial center shall be appointed by the  
 17 chief justice of Indiana, and their salaries shall be fixed by the supreme  
 18 court, subject to appropriation by the general assembly.

19 SECTION 94. IC 33-38-9-5 IS AMENDED TO READ AS  
 20 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 5. (a) The entire  
 21 membership of the judicial conference shall meet:

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

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

25 (b) The judicial conference may create committees either upon  
 26 action of the board of directors or by majority vote of the members  
 27 attending a meeting of the judicial conference. The judicial conference,  
 28 the board of directors, or any committee of the judicial conference may  
 29 hold hearings on any question related to the duties set out in section 6  
 30 of this chapter. A proposal for legislation relating to courts that is made  
 31 by the judicial conference shall be presented to the ~~division office~~ of  
 32 ~~state court judicial~~ administration for study and recommendation by  
 33 the ~~division office of judicial administration~~ before being presented  
 34 to the general assembly.

35 SECTION 95. IC 33-38-9-7 IS AMENDED TO READ AS  
 36 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 7. All members,  
 37 including full-time magistrates **and Marion County small claims**  
 38 **court judges**, shall attend and those invited to participate may attend  
 39 the meetings of the judicial conference. Per diem and travel allowances  
 40 authorized by law shall be paid to the members, ~~and~~ full-time  
 41 magistrates, **and Marion County small claims court judges** attending  
 42 from the annual appropriation to the ~~judicial conference~~: **supreme**





1 **court.**

2 SECTION 96. IC 33-38-9-8 IS REPEALED [EFFECTIVE JULY 1,  
3 2018]. Sec. 8: (a) The Indiana judicial center shall maintain a roster of  
4 in-state facilities that have the expertise to provide child services (as  
5 defined in IC 31-9-2-17.8) in a residential setting to:

- 6 (1) children in need of services (as described in IC 31-34-1); or  
7 (2) delinquent children (as described in IC 31-37-1 and  
8 IC 31-37-2);

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

- 14 (1) Name, address, and telephone number of each facility;  
15 (2) Owner and contact person for each facility;  
16 (3) Description of the child services that each facility provides  
17 and any limitations that the facility imposes on acceptance of a  
18 child placed by a juvenile court;  
19 (4) Number of children that each facility can serve on a  
20 residential basis;

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

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

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

26 SECTION 97. IC 33-38-9-9, AS AMENDED BY P.L.62-2016,  
27 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
28 JULY 1, 2018]: Sec. 9. The **Indiana office of judicial center**  
29 **administration** shall administer the following:

- 30 (1) The alcohol and drug services program under IC 12-23-14.  
31 (2) The certification of problem solving courts under IC 33-23-16.  
32 (3) The circuit and superior court motion clerk pilot program  
33 under IC 33-38-15, if the Indiana judicial center establishes a  
34 circuit and superior court motion clerk pilot program.

35 SECTION 98. IC 33-38-9.5-1, AS ADDED BY P.L.179-2015,  
36 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
37 JULY 1, 2018]: Sec. 1. The following definitions apply throughout this  
38 chapter:

- 39 (1) "Advisory council" means the justice reinvestment advisory  
40 council established by section 2 of this chapter.  
41 (2) "Board" means the board of directors of the judicial  
42 conference of Indiana established by IC 33-38-9-3.



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

4 SECTION 99. IC 33-38-9.5-2, AS AMENDED BY P.L.151-2017,  
 5 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6 JULY 1, 2018]: Sec. 2. (a) The justice reinvestment advisory council  
 7 is established. The advisory council consists of the following members:

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

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

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

14 (4) The president of the Indiana Sheriffs' Association or the  
 15 president's designee.

16 (5) The commissioner of the Indiana department of correction or  
 17 the commissioner's designee.

18 (6) The ~~executive director~~ **chief administrative officer** of the  
 19 ~~Indiana office of judicial center administration~~ or the ~~executive~~  
 20 ~~director's~~ **chief administrative officer's** designee.

21 (7) The executive director of the Indiana criminal justice institute  
 22 or the executive director's designee.

23 (8) The president of the Indiana Association of Community  
 24 Corrections Act Counties or the president's designee.

25 (9) The president of the Probation Officers Professional  
 26 Association of Indiana or the president's designee.

27 (b) The ~~executive director~~ **chief administrative officer** of the  
 28 ~~Indiana office of judicial center administration~~ shall serve as  
 29 chairperson of the advisory council.

30 (c) The purpose of the advisory council is to conduct a state level  
 31 review and evaluation of:

32 (1) local corrections programs, including community corrections,  
 33 county jails, and probation services; and

34 (2) the processes used by the department of correction and the  
 35 division of mental health and addiction in awarding grants.

36 (d) The advisory council may make a recommendation to the  
 37 department of correction, community corrections advisory boards, and  
 38 the division of mental health and addiction concerning the award of  
 39 grants.

40 (e) The ~~Indiana office of judicial center administration~~ shall staff  
 41 the advisory council.

42 (f) The expenses of the advisory council shall be paid by the Indiana



1 judicial center from funds appropriated to the ~~Indiana~~ **office of** judicial  
 2 **center administration** for the administrative costs of the justice  
 3 reinvestment advisory council.

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

11 (h) The affirmative votes of a majority of the voting members  
 12 appointed to the advisory council are required for the advisory council  
 13 to take action on any measure.

14 (i) The advisory council shall meet as necessary to:

- 15 (1) work with the department of correction and the division of
- 16 mental health and addiction to establish the grant criteria and
- 17 grant reporting requirements described in subsection (l);
- 18 (2) review grant applications;
- 19 (3) make recommendations and provide feedback to the
- 20 department of correction and the division of mental health and
- 21 addiction concerning grants to be awarded;
- 22 (4) review grants awarded by the department of correction and the
- 23 division of mental health and addiction; and
- 24 (5) suggest areas and programs in which the award of future
- 25 grants might be beneficial.

26 (j) The advisory council shall issue an annual report, before October  
 27 1 of each year, to the:

- 28 (1) legislative council;
- 29 (2) chief justice; and
- 30 (3) governor.

31 The report to the legislative council must be in an electronic format  
 32 under IC 5-14-6.

33 (k) Any entity that receives funds:

- 34 (1) recommended by the advisory council; and
- 35 (2) appropriated by the department of correction;

36 for the purpose of providing additional treatment or supervision  
 37 services shall provide the information described in subsection (l) to the  
 38 department of correction to aid in the compilation of the report  
 39 described in subsection (j).

40 (l) The department of correction shall provide the advisory council  
 41 with the following information:

- 42 (1) The total number of participants, categorized by level of most



- 1 serious offense, who were served by the entity through funds  
 2 described in subsection (k).
- 3 (2) The percentage of participants, categorized by level of most  
 4 serious offense, who completed a treatment program, service, or  
 5 level of supervision.
- 6 (3) The percentage of participants, categorized by level of most  
 7 serious offense, who were discharged from a treatment program,  
 8 service, or level of supervision.
- 9 (4) The percentage of participants, categorized by level of most  
 10 serious offense, who:
- 11 (A) completed a funded treatment program, service, or level of  
 12 supervision; and
- 13 (B) were subsequently committed to the department of  
 14 correction;
- 15 within twenty-four (24) months after completing the funded  
 16 treatment program, service, or level of supervision.
- 17 (5) The percentage of participants, categorized by level of most  
 18 serious offense, who were:
- 19 (A) discharged from a funded treatment program, service, or  
 20 level of supervision; and
- 21 (B) subsequently committed to the department of correction;  
 22 within twenty-four (24) months after being discharged from the  
 23 funded treatment program, service, or level of supervision.
- 24 (6) The total number of participants who completed a funded  
 25 treatment program, service, or level of supervision.
- 26 (7) The total number of participants who:
- 27 (A) completed a funded treatment program, service, or level of  
 28 supervision; and
- 29 (B) were legally employed.
- 30 (8) Any other information relevant to the funding of the entity as  
 31 described in subsection (k).
- 32 ~~(m) Not later than November 1, 2016, the advisory council shall~~  
 33 ~~consult with the commission on improving the status of children in~~  
 34 ~~Indiana under IC 2-5-36 concerning how funds should be distributed~~  
 35 ~~for innovative juvenile justice programs and juvenile community~~  
 36 ~~corrections. This subsection expires January 1, 2018.~~
- 37 SECTION 100. IC 33-38-10-2 IS AMENDED TO READ AS  
 38 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2. (a) A person who:
- 39 (1) has been but is not currently a judge of a circuit, superior,  
 40 criminal, probate, municipal, or county court and has served in  
 41 the capacity of judge for at least four (4) consecutive years;
- 42 (2) is admitted to the practice of law in Indiana; and



1 (3) is a resident of Indiana;  
 2 may act as judge for certain cases under this chapter.

3 (b) A person may act as a judge of a case under this chapter only if:

4 (1) all parties to the action file a written petition with the  
 5 ~~executive director~~ **chief administrative officer** of the ~~division~~  
 6 **office of state court judicial** administration consenting to the case  
 7 being heard by a private judge, and naming the person whom the  
 8 parties wish to have as private judge;

9 (2) the case is one over which the court in which the former judge  
 10 served would have had subject matter and monetary jurisdiction;

11 (3) the case is founded exclusively on contract, tort, or a  
 12 combination of contract and tort; and

13 (4) the case is one in which a utility (as defined in IC 8-1-2-1) is  
 14 not a party.

15 SECTION 101. IC 33-38-10-3 IS AMENDED TO READ AS  
 16 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3. (a) A former judge  
 17 qualified under section 2(a) of this chapter who wishes to serve as a  
 18 private judge must register with the ~~executive director~~ **chief**  
 19 **administrative officer** of the ~~division office~~ **office of state court judicial**  
 20 administration. The ~~executive director~~ **chief administrative officer**  
 21 shall:

22 (1) compile;

23 (2) periodically update; and

24 (3) make available to the public;

25 a list of registered former judges.

26 (b) If the parties to an action wish to have the action heard before a  
 27 private judge, the parties shall submit to the ~~executive director~~ **chief**  
 28 **administrative officer** of the ~~division office~~ **office of state court judicial**  
 29 administration a written petition as described in section 2(b)(1) of this  
 30 chapter. After verifying that the former judge is qualified under section  
 31 2(a) of this chapter and is registered under subsection (a), the ~~executive~~  
 32 **director chief administrative officer** shall forward the petition to the  
 33 former judge named on the petition.

34 (c) The regular or presiding judge of the court in which the action  
 35 is filed shall appoint the private judge to hear the action if the written  
 36 petition of the parties to the action and the written consent of the  
 37 private judge to hear the action is presented to the regular or presiding  
 38 judge:

39 (1) contemporaneously with the filing of the action; or

40 (2) after the action has been filed.

41 SECTION 102. IC 33-38-12-2 IS AMENDED TO READ AS  
 42 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2. As used in this

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1 chapter, "expenses" includes the following:

- 2 (1) Reasonable attorney's fees, if the attorney general has  
 3 authorized the ~~executive director~~ **chief administrative officer** of  
 4 the ~~division of state court~~ **office of judicial** administration to hire  
 5 private counsel to provide the defense.  
 6 (2) A judgment.  
 7 (3) A settlement.  
 8 (4) Court costs.  
 9 (5) Discovery costs.  
 10 (6) Expert witness fees.  
 11 (7) Any other expense incurred as a result of an action or a  
 12 proceeding.

13 SECTION 103. IC 33-38-15-1, AS ADDED BY P.L.62-2016,  
 14 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 15 JULY 1, 2018]: Sec. 1. As used in this chapter, "complex motion"  
 16 means a motion defined as a complex motion by guidelines adopted by  
 17 the ~~Indiana office of judicial center~~ **administration** under section 6 of  
 18 this chapter. The term may include a motion to dismiss or a motion for  
 19 summary judgment.

20 SECTION 104. IC 33-39-1-8, AS AMENDED BY P.L.198-2016,  
 21 SECTION 665, IS AMENDED TO READ AS FOLLOWS  
 22 [EFFECTIVE JULY 1, 2018]: Sec. 8. (a) After June 30, 2005, this  
 23 section does not apply to a person who:

- 24 (1) holds a commercial driver's license; and  
 25 (2) has been charged with an offense involving the operation of  
 26 a motor vehicle in accordance with the federal Motor Carrier  
 27 Safety Improvement Act of 1999 (MCSIA) (Public Law  
 28 106-159.113 Stat. 1748).

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

- 31 (1) an offense under IC 9-30-5-1 through IC 9-30-5-5; or  
 32 (2) if a person was arrested or charged with an offense under  
 33 IC 9-30-5-1 through IC 9-30-5-5, an offense involving:  
 34 (A) intoxication; or  
 35 (B) the operation of a vehicle;

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

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

- 40 (1) who is arrested for or charged with an offense under:  
 41 (A) IC 7.1-5-7-7, if the alleged offense occurred while the  
 42 person was operating a motor vehicle;



- 1 (B) IC 9-30-4-8(a), if the alleged offense occurred while the  
 2 person was operating a motor vehicle;  
 3 (C) IC 35-44.1-2-13(b)(1); or  
 4 (D) IC 35-43-1-2(a), if the alleged offense occurred while the  
 5 person was operating a motor vehicle; and  
 6 (2) who was less than eighteen (18) years of age at the time of the  
 7 alleged offense.
- 8 (d) A prosecuting attorney may withhold prosecution against an  
 9 accused person if:
- 10 (1) the person is charged with a misdemeanor, a Level 6 felony,  
 11 or a Level 5 felony;  
 12 (2) the person agrees to conditions of a pretrial diversion program  
 13 offered by the prosecuting attorney;  
 14 (3) the terms of the agreement are recorded in an instrument  
 15 signed by the person and the prosecuting attorney and filed in the  
 16 court in which the charge is pending; and  
 17 (4) the prosecuting attorney electronically transmits information  
 18 required by the prosecuting attorneys council concerning the  
 19 withheld prosecution to the prosecuting attorneys council, in a  
 20 manner and format designated by the prosecuting attorneys  
 21 council.
- 22 (e) An agreement under subsection (d) may include conditions that  
 23 the person:
- 24 (1) pay to the clerk of the court an initial user's fee and monthly  
 25 user's fees in the amounts specified in IC 33-37-4-1;  
 26 (2) work faithfully at a suitable employment or faithfully pursue  
 27 a course of study or career and technical education that will equip  
 28 the person for suitable employment;  
 29 (3) undergo available medical treatment or mental health  
 30 counseling and remain in a specified facility required for that  
 31 purpose, including:  
 32 (A) addiction counseling;  
 33 (B) inpatient detoxification; and  
 34 (C) medication assisted treatment, including a federal Food  
 35 and Drug Administration approved long acting, nonaddictive  
 36 medication for the treatment of opioid or alcohol dependence;  
 37 (4) receive evidence based mental health and addiction,  
 38 intellectual disability, developmental disability, autism, and  
 39 co-occurring autism and mental illness forensic treatment services  
 40 to reduce the risk of recidivism;  
 41 (5) support the person's dependents and meet other family  
 42 responsibilities;



- 1 (6) make restitution or reparation to the victim of the crime for the  
 2 damage or injury that was sustained;  
 3 (7) refrain from harassing, intimidating, threatening, or having  
 4 any direct or indirect contact with the victim or a witness;  
 5 (8) report to the prosecuting attorney at reasonable times;  
 6 (9) answer all reasonable inquiries by the prosecuting attorney  
 7 and promptly notify the prosecuting attorney of any change in  
 8 address or employment; and  
 9 (10) participate in dispute resolution either under IC 34-57-3 or  
 10 a program established by the prosecuting attorney.
- 11 (f) An agreement under subsection (d)(2) may include other  
 12 provisions reasonably related to the defendant's rehabilitation, if  
 13 approved by the court.
- 14 (g) The prosecuting attorney shall notify the victim when  
 15 prosecution is withheld under this section.
- 16 (h) All money collected by the clerk as user's fees under this section  
 17 shall be deposited in the appropriate user fee fund under IC 33-37-8.
- 18 (i) If a court withholds prosecution under this section and the terms  
 19 of the agreement contain conditions described in subsection (e)(7):  
 20 (1) the clerk of the court shall comply with IC 5-2-9; and  
 21 (2) the prosecuting attorney shall file a confidential form  
 22 prescribed or approved by the ~~division office~~ **of state court**  
 23 **judicial** administration with the clerk.
- 24 SECTION 105. IC 33-40-6-1 IS AMENDED TO READ AS  
 25 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. The public defense  
 26 fund is established to receive court costs or other revenues for county  
 27 reimbursement and administrative expenses. The fund shall be  
 28 administered by the ~~division office~~ **of state court judicial**  
 29 administration of the supreme court.
- 30 SECTION 106. IC 33-40-6-5 IS AMENDED TO READ AS  
 31 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 5. (a) Except as  
 32 provided under section 6 of this chapter, upon certification by a county  
 33 auditor and a determination by the public defender commission that the  
 34 request is in compliance with the guidelines and standards set by the  
 35 commission, the commission shall quarterly authorize an amount of  
 36 reimbursement due the county:  
 37 (1) that is equal to fifty percent (50%) of the county's certified  
 38 expenditures for indigent defense services provided for a  
 39 defendant against whom the death sentence is sought under  
 40 IC 35-50-2-9; and  
 41 (2) that is equal to forty percent (40%) of the county's certified  
 42 expenditures for defense services provided in noncapital cases





1 except misdemeanors.

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

5 (b) Upon receiving certification from the ~~division office~~ of ~~state~~  
6 ~~court~~ **judicial** administration, the auditor of state shall issue a warrant  
7 to the treasurer of state for disbursement to the county of the amount  
8 certified.

9 SECTION 107. IC 34-26-5-3, AS AMENDED BY P.L.130-2009,  
10 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
11 JULY 1, 2018]: Sec. 3. (a) The ~~division office~~ of ~~state court~~ **judicial**  
12 administration shall:

13 (1) develop and adopt:

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

15 (B) an order for protection, including:

16 (i) orders issued under this chapter;

17 (ii) ex parte orders;

18 (iii) no contact orders under IC 31 and IC 35;

19 (iv) forms relating to workplace violence restraining orders  
20 under IC 34-26-6; and

21 (v) forms relating to a child protective order under  
22 IC 31-34-2.3;

23 (C) a confidential form;

24 (D) a notice of modification or extension for an order for  
25 protection, a no contact order, a workplace violence restraining  
26 order, or a child protective order;

27 (E) a notice of termination for an order for protection, a no  
28 contact order, a workplace violence restraining order, or a  
29 child protective order; and

30 (F) any other uniform statewide forms necessary to maintain  
31 an accurate registry of orders; and

32 (2) provide the forms under subdivision (1) to the clerk of each  
33 court authorized to issue the orders.

34 (b) In addition to any other required information, a petition for an  
35 order for protection must contain a statement listing each civil or  
36 criminal action involving:

37 (1) either party; or

38 (2) a child of either party.

39 (c) The following statements must be printed in boldface type or in  
40 capital letters on an order for protection, a no contact order, a  
41 workplace violence restraining order, or a child protective order:

42 VIOLATION OF THIS ORDER IS PUNISHABLE BY



1 CONFINEMENT IN JAIL, PRISON, AND/OR A FINE.  
 2 IF SO ORDERED BY THE COURT, THE RESPONDENT IS  
 3 FORBIDDEN TO ENTER OR STAY AT THE PETITIONER'S  
 4 RESIDENCE OR RESIDENCE OF ANY CHILD WHO IS THE  
 5 SUBJECT OF THE ORDER, EVEN IF INVITED TO DO SO BY  
 6 THE PETITIONER OR ANY OTHER PERSON. IN NO EVENT  
 7 IS THE ORDER FOR PROTECTION VOIDED.

8 PURSUANT TO 18 U.S.C. 2265, THIS ORDER FOR  
 9 PROTECTION SHALL BE GIVEN FULL FAITH AND CREDIT  
 10 IN ANY OTHER STATE OR TRIBAL LAND AND SHALL BE  
 11 ENFORCED AS IF IT WERE AN ORDER ISSUED IN THAT  
 12 STATE OR TRIBAL LAND. PURSUANT TO 18 U.S.C. 922(g),  
 13 ONCE A RESPONDENT HAS RECEIVED NOTICE OF THIS  
 14 ORDER AND AN OPPORTUNITY TO BE HEARD, IT IS A  
 15 FEDERAL VIOLATION TO PURCHASE, RECEIVE, OR  
 16 POSSESS A FIREARM WHILE SUBJECT TO THIS ORDER IF  
 17 THE PROTECTED PERSON IS:

18 (A) THE RESPONDENT'S CURRENT OR FORMER  
 19 SPOUSE;

20 (B) A CURRENT OR FORMER PERSON WITH WHOM  
 21 THE RESPONDENT RESIDED WHILE IN AN INTIMATE  
 22 RELATIONSHIP; OR

23 (C) A PERSON WITH WHOM THE RESPONDENT HAS A  
 24 CHILD.

25 INTERSTATE VIOLATION OF THIS ORDER MAY SUBJECT  
 26 THE RESPONDENT TO FEDERAL CRIMINAL PENALTIES  
 27 UNDER 18 U.S.C. 2261 AND 18 U.S.C. 2262.

28 (d) The clerk of the circuit court, or a person or entity designated by  
 29 the clerk of the circuit court, shall provide to a person requesting an  
 30 order for protection:

31 (1) the forms adopted under subsection (a);

32 (2) all other forms required to petition for an order for protection,  
 33 including forms:

34 (A) necessary for service; and

35 (B) required under IC 31-21 (or IC 31-17-3 before its repeal);  
 36 and

37 (3) clerical assistance in reading or completing the forms and  
 38 filing the petition.

39 Clerical assistance provided by the clerk or court personnel under this  
 40 section does not constitute the practice of law. The clerk of the circuit  
 41 court may enter into a contract with a person or another entity to  
 42 provide this assistance. A person, other than a person or other entity



1 with whom the clerk has entered into a contract to provide assistance,  
 2 who in good faith performs the duties the person is required to perform  
 3 under this subsection is not liable for civil damages that might  
 4 otherwise be imposed on the person as a result of the performance of  
 5 those duties unless the person commits an act or omission that amounts  
 6 to gross negligence or willful and wanton misconduct.

7 (e) A petition for an order for protection must be:

- 8 (1) verified or under oath under Trial Rule 11; and
- 9 (2) issued on the forms adopted under subsection (a).

10 (f) If an order for protection is issued under this chapter, the clerk  
 11 shall comply with IC 5-2-9.

12 (g) After receiving a petition for an order for protection, the clerk of  
 13 the circuit court shall immediately enter the case in the Indiana  
 14 protective order registry established by IC 5-2-9-5.5.

15 SECTION 108. IC 34-26-5-7 IS AMENDED TO READ AS  
 16 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 7. A petitioner may  
 17 omit the petitioner's address from all nonconfidential documents filed  
 18 with a court. However, a petitioner must provide the court with  
 19 complete information concerning the protected address on the uniform  
 20 statewide confidential form and on other confidential forms developed  
 21 by the ~~division office of state court~~ **judicial** administration under  
 22 section 3 of this chapter. A petitioner shall also provide the clerk with  
 23 a public mailing address for purposes of serving pleadings, notices, and  
 24 court orders. The petitioner may use the address confidentiality  
 25 program under IC 5-26.5. If disclosure of a petitioner's address is  
 26 necessary to determine jurisdiction or to consider venue, the court may  
 27 order the disclosure to be made:

- 28 (1) after receiving a petitioner's consent;
- 29 (2) orally in the judge's chambers and out of the presence of a  
 30 respondent with a sealed record made; or
- 31 (3) after a hearing in which the court considers the safety of a  
 32 petitioner and finds that disclosure of the address is in the interest  
 33 of justice.

34 SECTION 109. IC 34-26-5-8, AS AMENDED BY P.L.130-2009,  
 35 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 36 JULY 1, 2018]: Sec. 8. If a petitioner seeks:

- 37 (1) an order for protection;
- 38 (2) an extension of an order for protection;
- 39 (3) a modification of an order for protection;
- 40 (4) the termination of an order for protection; or
- 41 (5) the registration of a foreign protective order;

42 the petitioner is responsible for completing the forms prescribed by the



1 ~~division office~~ of ~~state court~~ **judicial** administration and for  
2 transmitting those forms to the clerk of the court.

3 SECTION 110. IC 34-26-5-17, AS AMENDED BY P.L.130-2009,  
4 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 JULY 1, 2018]: Sec. 17. (a) A foreign protection order is facially valid  
6 if it:

- 7 (1) identifies the protected person and the respondent;  
8 (2) is currently in effect;  
9 (3) was issued by a state or tribal court with jurisdiction over the:  
10 (A) parties; and  
11 (B) subject matter;  
12 under the law of the issuing state or Indian tribe; and  
13 (4) was issued after a respondent was given reasonable notice and  
14 an opportunity to be heard sufficient to protect the respondent's  
15 right to due process. In the case of an ex parte order, notice and  
16 opportunity to be heard must be provided within the time required  
17 by state or tribal law and within a reasonable time after the order  
18 is issued sufficient to protect the respondent's due process rights.

19 (b) A facially valid foreign protection order is prima facie evidence  
20 of its validity. The protection order may be inscribed on a tangible  
21 medium or stored in an electronic or other medium if it is retrievable  
22 in perceivable form. Presentation of a certified copy of an order for  
23 protection is not required for enforcement.

24 (c) Except as provided in subsection (d), a protection order that is  
25 facially valid and issued by a court of a state (issuing state) or Indian  
26 tribe shall be accorded full faith and credit by Indiana courts.

27 (d) A mutual foreign protection order is not entitled to full faith and  
28 credit if the order is issued by a state or tribal court against a person  
29 who has petitioned, filed a complaint, or otherwise filed a written  
30 pleading for protection against a family or household member, unless:

- 31 (1) a separate petition or motion was filed by a respondent;  
32 (2) the issuing court has reviewed each motion separately and  
33 granted or denied each on its individual merits; and  
34 (3) separate orders were issued and the issuing court made  
35 specific findings that each party was entitled to an order.

36 (e) Registration or filing of a foreign protection order is not a  
37 prerequisite to enforcement of the order in Indiana, and a protection  
38 order that is consistent with this section shall be accorded full faith and  
39 credit notwithstanding a failure to register or file the order in Indiana.  
40 However, if a petitioner wishes to register a foreign protection order in  
41 Indiana, all Indiana courts of record shall accommodate the request.  
42 The ~~division office~~ of ~~state court~~ **judicial** administration shall develop



1 a form to be used by courts, clerks, and law enforcement agencies when  
 2 a petitioner makes a request to register a foreign protection order.  
 3 Except for a protective order issued to the Indiana protective order  
 4 registry established by IC 5-2-9-5.5, the courts, clerks of the courts, and  
 5 sheriffs or law enforcement agencies maintaining depositories shall  
 6 employ the same procedures required under IC 5-2-9-6 for entering,  
 7 modifying, extending, or terminating a foreign protection order as those  
 8 used for a protection order and a no contact order originating in  
 9 Indiana.

10 (f) A facially valid foreign protection order shall be enforced by a  
 11 law enforcement officer and a state court as if it were an order  
 12 originating in Indiana. The order must be enforced if the foreign  
 13 protection order contains relief that the state courts lack the power to  
 14 provide in an order for protection issued in Indiana.

15 (g) An Indiana law enforcement officer:

16 (1) may not require notification, registration, or filing of a facially  
 17 valid foreign order for protection as a prerequisite to enforcement  
 18 of an order;

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

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

26 (A) inform the respondent of the order;

27 (B) serve the order on the respondent;

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

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

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

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

37 SECTION 111. IC 34-26-5-20, AS ADDED BY P.L.16-2009,  
 38 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 39 JULY 1, 2018]: Sec. 20. (a) A protective order issued before July 1,  
 40 2002, under IC 31-34-17, IC 31-37-16, or IC 34-26-2 (before their  
 41 repeal) remains in effect for the period indicated in the court order  
 42 granting the protective order.



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

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

8 SECTION 112. IC 34-26-6-13 IS AMENDED TO READ AS  
 9 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 13. (a) The ~~division~~  
 10 **office** of ~~state court~~ **judicial** administration shall develop forms,  
 11 instructions, and rules for the scheduling of hearings and other  
 12 procedures under this chapter. A party to an action under this chapter  
 13 must use the forms developed by the ~~division office~~ of ~~state court~~  
 14 **judicial** administration.

15 (b) A temporary restraining order or an injunction issued for  
 16 harassment or domestic or family violence under this chapter must be  
 17 issued on forms adopted and approved by the ~~division office~~ of ~~state~~  
 18 ~~court~~ **judicial** administration and must be consistent with IC 34-26-5-3.  
 19 However, an order or injunction issued under this section is not  
 20 rendered unenforceable solely because it is not issued on forms adopted  
 21 and approved by the ~~division office~~ of ~~state court~~ **judicial**  
 22 administration.

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

27 SECTION 113. IC 34-28-9.2-9, AS ADDED BY P.L.198-2014,  
 28 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 JULY 1, 2018]: Sec. 9. (a) If the Internal Revenue Service or a court  
 30 issues a determination letter, revenue ruling, other public ruling of the  
 31 Internal Revenue Service, or a published decision to the commission  
 32 or any lottery winner, declaring that the voluntary assignment of prizes  
 33 will affect the federal income tax treatment of a prize winner who does  
 34 not assign the winner's prize payment or payments, the state lottery  
 35 commission shall file a copy of the letter, ruling, or decision with the  
 36 attorney general's office and the ~~Indiana office of~~ ~~judicial center~~  
 37 **administration**. A court may not issue an order authorizing a voluntary  
 38 assignment of a prize after the date the ruling, letter, or published  
 39 decision is filed.

40 (b) If a determination letter, revenue ruling, other public ruling, or  
 41 published decision is issued under subsection (a), the Internal Revenue  
 42 Service or the court that issued the document shall send a certified copy



1 of the document to the director of the commission.

2 SECTION 114. IC 34-28-9.2-10, AS ADDED BY P.L.198-2014,  
 3 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 4 JULY 1, 2018]: Sec. 10. If the department of state revenue issues a  
 5 determination, ruling, or finding to the commission or any lottery  
 6 winner declaring that the voluntary assignment of a prize will reduce  
 7 the state income tax due on the prize, the department of state revenue  
 8 shall file the determination, ruling, or finding with the lottery  
 9 commission, the attorney general's office, and the ~~Indiana office of~~  
 10 ~~judicial center:~~ **administration**. A court may not issue an order  
 11 authorizing a voluntary assignment of a prize after the date the  
 12 determination, ruling, or finding is filed.

13 SECTION 115. IC 35-33-8-3.2, AS AMENDED BY P.L.187-2017,  
 14 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 15 JULY 1, 2018]: Sec. 3.2. (a) After considering the results of the Indiana  
 16 pretrial risk assessment system (if available), other relevant factors, and  
 17 bail guidelines described in section 3.8 of this chapter, a court may  
 18 admit a defendant to bail and impose any of the following conditions  
 19 to assure the defendant's appearance at any stage of the legal  
 20 proceedings, or, upon a showing of clear and convincing evidence that  
 21 the defendant poses a risk of physical danger to another person or the  
 22 community, to assure the public's physical safety:

23 (1) Require the defendant to:

- 24 (A) execute a bail bond with sufficient solvent sureties;  
 25 (B) deposit cash or securities in an amount equal to the bail;  
 26 (C) execute a bond secured by real estate in the county, where  
 27 thirty-three hundredths (0.33) of the true tax value less  
 28 encumbrances is at least equal to the amount of the bail;  
 29 (D) post a real estate bond; or  
 30 (E) perform any combination of the requirements described in  
 31 clauses (A) through (D).

32 If the court requires the defendant to deposit cash or cash and  
 33 another form of security as bail, the court may require the  
 34 defendant and each person who makes the deposit on behalf of the  
 35 defendant to execute an agreement that allows the court to retain  
 36 all or a part of the cash to pay publicly paid costs of  
 37 representation and fines, costs, fees, and restitution that the court  
 38 may order the defendant to pay if the defendant is convicted. The  
 39 defendant must also pay the fee required by subsection (d).

40 (2) Require the defendant to execute:

- 41 (A) a bail bond by depositing cash or securities with the clerk  
 42 of the court in an amount not less than ten percent (10%) of



- 1           the bail; and
- 2           (B) an agreement that allows the court to retain all or a part of
- 3           the cash or securities to pay fines, costs, fees, and restitution
- 4           that the court may order the defendant to pay if the defendant
- 5           is convicted.
- 6           A portion of the deposit, not to exceed ten percent (10%) of the
- 7           monetary value of the deposit or fifty dollars (\$50), whichever is
- 8           the lesser amount, may be retained as an administrative fee. The
- 9           clerk shall also retain from the deposit under this subdivision
- 10          fines, costs, fees, and restitution as ordered by the court, publicly
- 11          paid costs of representation that shall be disposed of in
- 12          accordance with subsection (b), and the fee required by
- 13          subsection (d). In the event of the posting of a real estate bond,
- 14          the bond shall be used only to insure the presence of the
- 15          defendant at any stage of the legal proceedings, but shall not be
- 16          foreclosed for the payment of fines, costs, fees, or restitution. The
- 17          individual posting bail for the defendant or the defendant
- 18          admitted to bail under this subdivision must be notified by the
- 19          sheriff, court, or clerk that the defendant's deposit may be
- 20          forfeited under section 7 of this chapter or retained under
- 21          subsection (b).
- 22          (3) Impose reasonable restrictions on the activities, movements,
- 23          associations, and residence of the defendant during the period of
- 24          release.
- 25          (4) Except as provided in section 3.6 of this chapter, require the
- 26          defendant to refrain from any direct or indirect contact with an
- 27          individual and, if the defendant has been charged with an offense
- 28          under IC 35-46-3, any animal belonging to the individual,
- 29          including if the defendant has not been released from lawful
- 30          detention.
- 31          (5) Place the defendant under the reasonable supervision of a
- 32          probation officer, pretrial services agency, or other appropriate
- 33          public official. If the court places the defendant under the
- 34          supervision of a probation officer or pretrial services agency, the
- 35          court shall determine whether the defendant must pay the pretrial
- 36          services fee under section 3.3 of this chapter.
- 37          (6) Release the defendant into the care of a qualified person or
- 38          organization responsible for supervising the defendant and
- 39          assisting the defendant in appearing in court. The supervisor shall
- 40          maintain reasonable contact with the defendant in order to assist
- 41          the defendant in making arrangements to appear in court and,
- 42          where appropriate, shall accompany the defendant to court. The





- 1 supervisor need not be financially responsible for the defendant.  
 2 (7) Release the defendant on personal recognizance unless:  
 3 (A) the state presents evidence relevant to a risk by the  
 4 defendant:  
 5 (i) of nonappearance; or  
 6 (ii) to the physical safety of the public; and  
 7 (B) the court finds by a preponderance of the evidence that the  
 8 risk exists.  
 9 (8) Require a defendant charged with an offense under IC 35-46-3  
 10 to refrain from owning, harboring, or training an animal.  
 11 (9) Impose any other reasonable restrictions designed to assure  
 12 the defendant's presence in court or the physical safety of another  
 13 person or the community.  
 14 (b) Within thirty (30) days after disposition of the charges against  
 15 the defendant, the court that admitted the defendant to bail shall order  
 16 the clerk to remit the amount of the deposit remaining under subsection  
 17 (a)(2) to the defendant. The portion of the deposit that is not remitted  
 18 to the defendant shall be deposited by the clerk in the supplemental  
 19 public defender services fund established under IC 33-40-3.  
 20 (c) For purposes of subsection (b), "disposition" occurs when the  
 21 indictment or information is dismissed or the defendant is acquitted or  
 22 convicted of the charges.  
 23 (d) Except as provided in subsection (e), the clerk of the court shall:  
 24 (1) collect a fee of five dollars (\$5) from each bond or deposit  
 25 required under subsection (a)(1); and  
 26 (2) retain a fee of five dollars (\$5) from each deposit under  
 27 subsection (a)(2).  
 28 The clerk of the court shall semiannually remit the fees collected under  
 29 this subsection to the board of trustees of the Indiana public retirement  
 30 system for deposit in the special death benefit fund. The fee required  
 31 by subdivision (2) is in addition to the administrative fee retained under  
 32 subsection (a)(2).  
 33 (e) With the approval of the clerk of the court, the county sheriff  
 34 may collect the bail posted under this section. The county sheriff shall  
 35 remit the bail to the clerk of the court by the following business day  
 36 and remit monthly the five dollar (\$5) special death benefit fee to the  
 37 county auditor.  
 38 (f) When a court imposes a condition of bail described in subsection  
 39 (a)(4):  
 40 (1) the clerk of the court shall comply with IC 5-2-9; and  
 41 (2) the prosecuting attorney shall file a confidential form  
 42 prescribed or approved by the ~~division office~~ of state court



1           **judicial** administration with the clerk.  
 2           SECTION 116. IC 35-33.5-2-5, AS AMENDED BY P.L.105-2007,  
 3           SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 4           JULY 1, 2018]: Sec. 5. Within twenty-eight (28) days after the  
 5           termination of a warrant or an extension, or the denial of an application  
 6           for a warrant or an extension, the court to which application for the  
 7           warrant or an extension was made shall submit a report to the **executive**  
 8           **director chief administrative officer** of the **division office** of **state**  
 9           **court judicial** administration (IC 33-24-6-1) containing the following  
 10          information:

- 11           (1) The fact that a warrant or an extension was applied for.
- 12           (2) The type of warrant or extension applied for.
- 13           (3) The fact that the application for a warrant or an extension was  
 14           granted, modified, or denied.
- 15           (4) The duration authorized for interception by the warrant and  
 16           the number and duration of any extensions.
- 17           (5) The designated offense for which the warrant or extension was  
 18           issued or applied for.
- 19           (6) The identity of the persons who applied for the warrant or  
 20           extension.
- 21           (7) The nature and location of the place, facility, or device from  
 22           which communications were to be intercepted.
- 23           (8) The reasons for withholding notice under IC 35-33.5-4-3, if  
 24           the notice was withheld.

25          SECTION 117. IC 35-34-1-2, AS AMENDED BY P.L.85-2013,  
 26          SECTION 115, IS AMENDED TO READ AS FOLLOWS  
 27          [EFFECTIVE JULY 1, 2018]: Sec. 2. (a) The indictment or information  
 28          shall be in writing and allege the commission of an offense by:

- 29           (1) stating the title of the action and the name of the court in  
 30           which the indictment or information is filed;
- 31           (2) stating the name of the offense in the words of the statute or  
 32           any other words conveying the same meaning;
- 33           (3) citing the statutory provision alleged to have been violated,  
 34           except that any failure to include such a citation or any error in  
 35           such a citation does not constitute grounds for reversal of a  
 36           conviction where the defendant was not otherwise misled as to the  
 37           nature of the charges against the defendant;
- 38           (4) setting forth the nature and elements of the offense charged in  
 39           plain and concise language without unnecessary repetition;
- 40           (5) stating the date of the offense with sufficient particularity to  
 41           show that the offense was committed within the period of  
 42           limitations applicable to that offense;



- 1 (6) stating the time of the offense as definitely as can be done if  
 2 time is of the essence of the offense;
- 3 (7) stating the place of the offense with sufficient particularity to  
 4 show that the offense was committed within the jurisdiction of the  
 5 court where the charge is to be filed;
- 6 (8) stating the place of the offense as definitely as can be done if  
 7 the place is of the essence of the offense; and
- 8 (9) stating the name of every defendant, if known, and if not  
 9 known, by designating the defendant by any name or description  
 10 by which ~~he~~ **the defendant** can be identified with reasonable  
 11 certainty.
- 12 (b) An indictment shall be signed by:
- 13 (1) the foreman or five (5) members of the grand jury; and
- 14 (2) the prosecuting attorney or ~~his~~ **the prosecuting attorney's**  
 15 deputy.
- 16 (c) An information shall be signed by the prosecuting attorney or ~~his~~  
 17 **the prosecuting attorney's** deputy. ~~and sworn to or affirmed by him~~  
 18 ~~or any other person.~~
- 19 (d) An indictment or information shall have stated upon it the  
 20 names of all the material witnesses. Other witnesses may afterwards be  
 21 subpoenaed by the state, but unless the name of a witness is stated on  
 22 the indictment or information, no continuance shall be granted to the  
 23 state due to the absence of the witness.
- 24 (e) The indictment or information shall be a plain, concise, and  
 25 definite written statement of the essential facts constituting the offense  
 26 charged. It need not contain a formal commencement, a formal  
 27 conclusion, or any other matter not necessary to the statement.  
 28 Presumptions of law and matters of which judicial notice is taken need  
 29 not be stated.
- 30 (f) The indictment may be substantially in the following form:
- 31 IN THE \_\_\_\_\_ COURT OF INDIANA, 20 \_\_\_\_
- 32 STATE OF INDIANA
- 33 vs. CAUSE NUMBER \_\_\_\_\_
- 34 A \_\_\_\_\_ B \_\_\_\_\_
- 35 The grand jury of the county of \_\_\_\_\_ upon their oath or  
 36 affirmation do present that AB, on the \_\_\_\_\_ day of \_\_\_\_\_  
 37 20\_\_\_\_ at the county of \_\_\_\_\_ in the state of Indiana (HERE SET  
 38 FORTH THE OFFENSE CHARGED).
- 39 (g) The information may be substantially in the same form as the  
 40 indictment, substituting for the words, "the grand jury of the county of  
 41 \_\_\_\_\_, upon their oath or affirmation so present" the following:  
 42 "CD, being duly sworn on his oath or having affirmed, says." It is not



1 necessary in an information to state the reason why the proceeding is  
 2 by information rather than indictment.

3 ~~(g)~~ **(h)** This section applies to a traffic offense (as defined in  
 4 IC 9-13-2-183) if the traffic offense is:

5 (1) a felony; or

6 (2) a misdemeanor.

7 SECTION 118. IC 35-36-2-4, AS AMENDED BY P.L.67-2017,  
 8 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 9 JULY 1, 2018]: Sec. 4. (a) Whenever a defendant is found not  
 10 responsible by reason of insanity at the time of the crime, the  
 11 prosecuting attorney shall file a written petition with the court under  
 12 IC 12-26-6-2(a)(3) or under IC 12-26-7. If a petition is filed under  
 13 IC 12-26-6-2(a)(3), the court shall hold a commitment hearing under  
 14 IC 12-26-6. If a petition is filed under IC 12-26-7, the court shall hold  
 15 a commitment hearing under IC 12-26-7.

16 (b) The hearing shall be conducted at the earliest opportunity after  
 17 the finding of not responsible by reason of insanity at the time of the  
 18 crime, and the defendant shall be detained in custody until the  
 19 completion of the hearing. The court may take judicial notice of  
 20 evidence introduced during the trial of the defendant and may call the  
 21 physicians appointed by the court to testify concerning whether the  
 22 defendant is currently mentally ill and dangerous or currently mentally  
 23 ill and gravely disabled, as those terms are defined by IC 12-7-2-96 and  
 24 IC 12-7-2-130(1). The court may subpoena any other persons with  
 25 knowledge concerning the issues presented at the hearing.

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

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

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

40 SECTION 119. IC 35-36-2-5, AS AMENDED BY P.L.117-2015,  
 41 SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 42 JULY 1, 2018]: Sec. 5. (a) Except as provided by subsection (e),



1 whenever a defendant is found guilty but mentally ill at the time of the  
 2 crime or enters a plea to that effect that is accepted by the court, the  
 3 court shall sentence the defendant in the same manner as a defendant  
 4 found guilty of the offense.

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

14 (c) If a defendant who is found guilty but mentally ill at the time of  
 15 the crime is committed to the department of correction, the defendant  
 16 shall be further evaluated and then treated in such a manner as is  
 17 psychiatrically indicated for the defendant's mental illness. Treatment  
 18 may be provided by:

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

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

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

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

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

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

40 SECTION 120. IC 35-36-3-1, AS AMENDED BY P.L.151-2011,  
 41 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 42 JULY 1, 2018]: Sec. 1. (a) If at any time before the final submission of



1 any criminal case to the court or the jury trying the case, the court has  
 2 reasonable grounds for believing that the defendant lacks the ability to  
 3 understand the proceedings and assist in the preparation of a defense,  
 4 the court shall immediately fix a time for a hearing to determine  
 5 whether the defendant has that ability. The court shall appoint two (2)  
 6 or three (3) competent, disinterested:

7 (1) psychiatrists;

8 (2) psychologists endorsed by the Indiana state board of  
 9 examiners in psychology as health service providers in  
 10 psychology; or

11 (3) physicians;

12 who have expertise in determining competency. At least one (1) of the  
 13 individuals appointed under this subsection must be a psychiatrist or  
 14 psychologist. However, none may be an employee or a contractor of a  
 15 state institution (as defined in IC 12-7-2-184). The individuals who are  
 16 appointed shall examine the defendant and testify at the hearing as to  
 17 whether the defendant can understand the proceedings and assist in the  
 18 preparation of the defendant's defense.

19 (b) At the hearing, other evidence relevant to whether the defendant  
 20 has the ability to understand the proceedings and assist in the  
 21 preparation of the defendant's defense may be introduced. If the court  
 22 finds that the defendant has the ability to understand the proceedings  
 23 and assist in the preparation of the defendant's defense, the trial shall  
 24 proceed. If the court finds that the defendant lacks this ability, it shall  
 25 delay or continue the trial and order the defendant committed to the  
 26 division of mental health and addiction. The division of mental health  
 27 and addiction shall provide competency restoration services or enter  
 28 into a contract for the provision of competency restoration services by  
 29 a third party in the:

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

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

33 However, if the defendant is serving an unrelated executed sentence in  
 34 the department of correction at the time the defendant is committed to  
 35 the division of mental health and addiction under this section, the  
 36 division of mental health and addiction shall provide competency  
 37 restoration services or enter into a contract for the provision of  
 38 competency restoration services by a third party at a department of  
 39 correction facility agreed upon by the division of mental health and  
 40 addiction or the third party contractor and the department of correction.

41 (c) If the court makes a finding under subsection (b), the court shall  
 42 transmit any information required by the ~~division office~~ of state court



1 **judicial** administration to the ~~division office~~ of **state court judicial**  
 2 administration for transmission to the NICS (as defined in  
 3 IC 35-47-2.5-2.5) in accordance with IC 33-24-6-3.

4 SECTION 121. IC 35-38-1-7.7, AS AMENDED BY P.L.114-2012,  
 5 SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6 JULY 1, 2018]: Sec. 7.7. (a) At the time of sentencing, a court shall  
 7 determine whether a person has committed a crime of domestic  
 8 violence (as defined in IC 35-31.5-2-78).

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

- 10 (1) evidence introduced at trial; or  
 11 (2) a factual basis provided as part of a guilty plea.

12 (c) Upon determining that a defendant has committed a crime of  
 13 domestic violence, a court shall advise the defendant of the  
 14 consequences of this finding.

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

18 SECTION 122. IC 35-38-1-31, AS ADDED BY P.L.147-2012,  
 19 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 20 JULY 1, 2018]: Sec. 31. (a) If a court imposes on a person convicted  
 21 of a felony a sentence that involves a commitment to the department of  
 22 correction, the court shall complete an abstract of judgment in an  
 23 electronic format approved by the department of correction and the  
 24 ~~division office~~ of **state court judicial** administration. The abstract of  
 25 judgment must include, but not be limited to:

- 26 (1) each offense the person is convicted of;  
 27 (2) the sentence, including whether the sentence includes a  
 28 suspended sentence, probation, or direct commitment to  
 29 community corrections; and  
 30 (3) whether the person is a credit restricted felon.

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

36 SECTION 123. IC 35-38-2-2.3, AS AMENDED BY P.L.111-2017,  
 37 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 38 JULY 1, 2018]: Sec. 2.3. (a) As a condition of probation, the court may  
 39 require a person to do a combination of the following:

- 40 (1) Work faithfully at suitable employment or faithfully pursue a  
 41 course of study or career and technical education that will equip  
 42 the person for suitable employment.



- 1 (2) Undergo available medical or psychiatric treatment and  
2 remain in a specified institution if required for that purpose.
- 3 (3) Attend or reside in a facility established for the instruction,  
4 recreation, or residence of persons on probation.
- 5 (4) Participate in a treatment program, educational class, or  
6 rehabilitative service provided by a probation department or by  
7 referral to an agency.
- 8 (5) Support the person's dependents and meet other family  
9 responsibilities.
- 10 (6) Make restitution or reparation to the victim of the crime for  
11 damage or injury that was sustained by the victim. When  
12 restitution or reparation is a condition of probation, the court shall  
13 fix the amount, which may not exceed an amount the person can  
14 or will be able to pay, and shall fix the manner of performance.
- 15 (7) Execute a repayment agreement with the appropriate  
16 governmental entity to repay the full amount of public relief or  
17 assistance wrongfully received, and make repayments according  
18 to a repayment schedule set out in the agreement.
- 19 (8) Pay a fine authorized by IC 35-50.
- 20 (9) Refrain from possessing a firearm or other deadly weapon  
21 unless granted written permission by the court or the person's  
22 probation officer.
- 23 (10) Report to a probation officer at reasonable times as directed  
24 by the court or the probation officer.
- 25 (11) Permit the person's probation officer to visit the person at  
26 reasonable times at the person's home or elsewhere.
- 27 (12) Remain within the jurisdiction of the court, unless granted  
28 permission to leave by the court or by the person's probation  
29 officer.
- 30 (13) Answer all reasonable inquiries by the court or the person's  
31 probation officer and promptly notify the court or probation  
32 officer of any change in address or employment.
- 33 (14) Perform uncompensated work that benefits the community.
- 34 (15) Satisfy other conditions reasonably related to the person's  
35 rehabilitation.
- 36 (16) Undergo home detention under IC 35-38-2.5.
- 37 (17) Undergo a laboratory test or series of tests approved by the  
38 state department of health to detect and confirm the presence of  
39 the human immunodeficiency virus (HIV) antigen or antibodies  
40 to the human immunodeficiency virus (HIV), if:  
41 (A) the person had been convicted of an offense relating to a  
42 criminal sexual act and the offense created an





- 1 epidemiologically demonstrated risk of transmission of the  
 2 human immunodeficiency virus (HIV); or  
 3 (B) the person had been convicted of an offense relating to a  
 4 controlled substance and the offense involved:  
 5 (i) the delivery by any person to another person; or  
 6 (ii) the use by any person on another person;  
 7 of a contaminated sharp (as defined in IC 16-41-16-2) or other  
 8 paraphernalia that creates an epidemiologically demonstrated  
 9 risk of transmission of HIV by involving percutaneous contact.  
 10 (18) Refrain from any direct or indirect contact with an individual  
 11 and, if convicted of an offense under IC 35-46-3, any animal  
 12 belonging to the individual.  
 13 (19) Execute a repayment agreement with the appropriate  
 14 governmental entity or with a person for reasonable costs incurred  
 15 because of the taking, detention, or return of a missing child (as  
 16 defined in IC 10-13-5-4).  
 17 (20) Periodically undergo a laboratory chemical test (as defined  
 18 in IC 9-13-2-22) or series of chemical tests as specified by the  
 19 court to detect and confirm the presence of a controlled substance  
 20 (as defined in IC 35-48-1-9). The person on probation is  
 21 responsible for any charges resulting from a test and shall have  
 22 the results of any test under this subdivision reported to the  
 23 person's probation officer by the laboratory.  
 24 (21) If the person was confined in a penal facility, execute a  
 25 reimbursement plan as directed by the court and make repayments  
 26 under the plan to the authority that operates the penal facility for  
 27 all or part of the costs of the person's confinement in the penal  
 28 facility. The court shall fix an amount that:  
 29 (A) may not exceed an amount the person can or will be able  
 30 to pay;  
 31 (B) does not harm the person's ability to reasonably be self  
 32 supporting or to reasonably support any dependent of the  
 33 person; and  
 34 (C) takes into consideration and gives priority to any other  
 35 restitution, reparation, repayment, or fine the person is  
 36 required to pay under this section.  
 37 (22) Refrain from owning, harboring, or training an animal.  
 38 (23) Participate in a reentry court program.  
 39 (24) Receive:  
 40 (A) addiction counseling;  
 41 (B) mental health counseling;  
 42 (C) inpatient detoxification; and



- 1 (D) medication assisted treatment, including a federal Food  
 2 and Drug Administration approved long acting, nonaddictive  
 3 medication for the treatment of opioid or alcohol dependence.
- 4 (b) When a person is placed on probation, the person shall be given  
 5 a written statement specifying:
- 6 (1) the conditions of probation; and  
 7 (2) that if the person violates a condition of probation during the  
 8 probationary period, a petition to revoke probation may be filed  
 9 before the earlier of the following:
- 10 (A) One (1) year after the termination of probation.  
 11 (B) Forty-five (45) days after the state receives notice of the  
 12 violation.
- 13 (c) As a condition of probation, the court may require that the  
 14 person serve a term of imprisonment in an appropriate facility at the  
 15 time or intervals (consecutive or intermittent) within the period of  
 16 probation the court determines.
- 17 (d) Intermittent service may be required only for a term of not more  
 18 than sixty (60) days and must be served in the county or local penal  
 19 facility. The intermittent term is computed on the basis of the actual  
 20 days spent in confinement and shall be completed within one (1) year.  
 21 A person does not earn good time credit while serving an intermittent  
 22 term of imprisonment under this subsection. When the court orders  
 23 intermittent service, the court shall state:
- 24 (1) the term of imprisonment;  
 25 (2) the days or parts of days during which a person is to be  
 26 confined; and  
 27 (3) the conditions.
- 28 (e) Supervision of a person may be transferred from the court that  
 29 placed the person on probation to a court of another jurisdiction, with  
 30 the concurrence of both courts. Retransfers of supervision may occur  
 31 in the same manner. This subsection does not apply to transfers made  
 32 under IC 11-13-4 or IC 11-13-5.
- 33 (f) When a court imposes a condition of probation described in  
 34 subsection (a)(18):
- 35 (1) the clerk of the court shall comply with IC 5-2-9; and  
 36 (2) the prosecuting attorney shall file a confidential form  
 37 prescribed or approved by the **division office of state court**  
 38 **judicial** administration with the clerk.
- 39 (g) As a condition of probation, a court shall require a person:
- 40 (1) who is described in IC 10-13-6-10(a);  
 41 (2) who has not previously provided a DNA sample in accordance  
 42 with IC 10-13-6; and



1 (3) whose sentence does not involve a commitment to the  
 2 department of correction;  
 3 to provide a DNA sample as a condition of probation.

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

9 SECTION 124. IC 35-38-4-7, AS AMENDED BY P.L.3-2008,  
 10 SECTION 250, IS AMENDED TO READ AS FOLLOWS  
 11 [EFFECTIVE JULY 1, 2018]: Sec. 7. (a) This section applies to state  
 12 reimbursement of expenses for conducting a new trial if:

13 (1) a defendant is convicted of an offense in a criminal  
 14 proceeding conducted in a trial court;

15 (2) the defendant appeals the defendant's conviction to the Indiana  
 16 court of appeals or Indiana supreme court; and

17 (3) the court of appeals or supreme court remands the case to the  
 18 trial court for a new trial.

19 (b) Subject to subsection (d), the state shall reimburse the trial court,  
 20 the prosecuting attorney, and, if the defendant is represented by a  
 21 public defender, the public defender for expenses:

22 (1) incurred by the trial court, prosecuting attorney, and public  
 23 defender in conducting a new trial described in subsection (a);  
 24 and

25 (2) that would ordinarily be paid by the county in which the trial  
 26 court is located.

27 (c) The expenses of a trial court, prosecuting attorney, and public  
 28 defender reimbursed under this section:

29 (1) may not include any salary or other remuneration paid to a  
 30 trial court judge, prosecuting attorney, deputy prosecuting  
 31 attorney, or public defender; and

32 (2) must be paid from money in the state general fund.

33 (d) The office ~~division~~ of ~~state court~~ **judicial** administration  
 34 (IC 33-24-6-1) shall administer a program to pay claims for  
 35 reimbursement under this section. The maximum amount that may be  
 36 reimbursed for all proceedings and all offenses arising out of the same  
 37 facts is fifty thousand dollars (\$50,000). The maximum amount that  
 38 may be paid in any particular year for all expenses otherwise eligible  
 39 for reimbursement under this section is one million dollars  
 40 (\$1,000,000). If the total of all claims that would otherwise be eligible  
 41 for reimbursement under this section exceeds the maximum amount  
 42 that may be reimbursed under this subsection, the ~~division~~ **office** of



1 ~~state court~~ **judicial** administration shall prorate reimbursement of  
2 eligible expenses, as determined by the ~~division office~~ of ~~state court~~  
3 **judicial** administration.  
4 SECTION 125. **An emergency is declared for this act.**



## COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 238, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 32, line 38, delete "an" and insert "**one (1)**".

Page 32, line 39, delete "guardianship." and insert "**guardianship for not more than ninety (90) days.**".

Page 46, delete lines 10 through 35.

Page 71, line 17, strike "division" and insert "**office of judicial administration**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 238 as introduced.)

BRAY, Chairperson

Committee Vote: Yeas 9, Nays 0.

