

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 ENROLLED ACT No. 238

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

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

SECTION 1. IC 2-5-1.3-17 IS REPEALED [EFFECTIVE JULY 1, 2018]. Sec. 17. (a) The interim study committee on courts and the judiciary established by section 4(4) of this chapter shall receive reports from the Indiana judicial center concerning the circuit and superior court motion clerk pilot program authorized under IC 33-38-15; if the Indiana judicial center establishes a circuit and superior court motion clerk pilot program:

(b) The committee may make recommendations and propose legislation concerning the pilot program:

SECTION 2. IC 2-5-36-4, AS ADDED BY P.L.119-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 4. The commission consists of eighteen (18) members as follows:

- (1) One (1) legislative member appointed by the speaker of the house of representatives.
- (2) One (1) legislative member appointed by the minority leader of the house of representatives.
- (3) One (1) legislative member appointed by the president pro tempore of the senate.
- (4) One (1) legislative member appointed by the minority leader of the senate.

SEA 238 — Concur



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

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

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

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

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

- (1) The secretary of family and social services, or the secretary's designee.
- (2) The state superintendent of public instruction, or the state



superintendent's designee.

(3) The director of the department of child services, or the director's designee.

(4) The commissioner of the department of correction, or the commissioner's designee.

(5) The director of the Indiana criminal justice institute, or the director's designee.

(6) The director of the budget agency, or the director's designee.

(7) An executive assistant to the governor designated by the governor, who shall serve as the board's chairperson.

(8) The commissioner of the department of workforce development, or the commissioner's designee.

(9) The director of the state personnel department, or the director's designee.

(10) The director of the civil rights commission, or the director's designee.

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

(12) The director of the office of Medicaid policy and planning or the director's designee.

(13) A representative of the ~~Indiana office of judicial center:~~ **administration.**

(14) A representative of the public defender council of Indiana.

(15) A representative of the prosecuting attorneys council of Indiana.

(16) A representative of the office of guardian ad litem and court appointed special advocate services.

(b) The affirmative votes of a majority of the members appointed to the board are required for the board to take action on any measure, including reports.

(c) The board shall meet every two (2) months or more often, at the call of the chairperson.

(d) The board shall provide quarterly reports to the governor, the general assembly, and the Indiana criminal justice institute on the progress of the board and on issues affecting the provision of services to members of a vulnerable population. The report to the general assembly must be in an electronic format under IC 5-14-6.

SECTION 6. IC 5-2-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 4. (a) The board of trustees is composed of:

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



- (2) the attorney general, or **his the attorney general's** designee;
- (3) the superintendent of state police, or **his the superintendent's** designee;
- (4) the commissioner of the department of correction, or **his the commissioner's** designee;
- (5) the executive director of the prosecuting attorneys council;
- (6) the ~~executive director~~ **chief administrative officer** of the **office of judicial ~~center~~ administration**;
- (7) the executive director of the public defenders council;
- (8) the state public defender;
- (9) eight (8) persons who are appointed by and who serve at the pleasure of the governor, including:
 - (A) one (1) sheriff;
 - (B) one (1) chief of police;
 - (C) one (1) judge of a court with both juvenile jurisdiction and general criminal jurisdiction; and
 - (D) five (5) citizens who have manifested an interest in criminal or juvenile justice, one (1) of whom shall be a member of the state advisory group under the Juvenile Justice Act.

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

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

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

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

SECTION 8. IC 5-2-9-5.5, AS AMENDED BY P.L.1-2010, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 5.5. (a) The Indiana protective order registry is established.

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



registry.

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

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

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

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

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

- (1) prosecuting attorney; and
- (2) court.

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

- (1) provide a copy of the order to the petitioner; and
- (2) provide a copy of the order and service of process to the respondent or defendant in accordance with the rules of trial procedure.

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

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

- (1) maintain a copy of the protective order in the depository established under this chapter;
- (2) enter:
 - (A) the date and time the sheriff or law enforcement agency receives the protective order;
 - (B) the location of the person who is subject to the protective order, if reasonably ascertainable from the information received;



(C) the name and identification number of the officer who serves the protective order;

(D) the manner in which the protective order is served;

(E) the name of the petitioner and any other protected parties;

(F) the name, Social Security number, date of birth, and physical description of the person who is the subject of the protective order, if reasonably ascertainable from the information received;

(G) the date the protective order expires;

(H) a caution indicator stating whether a person who is the subject of the protective order is believed to be armed and dangerous, if reasonably ascertainable from the information received; and

(I) if furnished, a Brady record indicator stating whether a person who is the subject of the protective order is prohibited from purchasing or possessing a firearm or ammunition under federal law, if reasonably ascertainable from the information received;

on the copy of the protective order or the confidential form; and

(3) except for a protective order that is retained in the registry, establish a confidential file in which a confidential form that contains information concerning a protected person is kept.

(d) Except for a protective order that is retained in the registry, a protective order may be removed from the depository established under this chapter only if the sheriff or law enforcement agency that administers the depository receives:

(1) a notice of termination on a form prescribed or approved by the ~~division office of state court~~ **judicial** administration;

(2) an order of the court; or

(3) a notice of termination and an order of the court.

(e) If a protective order in a depository established under this chapter is terminated, the person who obtained the order must file a notice of termination on a form prescribed or approved by the ~~division office of state court~~ **judicial** administration with the clerk of the court. The clerk of the court shall:

(1) enter the notice of termination into; or

(2) provide a copy of the notice of termination to;

the registry and provide a copy of the notice of termination to each of the depositories to which the protective order was sent. The clerk of the court shall maintain the notice of termination in the court's file.

(f) If a protective order or form is extended or modified, the person who obtained the extension or modification must file a notice of



extension or modification on a form prescribed or approved by the ~~division office of state court~~ **judicial** administration with the clerk of the court. Except for a protective order retained in the registry, the clerk of the court shall provide a copy of the notice of extension or modification of a protective order to each of the depositories to which the order and a confidential form were sent. The clerk of the court shall maintain the notice of extension or modification of a protective order in the court's file.

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

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

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

- (1) in a uniform statewide confidential form or any part of a confidential form prescribed by the ~~division office of state court~~ **judicial** administration that must be filed with a protective order; or
- (2) otherwise acquired concerning a protected person;

is confidential and may not be divulged to any respondent or defendant.

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

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

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

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

- (1) "Crime of child abuse" means:
 - (A) neglect of a dependent (IC 35-46-1-4) if the dependent is a child and the offense is committed under:
 - (i) IC 35-46-1-4(a)(1);
 - (ii) IC 35-46-1-4(a)(2); or
 - (iii) IC 35-46-1-4(a)(3);
 - (B) child selling (IC 35-46-1-4(d));



(C) a sex offense (as defined in IC 11-8-8-5.2) committed against a child; or

(D) battery against a child under:

(i) IC 35-42-2-1(e)(3) (battery on a child);

(ii) IC 35-42-2-1(g)(5)(B) (battery causing bodily injury to a child);

(iii) IC 35-42-2-1(j) (battery causing serious bodily injury to a child); or

(iv) IC 35-42-2-1(k) (battery resulting in the death of a child).

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

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

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

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

- (1) the name;
- (2) the age;
- (3) the last known city of residence;
- (4) a photograph, if available;
- (5) a description of the crime of child abuse conviction; and
- (6) any other identifying information, as determined by the ~~division;~~ **office;**

of every person convicted of a crime of child abuse.

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

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

(c) The ~~division office~~ **division office** shall ensure that the registry displays the following or similar words:

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



complete."

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

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

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

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

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

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

(d) All micrographics and imaging processes done under this chapter shall comply with the quality standards developed under IC 5-15-5.1-8.

(e) This section does not apply to the ~~state court~~ **office of judicial administration division** of the supreme court.

SECTION 16. IC 6-8.1-9.5-12, AS AMENDED BY THE

SEA 238 — Concur



TECHNICAL CORRECTIONS BILL OF THE 2018 GENERAL ASSEMBLY, AND AS AMENDED BY HEA 1288-2018, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 12. Priority in multiple claims to refunds allowed to be set off under this chapter shall be in the following order:

- (1) Department of state revenue.
- (2) Child support bureau.
- (3) Department of workforce development.
- (4) Family and social services administration for claims concerning the Temporary Assistance for Needy Families (TANF) program. ~~(TANF)~~.
- (5) Family and social services administration for claims concerning the federal Supplemental Nutrition Assistance Program (SNAP).
- (6) Family and social services administration for claims concerning the Child Care and Development Fund (CCDF).
- (7) Approved postsecondary educational institutions (as defined in IC 21-7-13-6).
- (8) Office of judicial administration for claims concerning the ~~judicial court~~ technology and automation project fund.
- (9) A claimant agency described in section 1(1)(A) of this chapter:
 - (A) that is not listed in subdivisions (1) through (8); and
 - (B) that enters into a formal agreement with the department after December 31, 2017.

The priority of multiple claims of claimant agencies in this ~~subsection~~ **subdivision** must be in the order in time that a claimant agency entered into a formal agreement with the department.

- (10) United States Internal Revenue Service.
- (11) A claimant agency described in section 1(1)(A) of this chapter that is not identified in the order priority under subdivisions (1) through (9). The priority of multiple claims of claimant agencies in this ~~subsection~~ **subdivision** must be in the order in time that a claimant agency has filed a written notice with the department of its intention to effect collection through a set off under this chapter.
- (12) A claimant agency described in section 1(1)(B) of this chapter. The priority of multiple claims of claimant agencies in this ~~subsection~~ **subdivision** must be in the order in time that the clearinghouse representing the claimant agency files an application on behalf of the claimant agency to effect collection



through a set off under this chapter.

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

- (1) a traffic information and summons; or
- (2) a complaint and summons;

for traffic cases that is in an electronic format prescribed by the ~~division office of state court~~ **judicial** administration.

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

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

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

(b) If a defendant who is not an Indiana resident fails to appear or answer a traffic summons served upon the defendant and upon which the information or complaint has been filed thirty (30) days after the return date of the information and summons or complaint and summons, the court shall promptly forward the court copy of the traffic information and summons or complaint and summons to the bureau. The bureau shall notify the motor vehicle commission of the state of the nonresident defendant of the defendant's failure to appear and also of any action taken by the bureau relative to the Indiana driving privileges of the defendant. If the defendant fails to appear or otherwise answer within thirty (30) days, the court shall mark the case as failure to appear on the court's records.



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

- (1) violation of a traffic ordinance; or
- (2) commission of a traffic infraction;

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

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

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

- (1) the defendant's failure to appear in court has been certified to the bureau under this chapter; and
- (2) the defendant subsequently appears in court to answer the charges against the defendant;

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

SECTION 20. IC 9-30-16-3, AS AMENDED BY SEA 98-2018, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3. (a) This section does not apply to specialized driving privileges granted in accordance with section 3.5 of this chapter. If a court orders a suspension of driving privileges under this chapter, or imposes a suspension of driving privileges under IC 9-30-6-9(c), the court may stay the suspension and grant a



specialized driving privilege as set forth in this section.

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

Each petition must:

- (1) be verified by the petitioner;
- (2) state the petitioner's age, date of birth, and address;
- (3) state the grounds for relief and the relief sought;
- (4) be filed in the court **case that ordered or imposed the resulted in the order of suspension**; and
- (5) be served on the bureau and the prosecuting attorney.

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

(c) Except as provided in subsection (h), regardless of the underlying offense, specialized driving privileges granted under this section shall be granted for:

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

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

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

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

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

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

(g) An individual who holds a commercial driver's license and has been granted specialized driving privileges under this chapter may not, for the duration of the suspension for which the specialized driving privileges are sought, operate any vehicle that requires the individual to hold a commercial driver's license to operate the vehicle.



(h) Whenever a suspension of an individual's driving privileges under this chapter is terminated because:

- (1) the underlying conviction, judgment, or finding that forms the basis of the suspension is reversed, vacated, or dismissed; or
- (2) the individual is acquitted of, found not liable for, or otherwise found not to have committed the underlying act or offense that forms the basis of the suspension;

the individual's specialized driving privileges expire at the time the suspension of the individual's driving privileges is terminated.

(i) The court shall inform the bureau of a termination of a suspension and expiration of specialized driving privileges as described under subsection (h) in a format designated by the bureau.

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

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

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

- (1) the offender has been examined by a psychiatrist employed or retained by the department and the psychiatrist reports to the department in writing that, in the psychiatrist's opinion, the offender has a mental illness and is in need of care and treatment by the division of mental health and addiction or in a mental health facility;
- (2) the director of mental health approves of the transfer if the offender is to be transferred to the division of mental health and



addiction; and

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

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

- (i) The offender's spouse.
- (ii) The offender's parent.
- (iii) The offender's attorney.
- (iv) The offender's guardian.
- (v) The offender's custodian.
- (vi) The offender's relative.

(B) A copy of the psychiatrist's report must be given to the offender not later than at the time notice of the hearing is given.

(C) The offender is entitled to appear in person, speak in the offender's own behalf, call witnesses, present documentary evidence, and confront and cross-examine witnesses.

(D) The offender is entitled to be represented by counsel or other representative.

(E) The offender must be given a written statement of the findings of fact, the evidence relied upon, and the reasons for the action taken.

(F) A finding that the offender is in need of mental health care and treatment in the division of mental health and addiction or a mental health facility must be based upon clear and convincing evidence.

(b) If the official in charge of the facility or program to which the offender is assigned determines that emergency care and treatment in the division of mental health and addiction or a mental health facility is necessary to control a mentally ill offender who is either gravely disabled or dangerous, that offender may be involuntarily transferred, subject to the approval of the director of the division of mental health and addiction, before holding the hearing described in subsection (a)(3). However, this subsection does not deprive the offender of the offender's right to a hearing.

(c) The official in charge of the division of mental health and addiction or facility to which an offender is transferred under this



section must give the offender a semiannual written report, based on a psychiatrist's examination, concerning the offender's mental condition and the need for continued care and treatment in the division of mental health and addiction or facility. If the report states that the offender is still in need of care and treatment in the division of mental health and addiction or a mental health facility, the division of mental health and addiction or facility shall, upon request of the offender or a representative in the offender's behalf, conduct a hearing to review the need for that continued care and treatment. The hearing must comply with the minimum standards established by subsection (a)(3). The division of mental health and addiction or facility to which the offender is transferred under this section may conduct a hearing under this subsection upon its initiative.

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

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

SECTION 23. IC 11-12-3.7-7.5, AS ADDED BY P.L.154-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 7.5. The following persons shall provide or be provided information and training concerning diversion programs or other probationary programs available for individuals with an addictive disorder, including information on medication assisted treatment within these programs:

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

SECTION 24. IC 11-13-1-8, AS AMENDED BY P.L.149-2016, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 8. (a) As used in this section, "board" refers to the board of directors of the judicial conference of Indiana established by IC 33-38-9-3.

SEA 238 — Concur



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

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

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

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

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

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

The staff of the ~~Indiana judicial center office of judicial administration~~ may include a probation case management coordinator and probation case management assistant.

(f) The conference shall, in cooperation with the department of child services and the department of education, provide probation departments with training and technical assistance relating to special education services and programs that may be available for delinquent children or children in need of services. The subjects addressed by the training and technical assistance must include the following:

- (1) Eligibility standards.
- (2) Testing requirements and procedures.
- (3) Procedures and requirements for placement in programs provided by school corporations or special education cooperatives under IC 20-35-5.
- (4) Procedures and requirements for placement in residential



special education institutions or facilities under IC 20-35-6-2.

(5) Development and implementation of individual education programs for eligible children in:

(A) accordance with applicable requirements of state and federal laws and rules; and

(B) coordination with:

(i) individual case plans; and

(ii) informal adjustment programs or dispositional decrees entered by courts having juvenile jurisdiction under IC 31-34 and IC 31-37.

(6) Sources of federal, state, and local funding that is or may be available to support special education programs for children for whom proceedings have been initiated under IC 31-34 and IC 31-37.

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

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

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

(1) selection, training, distribution, and removal of probation officers;

(2) methods and procedure for the administration of probation, including investigation, supervision, workloads, record keeping, and reporting; and

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

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

SECTION 25. IC 11-13-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3. (a) The compact administrator selected by the state council under IC 11-13-4.5 is the administrator for probationers participating in the interstate compact for the supervision of parolees and probationers under this chapter and under IC 11-13-5.

(b) The judicial conference of Indiana may establish a staff position



within the ~~Indiana office of judicial center administration~~ to which the duties of the compact administrator may be delegated.

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

SECTION 26. IC 11-13-4.5-2, AS AMENDED BY P.L.137-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2. (a) As used in this section, "council" refers to:

- (1) the state council for interstate adult offender supervision described in section 1 of this chapter (Article III of the interstate compact for adult offender supervision); and
- (2) the state council for interstate juvenile supervision described in section 1.5 of this chapter (Article VIII of the interstate compact for juveniles).

(b) The council consists of the following members:

- (1) The commissioner of the department of correction.
- (2) The ~~executive director~~ **chief administrative officer** of the ~~Indiana office of judicial center administration~~ **or the chief administrative officer's designee**.
- (3) The executive director of the Indiana criminal justice institute.
- (4) One (1) member of a victim's group appointed by the governor upon recommendation of the executive director of the Indiana criminal justice institute.
- (5) The executive director of the Indiana sheriffs' association.
- (6) The executive director of the public defender council of Indiana.
- (7) The executive director of the prosecuting attorneys council of Indiana.
- (8) One (1) member of the general assembly appointed by the chairman of the legislative council. The legislative member serves at the pleasure of the chairman of the legislative council.
- (9) The compact administrator, if the compact administrator is not already a member of the council.
- (10) The director of the department of child services.
- (11) The president of the Indiana council of juvenile and family court judges.

(c) The ~~executive director~~ **chief administrative officer** of the ~~Indiana office of judicial center administration~~ shall serve as the chairperson of the council.

(d) The ~~Indiana office of judicial center administration~~ shall staff the council.

SEA 238 — Concur



(e) The council shall meet at the call of the chairperson or upon request by a majority of the members, but at least one (1) time per calendar year.

(f) The commissioner of the department of correction shall appoint sufficient deputy compact administrators to fulfill Indiana's obligations under the interstate compact for adult offender supervision with respect to out-of-state offenders who are on parole.

(g) The ~~executive director~~ **chief administrative officer or designee** of the ~~Indiana office of~~ **judicial center administration** shall appoint sufficient deputy compact administrators to fulfill Indiana's obligations under the interstate compact for adult offender supervision with respect to out-of-state offenders who are on probation.

(h) The council has the following duties:

(1) The council shall receive the recommendation of the commissioner of the department of correction and the ~~executive director~~ **chief administrative officer** of the ~~Indiana office of~~ **judicial center administration** concerning the appointment of a compact administrator.

(2) The council shall appoint the compact administrator, who shall serve as commissioner on the interstate commission. If the compact administrator is unable to serve as commissioner at a meeting of the interstate commission, the council shall designate another person to serve in place of the compact administrator.

(3) The council shall oversee activities of the interstate commission.

(4) The council may make recommendations concerning the operation of the interstate compact within Indiana and to facilitate the implementation of the rules and bylaws adopted by the interstate commission.

(5) The council shall carry out the duties of the state council under section 1.5 of this chapter.

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

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

(k) Each member of the council who is a state employee but who is not a member of the general assembly is entitled to reimbursement for



traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

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

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

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

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

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

(c) An Indiana offender or delinquent child who is on probation shall pay the application fee to the county probation department.

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

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



the interstate compact for juveniles.

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

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

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

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

SECTION 28. IC 12-23-14-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 8. Before an alcohol and drug services program may be established in a county, the court must do the following:

- (1) Have a written statement from the **Indiana office of judicial center administration** approving the establishment of the program and the plans for operation before the court may submit the petition to the legislative and appropriating body for approval.
- (2) Obtain the approval of the legislative and appropriating body from which the court derives the court's money.

SECTION 29. IC 12-23-14-13, AS AMENDED BY P.L.2-2007, SECTION 165, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 13. (a) As used in this section, "board" refers to the board of directors of the judicial conference of Indiana established by IC 33-38-9-3.

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

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

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



- (1) Ensure that programs comply with rules adopted under this section and applicable federal regulations.
- (2) Revoke the authorization of a program upon a determination that the program does not comply with rules adopted under this section and applicable federal regulations.
- (3) Make agreements and contracts with:
 - (A) another department, authority, or agency of the state;
 - (B) another state;
 - (C) the federal government;
 - (D) a state educational institution or a private postsecondary educational institution; or
 - (E) a public or private agency;
 to effectuate the purposes of this chapter.
- (4) Directly, or by contract, approve and certify programs established under this chapter.
- (5) Require, as a condition of operation, that each program created or funded under this chapter be certified according to rules established by the ~~Indiana office of judicial center~~ **administration**.

(6) Adopt rules to implement this chapter.

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

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

- (1) the board shall establish an effective date after which any person employed by a court alcohol and drug services program must meet the minimum qualifications adopted under this subsection; and
- (2) the minimum employment qualifications adopted under this subsection do not apply to a person who is employed:
 - (A) by a certified court alcohol and drug program before the effective date; or
 - (B) as administrative personnel.

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

SECTION 30. IC 12-23-14-17, AS AMENDED BY P.L.158-2013, SECTION 182, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 17. (a) The Indiana ~~judicial center~~



supreme court drug and alcohol programs fund is established for the purpose of administering, certifying, and supporting alcohol and drug services programs under this chapter. The fund shall be administered by the ~~Indiana office of judicial center administration~~ established by ~~IC 33-38-9-4~~. **IC 33-24-6-1.**

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

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

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

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

- (1) on a form; and
- (2) in the manner;

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

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

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

SECTION 31. IC 12-26-1-1.5, AS ADDED BY P.L.154-2015, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1.5. The following shall, in consultation with the division of mental health and addiction, provide or be provided information and training concerning involuntary commitment, including the use of involuntary commitment for individuals who have a substance abuse or addiction condition:

- (1) Judges, provided by the ~~Indiana office of judicial center~~: **administration.**
- (2) Prosecutors, provided by the prosecuting attorneys council.



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

SECTION 32. IC 12-26-6-8, AS AMENDED BY P.L.110-2009, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 8. (a) If, upon the completion of the hearing and consideration of the record, the court finds that the individual is mentally ill and either dangerous or gravely disabled, the court may order the individual to:

- (1) be committed to an appropriate facility; or
- (2) enter an outpatient treatment program under IC 12-26-14 for a period of not more than ninety (90) days.

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

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

- (1) That the community mental health center has evaluated the individual.
- (2) That commitment to a state institution administered by the division of mental health and addiction under this chapter is appropriate.

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

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

(f) If a commitment ordered under subsection (a) is to a state institution administered by the division of disability and rehabilitative services, the record of commitment proceedings must include a report from a service coordinator employed by the division of disability and rehabilitative services stating that, based on a diagnostic assessment of the individual, commitment to a state institution administered by the division of disability and rehabilitative services under this chapter is appropriate.

(g) If the court makes a finding under subsection (a) (including a finding in reference to a child under IC 31-37-18-3), the court shall transmit any information required by the ~~division office~~ of ~~state court~~ **judicial** administration to the ~~division office~~ of ~~state court~~ **judicial**



administration for transmission to the NICS (as defined in IC 35-47-2.5-2.5) in accordance with IC 33-24-6-3.

SECTION 33. IC 12-26-7-5, AS AMENDED BY P.L.110-2009, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 5. (a) If at the completion of the hearing and the consideration of the record an individual is found to be mentally ill and either dangerous or gravely disabled, the court may enter either of the following orders:

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

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

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

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

SECTION 34. IC 20-28-5-8, AS AMENDED BY HEA 1359-2018, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 8. (a) This section applies when a prosecuting attorney knows that a licensed employee of a public school or a nonpublic school has been convicted of an offense listed in subsection (c). The prosecuting attorney shall immediately give written notice of the conviction to the following:

- (1) The state superintendent.
- (2) Except as provided in subdivision (3), the superintendent of the school corporation that employs the licensed employee or the equivalent authority if a nonpublic school employs the licensed employee.
- (3) The presiding officer of the governing body of the school corporation that employs the licensed employee, if the convicted licensed employee is the superintendent of the school corporation.

(b) The superintendent of a school corporation, presiding officer of the governing body, or equivalent authority for a nonpublic school shall



immediately notify the state superintendent when the individual knows that a current or former licensed employee of the public school or nonpublic school has been convicted of an offense listed in subsection (c), or when the governing body or equivalent authority for a nonpublic school takes any final action in relation to an employee who engaged in any offense listed in subsection (c).

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

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



2014) or a Level 2 felony (for a crime committed after June 30, 2014).

(B) A Class B felony (for a crime committed before July 1, 2014) or a Level 3 felony (for a crime committed after June 30, 2014).

(C) A Class C felony (for a crime committed before July 1, 2014) or a Level 5 felony (for a crime committed after June 30, 2014).

(26) Aggravated battery (IC 35-42-2-1.5).

(27) Robbery (IC 35-42-5-1).

(28) Carjacking (IC 35-42-5-2) (before its repeal).

(29) Arson as a Class A felony or Class B felony (for a crime committed before July 1, 2014) or as a Level 2, Level 3, or Level 4 felony (for a crime committed after June 30, 2014) (IC 35-43-1-1(a)).

(30) Burglary as a Class A felony or Class B felony (for a crime committed before July 1, 2014) or as a Level 1, Level 2, Level 3, or Level 4 felony (for a crime committed after June 30, 2014) (IC 35-43-2-1).

(31) Human trafficking (IC 35-42-3.5).

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

(33) Attempt under IC 35-41-5-1 to commit an offense listed in this subsection.

(34) Conspiracy under IC 35-41-5-2 to commit an offense listed in this subsection.

(d) The department shall permanently revoke the license of a person who is known by the department to have been convicted of a federal offense or an offense in another state that is comparable to a felony listed in subsection (c).

(e) A license may be suspended by the state superintendent as specified in IC 20-28-7.5.

(f) The department shall develop a data base of information on school corporation employees who have been reported to the department under this section.

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

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



the department; and

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

SECTION 35. IC 25-23.6-10.1-2, AS ADDED BY P.L.122-2009, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2. (a) This article may not be construed to limit addiction counselor or clinical addiction counselor services performed by a person who does not use a title specified in this article and who is any of the following:

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

- (A) social worker licensed under this article;
- (B) clinical social worker licensed under this article;
- (C) marriage and family therapist licensed under this article;
- (D) mental health counselor licensed under this article;
- (E) psychologist licensed under IC 25-33;
- (F) physician licensed under IC 25-22.5; or
- (G) nurse licensed under IC 25-23;

and who has training and experience in addiction counseling.

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

- (A) in an accredited eligible postsecondary educational institution or training institution accredited by the Council for Accreditation of Counseling and Related Educational Programs;
- (B) through a National Association of Alcohol and Drug Abuse Counselors approved academic education provider; or
- (C) by a graduate accumulating experience required for licensure if:

- (i) the services are performed under qualified supervision and constitute a part of the person's supervised course of study or other level of supervision; and
- (ii) the student or graduate uses a title that contains the term "intern", "student", or "trainee".

(3) A nonresident of Indiana if the person performs addiction counseling or therapy in Indiana for not more than:

- (A) five (5) days in any one (1) month; or
- (B) fifteen (15) days in any one (1) calendar year;

and the person is authorized to perform such services under the laws of the state or country in which the person resides.



(4) A rabbi, priest, Christian Science practitioner, minister, or other member of the clergy.

(5) An employee or a volunteer for an organization performing charitable, religious, or educational functions or providing pastoral counseling or other assistance.

(6) A person who provides school counseling.

(7) A governmental employee who remains in the same job classification or job family of that job classification.

(8) An employee of a court alcohol and drug program, a drug court, or a reentry court certified by the ~~Indiana~~ **office of Judicial Center judicial administration** when performing assigned job duties.

(9) A probation officer when performing assigned job duties.

(b) This section does not prohibit a person referred to in subsection (a) from qualifying for licensure under this article.

SECTION 36. IC 29-3-3-4, AS AMENDED BY P.L.178-2011, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 4. (a) If:

(1) a guardian has not been appointed for an incapacitated person or minor;

(2) an emergency exists;

(3) the welfare of the incapacitated person or minor requires immediate action; and

(4) no other person appears to have authority to act in the circumstances;

the court, on petition by any person or on its own motion, may appoint a temporary guardian for the incapacitated person or minor for a specified period not to exceed ninety (90) days. **Upon notice and hearing, the court may, with good cause shown, grant one (1) extension of the temporary guardianship for not more than ninety (90) days.** No such appointment shall be made except after notice and hearing unless it is alleged and found by the court that immediate and irreparable injury to the person or injury, loss, or damage to the property of the alleged incapacitated person or minor may result before the alleged incapacitated person or minor can be heard in response to the petition. If a temporary guardian is appointed without advance notice and the alleged incapacitated person or minor files a petition that the guardianship be terminated or the court order modified, the court shall hear and determine the petition at the earliest possible time.

(b) If:

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



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

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

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

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

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

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

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

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

SECTION 37. IC 31-11-4-18, AS AMENDED BY P.L.22-2012, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 18. (a) The clerk of the circuit court shall forward records of marriage to the state department of health on at least a



monthly basis. A clerk:

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

(A) a paper form; or

(B) an electronic form by using:

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

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

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

(b) The state department of health shall:

(1) prescribe a form for recording marriages;

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

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

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

SECTION 38. IC 31-31-10-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2. (a) Each probation department shall, not later than October 1 of each year, file a report with the ~~division office of state court~~ **judicial** administration that includes the information the probation department is required to maintain under section 1 of this chapter.

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

(1) cover the previous state fiscal year; and

(2) include at least the following:

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

(B) Demographic information relating to the delinquent children and children in need of services who received juvenile law services.

(C) All financial information relating to juvenile law services provided to delinquent children and children in need of services.

SECTION 39. IC 31-32-13-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 9. When a court issues an order or an emergency order under this chapter:

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



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

SECTION 40. IC 31-34-19-6.1, AS AMENDED BY P.L.48-2012, SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 6.1. (a) Before entering its dispositional decree or a modification to a dispositional decree, the juvenile court shall do the following:

(1) Consider the recommendations for the needs of the child for care, treatment, rehabilitation, or placement made by the department in the department's predispositional report.

(2) Consider the recommendations for the needs of the child for care, treatment, rehabilitation, or placement made by the parent, guardian or custodian, guardian ad litem or court appointed special advocate, foster parent, other caretaker of the child, or other party to the proceeding.

(3) If the juvenile court determines that the best interests of the child require consideration of other dispositional options, submit the juvenile court's own recommendations for care, treatment, rehabilitation, or placement of the child.

(b) If the juvenile court accepts the recommendations in the department's predispositional report, the juvenile court shall enter its dispositional decree with its findings and conclusions under section 10 of this chapter.

(c) If during or after conclusion of the dispositional hearing or modification hearing, the juvenile court does not accept the recommendations of the department as set out under subsection (a) in the predispositional report and states that the juvenile court wants the department to consider the recommendations made under subsection (a)(2) or (a)(3), the dispositional hearing or modification hearing shall be continued for not more than seven (7) business days after service of notice of the juvenile court's determination. The department shall consider the recommendations that the juvenile court requested the department to consider and submit to the juvenile court a supplemental predispositional report stating the department's final recommendations and reasons for accepting or rejecting the recommendations that were not included in the department's original predispositional report. If the juvenile court accepts the recommendations in the department's supplemental report, the juvenile court may adopt the recommendations as its findings and enter its dispositional decree.

(d) The juvenile court shall accept each final recommendation of the department contained in a supplemental predispositional report



submitted under subsection (c), unless the juvenile court finds that a recommendation is:

- (1) unreasonable, based on the facts and circumstances of the case; or
- (2) contrary to the welfare and best interests of the child.

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

- (1) enter its dispositional decree with its written findings and conclusions under sections 6 and 10 of this chapter; and
- (2) specifically state why the juvenile court is not accepting the final recommendations of the department.

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

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

- (1) Any programs or services implemented during the appeal initiated under subsection (f), other than the cost of an out-of-home placement ordered by the juvenile court.
- (2) Any out-of-home placement ordered by the juvenile court and implemented after entry of the dispositional decree or modification order, if the court has made written findings that the placement is an emergency required to protect the health and welfare of the child.

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

SECTION 41. IC 31-37-17-4, AS AMENDED BY P.L.48-2012, SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 4. (a) If consistent with the safety and best interest of the child and the community, the probation officer preparing the report shall recommend care, treatment, rehabilitation, or placement that:

- (1) is:
 - (A) in the least restrictive (most family like) and most appropriate setting available; and
 - (B) close to the parents' home, consistent with the best interest



- and special needs of the child;
- (2) least interferes with family autonomy;
- (3) is least disruptive of family life;
- (4) imposes the least restraint on the freedom of the child and the child's parent, guardian, or custodian; and
- (5) provides a reasonable opportunity for participation by the child's parent, guardian, or custodian.

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

(c) If the report does not include the:

- (1) risk assessment and needs assessment required in subsection (b); or
- (2) information required to be provided under section 1(a)(3) of this chapter;

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

SECTION 42. IC 31-37-19-2, AS AMENDED BY P.L.85-2017, SECTION 106, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2. If a court enters a dispositional decree that includes a no contact order under section 1(a)(7) of this chapter:

- (1) the clerk of the court that enters a dispositional decree that includes a no contact order under section 1(a)(7) of this chapter shall comply with IC 5-2-9; and
- (2) the petitioner shall file a confidential form prescribed or approved by the ~~division~~ **office of state court judicial** administration with the clerk.

SECTION 43. IC 31-37-19-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 22. If a court issues a dispositional decree that includes a no contact order under section 6(b)(2)(G) of this chapter:

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

SECTION 44. IC 32-30-10.5-8, AS AMENDED BY P.L.102-2012, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 8. (a) This section applies to a foreclosure action that is filed after June 30, 2009. Except as provided in subsection (e)

SEA 238 — Concur



and section 10(g) of this chapter, not later than thirty (30) days before a creditor files an action for foreclosure, the creditor shall send to the debtor by certified mail a presuit notice on a form prescribed by the authority. The notice required by this subsection must do the following:

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

"NOTICE REQUIRED BY STATE LAW

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

- (b) The notice required by subsection (a) shall be sent to:
 - (1) the address of the mortgaged property; or
 - (2) the last known mailing address of the debtor if the creditor's records indicate that the mailing address of the debtor is other than the address of the mortgaged property.

If the creditor provides evidence that the notice required by subsection (a) was sent by certified mail, return receipt requested, and in accordance with this subsection, it is not necessary that the debtor accept receipt of the notice for an action to proceed as allowed under this chapter.

(c) Except as provided in subsection (e) and section 10(g) of this chapter, if a creditor files an action to foreclose a mortgage, the creditor



shall:

(1) in the case of a foreclosure action filed after June 30, 2009, but before July 1, 2011, include with the complaint served on the debtor, on a form prescribed by the authority; and

(2) subject to subsection (f), in the case of a foreclosure action filed after June 30, 2011, include on the first page of the summons that is served on the debtor in conjunction with the complaint; a notice that informs the debtor of the debtor's right to participate in a settlement conference, subject to section 9(b) of this chapter. The notice under subdivision (1) or (2) must inform the debtor that the debtor may schedule a settlement conference by notifying the court, not later than thirty (30) days after the complaint is served on the debtor, of the debtor's intent to participate in a settlement conference.

(d) If a creditor files an action to foreclose a mortgage, the creditor shall do the following:

(1) Include with the complaint filed with the court:

(A) except as provided in subsection (e) and section 10(g) of this chapter, a copy of the notices sent to the debtor under subsections (a) and (c), if the foreclosure action is filed after June 30, 2009, but before July 1, 2011; or

(B) the following, if the foreclosure action is filed after June 30, 2011:

(i) Except as provided in subsection (e) and section 10(g) of this chapter, a copy of the notice sent to the debtor under subsection (a).

(ii) The following most recent contact information for the debtor that the creditor has on file: all telephone numbers and electronic mail addresses for the debtor and any mailing address described in subsection (b)(2). The contact information provided under this item is confidential under IC 5-14-3-4(a)(13).

(2) For a foreclosure action filed after June 30, 2011, at the time the complaint is filed with the court, send:

(A) by certified mail, return receipt requested; and

(B) to the last known mailing address of the insurance company;

a copy of the complaint filed with the court to the insurance company of record for the property that is the subject of the foreclosure action.

It is not necessary that the insurance company accept receipt of the copy of the complaint for the creditor to satisfy the requirement of subdivision (2). A creditor's failure to provide a copy of the complaint



as required by subdivision (2) does not affect the foreclosure action or subject the creditor to any liability. Subject to section 9(b) of this chapter, in the case of a foreclosure action filed after June 30, 2011, upon the filing of the complaint by the creditor, the court shall send to the debtor, by United States mail and to the address of the mortgaged property, or to an address for the debtor provided by the creditor under subdivision (1)(B)(ii), if applicable, a notice that informs the debtor of the debtor's right to participate in a settlement conference. The court's notice must inform the debtor that the debtor may schedule a settlement conference by notifying the court of the debtor's intent to participate in a settlement conference. The court's notice must specify a date by which the debtor must request a settlement conference, which date must be the date that is thirty (30) days after the date of the creditor's service of the complaint on the debtor under subsection (c), as determined by the court from the service list included with the complaint filed with the court. The court may not delegate the duty to send the notice the court is required to provide under this subsection to the creditor or to any other person.

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

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

(f) Not later than June 1, 2011, the authority, in consultation with the ~~division office of state court~~ **judicial** administration, shall prescribe language for the notice required under subsection (c)(2) to be included on the first page of the summons that is served on the debtor in a foreclosure action filed after June 30, 2011. The language must convey the same information as the form prescribed by the authority under subsection (c)(1) for foreclosure actions filed after June 30, 2009, but before July 1, 2011. The authority shall make the language prescribed under this subsection available on the authority's Internet web site. A creditor complies with subsection (c)(2) in a foreclosure action filed after June 30, 2011, if the creditor includes on the first page of the summons served on the debtor:

- (1) the language that is prescribed by the authority under this



subsection and made available on the authority's Internet web site;
or

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

SECTION 45. IC 32-30-10.5-10, AS AMENDED BY P.L. 170-2011, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 10. (a) Unless a settlement conference is not required under this chapter, the court shall issue a notice of a settlement conference if the debtor contacts the court to schedule a settlement conference as described in section 8(c) of this chapter. The court's notice of a settlement conference must do the following:

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

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

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

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

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

(3) Require the debtor to do the following:

(A) In the case of a foreclosure action filed after June 30, 2011, provide, not later than a date specified in the order, which date must be the date that is thirty (30) days before the date of the settlement conference specified by the court under subdivision (1), a copy of the debtor's loss mitigation package to the following:

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

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

In setting forth the requirement described in this clause, the court shall reference the listing that must be included as an



attachment to the notice under subdivision (8), and shall direct the debtor to consult the attachment in compiling the debtor's loss mitigation package.

(B) Bring the following to the settlement conference:

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

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

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

(4) Require the creditor to do the following:

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

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

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

If the creditor provides evidence that the transaction history required by this clause was sent by certified mail, return receipt requested, it is not necessary that the debtor accept receipt of the transaction history for an action to proceed as allowed under this chapter.

(B) Bring the following to the settlement conference:

(i) A copy of the original note and mortgage.

(ii) A payment record substantiating the default, such as a payment history.



- (iii) An itemization of all amounts claimed by the creditor as being owed on the mortgage, such as an account payoff statement.
 - (iv) Any other documentation that the court determines is needed.
- (5) Inform the parties that:
- (A) each party has the right to be represented by an attorney or assisted by a mortgage foreclosure counselor at the settlement conference; and
 - (B) subject to subsection (b), an attorney or a mortgage foreclosure counselor may participate in the settlement conference in person or by telephone.
- (6) Inform the parties that the settlement conference will be conducted at the county courthouse, or at another place designated by the court, on the date and time specified in the notice under subdivision (1) unless the parties submit to the court a stipulation to:
- (A) modify the date, time, and place of the settlement conference; or
 - (B) hold the settlement conference by telephone at a date and time agreed to by the parties.
- (7) In the case of a foreclosure action filed after June 30, 2011, inform the parties of the following:
- (A) That if the parties stipulate under subdivision (6) to modify the date of the settlement conference:
 - (i) the debtor must provide the debtor's loss mitigation package to the creditor and to the court, as described in subdivision (3), at least thirty (30) days before the settlement conference date, as modified by the parties; and
 - (ii) the creditor must send to the debtor, by certified mail, the transaction history described in subdivision (4)(A) at least thirty (30) days before the settlement conference date, as modified by the parties.
 - (B) That if the parties stipulate under subdivision (6)(B) to conduct the settlement conference by telephone, the parties shall ensure the availability of any technology needed to allow simultaneous participation in the settlement conference by all participants.
- (8) In the case of a foreclosure action filed after June 30, 2011, include as an attachment the loss mitigation package listing prescribed by the authority under subsection (i).
- (b) An attorney for the creditor shall attend the settlement



conference, and an authorized representative of the creditor shall be available by telephone during the settlement conference. In addition, the court may require any person that is a party to the foreclosure action to appear at or participate in a settlement conference held under this chapter, and, for cause shown, the court may order the creditor and the debtor to reconvene a settlement conference at any time before judgment is entered. Any:

(1) costs to a creditor associated with a settlement conference under this chapter; or

(2) civil penalty imposed on a creditor by the court in connection with a violation of a court order issued in the case;

may not be charged to or collected from the debtor, either directly or indirectly.

(c) At the court's discretion, a settlement conference may or may not be attended by a judicial officer.

(d) The creditor shall ensure that any person representing the creditor:

(1) at a settlement conference scheduled under this section; or

(2) in any negotiations with the debtor designed to reach agreement on the terms of a foreclosure prevention agreement;

has authority to represent the creditor in negotiating a foreclosure prevention agreement with the debtor.

(e) If, as a result of a settlement conference held under this chapter, the debtor and the creditor agree to enter into a foreclosure prevention agreement, the agreement shall be reduced to writing and signed by both parties, and each party shall retain a copy of the signed agreement. Not later than seven (7) business days after the signing of the foreclosure prevention agreement, the creditor shall file with the court a copy of the signed agreement. At the election of the creditor, the foreclosure shall be dismissed or stayed for as long as the debtor complies with the terms of the foreclosure prevention agreement.

(f) If, as a result of a settlement conference held under this chapter, the debtor and the creditor are unable to agree on the terms of a foreclosure prevention agreement:

(1) the creditor shall, not later than seven (7) business days after the conclusion of the settlement conference, file with the court a notice indicating that the settlement conference held under this chapter has concluded and a foreclosure prevention agreement was not reached; and

(2) the foreclosure action filed by the creditor may proceed as otherwise allowed by law, subject to the court's right under subsection (b) to order the creditor and the debtor to reconvene a



settlement conference at any time before judgment is entered.

(g) If:

- (1) a foreclosure is dismissed by the creditor under subsection (e) after a foreclosure prevention agreement is reached; and
- (2) a default in the terms of the foreclosure prevention agreement later occurs;

the creditor or its assigns may bring a foreclosure action with respect to the mortgage that is the subject of the foreclosure prevention agreement without sending the notices described in section 8 of this chapter.

(h) Participation in a settlement conference under this chapter satisfies any mediation or alternative dispute resolution requirement established by court rule.

(i) Not later than June 1, 2011, the authority shall prescribe a list of documents that must be included as part of a debtor's loss mitigation package in a foreclosure action filed after June 30, 2011. In prescribing the list of documents required by this subsection, the authority:

- (1) shall require those documents that:
 - (A) provide information about a debtor's present and projected future income, expenses, assets, and liabilities; and
 - (B) are necessary for a creditor to make underwriting decisions or other determinations in connection with a potential foreclosure prevention agreement with the debtor to whom the documents apply; and
- (2) may amend the list:
 - (A) in response to changes in any federal loan modification programs; or
 - (B) as otherwise determined to be necessary by the authority.

The authority shall make the list prescribed under this subsection available on the authority's Internet web site. The ~~division office~~ **division office** of ~~state court~~ **judicial** administration shall make the list prescribed under this subsection available on the Internet web site maintained by the state's judicial branch. If the authority determines that an amendment to the list is necessary under subdivision (2), the authority shall notify the ~~division office~~ **division office** of ~~state court~~ **judicial** administration of the amendment as soon as practicable before the amendment takes effect and shall update the list on the authority's Internet web site not later than the effective date of the amendment. Upon receiving notice of an amendment to the list from the authority, the ~~division office~~ **division office** of ~~state court~~ **judicial** administration shall update the list on the Internet web site maintained by the state's judicial branch not later than the effective date of the amendment.



SECTION 46. IC 33-23-3-5, AS AMENDED BY P.L.119-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) A senior judge is entitled to the following compensation:

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

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

(3) Reimbursement for:

(A) mileage; and

(B) reasonable expenses, including but not limited to meals and lodging, incurred in performing service as a senior judge;

for each day served as a senior judge.

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

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

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

SECTION 47. IC 33-23-5-8, AS AMENDED BY P.L.127-2008, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 8. Except as provided under sections 5(14) and 9(b) of this chapter, a magistrate

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

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

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

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

(2) authorize the ~~executive director~~ **chief administrative officer** of the ~~division office~~ of state court **judicial** administration to hire



private counsel to provide the defense.

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

(1) has been released from commitment; or

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

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

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

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

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

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

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

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

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

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

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

SECTION 50. IC 33-23-16-11, AS ADDED BY P.L.108-2010, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2018]: Sec. 11. A city court or county court may establish a problem solving court. A problem solving court established under this section may be a:

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

SECTION 51. IC 33-23-16-16, AS ADDED BY P.L.108-2010, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 16. (a) As used in this section, "effective date" means the date established by the board after which minimum employment qualifications are required for persons employed by a problem solving court program.

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

(c) The board:

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

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

- (1) the board shall establish an effective date after which a person employed by a problem solving court must meet the qualifications; and
- (2) the qualifications do not apply to a person who is employed:
 - (A) by a certified problem solving court before the effective date; or
 - (B) as administrative personnel.

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

SEA 238 — Concur



administration shall:

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

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

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

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

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

(c) A problem solving court may not:

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

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

SECTION 55. IC 33-23-16-22, AS AMENDED BY P.L.179-2015, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 22. (a) The costs of a problem solving court may,



at the discretion of the fiscal body of the unit, be supplemented out of the city general fund or the county general fund and may be further supplemented by payment from the user fee fund upon appropriation made under IC 33-37-8.

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

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

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

SECTION 56. IC 33-23-16-25, AS ADDED BY P.L.108-2010, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 25. (a) The Indiana ~~judicial center~~ **supreme court** problem solving court fund is established for the purpose of administering, certifying, and supporting problem solving court programs under this chapter. The fund shall be administered by the ~~Indiana office of judicial center~~ **administration**.

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

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

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

- (1) Conduct a continuous study of information technology applications for Indiana's judicial system, including an analysis of appropriate and equitable funding, automated recordkeeping fees and record perpetuation costs, and their allocation between state and local governmental entities.
- (2) Develop a long range strategy for technology and automation in Indiana's judicial system, including:
 - (A) establishing plans for funding and implementing technology and automation;
 - (B) making recommendations to the ~~division office of state court~~ **judicial** administration for the establishment of a pilot



program concerning electronic filing;

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

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

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

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

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

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

SECTION 59. IC 33-24-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. ~~(a)~~ There is created within the office of chief justice the office of judicial administration, **which must:**

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

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

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

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

~~(2) state court administration.~~

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

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

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

(2) Collect and compile statistical data and other information on the judicial work of the courts in Indiana. All justices of the supreme court, judges of the court of appeals, judges of all trial courts, and any city or town courts, whether having general or special jurisdiction, court clerks, court reporters, and other



officers and employees of the courts shall, upon notice by the ~~executive director~~ **chief administrative officer** and in compliance with procedures prescribed by the ~~executive director~~, **chief administrative officer**, furnish the ~~executive director~~ **chief administrative officer** the information as is requested concerning the nature and volume of judicial business. The information must include the following:

- (A) The volume, condition, and type of business conducted by the courts.
 - (B) The methods of procedure in the courts.
 - (C) The work accomplished by the courts.
 - (D) The receipt and expenditure of public money by and for the operation of the courts.
 - (E) The methods of disposition or termination of cases.
- (3) Prepare and publish reports, not less than one (1) or more than two (2) times per year, on the nature and volume of judicial work performed by the courts as determined by the information required in subdivision (2).
- (4) Serve the judicial nominating commission and the judicial qualifications commission in the performance by the commissions of their statutory and constitutional functions.
- (5) Administer the civil legal aid fund as required by IC 33-24-12.
- (6) Administer the **judicial court technology and automation project** fund established by section 12 of this chapter.
- (7) By December 31, 2013, develop and implement a standard protocol for sending and receiving court data:
- (A) between the protective order registry, established by IC 5-2-9-5.5, and county court case management systems;
 - (B) at the option of the county prosecuting attorney, for:
 - (i) a prosecuting attorney's case management system;
 - (ii) a county court case management system; and
 - (iii) a county court case management system developed and operated by the ~~division office~~ of ~~state court~~ **judicial** administration;
 to interface with the electronic traffic tickets, as defined by IC 9-30-3-2.5; and
 - (C) between county court case management systems and the case management system developed and operated by the ~~division office~~ of ~~state court~~ **judicial** administration.

The standard protocol developed and implemented under this subdivision shall permit private sector vendors, including vendors providing service to a local system and vendors accessing the



system for information, to send and receive court information on an equitable basis and at an equitable cost.

(8) Establish and administer an electronic system for receiving information that relates to certain individuals who may be prohibited from possessing a firearm and transmitting this information to the Federal Bureau of Investigation for inclusion in the NICS.

(9) Establish and administer an electronic system for receiving drug related felony conviction information from courts. The ~~division~~ **office of judicial administration** shall notify NPLeX of each drug related felony entered after June 30, 2012, and do the following:

(A) Provide NPLeX with the following information:

- (i) The convicted individual's full name.
- (ii) The convicted individual's date of birth.
- (iii) The convicted individual's driver's license number, state personal identification number, or other unique number, if available.
- (iv) The date the individual was convicted of the felony.

Upon receipt of the information from the ~~division~~, **office of judicial administration**, a stop sale alert must be generated through NPLeX for each individual reported under this clause.

(B) Notify NPLeX if the felony of an individual reported under clause (A) has been:

- (i) set aside;
- (ii) reversed;
- (iii) expunged; or
- (iv) vacated.

Upon receipt of information under this clause, NPLeX shall remove the stop sale alert issued under clause (A) for the individual.

(10) Staff the judicial technology oversight committee established by IC 33-23-17-2.

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

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

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



- (ii) The convicted individual's date of birth.
 - (iii) The convicted individual's driver's license number, state personal identification number, or other unique number, if available.
 - (iv) The date the individual was convicted of the felony.
- (B) Notify the department of education if the felony of an individual reported under clause (A) has been:
- (i) set aside;
 - (ii) reversed; or
 - (iii) vacated.

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

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

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

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

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



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

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

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

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

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

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

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

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

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

(b) If, under subsection (a), a county's grant would result in a grant of two thousand dollars (\$2,000) or less, the county is entitled to receive a grant of two thousand dollars (\$2,000). After subtracting the state match appropriation distributed to these counties from the total



remaining state appropriation, the ~~division office of state court~~ **judicial administration** shall distribute the remaining state appropriation under the following formula:

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

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

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

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

SECTION 63. IC 33-24-6-6 IS REPEALED [EFFECTIVE JULY 1, 2018]. ~~Sec. 6. The division of supreme court administration shall perform legal and administrative duties for the justices as are determined by the justices.~~

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

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

SECTION 65. IC 33-24-6-12, AS AMENDED BY P.L.284-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 12. (a) The ~~judicial court~~ **technology and**



~~automation project~~ fund is established to fund ~~the judicial court~~ technology. ~~and automation project~~. The ~~division of state court office~~ **of judicial** administration shall administer the fund. The fund consists of the following:

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

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

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

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

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

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

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

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

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

- (1) 2017.

SEA 238 — Concur



(2) 2018.

(3) 2019.

(4) 2020.

(d) This section expires July 1, 2021.

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

(1) The legal services provider must have been:

(A) incorporated before July 2, 1997; or

(B) incorporated and providing civil legal aid to the indigent for three (3) years immediately preceding the application for funds from the civil legal aid fund.

(2) The legal services provider must submit an opt-in form to the ~~executive director~~ **chief administrative officer** of the ~~division office of state court~~ **judicial** administration before May 2 of each year. The form must include the following information:

(A) The name, address, and telephone number of the legal services provider.

(B) The Internal Revenue Code 501(c)(3) form of the legal services provider.

(C) The name and address of the ~~executive director~~ **chief administrative officer** and board president of the legal services provider.

(D) A list of all counties within the incorporated service area of the legal services provider.

(E) Certification that the legal services provider has provided legal services to indigent individuals within its service area for the preceding three (3) years and that the legal services provider will continue to provide legal services to the indigent for the year following receipt of funds from the civil legal aid fund.

(3) The legal services provider may not do any of the following:

(A) Make available funds, personnel, or equipment for use in advocating or opposing a plan or proposal, represent a party, or participate in litigation that is intended to or has the effect of altering, revising, or reapportioning a legislative, a judicial, or an elective district at any level of government, including influencing the timing or manner of the taking of a census.

(B) Attempt to influence the issuance, amendment, or revocation of an executive order, regulation, or other statement of general applicability and future effect by a federal, state, or



local agency.

(C) Attempt to influence an adjudicatory proceeding of a federal, state, or local agency if such part of the proceeding is designed for the formulation or modification of an agency policy of general applicability and future effect.

(D) Attempt to influence the passage or defeat of legislation, a constitutional amendment, a referendum, an initiative, or similar procedure of the Congress, a state, or a local legislative body.

(E) Attempt to influence the conduct of oversight proceedings of the Legal Services Corporation or a person or an entity receiving financial assistance provided by the Legal Services Corporation.

(F) Pay for a personal service, an advertisement, a telegram, a telephone communication, a letter, printed or written matter, an administrative expense, or a related expense, associated with an activity prohibited in this subdivision.

(G) Initiate or participate in a class action suit.

(H) Support or conduct a training program for the purpose of advocating a particular public policy or encouraging a political activity, a labor or an antilabor activity, a boycott, picketing, a strike, or a demonstration, including the dissemination of information about such a policy or activity. However, this clause may not be construed to prohibit the training of an attorney or a paralegal in the provision of:

- (i) adequate legal assistance to eligible clients; or
- (ii) advice to an eligible client as to the legal rights of the client.

(I) Participate in litigation:

- (i) on behalf of a person incarcerated in a federal, state, or local prison; or
- (ii) arising out of the incarceration of a person described in item (i).

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

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

SECTION 69. IC 33-24-12-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 6. (a) The ~~division office~~ of ~~state court~~ **judicial** administration shall annually determine



the amount to be distributed from the fund to each county's legal services provider under the following formula:

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

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

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

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

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

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

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

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

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

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

(c) The general assembly may appropriate the sums it considers



necessary for expenses that may be incurred in the administration of this article.

SECTION 72. IC 33-28-3-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 9. ~~(a) The court shall provide by rule for an evening session to be held once each 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 73. IC 33-28-3-10 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 74. IC 33-29-2-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 9. ~~(a) The court shall provide by rule for an evening session to be held one (1) time each 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 a year in which the office of judge of the Allen superior court will be on the ballot, the clerk of the circuit court shall file with the election division a list containing the name, the division assignment, and the court number assigned by the roster of judicial officers maintained by the ~~Supreme Court of Indiana, Division office of State Court Administration,~~ **judicial administration**, for each judge of the Allen superior court.

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

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

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

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

SECTION 79. IC 33-33-10-19, AS ADDED BY P.L.201-2011, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2018]: Sec. 19. (a) Before March 15 of each year, the board of judges of the circuit court shall adopt rules to provide for the administration of the circuit court, including rules governing the following:

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

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

SECTION 80. IC 33-33-18-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 6. (a) The judges of the Delaware circuit court shall adopt rules to provide for the administration of the court, including rules governing the following:

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

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

SECTION 81. IC 33-33-33-12, AS ADDED BY P.L.201-2011, SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 12. (a) The judges of the Henry circuit court shall adopt rules to provide for the administration of the circuit court, including rules governing the following:

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



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

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

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

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

SECTION 83. IC 33-33-48-16, AS ADDED BY P.L.201-2011, SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 16. (a) The judges of the circuit court shall adopt rules to provide for the administration of the circuit court, including rules governing the following:

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

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

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

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



administering shared programs and facilities.

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

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

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

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

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

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

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



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

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

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

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

SECTION 87. IC 33-34-7-4, AS ADDED BY P.L.170-2015, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 4. (a) The small claims courts shall use a centralized case management system approved by the ~~division office~~ of ~~state court~~ **judicial** administration.

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

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

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

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

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

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

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



SECTION 89. IC 33-37-5-15, AS AMENDED BY P.L.255-2017, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 15. (a) The clerk **of the county that maintains jurisdiction over the case** shall collect a service of process fee of twenty-eight dollars (\$28) from a party requesting service of a writ, an order, a process, a notice, a tax warrant, or any other paper completed by the sheriff. A service of process fee collected under this subsection may be collected only one (1) time per case for the duration of the case. However, a clerk **of the county that maintains jurisdiction over the case shall may** collect an additional service of process fee of twenty-eight dollars (\$28) per case for any postjudgment service.

(b) The clerk shall collect from the person who filed the civil action a service of process fee of sixty dollars (\$60), in addition to any other fee for service of process, if:

- (1) a person files a civil action outside Indiana; and
- (2) a sheriff in Indiana is requested to perform a service of process associated with the civil action in Indiana.

(c) A clerk shall transfer fees collected under this section to the county auditor. ~~of the county in which the sheriff has jurisdiction.~~

(d) The county auditor shall deposit fees collected under this section as follows:

- (1) One dollar (\$1) from each service of process fee described in subsection (a) into the clerk's record perpetuation fund established by the clerk under section 2 of this chapter.
- (2) Twenty-seven dollars (\$27) from each service of process fee described in subsection (a) into either:
 - (A) the pension trust established by the county under IC 36-8-10-12; or
 - (B) if the county has not established a pension trust under IC 36-8-10-12, the county general fund.

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

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

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



IC 33-38-6-12 an amount equal to thirty-seven and sixty-eight hundredths percent (37.68%);

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

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

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

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

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

(8) the DNA sample processing fund established under IC 10-13-6-9.5 for the funding of the collection, shipment, analysis, and preservation of DNA samples and the conduct of a DNA data base program under IC 10-13-6 an amount equal to nine and thirty-six hundredths percent (9.36%);

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

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

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

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

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

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



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

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

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

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

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

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

SECTION 92. IC 33-38-5-6, AS AMENDED BY P.L.159-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 6. (a) The annual salary of each full-time judge of a circuit, superior, municipal, county, or probate court is one hundred ten thousand five hundred dollars (\$110,500), as adjusted after June 30, 2006, under section 8.1 of this chapter, paid by the state. In addition, a judge under this section may receive any additional salary provided by the county under IC 36-2-5-14 or IC 36-3-6-3(c). The state shall deposit quarterly the money received from the counties under subsection (c) for additional salary in the state general fund.

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

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

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

exceeds the Social Security wage base established by the federal government for that year. If the total does not exceed the Social



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

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

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

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

SECTION 93. IC 33-38-9-3, AS AMENDED BY P.L.201-2011, SECTION 104, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3. (a) The judicial conference of Indiana is established.

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

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

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

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

SEA 238 — Concur



- (1) The chief justice of Indiana.
- (2) The chief judge of the court of appeals.
- (3) The president of the Indiana judges association.
- (4) The president of the Indiana council of juvenile **and family** court judges.
- (5) ~~One~~ (1) judge from each of the trial court districts established by the supreme court, elected for a term of two (2) years by the trial court judges of the district.
- (5) **Judges from the districts established by the administrative rules of the supreme court and rules of the board of directors of the judicial conference.**
- (6) Five (5) trial court judges appointed for terms of one (1) year by the chief justice of Indiana.

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

- (1) shall establish a staff agency to be designated the ~~Indiana judicial center; and~~
- (2) may establish positions for an executive director; staff personnel; and other necessary personnel.

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

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

- (1) at least once a year at a time and place to be fixed by the board of directors; and
- (2) at other times as may be designated by the board of directors.

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

SECTION 96. IC 33-38-9-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 7. All members, including full-time magistrates **and Marion County small claims**



court judges, shall attend and those invited to participate may attend the meetings of the judicial conference. Per diem and travel allowances authorized by law shall be paid to the members, **and full-time magistrates, and Marion County small claims court judges** attending from the annual appropriation to the judicial conference: **supreme court.**

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

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

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

- ~~(1) Name, address, and telephone number of each facility;~~
- ~~(2) Owner and contact person for each facility;~~
- ~~(3) Description of the child services that each facility provides and any limitations that the facility imposes on acceptance of a child placed by a juvenile court;~~
- ~~(4) Number of children that each facility can serve on a residential basis;~~
- ~~(5) Number of residential openings at each facility.~~

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

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

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

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

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



chapter:

- (1) "Advisory council" means the justice reinvestment advisory council established by section 2 of this chapter.
- (2) "Board" means the board of directors of the judicial conference of Indiana established by IC 33-38-9-3.
- (3) "~~Indiana~~ **"Office of judicial center" administration"** means the ~~Indiana office of judicial center administration~~ established under ~~IC 33-38-9-4(b)~~. **IC 33-24-6-1.**

SECTION 100. IC 33-38-10-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2. (a) A person who:

- (1) has been but is not currently a judge of a circuit, superior, criminal, probate, municipal, or county court and has served in the capacity of judge for at least four (4) consecutive years;
- (2) is admitted to the practice of law in Indiana; and
- (3) is a resident of Indiana;

may act as judge for certain cases under this chapter.

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

- (1) all parties to the action file a written petition with the ~~executive director~~ **chief administrative officer** of the ~~division office of state court~~ **judicial** administration consenting to the case being heard by a private judge, and naming the person whom the parties wish to have as private judge;
- (2) the case is one over which the court in which the former judge served would have had subject matter and monetary jurisdiction;
- (3) the case is founded exclusively on contract, tort, or a combination of contract and tort; and
- (4) the case is one in which a utility (as defined in IC 8-1-2-1) is not a party.

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

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

a list of registered former judges.

(b) If the parties to an action wish to have the action heard before a private judge, the parties shall submit to the ~~executive director~~ **chief administrative officer** of the ~~division office of state court~~ **judicial**



administration a written petition as described in section 2(b)(1) of this chapter. After verifying that the former judge is qualified under section 2(a) of this chapter and is registered under subsection (a), the ~~executive director~~ **chief administrative officer** shall forward the petition to the former judge named on the petition.

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

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

SECTION 102. IC 33-38-12-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2. As used in this chapter, "expenses" includes the following:

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

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

SECTION 104. IC 33-39-1-8, AS AMENDED BY HEA 1057-2018, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 8. (a) After June 30, 2005, this section does not apply to a person who:

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

SEA 238 — Concur



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

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

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

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

- (1) who is arrested for or charged with an offense under:
 - (A) IC 7.1-5-7-7, if the alleged offense occurred while the person was operating a motor vehicle;
 - (B) IC 9-30-4-8(a), if the alleged offense occurred while the person was operating a motor vehicle;
 - (C) IC 35-44.1-2-13(b)(1); or
 - (D) IC 35-43-1-2(a), if the alleged offense occurred while the person was operating a motor vehicle; and

(2) who was less than eighteen (18) years of age at the time of the alleged offense.

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

- (1) the person is charged with a misdemeanor, a Level 6 felony, or a Level 5 felony;
- (2) the person agrees to conditions of a pretrial diversion program offered by the prosecuting attorney;
- (3) the terms of the agreement are recorded in an instrument signed by the person and the prosecuting attorney and filed in the court in which the charge is pending; and
- (4) the prosecuting attorney electronically transmits information required by the prosecuting attorneys council concerning the withheld prosecution to the prosecuting attorneys council, in a manner and format designated by the prosecuting attorneys council.

(e) An agreement under subsection (d) may include conditions that the person:

- (1) pay to the clerk of the court an initial user's fee and monthly user's fees in the amounts specified in IC 33-37-4-1;
- (2) work faithfully at a suitable employment or faithfully pursue a course of study or career and technical education that will equip the person for suitable employment;



(3) undergo available medical treatment or mental health counseling and remain in a specified facility required for that purpose, including:

- (A) addiction counseling;
 - (B) inpatient detoxification; and
 - (C) medication assisted treatment, including a federal Food and Drug Administration approved long acting, nonaddictive medication for the treatment of opioid or alcohol dependence;
- (4) receive evidence based mental health and addiction, intellectual disability, developmental disability, autism, and co-occurring autism and mental illness forensic treatment services to reduce the risk of recidivism;
- (5) support the person's dependents and meet other family responsibilities;
- (6) make restitution or reparation to the victim of the crime for the damage or injury that was sustained;
- (7) refrain from harassing, intimidating, threatening, or having any direct or indirect contact with the victim or a witness;
- (8) report to the prosecuting attorney at reasonable times;
- (9) answer all reasonable inquiries by the prosecuting attorney and promptly notify the prosecuting attorney of any change in address or employment; and
- (10) participate in dispute resolution either under IC 34-57-3 or a program established by the prosecuting attorney.

(f) An agreement under subsection (d)(2) may include other provisions, including program fees and costs, reasonably related to the defendant's rehabilitation, if approved by the court.

(g) The prosecuting attorney shall notify the victim when prosecution is withheld under this section.

(h) All money collected by the clerk as user's fees or program fees and costs under this section shall be deposited in the appropriate user fee fund under IC 33-37-8.

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

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

SECTION 105. IC 33-40-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. The public defense fund is established to receive court costs or other revenues for county reimbursement and administrative expenses. The fund shall be



administered by the ~~division of state court administration of the supreme court.~~ **Indiana public defender commission (established by IC 33-40-5-2).**

SECTION 106. IC 33-40-6-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 5. **(a) As used in this section, "commission" means the Indiana public defender commission established by IC 33-40-5-2.**

~~(a)~~ **(b)** Except as provided under section 6 of this chapter, upon certification by a county auditor and a determination by the ~~public defender~~ commission that the request is in compliance with the guidelines and standards set by the commission, the commission shall quarterly authorize an amount of reimbursement due the county:

- (1) that is equal to fifty percent (50%) of the county's certified expenditures for indigent defense services provided for a defendant against whom the death sentence is sought under IC 35-50-2-9; and
- (2) that is equal to forty percent (40%) of the county's certified expenditures for defense services provided in noncapital cases except misdemeanors.

The ~~division of state court administration~~ **commission** shall then certify to the auditor of state the amount of reimbursement owed to a county under this chapter.

~~(b)~~ **(c)** Upon receiving certification from the ~~division of state court administration,~~ **commission,** the auditor of state shall issue a warrant to the treasurer of state for disbursement to the county of the amount certified.

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

- (1) develop and adopt:
 - (A) a petition for an order for protection;
 - (B) an order for protection, including:
 - (i) orders issued under this chapter;
 - (ii) ex parte orders;
 - (iii) no contact orders under IC 31 and IC 35;
 - (iv) forms relating to workplace violence restraining orders under IC 34-26-6; and
 - (v) forms relating to a child protective order under IC 31-34-2.3;
 - (C) a confidential form;
 - (D) a notice of modification or extension for an order for



protection, a no contact order, a workplace violence restraining order, or a child protective order;

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

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

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

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

(1) either party; or

(2) a child of either party.

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

VIOLATION OF THIS ORDER IS PUNISHABLE BY CONFINEMENT IN JAIL, PRISON, AND/OR A FINE.

IF SO ORDERED BY THE COURT, THE RESPONDENT IS FORBIDDEN TO ENTER OR STAY AT THE PETITIONER'S RESIDENCE OR RESIDENCE OF ANY CHILD WHO IS THE SUBJECT OF THE ORDER, EVEN IF INVITED TO DO SO BY THE PETITIONER OR ANY OTHER PERSON. IN NO EVENT IS THE ORDER FOR PROTECTION VOIDED.

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

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

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

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



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

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

- (1) the forms adopted under subsection (a);
- (2) all other forms required to petition for an order for protection, including forms:
 - (A) necessary for service; and
 - (B) required under IC 31-21 (or IC 31-17-3 before its repeal); and
- (3) clerical assistance in reading or completing the forms and filing the petition.

Clerical assistance provided by the clerk or court personnel under this section does not constitute the practice of law. The clerk of the circuit court may enter into a contract with a person or another entity to provide this assistance. A person, other than a person or other entity with whom the clerk has entered into a contract to provide assistance, who in good faith performs the duties the person is required to perform under this subsection is not liable for civil damages that might otherwise be imposed on the person as a result of the performance of those duties unless the person commits an act or omission that amounts to gross negligence or willful and wanton misconduct.

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

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

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

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

SECTION 108. IC 34-26-5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 7. A petitioner may omit the petitioner's address from all nonconfidential documents filed with a court. However, a petitioner must provide the court with complete information concerning the protected address on the uniform statewide confidential form and on other confidential forms developed by the ~~division office~~ **of state court judicial** administration under section 3 of this chapter. A petitioner shall also provide the clerk with a public mailing address for purposes of serving pleadings, notices, and court orders. The petitioner may use the address confidentiality



program under IC 5-26.5. If disclosure of a petitioner's address is necessary to determine jurisdiction or to consider venue, the court may order the disclosure to be made:

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

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

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

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

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

- (1) identifies the protected person and the respondent;
- (2) is currently in effect;
- (3) was issued by a state or tribal court with jurisdiction over the:
 - (A) parties; and
 - (B) subject matter;

under the law of the issuing state or Indian tribe; and

- (4) was issued after a respondent was given reasonable notice and an opportunity to be heard sufficient to protect the respondent's right to due process. In the case of an ex parte order, notice and opportunity to be heard must be provided within the time required by state or tribal law and within a reasonable time after the order is issued sufficient to protect the respondent's due process rights.

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

(c) Except as provided in subsection (d), a protection order that is



facially valid and issued by a court of a state (issuing state) or Indian tribe shall be accorded full faith and credit by Indiana courts.

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

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

(e) Registration or filing of a foreign protection order is not a prerequisite to enforcement of the order in Indiana, and a protection order that is consistent with this section shall be accorded full faith and credit notwithstanding a failure to register or file the order in Indiana. However, if a petitioner wishes to register a foreign protection order in Indiana, all Indiana courts of record shall accommodate the request. The ~~division office of state court~~ **judicial** administration shall develop a form to be used by courts, clerks, and law enforcement agencies when a petitioner makes a request to register a foreign protection order. Except for a protective order issued to the Indiana protective order registry established by IC 5-2-9-5.5, the courts, clerks of the courts, and sheriffs or law enforcement agencies maintaining depositories shall employ the same procedures required under IC 5-2-9-6 for entering, modifying, extending, or terminating a foreign protection order as those used for a protection order and a no contact order originating in Indiana.

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

(g) An Indiana law enforcement officer:

- (1) may not require notification, registration, or filing of a facially valid foreign order for protection as a prerequisite to enforcement of an order;
- (2) if a foreign protection order is not presented, may consider other information to determine under a totality of the circumstances whether there is probable cause to believe that a valid foreign order for protection exists; and
- (3) who determines that an otherwise valid foreign protection order cannot be enforced because a respondent has not been



notified or served with the order, shall:

- (A) inform the respondent of the order;
- (B) serve the order on the respondent;
- (C) ensure that the order and service of the order are entered into the state depository;
- (D) allow the respondent a reasonable opportunity to comply with the order before enforcing the order; and
- (E) ensure the safety of the protected person while giving the respondent the opportunity to comply with the order.

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

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

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

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

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

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

(c) Information in a temporary restraining order or an injunction relating to harassment or domestic or family violence must be



transmitted to the Indiana data and communication system (IDACS) as required under IC 34-26-5-18.

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

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

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

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

- (1) Require the defendant to:
 - (A) execute a bail bond with sufficient solvent sureties;



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

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

(2) Require the defendant to execute:

- (A) a bail bond by depositing cash or securities with the clerk of the court in an amount not less than ten percent (10%) of the bail; and
- (B) an agreement that allows the court to retain all or a part of the cash or securities to pay fines, costs, fees, and restitution that the court may order the defendant to pay if the defendant is convicted.

A portion of the deposit, not to exceed ten percent (10%) of the monetary value of the deposit or fifty dollars (\$50), whichever is the lesser amount, may be retained as an administrative fee. The clerk shall also retain from the deposit under this subdivision fines, costs, fees, and restitution as ordered by the court, publicly paid costs of representation that shall be disposed of in accordance with subsection (b), and the fee required by subsection (d). In the event of the posting of a real estate bond, the bond shall be used only to insure the presence of the defendant at any stage of the legal proceedings, but shall not be foreclosed for the payment of fines, costs, fees, or restitution. The individual posting bail for the defendant or the defendant admitted to bail under this subdivision must be notified by the sheriff, court, or clerk that the defendant's deposit may be forfeited under section 7 of this chapter or retained under subsection (b).

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



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

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

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

(7) Release the defendant on personal recognizance unless:

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

(i) of nonappearance; or

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

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

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

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

(b) Within thirty (30) days after disposition of the charges against the defendant, the court that admitted the defendant to bail shall order the clerk to remit the amount of the deposit remaining under subsection (a)(2) to the defendant. The portion of the deposit that is not remitted to the defendant shall be deposited by the clerk in the supplemental public defender services fund established under IC 33-40-3.

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

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

(1) collect a fee of five dollars (\$5) from each bond or deposit



- required under subsection (a)(1); and
- (2) retain a fee of five dollars (\$5) from each deposit under subsection (a)(2).

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

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

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

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

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

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



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

- (1) stating the title of the action and the name of the court in which the indictment or information is filed;
- (2) stating the name of the offense in the words of the statute or any other words conveying the same meaning;
- (3) citing the statutory provision alleged to have been violated, except that any failure to include such a citation or any error in such a citation does not constitute grounds for reversal of a conviction where the defendant was not otherwise misled as to the nature of the charges against the defendant;
- (4) setting forth the nature and elements of the offense charged in plain and concise language without unnecessary repetition;
- (5) stating the date of the offense with sufficient particularity to show that the offense was committed within the period of limitations applicable to that offense;
- (6) stating the time of the offense as definitely as can be done if time is of the essence of the offense;
- (7) stating the place of the offense with sufficient particularity to show that the offense was committed within the jurisdiction of the court where the charge is to be filed;
- (8) stating the place of the offense as definitely as can be done if the place is of the essence of the offense; and
- (9) stating the name of every defendant, if known, and if not known, by designating the defendant by any name or description by which ~~he~~ **the defendant** can be identified with reasonable certainty.

(b) An indictment shall be signed by:

- (1) the foreman or five (5) members of the grand jury; and
- (2) the prosecuting attorney or ~~his~~ **the prosecuting attorney's** deputy.

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

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

~~(d)~~ (e) The indictment or information shall be a plain, concise, and



definite written statement of the essential facts constituting the offense charged. It need not contain a formal commencement, a formal conclusion, or any other matter not necessary to the statement. Presumptions of law and matters of which judicial notice is taken need not be stated.

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

IN THE _____ COURT OF INDIANA, 20____

STATE OF INDIANA

vs. CAUSE NUMBER _____

A _____ B _____

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

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

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

- (1) a felony; or
- (2) a misdemeanor.

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

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

SEA 238 — Concur



knowledge concerning the issues presented at the hearing.

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

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

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

SECTION 119. IC 35-36-2-5, AS AMENDED BY P.L.117-2015, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 5. (a) Except as provided by subsection (e), whenever a defendant is found guilty but mentally ill at the time of the crime or enters a plea to that effect that is accepted by the court, the court shall sentence the defendant in the same manner as a defendant found guilty of the offense.

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

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

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

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

SEA 238 — Concur



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

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

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

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

SECTION 120. IC 35-36-3-1, AS AMENDED BY P.L.151-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. (a) If at any time before the final submission of any criminal case to the court or the jury trying the case, the court has reasonable grounds for believing that the defendant lacks the ability to understand the proceedings and assist in the preparation of a defense, the court shall immediately fix a time for a hearing to determine whether the defendant has that ability. The court shall appoint two (2) or three (3) competent, disinterested:

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

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

(b) At the hearing, other evidence relevant to whether the defendant has the ability to understand the proceedings and assist in the preparation of the defendant's defense may be introduced. If the court finds that the defendant has the ability to understand the proceedings and assist in the preparation of the defendant's defense, the trial shall proceed. If the court finds that the defendant lacks this ability, it shall



delay or continue the trial and order the defendant committed to the division of mental health and addiction. The division of mental health and addiction shall provide competency restoration services or enter into a contract for the provision of competency restoration services by a third party in the:

- (1) location where the defendant currently resides; or
- (2) least restrictive setting appropriate to the needs of the defendant and the safety of the defendant and others.

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

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

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

- (b) A determination under subsection (a) must be based upon:
- (1) evidence introduced at trial; or
 - (2) a factual basis provided as part of a guilty plea.

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

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

SECTION 122. IC 35-38-1-31, AS ADDED BY P.L.147-2012, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 31. (a) If a court imposes on a person convicted of a felony a sentence that involves a commitment to the department of correction, the court shall complete an abstract of judgment in an electronic format approved by the department of correction and the ~~division office~~ of ~~state court~~ **judicial** administration. The abstract of



judgment must include, but not be limited to:

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

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

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

- (1) Work faithfully at suitable employment or faithfully pursue a course of study or career and technical education that will equip the person for suitable employment.
- (2) Undergo available medical or psychiatric treatment and remain in a specified institution if required for that purpose.
- (3) Attend or reside in a facility established for the instruction, recreation, or residence of persons on probation.
- (4) Participate in a treatment program, educational class, or rehabilitative service provided by a probation department or by referral to an agency.
- (5) Support the person's dependents and meet other family responsibilities.
- (6) Make restitution or reparation to the victim of the crime for damage or injury that was sustained by the victim. When restitution or reparation is a condition of probation, the court shall fix the amount, which may not exceed an amount the person can or will be able to pay, and shall fix the manner of performance.
- (7) Execute a repayment agreement with the appropriate governmental entity to repay the full amount of public relief or assistance wrongfully received, and make repayments according to a repayment schedule set out in the agreement.
- (8) Pay a fine authorized by IC 35-50.
- (9) Refrain from possessing a firearm or other deadly weapon unless granted written permission by the court or the person's probation officer.
- (10) Report to a probation officer at reasonable times as directed by the court or the probation officer.



- (11) Permit the person's probation officer to visit the person at reasonable times at the person's home or elsewhere.
- (12) Remain within the jurisdiction of the court, unless granted permission to leave by the court or by the person's probation officer.
- (13) Answer all reasonable inquiries by the court or the person's probation officer and promptly notify the court or probation officer of any change in address or employment.
- (14) Perform uncompensated work that benefits the community.
- (15) Satisfy other conditions reasonably related to the person's rehabilitation.
- (16) Undergo home detention under IC 35-38-2.5.
- (17) Undergo a laboratory test or series of tests approved by the state department of health to detect and confirm the presence of the human immunodeficiency virus (HIV) antigen or antibodies to the human immunodeficiency virus (HIV), if:
 - (A) the person had been convicted of an offense relating to a criminal sexual act and the offense created an epidemiologically demonstrated risk of transmission of the human immunodeficiency virus (HIV); or
 - (B) the person had been convicted of an offense relating to a controlled substance and the offense involved:
 - (i) the delivery by any person to another person; or
 - (ii) the use by any person on another person; of a contaminated sharp (as defined in IC 16-41-16-2) or other paraphernalia that creates an epidemiologically demonstrated risk of transmission of HIV by involving percutaneous contact.
- (18) Refrain from any direct or indirect contact with an individual and, if convicted of an offense under IC 35-46-3, any animal belonging to the individual.
- (19) Execute a repayment agreement with the appropriate governmental entity or with a person for reasonable costs incurred because of the taking, detention, or return of a missing child (as defined in IC 10-13-5-4).
- (20) Periodically undergo a laboratory chemical test (as defined in IC 9-13-2-22) or series of chemical tests as specified by the court to detect and confirm the presence of a controlled substance (as defined in IC 35-48-1-9). The person on probation is responsible for any charges resulting from a test and shall have the results of any test under this subdivision reported to the person's probation officer by the laboratory.
- (21) If the person was confined in a penal facility, execute a



reimbursement plan as directed by the court and make repayments under the plan to the authority that operates the penal facility for all or part of the costs of the person's confinement in the penal facility. The court shall fix an amount that:

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

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

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

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

(23) Participate in a reentry court program.

(24) Receive:

(A) addiction counseling;

(B) mental health counseling;

(C) inpatient detoxification; and

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

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

(1) the conditions of probation; and

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

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

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

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

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

(1) the term of imprisonment;



- (2) the days or parts of days during which a person is to be confined; and
- (3) the conditions.

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

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

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

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

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

to provide a DNA sample as a condition of probation.

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

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

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

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

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



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

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

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

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

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

SECTION 125. An emergency is declared for this act.



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

SEA 238 — Concur

