

February 17, 1998

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**ENGROSSED  
SENATE BILL No. 429**

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DIGEST OF SB0429 (Updated February 17, 1998 12:05 pm - DI 51)

**Citations Affected:** IC 5-2; IC 35-38.

**Synopsis:** Sex and violent offender registry. Expands the sex offender registry to include offenders who have been convicted of kidnapping or criminal confinement of a victim less than 18 years of age. Requires a local law enforcement agency to immediately notify the Indiana criminal justice institute whenever an offender registers with the local law enforcement authority. Provides that not more than three days after an offender who is required to register is released from a correctional facility, an official of the correctional facility shall send to the Indiana  
(Continued next page)

**Effective:** July 1, 1998.

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**Bray, Alexa, Randolph, Zakas,  
Wyss, Bowser**

(HOUSE SPONSORS — CROSBY, AYRES, DVORAK)

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January 13, 1998, read first time and referred to Committee on Corrections, Criminal and Civil Procedures.

January 29, 1998, amended, reported favorably — Do Pass.

February 2, 1998, read second time, ordered engrossed. Engrossed.

February 3, 1998, read third time, passed. Yeas 48, nays 1.

**HOUSE ACTION**

February 10, 1998, read first time and referred to Committee on Courts and Criminal Code.

February 17, 1998, reported — Do Pass.

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state police certain information. Requires a law enforcement agency to conduct a mailing in order to verify the address of an offender who is required to register. Provides that whenever an offender is sentenced for committing certain sex offenses, the sentencing court shall determine whether the person is a sexually violent predator. Requires a person who is adjudicated a sexually violent predator to register for an indefinite period unless a court, at least ten years after the person is sentenced, finds that the person is no longer a sexually violent predator. Allows a person who is a sexually violent predator to petition a court, not earlier than ten years after the person is sentenced, to consider whether the person continues to be a sexually violent predator. Requires a court to consult with two psychologists or psychiatrists who have expertise in criminal behavioral disorders whenever the court considers whether a person is a sexually violent predator. Requires a court to send notice to the Indiana criminal justice institute whenever a person is found no longer to be a sexually violent predator. Classifies a nongovernmental entity that performs a governmental function for a criminal justice agency as a criminal justice agency for the purposes of the law governing the collection and release of criminal history information. Allows the distribution of a limited criminal history upon a request related to a child care volunteer or sex offender even if the offender petitions to have access limited. Provides that an offender who is required to register with the sex and violent offender registry may not petition a court for a change of name. Provides that if an offender who is required to register with the sex and violent offender registry changes the offender's name due to marriage, the offender must notify the Indiana criminal justice institute not more than 30 days after the name change. Makes conforming amendments.

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February 17, 1998

Second Regular Session 110th General Assembly (1998)

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 1997 General Assembly.

## ENGROSSED SENATE BILL No. 429

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

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

- 1 SECTION 1. IC 5-2-4-1 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE JULY 1, 1998]: Sec. 1. As used in this chapter, unless  
3 the context otherwise requires:  
4 (a) "Criminal history information" means information collected by  
5 criminal justice agencies or individuals consisting of identifiable  
6 descriptions and notations of arrests, detentions, indictments,  
7 informations, or other formal criminal charges, and any disposition  
8 arising therefrom, sentencing, correctional supervision, and release.  
9 (b) "Criminal intelligence information" means information on  
10 identifiable individuals compiled in an effort to anticipate, prevent or  
11 monitor possible criminal activity. "Criminal intelligence information"  
12 does not include criminal investigative information which is  
13 information on identifiable individuals compiled in the course of the  
14 investigation of specific criminal acts.  
15 (c) "Criminal justice agency" means any agency or department of

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1 any level of government which performs as its principal function the  
 2 apprehension, prosecution, adjudication, incarceration, rehabilitation  
 3 of criminal offenders, or location of parents with child support  
 4 obligations under 42 U.S.C. 653. **The term includes a**  
 5 **nongovernmental entity that performs as its principal function the:**

6 **(1) apprehension, prosecution, adjudication, incarceration, or**  
 7 **rehabilitation of criminal offenders; or**

8 **(2) location of parents with child support obligations under 42**  
 9 **U.S.C. 653;**

10 **under a contract with an agency or department of any level of**  
 11 **government.**

12 SECTION 2. IC 5-2-5-1, AS AMENDED BY P.L.32-1996,  
 13 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 14 JULY 1, 1998]: Sec. 1. The following definitions apply throughout this  
 15 chapter:

16 (1) "Limited criminal history" means information with respect to  
 17 any arrest, indictment, information, or other formal criminal  
 18 charge, which must include a disposition. However, information  
 19 about any arrest, indictment, information, or other formal criminal  
 20 charge which occurred less than one (1) year before the date of a  
 21 request shall be considered a limited criminal history even if no  
 22 disposition has been entered.

23 (2) "Council" means the security and privacy council created  
 24 under section 11 of this chapter.

25 (3) "Criminal history data" means information collected by  
 26 criminal justice agencies, the United States Department of Justice  
 27 for the department's information system, or individuals. The term  
 28 consists of the following:

29 (A) Identifiable descriptions and notations of arrests,  
 30 indictments, informations, or other formal criminal charges.

31 (B) Information regarding an offender (as defined in  
 32 IC 5-2-12-4) obtained through sex offender registration under  
 33 IC 5-2-12.

34 (C) Any disposition, including sentencing, and correctional  
 35 system intake, transfer, and release.

36 (4) "Criminal justice agency" means any agency or department of  
 37 any level of government whose principal function is the  
 38 apprehension, prosecution, adjudication, incarceration, probation,  
 39 rehabilitation, or representation of criminal offenders, the location  
 40 of parents with child support obligations under 42 U.S.C. 653, the  
 41 licensing and regulating of riverboat gambling operations, or the  
 42 licensing and regulating of pari-mutuel horse racing operations.



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1 The term includes the Medicaid fraud control unit for the purpose  
 2 of investigating offenses involving Medicaid. **The term includes**  
 3 **a nongovernmental entity that performs as its principal**  
 4 **function the:**

5 (A) **apprehension, prosecution, adjudication, incarceration,**  
 6 **or rehabilitation of criminal offenders;**

7 (B) **location of parents with child support obligations**  
 8 **under 42 U.S.C. 653;**

9 (C) **licensing and regulating of riverboat gambling**  
 10 **operations; or**

11 (D) **licensing and regulating of pari-mutuel horse racing**  
 12 **operations;**

13 **under a contract with an agency or department of any level of**  
 14 **government.**

15 (5) "Department" means the state police department.

16 (6) "Disposition" means information disclosing that criminal  
 17 proceedings have been concluded or indefinitely postponed.

18 (7) "Inspection" means visual perusal and includes the right to  
 19 make memoranda abstracts of the information.

20 (8) "Institute" means the Indiana criminal justice institute  
 21 established under IC 5-2-6.

22 (9) "Law enforcement agency" means an agency or a department  
 23 of any level of government whose principal function is the  
 24 apprehension of criminal offenders.

25 (10) "Protective order" has the meaning set forth in IC 5-2-9-2.1.

26 (11) "Release" means the furnishing of a copy, or an edited copy,  
 27 of criminal history data.

28 (12) "Reportable offenses" means all felonies and those Class A  
 29 misdemeanors which the superintendent may designate.

30 (13) "Request" means the asking for release or inspection of a  
 31 limited criminal history by noncriminal justice organizations or  
 32 individuals in a manner which:

33 (A) reasonably ensures the identification of the subject of the  
 34 inquiry; and

35 (B) contains a statement of the purpose for which the  
 36 information is requested.

37 (14) "Unidentified person" means a deceased or mentally  
 38 incapacitated person whose identity is unknown.

39 SECTION 3. IC 5-2-5-7, AS AMENDED BY P.L.11-1994,  
 40 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 41 JULY 1, 1998]: Sec. 7. (a) Except as provided in subsection (c), on  
 42 request for release or inspection of a limited criminal history, law

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1 enforcement agencies may and the department shall do the following:

2 (1) Require a form, provided by them, to be completed. This form  
3 shall be maintained for a period of two (2) years and shall be  
4 available to the record subject upon request.

5 (2) Collect a three dollar (\$3) fee to defray the cost of processing  
6 a request for inspection.

7 (3) Collect a seven dollar (\$7) fee to defray the cost of processing  
8 a request for release. However, law enforcement agencies and the  
9 department may not charge the fee for requests received from the  
10 parent locator service of the child support bureau of the division  
11 of family and children.

12 (b) Law enforcement agencies and the department shall edit  
13 information so that the only information released or inspected is  
14 information which:

15 (1) has been requested; and

16 (2) is limited criminal history information.

17 (c) The fee required under subsection (a) shall be waived if the  
18 request is from the institute for conviction information that will be used  
19 to establish or update the sex **and violent** offender registry under  
20 IC 5-2-12.

21 SECTION 4. IC 5-2-6-3, AS AMENDED BY P.L.36-1997,  
22 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
23 JULY 1, 1998]: Sec. 3. (a) The institute is established to do the  
24 following:

25 (1) Evaluate state and local programs associated with:

26 (A) the prevention, detection, and solution of criminal  
27 offenses;

28 (B) law enforcement; and

29 (C) the administration of criminal and juvenile justice.

30 (2) Improve and coordinate all aspects of law enforcement,  
31 juvenile justice, and criminal justice in this state.

32 (3) Stimulate criminal and juvenile justice research.

33 (4) Develop new methods for the prevention and reduction of  
34 crime.

35 (5) Prepare applications for funds under the Omnibus Act and the  
36 Juvenile Justice Act.

37 (6) Administer victim and witness assistance funds.

38 (7) Administer the traffic safety functions assigned to the institute  
39 under IC 9-27-2.

40 (8) Compile and analyze information and disseminate the  
41 information to persons who make criminal justice decisions in this  
42 state.



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- 1 (9) Serve as the criminal justice statistical analysis center for this  
 2 state.  
 3 (10) Establish and maintain, in cooperation with the office of the  
 4 secretary of family and social services, a sex **and violent** offender  
 5 registry.  
 6 (11) Administer the application and approval process for  
 7 designating an area of a consolidated or second class city as a  
 8 public safety improvement area under IC 36-8-19.5.  
 9 (b) The registry established under subsection (a)(10) must include  
 10 the names of all persons who:  
 11 (1) have been convicted in Indiana **before or after June 30,**  
 12 **1998,** of:  
 13 (A) rape ( IC 35-42-4-1);  
 14 (B) criminal deviate conduct ( IC 35-42-4-2);  
 15 (C) child molesting ( IC 35-42-4-3);  
 16 (D) child exploitation ( IC 35-42-4-4(b));  
 17 (E) vicarious sexual gratification ( IC 35-42-4-5);  
 18 (F) child solicitation ( IC 35-42-4-6);  
 19 (G) child seduction ( IC 35-42-4-7);  
 20 (H) sexual misconduct with a minor as a Class A or Class B  
 21 felony ( IC 35-42-4-9);  
 22 (I) incest ( IC 35-46-1-3); or  
 23 (J) sexual battery ( IC 35-42-4-8); **or**  
 24 (2) **have been convicted in Indiana after June 30, 1998, of:**  
 25 (A) **kidnapping (IC 35-42-3-2), if the victim is less than**  
 26 **eighteen (18) years of age; or**  
 27 (B) **criminal confinement (IC 35-42-3-3), if the victim is**  
 28 **less than eighteen (18) years of age; or**  
 29 (2) (3) are residing in Indiana and have been convicted in another  
 30 state of a ~~sex an~~ offense that is substantially equivalent to any of  
 31 the ~~sex~~ offenses ~~listed~~ **specified** in subdivision (1) **or violent**  
 32 **offenses specified in subdivision (2).**  
 33 SECTION 5. IC 5-2-6-14, AS AMENDED BY P.L.11-1994,  
 34 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 35 JULY 1, 1998]: Sec. 14. (a) The victim and witness assistance fund is  
 36 established. The institute shall administer the fund. Except as provided  
 37 in subsection (e), expenditures from the fund may be made only in  
 38 accordance with appropriations made by the general assembly.  
 39 (b) The source of the victim and witness assistance fund is the  
 40 family violence and victim assistance fund established by IC 12-18-5-2.  
 41 (c) The institute may use money from the victim and witness  
 42 assistance fund when awarding a grant or entering into a contract under

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1 this chapter, if the money is used for the support of a program in the  
 2 office of a prosecuting attorney or in a state or local law enforcement  
 3 agency designed to:

4 (1) help evaluate the physical, emotional, and personal needs of  
 5 a victim resulting from a crime, and counsel or refer the victim to  
 6 those agencies or persons in the community that can provide the  
 7 services needed;

8 (2) provide transportation for victims and witnesses of crime to  
 9 attend proceedings in the case when necessary; or

10 (3) provide other services to victims or witnesses of crime when  
 11 necessary to enable them to participate in criminal proceedings  
 12 without undue hardship or trauma.

13 (d) Money in the victim and witness assistance fund at the end of a  
 14 particular fiscal year does not revert to the general fund.

15 (e) The institute may use money in the fund to:

16 (1) pay the costs of administering the fund, including  
 17 expenditures for personnel and data;

18 (2) establish and maintain the sex **and violent** offender registry  
 19 under IC 5-2-12; and

20 (3) provide training for persons to assist victims.

21 SECTION 6. IC 5-2-12-4, AS AMENDED BY P.L.36-1997,  
 22 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 23 JULY 1, 1998]: Sec. 4. As used in this chapter, "offender" refers to:

24 (1) a person convicted in Indiana after June 30, 1994, of:

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

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

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

28 (D) child exploitation ( IC 35-42-4-4(b));

29 (E) vicarious sexual gratification ( IC 35-42-4-5);

30 (F) child solicitation ( IC 35-42-4-6);

31 (G) child seduction ( IC 35-42-4-7);

32 (H) sexual misconduct with a minor as a Class A or Class B  
 33 felony ( IC 35-42-4-9);

34 (I) incest ( IC 35-46-1-3); or

35 (J) sexual battery ( IC 35-42-4-8);

36 (2) a person convicted in Indiana after June 30, 1998, of:

37 (A) kidnapping (IC 35-42-3-2), if the victim is less than  
 38 eighteen (18) years of age; or

39 (B) criminal confinement (IC 35-42-3-3), if the victim is  
 40 less than eighteen (18) years of age;

41 (3) a child who:

42 (A) is at least fourteen (14) years of age;



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- 1 (B) is on probation, is on parole, or is discharged from a  
 2 facility by the department of correction as a result of an  
 3 adjudication as a delinquent child for an act that would be an  
 4 offense described in subdivision (1) **or (2)** if committed by an  
 5 adult; and  
 6 (C) is found by a court by clear and convincing evidence to be  
 7 likely to repeat an act that would be an offense described in  
 8 subdivision (1) **or (2)** if committed by an adult; or  
 9 ~~(C)~~ **(4)** a person residing in Indiana who was convicted after:  
 10 (A) June 30, 1994, in another state of a ~~sex~~ **an** offense that is  
 11 substantially equivalent to any of the ~~sex~~ offenses listed in  
 12 subdivision (1); **or**  
 13 **(B) June 30, 1998, in another state of an offense that is**  
 14 **substantially equivalent to any of the violent offenses listed**  
 15 **in subdivision (2).**

16 SECTION 7. IC 5-2-12-4.5 IS ADDED TO THE INDIANA CODE  
 17 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 18 1, 1998]: **Sec. 4.5. As used in this chapter, "sexually violent**  
 19 **predator" means an individual who suffers from a mental**  
 20 **abnormality or personality disorder that makes the individual**  
 21 **likely to repeatedly engage in any of the offenses described in**  
 22 **section 4 of this chapter.**

23 SECTION 8. IC 5-2-12-5, AS AMENDED BY P.L.33-1996,  
 24 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 25 JULY 1, 1998]: Sec. 5. (a) An offender shall register with each local  
 26 law enforcement authority having jurisdiction in the area where the  
 27 offender resides or intends to reside for more than seven (7) days. The  
 28 offender shall register not more than seven (7) days after the offender  
 29 arrives at the place where the offender resides or intends to reside.

30 (b) ~~An offender's duty to register expires ten (10) years after the date~~  
 31 ~~the offender is released from prison or any other facility operated by~~  
 32 ~~the department of correction, placed on parole, or placed on probation,~~  
 33 ~~whichever occurs last. **Whenever an offender registers with a local**~~  
 34 **law enforcement authority under subsection (a), the local law**  
 35 **enforcement agency shall immediately notify the institute of the**  
 36 **offender's registration.**

37 SECTION 9. IC 5-2-12-7, AS ADDED BY P.L.11-1994, SECTION  
 38 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
 39 1998]: Sec. 7. (a) At least thirty (30) days but not more than ninety (90)  
 40 days before an offender who is required to register under this chapter  
 41 is scheduled to be released from a correctional facility, an official of  
 42 the correctional facility shall do the following:

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- 1 (1) Inform the offender of the offender's duty to register under this  
 2 chapter and require the offender to sign a written statement that  
 3 the offender was informed or, if the offender refuses to sign the  
 4 statement, certify that the offender was informed of the duty to  
 5 register.  
 6 (2) Obtain the address where the offender expects to reside after  
 7 the offender's release.  
 8 (3) Inform the applicable local law enforcement authority having  
 9 jurisdiction in the area where the offender expects to reside of the  
 10 offender's name, release date, new address, and the offense  
 11 committed by the offender.

12 **(b) Notwithstanding any other law, not more than three (3) days**  
 13 **after an offender who is required to register under this chapter is**  
 14 **released from a correctional facility, an official of the correctional**  
 15 **facility shall send to the state police the following:**

- 16 (1) The offender's fingerprints, photograph, and identification  
 17 factors.  
 18 (2) The address where the offender expects to reside after the  
 19 offender's release.  
 20 (3) The complete criminal history data (as defined in  
 21 IC 5-2-5-1) of the offender.  
 22 (4) Information regarding the offender's past treatment for  
 23 mental disorders.  
 24 (5) Information as to whether the offender has been  
 25 determined to be a sexually violent predator.

26 SECTION 10. IC 5-2-12-7.5 IS ADDED TO THE INDIANA CODE  
 27 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 28 1, 1998]: **Sec. 7.5. Notwithstanding any other law, upon receiving**  
 29 **an offender's fingerprints from a correctional facility, the state**  
 30 **police shall immediately send the fingerprints to the Federal**  
 31 **Bureau of Investigation.**

32 SECTION 11. IC 5-2-12-8.5 IS ADDED TO THE INDIANA CODE  
 33 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 34 1, 1998]: **Sec. 8.5. (a) To verify an offender's current residence, the**  
 35 **local law enforcement agency shall do the following:**

- 36 (1) Mail each offender a verification form to the offender's  
 37 listed address at least one (1) time per year, beginning one (1)  
 38 year after the date the offender is:  
 39 (A) released from a correctional facility operated by the  
 40 department of correction;  
 41 (B) placed on parole; or  
 42 (C) placed on probation;



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1           **whichever occurs last.**

2           **(2) Mail a verification form to each offender who is designated**  
 3           **a sexually violent predator under IC 35-38-1-7.5 at least once**  
 4           **every ninety (90) days beginning ninety (90) days after the**  
 5           **date the offender is:**

6               **(A) released from a correctional facility operated by the**  
 7               **department of correction;**

8               **(B) placed on parole; or**

9               **(C) placed on probation;**

10           **whichever occurs last.**

11           **(b) If an offender fails to return a signed verification form either**  
 12           **by mail or in person, the local law enforcement agency shall**  
 13           **immediately notify the institute.**

14           SECTION 12. IC 5-2-12-8.6 IS ADDED TO THE INDIANA CODE  
 15           AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 16           1, 1998]: **Sec. 8.6. (a) An offender who is required to register under**  
 17           **this chapter may not petition for a change of name under**  
 18           **IC 34-4-6.**

19           **(b) If an offender who is required to register under this chapter**  
 20           **changes the offender's name due to marriage, the offender must**  
 21           **notify the criminal justice institute not more than thirty (30) days**  
 22           **after the name change.**

23           SECTION 13. IC 5-2-12-10, AS ADDED BY P.L.11-1994,  
 24           SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 25           JULY 1, 1998]: **Sec. 10. The institute shall update the sex and violent**  
 26           **offender registry at least one (1) time every six (6) months.**

27           SECTION 14. IC 5-2-12-11, AS ADDED BY P.L.11-1994,  
 28           SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29           JULY 1, 1998]: **Sec. 11. The institute shall make the sex and violent**  
 30           **offender registry available on a computer disk. Each time the registry**  
 31           **is updated under section 10 of this chapter, the institute shall send one**  
 32           **(1) paper copy of the sex and violent offender registry to:**

33               (1) all school corporations (as defined in IC 20-1-6-1);

34               (2) all nonpublic schools (as defined in IC 20-10.1-1-3);

35               (3) a state agency that licenses individuals who work with  
 36               children;

37               (4) the state personnel department to screen individuals who may  
 38               be hired to work with children;

39               (5) all child care facilities licensed by or registered in the state of  
 40               Indiana; and

41               (6) other entities that:

42                   (A) provide services to children; and



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1 (B) request the registry.  
 2 A copy of the sex **and violent** offender registry provided to an entity  
 3 under subdivision (5) or (6) may not include the home address of an  
 4 offender whose name appears in the registry.

5 SECTION 15. IC 5-2-12-12, AS AMENDED BY P.L.33-1996,  
 6 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 7 JULY 1, 1998]: Sec. 12. When the institute sends a copy of the sex **and**  
 8 **violent** offender registry to an entity under section 11 of this chapter,  
 9 the institute shall include a notice using the following or similar  
 10 language: "A person whose name appears on this registry has been  
 11 convicted of a sex offense **or a violent offense** against a child or has  
 12 been adjudicated a delinquent child for an act involving another child  
 13 that would be a sex **or violent** offense if committed by an adult.  
 14 Continuing to employ a person whose name appears on this registry  
 15 may result in civil liability for the employer."

16 SECTION 16. IC 5-2-12-13, AS AMENDED BY P.L.33-1996,  
 17 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 18 JULY 1, 1998]: Sec. 13. (a) **Except as provided in subsection (b)**, an  
 19 offender's duty to register expires ten (10) years after the date the  
 20 offender is released from prison or any other facility operated by the  
 21 department of correction, placed on parole, or placed on probation,  
 22 whichever occurs last.

23 (b) **An offender who is found to be a sexually violent predator**  
 24 **by a court under IC 35-38-1-7.5(b) is required to register for an**  
 25 **indefinite period unless a court, assisted by a board of experts,**  
 26 **finds that the offender is no longer a sexually violent predator**  
 27 **under IC 35-38-1-7.5(c).**

28 SECTION 17. IC 35-38-1-7.5 IS ADDED TO THE INDIANA  
 29 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 30 [EFFECTIVE JULY 1, 1998]: Sec. 7.5. (a) **As used in this section,**  
 31 **"sexually violent predator" has the meaning set forth in**  
 32 **IC 5-2-12-4.5.**

33 (b) **This section applies whenever a court sentences a person for**  
 34 **a sex offense listed in IC 5-2-12-4(1)(A) through IC 5-2-12-4(1)(J)**  
 35 **for which the person is required to register with local law**  
 36 **enforcement agency under IC 5-2-12-5.**

37 (c) **At the sentencing hearing, the court shall determine whether**  
 38 **the person is a sexually violent predator. Before making a**  
 39 **determination under this section, the court shall consult with a**  
 40 **board of experts consisting of two (2) board certified psychologists**  
 41 **or psychiatrists who have expertise in criminal behavioral**  
 42 **disorders.**



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**(d) If the court finds that a person is a sexually violent predator:**  
**(1) the person is required to register with local law enforcement agency as provided in IC 5-2-12-13(b); and**  
**(2) the court shall send notice of its finding under this subsection to the criminal justice institute.**

**(e) A person who is found by a court to be a sexually violent predator under subsection (c) may petition the court to consider whether the person is no longer a sexually violent predator. The person may file a petition under this subsection not earlier than ten (10) years after the sentencing court makes its finding under subsection (c). A person may file a petition under this subsection not more than one (1) time per year. If a court finds that the person is no longer a sexually violent predator, the court shall send notice to the Indiana criminal justice institute that the person is no longer considered a sexually violent predator.**

**SECTION 18. IC 35-38-5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 5. (a) This section does not apply to a request to a law enforcement agency for the release or inspection of a limited criminal history to a noncriminal justice organization or individual whenever the subject of the request is described in IC 5-2-5-5(a)(8) or IC 5-2-5-5(a)(11).**

**(b) A person may petition the state police department to limit access to his limited criminal history to criminal justice agencies if more than fifteen (15) years have elapsed since the date the person was discharged from probation, imprisonment, or parole (whichever is later) for the last conviction for a crime.**

**~~(b)~~ (c) When a petition is filed under subsection ~~(a)~~, (b), the state police department shall not release limited criminal history to noncriminal justice agencies under IC 5-2-5-5.**

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SENATE MOTION

Mr. President: I move that Senator Randolph be added as coauthor of Senate Bill 429.

BRAY

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SENATE MOTION

Mr. President: I move that Senator Zakas be added as coauthor of Senate Bill 429.

BRAY

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SENATE MOTION

Mr. President: I move that Senator Wyss be added as coauthor of Senate Bill 429.

BRAY

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## COMMITTEE REPORT

Mr. President: The Senate Committee on Corrections, Criminal and Civil Procedures, to which was referred Senate Bill 429, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 8, line 15, delete "institute" and insert "**state police**".

Page 8, between lines 23 and 24, begin a new line block indented and insert:

**"(5) Information as to whether the offender has been determined to be a sexually violent predator."**

Page 8, line 27, delete "institute" and insert "**state police**".

Page 9, between lines 11 and 12, begin a new paragraph and insert:

**"SECTION 12. IC 5-2-12-8.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 8.6. (a) An offender who is required to register under this chapter may not petition for a change of name under IC 34-4-6.**

**(b) If an offender who is required to register under this chapter changes the offender's name due to marriage, the offender must notify the criminal justice institute not more than thirty (30) days after the name change."**

Page 10, line 24, delete "the sex and violent" and insert "**local law enforcement agency**".

Page 10, line 25, delete "offender registry".

Page 10, line 33, delete "the sex and violent" and insert "**local law enforcement agency**".

Page 10, line 34, delete "offender registry".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to Senate Bill 429 as introduced.)

MEEKS, Chairperson

Committee Vote: Yeas 5, Nays 2.

ES 429—LS 7212/DI 76+



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COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 429, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

DVORAK, Chair

Committee Vote: yeas 9, nays 0.

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