

January 28, 1998

HOUSE BILL No. 1411

DIGEST OF HB 1411 (Updated January 27, 1998 1:36 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 state police department 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
(Continued next page)

Effective: July 1, 1998.

Dvorak, Crosby

January 13, 1998, read first time and referred to Committee on Rules and Legislative Procedures; reassigned to Committee on Courts and Criminal Code.
January 27, 1998, amended, reported — Do Pass.

HB 1411—LS 6388/DI 13



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violent predator to register with the sex and violent offender registry 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. Makes conforming amendments.

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January 28, 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.

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HOUSE BILL No. 1411

A BILL FOR AN ACT to amend the Indiana Code.

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
16 any level of government which performs as its principal function the

HB 1411—LS 6388/DI 13



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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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- 1 (1) Require a form, provided by them, to be completed. This form
 2 shall be maintained for a period of two (2) years and shall be
 3 available to the record subject upon request.
 4 (2) Collect a three dollar (\$3) fee to defray the cost of processing
 5 a request for inspection.
 6 (3) Collect a seven dollar (\$7) fee to defray the cost of processing
 7 a request for release. However, law enforcement agencies and the
 8 department may not charge the fee for requests received from the
 9 parent locator service of the child support bureau of the division
 10 of family and children.
- 11 (b) Law enforcement agencies and the department shall edit
 12 information so that the only information released or inspected is
 13 information which:
 14 (1) has been requested; and
 15 (2) is limited criminal history information.
- 16 (c) The fee required under subsection (a) shall be waived if the
 17 request is from the institute for conviction information that will be used
 18 to establish or update the sex **and violent** offender registry under
 19 IC 5-2-12.
- 20 SECTION 4. IC 5-2-6-3, AS AMENDED BY P.L.36-1997,
 21 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 1998]: Sec. 3. (a) The institute is established to do the
 23 following:
 24 (1) Evaluate state and local programs associated with:
 25 (A) the prevention, detection, and solution of criminal
 26 offenses;
 27 (B) law enforcement; and
 28 (C) the administration of criminal and juvenile justice.
 29 (2) Improve and coordinate all aspects of law enforcement,
 30 juvenile justice, and criminal justice in this state.
 31 (3) Stimulate criminal and juvenile justice research.
 32 (4) Develop new methods for the prevention and reduction of
 33 crime.
 34 (5) Prepare applications for funds under the Omnibus Act and the
 35 Juvenile Justice Act.
 36 (6) Administer victim and witness assistance funds.
 37 (7) Administer the traffic safety functions assigned to the institute
 38 under IC 9-27-2.
 39 (8) Compile and analyze information and disseminate the
 40 information to persons who make criminal justice decisions in this
 41 state.
 42 (9) Serve as the criminal justice statistical analysis center for this



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

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1 office of a prosecuting attorney or in a state or local law enforcement
2 agency designed to:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

40 ~~(2)~~ **(3) a child who:**

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

42 (B) is on probation, is on parole, or is discharged from a

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

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

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

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

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

- 42 (1) Inform the offender of the offender's duty to register under this



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1 chapter and require the offender to sign a written statement that
 2 the offender was informed or, if the offender refuses to sign the
 3 statement, certify that the offender was informed of the duty to
 4 register.

5 (2) Obtain the address where the offender expects to reside after
 6 the offender's release.

7 (3) Inform the applicable local law enforcement authority having
 8 jurisdiction in the area where the offender expects to reside of the
 9 offender's name, release date, new address, and the offense
 10 committed by the offender.

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

15 (1) **The offender's fingerprints, photograph, and identification**
 16 **factors.**

17 (2) **The address where the offender expects to reside after the**
 18 **offender's release.**

19 (3) **The complete criminal history data (as defined in**
 20 **IC 5-2-5-1) of the offender.**

21 (4) **Information regarding the offender's past treatment for**
 22 **mental disorders.**

23 SECTION 10. IC 5-2-12-7.5 IS ADDED TO THE INDIANA CODE
 24 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 25 1, 1998]: **Sec. 7.5. Notwithstanding any other law, upon receiving**
 26 **an offender's fingerprints from a correctional facility, the state**
 27 **police department shall immediately send the fingerprints to the**
 28 **Federal Bureau of Investigation.**

29 SECTION 11. IC 5-2-12-8.5 IS ADDED TO THE INDIANA CODE
 30 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 31 1, 1998]: **Sec. 8.5. (a) To verify an offender's current residence, the**
 32 **local law enforcement agency shall do the following:**

33 (1) **Mail each offender a verification form to the offender's**
 34 **listed address at least one (1) time per year, beginning one (1)**
 35 **year after the date the offender is:**

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

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

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

40 **whichever occurs last.**

41 (2) **Mail a verification form to each offender who is designated**
 42 **a sexually violent predator under IC 35-38-1-7.5 at least once**

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1 every ninety (90) days beginning ninety (90) days after the
2 date the offender is:

3 (A) released from a correctional facility operated by the
4 department of correction;

5 (B) placed on parole; or

6 (C) placed on probation;

7 whichever occurs last.

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

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

15 SECTION 13. IC 5-2-12-11, AS ADDED BY P.L.11-1994,
16 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 JULY 1, 1998]: Sec. 11. The institute shall make the sex **and violent**
18 offender registry available on a computer disk. Each time the registry
19 is updated under section 10 of this chapter, the institute shall send one
20 (1) paper copy of the sex **and violent** offender registry to:

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

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

23 (3) a state agency that licenses individuals who work with
24 children;

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

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

29 (6) other entities that:

30 (A) provide services to children; and

31 (B) request the registry.

32 A copy of the sex **and violent** offender registry provided to an entity
33 under subdivision (5) or (6) may not include the home address of an
34 offender whose name appears in the registry.

35 SECTION 14. IC 5-2-12-12, AS AMENDED BY P.L.33-1996,
36 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 1998]: Sec. 12. When the institute sends a copy of the sex **and**
38 **violent** offender registry to an entity under section 11 of this chapter,
39 the institute shall include a notice using the following or similar
40 language: "A person whose name appears on this registry has been
41 convicted of a sex offense **or a violent offense** against a child or has
42 been adjudicated a delinquent child for an act involving another child



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1 that would be a sex **or violent** offense if committed by an adult.
 2 Continuing to employ a person whose name appears on this registry
 3 may result in civil liability for the employer."

4 SECTION 15. IC 5-2-12-13, AS AMENDED BY P.L.33-1996,
 5 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 1998]: Sec. 13. (a) **Except as provided in subsection (b)**, an
 7 offender's duty to register expires ten (10) years after the date the
 8 offender is released from prison or any other facility operated by the
 9 department of correction, placed on parole, or placed on probation,
 10 whichever occurs last.

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

16 SECTION 16. IC 35-38-1-7.5 IS ADDED TO THE INDIANA
 17 CODE AS A NEW SECTION TO READ AS FOLLOWS
 18 [EFFECTIVE JULY 1, 1998]: Sec. 7.5. (a) **As used in this section,**
 19 **"sexually violent predator" has the meaning set forth in**
 20 **IC 5-2-12-4.5.**

21 (b) **This section applies whenever a court sentences a person for**
 22 **a sex offense listed in IC 5-2-12-4(1)(A) through IC 5-2-12-4(1)(J)**
 23 **for which the person is required to register with the sex and violent**
 24 **offender registry under IC 5-2-12-5.**

25 (c) **At the sentencing hearing, the court shall determine whether**
 26 **the person is a sexually violent predator. Before making a**
 27 **determination under this section, the court shall consult with a**
 28 **board of experts consisting of two (2) board certified psychologists**
 29 **or psychiatrists who have expertise in criminal behavioral**
 30 **disorders.**

31 (d) **If the court finds that a person is a sexually violent predator:**

32 (1) **the person is required to register with the sex and violent**
 33 **offender registry as provided in IC 5-2-12-13(b); and**

34 (2) **the court shall send notice of its finding under this**
 35 **subsection to the criminal justice institute.**

36 (e) **A person who is found by a court to be a sexually violent**
 37 **predator under subsection (c) may petition the court to consider**
 38 **whether the person is no longer a sexually violent predator. The**
 39 **person may file a petition under this subsection not earlier than ten**
 40 **(10) years after the sentencing court makes its finding under**
 41 **subsection (c). A person may file a petition under this subsection**
 42 **not more than one (1) time per year. If a court finds that the person**



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1 **is no longer a sexually violent predator, the court shall send notice**
2 **to the Indiana criminal justice institute that the person is no longer**
3 **considered a sexually violent predator.**

4 SECTION 17. IC 35-38-5-5 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 5. (a) **This section does**
6 **not apply to a request to a law enforcement agency for the release**
7 **or inspection of a limited criminal history to a noncriminal justice**
8 **organization or individual whenever the subject of the request is**
9 **described in IC 5-2-5-5(a)(8) or IC 5-2-5-5(a)(11).**

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

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

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1411, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to House Bill 1411 as introduced.)

DVORAK, Chair

Committee Vote: yeas 11, nays 1.

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