

SENATE BILL No. 71

DIGEST OF INTRODUCED BILL

Citations Affected: IC 34-4-6.

Synopsis: Inmate name changes. Prohibits a person confined to a correctional facility from petitioning for a change of name if the person seeks to file the action as an indigent person, resulting in a waiver of the filing fees.

Effective: July 1, 1998.

Waterman

January 6, 1998, read first time and referred to Committee on Corrections, Criminal and Civil Procedures.



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.

SENATE BILL No. 71

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

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

1 SECTION 1. IC 34-4-6-1 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 1998]: Sec. 1. **Except as provided in section**
3 **1.5 of this chapter**, the circuit courts in the several counties of this
4 state may change the names of natural persons on application by
5 petition.

6 SECTION 2. IC 34-4-6-1.5 IS ADDED TO THE INDIANA CODE
7 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
8 1, 1998]: **Sec. 1.5. A person may not petition for a change of name**
9 **under this chapter if:**

10 (1) **the person is confined to a department of correction**
11 **facility; and**

12 (2) **the person seeks to file the action as an indigent person**
13 **under IC 33-19-3-2 without paying the required fees.**

14 SECTION 3. IC 34-4-6-3 IS AMENDED TO READ AS FOLLOWS
15 [EFFECTIVE JULY 1, 1998]: Sec. 3. (a) Upon a petition being filed
16 for such change, the applicant shall give notice thereof by three (3)
17 weekly publications in some newspaper of general circulation



1 published in the county wherein the petition is filed in court, or, if no
 2 newspaper be published therein, in a newspaper published nearest
 3 thereto in some adjoining county, the last of which weekly publications
 4 shall be published at least thirty (30) days prior to the day when such
 5 petition shall be heard as therein indicated.

6 (b) In the case of a petition described in section 2(b) of this chapter,
 7 the petitioner must publish the first notice of the petition not more than
 8 seven (7) days after the date the petition is filed.

9 (c) In the case of a petition described in section 2(b) of this chapter,
 10 the notice required by this section must include the following:

- 11 (1) The name of the petitioner.
- 12 (2) The name of the minor child whose name is to be changed.
- 13 (3) The new name desired.
- 14 (4) The name of the court in which the action is pending.
- 15 (5) The date on which the petition was filed.
- 16 (6) A statement of the rights of any person to appear at the
 17 hearing and to file objections.

18 (d) **Except as provided in section 1.5 of this chapter**, in the case
 19 of a person who has had a felony conviction within ten (10) years
 20 before filing a petition for a change of name, the petitioner must give
 21 notice of the filing of the petition at least thirty (30) days before the
 22 hearing to:

- 23 (1) the sheriff of the county in which the petitioner resides;
- 24 (2) the prosecuting attorney of the county in which the petitioner
 25 resides; and
- 26 (3) the Indiana central repository for criminal history information.

27 (e) The notice given to the Indiana central repository for criminal
 28 history information under subsection (d) must include the petitioner's
 29 full current name, requested name change, date of birth, address, and
 30 physical description, and a full set of classifiable fingerprints.

31 (f) The Indiana central repository for criminal history information
 32 shall forward a copy of any criminal records of the petitioner to the
 33 court for the court's information.

34 (g) A copy of the court decree granting or denying such a petition
 35 shall be sent to the Indiana state police.

36 (h) A person who violates subsection (d) commits a Class A
 37 misdemeanor.

