

SENATE BILL No. 429

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-2; IC 35-38-1-7.5; IC 35-38-5-5.

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 criminal justice institute certain information. Requires a law
(Continued next page)

Effective: July 1, 1998.

Bray, Alexa

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

C
O
P
Y



Digest Continued

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 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.

C
o
p
y



Introduced

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.

C
O
P
Y

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



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.



C
O
P
Y

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

C
O
P
Y



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.

C
O
P
Y



- 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

C
O
P
Y

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;

C
O
P
Y



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 ~~(3)~~ **(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:



C
O
P
Y

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

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

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

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

39 (B) placed on parole; or

40 (C) placed on probation;

41 whichever occurs last.

42 (2) Mail a verification form to each offender who is designated

C
O
P
Y



1 a sexually violent predator under IC 35-38-1-7.5 at least once
 2 every ninety (90) days beginning ninety (90) days after the
 3 date the offender is:

- 4 (A) released from a correctional facility operated by the
 5 department of correction;
 6 (B) placed on parole; or
 7 (C) placed on probation;
 8 whichever occurs last.

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

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

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

- 22 (1) all school corporations (as defined in IC 20-1-6-1);
 23 (2) all nonpublic schools (as defined in IC 20-10.1-1-3);
 24 (3) a state agency that licenses individuals who work with
 25 children;
 26 (4) the state personnel department to screen individuals who may
 27 be hired to work with children;
 28 (5) all child care facilities licensed by or registered in the state of
 29 Indiana; and
 30 (6) other entities that:
 31 (A) provide services to children; and
 32 (B) request the registry.

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

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

C
O
P
Y



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

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

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

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

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

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

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

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

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

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



C
O
P
Y

1 **not more than one (1) time per year. If a court finds that the person**
 2 **is no longer a sexually violent predator, the court shall send notice**
 3 **to the Indiana criminal justice institute that the person is no longer**
 4 **considered a sexually violent predator.**

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

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

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

C
O
P
Y

