



March 12, 1999

**ENGROSSED
HOUSE BILL No. 1446**

DIGEST OF HB 1446 (Updated March 10, 1999 4:04 pm - DI 71)

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

Synopsis: Criminal history checks for school volunteers. Allows a school corporation or nonpublic school to request a limited criminal history for an adult who volunteers for a position in which the adult will have contact with, care of, or supervision over a student. Provides that a school corporation or nonpublic school may not be charged a fee for the limited criminal history. Makes a corresponding change to a related section.

Effective: July 1, 1999.

Dickinson

(SENATE SPONSORS — SERVER, BREAUX, ROGERS)

January 19, 1999, read first time and referred to Committee on Education.
February 8, 1999, reported — Do Pass.
February 11, 1999, read second time, ordered engrossed. Engrossed.
February 15, 1999, read third time, passed. Yeas 95, nays 0.

SENATE ACTION

February 22, 1999, read first time and referred to Committee on Education.
March 11, 1999, amended, reported favorably — Do Pass.

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EH 1446—LS 7008/DI 71+



March 12, 1999

First Regular Session 111th General Assembly (1999)

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 1998 General Assembly.

ENGROSSED HOUSE BILL No. 1446

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

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

- 1 SECTION 1. IC 5-2-5-5 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 1999]: Sec. 5. (a) Except as provided in
3 subsection (b), on request, law enforcement agencies shall release or
4 allow inspection of a limited criminal history to noncriminal justice
5 organizations or individuals only if the subject of the request:
6 (1) has applied for employment with a noncriminal justice
7 organization or individual;
8 (2) has applied for a license and criminal history data as required
9 by law to be provided in connection with the license;
10 (3) is a candidate for public office or a public official;
11 (4) is in the process of being apprehended by a law enforcement
12 agency;
13 (5) is placed under arrest for the alleged commission of a crime;
14 (6) has charged that his rights have been abused repeatedly by
15 criminal justice agencies;
16 (7) is the subject of judicial decision or determination with

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1 respect to the setting of bond, plea bargaining, sentencing, or
2 probation;

3 (8) has volunteered services that involve contact with, care of, or
4 supervision over a child who is being placed, matched, or
5 monitored by a social services agency or a nonprofit corporation;
6 **(9) has volunteered services at a public school (as defined in
7 IC 20-10.1-1-2) or non-public school (as defined in
8 IC 20-10.1-1-3) that involve contact with, care of, or
9 supervision over a student enrolled in the school;**

10 ~~(9)~~ **(10)** is being investigated for welfare fraud by an investigator
11 of the division of family and children or a county office of family
12 and children;

13 ~~(10)~~ **(11)** is being sought by the parent locator service of the child
14 support bureau of the division of family and children; or

15 ~~(11)~~ **(12)** has been convicted of any of the following:

16 (A) Rape (IC 35-42-4-1), if the victim is less than eighteen
17 (18) years of age.

18 (B) Criminal deviate conduct (IC 35-42-4-2), if the victim is
19 less than eighteen (18) years of age.

20 (C) Child molesting (IC 35-42-4-3).

21 (D) Child exploitation (IC 35-42-4-4(b)).

22 (E) Possession of child pornography (IC 35-42-4-4(c)).

23 (F) Vicarious sexual gratification (IC 35-42-4-5).

24 (G) Child solicitation (IC 35-42-4-6).

25 (H) Child seduction (IC 35-42-4-7).

26 (I) Incest (IC 35-46-1-3), if the victim is less than eighteen
27 (18) years of age.

28 However, limited criminal history information obtained from the
29 National Crime Information Center may not be released under this
30 section except to the extent permitted by the Attorney General of the
31 United States.

32 (b) A law enforcement agency shall allow inspection of a limited
33 criminal history by and release a limited criminal history to the
34 following noncriminal justice organizations:

35 (1) Federally chartered or insured banking institutions.

36 (2) Officials of state and local government for the purpose of
37 employment and licensing.

38 (3) Segments of the securities industry identified under 15 U.S.C.
39 78q(f)(2).

40 (c) Any person who uses limited criminal history for any purpose
41 not specified under this section commits a Class A misdemeanor.

42 SECTION 2. IC 5-2-5-13 IS AMENDED TO READ AS FOLLOWS

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1 [EFFECTIVE JULY 1, 1999]: Sec. 13. (a) The department may not
 2 charge a fee for responding to a request for the release of a limited
 3 criminal history record if the request is made by a nonprofit
 4 organization that:

5 (1) has been in existence for at least ten (10) years; and

6 (2) either:

7 (A) has a primary purpose of providing an individual
 8 relationship for a child with an adult volunteer if the request
 9 is made as part of a background investigation of a prospective
 10 adult volunteer for the organization; or

11 (B) is a home health agency licensed under IC 16-27-1.

12 (b) The department may not charge a fee for responding to a request
 13 for the release of a limited criminal history record made by the division
 14 of family and children or a county office of family and children if the
 15 request is made as part of a background investigation of an applicant
 16 for a license under IC 12-17.2 or IC 12-17.4.

17 **(c) The department may not charge a fee for responding to a**
 18 **request for the release of a limited criminal history if the request**
 19 **is made by a school corporation (as defined in IC 20-10.1-1-1) or**
 20 **non-public school (as defined in IC 20-10.1-1-3) as part of a**
 21 **background investigation of an adult volunteer for the school**
 22 **corporation or non-public school.**

23 SECTION 3. IC 35-38-5-5 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. (a) This section does
 25 not apply to a request to a law enforcement agency for the release or
 26 inspection of a limited criminal history to a noncriminal justice
 27 organization or individual whenever the subject of the request is
 28 described in IC 5-2-5-5(a)(8) or ~~IC 5-2-5-5(a)(11)~~: **IC 5-2-5-5(a)(12)**.

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

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

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1446, 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.

PORTER, Chair

Committee Vote: yeas 14, nays 0.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Education, to which was referred House Bill No. 1446, 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 2, line 6, after "20-10.1-1-2)" insert "**or non-public school (as defined in IC 20-10.1-1-3)**".

Page 3, line 17, after "20-10.1-1-1)" insert "**or non-public school (as defined in IC 20-10.1-1-3)**".

Page 3, line 19, delete "." and insert "**or non-public school.**".
and when so amended that said bill do pass.

(Reference is to HB 1446 as printed February 9, 1999.)

WEATHERWAX, Chairperson

Committee Vote: Yeas 8, Nays 0.

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