



February 9, 1999

HOUSE BILL No. 1446

DIGEST OF HB1446 (Updated February 8, 1999 1:18 pm - DI 02)

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

Synopsis: Criminal history checks for school volunteers. Allows a school corporation 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 may not be charged a fee for the limited criminal history. Makes a corresponding change to a related section.

Effective: July 1, 1999.

Dickinson

January 19, 1999, read first time and referred to Committee on Education.
February 8, 1999, reported — Do Pass.

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HB 1446—LS 7008/DI 71+



February 9, 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.

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
17 respect to the setting of bond, plea bargaining, sentencing, or

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- 1 probation;
- 2 (8) has volunteered services that involve contact with, care of, or
- 3 supervision over a child who is being placed, matched, or
- 4 monitored by a social services agency or a nonprofit corporation;
- 5 **(9) has volunteered services at a public school (as defined in**
- 6 **IC 20-10.1-1-2) that involve contact with, care of, or**
- 7 **supervision over a student enrolled in the school;**
- 8 ~~(9)~~ (10) is being investigated for welfare fraud by an investigator
- 9 of the division of family and children or a county office of family
- 10 and children;
- 11 ~~(10)~~ (11) is being sought by the parent locator service of the child
- 12 support bureau of the division of family and children; or
- 13 ~~(11)~~ (12) has been convicted of any of the following:
- 14 (A) Rape (IC 35-42-4-1), if the victim is less than eighteen
- 15 (18) years of age.
- 16 (B) Criminal deviate conduct (IC 35-42-4-2), if the victim is
- 17 less than eighteen (18) years of age.
- 18 (C) Child molesting (IC 35-42-4-3).
- 19 (D) Child exploitation (IC 35-42-4-4(b)).
- 20 (E) Possession of child pornography (IC 35-42-4-4(c)).
- 21 (F) Vicarious sexual gratification (IC 35-42-4-5).
- 22 (G) Child solicitation (IC 35-42-4-6).
- 23 (H) Child seduction (IC 35-42-4-7).
- 24 (I) Incest (IC 35-46-1-3), if the victim is less than eighteen
- 25 (18) years of age.

26 However, limited criminal history information obtained from the

27 National Crime Information Center may not be released under this

28 section except to the extent permitted by the Attorney General of the

29 United States.

30 (b) A law enforcement agency shall allow inspection of a limited

31 criminal history by and release a limited criminal history to the

32 following noncriminal justice organizations:

- 33 (1) Federally chartered or insured banking institutions.
- 34 (2) Officials of state and local government for the purpose of
- 35 employment and licensing.
- 36 (3) Segments of the securities industry identified under 15 U.S.C.
- 37 78q(f)(2).

38 (c) Any person who uses limited criminal history for any purpose

39 not specified under this section commits a Class A misdemeanor.

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

41 [EFFECTIVE JULY 1, 1999]: Sec. 13. (a) The department may not

42 charge a fee for responding to a request for the release of a limited

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1 criminal history record if the request is made by a nonprofit
2 organization that:

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

4 (2) either:

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

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

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

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

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

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

31 (c) When a petition is filed under subsection (b), the state police
32 department shall not release limited criminal history to noncriminal
33 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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