



March 19, 2003

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**ENGROSSED**  
**HOUSE BILL No. 1049**

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DIGEST OF HB 1049 (Updated March 18, 2003 11:09 AM - DI 106)

**Citations Affected:** IC 5-2.

**Synopsis:** Waiver of charges for criminal record checks. Exempts area agencies on aging, community action agencies, hospice programs, and community mental health centers from paying a fee to obtain limited criminal history records.

**Effective:** July 1, 2003.

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**Frenz, Porter, Ulmer, GiaQuinta**

(SENATE SPONSORS — SKILLMAN, HUME, BREAUX, WATERMAN)

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January 7, 2003, read first time and referred to Committee on Courts and Criminal Code.  
February 3, 2003, amended, reported — Do Pass.  
February 6, 2003, read second time, ordered engrossed. Engrossed.  
February 10, 2003, read third time, passed. Yeas 93, nays 0.

SENATE ACTION

February 11, 2003, read first time and referred to Committee on Criminal, Civil and Public Policy.  
March 18, 2003, amended, reported favorably — Do Pass.

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EH 1049—LS 6215/DI 107+



March 19, 2003

First Regular Session 113th General Assembly (2003)

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 2002 Regular or Special Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1049

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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 5-2-5-13, AS AMENDED BY P.L.109-2002,  
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2003]: Sec. 13. (a) The department may not charge a fee for  
4 responding to a request for the release of a limited criminal history  
5 record if the request is made by a nonprofit organization:  
6 (1) that has been in existence for at least ten (10) years; and  
7 (2) that:  
8 (A) has a primary purpose of providing an individual  
9 relationship for a child with an adult volunteer if the request  
10 is made as part of a background investigation of a prospective  
11 adult volunteer for the organization;  
12 (B) is a home health agency licensed under IC 16-27-1;  
13 (C) is a community mental retardation and other  
14 developmental disabilities center (as defined in IC 12-7-2-39);  
15 **or**  
16 (D) is a supervised group living facility licensed under  
17 IC 12-28-5;

**EH 1049—LS 6215/DI 107+**



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- 1           **(E) is an area agency on aging designated under**
- 2           **IC 12-10-1;**
- 3           **(F) is a community action agency (as defined in**
- 4           **IC 12-14-23-2);**
- 5           **(G) is the owner or operator of a hospice program licensed**
- 6           **under IC 16-25-3; or**
- 7           **(H) is a community mental health center (as defined in**
- 8           **IC 12-7-2-38).**

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

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

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1049, 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:

Page 1, line 17, delete "or".

Page 2, line 2, delete "." and insert ";".

Page 2, between lines 2 and 3, begin a new line double block indented and insert:

**"(F) is a community action agency (as defined in IC 12-14-23-2); or**

**(G) is the owner or operator of a hospice program licensed under IC 16-25-3."**

and when so amended that said bill do pass.

(Reference is to HB 1049 as introduced.)

WEINZAPFEL, Chair

Committee Vote: yeas 12, nays 0.

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SENATE MOTION

Mr. President: I move that Senator Waterman be added as cosponsor of Engrossed House Bill 1049.

SKILLMAN

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COMMITTEE REPORT

Mr. President: The Senate Committee on Criminal, Civil and Public Policy, to which was referred House Bill No. 1049, 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 4, delete "or".

Page 2, line 6, delete "." and insert "; or

**(H) is a community mental health center (as defined in IC 12-7-2-38).**".

and when so amended that said bill do pass.

(Reference is to HB 1049 as printed February 4, 2003.)

LONG, Chairperson

Committee Vote: Yeas 8, Nays 0.

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