

COMMITTEE REPORT

MR. PRESIDENT:

The Senate Committee on Transportation and Homeland Security, to which was referred House Bill No. 1935, 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:

- 1 Replace the effective dates in SECTIONS 1 through 14 with
- 2 "[EFFECTIVE UPON PASSAGE]".
- 3 Page 3, between lines 25 and 26, begin a new paragraph and insert:
- 4 "**Sec. 2. This chapter does not apply to a political subdivision.**".
- 5 Page 3, line 26, delete "2." and insert "3.".
- 6 Page 3, line 29, delete "3." and insert "4.".
- 7 Page 3, delete lines 33 through 42, begin a new paragraph and
- 8 insert:
- 9 "SECTION 4. IC 4-33-4-18 IS AMENDED TO READ AS
- 10 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. The state police
- 11 department shall assist the commission in conducting background
- 12 investigations of applicants. **The commission may forward all**
- 13 **fingerprints required to be submitted by license applicants under**
- 14 **IC 4-33 to the Federal Bureau of Investigation or any other agency**
- 15 **for the purpose of screening applicants.** The commission shall
- 16 reimburse the state police department for the costs incurred by the state
- 17 police department as a result of the assistance. The commission shall
- 18 make the payment from fees collected from applicants.".
- 19 Delete page 4.
- 20 Page 5, delete lines 1 through 39.

1 Page 10, line 4, delete "the lists unless access to the lists" and insert
2 **"the list unless access to the list"**.

3 Page 14, line 23, delete "and".

4 Page 14, line 25, delete "volunteers." and insert **"volunteers;**
5 **(I) infrastructure records that disclose the configuration of**
6 **critical systems such as communication, electrical,**
7 **ventilation, water, and wastewater systems; and**
8 **(J) detailed drawings or specifications of structural**
9 **elements, floor plans, and operating, utility, or security**
10 **systems, whether in paper or electronic form, of any**
11 **building or facility located on an airport (as defined in**
12 **IC 8-21-1-1) that is owned, occupied, leased, or maintained**
13 **by a public agency. A record described in this clause may**
14 **not be released for public inspection by the department of**
15 **fire and building services without the prior approval of the**
16 **public agency that submitted the record to the department.**
17 **The submitting agency:**

18 **(i) is responsible for determining whether the public**
19 **disclosure of a record or a part of a record has a**
20 **reasonable likelihood of threatening public safety by**
21 **exposing a vulnerability to terrorist attack; and**

22 **(ii) must identify a record described under item (i) and**
23 **clearly mark the record as "confidential and not subject**
24 **to public disclosure under IC 5-14-3-4(19)(I) without**
25 **approval of (insert name of submitting public agency)".**

26 **This subdivision does not apply to a record or portion of a**
27 **record pertaining to a location or structure owned or**
28 **protected by a public agency in the event that an act of**
29 **terrorism under IC 35-47-12-1 or an act of agricultural**
30 **terrorism under IC 35-47-12-2 has occurred at that location**
31 **or structure, unless release of the record or portion of the**
32 **record would have a reasonable likelihood of threatening**
33 **public safety by exposing a vulnerability of other locations or**
34 **structures to terrorist attack."**

35 Page 14, between lines 30 and 31, begin a new line double block
36 indented and insert:

37 **"(C) Social Security number."**

38 Page 17, delete line 42.

1 Page 18, delete lines 1 through 26, begin a new paragraph and
2 insert:

3 "SECTION 10. IC 9-14-3-5, AS AMENDED BY HEA 1968-2003,
4 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2003]: Sec. 5. (a) Except as provided in subsection (b), (c), or
6 (d), the bureau shall prepare and deliver information on titles,
7 registrations, and licenses and permits upon the request of any person.
8 All requests must be submitted in writing to the bureau and, unless
9 exempted under IC 9-29, must be accompanied by the payment of the
10 fee prescribed in IC 9-29-2-2.

11 (b) The bureau ~~may~~ **shall** not disclose:

- 12 (1) the Social Security number;
- 13 (2) the federal identification number;
- 14 (3) the driver's license number;
- 15 (4) the digital image of the driver's license applicant; ~~or~~
- 16 (5) a reproduction of the signature secured under IC 9-24-9-1 or
17 IC 9-24-16-3; **or**

18 **(6) medical or disability information;**

19 of any person except to a law enforcement officer or an agent or a
20 designee of the department of state revenue **or for uses permitted**
21 **under IC 9-14-3.5-10(1), IC 9-14-3.5-10(4), IC 9-14-3.5-10(6), and**
22 **IC 9-14-3.5-10(9).**

23 (c) As provided under 42 U.S.C. 1973gg-3(b), the commission may
24 not disclose any information concerning the failure of an applicant for
25 a motor vehicle driver's license to sign a voter registration application,
26 except as authorized under IC 3-7-14.

27 (d) The commission may not disclose any information concerning
28 the failure of an applicant for a title, registration, license, or permit
29 (other than a motor vehicle license described under subsection (c)) to
30 sign a voter registration application, except as authorized under
31 IC 3-7-14."

32 Page 20, between lines 34 and 35, begin a new paragraph and insert:

33 "SECTION 13. IC 10-13-3-36, AS ADDED BY SEA 257-2003,
34 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 JULY 1, 2003]: Sec. 36. (a) The department may not charge a fee for
36 responding to a request for the release of a limited criminal history
37 record if the request is made by a nonprofit organization:

- 38 (1) that has been in existence for at least ten (10) years; and

- 1 (2) that:
- 2 (A) has a primary purpose of providing an individual
- 3 relationship for a child with an adult volunteer if the request
- 4 is made as part of a background investigation of a prospective
- 5 adult volunteer for the organization;
- 6 (B) is a home health agency licensed under IC 16-27-1;
- 7 (C) is a community mental retardation and other
- 8 developmental disabilities center (as defined in IC 12-7-2-39);
- 9 or
- 10 (D) is a supervised group living facility licensed under
- 11 IC 12-28-5.

12 (b) **Except as provided in subsection (d),** the department may not

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

14 criminal history record made by the division of family and children or

15 a county office of family and children if the request is made as part of

16 a background investigation of an applicant for a license under

17 IC 12-17.2 or IC 12-17.4.

18 (c) The department may not charge a fee for responding to a request

19 for the release of a limited criminal history if the request is made by a

20 school corporation, special education cooperative, or non-public school

21 (as defined in IC 20-10.1-1-3) as part of a background investigation of

22 an employee or adult volunteer for the school corporation, special

23 education cooperative, or nonpublic school.

24 (d) **As used in this subsection, "state agency" means an**

25 **authority, a board, a branch, a commission, a committee, a**

26 **department, a division, or another instrumentality of state**

27 **government, including the executive and judicial branches of state**

28 **government, the principal secretary of the senate, the principal**

29 **clerk of the house of representatives, the executive director of the**

30 **legislative services agency, a state elected official's office, or a body**

31 **corporate and politic, but does not include a state educational**

32 **institution (as defined in IC 20-12-0.5-1). The department may not**

33 **charge a fee for responding to a request for the release of a limited**

34 **criminal history if the request is made:**

- 35 (1) by a state agency; and
- 36 (2) through the computer gateway that is administered by the
- 37 intelnet commission under IC 5-21-2 and known as
- 38 accessIndiana.

1 SECTION 14. IC 10-13-3-38.5 IS ADDED TO THE INDIANA
 2 CODE AS A NEW SECTION TO READ AS FOLLOWS
 3 [EFFECTIVE UPON PASSAGE]: **Sec. 38.5. (a) Under federal**
 4 **P.L.92-544 (86 Stat. 1115), the department may use an individual's**
 5 **fingerprints submitted by the individual for the following**
 6 **purposes:**

7 (1) **Determining the individual's suitability for employment**
 8 **with the state, or as an employee of a contractor of the state,**
 9 **in a position:**

10 (A) **that has a job description that includes contact with,**
 11 **care of, or supervision over a person less than eighteen (18)**
 12 **years of age;**

13 (B) **that has a job description that includes contact with,**
 14 **care of, or supervision over an endangered adult (as**
 15 **defined in IC 12-10-3-2), except the individual is not**
 16 **required to meet the standard for harmed or threatened**
 17 **with harm set forth in IC 12-10-3-2(a)(3);**

18 (C) **at a state institution managed by the office of the**
 19 **secretary of family and social services or state department**
 20 **of health;**

21 (D) **at the Indiana School for the Deaf established by**
 22 **IC 20-16-2-1;**

23 (E) **at the Indiana School for the Blind established by**
 24 **IC 20-15-2-1;**

25 (F) **at a juvenile detention facility;**

26 (G) **with the gaming commission under IC 4-33-3-16;**

27 (H) **with the department of financial institutions under**
 28 **IC 28-11-2-3; or**

29 (I) **that has a job description that includes access to or**
 30 **supervision over state financial or personnel data,**
 31 **including state warrants, banking codes, or payroll**
 32 **information pertaining to state employees.**

33 (2) **Identification in a request related to an application for a**
 34 **teacher's license submitted to the professional standards**
 35 **board established under IC 20-1-1.4.**

36 **An applicant shall submit the fingerprints in an appropriate**
 37 **format or on forms provided for the employment or license**
 38 **application. The department shall charge each applicant the fee**

1 established under section 28 of this chapter and by federal
 2 authorities to defray the costs associated with a search for and
 3 classification of the applicant's fingerprints. The department may
 4 forward fingerprints submitted by an applicant to the Federal
 5 Bureau of Investigation or any other agency for processing. The
 6 state personnel department or the agency to which the applicant is
 7 applying for employment or a license may receive the results of all
 8 fingerprint investigations.

9 (b) An applicant who is an employee of the state may not be
 10 charged under subsection (a).

11 (c) Subsection (a)(1) does not apply to an employee of a
 12 contractor of the state if the contract involves the construction or
 13 repair of a capital project or other public works project of the
 14 state."

15 Page 21, after line 33, begin a new paragraph and insert:

16 "SECTION 15. [EFFECTIVE UPON PASSAGE] (a)
 17 Notwithstanding IC 9-14-3-5(b), the bureau of motor vehicles shall
 18 not disclose:

- 19 (1) the Social Security number;
- 20 (2) the federal identification number;
- 21 (3) the driver's license number;
- 22 (4) the digital image of the driver's license applicant;
- 23 (5) a reproduction of the signature secured under IC 9-24-9-1
 24 or IC 9-24-16-3; or
- 25 (6) medical or disability information;

26 of any person except to a law enforcement officer or an agent or a
 27 designee of the department of state revenue or for uses permitted
 28 under IC 9-14-3.5-10(1), IC 9-14-3.5-10(4), IC 9-14-3.5-10(6), and
 29 IC 9-14-3.5-10(9).

30 (b) This SECTION expires June 30, 2003.

31 SECTION 16. [EFFECTIVE UPON PASSAGE] (a) The state
 32 police department may not charge a fee for responding to a request
 33 for the release of a limited criminal history record if the request is
 34 made by a nonprofit organization:

- 35 (1) that has been in existence for at least ten (10) years; and
- 36 (2) that:
 - 37 (A) has a primary purpose of providing an individual
 - 38 relationship for a child with an adult volunteer if the

1 request is made as part of a background investigation of a
2 prospective adult volunteer for the organization;
3 (B) is a home health agency licensed under IC 16-27-1;
4 (C) is a community mental retardation and other
5 developmental disabilities center (as defined in
6 IC 12-7-2-39); or
7 (D) is a supervised group living facility licensed under
8 IC 12-28-5.

9 (b) Notwithstanding IC 5-2-5-13, except as provided in
10 subsection (d), the state police department may not charge a fee for
11 responding to a request for the release of a limited criminal history
12 record made by the division of family and children or a county
13 office of family and children if the request is made as part of a
14 background investigation of an applicant for a license under
15 IC 12-17.2 or IC 12-17.4.

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

23 (d) As used in this subsection, "state agency" means an
24 authority, a board, a branch, a commission, a committee, a
25 department, a division, or another instrumentality of state
26 government, including the executive and judicial branches of state
27 government, the principal secretary of the senate, the principal
28 clerk of the house of representatives, the executive director of the
29 legislative services agency, a state elected official's office, or a body
30 corporate and politic, but does not include a state educational
31 institution (as defined in IC 20-12-0.5-1). Notwithstanding
32 IC 5-2-5-13, the state police department may not charge a fee for
33 responding to a request for the release of a limited criminal history
34 if the request is made:

35 (1) by a state agency; and
36 (2) through the computer gateway that is administered by the
37 intelenet commission under IC 5-21-2 and known as
38 accessIndiana.

- 1 **(e) This SECTION expires June 30, 2003.**
- 2 **SECTION 17. An emergency is declared for this act."**
- 3 Renumber all SECTIONS consecutively.
 (Reference is to HB 1935 as printed February 26, 2003.)

and when so amended that said bill do pass.

Committee Vote: Yeas 6, Nays 0.

Wyss

Chairperson