



January 21, 2004

SENATE BILL No. 350

DIGEST OF SB 350 (Updated January 15, 2004 3:25 pm - DI nm)

Citations Affected: IC 4-1; IC 9-14; IC 9-16; IC 10-13.

Synopsis: Criminal history checks and BMV. Requires an applicant for employment or volunteer service with the bureau of motor vehicles or the bureau of motor vehicles commission, or employment with certain contractors with the bureau of motor vehicles commission, to undergo a limited criminal history check before employment or service may commence.

Effective: Upon passage.

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January 12, 2004, read first time and referred to Committee on Rules and Legislative Procedure.

January 20, 2004, amended; reassigned to Committee on Transportation and Homeland Security.

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January 21, 2004

Second Regular Session 113th General Assembly (2004)

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 2003 Regular Session of the General Assembly.

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SENATE BILL No. 350

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

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

1 SECTION 1. IC 4-1-9-3, AS ADDED BY P.L.261-2003, SECTION
2 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON
3 PASSAGE]: Sec. 3. (a) A body corporate and politic shall establish a
4 policy for conducting background checks of persons for purposes of
5 employment with the body corporate and politic.

6 (b) **In addition to the requirements of subsection (a), the bureau
7 of motor vehicles commission established by IC 9-15-1-1 must
8 establish a policy for conducting a background check for a person
9 who performs volunteer services for the commission.**

10 SECTION 2. IC 4-1-9-5 IS ADDED TO THE INDIANA CODE AS
11 A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON
12 PASSAGE]: Sec. 5. **An applicant:**

- 13 (1) **for employment with the bureau of motor vehicles
14 commission established by IC 9-15-1-1 or a contractor with
15 the commission under IC 9-16-1-4; or**
16 (2) **who wishes to perform volunteer services for the bureau
17 of motor vehicles commission;**

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1 **must undergo a limited criminal history check under IC 10-13-3-27**
2 **before the employment or the volunteer service may commence.**
3 **The request for the limited criminal history must be made through**
4 **the computer gateway that is administered by the intelenet**
5 **commission under IC 5-21-2 that is known as accessIndiana.**

6 SECTION 3. IC 9-14-1-4, AS AMENDED BY P.L.181-1999,
7 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 UPON PASSAGE]: Sec. 4. (a) The commissioner shall appoint and fix,
9 subject to the approval of the governor, the salaries of the deputies,
10 subordinate officers, clerks, and other employees necessary to carry out
11 this title, IC 6-6-5, IC 6-6-5.5, and IC 6-6-11.

12 **(b) An applicant:**
13 **(1) for employment with; or**
14 **(2) who wishes to perform volunteer service for;**
15 **the bureau must undergo a limited criminal history check as**
16 **provided under IC 10-13-3-27 before employment or volunteer**
17 **service may commence.**

18 SECTION 4. IC 9-16-1-4 IS AMENDED TO READ AS FOLLOWS
19 [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The commission may
20 contract with a qualified person for:

- 21 (1) the operation of a full service license branch under this
22 section; or
- 23 (2) **providing the provision of** partial services under section 4.5
24 of this chapter.

25 (b) A contract for the operation of a full service license branch must
26 include the following provisions:

- 27 (1) The contractor shall provide a full service license branch,
28 including the following services:
 - 29 (A) Vehicle titles.
 - 30 (B) Vehicle registration.
 - 31 (C) Driver's licenses.
 - 32 (D) Voter registration as provided in IC 3-7.
- 33 (2) The contractor shall provide trained personnel to properly
34 process branch transactions. **An applicant seeking employment**
35 **with the contractor must undergo a limited criminal history**
36 **check as provided in IC 4-1-9-5 before employment may**
37 **commence.**
- 38 (3) The contractor shall do the following:
 - 39 (A) Collect and transmit all bureau fees and taxes collected at
40 the license branch.
 - 41 (B) Deposit the taxes collected at the license branch with the
42 county treasurer in the manner prescribed by IC 6-3.5 or

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- 1 IC 6-6-5.
- 2 (4) The contractor shall generate a transaction volume sufficient
- 3 to justify the installation of bureau support systems.
- 4 (5) The contractor shall provide fidelity bond coverage in an
- 5 amount prescribed by the commission.
- 6 (6) The contractor may operate the license branch within a facility
- 7 used for other purposes.
- 8 (7) The contractor shall pay the cost of any post audits conducted
- 9 by the commission or the state board of accounts on an actual cost
- 10 basis.
- 11 (8) The commission shall provide support systems and driver's
- 12 license examiners on the same basis as state operated branches.
- 13 (9) The commission shall provide the same equipment to
- 14 contractors as is provided to state operated branches.
- 15 (10) The commission must approve each location and physical
- 16 facility based upon criteria developed by the commission.
- 17 (11) The term of the contract must be for a fixed period.
- 18 (12) The contractor shall agree to provide voter registration
- 19 services and to perform the same duties imposed on the
- 20 commission under IC 3-7.

21 SECTION 5. IC 9-16-4-3 IS ADDED TO THE INDIANA CODE
 22 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 23 UPON PASSAGE]: **Sec. 3. An applicant:**

- 24 (1) for employment with; or
- 25 (2) who wishes to perform volunteer service for;
- 26 **the commission must undergo a limited criminal history check as**
- 27 **provided in IC 4-1-9-5 before employment or volunteer service**
- 28 **may commence.**

29 SECTION 6. IC 10-13-3-27, AS ADDED BY P.L.2-2003,
 30 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 UPON PASSAGE]: **Sec. 27. (a)** Except as provided in subsection (b),
 32 on request, law enforcement agencies shall release or allow inspection
 33 of a limited criminal history to noncriminal justice organizations or
 34 individuals only if the subject of the request:

- 35 (1) has applied for employment with a noncriminal justice
- 36 organization or individual;
- 37 (2) has applied for a license and criminal history data as required
- 38 by law to be provided in connection with the license;
- 39 (3) is a candidate for public office or a public official;
- 40 (4) is in the process of being apprehended by a law enforcement
- 41 agency;
- 42 (5) is placed under arrest for the alleged commission of a crime;

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- 1 (6) has charged that the subject's rights have been abused
- 2 repeatedly by criminal justice agencies;
- 3 (7) is the subject of a judicial decision or determination with
- 4 respect to the setting of bond, plea bargaining, sentencing, or
- 5 probation;
- 6 (8) has volunteered services that involve contact with, care of, or
- 7 supervision over a child who is being placed, matched, or
- 8 monitored by a social services agency or a nonprofit corporation;
- 9 (9) has volunteered services at a public school (as defined in
- 10 IC 20-10.1-1-2) or non-public school (as defined in
- 11 IC 20-10.1-1-3) that involve contact with, care of, or supervision
- 12 over a student enrolled in the school;
- 13 (10) is being investigated for welfare fraud by an investigator of
- 14 the division of family and children or a county office of family
- 15 and children;
- 16 (11) is being sought by the parent locator service of the child
- 17 support bureau of the division of family and children;
- 18 (12) is or was required to register as a sex and violent offender
- 19 under IC 5-2-12; **or**
- 20 (13) has been convicted of any of the following:
- 21 (A) Rape (IC 35-42-4-1), if the victim is less than eighteen
- 22 (18) years of age.
- 23 (B) Criminal deviate conduct (IC 35-42-4-2), if the victim is
- 24 less than eighteen (18) years of age.
- 25 (C) Child molesting (IC 35-42-4-3).
- 26 (D) Child exploitation (IC 35-42-4-4(b)).
- 27 (E) Possession of child pornography (IC 35-42-4-4(c)).
- 28 (F) Vicarious sexual gratification (IC 35-42-4-5).
- 29 (G) Child solicitation (IC 35-42-4-6).
- 30 (H) Child seduction (IC 35-42-4-7).
- 31 (I) Sexual misconduct with a minor as a felony (IC 35-42-4-9).
- 32 (J) Incest (IC 35-46-1-3), if the victim is less than eighteen
- 33 (18) years of age; **or**
- 34 **(14) has volunteered service with the:**
- 35 **(A) bureau of motor vehicles commission (established by**
- 36 **IC 9-15-1-1); or**
- 37 **(B) bureau of motor vehicles (created under IC 9-14-1-1).**
- 38 However, limited criminal history information obtained from the
- 39 National Crime Information Center may not be released under this
- 40 section except to the extent permitted by the Attorney General of the
- 41 United States.
- 42 (b) A law enforcement agency shall allow inspection of a limited

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1 criminal history by and release a limited criminal history to the
2 following noncriminal justice organizations:
3 (1) Federally chartered or insured banking institutions.
4 (2) Officials of state and local government for any of the
5 following purposes:
6 (A) Employment with a state or local governmental entity.
7 (B) Licensing.
8 (3) Segments of the securities industry identified under 15 U.S.C.
9 78q(f)(2).
10 (c) Any person who uses limited criminal history for any purpose
11 not specified under this section commits a Class A misdemeanor.
12 **SECTION 7. An emergency is declared for this act.**

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COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 350, 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:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill be reassigned to the Senate Committee on Transportation and Homeland Security.

(Reference is to SB 350 as introduced.)

GARTON, Chairperson

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