
HOUSE BILL No. 1182

DIGEST OF INTRODUCED BILL

Citations Affected: IC 10-13-3; IC 12-10-17-12; IC 12-17-19-22; IC 12-17.2-3.5-12; IC 16-25-6; IC 16-27-2; IC 16-28-13; IC 20-26-5-10; IC 20-28; IC 22-1-5-13; IC 25-36.5-1-18; IC 31-9-2-22.5; IC 35-38-5-5; IC 10-13-3-11; IC 20-28-1-8.

Synopsis: Limited criminal history. Renames "limited criminal history" as "statewide criminal history", and defines the term to include information concerning any arrest or criminal charge. (Existing law excludes information older than one year for which there is no disposition.) Makes conforming amendments. Repeals two superseded definitions of "limited criminal history".

Effective: July 1, 2006.

Neese

January 9, 2006, read first time and referred to Committee on Courts and Criminal Code.

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Second Regular Session 114th General Assembly (2006)

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 2005 Regular Session of the General Assembly.

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HOUSE BILL No. 1182



A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

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

1 SECTION 1. IC 10-13-3-19 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 19. As used in this
3 chapter, "request" means asking for release or inspection of a ~~limited~~
4 **statewide** criminal history by noncriminal justice organizations or
5 individuals in a manner that:

- 6 (1) reasonably ensures the identification of the subject of the
7 inquiry; and
- 8 (2) contains a statement of the purpose for which the information
9 is requested.

10 SECTION 2. IC 10-13-3-21.5 IS ADDED TO THE INDIANA
11 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2006]: **Sec. 21.5. As used in this chapter,**
13 **"statewide criminal history" means information concerning any**
14 **arrest or criminal charge. If a disposition is available, the statewide**
15 **criminal history must include the disposition.**

16 SECTION 3. IC 10-13-3-27, AS AMENDED BY P.L.234-2005
17 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2006]: Sec. 27. (a) Except as provided in subsection (b), on
2 request, a law enforcement ~~agencies~~ **agency** shall release ~~or allow~~
3 ~~inspection of~~ a ~~limited statewide~~ criminal history to ~~or allow~~
4 **inspection of a statewide criminal history by** 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 are~~ **are**
9 required 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 the subject's rights have been abused
15 repeatedly by criminal justice agencies;
- 16 (7) is the subject of a judicial decision or determination with
17 respect to the setting of bond, plea bargaining, sentencing, or
18 probation;
- 19 (8) has volunteered services that involve contact with, care of, or
20 supervision over a child who is being placed, matched, or
21 monitored by a social services agency or a nonprofit corporation;
- 22 (9) is currently residing in a location designated by the
23 department of child services (established by IC 31-33-1.5-2) or by
24 a juvenile court as the out-of-home placement for a child at the
25 time the child will reside in the location;
- 26 (10) has volunteered services at a public school (as defined in
27 IC 20-18-2-15) or nonpublic school (as defined in IC 20-18-2-12)
28 that involve contact with, care of, or supervision over a student
29 enrolled in the school;
- 30 (11) is being investigated for welfare fraud by an investigator of
31 the division of family resources or a county office of family and
32 children;
- 33 (12) is being sought by the parent locator service of the child
34 support bureau of the division of family and children;
- 35 (13) is or was required to register as a sex and violent offender
36 under IC 5-2-12; or
- 37 (14) has been convicted of any of the following:
 - 38 (A) Rape (IC 35-42-4-1), if the victim is less than eighteen
39 (18) years of age.
 - 40 (B) Criminal deviate conduct (IC 35-42-4-2), if the victim is
41 less than eighteen (18) years of age.
 - 42 (C) Child molesting (IC 35-42-4-3).

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- 1 (D) Child exploitation (IC 35-42-4-4(b)).
- 2 (E) Possession of child pornography (IC 35-42-4-4(c)).
- 3 (F) Vicarious sexual gratification (IC 35-42-4-5).
- 4 (G) Child solicitation (IC 35-42-4-6).
- 5 (H) Child seduction (IC 35-42-4-7).
- 6 (I) Sexual misconduct with a minor as a felony (IC 35-42-4-9).
- 7 (J) Incest (IC 35-46-1-3), if the victim is less than eighteen
- 8 (18) years of age.

9 However, ~~limited statewide~~ criminal history information obtained from
 10 the National Crime Information Center may not be released under this
 11 section except to the extent permitted by the Attorney General of the
 12 United States.

13 (b) A law enforcement agency shall allow inspection of a ~~limited~~
 14 ~~statewide~~ criminal history by and release a ~~limited statewide~~ criminal
 15 history to the following noncriminal justice organizations:

- 16 (1) Federally chartered or insured banking institutions.
- 17 (2) Officials of state and local government for any of the
- 18 following purposes:
- 19 (A) Employment with a state or local governmental entity.
- 20 (B) Licensing.
- 21 (3) Segments of the securities industry identified under 15 U.S.C.
- 22 78q(f)(2).

23 (c) Any person who uses ~~limited statewide~~ criminal history for any
 24 purpose not specified under this section commits a Class A
 25 misdemeanor.

26 SECTION 4. IC 10-13-3-28 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 28. On request of an
 28 individual who has applied for employment with a noncriminal justice
 29 organization or individual, the Indiana central repository for criminal
 30 history information shall process a request for a ~~limited statewide~~
 31 criminal history check of the individual making the request from the
 32 Federal Bureau of Investigation's National Crime Information Center
 33 upon:

- 34 (1) the submission of fingerprints of the individual making the
- 35 request; and
- 36 (2) the payment of a fifteen dollar (\$15) fee.

37 SECTION 5. IC 10-13-3-29 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 29. A noncriminal
 39 justice organization or individual that receives a ~~limited statewide~~
 40 criminal history may not use it for purposes:

- 41 (1) other than those stated in the request; or
- 42 (2) that deny the subject any civil right to which the subject is

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1 entitled.

2 SECTION 6. IC 10-13-3-30 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 30. (a) Except as
4 provided in subsection (c), on request for release or inspection of a
5 ~~limited~~ **statewide** criminal history, law enforcement agencies may, if
6 the agency has complied with the reporting requirements in section 24
7 of this chapter, and the department shall do the following:

8 (1) Require a form, provided by law enforcement agencies and the
9 department, to be completed. The form shall be maintained for
10 two (2) years and shall be available to the record subject upon
11 request.

12 (2) Collect a three dollar (\$3) fee to defray the cost of processing
13 a request for inspection.

14 (3) Collect a seven dollar (\$7) fee to defray the cost of processing
15 a request for release. However, law enforcement agencies and the
16 department may not charge the fee for requests received from the
17 parent locator service of the child support bureau of the division
18 of family and children.

19 (b) Law enforcement agencies and the department shall edit
20 information so that the only information released or inspected is
21 information that:

22 (1) has been requested; and

23 (2) is ~~limited~~ **statewide** criminal history information.

24 (c) The fee required under subsection (a) shall be waived if the
25 request relates to the sex and violent offender directory under IC 5-2-6
26 or concerns a person required to register as a sex and violent offender
27 under IC 5-2-12.

28 SECTION 7. IC 10-13-3-36, AS AMENDED BY P.L.177-2005,
29 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 JULY 1, 2006]: Sec. 36. (a) The department may not charge a fee for
31 responding to a request for the release of a ~~limited~~ **statewide** criminal
32 history record if the request is made by a nonprofit organization:

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

34 (2) that:

35 (A) has a primary purpose of providing an individual
36 relationship for a child with an adult volunteer if the request
37 is made as part of a background investigation of a prospective
38 adult volunteer for the organization;

39 (B) is a home health agency licensed under IC 16-27-1;

40 (C) is a community mental retardation and other
41 developmental disabilities center (as defined in IC 12-7-2-39);

42 (D) is a supervised group living facility licensed under

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- 1 IC 12-28-5;
- 2 (E) is an area agency on aging designated under 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) Except as provided in subsection (d), the department may not
 10 charge a fee for responding to a request for the release of a ~~limited~~
 11 **statewide** criminal history record made by the division of family and
 12 children or a county office of family and children if the request is made
 13 as part of a background investigation of an applicant for a license under
 14 IC 12-17.2 or IC 12-17.4.

15 (c) The department may not charge a fee for responding to a request
 16 for the release of a ~~limited statewide~~ criminal history if the request is
 17 made by a school corporation, special education cooperative, or
 18 nonpublic school (as defined in IC 20-18-2-12) as part of a background
 19 investigation of an employee or adult volunteer for the school
 20 corporation, special education cooperative, or nonpublic school.

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

- 31 (1) by a state agency; and
- 32 (2) through the computer gateway that is administered by the
- 33 office of technology established by IC 4-13.1-2-1.

34 (e) The department may not charge a fee for responding to a request
 35 for the release of a ~~limited statewide~~ criminal history record made by
 36 the ~~health professions bureau~~ **Indiana professional licensing agency**
 37 established by IC 25-1-5-3 if the request is:

- 38 (1) made through the computer gateway that is administered by
- 39 the office of technology; and
- 40 (2) part of a background investigation of a practitioner or an
- 41 individual who has applied for a license issued by a board (as
- 42 defined in IC 25-1-9-1).

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1 SECTION 8. IC 12-10-17-12 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. (a) The division
3 shall register an individual who provides the following:

4 (1) A personal resume containing information concerning the
5 individual's qualifications, work experience, and any credentials
6 the individual may hold. The individual must certify that the
7 information contained in the resume is true and accurate.

8 (2) The individual's ~~limited~~ **statewide** criminal history check from
9 the Indiana central repository for criminal history information
10 under IC 10-13-3 or another source allowed by law.

11 (3) If applicable, the individual's state nurse aide registry report
12 from the state department of health. This subdivision does not
13 require an individual to be a nurse aide.

14 (4) Three (3) letters of reference.

15 (5) A registration fee. The division shall establish the amount of
16 the registration fee.

17 (6) Proof that the individual is at least eighteen (18) years of age.

18 (7) Any other information required by the division.

19 (b) A registration is valid for two (2) years. A personal services
20 attendant may renew the personal services attendant's registration by
21 updating any information in the file that has changed and by paying the
22 fee required under subsection (a)(5). The ~~limited~~ **statewide** criminal
23 history check and report required under subsection (a)(2) and (a)(3)
24 must be updated every two (2) years.

25 (c) The division and any organization designated under section 11
26 of this chapter shall maintain a file for each personal services attendant
27 that contains:

28 (1) comments related to the provision of attendant care services
29 submitted by an individual in need of self-directed in-home care
30 who has employed the personal services attendant; and

31 (2) the items described in subsection (a)(1) through (a)(4).

32 (d) Upon request, the division shall provide to an individual in need
33 of self-directed in-home care the following:

34 (1) Without charge, a list of personal services attendants who are
35 registered with the division and available within the requested
36 geographic area.

37 (2) A copy of the information of a specified personal services
38 attendant who is on file with the division under subsection (c).
39 The division may charge a fee for shipping, handling, and copying
40 expenses.

41 SECTION 9. IC 12-17-19-22, AS ADDED BY P.L.1-2005,
42 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JULY 1, 2006]: Sec. 22. The proposal submitted under section 21 of
 2 this chapter must comply with the following minimum requirements:
 3 (1) Include a detailed description of the manner in which the
 4 eligible programs available within the county are to be
 5 implemented, coordinated, and monitored.
 6 (2) Certify that each eligible entity shall request and obtain a
 7 ~~limited~~ **statewide** criminal history on each prospective employee
 8 hired by the eligible entity.
 9 (3) Designate a fiscal agent to administer the implementation
 10 grant.
 11 (4) Demonstrate how at least the following eligible programs may
 12 be offered, coordinated, and monitored within the entire county
 13 under an agreement with the providers of the following eligible
 14 programs:
 15 (A) Preschool, including Head Start under 42 U.S.C. 9831 et
 16 seq., special education preschool, or developmental child care
 17 programs for preschool children.
 18 (B) Child care programs.
 19 (C) The Early and Periodic Screening, Diagnosis, and
 20 Treatment program under 42 U.S.C. 1396 et seq.
 21 (D) Early intervention parent information programs.
 22 (E) Individual family service plans.
 23 (F) School age child care programs (commonly referred to as
 24 latch key programs).
 25 (G) Student reading skills improvement grants under 20
 26 U.S.C. 6361 et seq.
 27 (H) Parental involvement programs.
 28 (I) Child care programs aimed at serving children of teenage
 29 parents to encourage the teenage parents to graduate from high
 30 school or participate in vocational training.
 31 (J) Vocational training programs for unemployed parents.
 32 (K) Health, nutrition, and vaccination programs.
 33 (L) State medical assistance services for eligible individuals
 34 under IC 12-15.
 35 (5) Certify that the eligible programs described in subdivision (4)
 36 are provided at no cost to parents of children who qualify under
 37 the income eligibility guidelines and at an affordable or sliding
 38 fee for other parents.
 39 (6) Describe the manner in which the implementation grant will
 40 be directed to and expended by eligible programs.
 41 SECTION 10. IC 12-17.2-3.5-12 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. (a) A provider

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1 shall, at no expense to the state, maintain and make available to the
 2 division upon request a copy of a ~~limited~~ **statewide** criminal history
 3 for:

- 4 (1) the provider, if the provider is an individual;
 5 (2) if the provider operates a child care program in the provider's
 6 home, any individual who resides with the provider and who is:
 7 (A) at least eighteen (18) years of age; or
 8 (B) less than eighteen (18) years of age but has previously
 9 been waived from juvenile court to adult court; and
 10 (3) any individual who:
 11 (A) is employed; or
 12 (B) volunteers;
 13 as a caregiver at the facility where the provider operates a child
 14 care program.

15 A provider shall apply for a ~~limited~~ **statewide** criminal history for an
 16 individual described in subdivision (3) before the individual is
 17 employed or allowed to volunteer as a caregiver.

18 (b) In addition to the requirement under subsection (a), a provider
 19 shall report to the division any:

- 20 (1) police investigations;
 21 (2) arrests; and
 22 (3) criminal convictions;

23 not listed on a ~~limited~~ **statewide** criminal history obtained under
 24 subsection (a) regarding any of the persons listed in subsection (a).

25 (c) A provider that meets the other eligibility requirements of this
 26 chapter is temporarily eligible to receive voucher payments until the
 27 provider receives the ~~limited~~ **statewide** criminal history required under
 28 subsection (a) from the state police department if:

- 29 (1) the provider:
 30 (A) has applied for the ~~limited~~ **statewide** criminal history
 31 required under subsection (a); and
 32 (B) obtains a local criminal history for the individuals
 33 described in subsection (a) from each individual's local law
 34 enforcement agency before the individual is employed or
 35 allowed to volunteer as a caregiver; and
 36 (2) the local criminal history does not reveal that an individual
 37 has been convicted of a:
 38 (A) felony;
 39 (B) misdemeanor related to the health or safety of a child;
 40 (C) misdemeanor for operating a child care center without a
 41 license under IC 12-17.2-4-35; or
 42 (D) misdemeanor for operating a child care home without a

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1 license under IC 12-17.2-5-35.

2 (d) A provider is ineligible to receive a voucher payment if an

3 individual for whom a ~~limited statewide~~ criminal history is required

4 under this section has been convicted of a:

5 (1) felony;

6 (2) misdemeanor related to the health or safety of a child;

7 (3) misdemeanor for operating a child care center without a

8 license under IC 12-17.2-4-35; or

9 (4) misdemeanor for operating a child care home without a

10 license under IC 12-17.2-5-35;

11 until the individual is dismissed from employment or volunteer service

12 at the facility where the provider operates a child care program or no

13 longer resides with the provider.

14 (e) A provider shall maintain a written policy requiring an

15 individual for whom a ~~limited statewide~~ criminal history is required

16 under this section to report any criminal convictions of the individual

17 to the provider.

18 SECTION 11. IC 16-25-6-2 IS AMENDED TO READ AS

19 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) A person who

20 owns or operates a hospice program shall apply, not more than three (3)

21 business days after the date that an employee or a volunteer begins to

22 provide hospice services, for a copy of the employee's or volunteer's

23 ~~limited statewide~~ criminal history from the Indiana central repository

24 for criminal history information under IC 10-13-3.

25 (b) A hospice program may not employ an individual or allow a

26 volunteer to provide hospice services for more than three (3) business

27 days without applying for that individual's or volunteer's ~~limited~~

28 ~~statewide~~ criminal history as required by subsection (a).

29 SECTION 12. IC 16-25-6-3 IS AMENDED TO READ AS

30 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) Except as

31 provided in subsection (b), a person who owns or operates a hospice

32 program may not employ an individual or allow a volunteer to provide

33 hospice services if that individual's or volunteer's ~~limited statewide~~

34 criminal history indicates that the individual or volunteer has:

35 (1) been convicted of rape (IC 35-42-4-1);

36 (2) been convicted of criminal deviate conduct (IC 35-42-4-2);

37 (3) been convicted of exploitation of an endangered adult

38 (IC 35-46-1-12);

39 (4) had a judgment entered against the individual for failure to

40 report battery, neglect, or exploitation of an endangered adult

41 (IC 35-46-1-13); or

42 (5) been convicted of theft (IC 35-43-4), if the conviction for theft

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1 occurred less than ten (10) years before the individual's
2 employment application date.

3 (b) A hospice program may not employ an individual or allow a
4 volunteer to provide hospice services for more than twenty-one (21)
5 calendar days without receipt of that individual's or volunteer's ~~limited~~
6 **statewide** criminal history required by section 2 of this chapter, unless
7 the Indiana central repository for criminal history information under
8 IC 10-13-3 is solely responsible for failing to provide the individual's
9 or volunteer's ~~limited~~ **statewide** criminal history to the hospice
10 program within the time required under this subsection.

11 SECTION 13. IC 16-27-2-4, AS AMENDED BY P.L.212-2005,
12 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2006]: Sec. 4. (a) A person who operates a home health
14 agency under IC 16-27-1 or a personal services agency under
15 IC 16-27-4 shall apply, not more than three (3) business days after the
16 date that an employee begins to provide services in a patient's
17 temporary or permanent residence, for a copy of the employee's ~~limited~~
18 **statewide** criminal history from the Indiana central repository for
19 criminal history information under IC 10-13-3.

20 (b) A home health agency or personal services agency may not
21 employ a person to provide services in a patient's or client's temporary
22 or permanent residence for more than three (3) business days without
23 applying for that person's ~~limited~~ **statewide** criminal history as required
24 by subsection (a).

25 SECTION 14. IC 16-27-2-5, AS AMENDED BY P.L.212-2005,
26 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 JULY 1, 2006]: Sec. 5. (a) Except as provided in subsection (b), a
28 person who operates a home health agency under IC 16-27-1 or a
29 personal services agency under IC 16-27-4 may not employ a person to
30 provide services in a patient's or client's temporary or permanent
31 residence if that person's ~~limited~~ **statewide** criminal history indicates
32 that the person has been convicted of any of the following:

- 33 (1) Rape (IC 35-42-4-1).
- 34 (2) Criminal deviate conduct (IC 35-42-4-2).
- 35 (3) Exploitation of an endangered adult (IC 35-46-1-12).
- 36 (4) Failure to report battery, neglect, or exploitation of an
37 endangered adult (IC 35-46-1-13).
- 38 (5) Theft (IC 35-43-4), if the conviction for theft occurred less
39 than ten (10) years before the person's employment application
40 date.

41 (b) A home health agency or personal services agency may not
42 employ a person to provide services in a patient's or client's temporary

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1 or permanent residence for more than twenty-one (21) calendar days
2 without receipt of that person's ~~limited statewide~~ criminal history
3 required by section 4 of this chapter, unless the Indiana central
4 repository for criminal history information under IC 10-13-3 is solely
5 responsible for failing to provide the person's ~~limited statewide~~
6 criminal history to the home health agency or personal services agency
7 within the time required under this subsection.

8 SECTION 15. IC 16-28-13-4 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) Except as
10 provided in subsection (b), a person who:

- 11 (1) operates or administers a health care facility; or
- 12 (2) operates an entity in the business of contracting to provide
13 nurse aides or other unlicensed employees for a health care
14 facility;

15 shall apply within three (3) business days from the date a person is
16 employed as a nurse aide or other unlicensed employee for a copy of
17 the person's state nurse aide registry report from the state department
18 and a ~~limited statewide~~ criminal history from the Indiana central
19 repository for criminal history information under IC 10-13-3 or another
20 source allowed by law.

21 (b) A health care facility is not required to apply for the state nurse
22 aide registry report and ~~limited statewide~~ criminal history required by
23 subsection (a) if the health care facility contracts to use the services of
24 a nurse aide or other unlicensed employee who is employed by an
25 entity in the business of contracting to provide nurse aides or other
26 unlicensed employees to health care facilities.

27 SECTION 16. IC 16-28-13-5 IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. A person who:

- 29 (1) operates or administers a health care facility; or
- 30 (2) operates an entity in the business of contracting to provide
31 nurse aides or other unlicensed employees for a health care
32 facility;

33 may not employ a person as a nurse aide or other unlicensed employee
34 after receipt of the person's state nurse aide registry report if that
35 person's report indicates that the person committed an offense under
36 section (3)(a)(2) of this chapter and has been placed on the state nurse
37 aide registry, or after receipt of the ~~limited statewide~~ criminal history
38 if that person's ~~limited statewide~~ criminal history indicates that the
39 person has been convicted of any of the offenses described in section
40 3(a)(1) of this chapter.

41 SECTION 17. IC 16-28-13-6 IS AMENDED TO READ AS
42 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) A person who:

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1 (1) operates or administers a health care facility; or
 2 (2) operates an entity in the business of contracting to provide
 3 nurse aides or other unlicensed employees for a health care
 4 facility;
 5 is responsible for the payment of fees under IC 10-13-3-30 and other
 6 fees required to process a state nurse aide registry report and a ~~limited~~
 7 **statewide** criminal history under section 4 of this chapter.

8 (b) A health care facility or an entity in the business of contracting
 9 to provide nurse aides or other unlicensed employees for a health care
 10 facility may require a person who applies to the health care facility or
 11 entity for employment as a nurse aide or other unlicensed employee:

- 12 (1) to pay the cost of fees described in subsection (a) to the health
 13 care facility or entity at the time the person submits an application
 14 for employment; or
- 15 (2) to reimburse the health care facility or entity for the cost of
 16 fees described in subsection (a).

17 SECTION 18. IC 16-28-13-11 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. (a) Each:

- 19 (1) health care facility; and
 - 20 (2) entity in the business of contracting to provide nurse aides or
 21 other unlicensed employees for a health care facility;
- 22 shall maintain a personnel record for each nurse aide and other
 23 unlicensed employee employed by the health care facility or entity that
 24 includes the nurse aide's or other unlicensed employee's state nurse
 25 aide registry report and ~~limited~~ **statewide** criminal history required by
 26 section 4 of this chapter.

27 (b) The personnel records of each health care facility shall be
 28 available for inspection by the state department to assure compliance
 29 with this chapter.

30 (c) An entity in the business of contracting to provide nurse aides or
 31 other unlicensed employees to health care facilities shall provide a
 32 copy of the state nurse aide registry report and ~~limited~~ **statewide**
 33 criminal history obtained under section 4 of this chapter to each health
 34 care facility to which the entity provides a nurse aide or other
 35 unlicensed employee. If the entity fails to provide a copy of the state
 36 nurse aide registry report and ~~limited~~ **statewide** criminal history to a
 37 health care facility, the health care facility is not in violation of this
 38 chapter.

39 SECTION 19. IC 20-26-5-10, AS ADDED BY P.L.1-2005,
 40 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2006]: Sec. 10. (a) A school corporation, including a school
 42 township, shall adopt a policy concerning criminal history information

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1 for individuals who:

2 (1) apply for:

3 (A) employment with the school corporation; or

4 (B) employment with an entity with which the school

5 corporation contracts for services;

6 (2) seek to enter into a contract to provide services to the school

7 corporation; or

8 (3) are employed by an entity that seeks to enter into a contract to

9 provide services to the school corporation;

10 if the individuals are likely to have direct, ongoing contact with

11 children within the scope of the individuals' employment.

12 (b) A school corporation, including a school township, shall

13 administer a policy adopted under this section uniformly for all

14 individuals to whom the policy applies. A policy adopted under this

15 section may require any of the following:

16 (1) The school corporation, including a school township, may

17 request ~~limited~~ **statewide** criminal history information concerning

18 each applicant for noncertificated employment or certificated

19 employment from a local or state law enforcement agency before

20 or not later than three (3) months after the applicant's employment

21 by the school corporation.

22 (2) Each individual hired for noncertificated employment or

23 certificated employment may be required to provide a written

24 consent for the school corporation to request under IC 10-13-3

25 ~~limited~~ **statewide** criminal history information or a national

26 criminal history background check concerning the individual

27 before or not later than three (3) months after the individual's

28 employment by the school corporation. The school corporation

29 may require the individual to provide a set of fingerprints and pay

30 any fees required for a national criminal history background

31 check.

32 (3) Each individual hired for noncertificated employment may be

33 required at the time the individual is hired to submit a certified

34 copy of the individual's ~~limited~~ **statewide** criminal history (as

35 defined in ~~IC 10-13-3-11~~ **IC 10-13-3-21.5**) to the school

36 corporation.

37 (4) Each individual hired for noncertificated employment may be

38 required at the time the individual is hired to:

39 (A) submit a request to the Indiana central repository for

40 ~~limited~~ **statewide** criminal history information under

41 IC 10-13-3;

42 (B) obtain a copy of the individual's ~~limited~~ **statewide**

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1 criminal history; and
 2 (C) submit to the school corporation the individual's ~~limited~~
 3 **statewide** criminal history and a document verifying a
 4 disposition (as defined in IC 10-13-3-7) that does not appear
 5 on the ~~limited statewide~~ criminal history.
 6 (5) Each applicant for noncertificated employment or certificated
 7 employment may be required at the time the individual applies to
 8 answer questions concerning the individual's ~~limited statewide~~
 9 criminal history. The failure to answer honestly questions asked
 10 under this subdivision is grounds for termination of the
 11 employee's employment.
 12 (6) Each individual that:
 13 (A) seeks to enter into a contract to provide services to a
 14 school corporation; or
 15 (B) is employed by an entity that seeks to enter into a contract
 16 with a school corporation;
 17 may be required at the time the contract is formed to comply with
 18 the procedures described in subdivisions (2), (4), and (5). An
 19 individual who is employed by an entity that seeks to enter into a
 20 contract with a school corporation to provide student services in
 21 which the entity's employees have direct contact with students in
 22 a school based program may be required to provide the consent
 23 described in subdivision (2) or the information described in
 24 subdivisions (4) and (5) to either the individual's employer or the
 25 school corporation. Failure to comply with subdivisions (2), (4),
 26 and (5), as required by the school corporation, is grounds for
 27 termination of the contract. An entity that enters into a contract
 28 with a school corporation to provide student services in which the
 29 entity's employees have direct contact with students in a school
 30 based program is allowed to obtain ~~limited statewide~~ criminal
 31 history information or a national criminal history background
 32 check regarding the entity's applicants or employees in the same
 33 manner that a school corporation may obtain the information.
 34 (c) If an individual is required to obtain a ~~limited statewide~~ criminal
 35 history under this section, the individual is responsible for all costs
 36 associated with obtaining the ~~limited statewide~~ criminal history.
 37 (d) Information obtained under this section must be used in
 38 accordance with IC 10-13-3-29.
 39 SECTION 20. IC 20-28-1-11.5 IS ADDED TO THE INDIANA
 40 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 41 [EFFECTIVE JULY 1, 2006]: **Sec. 11.5. "Statewide criminal**
 42 **history" has the meaning set forth in IC 10-13-3-21.5.**

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1 SECTION 21. IC 20-28-5-9, AS ADDED BY P.L.246-2005,
2 SECTION 160, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) An applicant must do the
4 following:

5 (1) Submit a request to the Indiana central repository for ~~limited~~
6 **statewide** criminal history information under IC 10-13-3.

7 (2) Obtain a copy of the ~~limited statewide~~ criminal history for the
8 applicant from the repository's records.

9 (3) Submit to the department the ~~limited statewide~~ criminal
10 history for the applicant.

11 (4) Submit to the department a document verifying a disposition
12 that does not appear on the ~~limited statewide~~ criminal history for
13 the applicant.

14 (b) The department may deny the issuance of a license or certificate
15 to an applicant who is convicted of an offense for which the
16 individual's license may be revoked or suspended under this chapter.

17 (c) The department must use the information obtained under this
18 section in accordance with IC 10-13-3-29.

19 (d) An applicant is responsible for all costs associated with meeting
20 the requirements of this section.

21 SECTION 22. IC 22-1-5-13, AS ADDED BY P.L.212-2005,
22 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2006]: Sec. 13. (a) A placement agency:

24 (1) must provide a consumer with a consumer notice each time a
25 home care services worker is placed in the home of the consumer;
26 and

27 (2) is not required to provide a consumer notice when a new or
28 different home care services worker is substituting for the regular
29 home care services worker placed with the consumer.

30 (b) Before a placement agency places a home care services worker
31 with a consumer, the home care services worker must provide the
32 placement agency with a copy of the individual's ~~limited statewide~~
33 criminal history from the central repository for criminal history
34 information under IC 10-13-3. The home care services worker is
35 responsible for the fees required under IC 10-13-3-30 and must
36 annually obtain an updated ~~limited statewide~~ criminal history. A copy
37 of the home care services worker's ~~limited statewide~~ criminal history
38 must be made available to the consumer.

39 SECTION 23. IC 25-36.5-1-18 IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 18. (a) The definitions
41 set forth in IC 10-13-3 apply throughout this section.

42 (b) The department shall under IC 10-13-3-27(b) request and obtain

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1 the release of a ~~limited~~ **statewide** criminal history from the state police
2 department on each person who applies to the department under this
3 chapter for the issuance of either of the following:

- 4 (1) A timber buyer registration certificate.
- 5 (2) A timber buyer agent's license.

6 SECTION 24. IC 31-9-2-22.5, AS ADDED BY P.L.234-2005,
7 SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2006]: Sec. 22.5. "Conduct a criminal history check", for
9 purposes of IC 12-14-25.5, IC 31-19, IC 31-33, IC 31-34, IC 31-37, and
10 IC 31-39-2-13.5, means to:

- 11 (1) request the state police department to:
 - 12 (A) release or allow inspection of a ~~limited~~ **statewide** criminal
 - 13 history (as defined in ~~IC 10-13-3-11~~ **IC 10-13-3-21.5**) and
 - 14 juvenile history data (as defined in IC 10-13-4-4) concerning
 - 15 a person who is currently residing in a location designated by
 - 16 the department of child services or by a juvenile court as the
 - 17 out-of-home placement for a child at the time the child will
 - 18 reside in the location; and

- 19 (B) conduct a:
 - 20 (i) national fingerprint based criminal history background
 - 21 check in accordance with IC 10-13-3-39; or
 - 22 (ii) national name based criminal history record check (as
 - 23 defined in IC 10-13-3-12.5) of a person described in clause
 - 24 (A) as provided by IC 10-13-3-27.5; and

- 25 (2) collect each:
 - 26 (A) substantiated report of child abuse or neglect reported in
 - 27 a jurisdiction where a probation officer, a caseworker, or the
 - 28 department of child services has reason to believe that a
 - 29 person described in subdivision (1)(A) resided; and
 - 30 (B) adjudication for a delinquent act described in IC 31-37-1-2
 - 31 reported in a jurisdiction where a probation officer, a
 - 32 caseworker, or the department of child services has reason to
 - 33 believe a person described in subdivision (1)(A) resided.

34 SECTION 25. IC 35-38-5-5, AS AMENDED BY P.L.2-2005,
35 SECTION 124, IS AMENDED TO READ AS FOLLOWS
36 [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) This section does not apply
37 to a request to a law enforcement agency for the release or inspection
38 of a ~~limited~~ **statewide** criminal history to a noncriminal justice
39 organization or individual whenever the subject of the request is
40 described in IC 10-13-3-27(a)(8) or IC 10-13-3-27(a)(12).

- 41 (b) A person may petition the state police department to limit access
42 to the person's ~~limited~~ **statewide** criminal history to criminal justice

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1 agencies if more than fifteen (15) years have elapsed since the date the
2 person was discharged from probation, imprisonment, or parole
3 (whichever is later) for the last conviction for a crime.

4 (c) When a petition is filed under subsection (b), the state police
5 department shall not release ~~limited~~ **statewide** criminal history to
6 noncriminal justice agencies under IC 10-13-3-27.

7 SECTION 26. THE FOLLOWING ARE REPEALED [EFFECTIVE
8 JULY 1, 2006]: IC 10-13-3-11; IC 20-28-1-8.

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