Reprinted
January 29, 2008

SENATE BILL No. 86

DIGEST OF SB 86 (Updated January 28, 2008 4:30 pm - DI 107)

Citations Affected: IC 11-8; IC 36-2; noncode.

Synopsis: Sex and violent offender registry. Establishes a three tier system for sex offenders and requires offenders: (1) in Tier 3 to register for life; (2) in Tier 2 to register for 25 years; and (3) in Tier 1 to register for 15 years. Permits Tier 1 offenders to reduce their registration period by five years if they meet certain requirements, and establishes a judicial procedure to implement this reduction. Classifies persons convicted of Class A or Class B felonies violent offenders if the difference between the person's release date and the person's post incarceration supervision is less than sixty (60) days due to facility rule violations, and provides that violent offenders are required to register for life. Requires the department of correction ("the department") to determine the appropriate classification and registration period for sex or violent offenders and establishes a judicial procedure to challenge the department's determination. Specifies that persons who commit criminal deviate conduct in a correctional facility are required to register as a sex or violent offender. Requires local law enforcement to notify schools, public housing agencies, and other organizations in each county a sex offender registers when the offender registers or updates a registration. Makes numerous changes to the sex and violent offender registration requirements. (The introduced version of this bill was prepared by the sentencing policy study committee.)

Effective: July 1, 2008.

Steele, Delph

January 8, 2008, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.
January 24, 2008, amended, reported favorably — Do Pass.
January 28, 2008, read second time, amended, ordered engrossed.

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Second Regular Session 115th General Assembly (2008)

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 2007 Regular Session of the General Assembly.

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SENATE BILL No. 86

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

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

SECTION 1. IC 11-8-8-3, AS AMENDED BY P.L.216-2007, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. As used in this chapter, "principal residence" means the residence **or location** where a sex or violent offender spends the most time. The term includes a residence owned or leased by another person if the sex or violent offender:

(1) does not own or lease a residence; or

(2) spends more time at the residence owned or leased by the other person than at the residence owned or leased by the sex or violent offender.

SECTION 2. IC 11-8-8-4.5, AS ADDED BY P.L.216-2007, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4.5. (a) Except as provided in section 22 of this chapter, as used in this chapter, "sex offender" means a person convicted of any of the following offenses:

(1) Rape (IC 35-42-4-1).

(2) Criminal deviate conduct (IC 35-42-4-2)**, including criminal**

deviate conduct committed in a correctional facility.

(3) Child molesting (IC 35-42-4-3).

(4) Child exploitation (IC 35-42-4-4(b)).

(5) Vicarious sexual gratification (including performing sexual conduct in the presence of a minor) (IC 35-42-4-5).

(6) Child solicitation (IC 35-42-4-6).

(7) Child seduction (IC 35-42-4-7).

(8) Sexual misconduct with a minor as a Class A, Class B, or Class C felony (IC 35-42-4-9), unless:

(A) the person is convicted of sexual misconduct with a minor as a Class C felony;

(B) the person is not more than:

(i) four (4) years older than the victim if the offense was committed after June 30, 2007; or

(ii) five (5) years older than the victim if the offense was committed before July 1, 2007; and

(C) the sentencing court finds that the person should not be required to register as a sex offender.

(9) Incest (IC 35-46-1-3).

(10) Sexual battery (IC 35-42-4-8).

(11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age, and the person who kidnapped the victim is not the victim's parent or guardian.

(12) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age, and the person who confined or removed the victim is not the victim's parent or guardian.

(13) Possession of child pornography (IC 35-42-4-4(c)).

(14) Promoting prostitution (IC 35-45-4-4) as a Class B felony.

(15) Promotion of human trafficking (IC 35-42-3.5-1(a)(2)) if the victim is less than eighteen (18) years of age.

(16) Sexual trafficking of a minor (IC 35-42-3.5-1(b)).

(17) Human trafficking (IC 35-42-3.5-1(c)(3)) if the victim is less than eighteen (18) years of age.

(18) An attempt or conspiracy to commit a crime listed in subdivisions (1) through (17).

(19) A crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in subdivisions (1) through (18).

(b) The term includes:

(1) a person who is required to register as a sex offender in any jurisdiction; and

(2) a child who has committed a delinquent act and who:

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(A) is at least fourteen (14) years of age;
(B) is on probation, is on parole, is discharged from a facility by the department of correction, is discharged from a secure private facility (as defined in IC 31-9-2-115), or is discharged from a juvenile detention facility as a result of an adjudication as a delinquent child for an act that would be an offense described in subsection (a) if committed by an adult; and
(C) is found by a court by clear and convincing evidence to be likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

(c) In making a determination under subsection (b)(2)(C), the court shall consider expert testimony concerning whether a child is likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

SECTION 3. IC 11-8-8-4.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 4.6. (a) Except as provided in section 22 of this chapter, as used in this chapter, "tier III sex offender" means a person convicted of any of the following offenses:**

(1) Rape (IC 35-42-4-1).
(2) Criminal deviate conduct (IC 35-42-4-2).
(3) Child molesting under:
(A) IC 35-42-4-3(a); or
(B) IC 35-42-4-3(b) as a Class A felony.
(4) Vicarious sexual gratification (including performing sexual conduct in the presence of a minor) under IC 35-42-4-5 if the victim is less than fourteen (14) years of age.
(5) Sexual misconduct with a minor under:
(A) IC 35-42-4-9(a)(2); or
(B) IC 35-42-4-9(b)(2).
(6) Sexual battery (IC 35-42-4-8) if the victim is less than fourteen (14) years of age.
(7) Incest (IC 35-46-1-3) if the victim is less than sixteen (16) years of age.
(8) Kidnapping (IC 35-42-3-2) if the victim is less than eighteen (18) years of age, and the person who kidnapped the victim is not the victim's parent or guardian.
(9) Criminal confinement (IC 35-42-3-3) if the victim is less than eighteen (18) years of age, and the person who confined or removed the victim is not the victim's parent or guardian.
(10) An attempt or conspiracy to commit a crime listed in subdivisions (1) through (9).

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(11) A crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in subdivisions (1) through (10).

(b) The term includes the following:

(1) A sexually violent predator (as defined in IC 35-38-1-7.5).

(2) A tier II sex offender who is convicted of a subsequent sex offense.

(3) A tier II sex offender who is convicted of failure to register under section 17 of this chapter.

(c) A person convicted of an offense described in this section is a tier III sex offender by operation of law if one (1) or more of the following conditions apply:

(1) The person was required to register as a sex or violent offender in Indiana on June 30, 2008.

(2) After June 30, 2008, the person is:

(A) incarcerated, on probation, on parole, on home detention, in a community corrections program, or under another form of supervision imposed as the result of the person's conviction for any offense; or

(B) released from incarceration, probation, parole, home detention, a community corrections program, or another form of supervision imposed as the result of the person's conviction for any offense.

(3) The person commits the offense after June 30, 2008.

SECTION 4. IC 11-8-8-4.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 4.7. (a) Except as provided in section 22 of this chapter, as used in this chapter, "tier II sex offender" means a sex offender convicted of any of the following offenses:**

(1) Child molesting (IC 35-42-4-3(b)) as a Class C felony.

(2) Child exploitation (IC 35-42-4-4(b)).

(3) Vicarious sexual gratification (IC 35-42-4-5(a)) as a Class D felony if the victim is thirteen (13) years of age or older.

(4) Child solicitation (IC 35-42-4-6).

(5) Child seduction (IC 35-42-4-7).

(6) Sexual battery (IC 35-42-4-8) if the victim is at least fourteen (14) years of age but less than eighteen (18) years of age.

(7) Sexual misconduct with a minor under IC 35-42-4-9(a)(1) or IC 35-42-4-9(b)(1), unless:

(A) the person is convicted of sexual misconduct with a minor as a Class C felony;

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(B) the person is not more than:
(i) four (4) years older than the victim if the offense was committed after June 30, 2007; or
(ii) five (5) years older than the victim if the offense was committed before July 1, 2007; and
(C) the sentencing court finds that the person should not be required to register as a sex offender.
(8) Incest (IC 35-46-1-3) if the victim is sixteen (16) years of age or older.
(9) Promoting prostitution (IC 35-45-4-4) as a Class B felony.
(10) Promotion of human trafficking (IC 35-42-3.5-1(a)(2)) if the victim is less than eighteen (18) years of age.
(11) Sexual trafficking of a minor (IC 35-42-3.5-1(b)).
(12) Human trafficking (IC 35-42-3.5-1(c)(3)) if the victim is less than eighteen (18) years of age.
(13) An attempt or conspiracy to commit a crime listed in subdivisions (1) through (12).
(14) A crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in subdivisions (1) through (13).
(b) The term includes the following:
(1) a tier I sex offender who is convicted of a subsequent sex offense; or
(2) a tier I sex offender who is convicted of failure to register under section 17 of this chapter.
(c) A person convicted of an offense described in this section is a tier II sex offender by operation of law if one (1) or more of the following conditions apply:
(1) The person was required to register as a sex or violent offender in Indiana on June 30, 2008.
(2) After June 30, 2008, the person is:
(A) incarcerated, on probation, on parole, on home detention, in a community corrections program, or under another form of supervision imposed as the result of the person's conviction for any offense; or
(B) released from incarceration, probation, parole, home detention, a community corrections program, or another form of supervision imposed as the result of the person's conviction for any offense.
(3) The person commits the offense after June 30, 2008.

SECTION 5. IC 11-8-8-4.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY

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1, 2008]: **Sec. 4.8. (a) As used in this chapter, "tier I sex offender" means a sex offender who is not a tier III sex offender or a tier II sex offender.**

(b) A person convicted of an offense referred to in section 4.5 of this chapter but not referred to in section 4.6 or section 4.7 of this chapter is a tier I sex offender by operation of law if one (1) or more of the following conditions apply:

(1) The person was required to register as a sex or violent offender in Indiana on June 30, 2008.

(2) After June 30, 2008, the person is:

(A) incarcerated, on probation, on parole, on home detention, in a community corrections program, or under another form of supervision imposed as the result of the person's conviction for any offense; or

(B) released from incarceration, probation, parole, home detention, a community corrections program, or another form of supervision imposed as the result of the person's conviction for any offense.

(3) The person commits the offense after June 30, 2008.

SECTION 6. IC 11-8-8-5, AS AMENDED BY P.L.216-2007, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 5. (a) Except as provided in section 22 of this chapter, as used in this chapter, ~~"sex or~~ "violent offender" means a person convicted of any of the following offenses:

~~(1) Rape (IC 35-42-4-1).~~

~~(2) Criminal deviate conduct (IC 35-42-4-2).~~

~~(3) Child molesting (IC 35-42-4-3).~~

~~(4) Child exploitation (IC 35-42-4-4(b)).~~

~~(5) Vicarious sexual gratification (including performing sexual conduct in the presence of a minor) (IC 35-42-4-5).~~

~~(6) Child solicitation (IC 35-42-4-6).~~

~~(7) Child seduction (IC 35-42-4-7).~~

~~(8) Sexual misconduct with a minor as a Class A, Class B, or Class C felony (IC 35-42-4-9), unless:~~

~~(A) the person is convicted of sexual misconduct with a minor as a Class C felony;~~

~~(B) the person is not more than:~~

~~(i) four (4) years older than the victim if the offense was committed after June 30, 2007; or~~

~~(ii) five (5) years older than the victim if the offense was committed before July 1, 2007; and~~

~~(C) the sentencing court finds that the person should not be~~

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~~required to register as a sex offender.~~
~~(9) Incest (IC 35-46-1-3).~~
~~(10) Sexual battery (IC 35-42-4-8).~~
~~(11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age, and the person who kidnapped the victim is not the victim's parent or guardian.~~
~~(12) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age, and the person who confined or removed the victim is not the victim's parent or guardian.~~
~~(13) Possession of child pornography (IC 35-42-4-4(c)).~~
~~(14) Promoting prostitution (IC 35-45-4-4) as a Class B felony.~~
~~(15) Promotion of human trafficking (IC 35-42-3.5-1(a)(2)) if the victim is less than eighteen (18) years of age.~~
~~(16) Sexual trafficking of a minor (IC 35-42-3.5-1(b)).~~
~~(17) Human trafficking (IC 35-42-3.5-1(c)(3)) if the victim is less than eighteen (18) years of age.~~
~~(18)~~ **(1)** Murder (IC 35-42-1-1).
~~(19)~~ **(2)** Voluntary manslaughter (IC 35-42-1-3).
~~(20)~~ **(3)** An attempt or conspiracy to commit a crime listed in subdivisions (1) through ~~(19).~~ **(2).**
~~(21)~~ **(4)** A crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in subdivisions (1) through ~~(20).~~ **(3).**
(5) A person who is incarcerated for a Class A or B felony if:
(A) the person served a sentence in a facility maintained by the department after June 30, 2008; and
(B) the difference between the person's release date and the person's post incarceration supervision is less than sixty (60) days due to facility rule violations.
(b) The term includes:
(1) a person who is required to register as a ~~sex or~~ violent offender in any jurisdiction; and
(2) a child who has committed a delinquent act and who:
(A) is at least fourteen (14) years of age;
(B) is on probation, is on parole, is discharged from a facility by the department of correction, is discharged from a secure private facility (as defined in IC 31-9-2-115), or is discharged from a juvenile detention facility as a result of an adjudication as a delinquent child for an act that would be an offense described in subsection (a) if committed by an adult; and
(C) is found by a court by clear and convincing evidence to be likely to repeat an act that would be an offense described in

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subsection (a) if committed by an adult.

(c) In making a determination under subsection (b)(2)(C), the court shall consider expert testimony concerning whether a child is likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

SECTION 7. IC 11-8-8-5.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 5.3. As used in this chapter, "sex or violent offender" means a person who is:**

(1) a sex offender under section 4.5 of this chapter;

(2) a violent offender under section 5 of this chapter; or

(3) both subdivisions (1) and (2).

SECTION 8. IC 11-8-8-7, AS AMENDED BY P.L.216-2007, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 7. (a) Subject to section 19 of this chapter, the following persons must register under this chapter:

(1) A sex or violent offender who resides in Indiana. A sex or violent offender resides in Indiana if either of the following applies:

(A) The sex or violent offender spends or intends to spend at least seven (7) days (including part of a day) in Indiana during a one hundred eighty (180) day period.

(B) The sex or violent offender owns real property in Indiana and returns to Indiana at any time.

(2) A sex or violent offender who works or carries on a vocation or intends to work or carry on a vocation full-time or part-time for a period:

(A) exceeding seven (7) consecutive days; or

(B) for a total period exceeding fourteen (14) days;

during any calendar year in Indiana regardless of whether the sex or violent offender is financially compensated, volunteered, or is acting for the purpose of government or educational benefit.

(3) A sex or violent offender who is enrolled or intends to be enrolled on a full-time or part-time basis in any public or private educational institution **in Indiana,** including any secondary school, trade, or professional institution, or postsecondary educational institution.

(b) Except as provided in subsection (e), a sex or violent offender who resides **or expects to reside as described in section 9(a)(3) of this chapter** in Indiana shall register with the local law enforcement authority in the county where the sex or violent offender resides **or expects to reside.** If a sex or violent offender resides **or expects to**

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reside as described in section 9(a)(3) of this chapter in more than one (1) county, the sex or violent offender shall register with the local law enforcement authority in each county in which the sex or violent offender resides. If the sex or violent offender is also required to register under subsection (a)(2) or (a)(3), the sex or violent offender shall also register with the local law enforcement authority in the county in which the offender is required to register under subsection (c) or (d).

(c) A sex or violent offender described in subsection (a)(2) shall register with the local law enforcement authority in the county where the sex or violent offender is ~~or intends to be~~ employed, ~~or carry~~ **carries** on a vocation, **or expects to be employed or to carry on a vocation as described in section 9(a)(3) of this chapter.** If a sex or violent offender is ~~or intends to be~~ employed, ~~or carry~~ **carries** on a vocation, **or expects to be employed or to carry on a vocation as described in section 9(a)(3) of this chapter** in more than one (1) county, the sex or violent offender shall register with the local law enforcement authority in each county. If the sex or violent offender is also required to register under subsection (a)(1) or (a)(3), the sex or violent offender shall also register with the local law enforcement authority in the county in which the offender is required to register under subsection (b) or (d).

(d) A sex or violent offender described in subsection (a)(3) shall register with the local law enforcement authority in the county where the sex or violent offender is enrolled or ~~intends~~ **expects** to be enrolled as ~~a student.~~ **described in section 9(a)(3) of this chapter. If a sex or violent offender is enrolled or expects to be enrolled as described in section 9(a)(3) of this chapter in more than one (1) county, the sex or violent offender shall register with the local law enforcement authority in each county.** If the sex or violent offender is also required to register under subsection (a)(1) or (a)(2), the sex or violent offender shall also register with the local law enforcement authority in the county in which the offender is required to register under subsection (b) or (c).

(e) A sex or violent offender described in subsection (a)(1)(B) shall register with the local law enforcement authority in the county in which the real property is located. If the sex or violent offender is also required to register under subsection (a)(1)(A), (a)(2), or (a)(3), the sex or violent offender shall also register with the local law enforcement authority in the county in which the offender is required to register under subsection (b), (c), or (d).

(f) ~~A~~ **For every** sex or violent offender committed to the

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department, ~~shall register with the department before the sex or violent offender is released from incarceration. The department shall forward the sex or violent offender's registration information to the local law enforcement authority of every county in which the sex or violent offender is required to register.~~ **the department shall determine:**

(1) whether the person is required to register;

(2) whether the person is a:

(A) tier III sex offender;

(B) tier II sex offender;

(C) tier I sex offender; or

(D) violent offender;

(3) whether the person is a sexually violent predator under IC 35-38-1-7.5;

(4) the period for which the person will be required to register as a sex or violent offender in Indiana; and

(5) any other matter required by law to make a registration determination.

The department shall enter into the registry the information described in section 8 of this chapter before the sex or violent offender is released from the department.

~~(g) This subsection does not apply to a sex or violent offender who is a sexually violent predator. A sex or violent offender not committed to the department shall register not more than seven (7) days after the sex or violent offender:~~

~~(1) is released from a penal facility (as defined in IC 35-41-1-21);~~

~~(2) is released from a secure private facility (as defined in IC 31-9-2-115);~~

~~(3) is released from a juvenile detention facility;~~

~~(4) is transferred to a community transition program;~~

~~(5) is placed on parole;~~

~~(6) is placed on probation;~~

~~(7) is placed on home detention; or~~

~~(8) arrives at the place where the sex or violent offender is required to register under subsection (b), (c), or (d);~~

~~whichever occurs first. A sex or violent offender required to register in more than one (1) county under subsection (b), (c), (d), or (e) shall register in each appropriate county not more than seventy-two (72) hours after the sex or violent offender's arrival in that county or acquisition of real estate in that county.~~

~~(h) This subsection applies to a sex or violent offender who is a sexually violent predator.~~ **(g)** A sex or violent offender ~~who is a sexually violent predator~~ shall register **with the local law enforcement**

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authority as required under subsections (b), (c), (d), or (e), or with the appropriate law enforcement agency in another jurisdiction, not more than seventy-two (72) hours after the sex or violent offender:

(1) is released from a penal facility (as defined in IC 35-41-1-21);

(2) is released from a secure private facility (as defined in IC 31-9-2-115);

(3) is released from a juvenile detention facility;

(4) is transferred to a community transition program;

(5) is placed on parole;

(6) is placed on probation;

(7) is placed on home detention; ~~or~~

(8) arrives at the ~~place~~ **location** where the ~~sexually violent predator~~ **sex or violent offender** is required to register under subsection (b), (c), ~~or~~ (d), **or (e); or**

(9) arrives at the location in a jurisdiction outside Indiana where the sex or violent offender is required to register;

whichever occurs first. A sex or violent offender who is ~~a sexually violent predator~~ required to register in more than one (1) county under subsection (b), (c), (d), or (e) shall register in each appropriate county not more than seventy-two (72) hours after the offender's arrival in that county or acquisition of real estate in that county.

~~(i) The local law enforcement authority with whom a sex or violent offender registers under this section shall make and publish a photograph of the sex or violent offender on the Indiana sex and violent offender registry web site established under IC 36-2-13-5.5. The local law enforcement authority shall make a photograph of the sex or violent offender that complies with the requirements of IC 36-2-13-5.5 at least once per year. The sheriff of a county containing a consolidated city shall provide the police chief of the consolidated city with all photographic and computer equipment necessary to enable the police chief of the consolidated city to transmit sex or violent offender photographs (and other identifying information required by IC 36-2-13-5.5) to the Indiana sex and violent offender registry web site established under IC 36-2-13-5.5. In addition, the sheriff of a county containing a consolidated city shall provide all funding for the county's financial obligation for the establishment and maintenance of the Indiana sex and violent offender registry web site established under IC 36-2-13-5.5.~~

~~(j)~~ **(h)** When a sex or violent offender registers, the local law enforcement authority shall:

(1) immediately update the Indiana sex and violent offender registry web site established under IC 36-2-13-5.5;

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(2) notify every law enforcement agency having jurisdiction in the county where the sex or violent offender ~~resides,~~ **is registered;**

(3) notify every:

(A) school;

(B) day care center;

(C) head start program (42 U.S.C. 9831 et seq.);

(D) public housing agency;

(E) social service entity responsible for protecting minors in the child welfare system; and

(F) volunteer organization in which contact with a minor or other vulnerable individual might occur;

located in the county where the sex or violent offender is registered; and

~~(3)~~ **(4)** update the National Crime Information Center National Sex Offender Registry data base via the Indiana data and communications system (IDACS).

When a sex or violent offender from a jurisdiction outside Indiana registers a change of address, employment, vocation, or enrollment ~~in~~ **to** Indiana, the local law enforcement authority shall provide the department with the information provided by the sex or violent offender during registration.

(i) If a sex or violent offender fails to register as required under subsection (b), (c), (d), or (e) as required in this section, the local law enforcement authority in the destination county shall immediately notify the department and request that the prosecuting attorney in the county pursue a failure to register warrant for a violation of section 17 of this chapter. If the offender fails to register in a jurisdiction outside Indiana, the department shall contact the United States Marshals Service.

SECTION 9. IC 11-8-8-8, AS AMENDED BY P.L.216-2007, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 8. **(a)** The ~~registration required under this chapter must include the~~ **local law enforcement authority or other agency responsible for registering or updating the registration of a sex or violent offender shall collect or update the** following information:

~~(1) The sex or violent offender's full name, alias, any name by which the sex or violent offender was previously known, date of birth, sex, race, height, weight, hair color, eye color, any scars, marks, or tattoos, Social Security number, driver's license number or state identification card number, vehicle description and vehicle plate number for any vehicle the sex or violent offender owns or operates on a regular basis, principal residence address,~~

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~~other address where the sex or violent offender spends more than seven (7) nights in a fourteen (14) day period, and mailing address, if different from the sex or violent offender's principal residence address.~~

~~(2) A description of the offense for which the sex or violent offender was convicted, the date of conviction, the county of the conviction, the cause number of the conviction, and the sentence imposed, if applicable.~~

~~(3) If the person is required to register under section 7(a)(2) or 7(a)(3) of this chapter, the name and address of each of the sex or violent offender's employers in Indiana, the name and address of each campus or location where the sex or violent offender is enrolled in school in Indiana, and the address where the sex or violent offender stays or intends to stay while in Indiana.~~

~~(4) A recent photograph of the sex or violent offender.~~

~~(5) If the sex or violent offender is a sexually violent predator, that the sex or violent offender is a sexually violent predator.~~

~~(6) If the sex or violent offender is required to register for life, that the sex or violent offender is required to register for life.~~

~~(7) Any other information required by the department.~~

(1) Name identifiers, including the following:

(A) The full name.

(B) Any alias or previous name.

(2) Communication identifiers, including the following:

(A) Any telephone numbers and any other designations used by the person for purposes of routing or self-identification in telephonic communication.

(B) Any designation or moniker used for routing or self-identification in Internet communications or posting.

(3) Demographic and descriptive identifiers, including the following:

(A) Date of birth and any purported date of birth.

(B) Social Security number and any purported Social Security number.

(C) Sex.

(D) Race.

(E) Height.

(F) Weight.

(G) Hair color.

(H) Eye color.

(I) Any scar, mark, or tattoo.

(4) Licensing information that authorizes the person to engage

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in an occupation or carry out a trade or business.

(5) Vehicle, transportation, and traveling identifiers, including the following:

(A) Driver's license or state identification card number.

(B) An alias or any purported driver's license number or state identification card number.

(C) A digitized copy of a passport or other information establishing the person's immigration status.

(D) A description and vehicle plate number or, if a plate number is not available, another identifying number for all vehicles owned by the person or used by the person on a regular basis, including the person's personal vehicle, work vehicle, and any watercraft or aircraft the person owns or operates on a regular basis.

(E) The location where the person's vehicles are habitually parked, docked, and otherwise kept.

(6) Residence, employment, and school identifiers, including the following:

(A) Principal residence.

(B) If the person is required to register under section 7(a)(2) of this chapter, the name and address of each of the person's employers in Indiana.

(C) The person's work location, including the normal travel routes and general areas in which the person works.

(D) If the person is required to register under section 7(a)(3) of this chapter, the name and address of each campus or location where the person is enrolled in school in Indiana, and the address that the person stays or expects to stay while in Indiana.

(E) Mailing address, if different from the person's principal residence address.

(F) Any other address where the person spends more than seven (7) nights in a fourteen (14) day period, or thirty (30) or more nonconsecutive days within a calendar year.

(7) Offense information, including the following:

(A) The criminal code citation to the offense of which the person was convicted.

(B) A description of the offense of which the person was convicted.

(C) The date of conviction.

(D) The county or jurisdiction of the conviction.

(E) The cause number of the conviction.

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(F) The sentence imposed.

(8) A current photograph of the person.

(9) Any other information required by the department.

(b) If any information required under subsection (a)(2), (a)(5), or (a)(6) changes, the sex or violent offender shall report in person to the local law enforcement authority having jurisdiction over the sex or violent offender's current principal residence or location and update the changed information not later than seventy-two (72) hours after the information changes.

(c) If any information required under subsection (a)(2), (a)(5), or (a)(6) changes, the local law enforcement authority shall do the following:

(1) Immediately update the Indiana sex and violent offender registry web site established under IC 36-2-13-5.5.

(2) Notify every law enforcement agency having jurisdiction in the county or counties where the sex or violent offender is registered.

(3) Update the National Crime Information Center's National Sex Offender Registry data base via the Indiana data and communications system (IDACS).

SECTION 10. IC 11-8-8-9, AS AMENDED BY P.L.216-2007, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 9. (a) Not more than seven (7) days before an Indiana sex or violent offender who is required to register under this chapter is scheduled to be released from a **penal facility (as defined in IC 35-41-1-21), a** secure private facility (as defined in IC 31-9-2-115), or ~~released from~~ a juvenile detention facility, an official of the facility shall do the following:

(1) Orally inform the sex or violent offender of the sex or violent offender's duty to register under this chapter and require the sex or violent offender to sign a written statement **affirming** that the sex or violent offender was orally informed **of the duty to register** or, if the sex or violent offender refuses to sign the statement, certify that the sex or violent offender was orally informed of the duty to register.

(2) Deliver a form advising the sex or violent offender of the sex or violent offender's duty to register under this chapter and require the sex or violent offender to sign a written statement that the sex or violent offender received the written notice or, if the sex or violent offender refuses to sign the statement, certify that the sex or violent offender was given the written notice of the duty to register.

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(3) Obtain the address where the sex or violent offender expects to reside, **work, carry on a vocation, or attend school** after the sex or violent offender's release.

(4) Transmit to the local law enforcement authority in the county where the sex or violent offender expects to reside, **work, carry on a vocation, or attend school,** the sex or violent offender's name, date of release or transfer, new address, and the offense or delinquent act committed by the sex or violent offender.

(b) Not more than seventy-two (72) hours after a sex or violent offender who is required to register under this chapter is released or transferred as described in subsection (a), an official of the facility shall transmit to the state police the following:

(1) The sex or violent offender's fingerprints, photograph, and identification factors.

(2) The address where the sex or violent offender expects to reside after the sex or violent offender's release.

(3) The complete criminal history data (as defined in IC 10-13-3-5) or, if the sex or violent offender committed a delinquent act, juvenile history data (as defined in IC 10-13-4-4) of the sex or violent offender.

(4) Information regarding the sex or violent offender's past treatment for mental disorders.

(5) Information as to whether the sex or violent offender has been determined to be a sexually violent predator.

(c) This subsection applies if a sex or violent offender is placed on probation or in a community corrections program without being confined in a penal facility. The probation office serving the court in which the sex or violent offender is sentenced shall perform the duties required under subsections (a) and (b) **and, not later than seventy-two (72) hours after sentencing, forward registration information required in section 8 of this chapter to every local law enforcement authority in which the sex or violent offender is required to register under section 7(b), 7(c), 7(d), or 7(e) of this chapter**.

(d) For any sex or violent offender who is not committed to the department, the probation office of the sentencing court shall transmit to the department a copy of the sex or violent offender's:

(1) sentencing order;

(2) presentence investigation; and

(3) any other information required by the department to make a determination concerning sex or violent offender registration.

(e) If a local law enforcement authority determines that a sex or

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violent offender has not been notified of the obligation to register, the authority shall do the following:

(1) Orally inform the sex or violent offender of the sex or violent offender's duty to register under this chapter and require the sex or violent offender to sign a written statement affirming that the sex or violent offender was orally informed of the duty to register, or, if the sex or violent offender refuses to sign the statement, certify that the sex or violent offender was orally informed of the duty to register.

(2) Deliver a form advising the sex or violent offender of the sex or violent offender's duty to register under this chapter and require the sex or violent offender to sign a written statement affirming that the sex or violent offender received the written notice, or, if the sex or violent offender refuses to sign the statement, certify that the sex or violent offender was given the written notice of the duty to register.

(3) Advise the sex or violent offender that the sex or violent offender is required to report in person and register within seventy-two (72) hours of this notice.

SECTION 11. IC 11-8-8-11, AS AMENDED BY P.L.216-2007, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 11. (a) If a sex or violent offender who is required to register under this chapter changes:

(1) principal residence; ~~address,~~ or

(2) if section 7(a)(2) or 7(a)(3) of this chapter applies, the place where the sex or violent offender stays in Indiana;

the sex or violent offender shall report in person to the local law enforcement authority having jurisdiction over the sex or violent offender's current principal ~~address~~ **residence** or location and, if the offender moves to a new county in Indiana, to the local law enforcement authority having jurisdiction over the sex or violent offender's new principal ~~address~~ **residence** or location not more than seventy-two (72) hours after the address change.

(b) If a sex or violent offender moves to a new county in Indiana, the local law enforcement authority ~~where the sex or violent offender's current principal residence address is located~~ **in the new county in Indiana** shall inform the local law enforcement authority in the ~~new~~ **county where the sex or violent offender's principal residence was previously located** ~~county in Indiana~~ of the sex or violent offender's **new** residence and ~~forward~~ **shall send a copy of** all relevant registration information concerning the sex or violent offender **in the new county** to the local law enforcement authority in the ~~new~~ county

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where the sex or violent offender's principal residence was previously located. ~~The local law enforcement authority receiving notice under this subsection shall verify the address of the sex or violent offender under section 13 of this chapter not more than seven (7) days after receiving the notice.~~ **The local law enforcement authority in the county where the sex or violent offender's principal residence was previously located shall in turn forward all relevant registration information concerning the sex or violent offender in that county to the local law enforcement authority in the new county.**

(c) If a sex or violent offender who is required to register under section 7(a)(2) or 7(a)(3) of this chapter changes the sex or violent offender's principal place of employment, principal place of vocation, or campus or location where the sex or violent offender is enrolled in school, the sex or violent offender shall report in person:

(1) to the local law enforcement authority having jurisdiction over the sex or violent offender's current principal place of employment, principal place of vocation, or campus or location where the sex or violent offender is enrolled in school; and

(2) if the sex or violent offender changes the sex or violent offender's place of employment, vocation, or enrollment to a new county in Indiana, to the local law enforcement authority having jurisdiction over the sex or violent offender's new principal place of employment, principal place of vocation, or campus or location where the sex or violent offender is enrolled in school;

not more than seventy-two (72) hours after the change.

(d) If a sex or violent offender moves the sex or violent offender's place of employment, vocation, or enrollment to a new county in Indiana, the local law enforcement authority ~~having jurisdiction over the sex or violent offender's current principal place of employment, principal place of vocation, or campus or location where the sex or violent offender is enrolled in school~~ **in the new county where the sex or violent offender's new principal place of employment, vocation, or enrollment is located** shall inform the local law enforcement authority ~~in the new county of the sex or violent offender's new principal place of employment, vocation, or enrollment~~ **having jurisdiction over the sex or violent offender's former principal place of employment, principal place of vocation, or campus or location where the sex or violent offender was enrolled in school** by forwarding relevant registration information to the local law enforcement authority in the ~~new~~ **previous** county **of residence.**

(e) If a sex or violent offender moves the sex or violent offender's

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residence, place of employment, vocation, or enrollment to a new state, the local law enforcement authority shall inform the ~~state police~~ **agency that oversees sex or violent offender registration activities** in the new state of the sex or violent offender's new place of residence, employment, vocation, or enrollment.

(f) If a sex or violent offender who is required to register under this chapter intends to change the sex or violent offender's principal residence, place of employment, place of vocation, or campus or location where the sex or violent offender is enrolled in school to a jurisdiction outside the United States, the sex or violent offender shall report in person to the local law enforcement authority having jurisdiction over the sex or violent offender's current principal residence seventy-two (72) hours before the move and provide the information required under section 8 of this chapter in addition to the name of the country to which the sex or violent offender plans to relocate.

~~(f)~~ **(g)** A local law enforcement authority shall make registration information, including information concerning the duty to register and the penalty for failing to register, available to a sex or violent offender.

~~(g)~~ **(h)** A local law enforcement authority who is notified of a change under subsection (a), ~~or~~ (c), **or (f)** shall:

(1) immediately update the Indiana sex and violent offender registry web site established under IC 36-2-13-5.5;

(2) **notify every:**

(A) school;

(B) day care center;

(C) head start program (42 U.S.C. 9831 et seq.);

(D) public housing agency;

(E) social service entity responsible for protecting minors in the child welfare system;

(F) volunteer organization in which contact with a minor or other vulnerable individual might occur; and

(G) law enforcement agency having jurisdiction;

in the county or counties where the sex or violent offender is registered;

(3) update the National Crime Information Center National Sex Offender Registry data base via the Indiana data and communications system (IDACS);

(4) if the sex or violent offender plans to relocate outside the United States, notify the United States Marshals Service; and

~~(3)~~ **(5)** notify the department.

~~(h)~~ **(i)** If a sex or violent offender who is registered with a local law

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enforcement authority becomes incarcerated, the local law enforcement authority shall transmit a copy of the information provided by the sex or violent offender during registration to the department.

~~(i)~~ **(j)** If a sex or violent offender is no longer required to register due to the expiration of the registration period, the local law enforcement authority shall transmit a copy of the information provided by the sex or violent offender during registration to the department.

(k) If a sex or violent offender fails to register as required under section 7(b), 7(c), 7(d), or 7(e) of this chapter, the local law enforcement authority in the destination county shall immediately notify the department and request that the prosecuting attorney in the county pursue a failure to register warrant for a violation of section 17 of this chapter, if applicable.

SECTION 12. IC 11-8-8-12, AS AMENDED BY P.L.216-2007, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 12. (a) As used in this section, "temporary residence" means a residence:

(1) that is established to provide transitional housing for a person without another residence; and

(2) in which a person is not typically permitted to reside for more than thirty (30) days in a sixty (60) day period.

(b) This section applies only to a sex or violent offender who resides in a temporary residence. In addition to the other requirements of this chapter, a sex or violent offender who resides in a temporary residence shall ~~register~~ **report** in person ~~with~~ **to** the local law enforcement authority in **the county where the sex or violent offender temporarily resides and provide the sex or violent offender's temporary residence location and any other information required by the local law enforcement authority:** ~~which the temporary residence is located.~~

(1) not more than seventy-two (72) hours after the sex or violent offender moves into the temporary residence; and

(2) during the period in which the sex or violent offender resides in a temporary residence, at least once every seven (7) days following the sex or violent offender's initial registration under subdivision (1).

(c) A sex or violent offender who does not have a principal residence or temporary residence shall report in person to the local law enforcement authority in the county where the sex or violent offender **temporarily** resides **and provide a description of the sex or violent offender's exact location and any other information required by the local law enforcement authority:** ~~at least once every seven (7)~~

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~~days to report an address for the location where the sex or violent offender will stay during the time in which the sex or violent offender lacks a principal address or temporary residence.~~

(1) not more than seventy-two (72) hours after the sex or violent offender moves into the location; and

(2) during the period in which the sex or violent offender resides in the location, at least once every seven (7) days following the sex or violent offender's initial registration under subdivision (1).

(d) A sex or violent offender's obligation to register in person once every seven (7) days terminates when the sex or violent offender no longer resides in the temporary residence or location described in subsection **(b) or** (c). However, all other requirements imposed on a sex or violent offender by this chapter continue in force, including the requirement that a sex or violent offender register the sex or violent offender's new address with the local law enforcement authority.

SECTION 13. IC 11-8-8-13, AS AMENDED BY P.L.216-2007, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 13. (a) To verify a sex or violent offender's current residence, the local law enforcement authority having jurisdiction over the area of the sex or violent offender's current principal ~~address~~ **residence** or location shall do the following:

(1) Mail a form that is ~~approved or~~ prescribed by the department to each ~~sex or violent offender~~ **tier III sex offender** in the county at the ~~sex or violent~~ offender's ~~listed~~ **principal residence** ~~address~~ at least one (1) time ~~per year~~ **every ninety (90) days**, beginning seven (7) days after the local law enforcement authority receives a notice under section 11 or 20 of this chapter or the date the ~~sex or violent~~ **tier III sex** offender is:

(A) released from a penal facility (as defined in IC 35-41-1-21); ~~a secure private facility (as defined in IC 31-9-2-115), or a juvenile detention facility;~~

(B) released from a secure private facility (as defined in IC 31-9-2-115);

(C) released from a juvenile detention facility;

~~(B) placed in~~ **(D) transferred to** a community transition program;

~~(C) placed in a community corrections program;~~

~~(D)~~ **(E)** placed on parole; ~~or~~

~~(E)~~ **(F)** placed on probation;

(G) placed on home detention; or

(H) at the location where the offender is required to

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register under section 7(b), 7(c), 7(d), or 7(e) of this chapter;

whichever occurs first.

(2) Mail a form that is ~~approved or~~ prescribed by the department to each ~~sex or violent offender who is designated a sexually violent predator under IC 35-38-1-7.5~~ **tier II sex offender in the county at the offender's principal residence** at least ~~once every ninety (90)~~ **one (1) time every one hundred eighty (180)** days, beginning seven (7) days after the local law enforcement authority receives a notice under section 11 or 20 of this chapter or the date the ~~sex or violent offender~~ **tier II sex offender** is:

(A) released from a penal facility (as defined in IC 35-41-1-21); ~~a secure private facility (as defined in IC 31-9-2-115), or a juvenile detention facility;~~

(B) released from a secure private facility (as defined in IC 31-9-2-115);

(C) released from a juvenile detention facility;

~~(B) placed in~~ **(D) transferred to** a community transition program;

~~(C) placed in a community corrections program;~~

~~(D)~~ **(E)** placed on parole; ~~or~~

~~(E)~~ **(F)** placed on probation;

(G) placed on home detention; or

(H) at the location where the offender is required to register under section 7(b), 7(c), 7(d), or 7(e) of this chapter;

whichever occurs first.

(3) Mail a form that is prescribed by the department to each tier I sex offender in the county at the offender's principal residence at least one (1) time each three hundred sixty-five (365) days, beginning seven (7) days after the local law enforcement authority receives a notice under section 11 or 20 of this chapter or the date the tier I sex offender is:

(A) released from a penal facility (as defined in IC 35-41-1-21);

(B) released from a secure private facility (as defined in IC 31-9-2-115);

(C) released from a juvenile detention facility;

(D) transferred to a community transition program;

(E) placed on parole;

(F) placed on probation;

(G) placed on home detention; or

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(H) at the location where the offender is required to register under section 7(b), 7(c), 7(d), or 7(e) of this chapter;

whichever occurs first.

(4) Mail a form that is prescribed by the department to each violent offender in the county at the offender's principal residence at least one (1) time each three hundred sixty-five (365) days, beginning seven (7) days after the local law enforcement authority receives a notice under section 11 or 20 of this chapter or the date the violent offender is:

(A) released from a penal facility (as defined in IC 35-41-1-21);

(B) released from a secure private facility (as defined in IC 31-9-2-115);

(C) released from a juvenile detention facility;

(D) transferred to a community transition program;

(E) placed on parole;

(F) placed on probation;

(G) placed on home detention; or

(H) at the location where the offender is required to register under section 7(b), 7(c), 7(d), or 7(e) of this chapter;

whichever occurs first.

~~(3)~~ **(5)** Personally visit each ~~sex or violent offender~~ **tier III sex offender** in the county at the ~~sex or violent~~ offender's ~~listed~~ **principal residence** ~~address~~ at least one (1) time ~~per year~~ **every ninety (90) days**, beginning seven (7) days after the local law enforcement authority receives a notice under section 7 of this chapter or the date the ~~sex or violent~~ **tier III sex** offender is:

(A) released from a penal facility (as defined in IC 35-41-1-21); ~~a secure private facility (as defined in IC 31-9-2-115), or a juvenile detention facility;~~

(B) released from a secure private facility (as defined in IC 31-9-2-115);

(C) released from a juvenile detention facility;

~~(B) placed in~~ **(D) transferred to** a community transition program;

~~(C) placed in a community corrections program;~~

~~(D)~~ **(E)** placed on parole; ~~or~~

~~(E)~~ **(F)** placed on probation;

(G) placed on home detention; or

(H) at the location where the offender is required to

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register under section 7(b), 7(c), 7(d), or 7(e) of this chapter;

whichever occurs first.

~~(4)~~ **(6)** Personally visit each ~~sex or violent~~ **tier II sex** offender ~~who is designated a sexually violent predator under IC 35-38-1-7.5~~ **in the county at the offender's principal residence** at least ~~once~~ **one (1) time** every ~~ninety (90)~~ **one hundred eighty (180)** days, beginning seven (7) days after the local law enforcement authority receives a notice under section 7 of this chapter or the date the ~~sex or violent~~ **tier II sex** offender is:

(A) released from a penal facility (as defined in IC 35-41-1-21); ~~a secure private facility (as defined in IC 31-9-2-115), or a juvenile detention facility;~~

(B) released from a secure private facility (as defined in IC 31-9-2-115);

(C) released from a juvenile detention facility;

~~(B) placed in~~ **(D) transferred to** a community transition program;

~~(C) placed in a community corrections program;~~

~~(D)~~ **(E)** placed on parole; ~~or~~

~~(E)~~ **(F)** placed on probation;

(G) placed on home detention; or

(H) at the location where the offender is required to register under section 7(b), 7(c), 7(d), or 7(e) of this chapter;

whichever occurs first.

(7) Personally visit each tier I sex offender in the county at the offender's principal residence at least one (1) time each three hundred and sixty-five (365) days, beginning seven (7) days after the local law enforcement authority receives a notice under section 7 of this chapter or the date the tier I sex offender is:

(A) released from a penal facility (as defined in IC 35-41-1-21);

(B) released from a secure private facility (as defined in IC 31-9-2-115);

(C) released from a juvenile detention facility;

(D) transferred to a community transition program;

(E) placed on parole;

(F) placed on probation;

(G) placed on home detention; or

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(H) at the location where the offender is required to register under section 7(b), 7(c), 7(d), or 7(e) of this chapter;

whichever occurs first.

(8) Personally visit each violent offender in the county at the offender's principal residence at least one (1) time each three hundred sixty-five (365) days, beginning seven (7) days after the local law enforcement authority receives a notice under section 7 of this chapter or the date the violent offender is:

(A) released from a penal facility (as defined in IC 35-41-1-21);

(B) released from a secure private facility (as defined in IC 31-9-2-115);

(C) released from a juvenile detention facility;

(D) transferred to a community transition program;

(E) placed on parole;

(F) placed on probation;

(G) placed on home detention; or

(H) at the location where the offender is required to register under section 7(b), 7(c), 7(d), or 7(e) of this chapter;

whichever occurs first.

(b) If a sex or violent offender fails to return a signed form either by mail or in person, not later than fourteen (14) days after mailing, or appears not to reside at the ~~listed address,~~ **principal residence,** the local law enforcement authority shall immediately notify the department and the **request that the** prosecuting attorney **of the county seek a warrant for failure to register under IC 11-8-8-17**.

SECTION 14. IC 11-8-8-14, AS AMENDED BY P.L.216-2007, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 14. (a) ~~This subsection does not apply to a sex or violent offender who is a sexually violent predator.~~ In addition to the other requirements of this chapter, a ~~sex or violent~~ **tier III sex** offender who is required to register under this chapter shall: ~~at least one (1) time per calendar year:~~

(1) report in person to the local law enforcement authority;

(2) register; and

(3) be photographed by the local law enforcement authority;

in each location where the offender is required to register **at least one (1) time every ninety (90) days, on a schedule determined by the local law enforcement authority.**

(b) ~~This subsection applies to a sex or violent offender who is a~~

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~~sexually violent predator.~~ In addition to the other requirements of this chapter, a ~~sex or violent~~ **tier II sex** offender ~~who is a sexually violent predator under IC 35-38-1-7.5~~ **who is required to register under this chapter** shall:

(1) report in person to the local law enforcement authority;

(2) register; and

(3) be photographed by the local law enforcement authority; ~~in each location where the sex or violent offender is required to register;~~

~~every ninety (90)~~ **in each location where the offender is required to register at least one (1) time each one hundred eighty (180)** days.

(c) In addition to the other requirements of this chapter, a tier I sex offender who is required to register under this chapter shall:

(1) report in person to the local law enforcement authority;

(2) register; and

(3) be photographed by the local law enforcement authority; in each location where the offender is required to register at least one (1) time each three hundred sixty-five (365) days, on a schedule determined by the local law enforcement authority.

(d) In addition to the other requirements of this chapter, a violent offender who is required to register under this chapter shall:

(1) report in person to the local law enforcement authority;

(2) register; and

(3) be photographed by the local law enforcement authority; in each location where the offender is required to register at least one (1) time each three hundred sixty-five (365) days, on a schedule determined by the local law enforcement authority.

~~(c)~~ **(e)** Each time a sex or violent offender who claims to be working or attending school registers in person, the sex or violent offender shall provide documentation to the local law enforcement authority providing evidence that the sex or violent offender is still working or attending school at the registered location.

(f) If a sex or violent offender fails to register as required under this section, the local law enforcement authority shall immediately notify the department and request that the prosecuting attorney of the county seek a warrant for failure to register under IC 11-8-8-17.

(g) All information provided by a sex or violent offender as part of the registration process must be certified as true under penalties of perjury.

SECTION 15. IC 11-8-8-15, AS AMENDED BY P.L.216-2007,

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SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 15. (a) A sex or violent offender who is a resident of Indiana shall obtain and keep in the sex or violent offender's possession:

(1) a valid Indiana driver's license; or

(2) a valid Indiana identification card (as described in IC 9-24-16).

(b) A sex or violent offender required to register in Indiana who is not a resident of Indiana shall obtain and keep in the sex or violent offender's possession:

(1) a valid driver's license issued by the state in which the sex or violent offender resides; or

(2) a valid state issued identification card issued by the state in which the sex or violent offender resides.

(c) A person who knowingly or intentionally violates this section commits failure of a sex or violent offender to possess identification, a Class A misdemeanor. However, the offense is a Class D felony if the person:

(1) is a tier III sex offender;

~~(1)~~ **(2)** is a sexually violent predator **(as defined in IC 35-38-1-7.5);** or

~~(2)~~ **(3)** has a prior unrelated conviction:

(A) under this section; or

(B) based on the person's failure to comply with any requirement imposed on an offender under this chapter.

(d) It is a defense to a prosecution under this section that:

(1) the person has been unable to obtain a valid driver's license or state issued identification card because less than thirty (30) days have passed since the person's release from incarceration; or

(2) the person possesses a driver's license or state issued identification card that expired not more than thirty (30) days before the date the person violated subsection (a) or (b).

SECTION 16. IC 11-8-8-16, AS AMENDED BY P.L.216-2007, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 16. (a) A sex or violent offender who is required to register under this chapter may not petition for a change of name under IC 34-28-2.

(b) If a sex or violent offender who is required to register under this chapter changes the sex or violent offender's name due to marriage, the sex or violent offender **shall report in person to the local law enforcement authority having jurisdiction over the sex or violent offender's current principal residence or location, or, if the sex or**

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violent offender has no principal residence, the local law enforcement authority having jurisdiction where the sex or violent offender is registered under section 7(c), 7(d), or 7(e) of this chapter, and provide documentation of the change ~~must register with the local law enforcement authority~~ not more than ~~seven (7) days~~ **seventy-two (72) hours** after the name change.

SECTION 17. IC 11-8-8-17, AS AMENDED BY P.L.216-2007, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 17. (a) **Except as provided in subsection (c),** a sex or violent offender **required to register under this chapter** who knowingly or intentionally:

(1) fails to register when required to register under this chapter;

(2) fails to register in every location where the sex or violent offender is required to register under this chapter;

(3) makes a material misstatement or omission while registering as a sex or violent offender under this chapter;

(4) fails to register **or report** in person as required under this chapter; or

(5) does not reside at the sex or violent offender's registered address or location;

commits a Class D felony.

(b) The offense described in subsection (a) is a Class C felony if the sex or violent offender has a prior unrelated conviction for an offense:

(1) under this section; or

(2) based on the person's failure to comply with any requirement imposed on a sex or violent offender under this chapter or under IC 5-2-12 before its repeal.

~~(c) It is not a defense to a prosecution under this section that the sex or violent offender was unable to pay the sex or violent offender registration fee or the sex or violent offender address change fee described under IC 36-2-13-5.6.~~

(c) This subsection only applies to a sex or violent offender required to register under this chapter who:

(1) changes the sex or violent offender's principal residence to a new county in Indiana; and

(2) registers with the local law enforcement authority in the new county having jurisdiction over the sex or violent offender's new principal residence not more than seventy-two (72) hours after the change of address.

A sex or violent offender to whom this subsection applies who fails to register with the local law enforcement authority having jurisdiction over the sex or violent offender's former principal

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residence in the previous county of residence commits a Class C infraction.

SECTION 18. IC 11-8-8-18, AS AMENDED BY P.L.216-2007, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 18. (a) A ~~sexually violent predator~~ **tier II sex offender** who will be absent from the ~~sexually violent predator's~~ **person's** principal residence for more than ~~seventy-two (72) hours~~ **seven (7) days** shall inform the local law enforcement authority in the county where the ~~sexually violent predator's~~ **person's** principal ~~address~~ **residence** is located, in person, of the following:

(1) That the ~~sexually violent predator~~ **person** will be absent from the ~~sexually violent predator's~~ **person's** principal residence for more than ~~seventy-two (72) hours.~~ **seven (7) days.**

(2) The location where the ~~sexually violent predator~~ **person** will be located during the absence from the ~~sexually violent predator's~~ **person's** principal residence.

(3) The length of time the ~~sexually violent predator~~ **person** will be absent from the ~~sexually violent predator's~~ **person's** principal residence.

If the tier II sex offender will spend more than seven (7) days away from the county of the principal residence, the local law enforcement authority in the county where the person's principal residence is located shall notify the local law enforcement authority in the new county where the person plans to stay.

(b) A ~~sexually violent predator~~ **tier II sex offender** who will spend more than ~~seventy-two (72) hours in a county in which the sexually violent predator is not required to register~~ **seven (7) days away from the county where the person's principal residence is located** shall inform the local law enforcement authority in the **new** county, ~~in which the sexually violent predator is not required to register~~, in person, of the following:

(1) That the ~~sexually violent predator~~ **person** will spend ~~more than seventy-two (72) hours~~ **time** in the county.

(2) The location where the ~~sexually violent predator~~ **person** will be located while spending time in the county.

(3) The length of time the ~~sexually violent predator~~ **person** will remain in the county.

Upon request of the local law enforcement authority of the county in which the ~~sexually violent predator~~ **tier II sex offender** is not required to register, the ~~sexually violent predator~~ **person** shall provide the local law enforcement authority with any additional information that will assist the local law enforcement authority in determining the ~~sexually~~

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~~violent predator's~~ **person's** whereabouts during the ~~sexually violent predator's~~ **person's** stay in the county.

(c) A tier III sex offender who will be absent from the person's principal residence for more than seventy-two (72) hours shall inform the local law enforcement authority in the county where the person's principal residence is located, in person, of the following:

(1) That the person will be absent from the person's principal residence for more than seventy-two (72) hours.

(2) The location where the person will be located during the absence from the person's principal residence.

(3) The length of time the person will be absent from the person's principal residence.

If the tier III sex offender will spend more than seventy-two (72) hours away from the county of the principal residence, the local law enforcement authority in the county where the person's principal residence is located shall notify the local law enforcement authority in the new county where the person plans to stay.

(d) A tier III sex offender who will spend more than seventy-two (72) hours away from the county where the person's principal residence is located shall inform the local law enforcement authority in the new county, in person, of the following:

(1) That the person will spend time in the county.

(2) The location where the person will be located while spending time in the county.

(3) The length of time the person will remain in the county.

Upon request of the local law enforcement authority of the county in which the tier III sex offender is not required to register, the person shall provide the local law enforcement authority with any additional information that will assist the local law enforcement authority in determining the person's whereabouts during the person's stay in the county.

~~(c)~~ **(e)** A ~~sexually violent predator~~ **tier II or tier III sex offender** who knowingly or intentionally violates this section commits failure to notify, a Class A misdemeanor. However, the offense is a Class D felony if the person has a prior unrelated conviction under this section based on the person's failure to comply with any requirement imposed on a sex or violent offender under this chapter.

SECTION 19. IC 11-8-8-19, AS AMENDED BY P.L.216-2007, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 19. (a) ~~Except as provided in subsections (b) through (c), a sex or violent offender is required to register under this chapter until the expiration of ten (10) years after the date the sex or~~

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~~violent offender:~~

~~(1) is released from a penal facility (as defined in IC 35-41-1-21) or a secure juvenile detention facility of a state or another jurisdiction;~~

~~(2) is placed in a community transition program;~~

~~(3) is placed in a community corrections program;~~

~~(4) is placed on parole; or~~

~~(5) is placed on probation;~~

~~whichever occurs last. The department shall ensure that an offender who is no longer required to register as a sex or violent offender is notified that the obligation to register has expired.~~ **A tier III sex offender is required to register for life.**

(b) ~~A sex or violent offender who is a sexually violent predator is required to register for life.~~ **A tier II sex offender is required to register under this chapter until the expiration of twenty-five (25) years from the date the sex or violent offender was:**

(1) released from a penal facility (as defined in IC 35-41-1-21);

(2) released from a secure private facility (as defined in IC 31-9-2-115);

(3) released from a juvenile detention facility;

(4) transferred to a community transition program;

(5) placed on parole;

(6) placed on probation; or

(7) placed on home detention;

whichever occurs last.

(c) ~~A sex or violent offender who is convicted of at least one (1) offense under section 5(a) of this chapter that the sex or violent offender committed:~~

~~(1) when the person was at least eighteen (18) years of age; and~~

~~(2) against a victim who was less than twelve (12) years of age at the time of the crime;~~

~~is required to register for life.~~ **A tier I sex offender is required to register under this chapter until the expiration of fifteen (15) years from the date the sex or violent offender was:**

(1) released from a penal facility (as defined in IC 35-41-1-21);

(2) released from a secure private facility (as defined in IC 31-9-2-115);

(3) released from a juvenile detention facility;

(4) transferred to a community transition program;

(5) placed on parole;

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(6) placed on probation; or

(7) placed on home detention;

whichever occurs last.

(d) ~~A sex or violent offender who is convicted of at least one (1) offense under section 5(a) of this chapter in which the sex offender:~~

~~(1) proximately caused serious bodily injury or death to the victim;~~

~~(2) used force or the threat of force against the victim or a member of the victim's family; unless the offense is sexual battery as a Class D felony; or~~

~~(3) rendered the victim unconscious or otherwise incapable of giving voluntary consent;~~

A violent offender is required to register for life.

~~(e) A sex or violent offender who is convicted of at least two (2) unrelated offenses under section 5(a) of this chapter is required to register for life.~~

~~(f)~~ **(e)** A person who is required to register as a sex or violent offender in any jurisdiction shall register for the period required by the other jurisdiction or the period described in this section, whichever is longer.

(f) A tier I sex offender's registration requirement may be reduced from fifteen (15) years to ten (10) years if the person:

(1) has not been convicted of a felony since the person's registration period began;

(2) has not been convicted of a subsequent sex offense;

(3) has successfully completed any period of supervised release, probation, or parole; and

(4) has successfully completed an appropriate sex offender treatment program certified by the department, a local sentencing court, or by the United States Attorney General.

(g) The department shall ensure that an offender who is no longer required to register as a sex or violent offender is notified that the obligation to register has expired.

SECTION 20. IC 11-8-8-20, AS AMENDED BY P.L.216-2007, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 20. (a) The department may enter into a compact or agreement with one (1) or more jurisdictions outside Indiana to exchange notifications concerning the change of address, employment, vocation, or enrollment of a sex or violent offender between Indiana and the other jurisdiction or the other jurisdiction and Indiana.

(b) If the department receives information that a sex or violent offender has relocated to Indiana to reside, engage in employment or

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a vocation, or enroll in school, or that a sex or violent offender has been convicted in Indiana but not sentenced to the department, the department shall determine:

(1) **whether the person is required to register;**

(2) whether the person is defined as a:

(A) **tier III** sex offender; ~~under IC 11-8-8-4.5; or~~

(B) **tier II** sex ~~or violent~~ offender; ~~under IC 11-8-8-5;~~

(C) tier I sex offender; or

(D) violent offender;

~~(2)~~ **(3)** whether the person is a sexually violent predator under IC 35-38-1-7.5;

~~(3)~~ **(4)** the period the person will be required to register as a sex or violent offender in Indiana; and

~~(4)~~ **(5)** any other matter required by law to make a registration determination.

(c) After the department has made a determination under subsection (b), the department shall update the sex and violent offender registry web site and transmit the department's determination to the local law enforcement authority having jurisdiction over the county where the sex or violent offender resides, is employed, and attends school. The department shall transmit:

(1) the sex or violent offender's name, date of relocation, new address (if applicable), the offense or delinquent act committed by the sex or violent offender, and any other available descriptive information;

(2) **whether the person is defined as a:**

(A) tier III sex offender;

(B) tier II sex offender;

(C) tier I sex offender; or

(D) violent offender;

(3) whether the sex or violent offender is a sexually violent predator;

~~(3)~~ **(4)** the period the sex or violent offender will be required to register in Indiana; and

~~(4)~~ **(5)** anything else required by law to make a registration determination.

SECTION 21. IC 11-8-8-23 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 23. (a) This section applies to a tier I sex offender who seeks to have the offender's registration period reduced from fifteen (15) years to ten (10) years under section 19(f) of this chapter.**

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(b) A tier I sex offender may seek to have the offender's registration period reduced from fifteen (15) years to ten (10) years by filing a verified petition in:

(1) the court of conviction, if the offender was convicted in Indiana; or

(2) a circuit or superior court located in the county where the offender's principal residence is located, if the offender was convicted in another jurisdiction.

(c) A petition filed under this section must briefly describe why the tier I sex offender is entitled to relief, making specific reference to the four (4) prerequisites for relief set forth in section 19(f) of this chapter.

(d) Upon receipt of a petition under this section, a court may:

(1) summarily dismiss the petition if the petition does not entitle the tier I offender to relief; or

(2) provide a copy of the petition to the prosecuting attorney and conduct a hearing on the merits.

A hearing may be set not less than thirty (30) days after the court provides a copy of the petition to the prosecuting attorney. The prosecuting attorney may attend the hearing and present evidence.

(e) The tier I sex offender bears the burden of proving by a preponderance of the evidence that the offender meets the four (4) prerequisites for relief set forth in section 19(f) of this chapter.

(f) If the court finds that the tier I sex offender has proved that the offender is entitled to relief under section 19(f) of this chapter, the court shall reduce the offender's registration period from fifteen (15) years to ten (10) years. If the court reduces the offender's registration period under this section, the court shall notify the department and the local law enforcement authority in the county. The department shall notify other relevant agencies and individuals, if applicable.

(g) If the court finds that the tier I sex offender has not proved that the offender is entitled to relief under section 19(f) of this chapter, the court may not reduce the offender's registration period.

(h) A person may file a petition under this section not more than one (1) time per year.

SECTION 22. IC 11-8-8-24 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 24. (a) This section applies to a:**

(1) tier III sex offender;

(2) tier II sex offender;

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(3) tier I sex offender; or

(4) violent offender;

who seeks to challenge a determination made in Indiana concerning the sex or violent offender's classification or registration period.

(b) This section does not apply to a sex or violent offender convicted in another jurisdiction who seeks to challenge a determination made in the other jurisdiction.

(c) As used in this section, "petitioner" means a person to whom this section applies who seeks to challenge a determination relating to:

(1) the person's classification as a:

(A) tier III sex offender;

(B) tier II sex offender;

(C) tier I sex offender; or

(D) violent offender; or

(2) the period of time the person is required to register as a sex or violent offender in Indiana.

(d) A petitioner who seeks to challenge the petitioner's classification or registration period may do so by filing a verified petition in:

(1) the court of conviction, if the petitioner was convicted in Indiana; or

(2) a circuit or superior court located in the county where the petitioner's principal residence is located, if the petitioner was convicted in another jurisdiction.

(e) A petition filed under this section must briefly and specifically describe why the petitioner is entitled to relief.

(f) Upon receipt of a petition under this section, a court may:

(1) summarily dismiss the petition if the petition does not entitle the petitioner to relief; or

(2) provide a copy of the petition to the department and the prosecuting attorney and conduct a hearing on the merits.

A hearing may be set not less than thirty (30) days after the court provides a copy of the petition to the department and the prosecuting attorney. The prosecuting attorney, the department, or both may attend the hearing and present evidence.

(g) The petitioner bears the burden of proving by a preponderance of the evidence that the petitioner has been wrongly classified or that the petitioner's registration period is incorrect.

(h) If the court finds that the petitioner has proved that the petitioner is entitled to relief, the court shall order the department

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to revise the petitioner's classification or registration period. The department shall notify other relevant agencies and individuals, if applicable.

(i) If the court finds that the petitioner has not proved that the offender is entitled to relief, the court may not order the department to revise the petitioner's classification or registration period.

(j) A petitioner may file a petition under this section not more than one (1) time per year.

SECTION 23. IC 36-2-13-5.5, AS AMENDED BY P.L.216-2007, SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 5.5. (a) The sheriffs shall jointly establish and maintain an Indiana sex and violent offender registry web site, known as the Indiana sex and violent offender registry, to inform the general public about the identity, location, and appearance of every sex or violent offender residing within Indiana. The web site must provide information regarding each sex or violent offender, organized by county of residence. The web site shall be updated at least daily.

(b) **Except as provided in subsection (f),** the Indiana sex and violent offender registry web site must include the following information:

(1) A recent photograph of every sex or violent offender who has registered with a sheriff after the effective date of this chapter.

(2) The home address of every sex or violent offender.

(3) The information required under IC 11-8-8-8.

(c) Every time a sex or violent offender registers, but at least once per year, the sheriff shall:

(1) photograph the sex or violent offender; and

(2) determine whether the sex or violent offender's fingerprints are on file:

(A) in Indiana; or

(B) with the Federal Bureau of Investigation.

If it appears that the sex or violent offender's fingerprints are not on file as described in subdivision (2), the sheriff shall fingerprint the sex or violent offender and transmit a copy of the fingerprints to the state police department. The sheriff shall place the photograph described in subdivision (1) on the Indiana sex and violent offender registry web site.

(d) The photograph of a sex or violent offender described in subsection (c) must meet the following requirements:

(1) The photograph must be full face, front view, with a plain white or off-white background.

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(2) The image of the offender's face, measured from the bottom of the chin to the top of the head, must fill at least seventy-five percent (75%) of the photograph.

(3) The photograph must be in color.

(4) The photograph must show the offender dressed in normal street attire, without a hat or headgear that obscures the hair or hairline.

(5) If the offender normally and consistently wears prescription glasses, a hearing device, wig, or a similar article, the photograph must show the offender wearing those items. A photograph may not include dark glasses or nonprescription glasses with tinted lenses unless the offender can provide a medical certificate demonstrating that tinted lenses are required for medical reasons.

(6) The photograph must have sufficient resolution to permit the offender to be easily identified by a person accessing the Indiana sex and violent offender registry web site.

(e) The Indiana sex and violent offender registry web site may be funded from:

(1) the jail commissary fund (IC 36-8-10-21);

(2) a grant from the criminal justice institute; and

(3) any other source, subject to the approval of the county fiscal body.

(f) The:

(1) photograph; and

(2) home address;

of a sex and violent offender whose registration period has expired shall be removed from any part of the web site that may be accessed by the general public.

SECTION 24. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2008]: IC 11-8-8-1; IC 11-8-8-6.

SECTION 25. [EFFECTIVE JULY 1, 2008] **IC 11-8-8-17 and IC 11-8-8-18, both as amended by this act, apply only to crimes committed after June 30, 2008.**

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COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill No. 86, 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 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 11-8-8-3, AS AMENDED BY P.L.216-2007, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. As used in this chapter, "principal residence" means the residence **or location** where a sex or violent offender spends the most time. The term includes a residence owned or leased by another person if the sex or violent offender:

(1) does not own or lease a residence; or

(2) spends more time at the residence owned or leased by the other person than at the residence owned or leased by the sex or violent offender.

SECTION 2. IC 11-8-8-4.5, AS ADDED BY P.L.216-2007, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4.5. (a) Except as provided in section 22 of this chapter, as used in this chapter, "sex offender" means a person convicted of any of the following offenses:

(1) Rape (IC 35-42-4-1).

(2) Criminal deviate conduct (IC 35-42-4-2)**, including criminal deviate conduct committed in a correctional facility.**

(3) Child molesting (IC 35-42-4-3).

(4) Child exploitation (IC 35-42-4-4(b)).

(5) Vicarious sexual gratification (including performing sexual conduct in the presence of a minor) (IC 35-42-4-5).

(6) Child solicitation (IC 35-42-4-6).

(7) Child seduction (IC 35-42-4-7).

(8) Sexual misconduct with a minor as a Class A, Class B, or Class C felony (IC 35-42-4-9), unless:

(A) the person is convicted of sexual misconduct with a minor as a Class C felony;

(B) the person is not more than:

(i) four (4) years older than the victim if the offense was committed after June 30, 2007; or

(ii) five (5) years older than the victim if the offense was committed before July 1, 2007; and

(C) the sentencing court finds that the person should not be

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required to register as a sex offender.

(9) Incest (IC 35-46-1-3).

(10) Sexual battery (IC 35-42-4-8).

(11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age, and the person who kidnapped the victim is not the victim's parent or guardian.

(12) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age, and the person who confined or removed the victim is not the victim's parent or guardian.

(13) Possession of child pornography (IC 35-42-4-4(c)).

(14) Promoting prostitution (IC 35-45-4-4) as a Class B felony.

(15) Promotion of human trafficking (IC 35-42-3.5-1(a)(2)) if the victim is less than eighteen (18) years of age.

(16) Sexual trafficking of a minor (IC 35-42-3.5-1(b)).

(17) Human trafficking (IC 35-42-3.5-1(c)(3)) if the victim is less than eighteen (18) years of age.

(18) An attempt or conspiracy to commit a crime listed in subdivisions (1) through (17).

(19) A crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in subdivisions (1) through (18).

(b) The term includes:

(1) a person who is required to register as a sex offender in any jurisdiction; and

(2) a child who has committed a delinquent act and who:

(A) is at least fourteen (14) years of age;

(B) is on probation, is on parole, is discharged from a facility by the department of correction, is discharged from a secure private facility (as defined in IC 31-9-2-115), or is discharged from a juvenile detention facility as a result of an adjudication as a delinquent child for an act that would be an offense described in subsection (a) if committed by an adult; and

(C) is found by a court by clear and convincing evidence to be likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

(c) In making a determination under subsection (b)(2)(C), the court shall consider expert testimony concerning whether a child is likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

SECTION 3. IC 11-8-8-4.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 4.6. (a) Except as provided in section 22 of this**

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chapter, as used in this chapter, "tier III sex offender" means a person convicted of any of the following offenses:

(1) Rape (IC 35-42-4-1).

(2) Criminal deviate conduct (IC 35-42-4-2).

(3) Child molesting under:

(A) IC 35-42-4-3(a); or

(B) IC 35-42-4-3(b) as a Class A felony.

(4) Vicarious sexual gratification (including performing sexual conduct in the presence of a minor) under IC 35-42-4-5 if the victim is less than fourteen (14) years of age.

(5) Sexual misconduct with a minor under:

(A) IC 35-42-4-9(a)(2); or

(B) IC 35-42-4-9(b)(2).

(6) Sexual battery (IC 35-42-4-8) if the victim is less than fourteen (14) years of age.

(7) Incest (IC 35-46-1-3) if the victim is less than sixteen (16) years of age.

(8) Kidnapping (IC 35-42-3-2) if the victim is less than eighteen (18) years of age, and the person who kidnapped the victim is not the victim's parent or guardian.

(9) Criminal confinement (IC 35-42-3-3) if the victim is less than eighteen (18) years of age, and the person who confined or removed the victim is not the victim's parent or guardian.

(10) An attempt or conspiracy to commit a crime listed in subdivisions (1) through (9).

(11) A crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in subdivisions (1) through (10).

(b) The term includes the following:

(1) A sexually violent predator (as defined in IC 35-38-1-7.5).

(2) A tier II sex offender who is convicted of a subsequent sex offense.

(3) A tier II sex offender who is convicted of failure to register under section 17 of this chapter.

(c) A person convicted of an offense described in this section is a tier III sex offender by operation of law if one (1) or more of the following conditions apply:

(1) The person was required to register as a sex or violent offender in Indiana on June 30, 2008.

(2) After June 30, 2008, the person is:

(A) incarcerated, on probation, on parole, on home detention, in a community corrections program, or under

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another form of supervision imposed as the result of the person's conviction for any offense; or

(B) released from incarceration, probation, parole, home detention, a community corrections program, or another form of supervision imposed as the result of the person's conviction for any offense.

(3) The person commits the offense after June 30, 2008.

SECTION 4. IC 11-8-8-4.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 4.7. (a) Except as provided in section 22 of this chapter, as used in this chapter, "tier II sex offender" means a sex offender convicted of any of the following offenses:**

(1) Child molesting (IC 35-42-4-3(b)) as a Class C felony.

(2) Child exploitation (IC 35-42-4-4(b)).

(3) Vicarious sexual gratification (IC 35-42-4-5(a)) as a Class D felony if the victim is thirteen (13) years of age or older.

(4) Child solicitation (IC 35-42-4-6).

(5) Child seduction (IC 35-42-4-7).

(6) Sexual battery (IC 35-42-4-8) if the victim is at least thirteen (13) years of age but less than eighteen (18) years of age.

(7) Sexual misconduct with a minor under IC 35-42-4-9(a)(1) or IC 35-42-4-9(b)(1), unless:

(A) the person is convicted of sexual misconduct with a minor as a Class C felony;

(B) the person is not more than:

(i) four (4) years older than the victim if the offense was committed after June 30, 2007; or

(ii) five (5) years older than the victim if the offense was committed before July 1, 2007; and

(C) the sentencing court finds that the person should not be required to register as a sex offender.

(8) Incest (IC 35-46-1-3) if the victim is thirteen (13) years of age or older.

(9) Promoting prostitution (IC 35-45-4-4) as a Class B felony.

(10) Promotion of human trafficking (IC 35-42-3.5-1(a)(2)) if the victim is less than eighteen (18) years of age.

(11) Sexual trafficking of a minor (IC 35-42-3.5-1(b)).

(12) Human trafficking (IC 35-42-3.5-1(c)(3)) if the victim is less than eighteen (18) years of age.

(13) An attempt or conspiracy to commit a crime listed in subdivisions (1) through (12).

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(14) A crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in subdivisions (1) through (13).

(b) The term includes the following:

(1) a tier I sex offender who is convicted of a subsequent sex offense; or

(2) a tier I sex offender who is convicted of failure to register under section 17 of this chapter.

(c) A person convicted of an offense described in this section is a tier II sex offender by operation of law if one (1) or more of the following conditions apply:

(1) The person was required to register as a sex or violent offender in Indiana on June 30, 2008.

(2) After June 30, 2008, the person is:

(A) incarcerated, on probation, on parole, on home detention, in a community corrections program, or under another form of supervision imposed as the result of the person's conviction for any offense; or

(B) released from incarceration, probation, parole, home detention, a community corrections program, or another form of supervision imposed as the result of the person's conviction for any offense.

(3) The person commits the offense after June 30, 2008.

SECTION 5. IC 11-8-8-4.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 4.8. (a) As used in this chapter, "tier I sex offender" means a sex offender who is not a tier III sex offender or a tier II sex offender.**

(b) A person convicted of an offense referred to in section 4.5 of this chapter but not referred to in section 4.6 or section 4.7 of this chapter is a tier I sex offender by operation of law if one (1) or more of the following conditions apply:

(1) The person was required to register as a sex or violent offender in Indiana on June 30, 2008.

(2) After June 30, 2008, the person is:

(A) incarcerated, on probation, on parole, on home detention, in a community corrections program, or under another form of supervision imposed as the result of the person's conviction for any offense; or

(B) released from incarceration, probation, parole, home detention, a community corrections program, or another form of supervision imposed as the result of the person's

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conviction for any offense.

(3) The person commits the offense after June 30, 2008.".

Page 1, line 4, strike ""sex or".

Page 1, line 4, delete "violent" and insert ""violent".

Page 1, strike lines 6 through 17.

Page 2, strike lines 1 through 22.

Page 2, line 23, strike "(18)" and insert "**(1)**".

Page 2, line 23, delete ", if the person was:" and insert ".".

Page 2, delete lines 24 through 26.

Page 2, line 27, strike "(19)" and insert "**(2)**".

Page 2, line 27, delete ", if the person was:" and insert ".".

Page 2, delete lines 28 through 30.

Page 2, line 31, strike "(20)" and insert "**(3)**".

Page 2, line 32, strike "(19)." and insert "**(2).**".

Page 2, line 33, strike "(21)" and insert "**(4)**".

Page 2, line 35, strike "(20)." and insert "**(3).**".

Page 2, between lines 35 and 36, begin a new line block indented and insert:

"**(5) A person who is incarcerated for a Class A or B felony if:**

(A) the person served a sentence in a facility maintained by the department after June 30, 2008; and

(B) the difference between the person's release date and the person's post incarceration supervision is less than sixty (60) days due to facility rule violations.".

Page 2, line 37, strike "sex or".

Page 3, after line 11, begin a new paragraph and insert:

"SECTION 6. IC 11-8-8-5.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 5.3. As used in this chapter, "sex or violent offender" means a person who is:**

(1) a sex offender under section 4.5 of this chapter;

(2) a violent offender under section 5 of this chapter; or

(3) both subdivisions (1) and (2).

SECTION 7. IC 11-8-8-7, AS AMENDED BY P.L.216-2007, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 7. (a) Subject to section 19 of this chapter, the following persons must register under this chapter:

(1) A sex or violent offender who resides in Indiana. A sex or violent offender resides in Indiana if either of the following applies:

(A) The sex or violent offender spends or intends to spend at least seven (7) days (including part of a day) in Indiana during

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a one hundred eighty (180) day period.

(B) The sex or violent offender owns real property in Indiana and returns to Indiana at any time.

(2) A sex or violent offender who works or carries on a vocation or intends to work or carry on a vocation full-time or part-time for a period:

(A) exceeding seven (7) consecutive days; or

(B) for a total period exceeding fourteen (14) days;

during any calendar year in Indiana regardless of whether the sex or violent offender is financially compensated, volunteered, or is acting for the purpose of government or educational benefit.

(3) A sex or violent offender who is enrolled or intends to be enrolled on a full-time or part-time basis in any public or private educational institution **in Indiana,** including any secondary school, trade, or professional institution, or postsecondary educational institution.

(b) Except as provided in subsection (e), a sex or violent offender who resides **or expects to reside as described in section 9(a)(3) of this chapter** in Indiana shall register with the local law enforcement authority in the county where the sex or violent offender resides **or expects to reside.** If a sex or violent offender resides **or expects to reside as described in section 9(a)(3) of this chapter** in more than one (1) county, the sex or violent offender shall register with the local law enforcement authority in each county in which the sex or violent offender resides. If the sex or violent offender is also required to register under subsection (a)(2) or (a)(3), the sex or violent offender shall also register with the local law enforcement authority in the county in which the offender is required to register under subsection (c) or (d).

(c) A sex or violent offender described in subsection (a)(2) shall register with the local law enforcement authority in the county where the sex or violent offender is ~~or intends to be~~ employed, ~~or carry~~ **carries** on a vocation, **or expects to be employed or to carry on a vocation as described in section 9(a)(3) of this chapter.** If a sex or violent offender is ~~or intends to be~~ employed, ~~or carry~~ **carries** on a vocation, **or expects to be employed or to carry on a vocation as described in section 9(a)(3) of this chapter** in more than one (1) county, the sex or violent offender shall register with the local law enforcement authority in each county. If the sex or violent offender is also required to register under subsection (a)(1) or (a)(3), the sex or violent offender shall also register with the local law enforcement authority in the county in which the offender is required to register

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under subsection (b) or (d).

(d) A sex or violent offender described in subsection (a)(3) shall register with the local law enforcement authority in the county where the sex or violent offender is enrolled or ~~intends~~ **expects** to be enrolled as ~~a student.~~ **described in section 9(a)(3) of this chapter. If a sex or violent offender is enrolled or expects to be enrolled as described in section 9(a)(3) of this chapter in more than one (1) county, the sex or violent offender shall register with the local law enforcement authority in each county.** If the sex or violent offender is also required to register under subsection (a)(1) or (a)(2), the sex or violent offender shall also register with the local law enforcement authority in the county in which the offender is required to register under subsection (b) or (c).

(e) A sex or violent offender described in subsection (a)(1)(B) shall register with the local law enforcement authority in the county in which the real property is located. If the sex or violent offender is also required to register under subsection (a)(1)(A), (a)(2), or (a)(3), the sex or violent offender shall also register with the local law enforcement authority in the county in which the offender is required to register under subsection (b), (c), or (d).

(f) ~~A~~ **For every** sex or violent offender committed to the department, ~~shall register with the department before the sex or violent offender is released from incarceration. The department shall forward the sex or violent offender's registration information to the local law enforcement authority of every county in which the sex or violent offender is required to register.~~ **the department shall determine:**

(1) whether the person is required to register;

(2) whether the person is a:

(A) tier III sex offender;

(B) tier II sex offender;

(C) tier I sex offender; or

(D) violent offender;

(3) whether the person is a sexually violent predator under IC 35-38-1-7.5;

(4) the period for which the person will be required to register as a sex or violent offender in Indiana; and

(5) any other matter required by law to make a registration determination.

The department shall enter into the registry the information described in section 8 of this chapter before the sex or violent offender is released from the department.

~~(g) This subsection does not apply to a sex or violent offender who~~

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~~is a sexually violent predator. A sex or violent offender not committed to the department shall register not more than seven (7) days after the sex or violent offender:~~

~~(1) is released from a penal facility (as defined in IC 35-41-1-21);~~

~~(2) is released from a secure private facility (as defined in IC 31-9-2-115);~~

~~(3) is released from a juvenile detention facility;~~

~~(4) is transferred to a community transition program;~~

~~(5) is placed on parole;~~

~~(6) is placed on probation;~~

~~(7) is placed on home detention; or~~

~~(8) arrives at the place where the sex or violent offender is required to register under subsection (b), (c), or (d);~~

~~whichever occurs first. A sex or violent offender required to register in more than one (1) county under subsection (b), (c), (d), or (e) shall register in each appropriate county not more than seventy-two (72) hours after the sex or violent offender's arrival in that county or acquisition of real estate in that county.~~

~~(h) This subsection applies to a sex or violent offender who is a sexually violent predator.~~ **(g)** A sex or violent offender ~~who is a sexually violent predator~~ shall register **with the local law enforcement authority as required under subsections (b), (c), (d), or (e), or with the appropriate law enforcement agency in another jurisdiction,** not more than seventy-two (72) hours after the sex or violent offender:

(1) is released from a penal facility (as defined in IC 35-41-1-21);

(2) is released from a secure private facility (as defined in IC 31-9-2-115);

(3) is released from a juvenile detention facility;

(4) is transferred to a community transition program;

(5) is placed on parole;

(6) is placed on probation;

(7) is placed on home detention; ~~or~~

(8) arrives at the ~~place~~ **location** where the ~~sexually violent predator~~ **sex or violent offender** is required to register under subsection (b), (c), ~~or~~ (d), **or (e); or**

(9) arrives at the location in a jurisdiction outside Indiana where the sex or violent offender is required to register;

whichever occurs first. A sex or violent offender who is ~~a sexually violent predator~~ required to register in more than one (1) county under subsection (b), (c), (d), or (e) shall register in each appropriate county not more than seventy-two (72) hours after the offender's arrival in that county or acquisition of real estate in that county.

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~~(i) The local law enforcement authority with whom a sex or violent offender registers under this section shall make and publish a photograph of the sex or violent offender on the Indiana sex and violent offender registry web site established under IC 36-2-13-5.5. The local law enforcement authority shall make a photograph of the sex or violent offender that complies with the requirements of IC 36-2-13-5.5 at least once per year. The sheriff of a county containing a consolidated city shall provide the police chief of the consolidated city with all photographic and computer equipment necessary to enable the police chief of the consolidated city to transmit sex or violent offender photographs (and other identifying information required by IC 36-2-13-5.5) to the Indiana sex and violent offender registry web site established under IC 36-2-13-5.5. In addition, the sheriff of a county containing a consolidated city shall provide all funding for the county's financial obligation for the establishment and maintenance of the Indiana sex and violent offender registry web site established under IC 36-2-13-5.5.~~

~~(j)~~ **(h)** When a sex or violent offender registers, the local law enforcement authority shall:

(1) immediately update the Indiana sex and violent offender registry web site established under IC 36-2-13-5.5;

(2) notify every law enforcement agency having jurisdiction in the county where the sex or violent offender ~~resides,~~ **is registered;**

(3) notify every:

(A) school;

(B) day care center;

(C) head start program (42 U.S.C. 9831 et seq.);

(D) public housing agency;

(E) social service entity responsible for protecting minors in the child welfare system; and

(F) volunteer organization in which contact with a minor or other vulnerable individual might occur;

located in the county where the sex or violent offender is registered; and

~~(3)~~ **(4)** update the National Crime Information Center National Sex Offender Registry data base via the Indiana data and communications system (IDACS).

When a sex or violent offender from a jurisdiction outside Indiana registers a change of address, employment, vocation, or enrollment ~~in~~ **to** Indiana, the local law enforcement authority shall provide the department with the information provided by the sex or violent offender during registration.

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(i) If a sex or violent offender fails to register as required under subsection (b), (c), (d), or (e) as required in this section, the local law enforcement authority in the destination county shall immediately notify the department and request that the prosecuting attorney in the county pursue a failure to register warrant for a violation of section 17 of this chapter. If the offender fails to register in a jurisdiction outside Indiana, the department shall contact the United States Marshals Service.

SECTION 8. IC 11-8-8-8, AS AMENDED BY P.L.216-2007, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 8. **(a)** The ~~registration required under this chapter must include the~~ **local law enforcement authority or other agency responsible for registering or updating the registration of a sex or violent offender shall collect or update the** following information:

~~(1) The sex or violent offender's full name, alias, any name by which the sex or violent offender was previously known, date of birth, sex, race, height, weight, hair color, eye color, any scars, marks, or tattoos, Social Security number, driver's license number or state identification card number, vehicle description and vehicle plate number for any vehicle the sex or violent offender owns or operates on a regular basis, principal residence address, other address where the sex or violent offender spends more than seven (7) nights in a fourteen (14) day period, and mailing address, if different from the sex or violent offender's principal residence address.~~

~~(2) A description of the offense for which the sex or violent offender was convicted, the date of conviction, the county of the conviction, the cause number of the conviction, and the sentence imposed, if applicable.~~

~~(3) If the person is required to register under section 7(a)(2) or 7(a)(3) of this chapter, the name and address of each of the sex or violent offender's employers in Indiana, the name and address of each campus or location where the sex or violent offender is enrolled in school in Indiana, and the address where the sex or violent offender stays or intends to stay while in Indiana.~~

~~(4) A recent photograph of the sex or violent offender.~~

~~(5) If the sex or violent offender is a sexually violent predator, that the sex or violent offender is a sexually violent predator.~~

~~(6) If the sex or violent offender is required to register for life, that the sex or violent offender is required to register for life.~~

~~(7) Any other information required by the department.~~

(1) Name identifiers, including the following:

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(A) The full name.

(B) Any alias or previous name.

(2) Communication identifiers, including the following:

(A) Any telephone numbers and any other designations used by the person for purposes of routing or self-identification in telephonic communication.

(B) Any designation or moniker used for routing or self-identification in Internet communications or posting.

(3) Demographic and descriptive identifiers, including the following:

(A) Date of birth and any purported date of birth.

(B) Social Security number and any purported Social Security number.

(C) Sex.

(D) Race.

(E) Height.

(F) Weight.

(G) Hair color.

(H) Eye color.

(I) Any scar, mark, or tattoo.

(4) Licensing information that authorizes the person to engage in an occupation or carry out a trade or business.

(5) Vehicle, transportation, and traveling identifiers, including the following:

(A) Driver's license or state identification card number.

(B) An alias or any purported driver's license number or state identification card number.

(C) A digitized copy of a passport or other information establishing the person's immigration status.

(D) A description and vehicle plate number or, if a plate number is not available, another identifying number for all vehicles owned by the person or used by the person on a regular basis, including the person's personal vehicle, work vehicle, and any watercraft or aircraft the person owns or operates on a regular basis.

(E) The location where the person's vehicles are habitually parked, docked, and otherwise kept.

(6) Residence, employment, and school identifiers, including the following:

(A) Principal residence.

(B) If the person is required to register under section 7(a)(2) of this chapter, the name and address of each of the

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person's employers in Indiana.

(C) The person's work location, including the normal travel routes and general areas in which the person works.

(D) If the person is required to register under section 7(a)(3) of this chapter, the name and address of each campus or location where the person is enrolled in school in Indiana, and the address that the person stays or expects to stay while in Indiana.

(E) Mailing address, if different from the person's principal residence address.

(F) Any other address where the person spends more than seven (7) nights in a fourteen (14) day period, or thirty (30) or more nonconsecutive days within a calendar year.

(7) Offense information, including the following:

(A) The criminal code citation to the offense of which the person was convicted.

(B) A description of the offense of which the person was convicted.

(C) The date of conviction.

(D) The county or jurisdiction of the conviction.

(E) The cause number of the conviction.

(F) The sentence imposed.

(8) A current photograph of the person.

(9) Any other information required by the department.

(b) If any information required under subsection (a)(2), (a)(5), or (a)(6) changes, the sex or violent offender shall report in person to the local law enforcement authority having jurisdiction over the sex or violent offender's current principal residence or location and update the changed information not later than seventy-two (72) hours after the information changes.

(c) If any information required under subsection (a)(2), (a)(5), or (a)(6) changes, the local law enforcement authority shall do the following:

(1) Immediately update the Indiana sex and violent offender registry web site established under IC 36-2-13-5.5.

(2) Notify every law enforcement agency having jurisdiction in the county or counties where the sex or violent offender is registered.

(3) Update the National Crime Information Center's National Sex Offender Registry data base via the Indiana data and communications system (IDACS).

SECTION 9. IC 11-8-8-9, AS AMENDED BY P.L.216-2007,

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SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 9. (a) Not more than seven (7) days before an Indiana sex or violent offender who is required to register under this chapter is scheduled to be released from a **penal facility (as defined in IC 35-41-1-21), a** secure private facility (as defined in IC 31-9-2-115), or ~~released from~~ a juvenile detention facility, an official of the facility shall do the following:

(1) Orally inform the sex or violent offender of the sex or violent offender's duty to register under this chapter and require the sex or violent offender to sign a written statement **affirming** that the sex or violent offender was orally informed **of the duty to register** or, if the sex or violent offender refuses to sign the statement, certify that the sex or violent offender was orally informed of the duty to register.

(2) Deliver a form advising the sex or violent offender of the sex or violent offender's duty to register under this chapter and require the sex or violent offender to sign a written statement that the sex or violent offender received the written notice or, if the sex or violent offender refuses to sign the statement, certify that the sex or violent offender was given the written notice of the duty to register.

(3) Obtain the address where the sex or violent offender expects to reside, **work, carry on a vocation, or attend school** after the sex or violent offender's release.

(4) Transmit to the local law enforcement authority in the county where the sex or violent offender expects to reside, **work, carry on a vocation, or attend school,** the sex or violent offender's name, date of release or transfer, new address, and the offense or delinquent act committed by the sex or violent offender.

(b) Not more than seventy-two (72) hours after a sex or violent offender who is required to register under this chapter is released or transferred as described in subsection (a), an official of the facility shall transmit to the state police the following:

(1) The sex or violent offender's fingerprints, photograph, and identification factors.

(2) The address where the sex or violent offender expects to reside after the sex or violent offender's release.

(3) The complete criminal history data (as defined in IC 10-13-3-5) or, if the sex or violent offender committed a delinquent act, juvenile history data (as defined in IC 10-13-4-4) of the sex or violent offender.

(4) Information regarding the sex or violent offender's past

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treatment for mental disorders.

(5) Information as to whether the sex or violent offender has been determined to be a sexually violent predator.

(c) This subsection applies if a sex or violent offender is placed on probation or in a community corrections program without being confined in a penal facility. The probation office serving the court in which the sex or violent offender is sentenced shall perform the duties required under subsections (a) and (b) **and, not later than seventy-two (72) hours after sentencing, forward registration information required in section 8 of this chapter to every local law enforcement authority in which the sex or violent offender is required to register under section 7(b), 7(c), 7(d), or 7(e) of this chapter**.

(d) For any sex or violent offender who is not committed to the department, the probation office of the sentencing court shall transmit to the department a copy of the sex or violent offender's:

(1) sentencing order;

(2) presentence investigation; and

(3) any other information required by the department to make a determination concerning sex or violent offender registration.

(e) If a local law enforcement authority determines that a sex or violent offender has not been notified of the obligation to register, the authority shall do the following:

(1) Orally inform the sex or violent offender of the sex or violent offender's duty to register under this chapter and require the sex or violent offender to sign a written statement affirming that the sex or violent offender was orally informed of the duty to register, or, if the sex or violent offender refuses to sign the statement, certify that the sex or violent offender was orally informed of the duty to register.

(2) Deliver a form advising the sex or violent offender of the sex or violent offender's duty to register under this chapter and require the sex or violent offender to sign a written statement affirming that the sex or violent offender received the written notice, or, if the sex or violent offender refuses to sign the statement, certify that the sex or violent offender was given the written notice of the duty to register.

(3) Advise the sex or violent offender that the sex or violent offender is required to report in person and register within seventy-two (72) hours of this notice.

SECTION 10. IC 11-8-8-11, AS AMENDED BY P.L.216-2007, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2008]: Sec. 11. (a) If a sex or violent offender who is required to register under this chapter changes:

(1) principal residence; ~~address,~~ or

(2) if section 7(a)(2) or 7(a)(3) of this chapter applies, the place where the sex or violent offender stays in Indiana;

the sex or violent offender shall report in person to the local law enforcement authority having jurisdiction over the sex or violent offender's current principal ~~address~~ **residence** or location and, if the offender moves to a new county in Indiana, to the local law enforcement authority having jurisdiction over the sex or violent offender's new principal ~~address~~ **residence** or location not more than seventy-two (72) hours after the address change.

(b) If a sex or violent offender moves to a new county in Indiana, the local law enforcement authority ~~where the sex or violent offender's current principal residence address is located~~ **in the new county in Indiana** shall inform the local law enforcement authority in the ~~new~~ **county where the sex or violent offender's principal residence was previously located** ~~county in Indiana~~ of the sex or violent offender's **new** residence and ~~forward~~ **shall send a copy of** all relevant registration information concerning the sex or violent offender **in the new county** to the local law enforcement authority in the ~~new~~ county **where the sex or violent offender's principal residence was previously located.** ~~The local law enforcement authority receiving notice under this subsection shall verify the address of the sex or violent offender under section 13 of this chapter not more than seven (7) days after receiving the notice.~~ **The local law enforcement authority in the county where the sex or violent offender's principal residence was previously located shall in turn forward all relevant registration information concerning the sex or violent offender in that county to the local law enforcement authority in the new county.**

(c) If a sex or violent offender who is required to register under section 7(a)(2) or 7(a)(3) of this chapter changes the sex or violent offender's principal place of employment, principal place of vocation, or campus or location where the sex or violent offender is enrolled in school, the sex or violent offender shall report in person:

(1) to the local law enforcement authority having jurisdiction over the sex or violent offender's current principal place of employment, principal place of vocation, or campus or location where the sex or violent offender is enrolled in school; and

(2) if the sex or violent offender changes the sex or violent offender's place of employment, vocation, or enrollment to a new

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county in Indiana, to the local law enforcement authority having jurisdiction over the sex or violent offender's new principal place of employment, principal place of vocation, or campus or location where the sex or violent offender is enrolled in school;

not more than seventy-two (72) hours after the change.

(d) If a sex or violent offender moves the sex or violent offender's place of employment, vocation, or enrollment to a new county in Indiana, the local law enforcement authority ~~having jurisdiction over the sex or violent offender's current principal place of employment, principal place of vocation, or campus or location where the sex or violent offender is enrolled in school~~ **in the new county where the sex or violent offender's new principal place of employment, vocation, or enrollment is located** shall inform the local law enforcement authority ~~in the new county of the sex or violent offender's new principal place of employment, vocation, or enrollment~~ **having jurisdiction over the sex or violent offender's former principal place of employment, principal place of vocation, or campus or location where the sex or violent offender was enrolled in school** by forwarding relevant registration information to the local law enforcement authority in the ~~new~~ **previous** county **of residence.**

(e) If a sex or violent offender moves the sex or violent offender's residence, place of employment, vocation, or enrollment to a new state, the local law enforcement authority shall inform the ~~state police~~ **agency that oversees sex or violent offender registration activities** in the new state of the sex or violent offender's new place of residence, employment, vocation, or enrollment.

(f) If a sex or violent offender who is required to register under this chapter intends to change the sex or violent offender's principal residence, place of employment, place of vocation, or campus or location where the sex or violent offender is enrolled in school to a jurisdiction outside the United States, the sex or violent offender shall report in person to the local law enforcement authority having jurisdiction over the sex or violent offender's current principal residence seventy-two (72) hours before the move and provide the information required under section 8 of this chapter in addition to the name of the country to which the sex or violent offender plans to relocate.

~~(f)~~ **(g)** A local law enforcement authority shall make registration information, including information concerning the duty to register and the penalty for failing to register, available to a sex or violent offender.

~~(g)~~ **(h)** A local law enforcement authority who is notified of a change under subsection (a), ~~or~~ (c), **or (f)** shall:

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(1) immediately update the Indiana sex and violent offender registry web site established under IC 36-2-13-5.5;

(2) **notify every:**

(A) school;

(B) day care center;

(C) head start program (42 U.S.C. 9831 et seq.);

(D) public housing agency;

(E) social service entity responsible for protecting minors in the child welfare system;

(F) volunteer organization in which contact with a minor or other vulnerable individual might occur; and

(G) law enforcement agency having jurisdiction;

in the county or counties where the sex or violent offender is registered;

(3) update the National Crime Information Center National Sex Offender Registry data base via the Indiana data and communications system (IDACS);

(4) if the sex or violent offender plans to relocate outside the United States, notify the United States Marshals Service; and

~~(3)~~ **(5)** notify the department.

~~(h)~~ **(i)** If a sex or violent offender who is registered with a local law enforcement authority becomes incarcerated, the local law enforcement authority shall transmit a copy of the information provided by the sex or violent offender during registration to the department.

~~(i)~~ **(j)** If a sex or violent offender is no longer required to register due to the expiration of the registration period, the local law enforcement authority shall transmit a copy of the information provided by the sex or violent offender during registration to the department.

(k) If a sex or violent offender fails to register as required under section 7(b), 7(c), 7(d), or 7(e) of this chapter, the local law enforcement authority in the destination county shall immediately notify the department and request that the prosecuting attorney in the county pursue a failure to register warrant for a violation of section 17 of this chapter, if applicable.

SECTION 11. IC 11-8-8-12, AS AMENDED BY P.L.216-2007, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 12. (a) As used in this section, "temporary residence" means a residence:

(1) that is established to provide transitional housing for a person without another residence; and

(2) in which a person is not typically permitted to reside for more than thirty (30) days in a sixty (60) day period.

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(b) This section applies only to a sex or violent offender who resides in a temporary residence. In addition to the other requirements of this chapter, a sex or violent offender who resides in a temporary residence shall ~~register~~ **report** in person ~~with~~ **to** the local law enforcement authority in **the county where the sex or violent offender temporarily resides and provide the sex or violent offender's temporary residence location and any other information required by the local law enforcement authority:** ~~which the temporary residence is located.~~

(1) not more than seventy-two (72) hours after the sex or violent offender moves into the temporary residence; and

(2) during the period in which the sex or violent offender resides in a temporary residence, at least once every seven (7) days following the sex or violent offender's initial registration under subdivision (1).

(c) A sex or violent offender who does not have a principal residence or temporary residence shall report in person to the local law enforcement authority in the county where the sex or violent offender **temporarily** resides **and provide a description of the sex or violent offender's exact location and any other information required by the local law enforcement authority:** ~~at least once every seven (7) days to report an address for the location where the sex or violent offender will stay during the time in which the sex or violent offender lacks a principal address or temporary residence.~~

(1) not more than seventy-two (72) hours after the sex or violent offender moves into the location; and

(2) during the period in which the sex or violent offender resides in the location, at least once every seven (7) days following the sex or violent offender's initial registration under subdivision (1).

(d) A sex or violent offender's obligation to register in person once every seven (7) days terminates when the sex or violent offender no longer resides in the temporary residence or location described in subsection **(b) or** (c). However, all other requirements imposed on a sex or violent offender by this chapter continue in force, including the requirement that a sex or violent offender register the sex or violent offender's new address with the local law enforcement authority.

SECTION 11. IC 11-8-8-13, AS AMENDED BY P.L.216-2007, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 13. (a) To verify a sex or violent offender's current residence, the local law enforcement authority having jurisdiction over the area of the sex or violent offender's current principal ~~address~~

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residence or location shall do the following:

(1) Mail a form that is ~~approved or~~ prescribed by the department to each ~~sex or violent offender~~ **tier III sex offender** in the county at the ~~sex or violent~~ offender's ~~listed~~ **principal residence** ~~address~~ at least one (1) time ~~per year~~ **every ninety (90) days**, beginning seven (7) days after the local law enforcement authority receives a notice under section 11 or 20 of this chapter or the date the ~~sex or violent~~ **tier III sex** offender is:

(A) released from a penal facility (as defined in IC 35-41-1-21); ~~a secure private facility (as defined in IC 31-9-2-115), or a juvenile detention facility;~~

(B) released from a secure private facility (as defined in IC 31-9-2-115);

(C) released from a juvenile detention facility;

~~(B) placed in~~ **(D) transferred to** a community transition program;

~~(C) placed in a community corrections program;~~

~~(D)~~ **(E)** placed on parole; ~~or~~

~~(E)~~ **(F)** placed on probation;

(G) placed on home detention; or

(H) at the location where the offender is required to register under section 7(b), 7(c), 7(d), or 7(e) of this chapter;

whichever occurs first.

(2) Mail a form that is ~~approved or~~ prescribed by the department to each ~~sex or violent offender who is designated a sexually violent predator under IC 35-38-1-7.5~~ **tier II sex offender in the county at the offender's principal residence** at least ~~once every ninety (90)~~ **one (1) time every one hundred eighty (180)** days, beginning seven (7) days after the local law enforcement authority receives a notice under section 11 or 20 of this chapter or the date the ~~sex or violent offender~~ **tier II sex offender** is:

(A) released from a penal facility (as defined in IC 35-41-1-21); ~~a secure private facility (as defined in IC 31-9-2-115), or a juvenile detention facility;~~

(B) released from a secure private facility (as defined in IC 31-9-2-115);

(C) released from a juvenile detention facility;

~~(B) placed in~~ **(D) transferred to** a community transition program;

~~(C) placed in a community corrections program;~~

~~(D)~~ **(E)** placed on parole; ~~or~~

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~~(E)~~ **(F)** placed on probation;

(G) placed on home detention; or

(H) at the location where the offender is required to register under section 7(b), 7(c), 7(d), or 7(e) of this chapter;

whichever occurs first.

(3) Mail a form that is prescribed by the department to each tier I sex offender in the county at the offender's principal residence at least one (1) time each three hundred sixty-five (365) days, beginning seven (7) days after the local law enforcement authority receives a notice under section 11 or 20 of this chapter or the date the tier I sex offender is:

(A) released from a penal facility (as defined in IC 35-41-1-21);

(B) released from a secure private facility (as defined in IC 31-9-2-115);

(C) released from a juvenile detention facility;

(D) transferred to a community transition program;

(E) placed on parole;

(F) placed on probation;

(G) placed on home detention; or

(H) at the location where the offender is required to register under section 7(b), 7(c), 7(d), or 7(e) of this chapter;

whichever occurs first.

(4) Mail a form that is prescribed by the department to each violent offender in the county at the offender's principal residence at least one (1) time each three hundred sixty-five (365) days, beginning seven (7) days after the local law enforcement authority receives a notice under section 11 or 20 of this chapter or the date the violent offender is:

(A) released from a penal facility (as defined in IC 35-41-1-21);

(B) released from a secure private facility (as defined in IC 31-9-2-115);

(C) released from a juvenile detention facility;

(D) transferred to a community transition program;

(E) placed on parole;

(F) placed on probation;

(G) placed on home detention; or

(H) at the location where the offender is required to register under section 7(b), 7(c), 7(d), or 7(e) of this

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chapter;

whichever occurs first.

~~(3)~~ **(5)** Personally visit each ~~sex or violent offender~~ **tier III sex offender** in the county at the ~~sex or violent~~ offender's ~~listed~~ **principal residence** ~~address~~ at least one (1) time ~~per year~~ **every ninety (90) days**, beginning seven (7) days after the local law enforcement authority receives a notice under section 7 of this chapter or the date the ~~sex or violent~~ **tier III sex** offender is:

(A) released from a penal facility (as defined in IC 35-41-1-21); ~~a secure private facility (as defined in IC 31-9-2-115), or a juvenile detention facility;~~

(B) released from a secure private facility (as defined in IC 31-9-2-115);

(C) released from a juvenile detention facility;

~~(B) placed in~~ **(D) transferred to** a community transition program;

~~(C) placed in a community corrections program;~~

~~(D)~~ **(E)** placed on parole; ~~or~~

~~(E)~~ **(F)** placed on probation;

(G) placed on home detention; or

(H) at the location where the offender is required to register under section 7(b), 7(c), 7(d), or 7(e) of this chapter;

whichever occurs first.

~~(4)~~ **(6)** Personally visit each ~~sex or violent~~ **tier II sex** offender ~~who is designated a sexually violent predator under IC 35-38-1-7.5~~ **in the county at the offender's principal residence** at least ~~once~~ **one (1) time** every ~~ninety (90)~~ **one hundred eighty (180)** days, beginning seven (7) days after the local law enforcement authority receives a notice under section 7 of this chapter or the date the ~~sex or violent~~ **tier II sex** offender is:

(A) released from a penal facility (as defined in IC 35-41-1-21); ~~a secure private facility (as defined in IC 31-9-2-115), or a juvenile detention facility;~~

(B) released from a secure private facility (as defined in IC 31-9-2-115);

(C) released from a juvenile detention facility;

~~(B) placed in~~ **(D) transferred to** a community transition program;

~~(C) placed in a community corrections program;~~

~~(D)~~ **(E)** placed on parole; ~~or~~

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~~(E)~~ **(F)** placed on probation;

(G) placed on home detention; or

(H) at the location where the offender is required to register under section 7(b), 7(c), 7(d), or 7(e) of this chapter;

whichever occurs first.

(7) Personally visit each tier I sex offender in the county at the offender's principal residence at least one (1) time each three hundred and sixty-five (365) days, beginning seven (7) days after the local law enforcement authority receives a notice under section 7 of this chapter or the date the tier I sex offender is:

(A) released from a penal facility (as defined in IC 35-41-1-21);

(B) released from a secure private facility (as defined in IC 31-9-2-115);

(C) released from a juvenile detention facility;

(D) transferred to a community transition program;

(E) placed on parole;

(F) placed on probation;

(G) placed on home detention; or

(H) at the location where the offender is required to register under section 7(b), 7(c), 7(d), or 7(e) of this chapter;

whichever occurs first.

(8) Personally visit each violent offender in the county at the offender's principal residence at least one (1) time each three hundred sixty-five (365) days, beginning seven (7) days after the local law enforcement authority receives a notice under section 7 of this chapter or the date the violent offender is:

(A) released from a penal facility (as defined in IC 35-41-1-21);

(B) released from a secure private facility (as defined in IC 31-9-2-115);

(C) released from a juvenile detention facility;

(D) transferred to a community transition program;

(E) placed on parole;

(F) placed on probation;

(G) placed on home detention; or

(H) at the location where the offender is required to register under section 7(b), 7(c), 7(d), or 7(e) of this chapter;

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whichever occurs first.

(b) If a sex or violent offender fails to return a signed form either by mail or in person, not later than fourteen (14) days after mailing, or appears not to reside at the ~~listed address,~~ **principal residence,** the local law enforcement authority shall immediately notify the department and the **request that the** prosecuting attorney **of the county seek a warrant for failure to register under IC 11-8-8-17**.

SECTION 12. IC 11-8-8-14, AS AMENDED BY P.L.216-2007, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 14. (a) ~~This subsection does not apply to a sex or violent offender who is a sexually violent predator.~~ In addition to the other requirements of this chapter, a ~~sex or violent~~ **tier III sex** offender who is required to register under this chapter shall: ~~at least one (1) time per calendar year:~~

(1) report in person to the local law enforcement authority;

(2) register; and

(3) be photographed by the local law enforcement authority;

in each location where the offender is required to register **at least one (1) time every ninety (90) days, on a schedule determined by the local law enforcement authority.**

(b) ~~This subsection applies to a sex or violent offender who is a sexually violent predator.~~ In addition to the other requirements of this chapter, a ~~sex or violent~~ **tier II sex** offender ~~who is a sexually violent predator under IC 35-38-1-7.5~~ **who is required to register under this chapter** shall:

(1) report in person to the local law enforcement authority;

(2) register; and

(3) be photographed by the local law enforcement authority; ~~in each location where the sex or violent offender is required to register;~~

~~every ninety (90)~~ **in each location where the offender is required to register at least one (1) time each one hundred eighty (180)** days.

(c) In addition to the other requirements of this chapter, a tier I sex offender who is required to register under this chapter shall:

(1) report in person to the local law enforcement authority;

(2) register; and

(3) be photographed by the local law enforcement authority; in each location where the offender is required to register at least one (1) time each three hundred sixty-five (365) days, on a schedule determined by the local law enforcement authority.

(d) In addition to the other requirements of this chapter, a violent offender who is required to register under this chapter

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shall:

(1) report in person to the local law enforcement authority;

(2) register; and

(3) be photographed by the local law enforcement authority; in each location where the offender is required to register at least one (1) time each three hundred sixty-five (365) days, on a schedule determined by the local law enforcement authority.

~~(c)~~ **(e)** Each time a sex or violent offender who claims to be working or attending school registers in person, the sex or violent offender shall provide documentation to the local law enforcement authority providing evidence that the sex or violent offender is still working or attending school at the registered location.

(f) If a sex or violent offender fails to register as required under this section, the local law enforcement authority shall immediately notify the department and request that the prosecuting attorney of the county seek a warrant for failure to register under IC 11-8-8-17.

(g) All information provided by a sex or violent offender as part of the registration process must be certified as true under penalties of perjury.

SECTION 13. IC 11-8-8-15, AS AMENDED BY P.L.216-2007, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 15. (a) A sex or violent offender who is a resident of Indiana shall obtain and keep in the sex or violent offender's possession:

(1) a valid Indiana driver's license; or

(2) a valid Indiana identification card (as described in IC 9-24-16).

(b) A sex or violent offender required to register in Indiana who is not a resident of Indiana shall obtain and keep in the sex or violent offender's possession:

(1) a valid driver's license issued by the state in which the sex or violent offender resides; or

(2) a valid state issued identification card issued by the state in which the sex or violent offender resides.

(c) A person who knowingly or intentionally violates this section commits failure of a sex or violent offender to possess identification, a Class A misdemeanor. However, the offense is a Class D felony if the person:

(1) is a tier III sex offender;

~~(1)~~ **(2)** is a sexually violent predator **(as defined in IC 35-38-1-7.5);** or

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~~(2)~~ **(3)** has a prior unrelated conviction:

(A) under this section; or

(B) based on the person's failure to comply with any requirement imposed on an offender under this chapter.

(d) It is a defense to a prosecution under this section that:

(1) the person has been unable to obtain a valid driver's license or state issued identification card because less than thirty (30) days have passed since the person's release from incarceration; or

(2) the person possesses a driver's license or state issued identification card that expired not more than thirty (30) days before the date the person violated subsection (a) or (b).

SECTION 14. IC 11-8-8-16, AS AMENDED BY P.L.216-2007, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 16. (a) A sex or violent offender who is required to register under this chapter may not petition for a change of name under IC 34-28-2.

(b) If a sex or violent offender who is required to register under this chapter changes the sex or violent offender's name due to marriage, the sex or violent offender **shall report in person to the local law enforcement authority having jurisdiction over the sex or violent offender's current principal residence or location, or, if the sex or violent offender has no principal residence, the local law enforcement authority having jurisdiction where the sex or violent offender is registered under section 7(c), 7(d), or 7(e) of this chapter, and provide documentation of the change** ~~must register with the local law enforcement authority~~ not more than ~~seven (7) days~~ **seventy-two (72) hours** after the name change.

SECTION 15. IC 11-8-8-17, AS AMENDED BY P.L.216-2007, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 17. (a) **Except as provided in subsection (c),** a sex or violent offender **required to register under this chapter** who knowingly or intentionally:

(1) fails to register when required to register under this chapter;

(2) fails to register in every location where the sex or violent offender is required to register under this chapter;

(3) makes a material misstatement or omission while registering as a sex or violent offender under this chapter;

(4) fails to register **or report** in person as required under this chapter; or

(5) does not reside at the sex or violent offender's registered address or location;

commits a Class D felony.

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(b) The offense described in subsection (a) is a Class C felony if the sex or violent offender has a prior unrelated conviction for an offense:

(1) under this section; or

(2) based on the person's failure to comply with any requirement imposed on a sex or violent offender under this chapter or under IC 5-2-12 before its repeal.

~~(c) It is not a defense to a prosecution under this section that the sex or violent offender was unable to pay the sex or violent offender registration fee or the sex or violent offender address change fee described under IC 36-2-13-5.6.~~

(c) This subsection only applies to a sex or violent offender required to register under this chapter who:

(1) changes the sex or violent offender's principal residence to a new county in Indiana; and

(2) registers with the local law enforcement authority in the new county having jurisdiction over the sex or violent offender's new principal residence not more than seventy-two (72) hours after the change of address.

A sex or violent offender to whom this subsection applies who fails to register with the local law enforcement authority having jurisdiction over the sex or violent offender's former principal residence in the previous county of residence commits a Class C infraction.

SECTION 16. IC 11-8-8-18, AS AMENDED BY P.L.216-2007, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 18. (a) A ~~sexually violent predator~~ **tier II sex offender** who will be absent from the ~~sexually violent predator's~~ **person's** principal residence for more than ~~seventy-two (72) hours~~ **seven (7) days** shall inform the local law enforcement authority in the county where the ~~sexually violent predator's~~ **person's** principal ~~address~~ **residence** is located, in person, of the following:

(1) That the ~~sexually violent predator~~ **person** will be absent from the ~~sexually violent predator's~~ **person's** principal residence for more than ~~seventy-two (72) hours.~~ **seven (7) days.**

(2) The location where the ~~sexually violent predator~~ **person** will be located during the absence from the ~~sexually violent predator's~~ **person's** principal residence.

(3) The length of time the ~~sexually violent predator~~ **person** will be absent from the ~~sexually violent predator's~~ **person's** principal residence.

If the tier II sex offender will spend more than seven (7) days away from the county of the principal residence, the local law

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enforcement authority in the county where the person's principal residence is located shall notify the local law enforcement authority in the new county where the person plans to stay.

(b) A ~~sexually violent predator~~ **tier II sex offender** who will spend more than ~~seventy-two (72) hours in a county in which the sexually violent predator is not required to register~~ **seven (7) days away from the county where the person's principal residence is located** shall inform the local law enforcement authority in the **new** county, ~~in which the sexually violent predator is not required to register~~, in person, of the following:

(1) That the ~~sexually violent predator~~ **person** will spend ~~more than seventy-two (72) hours~~ **time** in the county.

(2) The location where the ~~sexually violent predator~~ **person** will be located while spending time in the county.

(3) The length of time the ~~sexually violent predator~~ **person** will remain in the county.

Upon request of the local law enforcement authority of the county in which the ~~sexually violent predator~~ **tier II sex offender** is not required to register, the ~~sexually violent predator~~ **person** shall provide the local law enforcement authority with any additional information that will assist the local law enforcement authority in determining the ~~sexually violent predator's~~ **person's** whereabouts during the ~~sexually violent predator's~~ **person's** stay in the county.

(c) A tier III sex offender who will be absent from the person's principal residence for more than seventy-two (72) hours shall inform the local law enforcement authority in the county where the person's principal residence is located, in person, of the following:

(1) That the person will be absent from the person's principal residence for more than seventy-two (72) hours.

(2) The location where the person will be located during the absence from the person's principal residence.

(3) The length of time the person will be absent from the person's principal residence.

If the tier III sex offender will spend more than seventy-two (72) hours away from the county of the principal residence, the local law enforcement authority in the county where the person's principal residence is located shall notify the local law enforcement authority in the new county where the person plans to stay.

(d) A tier III sex offender who will spend more than seventy-two (72) hours away from the county where the person's principal residence is located shall inform the local law enforcement authority in the new county, in person, of the following:

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(1) That the person will spend time in the county.

(2) The location where the person will be located while spending time in the county.

(3) The length of time the person will remain in the county.

Upon request of the local law enforcement authority of the county in which the tier III sex offender is not required to register, the person shall provide the local law enforcement authority with any additional information that will assist the local law enforcement authority in determining the person's whereabouts during the person's stay in the county.

~~(c)~~ **(e)** A ~~sexually violent predator~~ **tier II or tier III sex offender** who knowingly or intentionally violates this section commits failure to notify, a Class A misdemeanor. However, the offense is a Class D felony if the person has a prior unrelated conviction under this section based on the person's failure to comply with any requirement imposed on a sex or violent offender under this chapter.

SECTION 17. IC 11-8-8-19, AS AMENDED BY P.L.216-2007, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 19. (a) ~~Except as provided in subsections (b) through (c), a sex or violent offender is required to register under this chapter until the expiration of ten (10) years after the date the sex or violent offender:~~

~~(1) is released from a penal facility (as defined in IC 35-41-1-21) or a secure juvenile detention facility of a state or another jurisdiction;~~

~~(2) is placed in a community transition program;~~

~~(3) is placed in a community corrections program;~~

~~(4) is placed on parole; or~~

~~(5) is placed on probation;~~

~~whichever occurs last. The department shall ensure that an offender who is no longer required to register as a sex or violent offender is notified that the obligation to register has expired.~~ **A tier III sex offender is required to register for life.**

(b) ~~A sex or violent offender who is a sexually violent predator is required to register for life.~~ **A tier II sex offender is required to register under this chapter until the expiration of twenty-five (25) years from the date the sex or violent offender was:**

(1) released from a penal facility (as defined in IC 35-41-1-21);

(2) released from a secure private facility (as defined in IC 31-9-2-115);

(3) released from a juvenile detention facility;

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(4) transferred to a community transition program;

(5) placed on parole;

(6) placed on probation; or

(7) placed on home detention;

whichever occurs last.

(c) ~~A sex or violent offender who is convicted of at least one (1) offense under section 5(a) of this chapter that the sex or violent offender committed:~~

~~(1) when the person was at least eighteen (18) years of age; and~~

~~(2) against a victim who was less than twelve (12) years of age at the time of the crime;~~

~~is required to register for life.~~ **A tier I sex offender is required to register under this chapter until the expiration of fifteen (15) years from the date the sex or violent offender was:**

(1) released from a penal facility (as defined in IC 35-41-1-21);

(2) released from a secure private facility (as defined in IC 31-9-2-115);

(3) released from a juvenile detention facility;

(4) transferred to a community transition program;

(5) placed on parole;

(6) placed on probation; or

(7) placed on home detention;

whichever occurs last.

(d) ~~A sex or violent offender who is convicted of at least one (1) offense under section 5(a) of this chapter in which the sex offender:~~

~~(1) proximately caused serious bodily injury or death to the victim;~~

~~(2) used force or the threat of force against the victim or a member of the victim's family; unless the offense is sexual battery as a Class D felony; or~~

~~(3) rendered the victim unconscious or otherwise incapable of giving voluntary consent;~~

A violent offender is required to register for life.

~~(e) A sex or violent offender who is convicted of at least two (2) unrelated offenses under section 5(a) of this chapter is required to register for life.~~

~~(f)~~ **(e)** A person who is required to register as a sex or violent offender in any jurisdiction shall register for the period required by the other jurisdiction or the period described in this section, whichever is longer.

(f) A tier I sex offender's registration requirement may be

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reduced from fifteen (15) years to ten (10) years if the person:

(1) has not been convicted of a felony since the person's registration period began;

(2) has not been convicted of a subsequent sex offense;

(3) has successfully completed any period of supervised release, probation, or parole; and

(4) has successfully completed an appropriate sex offender treatment program certified by the department, a local sentencing court, or by the United States Attorney General.

(g) The department shall ensure that an offender who is no longer required to register as a sex or violent offender is notified that the obligation to register has expired.

SECTION 18. IC 11-8-8-20, AS AMENDED BY P.L.216-2007, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 20. (a) The department may enter into a compact or agreement with one (1) or more jurisdictions outside Indiana to exchange notifications concerning the change of address, employment, vocation, or enrollment of a sex or violent offender between Indiana and the other jurisdiction or the other jurisdiction and Indiana.

(b) If the department receives information that a sex or violent offender has relocated to Indiana to reside, engage in employment or a vocation, or enroll in school, or that a sex or violent offender has been convicted in Indiana but not sentenced to the department, the department shall determine:

(1) **whether the person is required to register;**

(2) whether the person is defined as a:

(A) **tier III** sex offender; ~~under IC 11-8-8-4.5; or~~

(B) **tier II** sex ~~or violent~~ offender; ~~under IC 11-8-8-5;~~

(C) tier I sex offender; or

(D) violent offender;

~~(2)~~ **(3)** whether the person is a sexually violent predator under IC 35-38-1-7.5;

~~(3)~~ **(4)** the period the person will be required to register as a sex or violent offender in Indiana; and

~~(4)~~ **(5)** any other matter required by law to make a registration determination.

(c) After the department has made a determination under subsection (b), the department shall update the sex and violent offender registry web site and transmit the department's determination to the local law enforcement authority having jurisdiction over the county where the sex or violent offender resides, is employed, and attends school. The department shall transmit:

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(1) the sex or violent offender's name, date of relocation, new address (if applicable), the offense or delinquent act committed by the sex or violent offender, and any other available descriptive information;

(2) **whether the person is defined as a:**

(A) tier III sex offender;

(B) tier II sex offender;

(C) tier I sex offender; or

(D) violent offender;

(3) whether the sex or violent offender is a sexually violent predator;

~~(3)~~ **(4)** the period the sex or violent offender will be required to register in Indiana; and

~~(4)~~ **(5)** anything else required by law to make a registration determination.

SECTION 19. IC 11-8-8-23 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 23. (a) This section applies to a tier I sex offender who seeks to have the offender's registration period reduced from fifteen (15) years to ten (10) years under section 19(f) of this chapter.**

(b) A tier I sex offender may seek to have the offender's registration period reduced from fifteen (15) years to ten (10) years by filing a verified petition in:

(1) the court of conviction, if the offender was convicted in Indiana; or

(2) a circuit or superior court located in the county where the offender's principal residence is located, if the offender was convicted in another jurisdiction.

(c) A petition filed under this section must briefly describe why the tier I sex offender is entitled to relief, making specific reference to the four (4) prerequisites for relief set forth in section 19(f) of this chapter.

(d) Upon receipt of a petition under this section, a court may:

(1) summarily dismiss the petition if the petition does not entitle the tier I offender to relief; or

(2) provide a copy of the petition to the prosecuting attorney and conduct a hearing on the merits.

A hearing may be set not less than thirty (30) days after the court provides a copy of the petition to the prosecuting attorney. The prosecuting attorney may attend the hearing and present evidence.

(e) The tier I sex offender bears the burden of proving by a

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preponderance of the evidence that the offender meets the four (4) prerequisites for relief set forth in section 19(f) of this chapter.

(f) If the court finds that the tier I sex offender has proved that the offender is entitled to relief under section 19(f) of this chapter, the court shall reduce the offender's registration period from fifteen (15) years to ten (10) years. If the court reduces the offender's registration period under this section, the court shall notify the department and the local law enforcement authority in the county. The department shall notify other relevant agencies and individuals, if applicable.

(g) If the court finds that the tier I sex offender has not proved that the offender is entitled to relief under section 19(f) of this chapter, the court may not reduce the offender's registration period.

(h) A person may file a petition under this section not more than one (1) time per year.

SECTION 20. IC 11-8-8-24 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 24. (a) This section applies to a:**

(1) tier III sex offender;
(2) tier II sex offender;
(3) tier I sex offender; or
(4) violent offender;

who seeks to challenge a determination made in Indiana concerning the sex or violent offender's classification or registration period.

(b) This section does not apply to a sex or violent offender convicted in another jurisdiction who seeks to challenge a determination made in the other jurisdiction.

(c) As used in this section, "petitioner" means a person to whom this section applies who seeks to challenge a determination relating to:

(1) the person's classification as a:
(A) tier III sex offender;
(B) tier II sex offender;
(C) tier I sex offender; or
(D) violent offender; or
(2) the period of time the person is required to register as a sex or violent offender in Indiana.

(d) A petitioner who seeks to challenge the petitioner's classification or registration period may do so by filing a verified petition in:

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(1) the court of conviction, if the petitioner was convicted in Indiana; or

(2) a circuit or superior court located in the county where the petitioner's principal residence is located, if the petitioner was convicted in another jurisdiction.

(e) A petition filed under this section must briefly and specifically describe why the petitioner is entitled to relief.

(f) Upon receipt of a petition under this section, a court may:

(1) summarily dismiss the petition if the petition does not entitle the petitioner to relief; or

(2) provide a copy of the petition to the department and the prosecuting attorney and conduct a hearing on the merits.

A hearing may be set not less than thirty (30) days after the court provides a copy of the petition to the department and the prosecuting attorney. The prosecuting attorney, the department, or both may attend the hearing and present evidence.

(g) The petitioner bears the burden of proving by a preponderance of the evidence that the petitioner has been wrongly classified or that the petitioner's registration period is incorrect.

(h) If the court finds that the petitioner has proved that the petitioner is entitled to relief, the court shall order the department to revise the petitioner's classification or registration period. The department shall notify other relevant agencies and individuals, if applicable.

(i) If the court finds that the petitioner has not proved that the offender is entitled to relief, the court may not order the department to revise the petitioner's classification or registration period.

(j) A petitioner may file a petition under this section not more than one (1) time per year.

SECTION 21. IC 36-2-13-5.5, AS AMENDED BY P.L.216-2007, SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 5.5. (a) The sheriffs shall jointly establish and maintain an Indiana sex and violent offender registry web site, known as the Indiana sex and violent offender registry, to inform the general public about the identity, location, and appearance of every sex or violent offender residing within Indiana. The web site must provide information regarding each sex or violent offender, organized by county of residence. The web site shall be updated at least daily.

(b) **Except as provided in subsection (f),** the Indiana sex and violent offender registry web site must include the following information:

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(1) A recent photograph of every sex or violent offender who has registered with a sheriff after the effective date of this chapter.

(2) The home address of every sex or violent offender.

(3) The information required under IC 11-8-8-8.

(c) Every time a sex or violent offender registers, but at least once per year, the sheriff shall:

(1) photograph the sex or violent offender; and

(2) determine whether the sex or violent offender's fingerprints are on file:

(A) in Indiana; or

(B) with the Federal Bureau of Investigation.

If it appears that the sex or violent offender's fingerprints are not on file as described in subdivision (2), the sheriff shall fingerprint the sex or violent offender and transmit a copy of the fingerprints to the state police department. The sheriff shall place the photograph described in subdivision (1) on the Indiana sex and violent offender registry web site.

(d) The photograph of a sex or violent offender described in subsection (c) must meet the following requirements:

(1) The photograph must be full face, front view, with a plain white or off-white background.

(2) The image of the offender's face, measured from the bottom of the chin to the top of the head, must fill at least seventy-five percent (75%) of the photograph.

(3) The photograph must be in color.

(4) The photograph must show the offender dressed in normal street attire, without a hat or headgear that obscures the hair or hairline.

(5) If the offender normally and consistently wears prescription glasses, a hearing device, wig, or a similar article, the photograph must show the offender wearing those items. A photograph may not include dark glasses or nonprescription glasses with tinted lenses unless the offender can provide a medical certificate demonstrating that tinted lenses are required for medical reasons.

(6) The photograph must have sufficient resolution to permit the offender to be easily identified by a person accessing the Indiana sex and violent offender registry web site.

(e) The Indiana sex and violent offender registry web site may be funded from:

(1) the jail commissary fund (IC 36-8-10-21);

(2) a grant from the criminal justice institute; and

(3) any other source, subject to the approval of the county fiscal

C o p y

body.

(f) The:

(1) photograph; and

(2) home address;

of a sex and violent offender whose registration period has expired shall be removed from any part of the web site that may be accessed by the general public.

SECTION 22. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2008]: IC 11-8-8-1; IC 11-8-8-6.

SECTION 23. [EFFECTIVE JULY 1, 2008] **IC 11-8-8-17 and IC 11-8-8-18, both as amended by this act, apply only to crimes committed after June 30, 2008.**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 86 as introduced.)

STEELE, Chairperson

Committee Vote: Yeas 8, Nays 0.

SENATE MOTION

Madam President: I move that Senator Delph be added as second author of Senate Bill 86.

STEELE

SENATE MOTION

Madam President: I move that Senate Bill 86 be amended to read as follows:

Page 4, line 37, delete "thirteen (13)" and insert "**fourteen (14)**".

Page 5, line 8, delete "thirteen (13)" and insert "**sixteen (16)**".

(Reference is to SB 86 as printed January 25, 2008.)

STEELE

C o p y