

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred House Bill No. 1134, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 2, line 4, delete "IC 34-42-4-12." and insert "**IC 35-42-4-12.**".
- 2 Page 2, delete lines 5 through 42.
- 3 Delete pages 3 through 7.
- 4 Page 8, delete lines 1 through 17, begin a new paragraph and insert:
- 5 "SECTION 5. IC 11-8-8-3, AS AMENDED BY P.L.216-2007,
- 6 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 7 JULY 1, 2008]: Sec. 3. As used in this chapter, "principal residence"
- 8 means the residence **or location** where a sex or violent offender spends
- 9 the most time. The term includes a residence owned or leased by
- 10 another person if the sex or violent offender:
- 11 (1) does not own or lease a residence; or
- 12 (2) spends more time at the residence owned or leased by the
- 13 other person than at the residence owned or leased by the sex or
- 14 violent offender.
- 15 SECTION 6. IC 11-8-8-4.5, AS ADDED BY P.L.216-2007,
- 16 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 17 JULY 1, 2008]: Sec. 4.5. (a) Except as provided in section 22 of this
- 18 chapter, as used in this chapter, "sex offender" means a person
- 19 convicted of any of the following offenses:
- 20 (1) Rape (IC 35-42-4-1).

- 1 (2) Criminal deviate conduct (IC 35-42-4-2), **including criminal**
- 2 **deviate conduct committed in a correctional facility.**
- 3 (3) Child molesting (IC 35-42-4-3).
- 4 (4) Child exploitation (IC 35-42-4-4(b)).
- 5 (5) Vicarious sexual gratification (including performing sexual
- 6 conduct in the presence of a minor) (IC 35-42-4-5).
- 7 (6) Child solicitation (IC 35-42-4-6).
- 8 (7) Child seduction (IC 35-42-4-7).
- 9 (8) Sexual misconduct with a minor as a Class A, Class B, or
- 10 Class C felony (IC 35-42-4-9), unless:
 - 11 (A) the person is convicted of sexual misconduct with a minor
 - 12 as a Class C felony;
 - 13 (B) the person is not more than:
 - 14 (i) four (4) years older than the victim if the offense was
 - 15 committed after June 30, 2007; or
 - 16 (ii) five (5) years older than the victim if the offense was
 - 17 committed before July 1, 2007; and
 - 18 (C) the sentencing court finds that the person should not be
 - 19 required to register as a sex offender.
- 20 (9) Incest (IC 35-46-1-3).
- 21 (10) Sexual battery (IC 35-42-4-8).
- 22 (11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen
- 23 (18) years of age, and the person who kidnapped the victim is not
- 24 the victim's parent or guardian.
- 25 (12) Criminal confinement (IC 35-42-3-3), if the victim is less
- 26 than eighteen (18) years of age, and the person who confined or
- 27 removed the victim is not the victim's parent or guardian.
- 28 (13) Possession of child pornography (IC 35-42-4-4(c)).
- 29 (14) Promoting prostitution (IC 35-45-4-4) as a Class B felony.
- 30 (15) Promotion of human trafficking (IC 35-42-3.5-1(a)(2)) if the
- 31 victim is less than eighteen (18) years of age.
- 32 (16) Sexual trafficking of a minor (IC 35-42-3.5-1(b)).
- 33 (17) Human trafficking (IC 35-42-3.5-1(c)(3)) if the victim is less
- 34 than eighteen (18) years of age.
- 35 (18) An attempt or conspiracy to commit a crime listed in
- 36 subdivisions (1) through (17).
- 37 (19) A crime under the laws of another jurisdiction, including a
- 38 military court, that is substantially equivalent to any of the

1 offenses listed in subdivisions (1) through (18).

2 (b) The term includes:

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

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

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

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

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

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

20 SECTION 7. IC 11-8-8-4.6 IS ADDED TO THE INDIANA CODE
21 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
22 1, 2008]: **Sec. 4.6. (a) Except as provided in section 22 of this
23 chapter, as used in this chapter, "tier III sex offender" means a
24 person convicted of any of the following offenses:**

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

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

27 **(3) Child molesting under:**

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

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

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

33 **(5) Sexual misconduct with a minor under:**

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

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

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

38 **(7) Incest (IC 35-46-1-3) if the victim is less than sixteen (16)**

- 1 years of age.
- 2 **(8) Kidnapping (IC 35-42-3-2) if the victim is less than**
- 3 **eighteen (18) years of age, and the person who kidnapped the**
- 4 **victim is not the victim's parent or guardian.**
- 5 **(9) Criminal confinement (IC 35-42-3-3) if the victim is less**
- 6 **than eighteen (18) years of age, and the person who confined**
- 7 **or removed the victim is not the victim's parent or guardian.**
- 8 **(10) An attempt or conspiracy to commit a crime listed in**
- 9 **subdivisions (1) through (9).**
- 10 **(11) A crime under the laws of another jurisdiction, including**
- 11 **a military court, that is substantially equivalent to any of the**
- 12 **offenses listed in subdivisions (1) through (10).**
- 13 **(b) The term includes the following:**
- 14 **(1) A sexually violent predator (as defined in IC 35-38-1-7.5).**
- 15 **(2) A tier II sex offender who is convicted of a subsequent sex**
- 16 **offense.**
- 17 **(3) A tier II sex offender who is convicted of failure to register**
- 18 **under section 17 of this chapter.**
- 19 **(c) A person convicted of an offense described in this section is**
- 20 **a tier III sex offender by operation of law if one (1) or more of the**
- 21 **following conditions apply:**
- 22 **(1) The person was required to register as a sex or violent**
- 23 **offender in Indiana on June 30, 2008.**
- 24 **(2) After June 30, 2008, the person is:**
- 25 **(A) incarcerated, on probation, on parole, on home**
- 26 **detention, in a community corrections program, or under**
- 27 **another form of supervision imposed as the result of the**
- 28 **person's conviction for any offense; or**
- 29 **(B) released from incarceration, probation, parole, home**
- 30 **detention, a community corrections program, or another**
- 31 **form of supervision imposed as the result of the person's**
- 32 **conviction for any offense.**
- 33 **(3) The person commits the offense after June 30, 2008.**
- 34 SECTION 8. IC 11-8-8-4.7 IS ADDED TO THE INDIANA CODE
- 35 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 36 1, 2008]: **Sec. 4.7. (a) Except as provided in section 22 of this**
- 37 **chapter, as used in this chapter, "tier II sex offender" means a sex**
- 38 **offender convicted of any of the following offenses:**

- 1 **(1) Child molesting (IC 35-42-4-3(b)) as a Class C felony.**
- 2 **(2) Child exploitation (IC 35-42-4-4(b)).**
- 3 **(3) Vicarious sexual gratification (IC 35-42-4-5(a)) as a Class**
- 4 **D felony if the victim is thirteen (13) years of age or older.**
- 5 **(4) Child solicitation (IC 35-42-4-6).**
- 6 **(5) Child seduction (IC 35-42-4-7).**
- 7 **(6) Sexual battery (IC 35-42-4-8) if the victim is at least**
- 8 **fourteen (14) years of age but less than eighteen (18) years of**
- 9 **age.**
- 10 **(7) Sexual misconduct with a minor under IC 35-42-4-9(a)(1)**
- 11 **or IC 35-42-4-9(b)(1), unless:**
- 12 **(A) the person is convicted of sexual misconduct with a**
- 13 **minor as a Class C felony;**
- 14 **(B) the person is not more than:**
- 15 **(i) four (4) years older than the victim if the offense was**
- 16 **committed after June 30, 2007; or**
- 17 **(ii) five (5) years older than the victim if the offense was**
- 18 **committed before July 1, 2007; and**
- 19 **(C) the sentencing court finds that the person should not be**
- 20 **required to register as a sex offender.**
- 21 **(8) Incest (IC 35-46-1-3) if the victim is sixteen (16) years of**
- 22 **age or older.**
- 23 **(9) Promoting prostitution (IC 35-45-4-4) as a Class B felony.**
- 24 **(10) Promotion of human trafficking (IC 35-42-3.5-1(a)(2)) if**
- 25 **the victim is less than eighteen (18) years of age.**
- 26 **(11) Sexual trafficking of a minor (IC 35-42-3.5-1(b)).**
- 27 **(12) Human trafficking (IC 35-42-3.5-1(c)(3)) if the victim is**
- 28 **less than eighteen (18) years of age.**
- 29 **(13) An attempt or conspiracy to commit a crime listed in**
- 30 **subdivisions (1) through (12).**
- 31 **(14) A crime under the laws of another jurisdiction, including**
- 32 **a military court, that is substantially equivalent to any of the**
- 33 **offenses listed in subdivisions (1) through (13).**
- 34 **(b) The term includes the following:**
- 35 **(1) A tier I sex offender who is convicted of a subsequent sex**
- 36 **offense.**
- 37 **(2) A tier I sex offender who is convicted of failure to register**
- 38 **under section 17 of this chapter.**

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

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

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

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

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

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

16 SECTION 9. IC 11-8-8-4.8 IS ADDED TO THE INDIANA CODE
 17 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 18 1, 2008]: Sec. 4.8. (a) As used in this chapter, "tier I sex offender"
 19 means a sex offender who is not a tier III sex offender or a tier II
 20 sex offender.

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

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

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

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

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

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

37 SECTION 10. IC 11-8-8-5, AS AMENDED BY P.L.216-2007,
 38 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

1 JULY 1, 2008]: Sec. 5. (a) Except as provided in section 22 of this
 2 chapter, as used in this chapter, "sex or "violent offender" means a
 3 person convicted of any of the following offenses:

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

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

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

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

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

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

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

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

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

16 (B) the person is not more than:

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

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

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

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

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

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

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

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

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

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

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

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

38 (18) (1) Murder (IC 35-42-1-1).

- 1 ~~(19)~~ **(2)** Voluntary manslaughter (IC 35-42-1-3).
- 2 ~~(20)~~ **(3)** An attempt or conspiracy to commit a crime listed in
- 3 subdivisions (1) through ~~(19)~~: **(2)**.
- 4 ~~(21)~~ **(4)** A crime under the laws of another jurisdiction, including
- 5 a military court, that is substantially equivalent to any of the
- 6 offenses listed in subdivisions (1) through ~~(20)~~: **(3)**.
- 7 **(5) A person who is incarcerated for a Class A or Class B**
- 8 **felony if:**
- 9 **(A) the person served a sentence in a facility maintained by**
- 10 **the department after June 30, 2008; and**
- 11 **(B) the difference between the person's release date and**
- 12 **the person's post incarceration supervision is less than**
- 13 **sixty (60) days due to facility rule violations.**
- 14 (b) The term includes:
- 15 (1) a person who is required to register as a ~~sex~~ or violent
- 16 offender in any jurisdiction; and
- 17 (2) a child who has committed a delinquent act and who:
- 18 (A) is at least fourteen (14) years of age;
- 19 (B) is on probation, is on parole, is discharged from a facility
- 20 by the department of correction, is discharged from a secure
- 21 private facility (as defined in IC 31-9-2-115), or is discharged
- 22 from a juvenile detention facility as a result of an adjudication
- 23 as a delinquent child for an act that would be an offense
- 24 described in subsection (a) if committed by an adult; and
- 25 (C) is found by a court by clear and convincing evidence to be
- 26 likely to repeat an act that would be an offense described in
- 27 subsection (a) if committed by an adult.
- 28 (c) In making a determination under subsection (b)(2)(C), the court
- 29 shall consider expert testimony concerning whether a child is likely to
- 30 repeat an act that would be an offense described in subsection (a) if
- 31 committed by an adult.
- 32 SECTION 11. IC 11-8-8-5.3 IS ADDED TO THE INDIANA CODE
- 33 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**
- 34 **1, 2008]: Sec. 5.3. As used in this chapter, "sex or violent offender"**
- 35 **means a person who is:**
- 36 **(1) a sex offender under section 4.5 of this chapter;**
- 37 **(2) a violent offender under section 5 of this chapter; or**
- 38 **(3) both subdivisions (1) and (2).**

1 SECTION 12. IC 11-8-8-7, AS AMENDED BY P.L.216-2007,
 2 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2008]: Sec. 7. (a) Subject to section 19 of this chapter, the
 4 following persons must register under this chapter:

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

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

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

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

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

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

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

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

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

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

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

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

34 (f) ~~▲ For every~~ sex or violent offender committed to the
 35 department, ~~shall register with the department before the sex or violent~~
 36 ~~offender is released from incarceration. The department shall forward~~
 37 ~~the sex or violent offender's registration information to the local law~~
 38 ~~enforcement authority of every county in which the sex or violent~~

- 1 offender is required to register. **the department shall determine:**
- 2 **(1) whether the person is required to register;**
- 3 **(2) whether the person is a:**
- 4 **(A) tier III sex offender;**
- 5 **(B) tier II sex offender;**
- 6 **(C) tier I sex offender; or**
- 7 **(D) violent offender;**
- 8 **(3) whether the person is a sexually violent predator under**
- 9 **IC 35-38-1-7.5;**
- 10 **(4) the period for which the person will be required to register**
- 11 **as a sex or violent offender in Indiana; and**
- 12 **(5) any other matter required by law to make a registration**
- 13 **determination.**

14 **The department shall enter into the registry the information**

15 **described in section 8 of this chapter before the sex or violent**

16 **offender is released from the department.**

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

18 is a sexually violent predator. A sex or violent offender not committed

19 to the department shall register not more than seven (7) days after the

20 sex or violent offender:

- 21 (1) is released from a penal facility (as defined in IC 35-41-1-21);
- 22 (2) is released from a secure private facility (as defined in
- 23 IC 31-9-2-115);
- 24 (3) is released from a juvenile detention facility;
- 25 (4) is transferred to a community transition program;
- 26 (5) is placed on parole;
- 27 (6) is placed on probation;
- 28 (7) is placed on home detention; or
- 29 (8) arrives at the place where the sex or violent offender is
- 30 required to register under subsection (b), (c), or (d);

31 whichever occurs first. A sex or violent offender required to register in

32 more than one (1) county under subsection (b), (c), (d), or (e) shall

33 register in each appropriate county not more than seventy-two (72)

34 hours after the sex or violent offender's arrival in that county or

35 acquisition of real estate in that county.

36 (h) This subsection applies to a sex or violent offender who is a

37 sexually violent predator. (g) A sex or violent offender who is a

38 sexually violent predator shall register **with the local law enforcement**

1 **authority as required under subsection (b), (c), (d), or (e), or with**
 2 **the appropriate law enforcement agency in another jurisdiction,**

3 not more than seventy-two (72) hours after the sex or violent offender:

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

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

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

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

9 (5) is placed on parole;

10 (6) is placed on probation;

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

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

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

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

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

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

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

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

7 **(3) notify every:**

8 **(A) school;**

9 **(B) day care center;**

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

11 **(D) public housing agency;**

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

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

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

18 ~~(3)~~ **(4)** update the National Crime Information Center National
19 Sex Offender Registry data base via the Indiana data and
20 communications system (IDACS).

21 When a sex or violent offender from a jurisdiction outside Indiana
22 registers a change of address, **electronic mail address, instant**
23 **messaging username, electronic chat room username, social**
24 **networking site username**, employment, vocation, or enrollment ~~in~~ **to**
25 Indiana, the local law enforcement authority shall provide the
26 department with the information provided by the sex or violent
27 offender during registration.

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

36 SECTION 12. IC 11-8-8-8, AS AMENDED BY P.L.216-2007,
37 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 JULY 1, 2008]: Sec. 8. **(a)** The ~~registration~~ **required under this chapter**

1 must include the local law enforcement authority or other agency
 2 responsible for registering or updating the registration of a sex or
 3 violent offender shall collect or update the following information:

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

15 (2) A description of the offense for which the sex or violent
 16 offender was convicted; the date of conviction; the county of the
 17 conviction; the cause number of the conviction; and the sentence
 18 imposed; if applicable:

19 (3) If the person is required to register under section 7(a)(2) or
 20 7(a)(3) of this chapter; the name and address of each of the sex or
 21 violent offender's employers in Indiana; the name and address of
 22 each campus or location where the sex or violent offender is
 23 enrolled in school in Indiana; and the address where the sex or
 24 violent offender stays or intends to stay while in Indiana:

25 (4) A recent photograph of the sex or violent offender:

26 (5) If the sex or violent offender is a sexually violent predator;
 27 that the sex or violent offender is a sexually violent predator:

28 (6) If the sex or violent offender is required to register for life;
 29 that the sex or violent offender is required to register for life:

30 (7) Any other information required by the department:

31 (1) Name identifiers, including the following:

32 (A) The full name.

33 (B) Any alias or previous name.

34 (2) Communication identifiers, including the following:

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

38 (B) Any designation or moniker used for routing or

- 1 **self-identification in Internet communications or posting,**
2 **including the following:**
- 3 **(i) An electronic chat room username.**
 - 4 **(ii) An electronic mail address.**
 - 5 **(iii) An instant messaging username.**
 - 6 **(iv) A social networking web site username.**
- 7 **(3) Demographic and descriptive identifiers, including the**
8 **following:**
- 9 **(A) Date of birth and any purported date of birth.**
 - 10 **(B) Social Security number and any purported Social**
11 **Security number.**
 - 12 **(C) Sex.**
 - 13 **(D) Race.**
 - 14 **(E) Height.**
 - 15 **(F) Weight.**
 - 16 **(G) Hair color.**
 - 17 **(H) Eye color.**
 - 18 **(I) Any scar, mark, or tattoo.**
- 19 **(4) Licensing information that authorizes the person to engage**
20 **in an occupation or carry out a trade or business.**
- 21 **(5) Vehicle, transportation, and traveling identifiers, including**
22 **the following:**
- 23 **(A) Driver's license or state identification card number.**
 - 24 **(B) An alias or any purported driver's license number or**
25 **state identification card number.**
 - 26 **(C) A digitized copy of a passport or other information**
27 **establishing the person's immigration status.**
 - 28 **(D) A description and vehicle plate number or, if a plate**
29 **number is not available, another identifying number for all**
30 **vehicles owned by the person or used by the person on a**
31 **regular basis, including the person's personal vehicle, work**
32 **vehicle, and any watercraft or aircraft the person owns or**
33 **operates on a regular basis.**
 - 34 **(E) The location where the person's vehicles are habitually**
35 **parked, docked, and otherwise kept.**
- 36 **(6) Residence, employment, and school identifiers, including**
37 **the following:**
- 38 **(A) Principal residence.**

- 1 **(B) If the person is required to register under section**
 2 **7(a)(2) of this chapter, the name and address of each of the**
 3 **person's employers in Indiana.**
- 4 **(C) The person's work location, including the normal**
 5 **travel routes and general areas in which the person works.**
- 6 **(D) If the person is required to register under section**
 7 **7(a)(3) of this chapter, the name and address of each**
 8 **campus or location where the person is enrolled in school**
 9 **in Indiana, and the address that the person stays or expects**
 10 **to stay while in Indiana.**
- 11 **(E) Mailing address, if different from the person's**
 12 **principal residence address.**
- 13 **(F) Any other address where the person spends more than**
 14 **seven (7) nights in a fourteen (14) day period, or thirty (30)**
 15 **or more nonconsecutive days within a calendar year.**
- 16 **(7) Offense information, including the following:**
- 17 **(A) The criminal code citation to the offense of which the**
 18 **person was convicted.**
- 19 **(B) A description of the offense of which the person was**
 20 **convicted.**
- 21 **(C) The date of conviction.**
- 22 **(D) The county or jurisdiction of the conviction.**
- 23 **(E) The cause number of the conviction.**
- 24 **(F) The sentence imposed.**
- 25 **(8) A current photograph of the person.**
- 26 **(9) Any other information required by the department.**
- 27 **(b) If any information required under subsection (a)(2), (a)(5),**
 28 **or (a)(6) changes, the sex or violent offender shall report in person**
 29 **to the local law enforcement authority having jurisdiction over the**
 30 **sex or violent offender's current principal residence or location**
 31 **and update the changed information not later than seventy-two**
 32 **(72) hours after the information changes.**
- 33 **(c) If any information required under subsection (a)(2), (a)(5),**
 34 **or (a)(6) changes, the local law enforcement authority shall do the**
 35 **following:**
- 36 **(1) Immediately update the Indiana sex and violent offender**
 37 **registry web site established under IC 36-2-13-5.5.**
- 38 **(2) Notify every law enforcement agency having jurisdiction**

1 **in the county or counties where the sex or violent offender is**
 2 **registered.**

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

6 SECTION 13. IC 11-8-8-9, AS AMENDED BY P.L.216-2007,
 7 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2008]: Sec. 9. (a) Not more than seven (7) days before an
 9 Indiana sex or violent offender who is required to register under this
 10 chapter is scheduled to be released from a **penal facility (as defined**
 11 **in IC 35-41-1-21), a secure private facility (as defined in**
 12 **IC 31-9-2-115), or released from a juvenile detention facility, an**
 13 official of the facility shall do the following:

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

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

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

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

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

1 transmit to the state police the following:

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

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

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

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

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

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

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

27 (1) sentencing order;

28 (2) presentence investigation; and

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

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

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

1 **to sign the statement, certify that the sex or violent offender**
2 **was orally informed of the duty to register.**

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

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

13 SECTION 14. IC 11-8-8-11, AS AMENDED BY P.L.216-2007,
14 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2008]: Sec. 11. (a) If a sex or violent offender who is required
16 to register under this chapter changes:

- 17 (1) principal residence; ~~address~~; ~~or~~
- 18 (2) if section 7(a)(2) or 7(a)(3) of this chapter applies, the place
- 19 where the sex or violent offender stays in Indiana; ~~or~~
- 20 **(3) communications identifiers (as described in section 8(2) of**
- 21 **this chapter);**

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

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

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

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

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

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

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

26 (d) If a sex or violent offender moves the sex or violent offender's
 27 place of employment, vocation, or enrollment to a new county in
 28 Indiana, the local law enforcement authority ~~having jurisdiction over~~
 29 ~~the sex or violent offender's current principal place of employment;~~
 30 ~~principal place of vocation;~~ or campus or location where the sex or
 31 ~~violent offender is enrolled in school~~ **in the new county where the sex**
 32 **or violent offender's new principal place of employment, vocation,**
 33 **or enrollment is located** shall inform the local law enforcement
 34 authority ~~in the new county of the sex or violent offender's new~~
 35 ~~principal place of employment, vocation, or enrollment~~ **having**
 36 **jurisdiction over the sex or violent offender's former principal**
 37 **place of employment, principal place of vocation, or campus or**
 38 **location where the sex or violent offender was enrolled in school by**

1 forwarding relevant registration information to the local law
2 enforcement authority in the ~~new~~ **previous** county of residence.

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

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

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

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

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

27 (2) **notify every:**

28 **(A) school;**

29 **(B) day care center;**

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

31 **(D) public housing agency;**

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

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

36 **(G) law enforcement agency having jurisdiction;**

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

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

4 **(4 if the sex or violent offender plans to relocate outside the**
5 **United States, notify the United States Marshals Service; and**
6 ~~(5)~~ **(5)** notify the department.

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

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

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

21 SECTION 15. IC 11-8-8-12, AS AMENDED BY P.L.216-2007,
22 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2008]: Sec. 12. (a) As used in this section, "temporary
24 residence" means a residence:

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

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

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

38 (1) not more than seventy-two (72) hours after the sex or violent

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

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

15 (1) **not more than seventy-two (72) hours after the sex or**
 16 **violent offender moves into the location; and**
 17 (2) **during the period in which the sex or violent offender**
 18 **resides in the location, at least once every seven (7) days**
 19 **following the sex or violent offender's initial registration**
 20 **under subdivision (1).**

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

28 SECTION 16. IC 11-8-8-13, AS AMENDED BY P.L.216-2007,
 29 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2008]: Sec. 13. (a) To verify a sex or violent offender's current
 31 residence, the local law enforcement authority having jurisdiction over
 32 the area of the sex or violent offender's current principal ~~address~~
 33 **residence** or location shall do the following:

34 (1) Mail a form that is ~~approved~~ or prescribed by the department
 35 to each ~~sex or violent offender tier III sex offender~~ in the county
 36 at the ~~sex or violent offender's listed principal residence address~~
 37 at least one (1) time ~~per year~~ **every ninety (90) days**, beginning
 38 seven (7) days after the local law enforcement authority receives

1 a notice under section 11 or 20 of this chapter or the date the ~~sex~~
 2 ~~or violent tier III sex~~ offender is:

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

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

8 **(C) released from a juvenile detention facility;**

9 ~~(B)~~ **(D) transferred to** a community transition
 10 program;

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

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

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

14 **(G) placed on home detention; or**

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

18 whichever occurs first.

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

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

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

32 **(C) released from a juvenile detention facility;**

33 ~~(B)~~ **(D) transferred to** a community transition
 34 program;

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

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

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

38 **(G) placed on home detention; or**

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

4 whichever occurs first.

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

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

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

15 **(C) released from a juvenile detention facility;**

16 **(D) transferred to a community transition program;**

17 **(E) placed on parole;**

18 **(F) placed on probation;**

19 **(G) placed on home detention; or**

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

23 whichever occurs first.

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

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

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

34 **(C) released from a juvenile detention facility;**

35 **(D) transferred to a community transition program;**

36 **(E) placed on parole;**

37 **(F) placed on probation;**

38 **(G) placed on home detention; or**

- 1 **(H) at the location where the offender is required to**
 2 **register under section 7(b), 7(c), 7(d), or 7(e) of this**
 3 **chapter;**
 4 **whichever occurs first.**
 5 ~~(3)~~ **(5) Personally visit each sex or violent offender tier III sex**
 6 **offender in the county at the sex or violent offender's listed**
 7 **principal residence address at least one (1) time per year every**
 8 **ninety (90) days, beginning seven (7) days after the local law**
 9 **enforcement authority receives a notice under section 7 of this**
 10 **chapter or the date the sex or violent tier III sex offender is:**
 11 **(A) released from a penal facility (as defined in**
 12 **IC 35-41-1-21); a secure private facility (as defined in**
 13 ~~IC 31-9-2-115); or a juvenile detention facility;~~
 14 **(B) released from a secure private facility (as defined in**
 15 **IC 31-9-2-115);**
 16 **(C) released from a juvenile detention facility;**
 17 ~~(B)~~ **(D) transferred to a community transition**
 18 **program;**
 19 ~~(C)~~ **(E) placed in a community corrections program;**
 20 ~~(D)~~ **(E) placed on parole; or**
 21 ~~(E)~~ **(F) placed on probation;**
 22 **(G) placed on home detention; or**
 23 **(H) at the location where the offender is required to**
 24 **register under section 7(b), 7(c), 7(d), or 7(e) of this**
 25 **chapter;**
 26 **whichever occurs first.**
 27 ~~(4)~~ **(6) Personally visit each sex or violent tier II sex offender**
 28 **who is designated a sexually violent predator under**
 29 ~~IC 35-38-1-7.5 in the county at the offender's principal~~
 30 **residence at least once one (1) time every ninety (90) one**
 31 **hundred eighty (180) days, beginning seven (7) days after the**
 32 **local law enforcement authority receives a notice under section 7**
 33 **of this chapter or the date the sex or violent tier II sex offender**
 34 **is:**
 35 **(A) released from a penal facility (as defined in**
 36 **IC 35-41-1-21); a secure private facility (as defined in**
 37 ~~IC 31-9-2-115); or a juvenile detention facility;~~
 38 **(B) released from a secure private facility (as defined in**

1 **IC 31-9-2-115);**
 2 **(C) released from a juvenile detention facility;**
 3 ~~(B)~~ placed in **(D) transferred to a community transition**
 4 program;
 5 ~~(C)~~ placed in a community corrections program;
 6 ~~(D)~~ **(E) placed on parole; or**
 7 ~~(E)~~ **(F) placed on probation;**
 8 **(G) placed on home detention; or**
 9 **(H) at the location where the offender is required to**
 10 **register under section 7(b), 7(c), 7(d), or 7(e) of this**
 11 **chapter;**

12 whichever occurs first.

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

18 **(A) released from a penal facility (as defined in**
 19 **IC 35-41-1-21);**
 20 **(B) released from a secure private facility (as defined in**
 21 **IC 31-9-2-115);**
 22 **(C) released from a juvenile detention facility;**
 23 **(D) transferred to a community transition program;**
 24 **(E) placed on parole;**
 25 **(F) placed on probation;**
 26 **(G) placed on home detention; or**
 27 **(H) at the location where the offender is required to**
 28 **register under section 7(b), 7(c), 7(d), or 7(e) of this**
 29 **chapter;**

30 whichever occurs first.

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

36 **(A) released from a penal facility (as defined in**
 37 **IC 35-41-1-21);**
 38 **(B) released from a secure private facility (as defined in**

- 1 **IC 31-9-2-115);**
 2 **(C) released from a juvenile detention facility;**
 3 **(D) transferred to a community transition program;**
 4 **(E) placed on parole;**
 5 **(F) placed on probation;**
 6 **(G) placed on home detention; or**
 7 **(H) at the location where the offender is required to**
 8 **register under section 7(b), 7(c), 7(d), or 7(e) of this**
 9 **chapter;**
 10 **whichever occurs first.**

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

17 SECTION 17. IC 11-8-8-14, AS AMENDED BY P.L.216-2007,
 18 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2008]: Sec. 14. (a) ~~This subsection does not apply to a sex or~~
 20 ~~violent offender who is a sexually violent predator.~~ In addition to the
 21 other requirements of this chapter, a ~~sex or violent tier III sex~~ offender
 22 who is required to register under this chapter shall: ~~at least one (1) time~~
 23 ~~per calendar year:~~

- 24 (1) report in person to the local law enforcement authority;
 25 (2) register; and
 26 (3) be photographed by the local law enforcement authority;
 27 in each location where the offender is required to register **at least one**
 28 **(1) time every ninety (90) days, on a schedule determined by the**
 29 **local law enforcement authority.**

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

- 35 (1) report in person to the local law enforcement authority;
 36 (2) register; and
 37 (3) be photographed by the local law enforcement authority; ~~in~~
 38 ~~each location where the sex or violent offender is required to~~

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

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

6 (1) report in person to the local law enforcement authority;
 7 (2) register; and
 8 (3) be photographed by the local law enforcement authority;
 9 in each location where the offender is required to register at least
 10 one (1) time every three hundred sixty-five (365) days, on a
 11 schedule determined by the local law enforcement authority.

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

15 (1) report in person to the local law enforcement authority;
 16 (2) register; and
 17 (3) be photographed by the local law enforcement authority;
 18 in each location where the offender is required to register at least
 19 one (1) time every three hundred sixty-five (365) days, on a
 20 schedule determined by the local law enforcement authority.

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

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

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

34 SECTION 18. IC 11-8-8-15, AS AMENDED BY P.L.216-2007,
 35 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2008]: Sec. 15. (a) A sex or violent offender who is a resident
 37 of Indiana shall obtain and keep in the sex or violent offender's
 38 possession:

- 1 (1) a valid Indiana driver's license; or
 2 (2) a valid Indiana identification card (as described in
 3 IC 9-24-16).

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

- 7 (1) a valid driver's license issued by the state in which the sex or
 8 violent offender resides; or
 9 (2) a valid state issued identification card issued by the state in
 10 which the sex or violent offender resides.

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

- 15 **(1) is a tier III sex offender;**
 16 ~~(1)~~ **(2) is a sexually violent predator (as defined in**
 17 **IC 35-38-1-7.5); or**
 18 ~~(2)~~ **(3) has a prior unrelated conviction:**
 19 (A) under this section; or
 20 (B) based on the person's failure to comply with any
 21 requirement imposed on an offender under this chapter.

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

- 23 (1) the person has been unable to obtain a valid driver's license or
 24 state issued identification card because less than thirty (30) days
 25 have passed since the person's release from incarceration; or
 26 (2) the person possesses a driver's license or state issued
 27 identification card that expired not more than thirty (30) days
 28 before the date the person violated subsection (a) or (b).

29 SECTION 19. IC 11-8-8-16, AS AMENDED BY P.L.216-2007,
 30 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2008]: Sec. 16. (a) A sex or violent offender who is required
 32 to register under this chapter may not petition for a change of name
 33 under IC 34-28-2.

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

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

7 SECTION 20. IC 11-8-8-17, AS AMENDED BY P.L.216-2007,
 8 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2008]: Sec. 17. (a) **Except as provided in subsection (c), a**
 10 **sex or violent offender required to register under this chapter** who
 11 **knowingly or intentionally:**

- 12 (1) fails to register when required to register under this chapter;
- 13 (2) fails to register in every location where the sex or violent
- 14 offender is required to register under this chapter;
- 15 (3) makes a material misstatement or omission while registering
- 16 as a sex or violent offender under this chapter;
- 17 (4) fails to register **or report** in person as required under this
- 18 chapter; or
- 19 (5) does not reside at the sex or violent offender's registered
- 20 address or location;

21 commits a Class D felony.

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

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

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

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

- 34 (1) **changes the sex or violent offender's principal residence to**
 35 **a new county in Indiana; and**
- 36 (2) **registers with the local law enforcement authority in the**
 37 **new county having jurisdiction over the sex or violent**
 38 **offender's new principal residence not more than seventy-two**

1 **(72) hours after the change of address.**
 2 **A sex or violent offender to whom this subsection applies who fails**
 3 **to register with the local law enforcement authority having**
 4 **jurisdiction over the sex or violent offender's former principal**
 5 **residence in the previous county of residence commits a Class C**
 6 **infraction.**

7 SECTION 21. IC 11-8-8-18, AS AMENDED BY P.L.216-2007,
 8 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2008]: Sec. 18. (a) A ~~sexually violent predator tier II sex~~
 10 **offender** who will be absent from the ~~sexually violent predator's~~
 11 **person's** principal residence for more than ~~seventy-two (72) hours~~
 12 **seven (7) days** shall inform the local law enforcement authority in the
 13 county where the ~~sexually violent predator's person's~~ principal address
 14 **residence** is located, in person, of the following:

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

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

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

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

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

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

38 (2) The location where the ~~sexually violent predator person~~ will

1 be located while spending time in the county.

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

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

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

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

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

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

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

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

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

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

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

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

1 **person's stay in the county.**

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

8 SECTION 22. IC 11-8-8-19, AS AMENDED BY P.L.216-2007,
 9 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2008]: Sec. 19. (a) ~~Except as provided in subsections (b)~~
 11 ~~through (e); a sex or violent offender is required to register under this~~
 12 ~~chapter until the expiration of ten (10) years after the date the sex or~~
 13 ~~violent offender:~~

- 14 (1) ~~is released from a penal facility (as defined in IC 35-41-1-21)~~
 15 ~~or a secure juvenile detention facility of a state or another~~
 16 ~~jurisdiction;~~
 17 (2) ~~is placed in a community transition program;~~
 18 (3) ~~is placed in a community corrections program;~~
 19 (4) ~~is placed on parole; or~~
 20 (5) ~~is placed on probation;~~

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

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

- 29 (1) ~~released from a penal facility (as defined in~~
 30 ~~IC 35-41-1-21);~~
 31 (2) ~~released from a secure private facility (as defined in~~
 32 ~~IC 31-9-2-115);~~
 33 (3) ~~released from a juvenile detention facility;~~
 34 (4) ~~transferred to a community transition program;~~
 35 (5) ~~placed on parole;~~
 36 (6) ~~placed on probation; or~~
 37 (7) ~~placed on home detention;~~

38 ~~whichever occurs last.~~

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

- 4 (1) when the person was at least eighteen (18) years of age; and
 5 (2) against a victim who was less than twelve (12) years of age at
 6 the time of the crime;

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

- 10 (1) released from a penal facility (as defined in
 11 IC 35-41-1-21);
 12 (2) released from a secure private facility (as defined in
 13 IC 31-9-2-115);
 14 (3) released from a juvenile detention facility;
 15 (4) transferred to a community transition program;
 16 (5) placed on parole;
 17 (6) placed on probation; or
 18 (7) placed on home detention;

19 whichever occurs last.

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

- 22 (1) proximately caused serious bodily injury or death to the
 23 victim;
 24 (2) used force or the threat of force against the victim or a
 25 member of the victim's family, unless the offense is sexual battery
 26 as a Class D felony; or
 27 (3) rendered the victim unconscious or otherwise incapable of
 28 giving voluntary consent;

29 A violent offender is required to register for life.

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

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

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

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

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

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

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

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

12 SECTION 23. IC 11-8-8-20, AS AMENDED BY P.L.216-2007,
 13 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2008]: Sec. 20. (a) The department may enter into a compact
 15 or agreement with one (1) or more jurisdictions outside Indiana to
 16 exchange notifications concerning the change of address, employment,
 17 vocation, or enrollment of a sex or violent offender between Indiana
 18 and the other jurisdiction or the other jurisdiction and Indiana.

19 (b) If the department receives information that a sex or violent
 20 offender has relocated to Indiana to reside, engage in employment or
 21 a vocation, or enroll in school, or that a sex or violent offender has been
 22 convicted in Indiana but not sentenced to the department, the
 23 department shall determine:

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

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

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

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

28 **(C) tier I sex offender; or**

29 **(D) violent offender;**

30 ~~(3)~~ **(3) whether the person is a sexually violent predator under**
 31 **IC 35-38-1-7.5;**

32 ~~(4)~~ **(4) the period the person will be required to register as a sex**
 33 **or violent offender in Indiana; and**

34 ~~(5)~~ **(5) any other matter required by law to make a registration**
 35 **determination.**

36 (c) After the department has made a determination under subsection
 37 (b), the department shall update the sex and violent offender registry
 38 web site and transmit the department's determination to the local law

1 enforcement authority having jurisdiction over the county where the
 2 sex or violent offender resides, is employed, and attends school. The
 3 department shall transmit:

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

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

9 (A) **tier III sex offender;**

10 (B) **tier II sex offender;**

11 (C) **tier I sex offender; or**

12 (D) **violent offender;**

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

15 ~~(3)~~ (4) the period the sex or violent offender will be required to
 16 register in Indiana; and

17 ~~(4)~~ (5) anything else required by law to make a registration
 18 determination.

19 SECTION 24. IC 11-8-8-23 IS ADDED TO THE INDIANA CODE
 20 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**
 21 **1, 2008]: Sec. 23. (a) This section applies to a tier I sex offender who**
 22 **seeks to have the offender's registration period reduced from**
 23 **fifteen (15) years to ten (10) years under section 19(f) of this**
 24 **chapter.**

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

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

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

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

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

38 (1) **summarily dismiss the petition if the petition does not**

- 1 entitle the tier I offender to relief; or
 2 (2) provide a copy of the petition to the prosecuting attorney
 3 and conduct a hearing on the merits.

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

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

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

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

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

24 SECTION 25. IC 11-8-8-24 IS ADDED TO THE INDIANA CODE
 25 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 26 1, 2008]: Sec. 24. (a) This section applies to a:

- 27 (1) tier III sex offender;
 28 (2) tier II sex offender;
 29 (3) tier I sex offender; or
 30 (4) violent offender;

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

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

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

1 to:

2 (1) the person's classification as a:

3 (A) tier III sex offender;

4 (B) tier II sex offender;

5 (C) tier I sex offender; or

6 (D) violent offender; or

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

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

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

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

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

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

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

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

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

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

31 (h) If the court finds that the petitioner has proved that the
32 petitioner is entitled to relief, the court shall order the department
33 to revise the petitioner's classification or registration period. The
34 department shall notify other relevant agencies and individuals, if
35 applicable.

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

1 **period.**

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

4 SECTION 26. IC 11-13-3-4, AS AMENDED BY P.L.216-2007,
5 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2008]: Sec. 4. (a) A condition to remaining on parole is that
7 the parolee not commit a crime during the period of parole.

8 (b) The parole board may also adopt, under IC 4-22-2, additional
9 conditions to remaining on parole and require a parolee to satisfy one
10 (1) or more of these conditions. These conditions must be reasonably
11 related to the parolee's successful reintegration into the community and
12 not unduly restrictive of a fundamental right.

13 (c) If a person is released on parole, the parolee shall be given a
14 written statement of the conditions of parole. Signed copies of this
15 statement shall be:

- 16 (1) retained by the parolee;
- 17 (2) forwarded to any person charged with the parolee's
18 supervision; and
- 19 (3) placed in the parolee's master file.

20 (d) The parole board may modify parole conditions if the parolee
21 receives notice of that action and had ten (10) days after receipt of the
22 notice to express the parolee's views on the proposed modification.
23 This subsection does not apply to modification of parole conditions
24 after a revocation proceeding under section 10 of this chapter.

25 (e) As a condition of parole, the parole board may require the
26 parolee to reside in a particular parole area. In determining a parolee's
27 residence requirement, the parole board shall:

- 28 (1) consider:
 - 29 (A) the residence of the parolee prior to the parolee's
30 incarceration; and
 - 31 (B) the parolee's place of employment; and
- 32 (2) assign the parolee to reside in the county where the parolee
33 resided prior to the parolee's incarceration unless assignment on
34 this basis would be detrimental to the parolee's successful
35 reintegration into the community.

36 (f) As a condition of parole, the parole board may require the
37 parolee to:

- 38 (1) periodically undergo a laboratory chemical test (as defined in

1 IC 14-15-8-1) or series of tests to detect and confirm the presence
 2 of a controlled substance (as defined in IC 35-48-1-9); and
 3 (2) have the results of any test under this subsection reported to
 4 the parole board by the laboratory.

5 The parolee is responsible for any charges resulting from a test
 6 required under this subsection. However, a person's parole may not be
 7 revoked on the basis of the person's inability to pay for a test under this
 8 subsection.

9 (g) As a condition of parole, the parole board:

10 (1) may require a parolee who is a sex offender (as defined in
 11 IC 11-8-8-4.5) to:

12 (A) participate in a treatment program for sex offenders
 13 approved by the parole board; and

14 (B) avoid contact with any person who is less than sixteen (16)
 15 years of age unless the parolee:

16 (i) receives the parole board's approval; or

17 (ii) successfully completes the treatment program referred to
 18 in clause (A); and

19 (2) shall:

20 (A) require a parolee who is a sex or violent offender (as
 21 defined in IC 11-8-8-5) to register with a local law
 22 enforcement authority under IC 11-8-8;

23 (B) prohibit a parolee who is a sex offender from residing
 24 within ~~one thousand (1,000)~~ **five hundred (500)** feet of school
 25 property (as defined in IC 35-41-1-24.7) for the period of
 26 parole, unless the sex offender obtains written approval from
 27 the parole board;

28 (C) prohibit a parolee who is a sex offender convicted of a sex
 29 offense (as defined in IC 35-38-2-2.5) from residing within
 30 one (1) mile of the victim of the sex offender's sex offense
 31 unless the sex offender obtains a waiver under IC 35-38-2-2.5;
 32 **and**

33 (D) prohibit a parolee who is a sex offender from owning,
 34 operating, managing, being employed by, or volunteering at
 35 any attraction designed to be primarily enjoyed by children
 36 less than sixteen (16) years of age;

37 **(E) require a parolee who is a sex offender to consent:**

38 **(i) to the search of the sex offender's computer at any**

- 1 **time; and**
 2 **(ii) to the installation on the sex offender's computer or**
 3 **device with Internet capability, at the sex offender's**
 4 **expense, of one (1) or more hardware or software**
 5 **systems to monitor Internet usage;**
 6 **(F) prohibit the sex offender from:**
 7 **(i) accessing or using certain web sites, chat rooms, or**
 8 **instant messaging programs; and**
 9 **(ii) deleting, erasing, or tampering with information on**
 10 **the sex offender's computer that relates to the person's**
 11 **Internet usage; and**
 12 **(G) prohibit the sex offender from loitering in public**
 13 **within five hundred (500) feet of school property, a public**
 14 **park, or a youth program center if children are present.**

15 The parole board may not grant a sexually violent predator (as defined
 16 in IC 35-38-1-7.5) or a sex offender who is an offender against children
 17 under IC 35-42-4-11 a waiver under subdivision (2)(B) or (2)(C). If the
 18 parole board allows the sex offender to reside within ~~one thousand~~
 19 ~~(1,000)~~ **five hundred (500)** feet of school property under subdivision
 20 (2)(B), the parole board shall notify each school within ~~one thousand~~
 21 ~~(1,000)~~ **five hundred (500)** feet of the sex offender's residence of the
 22 order.

23 (h) The address of the victim of a parolee who is a sex offender
 24 convicted of a sex offense (as defined in IC 35-38-2-2.5) is
 25 confidential, even if the sex offender obtains a waiver under
 26 IC 35-38-2-2.5.

27 (i) As a condition of parole, the parole board may require a parolee
 28 to participate in a reentry court program.

29 (j) As a condition of parole, the parole board:
 30 (1) shall require a parolee who is a sexually violent predator
 31 under IC 35-38-1-7.5; and
 32 (2) may require a parolee who is a sex or violent offender (as
 33 defined in IC 11-8-8-5);
 34 to wear a monitoring device (as described in IC 35-38-2.5-3) that can
 35 transmit information twenty-four (24) hours each day regarding a
 36 person's precise location.

37 (k) As a condition of parole, the parole board may prohibit, in
 38 accordance with IC 35-38-2-2.6, a parolee who has been convicted of

1 stalking from residing within one thousand (1,000) feet of the residence
 2 of the victim of the stalking for a period that does not exceed five (5)
 3 years.

4 SECTION 27. IC 20-30-5.5 IS ADDED TO THE INDIANA CODE
 5 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2008]:

7 **Chapter 5.5. Internet Safety**

8 **Sec. 1. Each school corporation shall include in the school**
 9 **corporation's curriculum for grades 3 and above instruction**
 10 **concerning safe usage of the Internet by children.**

11 **Sec. 2. The:**

12 **(1) department shall develop guidelines; and**

13 **(2) state board shall adopt rules under IC 4-22-2;**

14 **concerning the instruction required under this chapter to assist**
 15 **teachers assigned to teach the material described in this chapter.**

16 **Sec. 3. Guidelines and rules adopted under section 2 of this**
 17 **chapter must cover:**

18 **(1) safe online communication;**

19 **(2) privacy protection;**

20 **(3) cyberbullying;**

21 **(4) viewing inappropriate material;**

22 **(5) file sharing;**

23 **(6) the importance of open communication with responsible**
 24 **adults; and**

25 **(7) any other material that the department or the state board**
 26 **finds will assist children in using the Internet safely.**

27 SECTION 28. IC 34-24-1-1, AS AMENDED BY P.L.137-2007,
 28 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2008]: Sec. 1. (a) The following may be seized:

30 (1) All vehicles (as defined by IC 35-41-1), if they are used or are
 31 intended for use by the person or persons in possession of them to
 32 transport or in any manner to facilitate the transportation of the
 33 following:

34 (A) A controlled substance for the purpose of committing,
 35 attempting to commit, or conspiring to commit any of the
 36 following:

37 (i) Dealing in or manufacturing cocaine or a narcotic drug
 38 (IC 35-48-4-1).

- 1 (ii) Dealing in methamphetamine (IC 35-48-4-1.1).
 2 (iii) Dealing in a schedule I, II, or III controlled substance
 3 (IC 35-48-4-2).
 4 (iv) Dealing in a schedule IV controlled substance
 5 (IC 35-48-4-3).
 6 (v) Dealing in a schedule V controlled substance
 7 (IC 35-48-4-4).
 8 (vi) Dealing in a counterfeit substance (IC 35-48-4-5).
 9 (vii) Possession of cocaine or a narcotic drug (IC 35-48-4-6).
 10 (viii) Possession of methamphetamine (IC 35-48-4-6.1).
 11 (ix) Dealing in paraphernalia (IC 35-48-4-8.5).
 12 (x) Dealing in marijuana, hash oil, or hashish
 13 (IC 35-48-4-10).
 14 (B) Any stolen (IC 35-43-4-2) or converted property
 15 (IC 35-43-4-3) if the retail or repurchase value of that property
 16 is one hundred dollars (\$100) or more.
 17 (C) Any hazardous waste in violation of IC 13-30-10-4.
 18 (D) A bomb (as defined in IC 35-41-1-4.3) or weapon of mass
 19 destruction (as defined in IC 35-41-1-29.4) used to commit,
 20 used in an attempt to commit, or used in a conspiracy to
 21 commit an offense under IC 35-47 as part of or in furtherance
 22 of an act of terrorism (as defined by IC 35-41-1-26.5).
 23 (2) All money, negotiable instruments, securities, weapons,
 24 communications devices, or any property used to commit, used in
 25 an attempt to commit, or used in a conspiracy to commit an
 26 offense under IC 35-47 as part of or in furtherance of an act of
 27 terrorism or commonly used as consideration for a violation of
 28 IC 35-48-4 (other than items subject to forfeiture under
 29 IC 16-42-20-5 or IC 16-6-8.5-5.1 before its repeal):
 30 (A) furnished or intended to be furnished by any person in
 31 exchange for an act that is in violation of a criminal statute;
 32 (B) used to facilitate any violation of a criminal statute; or
 33 (C) traceable as proceeds of the violation of a criminal statute.
 34 (3) Any portion of real or personal property purchased with
 35 money that is traceable as a proceed of a violation of a criminal
 36 statute.
 37 (4) A vehicle that is used by a person to:
 38 (A) commit, attempt to commit, or conspire to commit;

- 1 (B) facilitate the commission of; or
 2 (C) escape from the commission of;
 3 murder (IC 35-42-1-1), kidnapping (IC 35-42-3-2), criminal
 4 confinement (IC 35-42-3-3), rape (IC 35-42-4-1), child molesting
 5 (IC 35-42-4-3), or child exploitation (IC 35-42-4-4), or an offense
 6 under IC 35-47 as part of or in furtherance of an act of terrorism.
 7 (5) Real property owned by a person who uses it to commit any of
 8 the following as a Class A felony, a Class B felony, or a Class C
 9 felony:
 10 (A) Dealing in or manufacturing cocaine or a narcotic drug
 11 (IC 35-48-4-1).
 12 (B) Dealing in methamphetamine (IC 35-48-4-1.1).
 13 (C) Dealing in a schedule I, II, or III controlled substance
 14 (IC 35-48-4-2).
 15 (D) Dealing in a schedule IV controlled substance
 16 (IC 35-48-4-3).
 17 (E) Dealing in marijuana, hash oil, or hashish (IC 35-48-4-10).
 18 (6) Equipment and recordings used by a person to commit fraud
 19 under IC 35-43-5-4(10).
 20 (7) Recordings sold, rented, transported, or possessed by a person
 21 in violation of IC 24-4-10.
 22 (8) Property (as defined by IC 35-41-1-23) or an enterprise (as
 23 defined by IC 35-45-6-1) that is the object of a corrupt business
 24 influence violation (IC 35-45-6-2).
 25 (9) Unlawful telecommunications devices (as defined in
 26 IC 35-45-13-6) and plans, instructions, or publications used to
 27 commit an offense under IC 35-45-13.
 28 (10) Any equipment, ~~used or intended for use in preparing,~~
 29 ~~photographing, recording, videotaping, digitizing, printing,~~
 30 ~~copying, or disseminating matter in violation of IC 35-42-4-4.~~
 31 **including computer equipment and cellular telephones, used**
 32 **for or intended for use in preparing, photographing,**
 33 **recording, videotaping, digitizing, printing, copying, or**
 34 **disseminating matter in violation of IC 35-42-4.**
 35 (11) Destructive devices used, possessed, transported, or sold in
 36 violation of IC 35-47.5.
 37 (12) Tobacco products that are sold in violation of IC 24-3-5,
 38 tobacco products that a person attempts to sell in violation of

- 1 IC 24-3-5, and other personal property owned and used by a
 2 person to facilitate a violation of IC 24-3-5.
- 3 (13) Property used by a person to commit counterfeiting or
 4 forgery in violation of IC 35-43-5-2.
- 5 (14) After December 31, 2005, if a person is convicted of an
 6 offense specified in IC 25-26-14-26(b) or IC 35-43-10, the
 7 following real or personal property:
- 8 (A) Property used or intended to be used to commit, facilitate,
 9 or promote the commission of the offense.
- 10 (B) Property constituting, derived from, or traceable to the
 11 gross proceeds that the person obtained directly or indirectly
 12 as a result of the offense.
- 13 (15) Except as provided in subsection (e), a motor vehicle used by
 14 a person who operates the motor vehicle:
- 15 (A) while intoxicated, in violation of IC 9-30-5-1 through
 16 IC 9-30-5-5, if in the previous five (5) years the person has two
 17 (2) or more prior unrelated convictions:
- 18 (i) for operating a motor vehicle while intoxicated in
 19 violation of IC 9-30-5-1 through IC 9-30-5-5; or
 20 (ii) for an offense that is substantially similar to IC 9-30-5-1
 21 through IC 9-30-5-5 in another jurisdiction; or
- 22 (B) on a highway while the person's driver's license is
 23 suspended in violation of IC 9-24-19-2 through IC 9-24-19-4,
 24 if in the previous five (5) years the person has two (2) or more
 25 prior unrelated convictions:
- 26 (i) for operating a motor vehicle while intoxicated in
 27 violation of IC 9-30-5-1 through IC 9-30-5-5; or
 28 (ii) for an offense that is substantially similar to IC 9-30-5-1
 29 through IC 9-30-5-5 in another jurisdiction.
- 30 If a court orders the seizure of a motor vehicle under this
 31 subdivision, the court shall transmit an order to the bureau of
 32 motor vehicles recommending that the bureau not permit a motor
 33 vehicle to be registered in the name of the person whose motor
 34 vehicle was seized until the person possesses a current driving
 35 license (as defined in IC 9-13-2-41).
- 36 (b) A vehicle used by any person as a common or contract carrier in
 37 the transaction of business as a common or contract carrier is not
 38 subject to seizure under this section, unless it can be proven by a

1 preponderance of the evidence that the owner of the vehicle knowingly
2 permitted the vehicle to be used to engage in conduct that subjects it to
3 seizure under subsection (a).

4 (c) Equipment under subsection (a)(10) may not be seized unless it
5 can be proven by a preponderance of the evidence that the owner of the
6 equipment knowingly permitted the equipment to be used to engage in
7 conduct that subjects it to seizure under subsection (a)(10).

8 (d) Money, negotiable instruments, securities, weapons,
9 communications devices, or any property commonly used as
10 consideration for a violation of IC 35-48-4 found near or on a person
11 who is committing, attempting to commit, or conspiring to commit any
12 of the following offenses shall be admitted into evidence in an action
13 under this chapter as prima facie evidence that the money, negotiable
14 instrument, security, or other thing of value is property that has been
15 used or was to have been used to facilitate the violation of a criminal
16 statute or is the proceeds of the violation of a criminal statute:

17 (1) IC 35-48-4-1 (dealing in or manufacturing cocaine or a
18 narcotic drug).

19 (2) IC 35-48-4-1.1 (dealing in methamphetamine).

20 (3) IC 35-48-4-2 (dealing in a schedule I, II, or III controlled
21 substance).

22 (4) IC 35-48-4-3 (dealing in a schedule IV controlled substance).

23 (5) IC 35-48-4-4 (dealing in a schedule V controlled substance)
24 as a Class B felony.

25 (6) IC 35-48-4-6 (possession of cocaine or a narcotic drug) as a
26 Class A felony, Class B felony, or Class C felony.

27 (7) IC 35-48-4-6.1 (possession of methamphetamine) as a Class
28 A felony, Class B felony, or Class C felony.

29 (8) IC 35-48-4-10 (dealing in marijuana, hash oil, or hashish) as
30 a Class C felony.

31 (e) A motor vehicle operated by a person who is not:

32 (1) an owner of the motor vehicle; or

33 (2) the spouse of the person who owns the motor vehicle;

34 is not subject to seizure under subsection (a)(15) unless it can be
35 proven by a preponderance of the evidence that the owner of the
36 vehicle knowingly permitted the vehicle to be used to engage in
37 conduct that subjects it to seizure under subsection (a)(15).".

38 Page 11, line 28, delete "(a)".

- 1 Page 11, line 31, strike "and".
- 2 Page 11, line 32, strike "one thousand".
- 3 Page 11, line 33, strike "(1,000)" and insert "**five hundred (500)**".
- 4 Page 11, line 37, delete "." and insert ";
- 5 **(3) require the sex offender to consent:**
- 6 **(A) to the search of the sex offender's computer at any**
- 7 **time; and**
- 8 **(B) to the installation on the sex offender's computer or**
- 9 **device with Internet capability, at the sex offender's**
- 10 **expense, of one (1) or more hardware or software systems**
- 11 **to monitor Internet usage;**
- 12 **(4) prohibit the sex offender from:**
- 13 **(A) accessing or using certain web sites, chat rooms, or**
- 14 **instant messaging programs; and**
- 15 **(B) deleting, erasing, or tampering with information on the**
- 16 **sex offender's computer that relates to the person's**
- 17 **Internet usage; and**
- 18 **(5) prohibit the sex offender from loitering in public within**
- 19 **five hundred (500) feet of school property, a public park, or**
- 20 **a youth program center if children are present."**
- 21 Page 11, line 38, strike "one thousand".
- 22 Page 11, line 39, strike "(1,000)" and insert "**five hundred (500)**".
- 23 Page 11, line 40, strike "one thousand (1,000)" and insert "**five**
- 24 **hundred (500)**".
- 25 Page 12, line 2, strike "one thousand (1,000)" and insert "**five**
- 26 **hundred (500)**".
- 27 Page 12, delete lines 3 through 29.
- 28 Page 13, between lines 32 and 33, begin a new paragraph and insert:
- 29 "SECTION 11. IC 35-42-4-7, AS AMENDED BY P.L.1-2005,
- 30 SECTION 228, IS AMENDED TO READ AS FOLLOWS
- 31 [EFFECTIVE JULY 1, 2008]: Sec. 7. (a) As used in this section,
- 32 "adoptive parent" has the meaning set forth in IC 31-9-2-6.
- 33 (b) As used in this section, "adoptive grandparent" means the parent
- 34 of an adoptive parent.
- 35 **(c) As used in this section, "armed forces recruiter" means a**
- 36 **person who:**
- 37 **(1) has been ordered, assigned, or directed to perform**
- 38 **recruiting activities for any branch of the active, reserve, or**

1 **guard components of the armed forces; and**
 2 **(2) engages in recruiting activities at a public or nonpublic**
 3 **school attended by a child who is alleged to be the victim of a**
 4 **crime under this section.**

5 **(d) As used in this section, "attending child" means a child who**
 6 **attends a school at which an armed forces recruiter engages in**
 7 **recruiting activities.**

8 ~~(c)~~ **(e)** As used in this section, "child care worker" means a person
 9 who:

10 (1) provides care, supervision, or instruction to a child within the
 11 scope of the person's employment in a shelter care facility; or

12 (2) is employed by a:

13 (A) school corporation; or

14 (B) nonpublic school;

15 attended by a child who is the victim of a crime under this
 16 chapter.

17 ~~(d)~~ **(f)** As used in this section, "custodian" means any person who
 18 resides with a child and is responsible for the child's welfare.

19 ~~(e)~~ **(g)** As used in this section, "nonpublic school" has the meaning
 20 set forth in IC 20-18-2-12.

21 ~~(f)~~ **(h)** As used in this section, "school corporation" has the meaning
 22 set forth in IC 20-18-2-16.

23 ~~(g)~~ **(i)** As used in this section, "stepparent" means an individual who
 24 is married to a child's custodial or noncustodial parent and is not the
 25 child's adoptive parent.

26 ~~(h)~~ **(j)** If a person who is:

27 (1) at least eighteen (18) years of age; and

28 (2) the:

29 (A) guardian, adoptive parent, adoptive grandparent,
 30 custodian, or stepparent of; or

31 (B) child care worker for;

32 a child at least sixteen (16) years of age but less than eighteen
 33 (18) years of age;

34 engages with the child in sexual intercourse, deviate sexual conduct (as
 35 defined in IC 35-41-1-9), or any fondling or touching with the intent to
 36 arouse or satisfy the sexual desires of either the child or the adult, the
 37 person commits child seduction, a Class D felony.

38 **(k) If an armed forces recruiter who is at least eighteen (18)**

1 years of age engages in:
 2 (1) sexual intercourse with an attending child;
 3 (2) deviate sexual conduct (as defined in IC 35-41-1-9) with an
 4 attending child; or
 5 (3) any fondling or touching of an attending child with the
 6 intent to arouse or satisfy the sexual desires of either the
 7 attending child or the armed forces recruiter;
 8 the armed forces recruiter commits child seduction, a Class D
 9 felony."

10 Page 14, line 21, strike "one thousand (1,000)" and insert "five
 11 hundred (500)".

12 Page 15, line 24, after "(a)" insert "This section applies only to a
 13 person required to register as a sex or violent offender under
 14 IC 11-8-8 who has been:

15 (1) found to be a sexually violent predator under
 16 IC 35-38-1-7.5; or

17 (2) convicted of one (1) or more of the following offenses:

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

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

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

21 (D) Vicarious sexual gratification (IC 35-42-4-5(a) or
 22 IC 35-42-4-5(b)).

23 (E) Sexual conduct in the presence of a minor
 24 (IC 35-42-4-5(c)).

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

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

27 (H) Kidnapping (IC 35-42-3-2), if the victim is less than
 28 eighteen (18) years of age and the person is not the child's
 29 parent or guardian.

30 (I) Attempt to commit or conspiracy to commit an offense
 31 listed in clauses (A) through (H).

32 (J) An offense in another jurisdiction that is substantially
 33 similar to an offense described in clauses (A) through (H).

34 (b)".

35 Page 15, line 26, after "that" insert "requires a person to register
 36 or create an account, a username, or a password to become a
 37 member or registered user of the program and".

38 Page 15, line 26, delete "persons" and insert "members or

- 1 **authorized users".**
- 2 Page 15, line 27, after "text." insert "**The term does not include an**
- 3 **electronic mail program or message board program."**
- 4 Page 15, line 28, delete "(b)" and insert "(c)".
- 5 Page 15, line 32, after "(2)" insert "**requires a person to register or**
- 6 **create an account, a username, or a password to become a member**
- 7 **of the web site and to communicate with other members;**
- 8 **(3)".**
- 9 Page 15, line 32, delete "person" and insert "**member"**".
- 10 Page 15, line 34, delete "(3)" and insert "(4)".
- 11 Page 15, line 34, delete "person who visits the web site" and insert
- 12 "**member with"**".
- 13 Page 15, line 35, after "person." begin a new line blocked left and
- 14 insert "**The term does not include an electronic mail program or**
- 15 **message board program."**
- 16 Page 15, line 36, delete "(c) A sex offender (as defined in
- 17 IC 11-8-8-4.5)" and insert "**(d) A person described in subsection (a)".**
- 18 Page 15, line 37, delete ":".
- 19 Page 15, line 38, delete "(1)".
- 20 Page 15, run in lines 37 through 38.
- 21 Page 15, line 39, delete "(A)", begin a new line block indented and
- 22 insert "**(1)".**
- 23 Page 15, line 40, delete "(B)", begin a new line block indented and
- 24 insert "**(2)".**
- 25 Page 15, line 41, block left beginning with "that".
- 26 Page 16, line 1, delete "; and".
- 27 Page 16, delete lines 2 through 4.
- 28 Page 16, run in lines 1 through 5.
- 29 Page 16, line 5, after "felony." insert "**However, the offense is a**
- 30 **Class C felony if the person has a prior unrelated conviction under**
- 31 **this section.**
- 32 **(e) It is a defense to a prosecution under this section that the**
- 33 **person:**
- 34 **(1) did not know that the web site or program allowed a**
- 35 **person who is less than eighteen (18) years of age to access or**
- 36 **use the web site or program;**
- 37 **(2) upon discovering that the web site or program allows a**
- 38 **person who is less than eighteen (18) years of age to access or**

1 **use the web site or program, immediately ceased further use**
 2 **or access of the web site or program."**

3 Page 16, between lines 5 and 6, begin a new paragraph and insert:

4 "SECTION 37. IC 35-42-4-13 IS ADDED TO THE INDIANA
 5 CODE AS A NEW SECTION TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2008]: **Sec. 13. (a) This section does not apply**
 7 **to the following:**

8 **(1) A parent, guardian, or custodian of the child.**

9 **(2) A person who acts with the permission of the child's**
 10 **parent, guardian, or custodian.**

11 **(3) A person to whom the child makes a report of abuse or**
 12 **neglect.**

13 **(4) A person to whom the child reports medical symptoms**
 14 **that relate to or may relate to sexual activity.**

15 **(b) As used in this section, "sexual activity" means sexual**
 16 **intercourse, deviate sexual conduct, or the fondling or touching of**
 17 **the buttocks, genitals, or female breasts.**

18 **(c) A person at least twenty-one (21) years of age who knowingly**
 19 **or intentionally communicates with an individual whom the person**
 20 **believes to be a child less than fourteen (14) years of age**
 21 **concerning sexual activity with the intent to:**

22 **(1) gratify the sexual desires of the person or the individual;**
 23 **or**

24 **(2) entice the individual to meet the person in another**
 25 **location;**

26 **commits inappropriate communication with a child, a Class B**
 27 **misdemeanor. However, the offense is a Class A misdemeanor if**
 28 **the person commits the offense by using a computer network (as**
 29 **defined in IC 35-43-2-3(a).**

30 SECTION 38. IC 35-42-4-14 IS ADDED TO THE INDIANA
 31 CODE AS A NEW SECTION TO READ AS FOLLOWS
 32 [EFFECTIVE JULY 1, 2008]: **Sec. 14. (a) An offender against**
 33 **children (as defined in section 11 of this chapter) who, knowing**
 34 **that children are present, enters school property, a public park, or**
 35 **a youth program center commits child offender trespassing, a**
 36 **Class D felony.**

37 **(b) It is a defense to a prosecution under this section:**

38 **(1) that the person entered the school property, public park,**

- 1 **or youth program center to vote; or**
 2 **(2) that the person entered the school property to attend a**
 3 **meeting with school personnel relating to the person's child,**
 4 **if:**
 5 **(A) the person notified the school that the person is an**
 6 **offender against children; and**
 7 **(B) a school employee accompanied the person to and from**
 8 **the meeting.**

9 SECTION 39. IC 35-45-4-5, AS AMENDED BY P.L.7-2005,
 10 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2008]: Sec. 5. **(a) As used in this section, "nudity" means**
 12 **the showing of the human male or female genitals, pubic area, or**
 13 **buttocks, or the showing of the female breast with less than a fully**
 14 **opaque covering of any part of the nipple.**

15 **(b) As used in this section, "peep" means any looking that is of**
 16 **a clandestine, surreptitious, prying, or secretive nature.**

17 **(c) As used in this section, "photograph" means photographing,**
 18 **filming, videotaping, or creating a digitized image. The term**
 19 **includes using a cellular telephone, a camera, a video camera, or**
 20 **any other type of video recording device to create an image.**

21 ~~(a)~~ **(d) A person:**

22 (1) who:

23 (A) peeps; or

24 (B) goes upon the land of another with the intent to peep;
 25 into an occupied dwelling of another person; or

26 (2) who peeps into an area where an occupant of the area
 27 reasonably can be expected to disrobe, including:

28 (A) restrooms;

29 (B) baths;

30 (C) showers; and

31 (D) dressing rooms;

32 without the consent of the other person, commits voyeurism, a Class B
 33 misdemeanor.

34 ~~(b)~~ **(e) However, the offense under subsection ~~(a)~~ (d) is a Class D**
 35 **felony if:**

36 (1) it is knowingly or intentionally committed by means of a
 37 camera, a video camera, or any other type of video recording
 38 device; or

1 (2) the person who commits the offense has a prior unrelated
2 conviction:

3 (A) under this section; or

4 (B) in another jurisdiction, including a military court, for an
5 offense that is substantially similar to an offense described in
6 this section.

7 ~~(c) "Peep" means any looking of a clandestine, surreptitious, prying,
8 or secretive nature.~~

9 **(f) A person who, without the consent or knowledge of the other
10 person:**

11 **(1) knowingly or intentionally photographs another person
12 who:**

13 **(A) is in an area in which an occupant of the area
14 reasonably can be expected to disrobe, including:**

15 **(i) restrooms;**

16 **(ii) baths;**

17 **(iii) showers; and**

18 **(iv) dressing rooms; and**

19 **(B) is in a state of nudity;**

20 **commits photographic voyeurism, a Class B misdemeanor.**

21 **(g) This subsection does not apply to a person who consents in
22 writing to be photographed in a state of nudity. A person who:**

23 **(1) photographs another person who is in a state of nudity;
24 and**

25 **(2) knowingly or intentionally fails to destroy the image that
26 was photographed after being requested to do so by the
27 person who is the subject of the photograph;**

28 **commits photographic voyeurism, a Class C misdemeanor. It is not
29 a defense to a prosecution under this subsection that the other
30 person verbally consented to being photographed in a state of
31 nudity.**

32 **(h) An offense described in subsections (f) and (g) is:**

33 **(1) a Class A misdemeanor if the person who photographs the
34 other person knowingly or intentionally shows the photograph
35 to another person;**

36 **(2) a Class D felony if the person who photographs the other
37 person knowingly or intentionally:**

38 **(A) publishes the photograph;**

- 1 **(B) makes the photograph available on the Internet; or**
 2 **(C) disseminates the photograph electronically; and**
 3 **(3) a Class C felony if the person who photographs the other**
 4 **person has a prior unrelated conviction under subsection (f)**
 5 **or (g), or has a prior unrelated conviction in another**
 6 **jurisdiction for an offense that is substantially similar to an**
 7 **offense described in subsection (f) or (g).**

8 SECTION 40. IC 35-45-10-6 IS ADDED TO THE INDIANA
 9 CODE AS A NEW SECTION TO READ AS FOLLOWS
 10 [EFFECTIVE JULY 1, 2008]: **Sec. 6. (a) This section does not apply**
 11 **to:**

- 12 **(1) the parent, guardian, or custodian of a child;**
 13 **(2) a person acting with the permission of the parent,**
 14 **guardian, or custodian of a child; or**
 15 **(3) a person whose job requires the person to follow, pursue,**
 16 **or attempt to contact the child.**

17 **(b) A person who is at least twenty-one (21) years of age who**
 18 **knowingly or intentionally repeatedly:**

- 19 **(1) follows;**
 20 **(2) pursues; or**
 21 **(3) attempts to contact;**

22 **a child less than ten (10) years of age commits child stalking, a**
 23 **Class D felony.**

24 **(c) It is a defense to a prosecution under this section that the**
 25 **person reasonably believed that repeatedly following, pursuing, or**
 26 **attempting to contact the child was in the best interests of the child.**

27 SECTION 41. IC 36-2-13-5.5, AS AMENDED BY P.L.216-2007,
 28 SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2008]: **Sec. 5.5. (a) The sheriffs shall jointly establish and**
 30 **maintain an Indiana sex and violent offender registry web site, known**
 31 **as the Indiana sex and violent offender registry, to inform the general**
 32 **public about the identity, location, and appearance of every sex or**
 33 **violent offender residing within Indiana. The web site must provide**
 34 **information regarding each sex or violent offender, organized by**
 35 **county of residence. The web site shall be updated at least daily.**

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

- 1 (1) A recent photograph of every sex or violent offender who has
 2 registered with a sheriff after the effective date of this chapter.
 3 (2) The home address of every sex or violent offender.
 4 (3) The information required under IC 11-8-8-8.
 5 (c) Every time a sex or violent offender registers, but at least once
 6 per year, the sheriff shall:
 7 (1) photograph the sex or violent offender; and
 8 (2) determine whether the sex or violent offender's fingerprints
 9 are on file:
 10 (A) in Indiana; or
 11 (B) with the Federal Bureau of Investigation.
 12 If it appears that the sex or violent offender's fingerprints are not on file
 13 as described in subdivision (2), the sheriff shall fingerprint the sex or
 14 violent offender and transmit a copy of the fingerprints to the state
 15 police department. The sheriff shall place the photograph described in
 16 subdivision (1) on the Indiana sex and violent offender registry web
 17 site.
 18 (d) The photograph of a sex or violent offender described in
 19 subsection (c) must meet the following requirements:
 20 (1) The photograph must be full face, front view, with a plain
 21 white or off-white background.
 22 (2) The image of the offender's face, measured from the bottom
 23 of the chin to the top of the head, must fill at least seventy-five
 24 percent (75%) of the photograph.
 25 (3) The photograph must be in color.
 26 (4) The photograph must show the offender dressed in normal
 27 street attire, without a hat or headgear that obscures the hair or
 28 hairline.
 29 (5) If the offender normally and consistently wears prescription
 30 glasses, a hearing device, wig, or a similar article, the photograph
 31 must show the offender wearing those items. A photograph may
 32 not include dark glasses or nonprescription glasses with tinted
 33 lenses unless the offender can provide a medical certificate
 34 demonstrating that tinted lenses are required for medical reasons.
 35 (6) The photograph must have sufficient resolution to permit the
 36 offender to be easily identified by a person accessing the Indiana
 37 sex and violent offender registry web site.
 38 (e) The Indiana sex and violent offender registry web site may be

1 funded from:
2 (1) the jail commissary fund (IC 36-8-10-21);
3 (2) a grant from the criminal justice institute; and
4 (3) any other source, subject to the approval of the county fiscal
5 body.
6 **(f) The:**
7 **(1) photograph; and**
8 **(2) home address;**
9 **of a sex and violent offender whose registration period has expired**
10 **shall be removed from any part of the web site that may be**
11 **accessed by the general public.**
12 SECTION 42. THE FOLLOWING ARE REPEALED [EFFECTIVE
13 JULY 1, 2008]: IC 11-8-8-1; IC 11-8-8-6."
14 Page 16, line 6, after "IC 35-42-4-12," insert "**IC 35-42-4-13,**
15 **IC 35-42-4-14, and IC 35-45-10-6, all**".
16 Page 16, line 7, after "IC 35-42-4-3," insert "**IC 35-42-4-7,**

- 1 **IC 35-42-4-11, IC 35-45-4-5, IC 11-8-8-17, and IC 11-8-8-18, all".**
- 2 Renumber all SECTIONS consecutively.
(Reference is to HB 1134 as reprinted January 30, 2008.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 1.

Steele

Chairperson