

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 140 be amended to read as follows:

- 1 Between the enacting clause and line 1, begin a new paragraph and
- 2 insert:
- 3 "SECTION 1. IC 31-9-2-46.6 IS ADDED TO THE INDIANA
- 4 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 5 [EFFECTIVE JULY 1, 2010]: **Sec. 46.6. "Firearm", for purposes of**
- 6 **IC 31-19-8.5 and IC 31-28-7, has the meaning set forth in**
- 7 **IC 35-47-1-5."**
- 8 Page 4, between lines 4 and 5, begin a new paragraph and insert:
- 9 "SECTION 6. IC 31-19-8.5 IS ADDED TO THE INDIANA CODE
- 10 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 11 JULY 1, 2010]:
- 12 **Chapter 8.5. Prohibited Conditions on Adoptions**
- 13 **Sec. 1. A licensed child placing agency and the department of**
- 14 **child services may not do the following:**
- 15 (1) **Make a determination that an individual is unsuitable to**
- 16 **adopt based on the lawful possession, storage, or use of a**
- 17 **firearm or ammunition by any member of the individual's**
- 18 **household.**
- 19 (2) **Require an adoptive parent or prospective adoptive parent**
- 20 **to disclose information relating to an individual's lawful**
- 21 **possession, storage, or use of a firearm or ammunition as a**
- 22 **condition for adoption.**
- 23 (3) **Restrict an individual's lawful possession, storage, or use**
- 24 **of a firearm or ammunition as a condition for adoption."**

1 Page 7, between lines 13 and 14, begin a new paragraph and insert:
 2 "SECTION 10. IC 31-27-6-28, AS AMENDED BY P.L.138-2007,
 3 SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 4 JULY 1, 2010]: Sec. 28. (a) The following constitute sufficient grounds
 5 for revocation of a license:

6 (1) A determination by the department of child abuse or neglect
 7 (as defined in IC 31-9-2-14) by:

8 (A) the licensee;

9 (B) an employee of the licensee who has direct contact, on a
 10 regular and continuous basis, with children who are under the
 11 direct supervision of the licensee; or

12 (C) a volunteer of the licensee who has direct contact, on a
 13 regular and continuous basis, with children who are under the
 14 direct supervision of the licensee.

15 (2) A criminal conviction of the licensee, or the director or
 16 manager of a facility where children will be placed by the
 17 licensee, for any of the following:

18 (A) A felony.

19 (B) A misdemeanor related to the health or safety of a child.

20 (C) A misdemeanor for operating a child caring institution,
 21 foster family home, group home, or child placing agency
 22 without a license under this article (or IC 12-17.4 before its
 23 repeal).

24 (D) A misdemeanor for operating a child care center or child
 25 care home without a license under IC 12-17.2.

26 (3) A determination by the department that the licensee made
 27 false statements in the licensee's application for licensure.

28 (4) A determination by the department that the licensee made
 29 false statements in the records required by the department.

30 (5) A determination by the department that the licensee
 31 previously operated a home or facility without a license required
 32 under any applicable provision of this article (or IC 12-17.4
 33 before its repeal) or IC 12-17.2.

34 **(6) A violation of IC 31-19-8.5-1.**

35 (b) A license may also be revoked if an employee or volunteer of the
 36 licensee who has direct contact on a regular and continuous basis with
 37 children who are under the direct supervision of the licensee has been
 38 convicted of any of the following:

39 (1) A felony described in IC 31-27-4-13(a).

40 (2) Any other felony or a misdemeanor relating to the health and
 41 safety of a child, unless the licensee is granted a waiver by the
 42 department to employ or assign the person as a volunteer in a
 43 position described in this subsection.

44 (c) In determining whether to grant a waiver under subsection (b),
 45 the department shall consider the following factors:

46 (1) The length of time that has passed since the disqualifying

- 1 conviction.
- 2 (2) The severity, nature, and circumstances of the offense.
- 3 (3) Evidence of rehabilitation.
- 4 (4) The duties and qualifications required for the proposed
- 5 employment positions or volunteer assignment.
- 6 (d) Notwithstanding subsection (a) or (b), if:
- 7 (1) a license could be revoked due to a criminal conviction of, or
- 8 a determination of child abuse or neglect by, an employee or a
- 9 volunteer of the licensee; and
- 10 (2) the department determines that the employee or volunteer has
- 11 been dismissed by the licensee within a reasonable time after the
- 12 licensee became aware of the conviction or determination;
- 13 the criminal conviction of, or determination of child abuse or neglect
- 14 by, the former employee or former volunteer does not constitute a
- 15 sufficient basis for the revocation of a license.
- 16 (e) The department may adopt rules to implement this section.

17 SECTION 11. IC 31-28-7 IS ADDED TO THE INDIANA CODE
 18 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2010]:

20 **Chapter 7. Prohibited Conditions on the Placement of Foster**
 21 **Care Children**

22 **Sec. 1. The department may not do the following:**

- 23 **(1) Make a determination that a foster parent is unsuitable to**
- 24 **have a foster child placed with the foster parent based on the**
- 25 **lawful possession, storage, or use of a firearm or ammunition**
- 26 **by any member of the foster parent's household.**
- 27 **(2) Require a foster parent or prospective foster parent to**
- 28 **disclose information relating to the foster parent's lawful**
- 29 **possession, storage, or use of a firearm or ammunition as a**
- 30 **condition for placement of a foster child with the foster**
- 31 **parent.**
- 32 **(3) Restrict a foster parent's lawful possession, storage, or use**
- 33 **of a firearm or ammunition as a condition for placement of a**
- 34 **foster child with the foster parent."**

35 Renumber all SECTIONS consecutively.
 (Reference is to ESB 140 as printed February 16, 2010.)

Representative Blanton