
SENATE BILL No. 593

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-2-9; IC 9-30-3; IC 31-32-13-9; IC 31-34-20-2; IC 31-37-19; IC 33-24-6-3; IC 33-32-3-1; IC 33-37; IC 33-39-8; IC 34-26-5; IC 33-24-6-12.

Synopsis: Records and judicial technology. Moves duties concerning the administration of an electronic system for receiving information related to individuals possessing firearms from the division of state court administration to the attorney general's office. Provides that the clerk of a circuit court (clerk) is the official custodian of all records and writings of the court. Provides that the clerk shall provide copies of any public record in its possession to a party who requests the record. Provides that if the clerk maintains a case management system and receives funds from the automated record keeping fee, the case management system must meet certain standards. Prohibits certain court case information from being shared with the division of state court administration (division). Provides that the division shall not deny a person access to any public records that the division maintains. Removes certain duties of the division. Changes the responsibility of developing and maintaining the protective order registry from the division to attorney general's office. Corrects conflicting language regarding protective orders. Creates the e-citation fund. Provides that certain money in the state user fee fund will be deposited in the e-citation fund. Requires each clerk to establish an automated record keeping fund. Requires the prosecuting attorneys council to prescribe the contents of electronic traffic tickets. Repeals the judicial technology and automation project fund.

Effective: July 1, 2011.

Steele

January 20, 2011, read first time and referred to Committee on Judiciary.

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First Regular Session 117th General Assembly (2011)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2010 Regular Session of the General Assembly.

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SENATE BILL No. 593



A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

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

1 SECTION 1. IC 4-6-15 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2011]:

4 **Chapter 15. Firearm Possession Information**

5 **Sec. 1. As used in this chapter, "NICS" refers to the National**
6 **Instant Criminal Background Check System maintained by the**
7 **Federal Bureau of Investigation in accordance with the federal**
8 **Brady Handgun Violence Prevention Act (18 U.S.C. 921 et seq.).**

9 **Sec. 2. The office of the attorney general shall establish and**
10 **administer an electronic system for receiving information that**
11 **relates to certain individuals who may be prohibited from**
12 **possessing a firearm and transmitting the information to the**
13 **Federal Bureau of Investigation for inclusion in the NICS.**

14 SECTION 2. IC 5-2-9-1.4, AS AMENDED BY P.L.1-2010,
15 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2011]: Sec. 1.4. As used in this chapter, "Indiana protective
17 order registry" or "registry" means the Internet based registry of



1 protective orders established under section 5.5 of this chapter and
2 developed and maintained by the ~~division of state court administration:~~
3 **office of the attorney general.**

4 SECTION 3. IC 5-2-9-5.5, AS AMENDED BY P.L.1-2010,
5 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2011]: Sec. 5.5. (a) The Indiana protective order registry is
7 established.

8 (b) The registry is an Internet based, electronic depository for
9 protective orders. Copies of all protective orders shall be retained in the
10 registry.

11 (c) The registry must contain confidential information about
12 protected persons.

13 (d) The ~~division of state court administration~~ **office of the attorney**
14 **general** shall create, manage, and maintain the registry.

15 (e) A protective order retained under section 5 of this chapter may
16 be entered in the registry.

17 (f) The ~~division of state court administration~~ **office of the attorney**
18 **general** shall make the protective order registry established by this
19 section available so that county case management systems may
20 interface with the protective order registry by not later than December
21 31, 2009.

22 (g) The ~~division of state court administration~~ **office of the attorney**
23 **general** shall submit information concerning a standard protocol for
24 county case management systems to interface with the protective order
25 registry to each:

- 26 (1) prosecuting attorney; and
- 27 (2) court.

28 SECTION 4. IC 5-2-9-6, AS AMENDED BY P.L.130-2009,
29 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 JULY 1, 2011]: Sec. 6. (a) The clerk of a court that issues a protective
31 order shall:

- 32 (1) provide a copy of the order to the petitioner; and
- 33 (2) provide a copy of the order and service of process to the
34 respondent or defendant in accordance with the rules of trial
35 procedure.

36 (b) The clerk of a court that issues a protective order or the clerk of
37 a court in which a petition is filed shall maintain a confidential file to
38 secure any confidential information about a protected person
39 designated on a uniform statewide form prescribed by the ~~division of~~
40 **state court administration: office of the attorney general.**

41 (c) This subsection applies to a protective order that a sheriff or law
42 enforcement agency ~~receives~~ *received* under subsection (a) before July

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1 1, 2009, and a confidential form under subsection (b) that ~~is~~ was not
2 retained ~~created~~ in the registry. The sheriff or law enforcement agency
3 shall:

4 (1) maintain a copy of the protective order in the depository
5 established under this chapter;

6 (2) enter:

7 (A) the date and time the sheriff or law enforcement agency
8 receives the protective order;

9 (B) the location of the person who is subject to the protective
10 order, if reasonably ascertainable from the information
11 received;

12 (C) the name and identification number of the officer who
13 serves the protective order;

14 (D) the manner in which the protective order is served;

15 (E) the name of the petitioner and any other protected parties;

16 (F) the name, Social Security number, date of birth, and
17 physical description of the person who is the subject of the
18 protective order, if reasonably ascertainable from the
19 information received;

20 (G) the date the protective order expires;

21 (H) a caution indicator stating whether a person who is the
22 subject of the protective order is believed to be armed and
23 dangerous, if reasonably ascertainable from the information
24 received; and

25 (I) if furnished, a Brady record indicator stating whether a
26 person who is the subject of the protective order is prohibited
27 from purchasing or possessing a firearm or ammunition under
28 federal law, if reasonably ascertainable from the information
29 received;

30 on the copy of the protective order or the confidential form; and

31 (3) except for a protective order that is *retained created* in the
32 registry, establish a confidential file in which a confidential form
33 that contains information concerning a protected person is kept.

34 (d) Except for a protective order that is *retained created* in the
35 registry, a protective order may be removed from the depository
36 established under this chapter only if the sheriff or law enforcement
37 agency that administers the depository receives:

38 (1) a notice of termination on a form prescribed or approved by
39 the ~~division of state court administration; office of the attorney~~
40 **general;**

41 (2) an order of the court; or

42 (3) a notice of termination and an order of the court.

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1 (e) If a protective order in a depository established under this
 2 chapter is terminated, the person who obtained the order must file a
 3 notice of termination on a form prescribed or approved by the ~~division~~
 4 ~~of state court administration~~ **office of the attorney general** with the
 5 clerk of the court. The clerk of the court shall:

- 6 (1) enter the notice of termination into *the registry*; or
 7 (2) provide a copy of the notice of termination ~~to~~ *of a protective*
 8 *order*;

9 *to the registry and provide a copy of the notice of termination* to each
 10 of the depositories to which the protective order was sent. The clerk of
 11 the court shall maintain the notice of termination in the court's file.

12 (f) If a protective order or form is extended or modified, the person
 13 who obtained the extension or modification must file a notice of
 14 extension or modification on a form prescribed or approved by the
 15 ~~division of state court administration~~ **office of the attorney general**
 16 with the clerk of the court. Except for a protective order *retained*
 17 ~~created~~ in the registry, the clerk of the court shall provide a copy of the
 18 notice of extension or modification of a protective order to each of the
 19 depositories to which the order and a confidential form were sent. The
 20 clerk of the court shall maintain the notice of extension or modification
 21 of a protective order in the court's file.

22 (g) The clerk of a court that issued an order terminating a protective
 23 order that is an ex parte order shall provide a copy of the order to the
 24 following:

- 25 (1) Each party.
 26 (2) Except for a protective order *retained created* in the registry,
 27 the law enforcement agency provided with a copy of a protective
 28 order under subsection (a).

29 SECTION 5. IC 5-2-9-7, AS AMENDED BY P.L.130-2009,
 30 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2011]: Sec. 7. (a) Any information:

- 32 (1) in a uniform statewide confidential form or any part of a
 33 confidential form prescribed by the ~~division of state court~~
 34 ~~administration~~ **office of the attorney general** that must be filed
 35 with a protective order; or
 36 (2) otherwise acquired concerning a protected person;
 37 is confidential and may not be divulged to any respondent or defendant.

38 (b) Information described in subsection (a) may only be used by:

- 39 (1) a court;
 40 (2) a sheriff;
 41 (3) another law enforcement agency;
 42 (4) a prosecuting attorney; or

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(5) a court clerk;
to comply with a law concerning the distribution of the information.
SECTION 6. IC 9-30-3-2.5, AS ADDED BY P.L.206-2007,
SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2011]: Sec. 2.5. (a) As used in this chapter, "electronic traffic
ticket" means:
(1) a traffic information and summons; or
(2) a complaint and summons;
for traffic cases that is in an electronic format prescribed by the
~~division of state court administration~~ **prosecuting attorneys council
of Indiana**.
(b) An electronic traffic ticket may be referred to as an "e-citation".
SECTION 7. IC 9-30-3-5.3, AS ADDED BY P.L.206-2007,
SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2011]: Sec. 5.3. In prescribing the contents of an electronic
traffic ticket, the ~~division of state court administration~~ **prosecuting
attorneys council of Indiana** shall require the inclusion in an
electronic traffic ticket of the contents required in an information and
summons under section 6 of this chapter. The ~~division of state court
administration~~ **prosecuting attorneys council of Indiana** may modify
the prescribed contents of an electronic traffic ticket as necessary for
the ticket to be in an electronic format.
SECTION 8. IC 9-30-3-8, AS AMENDED BY P.L.206-2007,
SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2011]: Sec. 8. (a) The court may issue a warrant for the arrest
of a defendant who is an Indiana resident and who fails to appear or
answer a traffic information and summons or a complaint and summons
served upon the defendant. If the warrant is not executed within thirty
(30) days after issue, the court shall promptly forward the court copy
of the traffic information and summons or complaint and summons to
the bureau indicating that the defendant failed to appear in court as
ordered. The court shall then mark the case as failure to appear on the
court's records.
(b) If a defendant who is not an Indiana resident fails to appear or
answer a traffic summons served upon the defendant and upon which
the information or complaint has been filed thirty (30) days after the
return date of the information and summons or complaint and
summons, the court shall promptly forward the court copy of the traffic
information and summons or complaint and summons to the bureau.
The bureau shall notify the motor vehicle commission of the state of
the nonresident defendant of the defendant's failure to appear and also
of any action taken by the bureau relative to the Indiana driving

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1 privileges of the defendant. If the defendant fails to appear or otherwise
2 answer within thirty (30) days, the court shall mark the case as failure
3 to appear on the court's records.

4 (c) If the bureau receives a copy of the traffic information and
5 summons or complaint and summons for failure to appear in court
6 either on a form prescribed by the bureau or in an electronic format
7 prescribed by the ~~division of state court administration~~, **prosecuting**
8 **attorneys council of Indiana**, the bureau shall suspend the driving
9 privileges of the defendant until the defendant appears in court and the
10 case has been disposed of. The order of suspension may be served upon
11 the defendant by mailing the order by first class mail to the defendant
12 at the last address shown for the defendant in the records of the bureau.
13 The order takes effect on the date the order is mailed.

14 (d) For nonresidents of Indiana, the order of suspension shall be
15 mailed to the defendant at the address given to the arresting officer by
16 the defendant as shown by the traffic information or complaint. The
17 order takes effect on the date of mailing. A copy of the order shall also
18 be sent to the motor vehicle bureau of the state of the nonresident
19 defendant. If:

- 20 (1) the defendant's failure to appear in court has been certified to
- 21 the bureau under this chapter; and
- 22 (2) the defendant subsequently appears in court to answer the
- 23 charges against the defendant;

24 the court shall proceed to hear and determine the case in the same
25 manner as other cases pending in the court. Upon final determination
26 of the case, the court shall notify the bureau of the determination either
27 in an electronic format or upon forms prescribed by the bureau. The
28 notification shall be made by the court within ten (10) days after the
29 final determination of the case, and information from the original copy
30 of the traffic information and summons or complaint and summons
31 must accompany the notification.

32 SECTION 9. IC 11-10-4-3, AS AMENDED BY P.L.110-2009,
33 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
34 JULY 1, 2011]: Sec. 3. (a) A committed offender may be involuntarily
35 transferred to the division of mental health and addiction or to a mental
36 health facility only if:

- 37 (1) the offender has been examined by a psychiatrist employed or
- 38 retained by the department and the psychiatrist reports to the
- 39 department in writing that, in the psychiatrist's opinion, the
- 40 offender has a mental illness and is in need of care and treatment
- 41 by the division of mental health and addiction or in a mental
- 42 health facility;

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1 (2) the director of mental health approves of the transfer if the
2 offender is to be transferred to the division of mental health and
3 addiction; and

4 (3) the department affords the offender a hearing to determine the
5 need for the transfer, which hearing must comply with the
6 following minimum standards:

7 (A) The offender shall be given at least ten (10) days advance
8 written and verbal notice of the date, time, and place of the
9 hearing and the reason for the contemplated transfer. This
10 notice must advise the offender of the rights enumerated in
11 clauses (C) and (D). Notice must also be given to one (1) of
12 the following:

- 13 (i) The offender's spouse.
14 (ii) The offender's parent.
15 (iii) The offender's attorney.
16 (iv) The offender's guardian.
17 (v) The offender's custodian.
18 (vi) The offender's relative.

19 (B) A copy of the psychiatrist's report must be given to the
20 offender not later than at the time notice of the hearing is
21 given.

22 (C) The offender is entitled to appear in person, speak in the
23 offender's own behalf, call witnesses, present documentary
24 evidence, and confront and cross-examine witnesses.

25 (D) The offender is entitled to be represented by counsel or
26 other representative.

27 (E) The offender must be given a written statement of the
28 findings of fact, the evidence relied upon, and the reasons for
29 the action taken.

30 (F) A finding that the offender is in need of mental health care
31 and treatment in the division of mental health and addiction or
32 a mental health facility must be based upon clear and
33 convincing evidence.

34 (b) If the official in charge of the facility or program to which the
35 offender is assigned determines that emergency care and treatment in
36 the division of mental health and addiction or a mental health facility
37 is necessary to control a mentally ill offender who is either gravely
38 disabled or dangerous, that offender may be involuntarily transferred,
39 subject to the approval of the director of the division of mental health
40 and addiction, before holding the hearing described in subsection
41 (a)(3). However, this subsection does not deprive the offender of the
42 offender's right to a hearing.

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1 (c) The official in charge of the division of mental health and
 2 addiction or facility to which an offender is transferred under this
 3 section must give the offender a semiannual written report, based on a
 4 psychiatrist's examination, concerning the offender's mental condition
 5 and the need for continued care and treatment in the division of mental
 6 health and addiction or facility. If the report states that the offender is
 7 still in need of care and treatment in the division of mental health and
 8 addiction or a mental health facility, the division of mental health and
 9 addiction or facility shall, upon request of the offender or a
 10 representative in the offender's behalf, conduct a hearing to review the
 11 need for that continued care and treatment. The hearing must comply
 12 with the minimum standards established by subsection (a)(3). The
 13 division of mental health and addiction or facility to which the offender
 14 is transferred under this section may conduct a hearing under this
 15 subsection upon its initiative.

16 (d) If the division of mental health and addiction or facility to which
 17 an offender is transferred under this section determines that the
 18 offender no longer needs care and treatment in the division of mental
 19 health and addiction or facility, the division of mental health and
 20 addiction or facility shall return the offender to the custody of the
 21 department of correction, and the department of correction shall
 22 reassign the offender to another facility or program.

23 (e) After an offender has been involuntarily transferred to and
 24 accepted by the division of mental health and addiction, the department
 25 shall transmit any information required by the ~~division of state court~~
 26 **administration office of the attorney general** for transmission to the
 27 NICS (as defined in IC 35-47-2.5-2.5) in accordance with
 28 ~~IC 33-24-6-3.~~ **IC 4-6-15.**

29 SECTION 10. IC 12-26-6-8, AS AMENDED BY P.L.110-2009,
 30 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2011]: Sec. 8. (a) If, upon the completion of the hearing and
 32 consideration of the record, the court finds that the individual is
 33 mentally ill and either dangerous or gravely disabled, the court may
 34 order the individual to:

- 35 (1) be committed to an appropriate facility; or
- 36 (2) enter an outpatient treatment program under IC 12-26-14 for
 37 a period of not more than ninety (90) days.

38 (b) The court's order must require that the superintendent of the
 39 facility or the attending physician file a treatment plan with the court
 40 within fifteen (15) days of the individual's admission to the facility
 41 under a commitment order.

42 (c) If the commitment ordered under subsection (a) is to a state

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1 institution administered by the division of mental health and addiction,
 2 the record of commitment proceedings must include a report from a
 3 community mental health center stating both of the following:

4 (1) That the community mental health center has evaluated the
 5 individual.

6 (2) That commitment to a state institution administered by the
 7 division of mental health and addiction under this chapter is
 8 appropriate.

9 (d) The physician who makes the statement required by section 2(c)
 10 of this chapter may be affiliated with the community mental health
 11 center that submits to the court the report required by subsection (c).

12 (e) If the commitment is of an adult to a research bed at Larue D.
 13 Carter Memorial Hospital as set forth in IC 12-21-2-3, the report from
 14 a community mental health center is not required.

15 (f) If a commitment ordered under subsection (a) is to a state
 16 institution administered by the division of disability and rehabilitative
 17 services, the record of commitment proceedings must include a report
 18 from a service coordinator employed by the division of disability and
 19 rehabilitative services stating that, based on a diagnostic assessment of
 20 the individual, commitment to a state institution administered by the
 21 division of disability and rehabilitative services under this chapter is
 22 appropriate.

23 (g) If the court makes a finding under subsection (a) (including a
 24 finding in reference to a child under IC 31-37-18-3), the court shall
 25 transmit any information required by the ~~division of state court~~
 26 **administration office of the attorney general** to the ~~division of state~~
 27 **court administration office of the attorney general** for transmission to
 28 the NICS (as defined in IC 35-47-2.5-2.5) in accordance with
 29 ~~IC 33-24-6-3. IC 4-6-15.~~

30 SECTION 11. IC 12-26-7-5, AS AMENDED BY P.L.110-2009,
 31 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2011]: Sec. 5. (a) If at the completion of the hearing and the
 33 consideration of the record an individual is found to be mentally ill and
 34 either dangerous or gravely disabled, the court may enter either of the
 35 following orders:

36 (1) For the individual's custody, care, or treatment, or continued
 37 custody, care, or treatment in an appropriate facility.

38 (2) For the individual to enter an outpatient therapy program
 39 under IC 12-26-14.

40 (b) An order entered under subsection (a) continues until any of the
 41 following occurs:

42 (1) The individual has been:

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1 (A) discharged from the facility; or
 2 (B) released from the therapy program.
 3 (2) The court enters an order:
 4 (A) terminating the commitment; or
 5 (B) releasing the individual from the therapy program.
 6 (c) If the court makes a finding under subsection (a), the court shall
 7 transmit any information required by the ~~division of state court~~
 8 ~~administration office of the attorney general~~ to the ~~division of state~~
 9 ~~court administration office of the attorney general~~ for transmission to
 10 the NICS (as defined in IC 35-47-2.5-2.5) in accordance with
 11 ~~IC 33-24-6-3. IC 4-16-15.~~
 12 SECTION 12. IC 31-32-13-9 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 9. When a court issues
 14 an order or an emergency order under this chapter:
 15 (1) the clerk of the court shall comply with IC 5-2-9; and
 16 (2) the petitioner shall file a confidential form prescribed or
 17 approved by the ~~division of state court administration office of~~
 18 ~~the attorney general~~ with the clerk.
 19 SECTION 13. IC 31-34-20-2 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. If a court enters a
 21 dispositional decree that includes a no contact order under section 1(7)
 22 of this chapter:
 23 (1) the clerk of the court that enters a dispositional decree that
 24 includes a no contact order under section 1(7) of this chapter shall
 25 comply with IC 5-2-9; and
 26 (2) the petitioner shall file a confidential form prescribed or
 27 approved by the ~~division of state court administration office of~~
 28 ~~the attorney general~~ with the clerk.
 29 SECTION 14. IC 31-37-19-2 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. If a court enters a
 31 dispositional decree that includes a no contact order under section 1(7)
 32 of this chapter:
 33 (1) the clerk of the court that enters a dispositional decree that
 34 includes a no contact order under section 1(7) of this chapter shall
 35 comply with IC 5-2-9; and
 36 (2) the petitioner shall file a confidential form prescribed or
 37 approved by the ~~division of state court administration office of~~
 38 ~~the attorney general~~ with the clerk.
 39 SECTION 15. IC 31-37-19-22 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 22. If a court issues a
 41 dispositional decree that includes a no contact order under section
 42 6(b)(2)(G) of this chapter:

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- 1 (1) the clerk of the court shall comply with IC 5-2-9; and
- 2 (2) the petitioner shall file a confidential form prescribed or
- 3 approved by the ~~division of state court administration office of~~
- 4 **the attorney general** with the clerk.

5 SECTION 16. IC 33-23-15-2, AS ADDED BY P.L.110-2009,
 6 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2011]: Sec. 2. (a) If a person described in section 1 of this
 8 chapter:

- 9 (1) has been released from commitment; or
- 10 (2) successfully completes a treatment or rehabilitation program;
- 11 the person may petition the court (if the adjudication leading to the
- 12 person's commitment, rehabilitation, or treatment program was from a
- 13 court) or the department of correction (if the determination leading to
- 14 the person's rehabilitation or treatment program was from a psychiatrist
- 15 employed by or retained by the department of correction) to determine
- 16 whether the person is prohibited from possessing a handgun because
- 17 the person is not a proper person under IC 35-47-1-7(5) or
- 18 IC 35-47-1-7(6).

19 (b) In determining whether the person is prohibited from possessing
 20 a handgun because the person is not a proper person under
 21 IC 35-47-1-7(5) or IC 35-47-1-7(6), the court or department of
 22 correction shall consider the following evidence:

- 23 (1) The facts and circumstances leading to the person being
- 24 included in the category of persons to whom this chapter applies.
- 25 (2) The person's mental health and criminal history records.
- 26 (3) Evidence concerning the person's reputation, including the
- 27 testimony of character witnesses.
- 28 (4) A recent mental health evaluation by a psychiatrist or
- 29 psychologist licensed to practice in Indiana.

30 (c) If the court or the department of correction, after considering the
 31 evidence described in subsection (b), finds by clear and convincing
 32 evidence that:

- 33 (1) the person is not a danger to the person or to others;
- 34 (2) the person is not likely to act in a manner dangerous to public
 35 safety; and

36 (3) the requested relief would not be contrary to public interest;
 37 the court or department of correction shall transmit its findings to the
 38 ~~department of state court administration; office of the attorney~~
 39 **general** and any other information required by the ~~division of state~~
 40 ~~court administration; office of the attorney general~~ for transmission
 41 to the NICS in accordance with ~~IC 33-24-6-3. IC 4-16-5.~~

42 (d) A determination under this section may be appealed only in

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1 accordance with section 3 of this chapter.

2 SECTION 17. IC 33-24-6-3, AS AMENDED BY P.L.1-2010,
3 SECTION 132, IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2011]: Sec. 3. (a) The division of state court
5 administration shall do the following:

6 (1) Examine the administrative and business methods and systems
7 employed in the offices of the clerks of court and other offices
8 related to and serving the courts and make recommendations for
9 necessary improvement.

10 (2) Collect and compile statistical data and other information on
11 the judicial work of the courts in Indiana. All justices of the
12 supreme court, judges of the court of appeals, judges of all trial
13 courts, and any city or town courts, whether having general or
14 special jurisdiction, court clerks, court reporters, and other
15 officers and employees of the courts shall, upon notice by the
16 executive director and in compliance with procedures prescribed
17 by the executive director, furnish the executive director the
18 information as is requested concerning the nature and volume of
19 judicial business. The information must include the following:

- 20 (A) The volume, condition, and type of business conducted by
- 21 the courts.
- 22 (B) The methods of procedure in the courts.
- 23 (C) The work accomplished by the courts.
- 24 (D) The receipt and expenditure of public money by and for
- 25 the operation of the courts.
- 26 (E) The methods of disposition or termination of cases.

27 (3) Prepare and publish reports, not less than one (1) or more than
28 two (2) times per year, on the nature and volume of judicial work
29 performed by the courts as determined by the information
30 required in subdivision (2).

31 (4) Serve the judicial nominating commission and the judicial
32 qualifications commission in the performance by the commissions
33 of their statutory and constitutional functions.

34 (5) Administer the civil legal aid fund as required by IC 33-24-12.

35 ~~(6) Administer the judicial technology and automation project
36 fund established by section 12 of this chapter.~~

37 ~~(7) Develop a standard protocol for the exchange of information;
38 by not later than December 31, 2009:~~

39 ~~(A) between the protective order registry, established by
40 IC 5-2-9-5.5, and county court case management systems;~~

41 ~~(B) at the option of the county prosecuting attorney, for:~~
42 ~~(i) a prosecuting attorney's case management system;~~

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1 (ii) a county court case management system; and
 2 (iii) a county court case management system developed and
 3 operated by the division of state court administration;
 4 to interface with the electronic traffic tickets; as defined by
 5 IC 9-30-3-2.5; and
 6 (C) between county court case management systems and the
 7 case management system developed and operated by the
 8 division of state court administration.

9 (8) Establish and administer an electronic system for receiving
 10 information that relates to certain individuals who may be
 11 prohibited from possessing a firearm and transmitting this
 12 information to the Federal Bureau of Investigation for inclusion
 13 in the NICS.

14 **(b) The division of state court administration shall not:**

15 **(1) deny a person access to any public records that the**
 16 **division maintains or keeps; or**

17 **(2) adopt a rule that limits public access or imposes any**
 18 **restriction on public records that are maintained by the**
 19 **county clerk.**

20 **(c) Except for a court record that is officially entered as a**
 21 **record of the Indiana supreme court, the Indiana court of appeals,**
 22 **or the Indiana tax court, individual court case information may not**
 23 **be shared between judges, court clerks, court reporters, public**
 24 **defenders, or any court employees and the division of state court**
 25 **administration.**

26 (b) (d) All forms to be used in gathering data must be approved by
 27 the supreme court and shall be distributed to all judges and clerks
 28 before the start of each period for which reports are required.

29 (c) (e) The division may adopt rules to implement this section.

30 SECTION 18. IC 33-32-3-1 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. (a) The clerk shall
 32 endorse the time of filing on each writing required to be filed in the
 33 office of the clerk.

34 (b) The clerk shall carefully preserve in the office of the clerk all
 35 records and writings pertaining to the clerk's official duties.

36 **(c) The clerk is the official custodian of all records and writings**
 37 **of the court and shall provide copies of any public records in the**
 38 **clerk's possession to any person who requests the public records.**

39 (c) (d) The clerk shall procure, at the expense of the county, all
 40 necessary judges' appearance, bar, judgment, and execution dockets,
 41 order books, and final record books.

42 (d) (e) The clerk shall:

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- 1 (1) attend, in person or by deputy, the circuit court of the county;
- 2 and
- 3 (2) enter in proper record books all orders, judgments, and
- 4 decrees of the court.

5 ~~(e)~~ **(f)** Not more than fifteen (15) days after the cases are finally
 6 determined, the clerk shall enter in final record books a complete
 7 record of:

- 8 (1) all cases involving the title to land;
- 9 (2) all criminal cases in which the punishment is death or
- 10 imprisonment, except where a nolle prosequi is entered or an
- 11 acquittal is had; and
- 12 (3) all other cases, at the request of either party and upon payment
- 13 of the costs.

14 **(g) If the clerk maintains a case management system and**
 15 **receives funds from the automated record keeping fee under**
 16 **IC 33-37-5-21, the case management system that the clerk**
 17 **maintains must:**

- 18 (1) **comply with the accounting and record keeping rules and**
- 19 **requirements of the state board of accounts;;**
- 20 (2) **meet applicable national information exchange model's**
- 21 **exchange standards, or, if applicable, the exchange standards**
- 22 **of any successor to the national information exchange model's**
- 23 **exchange standards;**
- 24 (3) **be able to interface with the:**
- 25 (A) **department of revenue;**
- 26 (B) **the bureau of motor vehicles; and**
- 27 (C) **the prosecuting attorney council of Indiana;**
- 28 (4) **be able to interface with the division of state court**
- 29 **administration to provide statistical data as described in**
- 30 **IC 33-24-6-3(a)(2).**

31 SECTION 19. IC 33-37-5-31 IS ADDED TO THE INDIANA
 32 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 33 [EFFECTIVE JULY 1, 2011]: **Sec. 31. (a) Each clerk shall establish**
 34 **an automated record keeping fund. The fund consists of the**
 35 **following:**

- 36 (1) **Deposits made under IC 33-37-7-2(n).**
- 37 (2) **Other appropriations made by the general assembly.**
- 38 (3) **Grants and gifts designated for the fund.**

39 **(b) The clerk may use any money in the fund for the following**
 40 **purposes:**

- 41 (1) **Case management systems that meet the requirements set**
 42 **forth in IC 33-32-3-1(g), for court records.**

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1 **(2) Converting records into electronic formatted records.**

2 **(3) Record keeping.**

3 SECTION 20. IC 33-37-7-2, AS AMENDED BY P.L.182-2009(ss),
4 SECTION 395, IS AMENDED TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2011]: Sec. 2. (a) The clerk of a circuit court
6 shall distribute semiannually to the auditor of state as the state share for
7 deposit in the homeowner protection unit account established by
8 IC 4-6-12-9 one hundred percent (100%) of the automated record
9 keeping fees collected under IC 33-37-5-21 with respect to actions
10 resulting in the accused person entering into a pretrial diversion
11 program agreement under IC 33-39-1-8 or a deferral program
12 agreement under IC 34-28-5-1 and for deposit in the state general fund
13 seventy percent (70%) of the amount of fees collected under the
14 following:

- 15 (1) IC 33-37-4-1(a) (criminal costs fees).
- 16 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- 17 (3) IC 33-37-4-3(a) (juvenile costs fees).
- 18 (4) IC 33-37-4-4(a) (civil costs fees).
- 19 (5) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
- 20 (6) IC 33-37-4-7(a) (probate costs fees).
- 21 (7) IC 33-37-5-17 (deferred prosecution fees).

22 (b) The clerk of a circuit court shall distribute semiannually to the
23 auditor of state for deposit in the state user fee fund established in
24 IC 33-37-9-2 the following:

- 25 (1) Twenty-five percent (25%) of the drug abuse, prosecution,
26 interdiction, and correction fees collected under
27 IC 33-37-4-1(b)(5).
- 28 (2) Twenty-five percent (25%) of the alcohol and drug
29 countermeasures fees collected under IC 33-37-4-1(b)(6),
30 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
- 31 (3) Fifty percent (50%) of the child abuse prevention fees
32 collected under IC 33-37-4-1(b)(7).
- 33 (4) One hundred percent (100%) of the domestic violence
34 prevention and treatment fees collected under IC 33-37-4-1(b)(8).
- 35 (5) One hundred percent (100%) of the highway work zone fees
36 collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).
- 37 (6) One hundred percent (100%) of the safe schools fee collected
38 under IC 33-37-5-18.
- 39 ~~(7) One hundred percent (100%) of the automated record keeping~~
40 ~~fee (IC 33-37-5-21) not distributed under subsection (a):~~

41 (c) The clerk of a circuit court shall distribute monthly to the county
42 auditor the following:

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1 (1) Seventy-five percent (75%) of the drug abuse, prosecution,
 2 interdiction, and correction fees collected under
 3 IC 33-37-4-1(b)(5).
 4 (2) Seventy-five percent (75%) of the alcohol and drug
 5 countermeasures fees collected under IC 33-37-4-1(b)(6),
 6 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
 7 The county auditor shall deposit fees distributed by a clerk under this
 8 subsection into the county drug free community fund established under
 9 IC 5-2-11.
 10 (d) The clerk of a circuit court shall distribute monthly to the county
 11 auditor fifty percent (50%) of the child abuse prevention fees collected
 12 under IC 33-37-4-1(b)(7). The county auditor shall deposit fees
 13 distributed by a clerk under this subsection into the county child
 14 advocacy fund established under IC 12-17-17.
 15 (e) The clerk of a circuit court shall distribute monthly to the county
 16 auditor one hundred percent (100%) of the late payment fees collected
 17 under IC 33-37-5-22. The county auditor shall deposit fees distributed
 18 by a clerk under this subsection as follows:
 19 (1) If directed to do so by an ordinance adopted by the county
 20 fiscal body, the county auditor shall deposit forty percent (40%)
 21 of the fees in the clerk's record perpetuation fund established
 22 under IC 33-37-5-2 and sixty percent (60%) of the fees in the
 23 county general fund.
 24 (2) If the county fiscal body has not adopted an ordinance
 25 described in subdivision (1), the county auditor shall deposit all
 26 the fees in the county general fund.
 27 (f) The clerk of the circuit court shall distribute semiannually to the
 28 auditor of state for deposit in the sexual assault victims assistance
 29 account established by IC 5-2-6-23(h) one hundred percent (100%) of
 30 the sexual assault victims assistance fees collected under
 31 IC 33-37-5-23.
 32 (g) The clerk of a circuit court shall distribute monthly to the county
 33 auditor the following:
 34 (1) One hundred percent (100%) of the support and maintenance
 35 fees for cases designated as non-Title IV-D child support cases in
 36 the Indiana support enforcement tracking system (ISETS)
 37 collected under IC 33-37-5-6.
 38 (2) The percentage share of the support and maintenance fees for
 39 cases designated as IV-D child support cases in ISETS collected
 40 under IC 33-37-5-6 that is reimbursable to the county at the
 41 federal financial participation rate.
 42 The county clerk shall distribute monthly to the office of the secretary

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1 of family and social services the percentage share of the support and
2 maintenance fees for cases designated as Title IV-D child support cases
3 in ISETS collected under IC 33-37-5-6 that is not reimbursable to the
4 county at the applicable federal financial participation rate.

5 (h) The clerk of a circuit court shall distribute monthly to the county
6 auditor the following:

7 (1) One hundred percent (100%) of the small claims service fee
8 under IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2) for deposit in
9 the county general fund.

10 (2) One hundred percent (100%) of the small claims garnishee
11 service fee under IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3) for
12 deposit in the county general fund.

13 (i) This subsection does not apply to court administration fees
14 collected in small claims actions filed in a court described in IC 33-34.
15 The clerk of a circuit court shall semiannually distribute to the auditor
16 of state for deposit in the state general fund one hundred percent
17 (100%) of the following:

18 (1) The public defense administration fee collected under
19 IC 33-37-5-21.2.

20 (2) The judicial salaries fees collected under IC 33-37-5-26.

21 (3) The DNA sample processing fees collected under
22 IC 33-37-5-26.2.

23 (4) The court administration fees collected under IC 33-37-5-27.

24 (j) The clerk of a circuit court shall semiannually distribute to the
25 auditor of state for deposit in the judicial branch insurance adjustment
26 account established by IC 33-38-5-8.2 one hundred percent (100%) of
27 the judicial insurance adjustment fee collected under IC 33-37-5-25.

28 (k) The proceeds of the service fee collected under
29 IC 33-37-5-28(b)(1) or IC 33-37-5-28(b)(2) shall be distributed as
30 follows:

31 (1) The clerk shall distribute one hundred percent (100%) of the
32 service fees collected in a circuit, superior, county, or probate
33 court to the county auditor for deposit in the county general fund.

34 (2) The clerk shall distribute one hundred percent (100%) of the
35 service fees collected in a city or town court to the city or town
36 fiscal officer for deposit in the city or town general fund.

37 (l) The proceeds of the garnishee service fee collected under
38 IC 33-37-5-28(b)(3) or IC 33-37-5-28(b)(4) shall be distributed as
39 follows:

40 (1) The clerk shall distribute one hundred percent (100%) of the
41 garnishee service fees collected in a circuit, superior, county, or
42 probate court to the county auditor for deposit in the county

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1 general fund.
 2 (2) The clerk shall distribute one hundred percent (100%) of the
 3 garnishee service fees collected in a city or town court to the city
 4 or town fiscal officer for deposit in the city or town general fund.
 5 (m) The clerk of the circuit court shall distribute semiannually to the
 6 auditor of state for deposit in the home ownership education account
 7 established by IC 5-20-1-27 one hundred percent (100%) of the
 8 mortgage foreclosure counseling and education fees collected under
 9 IC 33-37-5-30 (before its expiration on January 1, 2013).
 10 **(n) The clerk shall deposit monthly from the automated records**
 11 **fee established under IC 33-37-5-21:**
 12 **(1) seventy five percent (75%) of the fee into the county**
 13 **automated records keeping fund under IC 33-37-5-31 ; and**
 14 **(2) twenty five percent (25%) of the fee into the e-citation**
 15 **fund established under IC 33-39-8-7.**
 16 SECTION 21. IC 33-37-9-4, AS AMENDED BY P.L.130-2009,
 17 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2011]: Sec. 4. (a) The treasurer of state shall distribute
 19 semiannually one million two hundred eighty-eight thousand dollars
 20 (\$1,288,000) of the amounts transferred to the state fund under section
 21 3 of this chapter as follows:
 22 (1) Fourteen and ninety-eight hundredths percent (14.98%) shall
 23 be deposited into the alcohol and drug countermeasures fund
 24 established by IC 9-27-2-11.
 25 (2) Eight and forty-two hundredths percent (8.42%) shall be
 26 deposited into the drug interdiction fund established by
 27 IC 10-11-7-1.
 28 (3) Four and sixty-eight hundredths percent (4.68%) shall be
 29 deposited into the drug prosecution fund established by
 30 IC 33-39-8-6.
 31 (4) Five and sixty-two hundredths percent (5.62%) shall be
 32 deposited into the corrections drug abuse fund established by
 33 IC 11-8-2-11.
 34 (5) Twenty-two and forty-seven hundredths percent (22.47%)
 35 shall be deposited into the state drug free communities fund
 36 established by IC 5-2-10-2.
 37 (6) Seven and ninety-eight hundredths percent (7.98%) shall be
 38 distributed to the Indiana department of transportation for use
 39 under IC 8-23-2-15.
 40 (7) Twenty and thirty-two hundredths percent (20.32%) shall be
 41 deposited in the family violence and victim assistance fund
 42 established by IC 5-2-6.8-3.

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1 (8) Fifteen and fifty-three hundredths percent (15.53%) shall be
2 deposited in the Indiana safe schools fund established by
3 IC 5-2-10.1.

4 (b) The treasurer of state shall distribute semiannually the amount
5 remaining after the distributions are made under subsection (a) to the
6 ~~judicial technology and automation project fund established by~~
7 ~~IC 33-24-6-12: e-citation fund established by IC 33-39-8-7.~~

8 SECTION 22. IC 33-39-8-5, AS AMENDED BY P.L.176-2005,
9 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2011]: Sec. 5. The council shall do the following:

11 (1) Assist in the coordination of the duties of the prosecuting
12 attorneys of the state and their staffs.

13 (2) Prepare manuals of procedure.

14 (3) Give assistance in preparation of the trial briefs, forms, and
15 instructions.

16 (4) Conduct research and studies that would be of interest and
17 value to all prosecuting attorneys and their staffs.

18 (5) Maintain liaison contact with study commissions and agencies
19 of all branches of local, state, and federal government that will be
20 of benefit to law enforcement and the fair administration of
21 justice in Indiana.

22 (6) Adopt guidelines for the expenditure of funds derived from a
23 deferral program or a pretrial diversion program.

24 (7) **Prescribe the contents of electronic traffic tickets under**
25 **IC 9-30-3.**

26 SECTION 23. IC 33-39-8-7 IS ADDED TO THE INDIANA CODE
27 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
28 1, 2011]: **Sec. 7. (a) The e-citation fund is established. The council**
29 **shall administer the fund. The fund consists of the following:**

30 (1) **Deposits made under IC 33-37-7-2(n).**

31 (2) **Deposits made under IC 33-37-9-4(b).**

32 (3) **Other appropriations made by the general assembly.**

33 (4) **Grants and gifts designated for the fund.**

34 (b) **The council shall use money from the fund to:**

35 (1) **develop and maintain a system to electronically:**

36 (A) **receive traffic tickets from law enforcement agencies;**

37 (B) **file traffic tickets with the appropriate court.**

38 (2) **develop interfaces with:**

39 (A) **law enforcement databases; and**

40 (B) **county case management systems.**

41 (c) **The treasurer of state shall invest the money in the fund not**
42 **currently needed to meet the obligations of the fund in the same**

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1 **manner as other public funds may be invested.**
2 **(d) Money in the fund at the end of a fiscal year does not revert**
3 **to the state general fund.**

4 SECTION 24. IC 34-26-5-3, AS AMENDED BY P.L.130-2009,
5 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2011]: Sec. 3. (a) ~~The division of state court administration~~
7 **office of the attorney general** shall:

- 8 (1) develop and adopt:
 - 9 (A) a petition for an order for protection;
 - 10 (B) an order for protection, including:
 - 11 (i) orders issued under this chapter;
 - 12 (ii) ex parte orders;
 - 13 (iii) no contact orders under IC 31 and IC 35;
 - 14 (iv) forms relating to workplace violence restraining orders
 - 15 under IC 34-26-6; and
 - 16 (v) forms relating to a child protective order under
 - 17 IC 31-34-2.3;
 - 18 (C) a confidential form;
 - 19 (D) a notice of modification or extension for an order for
 - 20 protection, a no contact order, a workplace violence restraining
 - 21 order, or a child protective order;
 - 22 (E) a notice of termination for an order for protection, a no
 - 23 contact order, a workplace violence restraining order, or a
 - 24 child protective order; and
 - 25 (F) any other uniform statewide forms necessary to maintain
 - 26 an accurate registry of orders; and
 - 27 (2) provide the forms under subdivision (1) to the clerk of each
 - 28 court authorized to issue the orders.

29 (b) In addition to any other required information, a petition for an
30 order for protection must contain a statement listing each civil or
31 criminal action involving:

- 32 (1) either party; or
- 33 (2) a child of either party.

34 (c) The following statements must be printed in boldface type or in
35 capital letters on an order for protection, a no contact order, a
36 workplace violence restraining order, or a child protective order:

37 **VIOLATION OF THIS ORDER IS PUNISHABLE BY**
38 **CONFINEMENT IN JAIL, PRISON, AND/OR A FINE.**
39 **IF SO ORDERED BY THE COURT, THE RESPONDENT IS**
40 **FORBIDDEN TO ENTER OR STAY AT THE PETITIONER'S**
41 **RESIDENCE OR RESIDENCE OF ANY CHILD WHO IS THE**
42 **SUBJECT OF THE ORDER, EVEN IF INVITED TO DO SO BY**

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1 THE PETITIONER OR ANY OTHER PERSON. IN NO EVENT
 2 IS THE ORDER FOR PROTECTION VOIDED.
 3 PURSUANT TO 18 U.S.C. 2265, THIS ORDER FOR
 4 PROTECTION SHALL BE GIVEN FULL FAITH AND CREDIT
 5 IN ANY OTHER STATE OR TRIBAL LAND AND SHALL BE
 6 ENFORCED AS IF IT WERE AN ORDER ISSUED IN THAT
 7 STATE OR TRIBAL LAND. PURSUANT TO 18 U.S.C. 922(g),
 8 ONCE A RESPONDENT HAS RECEIVED NOTICE OF THIS
 9 ORDER AND AN OPPORTUNITY TO BE HEARD, IT IS A
 10 FEDERAL VIOLATION TO PURCHASE, RECEIVE, OR
 11 POSSESS A FIREARM WHILE SUBJECT TO THIS ORDER IF
 12 THE PROTECTED PERSON IS:

- 13 (A) THE RESPONDENT'S CURRENT OR FORMER
- 14 SPOUSE;
- 15 (B) A CURRENT OR FORMER PERSON WITH WHOM
- 16 THE RESPONDENT RESIDED WHILE IN AN INTIMATE
- 17 RELATIONSHIP; OR
- 18 (C) A PERSON WITH WHOM THE RESPONDENT HAS A
- 19 CHILD.

20 INTERSTATE VIOLATION OF THIS ORDER MAY SUBJECT
 21 THE RESPONDENT TO FEDERAL CRIMINAL PENALTIES
 22 UNDER 18 U.S.C. 2261 AND 18 U.S.C. 2262.

23 (d) The clerk of the circuit court, or a person or entity designated by
 24 the clerk of the circuit court, shall provide to a person requesting an
 25 order for protection:

- 26 (1) the forms adopted under subsection (a);
- 27 (2) all other forms required to petition for an order for protection,
- 28 including forms:
 - 29 (A) necessary for service; and
 - 30 (B) required under IC 31-21 (or IC 31-17-3 before its repeal);
 - 31 and
 - 32 (3) clerical assistance in reading or completing the forms and
 - 33 filing the petition.

34 Clerical assistance provided by the clerk or court personnel under this
 35 section does not constitute the practice of law. The clerk of the circuit
 36 court may enter into a contract with a person or another entity to
 37 provide this assistance. A person, other than a person or other entity
 38 with whom the clerk has entered into a contract to provide assistance,
 39 who in good faith performs the duties the person is required to perform
 40 under this subsection is not liable for civil damages that might
 41 otherwise be imposed on the person as a result of the performance of
 42 those duties unless the person commits an act or omission that amounts

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1 to gross negligence or willful and wanton misconduct.

2 (e) A petition for an order for protection must be:

- 3 (1) verified or under oath under Trial Rule 11; and
 4 (2) issued on the forms adopted under subsection (a).

5 (f) If an order for protection is issued under this chapter, the clerk
 6 shall comply with IC 5-2-9.

7 (g) After receiving a petition for an order for protection, the clerk of
 8 the circuit court shall immediately enter the case in the Indiana
 9 protective order registry established by IC 5-2-9-5.5.

10 SECTION 25. IC 34-26-5-7 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 7. A petitioner may
 12 omit the petitioner's address from all nonconfidential documents filed
 13 with a court. However, a petitioner must provide the court with
 14 complete information concerning the protected address on the uniform
 15 statewide confidential form and on other confidential forms developed
 16 by the ~~division of state court administration~~ **office of the attorney**
 17 **general** under section 3 of this chapter. A petitioner shall also provide
 18 the clerk with a public mailing address for purposes of serving
 19 pleadings, notices, and court orders. The petitioner may use the address
 20 confidentiality program under IC 5-26.5. If disclosure of a petitioner's
 21 address is necessary to determine jurisdiction or to consider venue, the
 22 court may order the disclosure to be made:

- 23 (1) after receiving a petitioner's consent;
 24 (2) orally in the judge's chambers and out of the presence of a
 25 respondent with a sealed record made; or
 26 (3) after a hearing in which the court considers the safety of a
 27 petitioner and finds that disclosure of the address is in the interest
 28 of justice.

29 SECTION 26. IC 34-26-5-8, AS AMENDED BY P.L.130-2009,
 30 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2011]: Sec. 8. If a petitioner seeks:

- 32 (1) an order for protection;
 33 (2) an extension of an order for protection;
 34 (3) a modification of an order for protection;
 35 (4) the termination of an order for protection; or
 36 (5) the registration of a foreign protective order;

37 the petitioner is responsible for completing the forms prescribed by the
 38 ~~division of state court administration~~ **office of the attorney general**
 39 and for transmitting those forms to the clerk of the court.

40 SECTION 27. IC 34-26-5-17, AS AMENDED BY P.L.130-2009,
 41 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2011]: Sec. 17. (a) A foreign protection order is facially valid

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1 if it:

2 (1) identifies the protected person and the respondent;

3 (2) is currently in effect;

4 (3) was issued by a state or tribal court with jurisdiction over the:

5 (A) parties; and

6 (B) subject matter;

7 under the law of the issuing state or Indian tribe; and

8 (4) was issued after a respondent was given reasonable notice and

9 an opportunity to be heard sufficient to protect the respondent's

10 right to due process. In the case of an ex parte order, notice and

11 opportunity to be heard must be provided within the time required

12 by state or tribal law and within a reasonable time after the order

13 is issued sufficient to protect the respondent's due process rights.

14 (b) A facially valid foreign protection order is prima facie evidence

15 of its validity. The protection order may be inscribed on a tangible

16 medium or stored in an electronic or other medium if it is retrievable

17 in perceivable form. Presentation of a certified copy of an order for

18 protection is not required for enforcement.

19 (c) Except as provided in subsection (d), a protection order that is

20 facially valid and issued by a court of a state (issuing state) or Indian

21 tribe shall be accorded full faith and credit by Indiana courts.

22 (d) A mutual foreign protection order is not entitled to full faith and

23 credit if the order is issued by a state or tribal court against a person

24 who has petitioned, filed a complaint, or otherwise filed a written

25 pleading for protection against a family or household member, unless:

26 (1) a separate petition or motion was filed by a respondent;

27 (2) the issuing court has reviewed each motion separately and

28 granted or denied each on its individual merits; and

29 (3) separate orders were issued and the issuing court made

30 specific findings that each party was entitled to an order.

31 (e) Registration or filing of a foreign protection order is not a

32 prerequisite to enforcement of the order in Indiana, and a protection

33 order that is consistent with this section shall be accorded full faith and

34 credit notwithstanding a failure to register or file the order in Indiana.

35 However, if a petitioner wishes to register a foreign protection order in

36 Indiana, all Indiana courts of record shall accommodate the request.

37 The ~~division of state court administration~~ **office of the attorney**

38 **general** shall develop a form to be used by courts, clerks, and law

39 enforcement agencies when a petitioner makes a request to register a

40 foreign protection order. Except for a protective order issued to the

41 Indiana protective order registry established by IC 5-2-9-5.5, the courts,

42 clerks of the courts, and sheriffs or law enforcement agencies

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1 maintaining depositories shall employ the same procedures required
2 under IC 5-2-9-6 for entering, modifying, extending, or terminating a
3 foreign protection order as those used for a protection order and a no
4 contact order originating in Indiana.

5 (f) A facially valid foreign protection order shall be enforced by a
6 law enforcement officer and a state court as if it were an order
7 originating in Indiana. The order must be enforced if the foreign
8 protection order contains relief that the state courts lack the power to
9 provide in an order for protection issued in Indiana.

10 (g) An Indiana law enforcement officer:

11 (1) may not require notification, registration, or filing of a facially
12 valid foreign order for protection as a prerequisite to enforcement
13 of an order;

14 (2) if a foreign protection order is not presented, may consider
15 other information to determine under a totality of the
16 circumstances whether there is probable cause to believe that a
17 valid foreign order for protection exists; and

18 (3) who determines that an otherwise valid foreign protection
19 order cannot be enforced because a respondent has not been
20 notified or served with the order, shall:

21 (A) inform the respondent of the order;

22 (B) serve the order on the respondent;

23 (C) ensure that the order and service of the order are entered
24 into the state depository;

25 (D) allow the respondent a reasonable opportunity to comply
26 with the order before enforcing the order; and

27 (E) ensure the safety of the protected person while giving the
28 respondent the opportunity to comply with the order.

29 (h) After a foreign protective order is registered, the clerk shall enter
30 the order in the Indiana protective order registry established by
31 IC 5-2-9-5.5.

32 SECTION 28. IC 34-26-5-20, AS ADDED BY P.L.16-2009,
33 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
34 JULY 1, 2011]: Sec. 20. (a) A protective order issued before July 1,
35 2002, under IC 31-34-17, IC 31-37-16, or IC 34-26-2 (before their
36 repeal) remains in effect for the period indicated in the court order
37 granting the protective order.

38 (b) A protective order issued before July 1, ~~2002~~, **2011**, under
39 IC 31-14-16, ~~or~~ IC 31-15-5, **IC 34-26-5, or IC 34-26-6**, remains in
40 effect for the period indicated in the court order granting the protective
41 order.

42 (c) After June 30, 2002, **but before June 30, 2011**, a protected

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1 person must use the forms developed by the division of state court
 2 administration under section 3 of this chapter if the person is seeking
 3 an extension or a modification of an order issued under subsection (a)
 4 or (b).

5 **(d) After June 30, 2011, a protected person must use the forms**
 6 **developed by the office of the attorney general under section 3 of**
 7 **this chapter if the person is seeking an extension or a modification**
 8 **of an order issued under subsection (a), (b) or (c).**

9 SECTION 29. IC 33-23-15-2, AS ADDED BY P.L.110-2009,
 10 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2011]: Sec. 2. (a) If a person described in section 1 of this
 12 chapter:

13 (1) has been released from commitment; or

14 (2) successfully completes a treatment or rehabilitation program;
 15 the person may petition the court (if the adjudication leading to the
 16 person's commitment, rehabilitation, or treatment program was from a
 17 court) or the department of correction (if the determination leading to
 18 the person's rehabilitation or treatment program was from a psychiatrist
 19 employed by or retained by the department of correction) to determine
 20 whether the person is prohibited from possessing a handgun because
 21 the person is not a proper person under IC 35-47-1-7(5) or
 22 IC 35-47-1-7(6).

23 (b) In determining whether the person is prohibited from possessing
 24 a handgun because the person is not a proper person under
 25 IC 35-47-1-7(5) or IC 35-47-1-7(6), the court or department of
 26 correction shall consider the following evidence:

27 (1) The facts and circumstances leading to the person being
 28 included in the category of persons to whom this chapter applies.

29 (2) The person's mental health and criminal history records.

30 (3) Evidence concerning the person's reputation, including the
 31 testimony of character witnesses.

32 (4) A recent mental health evaluation by a psychiatrist or
 33 psychologist licensed to practice in Indiana.

34 (c) If the court or the department of correction, after considering the
 35 evidence described in subsection (b), finds by clear and convincing
 36 evidence that:

37 (1) the person is not a danger to the person or to others;

38 (2) the person is not likely to act in a manner dangerous to public
 39 safety; and

40 (3) the requested relief would not be contrary to public interest;
 41 the court or department of correction shall transmit its findings to the
 42 ~~department of state court administration,~~ **office of the attorney**

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1 **general** and any other information required by the ~~division of state~~
 2 ~~court administration;~~ **office of the attorney general** for transmission
 3 to the NICS in accordance with ~~IC 33-24-6-3.~~ **IC 4-16-5.**
 4 (d) A determination under this section may be appealed only in
 5 accordance with section 3 of this chapter.
 6 SECTION 30. IC 33-24-6-12 IS REPEALED [EFFECTIVE JULY
 7 1, 2011].
 8 SECTION 31. [EFFECTIVE JULY 1, 2011] **Any funds remaining**
 9 **in the judicial technology and automation project fund established**
 10 **by IC 33-24-6-12, as repealed by this act, on June 30, 2011, shall be**
 11 **transferred on July 1, 2011, to the state general fund.**

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