March 15, 2013

ENGROSSED
HOUSE BILL No. 1494

DIGEST OF HB 1494 (Updated March 13, 2013 4:37 pm - DI 110)

Citations Affected: IC 12-7; IC 12-17.2.

Synopsis: National criminal history background checks for child care. Requires certain child care providers and employees and volunteers of certain child care providers to undergo national criminal history background checks. Amends the list of felony convictions and certain other offenses related to the: (1) application, denial, and revocation of a child care license or registration; and (2) eligibility for child care voucher payments. (The introduced version of this bill was prepared by the committee on child care.)

Effective: July 1, 2013.

Summers, Mahan

(SENATE SPONSORS — HOLDMAN, TAYLOR)

January 22, 2013, read first time and referred to Committee on Family, Children and Human Affairs.
February 14, 2013, amended, reported — Do Pass.
February 18, 2013, read second time, ordered engrossed.
February 19, 2013, engrossed. Read third time, passed. Yeas 90, nays 0.

SENATE ACTION

February 25, 2013, read first time and referred to Committee on Public Policy.
March 14, 2013, amended, reported favorably — Do Pass.

C o p y

March 15, 2013

First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

C o p y

ENGROSSED
HOUSE BILL No. 1494

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

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

SECTION 1. IC 12-7-2-53.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 53.2. "Dangerous felony", for purposes of IC 12-17.2, means one (1) or more of the following felonies:**

(1) Murder (IC 35-42-1-1).
(2) Attempted murder (IC 35-41-5-1).
(3) Voluntary manslaughter (IC 35-42-1-3).
(4) Involuntary manslaughter (IC 35-42-1-4).
(5) Reckless homicide (IC 35-42-1-5).
(6) Aggravated battery (IC 35-42-2-1.5).
(7) Kidnapping (IC 35-42-3-2).
(8) Rape (IC 35-42-4-1).
(9) Criminal deviate conduct (IC 35-42-4-2).
(10) Child molesting (IC 35-42-4-3).
(11) Sexual misconduct with a minor as a Class A felony under IC 35-42-4-9(a)(2) or a Class B felony under IC 35-42-4-9(b)(2).

(12) Robbery as a Class A or Class B felony (IC 35-42-5-1).
(13) Burglary as a Class A or Class B felony (IC 35-43-2-1).
(14) A felony committed in another jurisdiction that is substantially similar to a felony in this section.

SECTION 2. IC 12-7-2-131.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 131.8. "National criminal history background check", for purposes of IC 12-17.2, means a national criminal history background check conducted by the state police department under IC 10-13-3-39.**

SECTION 3. IC 12-17.2-2-1, AS AMENDED BY P.L.1-2009, SECTION 105, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. The division shall perform the following duties:

(1) Administer the licensing and monitoring of child care centers or child care homes in accordance with this article.

(2) Ensure that a national criminal history background check of the applicant is completed ~~through the state police department under IC 10-13-3-39~~ before issuing a license.

(3) Ensure that a **national** criminal history background check of a child care ministry applicant for registration is completed before registering the child care ministry.

(4) Provide for the issuance, denial, suspension, and revocation of licenses.

(5) Cooperate with governing bodies of child care centers and child care homes and their staffs to improve standards of child care.

(6) Prepare at least biannually a directory of licensees with a description of the program capacity and type of children served that will be distributed to the legislature, licensees, and other interested parties as a public document.

(7) Deposit all license application fees collected under section 2 of this chapter in the division of family resources child care fund established by ~~IC 12-17.2-2-3.~~ **section 3 of this chapter.**

(8) Require each child care center or child care home to record proof of a child's date of birth before accepting the child. A child's date of birth may be proven by the child's original birth certificate or other reliable proof of the child's date of birth, including a duly attested transcript of a birth certificate.

(9) Provide an Internet site through which members of the public may obtain the following information:

(A) Information concerning violations of this article by a

C o p y

licensed child care provider, including:
(i) the identity of the child care provider;
(ii) the date of the violation; and
(iii) action taken by the division in response to the violation.
(B) Current status of a child care provider's license.
(C) Other relevant information.
The Internet site may not contain the address of a child care home or information identifying an individual child. However, the site may include the county and ZIP code in which a child care home is located.
(10) Provide or approve training concerning safe sleeping practices for children to:
(A) a provider who operates a child care program in the provider's home as described in IC 12-17.2-3.5-5.5(b); and
(B) a child care home licensed under IC 12-17.2-5;
including practices to reduce the risk of sudden infant death syndrome.

SECTION 4. IC 12-17.2-3.5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. A provider ~~who:~~ **is ineligible to receive a voucher payment if the provider:**
(1) has been convicted of a:
(A) felony:
(i) related to the health or safety of a child;
(ii) that is a sex offense (as defined in IC 11-8-8-5.2);
(iii) that is a dangerous felony; or
(iv) that is not a felony otherwise described in items (i) through (iii), and less than ten (10) years have elapsed from the date the person was discharged from probation, imprisonment, or parole, whichever discharge date is latest;
(B) misdemeanor related to the health or safety of a child;
(C) misdemeanor for operating a child care center without a license under IC 12-17.2-4-35, **or of a substantially similar offense committed in another jurisdiction, if the offense is directly or indirectly related to jeopardizing the health or safety of a child;** or
(D) misdemeanor for operating a child care home without a license under IC 12-17.2-5-35, **or of a substantially similar offense committed in another jurisdiction, if the offense is directly or indirectly related to jeopardizing the health or safety of a child;**
(2) ~~employs or otherwise~~ allows an individual who has been

C o p y

convicted of a crime specified under subdivision (1) to:

(A) ~~serve as a caregiver to a child in the provider's care;~~ **be employed or volunteer at the facility where the provider operates a child care program;** or

(B) reside with the provider, if the provider operates a child care program in the provider's home; or

(3) fails to meet the requirements set forth in sections 5 through 12.1 of this chapter.

~~is ineligible to receive a voucher payment.~~

SECTION 5. IC 12-17.2-3.5-4.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4.1. (a) This section applies to the following:

(1) A provider, if the provider is an individual.

(2) If a provider operates a child care program in the provider's home, an individual who resides with the provider and who is at least eighteen (18) years of age.

(3) An individual who:

(A) is employed; or

(B) volunteers;

~~as a caregiver~~ at the facility where a provider operates a child care program.

(b) If information used by the division under IC 31-33-17-6(7) **(repealed)** indicates that an individual described in subsection (a) has been named as an alleged perpetrator, the following are ineligible to receive a voucher payment:

(1) The individual.

(2) A provider in whose home the individual resides if the provider operates a child care program in the provider's home.

(3) A provider that:

(A) employs the individual; or

(B) allows the individual to volunteer;

~~as a caregiver~~ at the facility where the provider operates a child care program.

SECTION 6. IC 12-17.2-3.5-12, AS AMENDED BY P.L.142-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 12. (a) Except as provided in subsection (f), a provider shall ~~at no expense to the state,~~ maintain and make available to the division upon request a copy of **the response to** a ~~limited~~ **national** criminal history **background check** for:

(1) the provider, if the provider is an individual;

(2) if the provider operates a child care program in the provider's home, any individual who resides with the provider and who is:

Copy

(A) at least eighteen (18) years of age; or
(B) less than eighteen (18) years of age but has previously been waived from juvenile court to adult court; and
(3) any individual who:
(A) is employed; or
(B) volunteers;
~~as a caregiver~~ at the facility where the provider operates a child care program.

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

(b) In addition to the requirement under subsection (a), a provider shall report to the division any:
(1) police investigations;
(2) arrests; and
(3) criminal convictions;
~~not listed on a limited criminal history obtained under subsection (a)~~ **of which the provider is aware** regarding any of the persons listed in subsection (a).

(c) A provider that meets the other eligibility requirements of this chapter is temporarily eligible to receive voucher payments until the provider receives the ~~limited~~ **national** criminal history **background check** required under subsection (a) from the state police department if:
(1) the provider:
(A) has applied for the ~~limited~~ **national** criminal history **background check** required under subsection (a); and
(B) obtains a local criminal history for the individuals described in subsection (a) from each individual's local law enforcement agency before the individual is employed or allowed to volunteer; ~~as a caregiver;~~ and
(2) the local criminal history does not reveal that an individual has been convicted of a:
(A) felony:
(i) related to the health or safety of a child;
(ii) that is a sex offense (as defined in IC 11-8-8-5.2);
(iii) that is a dangerous felony; or
(iv) that is not a felony otherwise described in items (i) through (iii), and less than ten (10) years have elapsed from the date the person was discharged from probation, imprisonment, or parole, whichever discharge date is

C o p y

latest;

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

(C) misdemeanor for operating a child care center without a license under IC 12-17.2-4-35, **or of a substantially similar offense committed in another jurisdiction, if the offense is directly or indirectly related to jeopardizing the health or safety of a child;** or

(D) misdemeanor for operating a child care home without a license under IC 12-17.2-5-35, **or of a substantially similar offense committed in another jurisdiction, if the offense is directly or indirectly related to jeopardizing the health or safety of a child.**

(d) A provider is ineligible to receive a voucher payment if an individual for whom a ~~limited~~ **national** criminal history **background check** is required under this section has been convicted of a:

(1) felony:

(A) related to the health or safety of a child;

(B) that is a sex offense (as defined in IC 11-8-8-5.2);

(C) that is a dangerous felony; or

(D) that is not a felony otherwise described in clauses (A) through (C), and less than ten (10) years have elapsed from the date the person was discharged from probation, imprisonment, or parole, whichever discharge date is latest;

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

(3) misdemeanor for operating a child care center without a license under IC 12-17.2-4-35, **or of a substantially similar offense committed in another jurisdiction, if the offense is directly or indirectly related to jeopardizing the health or safety of a child;** or

(4) misdemeanor for operating a child care home without a license under IC 12-17.2-5-35, **or of a substantially similar offense committed in another jurisdiction, if the offense is directly or indirectly related to jeopardizing the health or safety of a child;**

until the individual is dismissed from employment or volunteer service at the facility where the provider operates a child care program or no longer resides with the provider.

(e) A provider shall maintain a written policy requiring an individual for whom a ~~limited~~ **national** criminal history **background check** is required under this section to report any criminal convictions of the individual to the provider.

C o p y

(f) The state police department may not charge a church or religious society any fees or costs **(other than fees or costs charged by the Federal Bureau of Investigation or a private entity)** for responding to a request for a release of a ~~limited~~ **national** criminal history **background check** record of a prospective or current employee or a prospective or current volunteer of a child care ministry registered under IC 12-17.2-6 if the conditions set forth in IC 10-13-3-36(f) are met.

SECTION 7. IC 12-17.2-4-3, AS AMENDED BY P.L.145-2006, SECTION 97, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. (a) An applicant must apply for a child care center license on forms provided by the division.

(b) An applicant must submit the required information as part of the application.

(c) The applicant must submit with the application a statement attesting that the applicant, **during the pendency of the application:**

(1) has not been convicted of:

(A) a felony:

(i) related to the health or safety of a child;

(ii) that is a sex offense (as defined in IC 11-8-8-5.2);

(iii) that is a dangerous felony; or

(iv) that is not a felony otherwise described in items (i) through (iii), and less than ten (10) years have elapsed from the date the person was discharged from probation, imprisonment, or parole, whichever discharge date is latest;

(B) a misdemeanor relating to the health or safety of children;

(C) a misdemeanor for operating a child care center without a license under section 35 of this chapter, **or of a substantially similar offense committed in another jurisdiction, if the offense is directly or indirectly related to jeopardizing the health or safety of a child;** or

(D) a misdemeanor for operating a child care home without a license under IC 12-17.2-5-35, **or of a substantially similar offense committed in another jurisdiction, if the offense is directly or indirectly related to jeopardizing the health or safety of a child;** and

(2) has not been charged with:

(A) a felony;

(B) a misdemeanor relating to the health or safety of children;

(C) a misdemeanor for operating a child care center without a license under section 35 of this chapter, **or with a**

C o p y

substantially similar offense in another jurisdiction, if the offense is directly or indirectly related to jeopardizing the health or safety of a child; or

(D) a misdemeanor for operating a child care home without a license under IC 12-17.2-5-35, **or with a substantially similar offense in another jurisdiction, if the offense is directly or indirectly related to jeopardizing the health or safety of a child.**

~~during the pendency of the application.~~

(d) An applicant must submit the necessary information, forms, or consents for the division to obtain a national criminal history background check on the applicant. ~~through the state police department under IC 10-13-3-39.~~

(e) The applicant must do the following:

(1) Conduct a **national** criminal history **background** check of the applicant's employees and volunteers.

(2) Maintain records of **the response to** each **national** criminal history **background** check.

SECTION 8. IC 12-17.2-4-5, AS AMENDED BY P.L.146-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 5. (a) The following constitute sufficient grounds for a denial of a license application:

(1) A determination by the department of child services established by IC 31-25-1-1 of child abuse or neglect (as defined in IC 31-9-2-14) by:

(A) the applicant;

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

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

(2) A criminal conviction of the applicant, an employee of the applicant who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the applicant, or a volunteer of the applicant who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the applicant, of any of the following:

(A) A felony:

(i) related to the health or safety of a child;

(ii) that is a sex offense (as defined in IC 11-8-8-5.2);

(iii) that is a dangerous felony; or

C o p y

(iv) that is not a felony otherwise described in items (i) through (iii), and less than ten (10) years have elapsed from the date the person was discharged from probation, imprisonment, or parole, whichever discharge date is latest.

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

(C) A misdemeanor for operating a child care center without a license under section 35 of this chapter **or a substantially similar offense in another jurisdiction, if the offense is directly or indirectly related to jeopardizing the health or safety of a child.**

(D) A misdemeanor for operating a child care home without a license under IC 12-17.2-5-35 **or a substantially similar offense in another jurisdiction, if the offense is directly or indirectly related to jeopardizing the health or safety of a child.**

(3) A determination by the division that the applicant made false statements in the applicant's application for licensure.

(4) A determination by the division that the applicant made false statements in the records required by the division.

(5) A determination by the division that the applicant previously operated a:

(A) child care center without a license under this chapter; or

(B) child care home without a license under IC 12-17.2-5.

(b) Notwithstanding subsection (a)(2), if:

(1) a license application is denied due to a criminal conviction of an employee or a volunteer of the applicant; and

(2) the division determines that the employee or volunteer has been dismissed by the applicant;

the criminal conviction of the former employee or former volunteer does not require denial of a license application.

SECTION 9. IC 12-17.2-4-32, AS AMENDED BY P.L.146-2006, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 32. (a) The following constitute sufficient grounds for revocation of a license:

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

(A) the licensee;

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

(C) a volunteer of the licensee who has direct contact, on a

C o p y

regular and continuous basis, with children who are under the direct supervision of the licensee.

(2) A criminal conviction of the licensee, an employee of the licensee who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the licensee, or a volunteer of the licensee who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the licensee, of any of the following:

(A) A felony:

(i) related to the health or safety of a child;

(ii) that is a sex offense (as defined in IC 11-8-8-5.2);

(iii) that is a dangerous felony; or

(iv) that is not a felony otherwise described in items (i) through (iii), and less than ten (10) years have elapsed from the date the person was discharged from probation, imprisonment, or parole, whichever discharge date is latest.

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

(C) A misdemeanor for operating a child care center without a license under section 35 of this chapter **or a substantially similar offense in another jurisdiction, if the offense is directly or indirectly related to jeopardizing the health or safety of a child.**

(D) A misdemeanor for operating a child care home without a license under IC 12-17.2-5-35 **or a substantially similar offense in another jurisdiction, if the offense is directly or indirectly related to jeopardizing the health or safety of a child.**

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

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

(5) A determination by the division that the licensee previously operated a:

(A) child care center without a license under this chapter; or

(B) child care home without a license under IC 12-17.2-5.

(b) Notwithstanding subsection (a)(2), if:

(1) a license is revoked due to a criminal conviction of an employee or a volunteer of the licensee; and

(2) the division determines that the employee or volunteer has been dismissed by the licensee;

the criminal conviction of the former employee or former volunteer

C o p y

does not require revocation of a license.

SECTION 10. IC 12-17.2-5-3, AS AMENDED BY P.L.145-2006, SECTION 100, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. (a) An applicant must apply for a child care home license on forms provided by the division.

(b) An applicant must submit the required information as part of the application.

(c) An applicant must submit with the application a statement attesting that the applicant, **during the pendency of the application,** has not been:

(1) convicted of:

(A) a felony:

(i) related to the health or safety of a child;

(ii) that is a sex offense (as defined in IC 11-8-8-5.2);

(iii) that is a dangerous felony; or

(iv) that is not a felony otherwise described in items (i) through (iii), and less than ten (10) years have elapsed from the date the person was discharged from probation, imprisonment, or parole, whichever discharge date is latest;

(B) a misdemeanor relating to the health or safety of children;

(C) a misdemeanor for operating a child care center without a license under IC 12-17.2-4-35, **or of a substantially similar offense committed in another jurisdiction, if the offense is directly or indirectly related to jeopardizing the health or safety of a child;** or

(D) a misdemeanor for operating a child care home without a license under section 35 of this chapter, **or of a substantially similar offense committed in another jurisdiction, if the offense is directly or indirectly related to jeopardizing the health or safety of a child;** and

(2) charged with:

(A) a felony;

(B) a misdemeanor relating to the health or safety of children;

(C) a misdemeanor for operating a child care center without a license under IC 12-17.2-4-35, **or with a substantially similar offense in another jurisdiction, if the offense is directly or indirectly related to jeopardizing the health or safety of a child;** or

(D) a misdemeanor for operating a child care home without a license under section 35 of this chapter, **or with a substantially similar offense in another jurisdiction, if the**

C o p y

offense is directly or indirectly related to jeopardizing the health or safety of a child.

~~during the pendency of the application.~~

(d) An applicant must submit the necessary information, forms, or consents for the division to:

(1) conduct a **national** criminal history **background** check on the applicant's spouse; and

(2) obtain a national criminal history background check on the applicant. ~~through the state police department under IC 10-13-3-39.~~

(e) An applicant must do the following:

(1) Conduct a **national** criminal history **background** check of the applicant's:

(A) employees;

(B) volunteers; and

(C) household members who are:

(i) at least eighteen (18) years of age; or

(ii) less than eighteen (18) years of age but have previously been waived from juvenile court to adult court.

(2) Maintain records of **the response to** each **national** criminal history **background** check.

SECTION 11. IC 12-17.2-5-4, AS AMENDED BY P.L.124-2007, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. (a) The following constitute sufficient grounds for a denial of a license application:

(1) A determination by the department of child services established by IC 31-25-1-1 of child abuse or neglect (as defined in IC 31-9-2-14) by:

(A) the applicant;

(B) a member of the applicant's household;

(C) an employee of the applicant who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the applicant; or

(D) a volunteer of the applicant who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the applicant.

(2) A criminal conviction of the applicant, an employee of the applicant who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the applicant, a volunteer of the applicant who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the applicant, or a member of the applicant's

C o p y

household, of any of the following:

(A) A felony:

(i) related to the health or safety of a child;

(ii) that is a sex offense (as defined in IC 11-8-8-5.2);

(iii) that is a dangerous felony; or

(iv) that is not a felony otherwise described in items (i) through (iii), and less than ten (10) years have elapsed from the date the person was discharged from probation, imprisonment, or parole, whichever discharge date is latest.

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

(C) A misdemeanor for operating a child care center without a license under IC 12-17.2-4-35, **or a substantially similar offense committed in another jurisdiction, if the offense is directly or indirectly related to jeopardizing the health or safety of a child.**

(D) A misdemeanor for operating a child care home without a license under section 35 of this chapter, **or a substantially similar offense committed in another jurisdiction, if the offense is directly or indirectly related to jeopardizing the health or safety of a child.**

(3) A determination by the division that the applicant made false statements in the applicant's application for licensure.

(4) A determination by the division that the applicant made false statements in the records required by the division.

(5) A determination by the division that the applicant previously operated a:

(A) child care center without a license under IC 12-17.2-4; or

(B) child care home without a license under this chapter.

(b) Notwithstanding subsection (a)(2), if:

(1) a license application is denied due to a criminal conviction of:

(A) an employee or a volunteer of the applicant; or

(B) a member of the applicant's household; and

(2) the division determines that the:

(A) employee or volunteer has been dismissed by the applicant; or

(B) member of the applicant's household is no longer a member of the applicant's household;

the criminal conviction of the former employee, former volunteer, or former member does not require denial of a license application.

SECTION 12. IC 12-17.2-5-32, AS AMENDED BY P.L.124-2007, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

C o p y

JULY 1, 2013]: Sec. 32. (a) The following constitute sufficient grounds for revocation of a license:

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

(A) the licensee;

(B) a member of the licensee's household;

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

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

(2) A criminal conviction of the licensee, an employee of the licensee who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the licensee, a volunteer of the licensee who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the licensee, or a member of the licensee's household, of any of the following:

(A) A felony:

(i) related to the health or safety of a child;

(ii) that is a sex offense (as defined in IC 11-8-8-5.2);

(iii) that is a dangerous felony; or

(iv) that is not a felony otherwise described in items (i) through (iii), and less than ten (10) years have elapsed from the date the person was discharged from probation, imprisonment, or parole, whichever discharge date is latest.

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

(C) A misdemeanor for operating a child care center without a license under IC 12-17.2-4-35, **or a substantially similar offense committed in another jurisdiction, if the offense is directly or indirectly related to jeopardizing the health or safety of a child.**

(D) A misdemeanor for operating a child care home without a license under section 35 of this chapter, **or a substantially similar offense committed in another jurisdiction, if the offense is directly or indirectly related to jeopardizing the health or safety of a child.**

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

(4) A determination by the division that the licensee made false

C o p y

statements in the records required by the division.

(5) A determination by the division that the licensee previously operated a:

(A) child care center without a license under IC 12-17.2-4; or

(B) child care home without a license under this chapter.

(b) Notwithstanding subsection (a)(2), if:

(1) a license is revoked due to a criminal conviction of:

(A) an employee or a volunteer of the licensee's; or

(B) a resident of the licensee's household; and

(2) the division determines that the:

(A) employee or volunteer has been dismissed by the licensee; or

(B) member of the licensee's household is no longer a member of the licensee's household;

the criminal conviction of the former employee, former volunteer, or former member does not require revocation of a license.

SECTION 13. IC 12-17.2-6-14, AS AMENDED BY P.L.124-2007, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 14. The child care ministry must do the following:

(1) Conduct a **national** criminal history **background** check of the child care ministry's employees and volunteers.

(2) Refrain from employing, or allowing to serve as a volunteer, an individual who:

(A) has been convicted of ~~any of the following felonies:~~

~~(i) Murder (IC 35-42-1-1).~~

~~(ii) Causing suicide (IC 35-42-1-2).~~

~~(iii) Assisting suicide (IC 35-42-1-2.5).~~

~~(iv) Voluntary manslaughter (IC 35-42-1-3).~~

~~(v) Reckless homicide (IC 35-42-1-5).~~

~~(vi) Battery (IC 35-42-2-1).~~

~~(vii) Aggravated battery (IC 35-42-2-1.5).~~

~~(viii) Kidnapping (IC 35-42-3-2).~~

~~(ix) Criminal confinement (IC 35-42-3-3).~~

~~(x) A felony sex offense under IC 35-42-4.~~

~~(xi) Carjacking (IC 35-42-5-2).~~

~~(xii) Arson (IC 35-43-1-1).~~

~~(xiii) Incest (IC 35-46-1-3).~~

~~(xiv) Neglect of a dependent (IC 35-46-1-4(a)(1) and IC 35-46-1-4(a)(2)).~~

~~(xv) Child selling (IC 35-46-1-4(d)).~~

~~(xvi) A felony involving a weapon under IC 35-47 or IC 35-47.5.~~

C o p y

~~(xvii) A felony relating to controlled substances under IC 35-48-4.~~

~~(xviii) An offense relating to material or a performance that is harmful to minors or obscene under IC 35-49-3.~~

~~(xix) A felony that is substantially equivalent to a felony listed in items (i) through (xviii) for which the conviction was entered in another state.~~ **a felony:**

(i) related to the health or safety of a child;

(ii) that is a sex offense (as defined in IC 11-8-8-5.2);

(iii) that is a dangerous felony; or

(iv) that is not a felony otherwise described in items (i) through (iii), and less than ten (10) years have elapsed from the date the person was discharged from probation, imprisonment, or parole, whichever discharge date is latest;

(B) has been convicted of a misdemeanor related to the health or safety of a child;

(C) has been convicted of a misdemeanor under IC 12-17.2-4-35 for operating a child care center without a license, or of a substantially similar offense committed in another jurisdiction, if the offense is directly or indirectly related to jeopardizing the health or safety of a child;

(D) has been convicted of a misdemeanor under IC 12-17.2-5-35 for operating a child care home without a license, or of a substantially similar offense committed in another jurisdiction, if the offense is directly or indirectly related to jeopardizing the health or safety of a child; or

~~(C)~~ **(E)** is a person against whom an allegation of child abuse or neglect has been substantiated under IC 31-33, **or under a substantially similar provision in another jurisdiction.**

(3) Maintain records of **the response to** each **national** criminal history **background** check.

C o p y

COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1494, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 42, after "shall" delete ",".

Page 2, line 42, strike "at no expense to the state,".

Page 3, line 1, after "of" insert "**the response to**".

Page 3, line 23, strike "not listed on a".

Page 3, line 23, delete "national".

Page 3, line 23, strike "criminal history".

Page 3, line 23, delete "background check".

Page 3, line 24, strike "obtained under subsection (a)" and insert "**of which the provider is aware**".

Page 4, line 21, after "costs" insert "**(other than fees or costs charged by the Federal Bureau of Investigation or a private entity)**".

Page 5, line 14, after "of" insert "**the response to**".

Page 6, line 12, after "of" insert "**the response to**".

Page 7, line 13, after "of" insert "**the response to**".

and when so amended that said bill do pass.

(Reference is to HB 1494 as introduced.)

KUBACKI, Chair

Committee Vote: yeas 13, nays 0.

COMMITTEE REPORT

Madam President: The Senate Committee on Public Policy, to which was referred House Bill No. 1494, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 12-7-2-53.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 53.2. "Dangerous felony", for purposes of IC 12-17.2, means one (1) or more of the following felonies:**

C o p y

(1) Murder (IC 35-42-1-1).
(2) Attempted murder (IC 35-41-5-1).
(3) Voluntary manslaughter (IC 35-42-1-3).
(4) Involuntary manslaughter (IC 35-42-1-4).
(5) Reckless homicide (IC 35-42-1-5).
(6) Aggravated battery (IC 35-42-2-1.5).
(7) Kidnapping (IC 35-42-3-2).
(8) Rape (IC 35-42-4-1).
(9) Criminal deviate conduct (IC 35-42-4-2).
(10) Child molesting (IC 35-42-4-3).
(11) Sexual misconduct with a minor as a Class A felony under IC 35-42-4-9(a)(2) or a Class B felony under IC 35-42-4-9(b)(2).
(12) Robbery as a Class A or Class B felony (IC 35-42-5-1).
(13) Burglary as a Class A or Class B felony (IC 35-43-2-1).
(14) A felony committed in another jurisdiction that is substantially similar to a felony in this section.".

Page 2, line 13, strike "IC 12-17.2-2-3." and insert "**section 3 of this chapter.**".

Page 2, between lines 38 and 39, begin a new paragraph and insert:

"SECTION 4. IC 12-17.2-3.5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. A provider ~~who:~~ **is ineligible to receive a voucher payment if the provider:**

(1) has been convicted of a:

(A) felony:

(i) related to the health or safety of a child;
(ii) that is a sex offense (as defined in IC 11-8-8-5.2);
(iii) that is a dangerous felony; or
(iv) that is not a felony otherwise described in items (i) through (iii), and less than ten (10) years have elapsed from the date the person was discharged from probation, imprisonment, or parole, whichever discharge date is latest;

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

(C) misdemeanor for operating a child care center without a license under IC 12-17.2-4-35, **or of a substantially similar offense committed in another jurisdiction, if the offense is directly or indirectly related to jeopardizing the health or safety of a child;** or

(D) misdemeanor for operating a child care home without a license under IC 12-17.2-5-35, **or of a substantially similar offense committed in another jurisdiction, if the offense is**

C o p y

directly or indirectly related to jeopardizing the health or safety of a child;

(2) ~~employs or otherwise~~ allows an individual who has been convicted of a crime specified under subdivision (1) to:

(A) ~~serve as a caregiver to a child in the provider's care;~~ **be employed or volunteer at the facility where the provider operates a child care program;** or

(B) reside with the provider, if the provider operates a child care program in the provider's home; or

(3) fails to meet the requirements set forth in sections 5 through 12.1 of this chapter.

~~is ineligible to receive a voucher payment.~~

SECTION 5. IC 12-17.2-3.5-4.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4.1. (a) This section applies to the following:

(1) A provider, if the provider is an individual.

(2) If a provider operates a child care program in the provider's home, an individual who resides with the provider and who is at least eighteen (18) years of age.

(3) An individual who:

(A) is employed; or

(B) volunteers;

~~as a caregiver~~ at the facility where a provider operates a child care program.

(b) If information used by the division under IC 31-33-17-6(7) **(repealed)** indicates that an individual described in subsection (a) has been named as an alleged perpetrator, the following are ineligible to receive a voucher payment:

(1) The individual.

(2) A provider in whose home the individual resides if the provider operates a child care program in the provider's home.

(3) A provider that:

(A) employs the individual; or

(B) allows the individual to volunteer;

~~as a caregiver~~ at the facility where the provider operates a child care program.".

Page 3, line 12, strike "as a caregiver".

Page 3, line 16, strike "as a" and insert ".".

Page 3, strike line 17.

Page 3, line 37, after "volunteer" insert ";".

Page 3, line 37, strike "as a caregiver;".

Page 3, line 40, delete ";" and insert ":

C o p y

(i) related to the health or safety of a child;
(ii) that is a sex offense (as defined in IC 11-8-8-5.2);
(iii) that is a dangerous felony; or
(iv) that is not a felony otherwise described in items (i) through (iii), and less than ten (10) years have elapsed from the date the person was discharged from probation, imprisonment, or parole, whichever discharge date is latest;".

Page 4, line 1, delete ";" and insert ", **or of a substantially similar offense committed in another jurisdiction, if the offense is directly or indirectly related to jeopardizing the health or safety of a child;**".

Page 4, line 3, delete "." and insert ", **or of a substantially similar offense committed in another jurisdiction, if the offense is directly or indirectly related to jeopardizing the health or safety of a child.**".

Page 4, line 7, delete ";" and insert ":

(A) related to the health or safety of a child;
(B) that is a sex offense (as defined in IC 11-8-8-5.2);
(C) that is a dangerous felony; or
(D) that is not a felony otherwise described in clauses (A) through (C), and less than ten (10) years have elapsed from the date the person was discharged from probation, imprisonment, or parole, whichever discharge date is latest;".

Page 4, line 10, delete ";" and insert ", **or of a substantially similar offense committed in another jurisdiction, if the offense is directly or indirectly related to jeopardizing the health or safety of a child;**".

Page 4, line 12, delete ";" and insert ", **or of a substantially similar offense committed in another jurisdiction, if the offense is directly or indirectly related to jeopardizing the health or safety of a child;**".

Page 4, line 35, delete ":" and insert ", **during the pendency of the application:**".

Page 4, line 37, delete ";" and insert ":

(i) related to the health or safety of a child;
(ii) that is a sex offense (as defined in IC 11-8-8-5.2);
(iii) that is a dangerous felony; or
(iv) that is not a felony otherwise described in items (i) through (iii), and less than ten (10) years have elapsed from the date the person was discharged from probation,

C o p y

imprisonment, or parole, whichever discharge date is latest;".

Page 4, line 40, delete ";" and insert ", **or of a substantially similar offense committed in another jurisdiction, if the offense is directly or indirectly related to jeopardizing the health or safety of a child;**".

Page 4, line 42, delete ";" and insert ", **or of a substantially similar offense committed in another jurisdiction, if the offense is directly or indirectly related to jeopardizing the health or safety of a child;**".

Page 5, line 5, delete ";" and insert ", **or with a substantially similar offense in another jurisdiction, if the offense is directly or indirectly related to jeopardizing the health or safety of a child;**".

Page 5, line 7, delete ";" and insert ", **or with a substantially similar offense in another jurisdiction, if the offense is directly or indirectly related to jeopardizing the health or safety of a child.**".

Page 5, strike line 8.

Page 5, line 16, after "each" insert "**national**".

Page 5, line 16, after "history" insert "**background**".

Page 5, between lines 17 and 18, begin a new paragraph and insert:

"SECTION 8. IC 12-17.2-4-5, AS AMENDED BY P.L.146-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 5. (a) The following constitute sufficient grounds for a denial of a license application:

(1) A determination by the department of child services established by IC 31-25-1-1 of child abuse or neglect (as defined in IC 31-9-2-14) by:

(A) the applicant;

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

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

(2) A criminal conviction of the applicant, an employee of the applicant who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the applicant, or a volunteer of the applicant who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the applicant, of any of the following:

(A) A felony:

(i) related to the health or safety of a child;

Copy

(ii) that is a sex offense (as defined in IC 11-8-8-5.2);
(iii) that is a dangerous felony; or
(iv) that is not a felony otherwise described in items (i) through (iii), and less than ten (10) years have elapsed from the date the person was discharged from probation, imprisonment, or parole, whichever discharge date is latest.

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

(C) A misdemeanor for operating a child care center without a license under section 35 of this chapter **or a substantially similar offense in another jurisdiction, if the offense is directly or indirectly related to jeopardizing the health or safety of a child.**

(D) A misdemeanor for operating a child care home without a license under IC 12-17.2-5-35 **or a substantially similar offense in another jurisdiction, if the offense is directly or indirectly related to jeopardizing the health or safety of a child.**

(3) A determination by the division that the applicant made false statements in the applicant's application for licensure.

(4) A determination by the division that the applicant made false statements in the records required by the division.

(5) A determination by the division that the applicant previously operated a:

(A) child care center without a license under this chapter; or

(B) child care home without a license under IC 12-17.2-5.

(b) Notwithstanding subsection (a)(2), if:

(1) a license application is denied due to a criminal conviction of an employee or a volunteer of the applicant; and

(2) the division determines that the employee or volunteer has been dismissed by the applicant;

the criminal conviction of the former employee or former volunteer does not require denial of a license application.

SECTION 9. IC 12-17.2-4-32, AS AMENDED BY P.L.146-2006, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 32. (a) The following constitute sufficient grounds for revocation of a license:

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

(A) the licensee;

(B) an employee of the licensee who has direct contact, on a regular and continuous basis, with children who are under the

C o p y

direct supervision of the licensee; or

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

(2) A criminal conviction of the licensee, an employee of the licensee who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the licensee, or a volunteer of the licensee who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the licensee, of any of the following:

(A) A felony:

(i) related to the health or safety of a child;

(ii) that is a sex offense (as defined in IC 11-8-8-5.2);

(iii) that is a dangerous felony; or

(iv) that is not a felony otherwise described in items (i) through (iii), and less than ten (10) years have elapsed from the date the person was discharged from probation, imprisonment, or parole, whichever discharge date is latest.

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

(C) A misdemeanor for operating a child care center without a license under section 35 of this chapter **or a substantially similar offense in another jurisdiction, if the offense is directly or indirectly related to jeopardizing the health or safety of a child.**

(D) A misdemeanor for operating a child care home without a license under IC 12-17.2-5-35 **or a substantially similar offense in another jurisdiction, if the offense is directly or indirectly related to jeopardizing the health or safety of a child.**

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

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

(5) A determination by the division that the licensee previously operated a:

(A) child care center without a license under this chapter; or

(B) child care home without a license under IC 12-17.2-5.

(b) Notwithstanding subsection (a)(2), if:

(1) a license is revoked due to a criminal conviction of an employee or a volunteer of the licensee; and

(2) the division determines that the employee or volunteer has

C o p y

been dismissed by the licensee;

the criminal conviction of the former employee or former volunteer does not require revocation of a license.".

Page 5, line 25, after "applicant" insert ", **during the pendency of the application,**".

Page 5, line 27, delete ";" and insert ":

(i) related to the health or safety of a child;

(ii) that is a sex offense (as defined in IC 11-8-8-5.2);

(iii) that is a dangerous felony; or

(iv) that is not a felony otherwise described in items (i) through (iii), and less than ten (10) years have elapsed from the date the person was discharged from probation, imprisonment, or parole, whichever discharge date is latest;".

Page 5, line 30, delete ";" and insert ", **or of a substantially similar offense committed in another jurisdiction, if the offense is directly or indirectly related to jeopardizing the health or safety of a child;**".

Page 5, line 32, delete ";" and insert ", **or of a substantially similar offense committed in another jurisdiction, if the offense is directly or indirectly related to jeopardizing the health or safety of a child;**".

Page 5, line 37, delete ";" and insert ", **or with a substantially similar offense in another jurisdiction, if the offense is directly or indirectly related to jeopardizing the health or safety of a child;**".

Page 5, line 39, delete ";" and insert ", **or with a substantially similar offense in another jurisdiction, if the offense is directly or indirectly related to jeopardizing the health or safety of a child.**".

Page 5, strike line 40.

Page 6, line 15, after "each" insert "**national**".

Page 6, line 15, after "history" insert "**background**".

Page 6, between lines 16 and 17, begin a new paragraph and insert:

"SECTION 11. IC 12-17.2-5-4, AS AMENDED BY P.L.124-2007, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. (a) The following constitute sufficient grounds for a denial of a license application:

(1) A determination by the department of child services established by IC 31-25-1-1 of child abuse or neglect (as defined in IC 31-9-2-14) by:

(A) the applicant;

(B) a member of the applicant's household;

(C) an employee of the applicant who has direct contact, on a

C o p y

regular and continuous basis, with children who are under the direct supervision of the applicant; or

(D) a volunteer of the applicant who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the applicant.

(2) A criminal conviction of the applicant, an employee of the applicant who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the applicant, a volunteer of the applicant who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the applicant, or a member of the applicant's household, of any of the following:

(A) A felony:

(i) related to the health or safety of a child;

(ii) that is a sex offense (as defined in IC 11-8-8-5.2);

(iii) that is a dangerous felony; or

(iv) that is not a felony otherwise described in items (i) through (iii), and less than ten (10) years have elapsed from the date the person was discharged from probation, imprisonment, or parole, whichever discharge date is latest.

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

(C) A misdemeanor for operating a child care center without a license under IC 12-17.2-4-35, **or a substantially similar offense committed in another jurisdiction, if the offense is directly or indirectly related to jeopardizing the health or safety of a child.**

(D) A misdemeanor for operating a child care home without a license under section 35 of this chapter, **or a substantially similar offense committed in another jurisdiction, if the offense is directly or indirectly related to jeopardizing the health or safety of a child.**

(3) A determination by the division that the applicant made false statements in the applicant's application for licensure.

(4) A determination by the division that the applicant made false statements in the records required by the division.

(5) A determination by the division that the applicant previously operated a:

(A) child care center without a license under IC 12-17.2-4; or

(B) child care home without a license under this chapter.

(b) Notwithstanding subsection (a)(2), if:

(1) a license application is denied due to a criminal conviction of:

C o p y

(A) an employee or a volunteer of the applicant; or
(B) a member of the applicant's household; and
(2) the division determines that the:
(A) employee or volunteer has been dismissed by the applicant; or
(B) member of the applicant's household is no longer a member of the applicant's household;
the criminal conviction of the former employee, former volunteer, or former member does not require denial of a license application.

SECTION 12. IC 12-17.2-5-32, AS AMENDED BY P.L.124-2007, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 32. (a) The following constitute sufficient grounds for revocation of a license:

(1) A determination by the department of child services of child abuse or neglect (as defined in IC 31-9-2-14) by:
(A) the licensee;
(B) a member of the licensee's household;
(C) an employee of the licensee who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the licensee; or
(D) a volunteer of the licensee who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the licensee.
(2) A criminal conviction of the licensee, an employee of the licensee who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the licensee, a volunteer of the licensee who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the licensee, or a member of the licensee's household, of any of the following:
(A) A felony:
(i) related to the health or safety of a child;
(ii) that is a sex offense (as defined in IC 11-8-8-5.2);
(iii) that is a dangerous felony; or
(iv) that is not a felony otherwise described in items (i) through (iii), and less than ten (10) years have elapsed from the date the person was discharged from probation, imprisonment, or parole, whichever discharge date is latest.
(B) A misdemeanor related to the health or safety of a child.
(C) A misdemeanor for operating a child care center without a license under IC 12-17.2-4-35, **or a substantially similar**

C o p y

offense committed in another jurisdiction, if the offense is directly or indirectly related to jeopardizing the health or safety of a child.

(D) A misdemeanor for operating a child care home without a license under section 35 of this chapter, **or a substantially similar offense committed in another jurisdiction, if the offense is directly or indirectly related to jeopardizing the health or safety of a child.**

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

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

(5) A determination by the division that the licensee previously operated a:

(A) child care center without a license under IC 12-17.2-4; or

(B) child care home without a license under this chapter.

(b) Notwithstanding subsection (a)(2), if:

(1) a license is revoked due to a criminal conviction of:

(A) an employee or a volunteer of the licensee's; or

(B) a resident of the licensee's household; and

(2) the division determines that the:

(A) employee or volunteer has been dismissed by the licensee; or

(B) member of the licensee's household is no longer a member of the licensee's household;

the criminal conviction of the former employee, former volunteer, or former member does not require revocation of a license.".

Page 7, line 7, delete ";" and insert ":

(i) related to the health or safety of a child;

(ii) that is a sex offense (as defined in IC 11-8-8-5.2);

(iii) that is a dangerous felony; or

(iv) that is not a felony otherwise described in items (i) through (iii), and less than ten (10) years have elapsed from the date the person was discharged from probation, imprisonment, or parole, whichever discharge date is latest;".

Page 7, delete lines 10 through 13, begin a new line double block indented and insert:

"**(C) has been convicted of a misdemeanor under IC 12-17.2-4-35 for operating a child care center without a license, or of a substantially similar offense committed in another jurisdiction, if the offense is directly or indirectly**

C o p y

related to jeopardizing the health or safety of a child;
(D) has been convicted of a misdemeanor under IC 12-17.2-5-35 for operating a child care home without a license, or of a substantially similar offense committed in another jurisdiction, if the offense is directly or indirectly related to jeopardizing the health or safety of a child;".

Page 7, line 16, delete "." and insert ", **or under a substantially similar provision in another jurisdiction.**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1494 as printed February 15, 2013.)

ALTING, Chairperson

Committee Vote: Yeas 10, Nays 0.

C o p y