

SENATE BILL No. 85

DIGEST OF INTRODUCED BILL

Citations Affected: Numerous citations throughout the Indiana Code.

Synopsis: Technical corrections. Resolves: (1) technical conflicts between differing 2012 amendments to Indiana Code sections; and (2) other technical problems in the Indiana Code, including incorrect statutory references, nonstandard tabulation, grammatical problems, and omissions from the comprehensive definitions chapter of Title 35. Strikes subsections that have expired by their own terms. Updates statutory population parameters that were not updated by P.L.119-2012.

Effective: Upon passage; April 1, 2012 (retroactive); January 1, 2013 (retroactive); July 1, 2013.

**Young R Michael, Arnold, Banks,
Taylor**

January 7, 2013, read first time and referred to Committee on Judiciary.

C
O
P
Y



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

SENATE BILL No. 85



A BILL FOR AN ACT to amend the Indiana Code concerning general provisions.

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

1 SECTION 1. IC 1-1-3.5-8, AS ADDED BY P.L.119-2012,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 APRIL 1, 2012 (RETROACTIVE)]: Sec. 8. (a) A reference in this
4 section to amendments made to a statute is a reference to amendments
5 made during the 2012 regular session of the general assembly.
6 (b) Notwithstanding any other bill enacted during the 2012 regular
7 session of the Indiana general assembly, this subsection applies to each
8 SECTION of each bill enacted during the 2012 regular session of the
9 Indiana general assembly that satisfies all the following:
10 (1) The SECTION amends a noncode statute or a provision of the
11 Indiana Code.
12 (2) The SECTION takes effect before April 1, 2012.
13 (3) The SECTION contains an amendment to a population
14 parameter.
15 The amendment to a population parameter in a SECTION described in
16 this subsection takes effect April 1, 2012, and the amendment to other
17 provisions in a SECTION described in this subsection take effect as



1 otherwise provided in the bill described in this subsection.

2 (c) Notwithstanding any other bill enacted during the 2012 regular
3 session of the Indiana general assembly, this subsection applies to each
4 SECTION of each bill enacted during the 2012 regular session of the
5 Indiana general assembly that satisfies all the following:

6 (1) The SECTION enacts a noncode statute or a new provision of
7 the Indiana Code.

8 (2) The SECTION takes effect before April 1, 2012.

9 (3) The SECTION contains a population parameter.

10 Notwithstanding section 3 of this chapter, a population parameter in a
11 SECTION described in this subsection refers to the population of the
12 described political subdivisions as tabulated following the 2010
13 Decennial Census and delivered to the state by the United States
14 Secretary of Commerce under 13 U.S.C. 141 and received by the
15 governor during 2011.

16 (d) The amendments to change the population parameters in
17 IC 5-13-9-5.6 take effect April 1, 2012. Any other amendments to
18 IC 5-13-9-5.6 take effect July 1, 2012.

19 (e) ~~The following apply to the indicated sections of the Indiana~~
20 ~~Code repealed during the 2012 session of the general assembly:~~

21 ~~(1) The population parameters in IC 9-23-2-2 refer to the City of~~
22 ~~Gary from April 1, 2012, to July 1, 2012.~~

23 ~~(2) The population parameters in IC 9-23-2-4 refer to the City of~~
24 ~~Gary from April 1, 2012, to July 1, 2012.~~

25 ~~(3) (e) The population parameters in IC 11-10-5-4 (repealed,~~
26 ~~effective July 1, 2012) refer to the following from April 1, 2012, to~~
27 ~~July 1, 2012:~~

28 ~~(A) (1) Parke County in IC 11-10-5-4(f)(1).~~

29 ~~(B) (2) Hendricks County in IC 11-10-5-4(f)(2).~~

30 (f) The amendments to change the population parameters in
31 IC 7.1-3-20-16 are effective April 1, 2012.

32 (g) The amendments to change the population parameters in
33 IC 36-2-13-15.3 are effective April 1, 2012.

34 (h) The amendments to change the population parameters in
35 IC 36-8-8-7 are effective April 1, 2012.

36 (i) **The amendments to change the population parameters in**
37 **IC 36-2-13-15.3 are effective April 1, 2012.**

38 (j) **Notwithstanding any other bill enacted during the 2012**
39 **regular session of the Indiana general assembly, this subsection**
40 **applies to each SECTION of each bill enacted during the 2012**
41 **regular session of the Indiana general assembly that satisfies all of**
42 **the following:**



C
O
P
Y

1 **(1) The SECTION amends a noncode statute or a provision of**
 2 **the Indiana Code.**

3 **(2) The SECTION, according to its effective date provision,**
 4 **takes effect after April 1, 2012.**

5 **(3) The SECTION contains an amendment to a population**
 6 **parameter.**

7 **In a SECTION described in this subsection, the amendment to the**
 8 **population parameter takes effect April 1, 2012, and any**
 9 **amendment to a provision other than a population parameter takes**
 10 **effect as otherwise provided in the bill containing the SECTION.**

11 SECTION 2. IC 2-5.5 IS REPEALED [EFFECTIVE UPON
 12 PASSAGE]. (TEMPORARY LEGISLATIVE STUDY
 13 COMMITTEES).

14 SECTION 3. IC 3-11-4-17, AS AMENDED BY P.L.96-2012,
 15 SECTION 3, AND AS AMENDED BY P.L.121-2012, SECTION 3, IS
 16 CORRECTED AND AMENDED TO READ AS FOLLOWS
 17 [EFFECTIVE UPON PASSAGE]: Sec. 17. Upon receipt of an
 18 application for an absentee ballot, a circuit court clerk shall file the
 19 application in the clerk's office and record all of the following in the
 20 statewide voter registration list maintained under IC 3-7-26.3:

21 (1) The voter's name.

22 (2) The date the application is received.

23 (3) *The information provided by the voter under section 5.1(d) of*
 24 *this chapter.*

25 ~~(4)~~ (4) The date the ballot is sent to the voter.

26 ~~(5)~~ (5) If mailed, the address to which the ballot is sent.

27 ~~(6)~~ (6) If transmitted by fax, the fax number to which the ballot is
 28 faxed.

29 ~~(7)~~ (7) The date the ballot is marked before the clerk or otherwise
 30 received from the voter.

31 ~~(8)~~ (8) The combined total number of absentee ballots sent by the
 32 county to absent uniformed services voters and overseas voters.

33 ~~(9)~~ (9) The total number of absentee ballots returned by voters
 34 described in subdivision ~~(7)~~ (8) in time to be counted.

35 ~~(10)~~ (10) The total number of absentee ballots described in
 36 subdivision ~~(7)~~ (8) that were counted in whole or in part.

37 ~~(11)~~ (11) Any other information that is necessary or advisable.

38 SECTION 4. IC 4-3-3-1.1 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.1. (a) An
 40 individual who holds the office of governor for any length of time
 41 during one (1) term of that office is entitled to receive an annual
 42 retirement benefit under subsection (e). ~~Provided,~~ However, an

C
o
p
y



1 individual who succeeds to the office of governor without being elected
 2 is not entitled to an annual retirement benefit under this section unless
 3 such person serves for more than one (1) year of the term of the office.

4 (b) An individual who holds the office of governor for any length of
 5 time during each of two (2) separate terms of that office is entitled to
 6 receive an annual retirement benefit under subsection (f).

7 (c) If an individual who holds the office of governor resigns or is
 8 removed from office, during a term of that office, for any reason except
 9 a mental or physical disability that renders ~~him~~ **the individual** unable
 10 to discharge the powers and duties of the office, then the term during
 11 which ~~he~~ **the individual** resigned or was removed may not be
 12 considered for determining ~~his~~ **the individual's** annual retirement
 13 benefit under this section.

14 (d) The retirement benefit shall be paid in equal monthly
 15 installments by the treasurer of state on warrant of the auditor of state
 16 after a claim has been made for the retirement benefit to the auditor by
 17 the governor or a person acting on ~~his~~ **the governor's** behalf. A
 18 governor shall choose the date on which ~~he~~ **the governor** will begin
 19 receiving ~~his~~ **the governor's** retirement benefit. However, the date
 20 must be the first state employee payday of a month. A governor may
 21 not receive the retirement benefit as long as ~~he~~ **the governor** holds an
 22 elective position with any federal, state, or local governmental unit, and
 23 ~~he~~ **the governor** may not receive the retirement benefit until ~~he~~ **the**
 24 **governor** has reached at least age sixty-two (62) years. The governor's
 25 choice of initial benefit payment date and the governor's choice of
 26 benefit payment amount under subsections (e) and (f) are revocable
 27 until the governor receives the first monthly installment of ~~his~~ **the**
 28 **governor's** retirement benefit. After that installment is received, the
 29 choice of date and the choice of amount are irrevocable.

30 (e) With respect to a governor who is entitled to a retirement benefit
 31 under subsection (a):

32 (1) if ~~he~~ **the governor** chooses to begin receiving ~~his~~ **the**
 33 **governor's** retirement benefit on or after the date ~~he~~ **the**
 34 **governor** reaches age sixty-two (62) years but before ~~he~~ **the**
 35 **governor** reaches age sixty-five (65) years, ~~he~~ **the governor** may
 36 choose to receive:

37 (A) the retirement benefits ~~he~~ **the governor** is entitled to, if
 38 any, from the public employees' retirement fund; or

39 (B) thirty percent (30%) of the governor's annual salary set in
 40 IC 4-2-1-1 for the remainder of ~~his~~ **the governor's** life; or

41 (2) if ~~he~~ **the governor** chooses to begin receiving ~~his~~ **the**
 42 **governor's** retirement benefit on or after the date ~~he~~ **the**

C
O
P
Y



- 1 **governor** reaches age sixty-five (65) years, ~~he the~~ **governor** may
 2 choose to receive:
- 3 (A) the retirement benefits ~~he the~~ **governor** is entitled to, if
 4 any, from the public employees' retirement fund; or
 5 (B) forty percent (40%) of the governor's annual salary set in
 6 IC 4-2-1-1 for the remainder of ~~his the~~ **governor's** life.
- 7 (f) With respect to a governor who is entitled to a retirement benefit
 8 under subsection (b):
- 9 (1) if ~~he the~~ **governor** chooses to begin receiving ~~his the~~
 10 **governor's** retirement benefit on or after the date ~~he the~~ **the**
 11 **governor** reaches age sixty-two (62) years but before ~~he the~~ **the**
 12 **governor** reaches age sixty-five (65) years, ~~he the~~ **governor** may
 13 choose to receive:
- 14 (A) the retirement benefits ~~he the~~ **governor** is entitled to, if
 15 any, from the public employees' retirement fund; **or**
 16 (B) forty percent (40%) of the governor's annual salary set in
 17 IC 4-2-1-1 for the remainder of ~~his the~~ **governor's** life; or
- 18 (2) if ~~he the~~ **governor** chooses to begin receiving ~~his the~~
 19 **governor's** retirement benefit on or after the date ~~he the~~ **the**
 20 **governor** reaches age sixty-five (65) years, ~~he the~~ **governor** may
 21 choose to receive:
- 22 (A) the retirement benefits ~~he the~~ **governor** is entitled to, if
 23 any, from the public employees' retirement fund; or
 24 (B) fifty percent (50%) of the governor's annual salary set in
 25 IC 4-2-1-1 for the remainder of ~~his the~~ **governor's** life.
- 26 SECTION 5. IC 4-13-1-25, AS ADDED BY P.L.14-2012,
 27 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 UPON PASSAGE]: Sec. 25. (a) As used in this section, "emergency
 29 services equipment" refers to the following:
- 30 (1) Fire trucks.
 31 (2) Emergency service vehicles.
 32 (3) Firefighting tools.
 33 (4) Protective wear.
 34 (5) Breathing apparatuses.
 35 (6) Communication devices, including hand held devices and
 36 vehicle radios.
 37 (7) Similar products used by public safety service providers.
- 38 (b) As used in this section, "public safety service provider" has the
 39 meaning set forth in IC 10-19-9-2.
- 40 (c) As used in this section, "purchaser" includes the following:
- 41 (1) A political subdivision.
 42 (2) A fire department established under IC 36-8-2-3.

C
o
p
y

- 1 (3) A volunteer fire department (as defined in IC 36-8-12-2).
 2 (4) The board of fire trustees of a fire protection district
 3 established under IC 36-8-11.
 4 (5) The provider unit of a fire protection territory established
 5 under IC 36-8-19.
 6 (6) A law enforcement agency of a political subdivision.
 7 (7) An emergency medical services agency of a political
 8 subdivision.
 9 (d) The department shall award quantity purchase agreements under
 10 IC 5-22 to vendors for the purchase of emergency services equipment.
 11 (e) A quantity purchase agreement awarded under this section must
 12 require the vendor to offer to purchasers emergency services equipment
 13 under the quantity purchase agreement.
 14 (f) Purchasers may participate in the solicitation of **purchase**
 15 **purchases** of emergency services equipment. To participate in the
 16 solicitation of **purchases of** emergency services equipment, a
 17 purchaser must do the following:
 18 (1) Submit estimated quantities to the department.
 19 (2) Commit to purchasing the minimum fill percentage submitted
 20 for solicitation.
 21 (g) The department may adopt rules under IC 4-22-2 for
 22 management and control of the process by which purchasers may
 23 purchase emergency services equipment under this section.
 24 SECTION 6. IC 4-13-19-10, AS ADDED BY P.L.182-2009(ss),
 25 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 UPON PASSAGE]: Sec. 10. (a) The office of the department of child
 27 services ombudsman shall prepare a report each year on the operations
 28 of the office.
 29 (b) The office of the department of child services ombudsman shall
 30 include the following information in the annual report required under
 31 subsection (a):
 32 (1) The office of the department of child services ombudsman's
 33 activities.
 34 (2) The general status of children in Indiana, including:
 35 (A) the health and education of children; and
 36 (B) the administration or implementation of programs for
 37 children.
 38 (3) Any other issues, concerns, or information concerning
 39 children.
 40 (c) A copy of the report shall be provided to the following:
 41 (1) The governor.
 42 (2) The legislative council.

C
O
P
Y

1 (3) The Indiana department of administration.

2 (4) The department of child services.

3 A report provided under this subsection to the legislative council must
4 be in an electronic format under IC 5-14-6.

5 (d) A copy of the report shall be posted on the department of child
6 services' Internet web site and on any Internet web site maintained by
7 the office of the department of child services ombudsman.

8 (e) ~~An initial report summarizing the activities of the department of
9 child services ombudsman shall be completed by no later than
10 December 1, 2009; and a copy of the report shall be posted on the
11 department of child services' Internet web site and on any Internet web
12 site maintained by the office of the department of child services
13 ombudsman; and shall be provided to the following:~~

14 ~~(1) The governor.~~

15 ~~(2) The legislative council.~~

16 ~~(3) The Indiana department of administration.~~

17 ~~(4) The department of child services.~~

18 ~~A report provided under this subsection to the legislative council must
19 be in an electronic format under IC 5-14-6. This subsection expires
20 December 31, 2009.~~

21 SECTION 7. IC 4-23-7.1-37, AS AMENDED BY P.L.100-2012,
22 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 UPON PASSAGE]: Sec. 37. (a) The board shall appoint a director to
24 be the chief administrative officer of the state library.

25 (b) To qualify for the position of director, a person must:

26 (1) be a graduate of a college or university of recognized
27 standing;

28 (2) have had special training in the technique and organization of
29 library service; **and**

30 (3) possess such other qualifications as the board, in its discretion,
31 may deem necessary.

32 SECTION 8. IC 4-23-7.1-39.1, AS ADDED BY P.L.84-2012,
33 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
34 UPON PASSAGE]: Sec. 39.1. (a) The state library advisory council is
35 established for the purpose of advising the board and the state librarian
36 concerning:

37 (1) general policies of the state library;

38 (2) plans or programs for library development and interlibrary
39 cooperation;

40 (3) library research;

41 (4) professional development for librarians;

42 (5) standards and rules for library services;

C
O
P
Y



1 (6) administration and distribution of state and federal funds; and

2 (7) other matters as requested by the board and the state librarian.

3 (b) The advisory council consists of not more than fifteen (15)
4 members.

5 (c) The board shall appoint the members of the **advisory** council,
6 with nominations for appointment from library organizations and the
7 state librarian.

8 (d) Members of the advisory council shall serve two (2) year terms.
9 However, the board shall stagger the terms of the initial appointees.

10 (e) Notwithstanding subsection (d), if a member misses a majority
11 of the advisory council's meetings in a calendar year, the board may
12 remove the member and ~~reappoint~~ **appoint a new** member to serve the
13 remainder of the term **of the member removed under this subsection.**

14 (f) A member of the advisory council is not entitled to
15 compensation, per diem, or reimbursement for expenses.

16 (g) A quorum of the members must be present for the advisory
17 council to take any official action. A quorum of the advisory council
18 consists of a majority of the members appointed to the advisory
19 council. An affirmative vote by a majority of the members present is
20 needed for the advisory council to make a recommendation or take any
21 official action.

22 SECTION 9. IC 5-13-9-5.7, AS ADDED BY P.L.43-2012,
23 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 UPON PASSAGE]: Sec. 5.7. (a) The fiscal body of a political
25 subdivision may adopt an investment policy authorizing the investment
26 of public funds of the political subdivision for more than two (2) years
27 and not more than five (5) years. The policy must:

28 (1) be in writing;

29 (2) be adopted at a public meeting;

30 (3) provide for the investment of public funds with the approval
31 of the investing officer;

32 (4) provide that the investments must be made in accordance with
33 this article;

34 (5) limit the total investments outstanding under this section to
35 not more than twenty-five percent (25%) of the total portfolio of
36 public funds invested by the political subdivision, including
37 balances in transaction accounts; and

38 (6) state a date on which the policy expires, which may not ~~exceed~~
39 **be more than** four (4) years **after the date on which the policy**
40 **takes effect.**

41 (b) A policy adopted by a fiscal body under subsection (a) remains
42 in effect only through the date of expiration established in the policy,

C
o
p
y



1 which may not ~~exceed~~ **be more than** four (4) years **after the date on**
 2 **which the policy takes effect.**

3 (c) A fiscal body that has adopted a written investment policy under
 4 subsection (a) may adopt an ordinance authorizing its investing officer
 5 to make investments having a stated final maturity that is:

6 (1) more than two (2) years; but

7 (2) not more than five (5) years;

8 after the date of purchase or entry into a repurchase agreement.

9 (d) An ordinance adopted by a fiscal body under subsection (c) and
 10 the power to make an investment described in subsection (c) expire on
 11 the date on which the policy expires, which may not ~~exceed~~ **be more**
 12 **than** four (4) years **after the date on which the policy takes effect.**

13 (e) After an investment of public funds of a political subdivision is
 14 made by the investing officer under this section, the total investments
 15 of the political subdivision outstanding under this section may not
 16 exceed twenty-five percent (25%) of the total portfolio of public funds
 17 invested by the political subdivision, including balances in transaction
 18 accounts. However, an investment that complies with this section when
 19 the investment is made remains legal even if:

20 (1) the investment policy has expired; or

21 (2) a subsequent decrease in the total portfolio of public funds
 22 invested by the political subdivision, including balances in
 23 transaction accounts, causes the percentage of investments
 24 outstanding under this section to exceed twenty-five percent
 25 (25%) of the total portfolio of public funds invested by the
 26 political subdivision.

27 (f) An investing officer may contract with a federally regulated
 28 investment advisor or other institutional money manager to make
 29 investments under this section.

30 SECTION 10. IC 5-22-1-0.1, AS ADDED BY P.L.220-2011,
 31 SECTION 100, IS AMENDED TO READ AS FOLLOWS
 32 [EFFECTIVE UPON PASSAGE]: Sec. 0.1. The amendments made to
 33 section 3 of this chapter by ~~P.L.222-2005~~ **in the 2005 regular session**
 34 **of the general assembly** apply only to a contract entered into or
 35 renewed after ~~May 11, 2005~~: **May 6, 2005.**

36 SECTION 11. IC 5-22-2-0.1, AS ADDED BY P.L.220-2011,
 37 SECTION 101, IS AMENDED TO READ AS FOLLOWS
 38 [EFFECTIVE UPON PASSAGE]: Sec. 0.1. The amendments made to
 39 section 1 of this chapter by ~~P.L.222-2005~~ **in the 2005 regular session**
 40 **of the general assembly** apply only to a contract entered into or
 41 renewed after ~~May 11, 2005~~: **May 6, 2005.**

42 SECTION 12. IC 5-22-3-0.1, AS ADDED BY P.L.220-2011,



C
o
p
y

1 SECTION 102, IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE UPON PASSAGE]: Sec. 0.1. The addition of section 7
3 of this chapter by P.L.222-2005 in the 2005 regular session of the
4 **general assembly** applies only to a contract entered into or renewed
5 after ~~May 11, 2005~~: **May 6, 2005**.

6 SECTION 13. IC 5-28-33-3, AS ADDED BY P.L.152-2009,
7 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 UPON PASSAGE]: Sec. 3. (a) The corporation shall develop a high
9 speed Internet service deployment and adoption initiative that includes
10 the creation of a statewide geographic information system (GIS) of
11 available telecommunications and information technology services,
12 including high speed Internet service.

13 (b) The corporation shall map the availability of broadband service
14 by census blocks established by the Bureau of the Census and depicted
15 in the GIS. A map created under this subsection may:

- 16 (1) include the percentage of households that have access to
17 broadband service; and
- 18 (2) use the Federal Communications Commission benchmark
19 rates for broadband service to identify different speed tiers.

20 (c) ~~After creating the map under subsection (b), the corporation~~
21 ~~shall update the GIS at least every six (6) months. This subsection~~
22 ~~expires December 31, 2010.~~

23 (d) (c) The corporation shall share the map created under subsection
24 (b) and the GIS, including updates, with the Indiana Geographic
25 Information Council (as referred to in IC 4-23-7.3-6) as a data layer to
26 the statewide base map (as defined in IC 4-23-7.3-11).

27 SECTION 14. IC 6-1.1-18-12, AS AMENDED BY P.L.112-2012,
28 SECTION 34, AND AS AMENDED BY P.L.137-2012, SECTION 30,
29 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
30 [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) For purposes of this
31 section, "maximum rate" refers to the maximum:

- 32 (1) property tax rate or rates; or
 - 33 (2) special benefits tax rate or rates;
- 34 referred to in the statutes listed in subsection (d).

35 (b) The maximum rate for taxes first due and payable after 2003 is
36 the maximum rate that would have been determined under subsection
37 (e) for taxes first due and payable in 2003 if subsection (e) had applied
38 for taxes first due and payable in 2003.

39 (c) The maximum rate must be adjusted each year to account for the
40 change in assessed value of real property that results from:

- 41 (1) an annual adjustment of the assessed value of real property
42 under IC 6-1.1-4-4.5; ~~or~~

C
o
p
y



- 1 (2) a general reassessment of real property under IC 6-1.1-4-4; *or*
 2 (3) a reassessment under a county's reassessment plan prepared
 3 under IC 6-1.1-4-4.2.
- 4 (d) The statutes to which subsection (a) refers are:
- 5 (1) IC 8-10-5-17;
 6 (2) IC 8-22-3-11;
 7 (3) IC 8-22-3-25;
 8 (4) IC 12-29-1-1;
 9 (5) IC 12-29-1-2;
 10 (6) IC 12-29-1-3;
 11 (7) IC 12-29-3-6;
 12 (8) IC 13-21-3-12;
 13 (9) IC 13-21-3-15;
 14 (10) IC 14-27-6-30;
 15 (11) IC 14-33-7-3;
 16 (12) IC 14-33-21-5;
 17 (13) IC 15-14-7-4;
 18 (14) IC 15-14-9-1;
 19 (15) IC 15-14-9-2;
 20 (16) IC 16-20-2-18;
 21 (17) IC 16-20-4-27;
 22 (18) IC 16-20-7-2;
 23 (19) IC 16-22-14;
 24 (20) IC 16-23-1-29;
 25 (21) IC 16-23-3-6;
 26 (22) IC 16-23-4-2;
 27 (23) IC 16-23-5-6;
 28 (24) IC 16-23-7-2;
 29 (25) IC 16-23-8-2;
 30 (26) IC 16-23-9-2;
 31 (27) IC 16-41-15-5;
 32 (28) IC 16-41-33-4;
 33 (29) IC 20-46-2-3 (before its repeal on January 1, 2009);
 34 (30) IC 20-46-6-5;
 35 (31) IC 20-49-2-10;
 36 (32) IC 36-1-19-1;
 37 (33) IC 23-14-66-2;
 38 (34) IC 23-14-67-3;
 39 (35) IC 36-7-13-4;
 40 (36) IC 36-7-14-28;
 41 (37) IC 36-7-15.1-16;
 42 (38) IC 36-8-19-8.5;

C
o
p
y

- 1 (39) IC 36-9-6.1-2;
 2 (40) IC 36-9-17.5-4;
 3 (41) IC 36-9-27-73;
 4 (42) IC 36-9-29-31;
 5 (43) IC 36-9-29.1-15;
 6 (44) IC 36-10-6-2;
 7 (45) IC 36-10-7-7;
 8 (46) IC 36-10-7-8;
 9 (47) IC 36-10-7.5-19;
 10 (48) IC 36-10-13-5;
 11 (49) IC 36-10-13-7;
 12 (50) IC 36-10-14-4;
 13 (51) IC 36-12-7-7;
 14 (52) IC 36-12-7-8;
 15 (53) IC 36-12-12-10;
 16 (54) a statute listed in IC 6-1.1-18.5-9.8; and
 17 ~~(54)~~ (55) any statute enacted after December 31, 2003, that:
 18 (A) establishes a maximum rate for any part of the:
 19 (i) property taxes; or
 20 (ii) special benefits taxes;
 21 imposed by a political subdivision; and
 22 (B) does not exempt the maximum rate from the adjustment
 23 under this section.
 24 (e) For property tax rates imposed for property taxes first due and
 25 payable after December 31, 2012, the new maximum rate under a
 26 statute listed in subsection (d) is the tax rate determined under STEP
 27 ~~SEVEN~~ EIGHT of the following STEPS:
 28 STEP ONE: *Except as provided in subsection (g)*, determine the
 29 maximum rate for the political subdivision levying a property tax
 30 or special benefits tax under the statute for the year preceding the
 31 year in which the annual adjustment or ~~general~~ the reassessment
 32 under IC 6-1.1-4-4 or IC 6-1.1-4-4.2 takes effect.
 33 STEP TWO: *Except as provided in subsection (g)*, Determine the
 34 actual percentage change (rounded to the nearest one-hundredth
 35 percent (0.01%)) in the assessed value (before the adjustment, if
 36 any, under IC 6-1.1-4-4.5) of the taxable property from the year
 37 preceding the year the annual adjustment or ~~general~~ the
 38 reassessment under IC 6-1.1-4-4 or IC 6-1.1-4-4.2 takes effect to
 39 the year that the annual adjustment or ~~general~~ the reassessment
 40 under IC 6-1.1-4-4 or IC 6-1.1-4-4.2 takes effect.
 41 STEP THREE: Determine the three (3) calendar years that
 42 immediately precede the ensuing calendar year and in which a

C
O
P
Y

1 statewide general reassessment of real property under
 2 IC 6-1.1-4-4 does not first take effect.
 3 STEP FOUR: *Except as provided in subsection (g)*, Compute
 4 separately, for each of the calendar years determined in STEP
 5 THREE, the actual percentage change (rounded to the nearest
 6 one-hundredth percent (0.01%)) in the assessed value (before the
 7 adjustment, if any, under IC 6-1.1-4-4.5) of the taxable property
 8 from the preceding year.
 9 STEP FIVE: Divide the sum of the three (3) quotients computed
 10 in STEP FOUR by three (3).
 11 *STEP SIX: Determine the greater of the following:*
 12 (A) Zero (0).
 13 (B) The STEP FIVE result.
 14 ~~STEP SIX: SEVEN:~~ Determine the greater of the following:
 15 (A) Zero (0).
 16 (B) The result of the STEP TWO percentage minus the STEP
 17 ~~FIVE SIX~~ percentage.
 18 ~~STEP SEVEN: EIGHT:~~ Determine the quotient of the STEP ONE
 19 tax rate divided by the sum of one (1) plus the STEP ~~SIX SEVEN~~
 20 percentage. ~~increase.~~
 21 (f) The department of local government finance shall compute the
 22 maximum rate allowed under subsection (e) and provide the rate to
 23 each political subdivision with authority to levy a tax under a statute
 24 listed in subsection (d).
 25 (g) *This subsection applies to STEP TWO and STEP FOUR of*
 26 *subsection (e) for taxes first due and payable after 2011. If the*
 27 *assessed value change used in the STEPS was not an increase, the*
 28 *STEPS are applied using instead:*
 29 (1) *the actual percentage decrease (rounded to the nearest*
 30 *one-hundredth percent (0.01%)) in the assessed value (before the*
 31 *adjustment, if any, under IC 6-1.1-4-4.5) of the taxable property;*
 32 *or*
 33 (2) *zero (0) if the assessed value did not increase or decrease.*
 34 (g) *This subsection applies only when calculating the maximum rate*
 35 *for taxes due and payable in calendar year 2013. The STEP ONE*
 36 *result is the greater of the following:*
 37 (1) *The actual maximum rate established for property taxes first*
 38 *due and payable in calendar year 2012.*
 39 (2) *The maximum rate that would have been established for*
 40 *property taxes first due and payable in calendar year 2012 if the*
 41 *maximum rate had been established under the formula under this*
 42 *section, as amended in the 2012 session of the general assembly.*

C
O
P
Y



1 SECTION 15. IC 6-1.1-18.5-9.8 AS AMENDED BY P.L.112-2012,
2 SECTION 36, AND AS AMENDED BY P.L.137-2012, SECTION 33,
3 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE UPON PASSAGE]: Sec. 9.8. ~~(#)~~ For purposes of
5 determining the property tax levy limit imposed on a city, town, or
6 county under section 3 of this chapter, the city, town, or county's ad
7 valorem property tax levy for a particular calendar year does not
8 include an amount equal to the lesser of:

9 (1) the amount of ad valorem property taxes that would be first
10 due and payable to the city, town, or county during the ensuing
11 calendar year if the taxing unit imposed the maximum permissible
12 property tax rate per one hundred dollars (\$100) of assessed
13 valuation that the civil taxing unit may impose for the particular
14 calendar year under the authority of IC 36-9-14.5 (in the case of
15 a county) or IC 36-9-15.5 (in the case of a city or town); or
16 (2) the excess, if any, of:

17 (A) the property taxes imposed by the city, town, or county
18 under the authority of:

- 19 IC 3-11-6-9;
- 20 IC 8-16-3;
- 21 IC 8-16-3.1;
- 22 IC 8-22-3-25;
- 23 IC 14-27-6-48;
- 24 IC 14-33-9-3;
- 25 IC 16-22-8-41;
- 26 IC 16-22-5-2 through IC 16-22-5-15;
- 27 IC 16-23-1-40;
- 28 IC 36-8-14;
- 29 IC 36-9-4-48;
- 30 IC 36-9-14;
- 31 IC 36-9-14.5;
- 32 IC 36-9-15;
- 33 IC 36-9-15.5;
- 34 IC 36-9-16;
- 35 IC 36-9-16.5;
- 36 IC 36-9-17;
- 37 IC 36-9-26;
- 38 IC 36-9-27-100;
- 39 IC 36-10-3-21; or
- 40 IC 36-10-4-36;

41 that are first due and payable during the ensuing calendar year;
42 over

C
o
p
y



- 1 (B) the property taxes imposed by the city, town, or county
 2 under the authority of the citations listed in clause (A) that
 3 were first due and payable during calendar year 1984.
- 4 *(b) The maximum property tax rate levied under the statutes listed*
 5 *in subsection (a) must be adjusted each year to account for the change*
 6 *in assessed value of real property that results from:*
- 7 *(1) an annual adjustment of the assessed value of real property*
 8 *under IC 6-1.1-4-4.5;*
 9 *(2) a general reassessment of real property under IC 6-1.1-4-4;*
 10 *or*
 11 *(3) a reassessment under a county's reassessment plan prepared*
 12 *under IC 6-1.1-4-4.2.*
- 13 *(c) The new maximum rate under a statute listed in subsection (a)*
 14 *is the tax rate determined under STEP SEVEN of the following*
 15 *formula:*
- 16 *STEP ONE: Determine the maximum rate for the political*
 17 *subdivision levying a property tax under the statute for the year*
 18 *preceding the year in which the annual adjustment or the*
 19 *reassessment under IC 6-1.1-4-4 or IC 6-1.1-4-4.2 takes effect.*
 20 *STEP TWO: Subject to subsection (e), determine the actual*
 21 *percentage change (rounded to the nearest one-hundredth*
 22 *percent (0.01%)) in the assessed value (before the adjustment, if*
 23 *any, under IC 6-1.1-4-4.5) of the taxable property from the year*
 24 *preceding the year the annual adjustment or the reassessment*
 25 *under IC 6-1.1-4-4 or IC 6-1.1-4-4.2 takes effect to the year that*
 26 *the annual adjustment or the reassessment is effective.*
 27 *STEP THREE: Determine the three (3) calendar years that*
 28 *immediately precede the ensuing calendar year and in which a*
 29 *statewide general reassessment of real property under*
 30 *IC 6-1.1-4-4 does not first become effective.*
 31 *STEP FOUR: Subject to subsection (e), compute separately, for*
 32 *each of the calendar years determined in STEP THREE, the*
 33 *actual percentage change (rounded to the nearest one-hundredth*
 34 *percent (0.01%)) in the assessed value (before the adjustment, if*
 35 *any, under IC 6-1.1-4-4.5) of the taxable property from the*
 36 *preceding year.*
 37 *STEP FIVE: Divide the sum of the three (3) quotients computed*
 38 *in STEP FOUR by three (3).*
 39 *STEP SIX: Determine the greater of the following:*
 40 *(A) Zero (0);*
 41 *(B) The result of the STEP TWO percentage minus the STEP*
 42 *FIVE percentage.*

C
O
P
Y



1 *STEP SEVEN: Determine the quotient of the STEP ONE tax rate*
 2 *divided by the sum of one (1) plus the STEP SIX percentage*
 3 *increase:*

4 *(d) The department of local government finance shall compute the*
 5 *maximum rate allowed under subsection (c) and provide the rate to*
 6 *each political subdivision with authority to levy a tax under a statute*
 7 *listed in subsection (a).*

8 *(e) This subsection applies to STEP TWO and STEP FOUR of*
 9 *subsection (c) for taxes first due and payable after 2011. If the*
 10 *assessed value change used in the STEPS was not an increase, the*
 11 *STEPS are applied using instead:*

12 *(1) the actual percentage decrease (rounded to the nearest*
 13 *one-hundredth percent (0.01%)) in the assessed value (before the*
 14 *adjustment, if any, under IC 6-1.1-4-4.5) of the taxable property;*
 15 *or*

16 *(2) zero (0) if the assessed value did not increase or decrease.*

17 SECTION 16. IC 6-1.1-22.5-12, AS AMENDED BY P.L.172-2011,
 18 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 UPON PASSAGE]: Sec. 12. (a) Except as provided by subsection (c),
 20 each reconciling statement must be on a form prescribed by the
 21 department of local government finance and must indicate:

22 (1) the actual property tax liability under this article for the
 23 calendar year for which the reconciling statement is issued;

24 (2) the total amount paid under the provisional statement for the
 25 property for which the reconciling statement is issued;

26 (3) if the amount under subdivision (1) exceeds the amount under
 27 subdivision (2), that the excess is payable by the taxpayer:

28 (A) as a final reconciliation of the tax liability; and

29 (B) not later than:

30 (i) thirty (30) days after the date of the reconciling
 31 statement;

32 (ii) if the county treasurer requests in writing that the
 33 commissioner designate a later date, the date designated by
 34 the commissioner; or

35 (iii) the date specified in an ordinance adopted under section
 36 18.5 of this chapter; and

37 (4) if the amount under subdivision (2) exceeds the amount under
 38 subdivision (1), that the taxpayer may claim a refund of the excess
 39 under IC 6-1.1-26.

40 (b) If, upon receipt of the abstract required by IC 6-1.1-22-5 or upon
 41 determination of the tax rate of the cross-county entity referred to in
 42 section 6.5 of this chapter, the county treasurer determines that it is

C
O
P
Y



1 possible to complete the:

2 (1) preparation; and

3 (2) mailing or transmittal;

4 of the reconciling statement at least thirty (30) days before the due date
5 of the second installment specified in the provisional statement, the
6 county treasurer may request in writing that the department of local
7 government finance permit the county treasurer to issue a reconciling
8 statement that adjusts the amount of the second installment that was
9 specified in the provisional statement. If the department approves the
10 county treasurer's request, the county treasurer shall prepare and mail
11 or transmit the reconciling statement at least thirty (30) days before the
12 due date of the second installment specified in the provisional
13 statement.

14 (c) A reconciling statement prepared under subsection (b) must
15 indicate:

16 (1) the actual property tax liability under this article for the
17 calendar year for the property for which the reconciling statement
18 is issued;

19 (2) the total amount of the first installment paid under the
20 provisional statement for the property for which the reconciling
21 statement is issued;

22 (3) if the amount under subdivision (1) exceeds the amount under
23 subdivision (2), the adjusted amount of the second installment
24 that is payable by the taxpayer:

25 (A) as a final reconciliation of the tax liability; and

26 (B) not later than:

27 (i) November 10; or

28 (ii) if the county treasurer requests in writing that the
29 commissioner designate a later date, the date designated by
30 the commissioner; and

31 (4) if the amount under subdivision (2) exceeds the amount under
32 subdivision (1), that the taxpayer may claim a refund of the excess
33 under IC 6-1.1-26.

34 ~~(d) At the election of a county auditor, a checklist required by~~
35 ~~IC 6-1.1-22-8.1(b)(8) and a notice required by IC 6-1.1-22-8.1(b)(9)~~
36 ~~may be sent to a taxpayer with a reconciling statement under this~~
37 ~~section. This subsection expires January 1, 2013.~~

38 ~~(e) (d)~~ In a county in which an authorizing ordinance is adopted
39 under IC 6-1.1-22-8.1(h), a person may direct the county treasurer to
40 transmit a reconciling statement by electronic mail under
41 IC 6-1.1-22-8.1(h).

42 ~~(f) (e)~~ A reconciling statement may include any adjustment

C
O
P
Y



1 authorized by the department of local government finance under
2 section 8(e) of this chapter and approved by the county treasurer.

3 SECTION 17. IC 6-1.1-35.5-4.5, AS AMENDED BY P.L.146-2012,
4 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 UPON PASSAGE]: Sec. 4.5. (a) The department shall:

6 (1) administer a program for level three assessor-appraiser
7 certifications;

8 (2) design a curriculum for level three assessor-appraiser
9 certification candidates that:

10 (A) specifies educational criteria for acceptable tested courses
11 offered by:

- 12 (i) nationally recognized assessing organizations;
- 13 (ii) postsecondary educational institutions; or
- 14 (iii) other education delivery organizations;

15 in each subject matter area of the curriculum; and

16 (B) requires superior knowledge of assessment administration
17 and property valuation concepts; and

18 (3) carry out a program to approve courses that meet the
19 requirements of the curriculum described in subdivision (2) and
20 approve course sponsors that provide these courses.

21 Only an approved sponsor may offer a course that meets the curriculum
22 requirements for level three assessor-appraiser certification candidates.
23 The department shall establish procedures and requirements for
24 courses and course sponsors that permit the department to verify that
25 sponsors and courses meet the standards established by the department
26 and that candidates comply with these standards. The department shall
27 maintain a list of approved sponsors and approved courses that meet
28 the criteria for the level three assessor-appraiser certification
29 curriculum designed under subsection (a)(2).

30 (b) The department of local government finance may adopt rules
31 under IC 4-22-2 to implement this section. The department of local
32 government may adopt temporary rules in the manner provided for the
33 adoption of emergency rules in IC 4-22-2-37.1 to carry out a program
34 to approve courses that meet the requirements of the curriculum
35 described in subdivision (2) and approve course sponsors that provide
36 these courses. A temporary rule adopted under this subsection expires
37 on the earliest of the following:

- 38 (1) The date specified in the temporary rule.
- 39 (2) The date that another temporary rule or rule adopted under
40 IC 4-22-2 supersedes or repeals the temporary rule.
- 41 (3) January 1, 2014.

42 SECTION 18. IC 6-1.1-36-17, AS ADDED BY P.L.87-2009,

C
o
p
y



1 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 UPON PASSAGE]: Sec. 17. (a) As used in this section, "nonreverting
3 fund" refers to a nonreverting fund established under subsection (c).

4 (b) Each county auditor that makes a determination that property
5 was not eligible for a standard deduction under IC 6-1.1-12-37 or a
6 homestead credit under IC 6-1.1-20.9 (repealed) in a particular year
7 shall notify the county treasurer of the determination. The county
8 auditor shall issue a notice of taxes, interest, and penalties due to the
9 owner and include a statement that the payment is to be made payable
10 to the county auditor. The notice must require full payment of the
11 amount owed within thirty (30) days.

12 (c) Each county auditor shall establish a nonreverting fund. Upon
13 collection of the adjustment in tax due (and any interest and penalties
14 on that amount) after the termination of a deduction or credit as
15 specified in subsection (b), the county treasurer shall deposit that
16 amount in the nonreverting fund. Any part of the amount that is not
17 collected by the due date shall be placed on the tax duplicate for the
18 affected property and collected in the same manner as other property
19 taxes. The adjustment in tax due (and any interest and penalties on that
20 amount) after the termination of a deduction or credit as specified in
21 subsection (b) shall be deposited in the nonreverting fund only in the
22 first year in which that amount is collected.

23 (d) The amount to be deposited in the nonreverting fund includes
24 adjustments in the tax due as a result of the termination of deductions
25 or credits available only for property that satisfies the eligibility for a
26 standard deduction under IC 6-1.1-12-37 or a homestead credit under
27 IC 6-1.1-20.9 (repealed), including the following:

- 28 (1) Supplemental deductions under IC 6-1.1-12-37.5.
- 29 (2) Homestead credits under IC 6-1.1-20.4, IC 6-3.5-1.1-26,
30 IC 6-3.5-6-13, IC 6-3.5-6-32, IC 6-3.5-7-13.1, or IC 6-3.5-7-26,
31 or any other law.
- 32 (3) Credit for excessive property taxes under IC 6-1.1-20.6-7.5 or
33 IC 6-1.1-20.6-8.5.

34 Any amount paid that exceeds the amount required to be deposited in
35 the nonreverting fund shall be distributed as property taxes.

36 (e) Money in the nonreverting fund shall be treated as miscellaneous
37 revenue. Distributions shall be made from the nonreverting fund
38 established under this section upon appropriation by the county fiscal
39 body and shall be made only for the following purposes:

- 40 (1) Fees and other costs incurred by the county auditor to discover
41 property that is eligible for a standard deduction under
42 IC 6-1.1-12-37 or a homestead credit under IC 6-1.1-20.9

C
O
P
Y



- 1 (repealed).
- 2 (2) Other expenses of the office of the county auditor.
- 3 (3) The cost of preparing, sending, and processing notices
- 4 described in IC 6-1.1-22-8.1(b)(9). ~~and checklists or notices~~
- 5 ~~described in IC 6-1.1-22-5-12(d).~~

6 The amount of deposits in a reverting fund, the balance of a
 7 nonreverting fund, and expenditures from a reverting fund may not be
 8 considered in establishing the budget of the office of the county auditor
 9 or in setting property tax levies that will be used in any part to fund the
 10 office of the county auditor.

11 SECTION 19. IC 6-1.1-37-11, AS AMENDED BY P.L.137-2012,
 12 SECTION 40, AND AS AMENDED BY P.L.146-2012, SECTION 7,
 13 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 14 [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) If a taxpayer is entitled
 15 to a property tax refund or credit because an assessment is decreased,
 16 the taxpayer shall also be paid, or credited with, interest on the excess
 17 taxes that the taxpayer paid at the rate of four percent (4%) per annum.
 18 *However, in the case of an assessment that is decreased by the Indiana*
 19 *board or the Indiana tax court, the taxpayer is not entitled to the*
 20 *greater of five hundred dollars (\$500) or twenty percent (20%) of the*
 21 *interest to which the taxpayer would otherwise be entitled on the*
 22 *excess taxes unless the taxpayer affirms, under penalty of perjury, that*
 23 *substantive evidence supporting the taxpayer's position had been:*

- 24 (1) *presented by the taxpayer to the assessor before; or*
 - 25 (2) *introduced by the taxpayer at;*
- 26 *the hearing held by the county property tax assessment board of*
 27 *appeals. An appraisal may not be required by the county property tax*
 28 *assessment board of appeals or the assessor in a proceeding before the*
 29 *county property tax assessment board of appeals or in a preliminary*
 30 *informal meeting under IC 6-1.1-15-1(h)(2).*

31 (b) For purposes of this section and except as provided in subsection
 32 (c), the interest shall be computed from the date on which the taxes
 33 were paid or due, whichever is later, to the date of the refund or credit.
 34 *If a taxpayer is sent a provisional tax statement and is later sent a final*
 35 *or reconciling tax statement, interest shall be computed after the date*
 36 *on which the taxes were paid or first due under the provisional tax*
 37 *statement, whichever is later, through the date of the refund or credit.*

38 (c) This subsection applies if a taxpayer who is entitled to a refund
 39 or credit does not make a written request for the refund or credit to the
 40 county auditor within forty-five (45) days after the final determination
 41 of the county property tax assessment board of appeals, the state board
 42 of tax commissioners, the department of local government finance, the

C
o
p
y



1 Indiana board, or the tax court that entitles the taxpayer to the refund
 2 or credit. In the case of a taxpayer described in this subsection, the
 3 interest shall be computed from the date on which the taxes were paid
 4 or due to the date that is forty-five (45) days after the final
 5 determination of the county property tax assessment board of appeals,
 6 the state board of tax commissioners, the department of local
 7 government finance, the Indiana board of tax review, or the Indiana tax
 8 court. In any event, a property tax refund or credit must be issued not
 9 later than ninety (90) days after the request is received.

10 SECTION 20. IC 6-2.5-3-2, AS AMENDED BY P.L.153-2012,
 11 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 UPON PASSAGE]: Sec. 2. (a) An excise tax, known as the use tax, is
 13 imposed on the storage, use, or consumption of tangible personal
 14 property in Indiana if the property was acquired in a retail transaction,
 15 regardless of the location of that transaction or of the retail merchant
 16 making that transaction.

17 (b) The use tax is also imposed on the storage, use, or consumption
 18 of a vehicle, an aircraft, or a watercraft, if the vehicle, aircraft, or
 19 watercraft:

- 20 (1) is acquired in a transaction that is an isolated or occasional
- 21 sale; and
- 22 (2) is required to be titled, licensed, or registered by this state for
- 23 use in Indiana.

24 (c) The use tax is imposed on the addition of tangible personal
 25 property to a structure or facility, if, after its addition, the property
 26 becomes part of the real estate on which the structure or facility is
 27 located. However, the use tax does not apply to additions of tangible
 28 personal property described in this subsection, if:

- 29 (1) the state gross retail or use tax has been previously imposed
- 30 on the sale or use of that property; or
- 31 (2) the ultimate purchaser or recipient of that property would have
- 32 been exempt from the state gross retail and use taxes if that
- 33 purchaser or recipient had directly purchased the property from
- 34 the supplier for addition to the structure or facility.

35 (d) The use tax is imposed on a person who:

- 36 (1) manufactures, fabricates, or assembles tangible personal
- 37 property from materials either within or outside Indiana; and
- 38 (2) uses, stores, distributes, or consumes tangible personal
- 39 property in Indiana.

40 (e) Notwithstanding any other provision of this section, the use tax
 41 is not imposed on the keeping, retaining, or exercising of any right or
 42 power over tangible personal property, if:

C
o
p
y



- 1 (1) the property is delivered into Indiana by or for the purchaser
 2 of the property;
 3 (2) the property is delivered in Indiana for the sole purpose of
 4 being processed, printed, fabricated, or manufactured into,
 5 attached to, or incorporated into other tangible personal property;
 6 and
 7 (3) the property is subsequently transported out of state for use
 8 solely outside Indiana.
 9 (f) As used in subsection (g) and IC 6-2.5-5-42:
 10 (1) "completion work" means the addition of tangible personal
 11 property to or reconfiguration of the interior of an aircraft, if the
 12 work requires the issuance of an airworthiness certificate from
 13 the:
 14 (A) Federal Aviation Administration; or
 15 (B) equivalent foreign regulatory authority;
 16 due to the change in the type certification basis of the aircraft
 17 resulting from the addition to or reconfiguration of the interior of
 18 the aircraft;
 19 (2) "delivery" means the physical delivery of the aircraft
 20 regardless of who holds title; and
 21 (3) "prepurchase evaluation" means an examination of an aircraft
 22 by a potential purchaser for the purpose of obtaining information
 23 relevant to the potential purchase of the aircraft.
 24 (g) Notwithstanding any other provision of this section, the use tax
 25 is not imposed on the keeping, retaining, or exercising of any right or
 26 power over an aircraft, if:
 27 (1) the aircraft is or will be titled, registered, or based (as defined
 28 in IC 6-6-6.5-1(m)) in another state or country;
 29 (2) the aircraft is delivered to Indiana by or for a nonresident
 30 owner or purchaser of the aircraft;
 31 (3) the aircraft is delivered to Indiana for the sole purpose of
 32 being repaired, refurbished, remanufactured, or subjected to
 33 completion work or a prepurchase evaluation; and
 34 (4) after completion of the repair, refurbishment, remanufacture,
 35 completion work, or prepurchase evaluation, the aircraft is
 36 transported to a destination outside Indiana.
 37 (h) The amendments made to this section by ~~the act enacted in 2012~~
 38 **P.L.153-2012** shall be interpreted to specify and not to change the
 39 general assembly's intent with respect to this section.
 40 SECTION 21. IC 6-2.5-8-7, AS AMENDED BY P.L.78-2012,
 41 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 UPON PASSAGE]: Sec. 7. (a) The department may, for good cause,

C
 O
 P
 Y



1 revoke a certificate issued under section 1, 3, or 4 of this chapter.
 2 However, the department must give the certificate holder at least five
 3 (5) days notice before it revokes the certificate under this subsection.

4 (b) The department shall revoke a certificate issued under section
 5 1, 3, or 4 of this chapter if, for a period of three (3) years, the certificate
 6 holder fails to:

7 (1) file the returns required by IC 6-2.5-6-1; or

8 (2) report the collection of any state gross retail or use tax on the
 9 returns filed under IC 6-2.5-6-1.

10 However, the department must give the certificate holder at least five
 11 (5) days notice before it revokes the certificate.

12 (c) The department may, for good cause, revoke a certificate issued
 13 under section 1 of this chapter after at least five (5) days notice to the
 14 certificate holder if:

15 (1) the certificate holder is subject to an innkeeper's tax under
 16 IC 6-9; and

17 (2) a board, bureau, or commission established under IC 6-9 files
 18 a written statement with the department.

19 (d) The statement filed under subsection (c) must state that:

20 (1) information obtained by the board, bureau, or commission
 21 under IC 6-8.1-7-1 indicates that the certificate holder has not
 22 complied with IC 6-9; and

23 (2) the board, bureau, or commission has determined that
 24 significant harm will result to the county from the certificate
 25 holder's failure to comply with IC 6-9.

26 (e) The department shall revoke or suspend a certificate issued
 27 under section 1 of this chapter after at least five (5) days notice to the
 28 certificate holder if:

29 (1) the certificate holder owes taxes, penalties, fines, interest, or
 30 costs due under IC 6-1.1 that remain unpaid at least sixty (60)
 31 days after the due date under IC 6-1.1; and

32 (2) the treasurer of the county to which the taxes are due requests
 33 the department to revoke or suspend the certificate.

34 (f) The department shall reinstate a certificate suspended under
 35 subsection (e) if the taxes and any penalties due under IC 6-1.1 are paid
 36 or the county treasurer requests the department to reinstate the
 37 certificate because an agreement for the payment of taxes and any
 38 penalties due under IC 6-1.1 has been reached to the satisfaction of the
 39 county treasurer.

40 (g) The department shall revoke a certificate issued under section
 41 1 of this chapter after at least five (5) days notice to the certificate
 42 holder if the department finds in a public hearing by a preponderance

C
O
P
Y



1 of the evidence that the certificate holder has violated IC 35-45-5-3,
2 IC 35-45-5-3.5, or IC 35-45-5-4.

3 (h) If a person makes a payment for the certificate under section 1
4 or 3 of this chapter with a check, credit card, debit card, or electronic
5 funds transfer, and the department is unable to obtain payment of the
6 check, credit card, debit card, or electronic funds transfer for its full
7 face amount when the check, credit card, debit card, or electronic funds
8 transfer is presented for payment through normal banking channels, the
9 department shall notify the person by mail that the check, credit card,
10 debit card, or electronic funds transfer was not honored and that the
11 person has five (5) days after the notice is mailed to pay the fee in cash,
12 by certified check, or other guaranteed payment. If the person fails to
13 make the payment within the five (5) day period, the department shall
14 revoke the certificate.

15 (i) If the department finds in a public hearing by a preponderance of
16 the evidence that a person has been convicted of violating
17 IC 35-48-4-10 and the conviction involved the sale or the offer to sell,
18 in the normal course of business, a synthetic drug by a retail merchant
19 in a place of business for which the retail merchant has been issued a
20 registered retail merchant certificate under section 1 of this chapter, the
21 department:

22 (1) shall suspend the registered retail merchant certificate for the
23 place of business for one (1) year; and

24 (2) may not issue another retail merchant certificate under section
25 1 of this chapter for one (1) year to any person:

26 (A) that:

27 (i) applied for; or

28 (ii) made a retail transaction under;

29 the retail merchant certificate suspended under subdivision
30 (1); or

31 (B) that:

32 (i) owned or co-owned, directly or indirectly; or

33 (ii) was an officer, a director, a manager, or a partner of;

34 the retail merchant that was issued the retail merchant
35 certificate suspended under subdivision (1).

36 SECTION 22. IC 6-3.1-20-4, AS AMENDED BY P.L.6-2012,
37 SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 UPON PASSAGE]: Sec. 4. (a) Except as provided in subsection (b), an
39 individual is entitled to a credit under this chapter if:

40 (1) the individual's earned income for the taxable year is less than
41 eighteen thousand six hundred **dollars** (\$18,600); and

42 (2) the individual pays property taxes in the taxable year on a

C
o
p
y



1 homestead that:

2 (A) the individual:

3 (i) owns; or

4 (ii) is buying under a contract that requires the individual to
5 pay property taxes on the homestead, if the contract or a
6 memorandum of the contract is recorded in the county
7 recorder's office; and

8 (B) is located in a county having a population of more than
9 four hundred thousand (400,000) but less than seven hundred
10 thousand (700,000).

11 (b) An individual is not entitled to a credit under this chapter for a
12 taxable year for property taxes paid on the individual's homestead if the
13 individual claims the deduction under IC 6-3-1-3.5(a)(15) for the
14 homestead for that same taxable year.

15 SECTION 23. IC 6-3.5-1.1-25, AS AMENDED BY P.L.132-2012,
16 SECTION 3, AND AS AMENDED BY P.L.137-2012, SECTION 72,
17 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
18 [EFFECTIVE UPON PASSAGE]: Sec. 25. (a) As used in this section,
19 "public safety" refers to the following:

20 (1) A police and law enforcement system to preserve public peace
21 and order.

22 (2) A firefighting and fire prevention system.

23 (3) Emergency ambulance services (as defined in
24 IC 16-18-2-107).

25 (4) Emergency medical services (as defined in IC 16-18-2-110).

26 (5) Emergency action (as defined in IC 13-11-2-65).

27 (6) A probation department of a court.

28 (7) Confinement, supervision, services under a community
29 corrections program (as defined in IC 35-38-2.6-2), or other
30 correctional services for a person who has been:

31 (A) diverted before a final hearing or trial under an agreement
32 that is between the county prosecuting attorney and the person
33 or the person's custodian, guardian, or parent and that provides
34 for confinement, supervision, community corrections services,
35 or other correctional services instead of a final action
36 described in clause (B) or (C);

37 (B) convicted of a crime; or

38 (C) adjudicated as a delinquent child or a child in need of
39 services.

40 (8) A juvenile detention facility under IC 31-31-8.

41 (9) A juvenile detention center under IC 31-31-9.

42 (10) A county jail.

C
o
p
y



1 (11) A communications system (as defined in IC 36-8-15-3), ~~or~~
 2 an enhanced emergency telephone system (as defined in
 3 IC 36-8-16-2 *(before its repeal on July 1, 2012)*), or the statewide
 4 911 system (as defined in IC 36-8-16.7-22).

5 (12) Medical and health expenses for jail inmates and other
 6 confined persons.

7 (13) Pension payments for any of the following:

8 (A) A member of the fire department (as defined in
 9 IC 36-8-1-8) or any other employee of a fire department.

10 (B) A member of the police department (as defined in
 11 IC 36-8-1-9), a police chief hired under a waiver under
 12 IC 36-8-4-6.5, or any other employee hired by a police
 13 department.

14 (C) A county sheriff or any other member of the office of the
 15 county sheriff.

16 (D) Other personnel employed to provide a service described
 17 in this section.

18 (b) If a county council has imposed a tax rate of at least twenty-five
 19 hundredths of one percent (0.25%) under section 24 of this chapter, a
 20 tax rate of at least twenty-five hundredths of one percent (0.25%) under
 21 section 26 of this chapter, or a total combined tax rate of at least
 22 twenty-five hundredths of one percent (0.25%) under sections 24 and
 23 26 of this chapter, the county council may also adopt an ordinance to
 24 impose an additional tax rate under this section to provide funding for
 25 public safety.

26 (c) A tax rate under this section may not exceed twenty-five
 27 hundredths of one percent (0.25%).

28 (d) If a county council adopts an ordinance to impose a tax rate
 29 under this section, *not more than ten (10) days after the vote*, the
 30 county auditor shall send a certified copy of the ordinance to the
 31 *commissioner of the department, the director of the budget agency*, and
 32 the *commissioner of the department of local government finance* by
 33 certified mail *or in an electronic format approved by the director of the*
 34 *budget agency*.

35 (e) A tax rate under this section is in addition to any other tax rates
 36 imposed under this chapter and does not affect the purposes for which
 37 other tax revenue under this chapter may be used.

38 (f) Except as provided in subsection (k) or (l), the county auditor
 39 shall distribute the portion of the certified distribution that is
 40 attributable to a tax rate under this section to the county and to each
 41 municipality in the county that is carrying out or providing at least one
 42 (1) of the public safety purposes described in subsection (a). The

C
O
P
Y



1 amount that shall be distributed to the county or municipality is equal
2 to the result of:

3 (1) the portion of the certified distribution that is attributable to a
4 tax rate under this section; multiplied by

5 (2) a fraction equal to:

6 (A) the attributed allocation amount (as defined in
7 IC 6-3.5-1.1-15) of the county or municipality for the calendar
8 year; divided by

9 (B) the sum of the attributed allocation amounts of the county
10 and each municipality in the county that is entitled to a
11 distribution under this section for the calendar year.

12 The county auditor shall make the distributions required by this
13 subsection not more than thirty (30) days after receiving the portion of
14 the certified distribution that is attributable to a tax rate under this
15 section. Tax revenue distributed to a county or municipality under this
16 subsection must be deposited into a separate account or fund and may
17 be appropriated by the county or municipality only for public safety
18 purposes.

19 (g) The department of local government finance may not require a
20 county or municipality receiving tax revenue under this section to
21 reduce the county's or municipality's property tax levy for a particular
22 year on account of the county's or municipality's receipt of the tax
23 revenue.

24 (h) The tax rate under this section and the tax revenue attributable
25 to the tax rate under this section shall not be considered for purposes
26 of computing:

27 (1) the maximum income tax rate that may be imposed in a county
28 under section 2 of this chapter or any other provision of this
29 chapter;

30 (2) the maximum permissible property tax levy under
31 IC 6-1.1-18.5-3; or

32 (3) the credit under IC 6-1.1-20.6.

33 (i) The tax rate under this section may be imposed or rescinded at
34 the same time and in the same manner that the county may impose or
35 increase a tax rate under section 24 of this chapter.

36 (j) The department of local government finance and the department
37 of state revenue may take any actions necessary to carry out the
38 purposes of this section.

39 (k) Two (2) or more political subdivisions that are entitled to receive
40 a distribution under this section may adopt resolutions providing that
41 some part or all of those distributions shall instead be paid to one (1)
42 political subdivision in the county to carry out specific public safety

C
O
P
Y



1 purposes specified in the resolutions.
 2 (l) A fire department, volunteer fire department, or emergency
 3 medical services provider that:
 4 (1) provides fire protection or emergency medical services within
 5 the county; and
 6 (2) is operated by or serves a political subdivision that is not
 7 otherwise entitled to receive a distribution of tax revenue under
 8 this section;
 9 may before July 1 of a year apply to the county council for a
 10 distribution of tax revenue under this section during the following
 11 calendar year. The county council shall review an application
 12 submitted under this subsection and may before September 1 of a year
 13 adopt a resolution requiring that one (1) or more of the applicants shall
 14 receive a specified amount of the tax revenue to be distributed under
 15 this section during the following calendar year. A resolution approved
 16 under this subsection providing for a distribution to one (1) or more fire
 17 departments, volunteer fire departments, or emergency medical
 18 services providers applies only to distributions in the following
 19 calendar year. Any amount of tax revenue distributed under this
 20 subsection to a fire department, volunteer fire department, or
 21 emergency medical services provider shall be distributed before the
 22 remainder of the tax revenue is distributed under subsection (f).

23 SECTION 24. IC 6-3.5-6-1.5, AS AMENDED BY P.L.137-2012,
 24 SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 UPON PASSAGE]: Sec. 1.5. (a) Notwithstanding any other provision
 26 of this chapter, a power granted by this chapter to adopt an ordinance
 27 to:

- 28 (1) impose, increase, decrease, or rescind a tax or tax rate; or
- 29 (2) grant, increase, decrease, rescind, or change a homestead
 30 credit or property tax replacement credit authorized under this
 31 chapter;

32 may be exercised at any time in a year before November 1 of that year.

33 (b) Notwithstanding any other provision of this chapter, an
 34 ordinance authorized by this chapter that imposes or increases a tax or
 35 a tax rate takes effect as follows:

- 36 (1) An ordinance adopted after December 31 of the immediately
 37 preceding year and before October 1 of the current year takes
 38 effect October 1 of the current year.
- 39 (2) An ordinance adopted after September 30 and before October
 40 16 of the current year takes effect November 1 of the current year.
- 41 (3) An ordinance adopted after October 15 and before November
 42 1 of the current year takes effect December 1 of the current year.

C
o
p
y



1 (c) Notwithstanding any other provision of this chapter, an
2 ordinance authorized by this chapter that decreases or rescinds a tax or
3 a tax rate takes effect as follows:

4 (1) An ordinance adopted after December 31 of the immediately
5 preceding year and before October 1 of the current year takes
6 effect on the later of October 1 of the current year or the first day
7 of the month in the current year as the month in which the last
8 increase in the tax or tax rate occurred.

9 (2) An ordinance adopted after September 30 and before October
10 16 of the current year takes effect on the later of November 1 of
11 the current year or the first day of the month in the current year as
12 the month in which the last increase in the tax or tax rate
13 occurred.

14 (3) An ordinance adopted after October 15 and before November
15 1 of the current year takes effect December 1 of the current year.

16 (d) Except as provided in subsection (e), An ordinance authorized
17 by this chapter that grants, increases, decreases, rescinds, or changes
18 a homestead credit or property tax replacement credit authorized under
19 this chapter takes effect for and initially applies to property taxes first
20 due and payable in the year immediately following the year in which
21 the ordinance is adopted.

22 (e) This subsection applies only to Miami County. A county income
23 tax council may adopt an ordinance in 2012 to select a different
24 combination of uses specified in section 32(f) of this chapter for tax
25 revenue distributed to the county from a tax rate imposed under section
26 32 of this chapter (county option income tax rate to provide property
27 tax relief to taxpayers). The county income tax council may provide in
28 the ordinance that the ordinance initially takes effect for and applies to
29 property taxes first due and payable in 2012. This subsection expires
30 January 1, 2013.

31 SECTION 25. IC 6-3.5-6-31, AS AMENDED BY P.L.132-2012,
32 SECTION 4, AND AS AMENDED BY P.L.137-2012, SECTION 86,
33 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
34 [EFFECTIVE UPON PASSAGE]: Sec. 31. (a) As used in this section,
35 "public safety" refers to the following:

36 (1) A police and law enforcement system to preserve public peace
37 and order.

38 (2) A firefighting and fire prevention system.

39 (3) Emergency ambulance services (as defined in
40 IC 16-18-2-107).

41 (4) Emergency medical services (as defined in IC 16-18-2-110).

42 (5) Emergency action (as defined in IC 13-11-2-65).

C
o
p
y



- 1 (6) A probation department of a court.
 2 (7) Confinement, supervision, services under a community
 3 corrections program (as defined in IC 35-38-2.6-2), or other
 4 correctional services for a person who has been:
 5 (A) diverted before a final hearing or trial under an agreement
 6 that is between the county prosecuting attorney and the person
 7 or the person's custodian, guardian, or parent and that provides
 8 for confinement, supervision, community corrections services,
 9 or other correctional services instead of a final action
 10 described in clause (B) or (C);
 11 (B) convicted of a crime; or
 12 (C) adjudicated as a delinquent child or a child in need of
 13 services.
 14 (8) A juvenile detention facility under IC 31-31-8.
 15 (9) A juvenile detention center under IC 31-31-9.
 16 (10) A county jail.
 17 (11) A communications system (as defined in IC 36-8-15-3), or an
 18 enhanced emergency telephone system (as defined in
 19 IC 36-8-16-2 (*before its repeal on July 1, 2012*)), or the statewide
 20 911 system (as defined in IC 36-8-16.7-22).
 21 (12) Medical and health expenses for jail inmates and other
 22 confined persons.
 23 (13) Pension payments for any of the following:
 24 (A) A member of the fire department (as defined in
 25 IC 36-8-1-8) or any other employee of a fire department.
 26 (B) A member of the police department (as defined in
 27 IC 36-8-1-9), a police chief hired under a waiver under
 28 IC 36-8-4-6.5, or any other employee hired by a police
 29 department.
 30 (C) A county sheriff or any other member of the office of the
 31 county sheriff.
 32 (D) Other personnel employed to provide a service described
 33 in this section.
 34 (b) The county income tax council may adopt an ordinance to
 35 impose an additional tax rate under this section to provide funding for
 36 public safety if:
 37 (1) the county income tax council has imposed a tax rate under
 38 section 30 of this chapter, in the case of a county containing a
 39 consolidated city; or
 40 (2) the county income tax council has imposed a tax rate of at
 41 least twenty-five hundredths of one percent (0.25%) under section
 42 30 of this chapter, a tax rate of at least twenty-five hundredths of

C
O
P
Y

1 one percent (0.25%) under section 32 of this chapter, or a total
 2 combined tax rate of at least twenty-five hundredths of one
 3 percent (0.25%) under sections 30 and 32 of this chapter, in the
 4 case of a county other than a county containing a consolidated
 5 city.

6 (c) A tax rate under this section may not exceed the following:

7 (1) Five-tenths of one percent (0.5%), in the case of a county
 8 containing a consolidated city.

9 (2) Twenty-five hundredths of one percent (0.25%), in the case of
 10 a county other than a county containing a consolidated city.

11 (d) If a county income tax council adopts an ordinance to impose a
 12 tax rate under this section, *not more than ten (10) days after the vote*,
 13 the county auditor shall send a certified copy of the ordinance to the
 14 *commissioner of the department, the director of the budget agency*, and
 15 the *commissioner of the department of local government finance* by
 16 certified mail *or in an electronic format approved by the director of the*
 17 *budget agency*.

18 (e) A tax rate under this section is in addition to any other tax rates
 19 imposed under this chapter and does not affect the purposes for which
 20 other tax revenue under this chapter may be used.

21 (f) Except as provided in subsections (l) and (m), the county auditor
 22 shall distribute the portion of the certified distribution that is
 23 attributable to a tax rate under this section to the county and to each
 24 municipality in the county that is carrying out or providing at least one
 25 (1) of the public safety purposes described in subsection (a). The
 26 amount that shall be distributed to the county or municipality is equal
 27 to the result of:

28 (1) the portion of the certified distribution that is attributable to a
 29 tax rate under this section; multiplied by

30 (2) a fraction equal to:

31 (A) the total property taxes being collected in the county by
 32 the county or municipality for the calendar year; divided by

33 (B) the sum of the total property taxes being collected in the
 34 county by the county and each municipality in the county that
 35 is entitled to a distribution under this section for the calendar
 36 year.

37 The county auditor shall make the distributions required by this
 38 subsection not more than thirty (30) days after receiving the portion of
 39 the certified distribution that is attributable to a tax rate under this
 40 section. Tax revenue distributed to a county or municipality under this
 41 subsection must be deposited into a separate account or fund and may
 42 be appropriated by the county or municipality only for public safety

C
O
P
Y



1 purposes.

2 (g) The department of local government finance may not require a
3 county or municipality receiving tax revenue under this section to
4 reduce the county's or municipality's property tax levy for a particular
5 year on account of the county's or municipality's receipt of the tax
6 revenue.

7 (h) The tax rate under this section and the tax revenue attributable
8 to the tax rate under this section shall not be considered for purposes
9 of computing:

10 (1) the maximum income tax rate that may be imposed in a county
11 under section 8 or 9 of this chapter or any other provision of this
12 chapter;

13 (2) the maximum permissible property tax levy under
14 IC 6-1.1-18.5-3; or

15 (3) the credit under IC 6-1.1-20.6.

16 (i) The tax rate under this section may be imposed or rescinded at
17 the same time and in the same manner that the county may impose or
18 increase a tax rate under section 30 of this chapter.

19 (j) The department of local government finance and the department
20 of state revenue may take any actions necessary to carry out the
21 purposes of this section.

22 (k) Notwithstanding any other provision, in Lake County the county
23 council (and not the county income tax council) is the entity authorized
24 to take actions concerning the additional tax rate under this section.

25 (l) Two (2) or more political subdivisions that are entitled to receive
26 a distribution under this section may adopt resolutions providing that
27 some part or all of those distributions shall instead be paid to one (1)
28 political subdivision in the county to carry out specific public safety
29 purposes specified in the resolutions.

30 (m) A fire department, volunteer fire department, or emergency
31 medical services provider that:

32 (1) provides fire protection or emergency medical services within
33 the county; and

34 (2) is operated by or serves a political subdivision that is not
35 otherwise entitled to receive a distribution of tax revenue under
36 this section;

37 may before July 1 of a year apply to the county income tax council for
38 a distribution of tax revenue under this section during the following
39 calendar year. The county income tax council shall review an
40 application submitted under this subsection and may before September
41 1 of a year adopt a resolution requiring that one (1) or more of the
42 applicants shall receive a specified amount of the tax revenue to be

C
o
p
y



1 distributed under this section during the following calendar year. A
 2 resolution approved under this subsection providing for a distribution
 3 to one (1) or more fire departments, volunteer fire departments, or
 4 emergency services providers applies only to distributions in the
 5 following calendar year. Any amount of tax revenue distributed under
 6 this subsection to a fire department, volunteer fire department, or
 7 emergency medical services provider shall be distributed before the
 8 remainder of the tax revenue is distributed under subsection (f).

9 SECTION 26. IC 6-6-6.5-21.5 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE APRIL 1, 2012 (RETROACTIVE)]: Sec.

11 21.5. (a) The **Allen** County treasurer of a county that:

12 (1) has a population of more than three hundred thousand
 13 (300,000) but less than four hundred thousand (400,000); and

14 (2) has an airport that is operated under an airport authority
 15 established under IC 8-22-3-1.1;

16 shall distribute the funds received under section 21 of this chapter to
 17 **that the airport authority established under IC 8-22-3-1.1 that**
 18 **operates an airport in the county.** The treasurer shall make the
 19 distribution before the fifth day of the month after the month in which
 20 **he the treasurer** receives the funds.

21 (b) Nothing in this section relieves **a the** county treasurer of **his the**
 22 **treasurer's** duty to report under ~~IC 6-6-6.5-21(e)~~: **section 21(e) of this**
 23 **chapter.**

24 SECTION 27. IC 7.1-3-1.5-13, AS AMENDED BY P.L.10-2010,
 25 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 UPON PASSAGE]: Sec. 13. (a) ~~Subsections (b) through (e) do not~~
 27 ~~apply during the period beginning July 1, 2010, and ending May 1,~~
 28 ~~2011. This subsection expires May 1, 2011.~~

29 ~~(b)~~ (a) A retailer permittee or dealer permittee who operates an
 30 establishment where alcoholic beverages are served or sold must:

31 (1) ensure that each alcohol server completes a server program or
 32 a trainer program established or approved under section 5.5 or 6
 33 of this chapter not later than one hundred twenty (120) days after
 34 the date the alcohol server begins employment at the
 35 establishment;

36 (2) require each alcohol server to attend a refresher course that
 37 includes the dissemination of new information concerning the
 38 server program subject areas described in section 6 of this chapter
 39 or subject areas of a trainer program every three (3) years after the
 40 date the alcohol server completes a server program or a trainer
 41 program; and

42 (3) maintain training verification records of each alcohol server.



C
o
p
y

1 ~~(e)~~ **(b)** A retailer permittee, a dealer permittee, or a management
 2 representative of a retailer or dealer permittee must complete a server
 3 program or a trainer program established or approved under section 5.5
 4 or 6 of this chapter:

5 (1) not later than one hundred twenty (120) days after the date:

6 (A) the dealer permittee is issued a permit described in section
 7 2 of this chapter; or

8 (B) the retailer permittee is issued a permit described in
 9 section 4 of this chapter; and

10 (2) every five (5) years after the date the retailer permittee, dealer
 11 permittee, or management representative of the retailer or dealer
 12 permittee completes a server program or a trainer program.

13 ~~(d)~~ **(c)** The commission shall notify a:

14 (1) dealer permittee at the time the dealer permittee renews a
 15 permit described in section 2 of this chapter; and

16 (2) retailer permittee at the time the retailer permittee renews a
 17 permit described in section 4 of this chapter;

18 of the requirements under subsections ~~(b)~~ **(a)** and ~~(e)~~ **(b)**.

19 ~~(e)~~ **(d)** The commission may suspend or revoke a retailer permittee's
 20 or dealer permittee's permit or fine a retailer permittee or dealer
 21 permittee for noncompliance with this section in accordance with
 22 IC 7.1-3-23.

23 SECTION 28. IC 7.1-3-20-7 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) As used in
 25 this title and to be eligible to receive the appropriate permit, "fraternal
 26 club" means an association or corporation ~~the~~ **whose** membership of
 27 ~~that~~ is comprised of or forms:

28 (1) a lodge or local chapter or corresponding unit of a fraternal
 29 order or of another association of a like nature; or

30 (2) a body whose membership is comprised of persons who have
 31 served in the armed forces of the United States;

32 and which has been in continual existence on a national scale for more
 33 than five (5) years prior to the date the application is filed.

34 (b) Fraternal clubs and labor organizations need not meet the
 35 requirements of section 1 of this chapter, but are considered clubs for
 36 all other purposes of this title.

37 SECTION 29. IC 8-1-8.8-10, AS AMENDED BY P.L.224-2011,
 38 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 UPON PASSAGE]: Sec. 10. (a) As used in this chapter "renewable
 40 energy resources" means the following:

41 (1) A clean energy resource listed in IC 8-1-37-4(a)(1) through
 42 IC 8-1-37-4(a)(16).

C
o
p
y



- 1 (2) Low temperature, oxygen starved gasification of municipal
- 2 solid waste.
- 3 ~~(H)~~ (3) Methane recovered from landfills for the production of
- 4 electricity.
- 5 (b) Except for energy described in subsection (a)(2) and
- 6 IC 8-1-37-4(a)(9), the term does not include energy from the
- 7 incinerations, burning, or heating of any of the following:
- 8 (1) Tires.
- 9 (2) General household, institutional, commercial, industrial
- 10 lunchroom, office, or landscape waste.
- 11 (c) The term excludes treated or painted lumber.
- 12 SECTION 30. IC 8-23-7-22, AS AMENDED BY P.L.163-2011,
- 13 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 14 APRIL 1, 2012 (RETROACTIVE)]: Sec. 22. (a) Subject to subsection
- 15 (b), the department may, after issuing an order and receiving the
- 16 governor's approval, determine that a state highway should become a
- 17 tollway. After the order becomes effective, the department shall
- 18 maintain and operate the tollway and levy and collect tolls as provided
- 19 in IC 8-15-3 or enter into a public-private agreement with an operator
- 20 with respect to the tollway under IC 8-15.7. Before issuing an order
- 21 under this section, the department shall submit to the governor a plan
- 22 to bring the tollway to the current design standards of the department
- 23 for new state highways within a specified period. The specified period
- 24 may not exceed five (5) years.
- 25 (b) Before the governor, the department, or an operator may carry
- 26 out any of the following activities under this section, the general
- 27 assembly must enact a statute authorizing that activity:
- 28 (1) Determine that a highway that is in existence or under
- 29 construction on July 1, 2011, should become a tollway.
- 30 (2) Carry out construction for Interstate Highway 69 in a township
- 31 having a population of more than ~~seventy-five~~ **one hundred**
- 32 ~~thousand (75,000)~~ **(100,000)** and less than ~~ninety-three~~ **one**
- 33 **hundred ten thousand five hundred (93,500): (110,000) located**
- 34 **in a county having a consolidated city.**
- 35 (3) Impose tolls on motor vehicles for use of Interstate Highway
- 36 69.
- 37 (c) Notwithstanding subsection (b), during the period beginning July
- 38 1, 2011, and ending June 30, 2021, the general assembly is not required
- 39 to enact a statute authorizing the governor, the department, or an
- 40 operator to determine that all or part of the following projects should
- 41 become a tollway:
- 42 (1) A project on which construction begins after June 30, 2011,

COPY



1 not including any part of Interstate Highway 69 other than a part
2 described in subdivision (4).

3 (2) The addition of toll lanes, including high occupancy toll lanes,
4 to a highway, roadway, or other facility in existence on July 1,
5 2011, if the number of nontolled lanes on the highway, roadway,
6 or facility as of July 1, 2011, does not decrease due to the addition
7 of the toll lanes.

8 (3) The Illiana Expressway, a limited access facility connecting
9 Interstate Highway 65 in northwestern Indiana with an interstate
10 highway in Illinois.

11 (4) A project that is located within a metropolitan planning area
12 (as defined by 23 U.S.C. 134) and that connects the state of
13 Indiana with the commonwealth of Kentucky.

14 SECTION 31. IC 8-23-7-23, AS AMENDED BY P.L.163-2011,
15 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 APRIL 1, 2012 (RETROACTIVE)]: Sec. 23. (a) Subject to subsection
17 (c), the department may, after issuing an order and receiving the
18 governor's approval, determine that a state highway should become a
19 toll road. An order under this section does not become effective unless
20 the authority adopts a resolution to accept the designated state highway,
21 or part of the highway, as a toll road project under the conditions
22 contained in the order. An order issued by the department under this
23 section must set forth the conditions upon which the transfer of the
24 state highway, or part of the highway, to the authority must occur,
25 including the following:

26 (1) The consideration, if any, to be paid by the authority to the
27 department.

28 (2) A requirement that the authority:

29 (A) enter into a contract or lease with the department with
30 respect to the toll road project under IC 8-9.5-8-7 or
31 IC 8-9.5-8-8; or

32 (B) enter into a public-private agreement with an operator with
33 respect to the toll road under IC 8-15.5.

34 (b) To complete a transfer under this section, the department must,
35 with the governor's approval, execute a certificate describing the real
36 and personal property constituting or to be transferred with the state
37 highway that is to become a toll road project. Upon delivery of the
38 certificate to the authority, the real and personal property described in
39 the certificate is under the jurisdiction and control of the authority.

40 (c) Before the authority or an operator may carry out any of the
41 following activities under this section, the general assembly must enact
42 a statute authorizing that activity:

C
o
p
y



1 (1) Carrying out construction for Interstate Highway 69 in a
 2 township having a population of more than ~~seventy-five one~~
 3 **hundred** thousand (~~75,000~~) **(100,000)** and less than ~~ninety-three~~
 4 **one hundred ten** thousand ~~five hundred~~ (~~93,500~~): **(110,000)**
 5 **located in a county having a consolidated city.**

6 (2) Imposing tolls on motor vehicles for use of Interstate Highway
 7 69.

8 (3) Imposing tolls on motor vehicles for use of a nontolled
 9 highway, roadway, or other facility in existence or under
 10 construction on July 1, 2011, including nontolled interstate
 11 highways, U.S. routes, and state routes.

12 SECTION 32. IC 9-13-2-5, AS AMENDED BY P.L.145-2011,
 13 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 UPON PASSAGE]: Sec. 5. (a) ~~This subsection expires December 31,~~
 15 ~~2011. "Approved motorcycle driver education and training course"~~
 16 ~~means:~~

17 (1) ~~a course offered by a public or private secondary school, a~~
 18 ~~new motorcycle dealer, or other driver education school offering~~
 19 ~~motorcycle driver training as developed and approved by the state~~
 20 ~~superintendent of public instruction and the bureau; or~~

21 (2) ~~a course that is offered by a commercial driving school or new~~
 22 ~~motorcycle dealer and that is approved by the bureau.~~

23 (b) ~~This subsection applies after December 31, 2011. "Approved~~
 24 ~~motorcycle driver education and training course" means:~~

25 (1) a course offered by a public or private secondary school, a
 26 new motorcycle dealer, or another driver education school
 27 offering motorcycle driver training as developed and approved by
 28 the bureau; or

29 (2) a course that is:

30 (A) offered by a commercial driving school or new motorcycle
 31 dealer; and

32 (B) approved by the bureau.

33 SECTION 33. IC 9-20-5-5, AS AMENDED BY P.L.66-2012,
 34 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 UPON PASSAGE]: Sec. 5. (a) Except as provided in subsection (b),
 36 the maximum size and weight limits for vehicles operated with a
 37 special weight permit on an extra heavy duty highway are as follows:

38 (1) A vehicle may not have a maximum wheel weight, unladen or
 39 with load, in excess of eight hundred (800) pounds per inch width
 40 of tire, measured between the flanges of the rim.

41 (2) A single axle weight may not exceed eighteen thousand
 42 (18,000) pounds.



C
 o
 p
 y

- 1 (3) An axle in an axle combination may not exceed thirteen
- 2 thousand (13,000) pounds per axle, with the exception of one (1)
- 3 tandem group that may weigh sixteen thousand (16,000) pounds
- 4 per axle or a total of thirty-two thousand (32,000) pounds.
- 5 (4) Except as provided in section ~~4(22)~~ **4(a)(22)** of this chapter,
- 6 the total gross weight, with load, of any vehicle or combination of
- 7 vehicles may not exceed one hundred thirty-four thousand
- 8 (134,000) pounds.
- 9 (5) Axle spacings may not be less than three (3) feet, six (6)
- 10 inches, between each axle in an axle combination.
- 11 (6) Axle spacings may not be less than eight (8) feet between each
- 12 axle or axle combination.
- 13 (b) A vehicle operated in accordance with section ~~4(23)~~ **4(a)(23)** of
- 14 this chapter may not have a:
 - 15 (1) maximum wheel weight, unladen or with load, in excess of
 - 16 one thousand six hundred fifty (1,650) pounds per inch width of
 - 17 tire, measured between the flanges of the rim; or
 - 18 (2) single axle weight that exceeds sixty-five thousand (65,000)
 - 19 pounds.
 - 20 (c) This section expires on the later of the following dates:
 - 21 (1) The date on which rules described in section ~~1(c)(1)~~ **1(c)(2)**
 - 22 of this chapter are finally adopted.
 - 23 (2) December 31, 2014.
- 24 SECTION 34. IC 9-23-2-2, AS AMENDED BY P.L.42-2011,
- 25 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 26 APRIL 1, 2012 (RETROACTIVE)]: Sec. 2. (a) An application for a
- 27 license under this chapter must:
 - 28 (1) be accompanied by the fee required under IC 9-29-8;
 - 29 (2) be on a form prescribed by the secretary of state;
 - 30 (3) contain the information the secretary of state considers
 - 31 necessary to enable the secretary of state to determine fully the
 - 32 following information:
 - 33 (A) The qualifications and eligibility of the applicant to
 - 34 receive the license.
 - 35 (B) The location of each of the applicant's places of business
 - 36 in Indiana.
 - 37 (C) The ability of the applicant to conduct properly the
 - 38 business for which the application is submitted; and
 - 39 (4) contain evidence of a bond required in subsection (e).
 - 40 (b) An application for a license as a dealer must show whether the
 - 41 applicant proposes to sell new or used motor vehicles, or both.
 - 42 (c) An applicant who proposes to use the Internet or other computer

COPY



1 network in aid of its sale of motor vehicles to consumers in Indiana,
 2 which activities may result in the creation of business records outside
 3 Indiana, shall provide the division with the name, address, and
 4 telephone number of the person who has control of those business
 5 records. The secretary of state may not issue a license to a dealer who
 6 transacts business in this manner who does not have an established
 7 place of business in Indiana.

8 (d) This subsection applies to an application for a license as a dealer
 9 in a city having a population of more than ~~ninety eight~~ thousand
 10 ~~(90,000)~~ **(80,000)** but less than ~~one hundred five eighty~~ thousand
 11 ~~(105,000)~~; **four hundred (80,400)**. The application must include an
 12 affidavit from:

13 (1) the person charged with enforcing a zoning ordinance
 14 described in this subsection; or

15 (2) the zoning enforcement officer under IC 36-7-4, if one exists;
 16 who has jurisdiction over the real property where the applicant wants
 17 to operate as a dealer. The affidavit must state that the proposed
 18 location is zoned for the operation of a dealer's establishment. The
 19 applicant may file the affidavit at any time after the filing of the
 20 application. However, the secretary of state may not issue a license
 21 until the applicant files the affidavit.

22 (e) This subsection does not apply to a person listed in the
 23 categories set forth in section 1(a)(10) through 1(a)(12) of this chapter
 24 and that was licensed under this chapter before July 1, 2009. A licensee
 25 shall maintain a bond satisfactory to the secretary of state in the amount
 26 of twenty-five thousand dollars (\$25,000), which must:

27 (1) be in favor of the state; and

28 (2) secure payment of fines, penalties, costs, and fees assessed by
 29 the secretary of state after notice, opportunity for a hearing, and
 30 opportunity for judicial review, in addition to securing the
 31 payment of damages to a person aggrieved by a violation of this
 32 chapter by the licensee after a judgment has been issued.

33 (f) Service shall be made in accordance with the Indiana Rules of
 34 Trial Procedure.

35 (g) Instead of meeting the requirement in subsection (e), a licensee
 36 may submit to the secretary of state evidence that the licensee is a
 37 member of a risk retention group regulated by the Indiana department
 38 of insurance.

39 SECTION 35. IC 9-23-2-4, AS AMENDED BY P.L.184-2007,
 40 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 APRIL 1, 2012 (RETROACTIVE)]: Sec. 4. (a) The license issued to a
 42 factory branch, a distributor branch, an automobile auctioneer, a

C
o
p
y



1 transfer dealer, or a dealer under this chapter must specify the location
2 of each place of business and shall be conspicuously displayed at each
3 business location.

4 (b) If a business name or location is changed, the holder shall notify
5 the secretary of state within ten (10) days and remit the fee required
6 under IC 9-29-8. The secretary of state shall endorse that change on the
7 license if the secretary of state determines that the change is not subject
8 to other provisions of this article.

9 (c) A dealer who uses the Internet or other computer network to
10 facilitate the sale of motor vehicles as set forth in section 2(c) of this
11 chapter shall notify the secretary of state within ten (10) days upon any
12 change in the name, address, or telephone number of business records
13 located outside Indiana that have been created in transactions made in
14 Indiana by the dealer. A report made under this subsection is not
15 subject to the fee required under IC 9-29-8-5.

16 (d) This subsection applies to a dealer in a city having a population
17 of more than ~~ninety eight~~ thousand (90,000) **(80,000)** but less than
18 ~~one hundred five eighty~~ thousand (105,000): **four hundred (80,400)**.
19 A dealer who wants to change a location must submit to the secretary
20 of state an application for approval of the change. The application must
21 be accompanied by an affidavit from:

22 (1) the person charged with enforcing a zoning ordinance
23 described in this subsection; or

24 (2) the zoning enforcement officer under IC 36-7-4, if one exists;
25 who has jurisdiction over the real property where the applicant wants
26 to operate as a dealer. The affidavit must state that the proposed
27 location is zoned for the operation of a dealer's establishment. The
28 secretary of state may not approve a change of location or endorse a
29 change of location on the dealer's license until the dealer provides the
30 affidavit.

31 (e) For the purpose of this section, an offsite license issued under
32 section 7 of this chapter does not constitute a change of location.

33 SECTION 36. IC 9-29-5-2, AS AMENDED BY P.L.145-2011,
34 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 UPON PASSAGE]: Sec. 2. ~~(a) This subsection expires December 31,~~
36 ~~2011. The fee for the registration of a motorcycle is seventeen dollars~~
37 ~~and thirty cents (\$17.30). The revenue from this fee shall be allocated~~
38 ~~as follows:~~

39 ~~(1) Seven dollars (\$7) to the motorcycle operator safety education~~
40 ~~fund established by IC 20-30-13-11.~~

41 ~~(2) An amount prescribed as a license branch service charge~~
42 ~~under IC 9-29-3.~~

C
O
P
Y



- 1 (3) Thirty cents (\$0.30) to the spinal cord and brain injury fund
- 2 under IC 16-41-42.2-3, as provided under section 0.5 of this
- 3 chapter.
- 4 (4) The balance to the state general fund for credit to the motor
- 5 vehicle highway account.
- 6 (b) This subsection applies after December 31, 2011. The fee for the
- 7 registration of a motorcycle is seventeen dollars and thirty cents
- 8 (\$17.30). The revenue from this fee shall be allocated as follows:
- 9 (1) Seven dollars (\$7) to the motorcycle operator safety education
- 10 fund established by IC 9-27-7-7.
- 11 (2) An amount prescribed as a license branch service charge
- 12 under IC 9-29-3.
- 13 (3) Thirty cents (\$0.30) to the spinal cord and brain injury fund
- 14 under IC 16-41-42.2-3, as provided under section 0.5 of this
- 15 chapter.
- 16 (4) The balance to the state general fund for credit to the motor
- 17 vehicle highway account.
- 18 SECTION 37. IC 9-30-4-6, AS AMENDED BY P.L.125-2012,
- 19 SECTION 330, AND AS AMENDED BY P.L.126-2012, SECTION
- 20 29, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
- 21 [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) Whenever the bureau
- 22 suspends or revokes the current driver's license upon receiving a record
- 23 of the conviction of a person for any offense under the motor vehicle
- 24 laws not enumerated under subsection (b), the bureau may also suspend
- 25 any of the certificates of registration and license plates issued for any
- 26 motor vehicle registered in the name of the person so convicted.
- 27 However, the bureau may not suspend the evidence of registration,
- 28 unless otherwise required by law, if the person has given or gives and
- 29 maintains during the three (3) years following the date of suspension
- 30 or revocation proof of financial responsibility in the future in the
- 31 manner specified in this section.
- 32 (b) The bureau shall suspend or revoke without notice or hearing the
- 33 current driver's license and all certificates of registration and license
- 34 plates issued or registered in the name of a person who is convicted of
- 35 any of the following:
- 36 (1) Manslaughter or reckless homicide resulting from the
- 37 operation of a motor vehicle.
- 38 (2) Perjury or knowingly making a false affidavit to the
- 39 department under this chapter or any other law requiring the
- 40 registration of motor vehicles or regulating motor vehicle
- 41 operation upon the highways.
- 42 (3) A felony under Indiana motor vehicle laws or felony in the

COPY



1 commission of which a motor vehicle is used.

2 (4) Three (3) charges of criminal recklessness involving the use
3 of a motor vehicle within the preceding twelve (12) months.

4 (5) Failure to stop and give information or assistance or failure to
5 stop and disclose the person's identity at the scene of an accident
6 that has resulted in death, personal injury, or property damage in
7 excess of two hundred dollars (\$200).

8 (6) Possession, distribution, manufacture, cultivation, transfer,
9 use, or sale of a controlled substance or counterfeit substance, or
10 attempting or conspiring to possess, distribute, manufacture,
11 cultivate, transfer, use, or sell a controlled substance or
12 counterfeit substance.

13 (c) The license of a person shall also be suspended upon conviction
14 in another jurisdiction for any offense described in ~~subsections~~
15 *subsection* (b)(1), (b)(2), (b)(3), (b)(4), and (b)(5), except if property
16 damage is less than two hundred dollars (\$200), the bureau may
17 determine whether the driver's license and certificates of registration
18 and license plates shall be suspended or revoked. The license of a
19 person shall also be suspended upon conviction in another jurisdiction
20 for any offense described in subsection (b)(6).

21 (d) A suspension or revocation remains in effect and a new or
22 renewal license may not be issued to the person and a motor vehicle
23 may not be registered in the name of the person as follows:

24 (1) Except as provided in subdivisions (2), (3), (4), and (5), and
25 subject to section 6.5 of this chapter, for six (6) months from the
26 date of conviction or on the date on which the person is otherwise
27 eligible for a license, whichever is later. Except as provided in
28 IC 35-48-4-15, this includes a person convicted of a crime for
29 which the person's license is suspended or revoked under
30 subsection (b)(6).

31 (2) Subject to section 6.5 of this chapter, upon conviction of an
32 offense described in subsection (b)(1), for a fixed period of not
33 less than two (2) years and not more than five (5) years, to be
34 fixed by the bureau based upon recommendation of the court
35 entering a conviction. A new or reinstated license may not be
36 issued to the person unless that person, within the three (3) years
37 following the expiration of the suspension or revocation, gives
38 and maintains in force at all times during the effective period of
39 a new or reinstated license proof of financial responsibility in the
40 future in the manner specified in this chapter. However, the
41 liability of the insurance carrier under a motor vehicle liability
42 policy that is furnished for proof of financial responsibility in the

C
o
p
y



1 future as set out in this chapter becomes absolute whenever loss
 2 or damage covered by the policy occurs, and the satisfaction by
 3 the insured of a final judgment for loss or damage is not a
 4 condition precedent to the right or obligation of the carrier to
 5 make payment on account of loss or damage, but the insurance
 6 carrier has the right to settle a claim covered by the policy. If the
 7 settlement is made in good faith, the amount shall be deductive
 8 from the limits of liability specified in the policy. A policy may
 9 not be canceled or annulled with respect to a loss or damage by an
 10 agreement between the carrier and the insured after the insured
 11 has become responsible for the loss or damage, and a cancellation
 12 or annulment is void. The policy may provide that the insured or
 13 any other person covered by the policy shall reimburse the
 14 insurance carrier for payment made on account of any loss or
 15 damage claim or suit involving a breach of the terms, provisions,
 16 or conditions of the policy. If the policy provides for limits in
 17 excess of the limits specified in this chapter, the insurance carrier
 18 may plead against any plaintiff, with respect to the amount of the
 19 excess limits of liability, any defenses that the carrier may be
 20 entitled to plead against the insured. The policy may further
 21 provide for prorating of the insurance with other applicable valid
 22 and collectible insurance. An action does not lie against the
 23 insurance carrier by or on behalf of any claimant under the policy
 24 until a final judgment has been obtained after actual trial by or on
 25 behalf of any claimant under the policy.

26 (3) Subject to section 6.5 of this chapter, for the period ordered by
 27 a court under IC 35-48-4-15.

28 (4) Subject to section 6.5 of this chapter, if the person is convicted
 29 of a felony involving the use of a motor vehicle under
 30 ~~IC 35-44-3-3(b)~~ IC 35-44.1-3-1(b) and the person:

31 (A) exceeded the speed limit by at least twenty (20) miles per
 32 hour;

33 (B) committed criminal recklessness with a vehicle
 34 (IC 35-42-2-2); or

35 (C) engaged in aggressive driving (as defined in
 36 IC 9-21-8-55(b));

37 while committing the felony, for one (1) year after the date the
 38 person was convicted. The convicted person has the burden of
 39 applying for a new or renewal license and establishing that the
 40 one (1) year period described in this subdivision and subject to
 41 section 6.5 of this chapter has elapsed.

42 (5) Subject to section 6.5 of this chapter, if the person is convicted

C
 o
 p
 y



1 of a felony involving the use of a motor vehicle under
2 ~~IC 35-44-3-3(b)~~; IC 35-44.1-3-1(b), the person:

3 (A) exceeded the speed limit by at least twenty (20) miles per
4 hour;

5 (B) committed criminal recklessness with a vehicle
6 (IC 35-42-2-2); or

7 (C) engaged in aggressive driving (as defined in
8 IC 9-21-8-55(b));

9 while committing the felony, and the person has a prior unrelated
10 conviction for a felony under ~~IC 35-44-3-3(b)~~; IC 35-44.1-3-1(b),
11 for two (2) years after the date the person was convicted. The
12 convicted person has the burden of applying for a new or renewal
13 license and establishing that the two (2) year period described in
14 this subdivision and subject to section 6.5 of this chapter has
15 elapsed.

16 (e) The bureau may take action as required in this section upon
17 receiving satisfactory evidence of a conviction of a person in another
18 state.

19 (f) For the purpose of this chapter, "conviction" includes any of the
20 following:

21 (1) A conviction upon a plea of guilty.

22 (2) A determination of guilt by a jury or court, even if:

23 (A) no sentence is imposed; or

24 (B) a sentence is suspended.

25 (3) A forfeiture of bail, bond, or collateral deposited to secure the
26 defendant's appearance for trial, unless the forfeiture is vacated.

27 (4) A payment of money as a penalty or as costs in accordance
28 with an agreement between a moving traffic violator and a traffic
29 violations bureau.

30 (g) A suspension or revocation under this section or under
31 ~~IC 9-25-6-8~~ IC 9-30-13-0.5 stands pending appeal of the conviction to
32 a higher court and may be set aside or modified only upon the receipt
33 by the bureau of the certificate of the court reversing or modifying the
34 judgment that the cause has been reversed or modified. However, if the
35 suspension or revocation follows a conviction in a court of no record
36 in Indiana, the suspension or revocation is stayed pending appeal of the
37 conviction to a court of record.

38 (h) A person aggrieved by an order or act of the bureau under this
39 section or ~~IC 9-25-6-8~~ IC 9-30-13-0.5 may file a petition for a court
40 review.

41 SECTION 38. IC 9-30-6-4.3, AS AMENDED BY P.L.125-2012,
42 SECTION 343, IS AMENDED TO READ AS FOLLOWS

C
O
P
Y



1 [EFFECTIVE UPON PASSAGE]: Sec. 4.3. (a) This section applies
 2 only to a person whose motor vehicle has been seized under
 3 ~~IC 34-24-1-1(15)~~; **IC 34-24-1-1(a)(15)**.

4 (b) If the bureau receives an order from a court recommending that
 5 the bureau not register a motor vehicle in the name of a person whose
 6 motor vehicle has been seized under ~~IC 34-24-1-1(15)~~;
 7 **IC 34-24-1-1(a)(15)**, the bureau may not register a motor vehicle in the
 8 name of the person whose motor vehicle has been seized until the
 9 person proves that the person possesses a driver's license with valid
 10 driving privileges.

11 SECTION 39. IC 11-8-8-4.5, AS AMENDED BY P.L.72-2012,
 12 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 UPON PASSAGE]: Sec. 4.5. (a) Except as provided in section 22 of
 14 this chapter, as used in this chapter, "sex offender" means a person
 15 convicted of any of the following offenses:

- 16 (1) Rape (IC 35-42-4-1).
- 17 (2) Criminal deviate conduct (IC 35-42-4-2).
- 18 (3) Child molesting (IC 35-42-4-3).
- 19 (4) Child exploitation (IC 35-42-4-4(b)).
- 20 (5) Vicarious sexual gratification (including performing sexual
 21 conduct in the presence of a minor) (IC 35-42-4-5).
- 22 (6) Child solicitation (IC 35-42-4-6).
- 23 (7) Child seduction (IC 35-42-4-7).
- 24 (8) Sexual misconduct with a minor as a Class A, Class B, or
 25 Class C felony (IC 35-42-4-9), unless:
 - 26 (A) the person is convicted of sexual misconduct with a minor
 27 as a Class C felony;
 - 28 (B) the person is not more than:
 - 29 (i) four (4) years older than the victim if the offense was
 30 committed after June 30, 2007; or
 - 31 (ii) five (5) years older than the victim if the offense was
 32 committed before July 1, 2007; and
 - 33 (C) the sentencing court finds that the person should not be
 34 required to register as a sex offender.
- 35 (9) Incest (IC 35-46-1-3).
- 36 (10) Sexual battery (IC 35-42-4-8).
- 37 (11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen
 38 (18) years of age, and the person who kidnapped the victim is not
 39 the victim's parent or guardian.
- 40 (12) Criminal confinement (IC 35-42-3-3), if the victim is less
 41 than eighteen (18) years of age, and the person who confined or
 42 removed the victim is not the victim's parent or guardian.

C
o
p
y



- 1 (13) Possession of child pornography (IC 35-42-4-4(c)).
 2 (14) Promoting prostitution (IC 35-45-4-4) as a Class B felony.
 3 (15) Promotion of human trafficking (IC 35-42-3.5-1(a)(2)) if the
 4 victim is less than eighteen (18) years of age.
 5 (16) Sexual trafficking of a minor (IC 35-42-3.5-1(c)).
 6 (17) Human trafficking (IC 35-42-3.5-1(d)(3)) if the victim is less
 7 than eighteen (18) years of age.
 8 (18) Sexual misconduct by a service provider with a detained
 9 child (~~IC 35-44-1-5(c)~~). **(IC 35-44.1-3-10(c))**.
 10 (19) An attempt or conspiracy to commit a crime listed in
 11 subdivisions (1) through (18).
 12 (20) A crime under the laws of another jurisdiction, including a
 13 military court, that is substantially equivalent to any of the
 14 offenses listed in subdivisions (1) through (19).
 15 (b) The term includes:
 16 (1) a person who is required to register as a sex offender in any
 17 jurisdiction; and
 18 (2) a child who has committed a delinquent act and who:
 19 (A) is at least fourteen (14) years of age;
 20 (B) is on probation, is on parole, is discharged from a facility
 21 by the department of correction, is discharged from a secure
 22 private facility (as defined in IC 31-9-2-115), or is discharged
 23 from a juvenile detention facility as a result of an adjudication
 24 as a delinquent child for an act that would be an offense
 25 described in subsection (a) if committed by an adult; and
 26 (C) is found by a court by clear and convincing evidence to be
 27 likely to repeat an act that would be an offense described in
 28 subsection (a) if committed by an adult.
 29 (c) In making a determination under subsection (b)(2)(C), the court
 30 shall consider expert testimony concerning whether a child is likely to
 31 repeat an act that would be an offense described in subsection (a) if
 32 committed by an adult.
 33 SECTION 40. IC 11-8-8-5, AS AMENDED BY P.L.1-2012,
 34 SECTION 3, AND AS AMENDED BY P.L.72-2012, SECTION 2, IS
 35 CORRECTED AND AMENDED TO READ AS FOLLOWS
 36 [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Except as provided in
 37 section 22 of this chapter, as used in this chapter, "sex or violent
 38 offender" means a person convicted of any of the following offenses:
 39 (1) Rape (IC 35-42-4-1).
 40 (2) Criminal deviate conduct (IC 35-42-4-2).
 41 (3) Child molesting (IC 35-42-4-3).
 42 (4) Child exploitation (IC 35-42-4-4(b)).

C
O
P
Y



- 1 (5) Vicarious sexual gratification (including performing sexual
 2 conduct in the presence of a minor) (IC 35-42-4-5).
 3 (6) Child solicitation (IC 35-42-4-6).
 4 (7) Child seduction (IC 35-42-4-7).
 5 (8) Sexual misconduct with a minor as a Class A, Class B, or
 6 Class C felony (IC 35-42-4-9), unless:
 7 (A) the person is convicted of sexual misconduct with a minor
 8 as a Class C felony;
 9 (B) the person is not more than:
 10 (i) four (4) years older than the victim if the offense was
 11 committed after June 30, 2007; or
 12 (ii) five (5) years older than the victim if the offense was
 13 committed before July 1, 2007; and
 14 (C) the sentencing court finds that the person should not be
 15 required to register as a sex offender.
 16 (9) Incest (IC 35-46-1-3).
 17 (10) Sexual battery (IC 35-42-4-8).
 18 (11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen
 19 (18) years of age, and the person who kidnapped the victim is not
 20 the victim's parent or guardian.
 21 (12) Criminal confinement (IC 35-42-3-3), if the victim is less
 22 than eighteen (18) years of age, and the person who confined or
 23 removed the victim is not the victim's parent or guardian.
 24 (13) Possession of child pornography (IC 35-42-4-4(c)).
 25 (14) Promoting prostitution (IC 35-45-4-4) as a Class B felony.
 26 (15) Promotion of human trafficking (IC 35-42-3.5-1(a)(2)) if the
 27 victim is less than eighteen (18) years of age.
 28 (16) Sexual trafficking of a minor (~~IC 35-42-3.5-1(b)~~;
 29 ~~IC 35-42-3.5-1(c)~~).
 30 (17) Human trafficking (~~IC 35-42-3.5-1(c)(3)~~
 31 ~~IC 35-42-3.5-1(d)(3)~~) if the victim is less than eighteen (18)
 32 years of age.
 33 (18) Murder (IC 35-42-1-1).
 34 (19) Voluntary manslaughter (IC 35-42-1-3).
 35 (20) *Sexual misconduct by a service provider with a detained*
 36 *child* (~~IC 35-44-1-5(e)~~). **(IC 35-44.1-3-10(c))**.
 37 ~~(20)~~ (21) An attempt or conspiracy to commit a crime listed in
 38 subdivisions (1) through ~~(19)~~: (20).
 39 ~~(21)~~ (22) A crime under the laws of another jurisdiction, including
 40 a military court, that is substantially equivalent to any of the
 41 offenses listed in subdivisions (1) through ~~(20)~~: (21).
 42 (b) The term includes:

C
o
p
y

- 1 (1) a person who is required to register as a sex or violent
- 2 offender in any jurisdiction; and
- 3 (2) a child who has committed a delinquent act and who:
- 4 (A) is at least fourteen (14) years of age;
- 5 (B) is on probation, is on parole, is discharged from a facility
- 6 by the department of correction, is discharged from a secure
- 7 private facility (as defined in IC 31-9-2-115), or is discharged
- 8 from a juvenile detention facility as a result of an adjudication
- 9 as a delinquent child for an act that would be an offense
- 10 described in subsection (a) if committed by an adult; and
- 11 (C) is found by a court by clear and convincing evidence to be
- 12 likely to repeat an act that would be an offense described in
- 13 subsection (a) if committed by an adult.

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

18 SECTION 41. IC 12-8-1.5-9, AS ADDED BY P.L.160-2012,
 19 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 UPON PASSAGE]: Sec. 9. ~~(a)~~ Consistent with the powers and duties
 21 of the secretary under this article, the secretary may adopt rules under
 22 IC 4-22-2 relating to the exercise of those powers and duties.

23 ~~(b) The secretary may adopt emergency rules under~~
 24 ~~IC 4-22-2-37.1(a)(37) for the following:~~

- 25 ~~(1) Federal Medicaid waiver program provisions;~~
- 26 ~~(2) Federal programs administered by the office of the secretary.~~
- 27 ~~This subsection expires December 31, 2012.~~

28 SECTION 42. IC 12-13-14-13, AS ADDED BY P.L.96-2009,
 29 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 UPON PASSAGE]: Sec. 13. ~~(a) Before January 1, 2010,~~ The division
 31 shall implement a program that provides a farmers' market
 32 administrator or a retailer who sells food at a farmers' market with a
 33 wired or wireless point of sale terminal that is connected to the EBT
 34 system.

35 ~~(b) Notwithstanding subsection (a), the director of the division of~~
 36 ~~family resources may limit, to a number not less than twenty (20), the~~
 37 ~~number of wired or wireless point of sale terminals that are:~~

- 38 ~~(1) connected to the EBT system; and~~
- 39 ~~(2) issued to a farmer's market administrator or a retailer who sells~~
 40 ~~food at a farmers' market.~~

41 ~~This subsection expires July 1, 2010.~~

42 SECTION 43. IC 13-11-2-17, AS AMENDED BY P.L.133-2012,

C
o
p
y



1 SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JANUARY 1, 2013 (RETROACTIVE)]: Sec. 17. (a) "Board", except
3 as provided in subsections (b) through (d), refers to the environmental
4 rules board established by IC 13-13-8-3.

5 (b) "Board", for purposes of IC 13-21, refers to the board of
6 directors of a solid waste management district.

7 (c) "Board", for purposes of ~~IC 13-14~~, IC 13-23-11, and
8 ~~IC 13-30-2-1~~, refers to the underground storage tank financial
9 assurance board.

10 (d) "Board", for purposes of IC 13-26, refers to the board of trustees
11 of a regional water, sewage, or solid waste district.

12 SECTION 44. IC 13-17-3-4, AS AMENDED BY P.L.159-2011,
13 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 UPON PASSAGE]: Sec. 4. (a) The board shall adopt rules under
15 IC 4-22-2 that are:

16 (1) consistent with the general intent and purposes declared in
17 IC 13-17-1 and section 1 of this chapter; and

18 (2) necessary to the implementation of the federal Clean Air Act
19 (42 U.S.C. 7401 et seq.), as amended by the Clean Air Act
20 Amendments of 1990 (P.L.101-549).

21 (b) Notwithstanding IC 13-15-5, the board may adopt rules under
22 IC 4-22-2 and IC 13-14-9 that allow the commissioner's actions on
23 permits and permit modifications to become effective immediately,
24 regardless of whether a thirty (30) day comment period is held on the
25 permits or permit modifications. The board may adopt rules under this
26 subsection only after considering the:

27 (1) environmental significance of;

28 (2) federal requirements for federally delegated or approved
29 programs concerning; and

30 (3) need for opportunity for public participation on;
31 the permits or permit modifications.

32 (c) The board may adopt rules to require sources to report hazardous
33 air pollutant emissions if the reporting is necessary to demonstrate
34 compliance with emissions and other performance standards
35 established under 42 U.S.C. 7412 or 42 U.S.C. 7429. The board may
36 amend 326 IAC 2-6 to allow the department to request hazardous air
37 pollutant emissions data from individual sources for the purpose of site
38 specific studies of hazardous air pollutant:

39 (1) emissions; and

40 (2) impacts.

41 (d) The board may amend 326 IAC 2-6 or adopt new rules to
42 establish a general requirement for sources to report hazardous air

C
o
p
y



1 pollutant emissions (as defined by 42 U.S.C. 7412(b)). However, the
 2 rules amended or adopted by the board under this subsection may not
 3 require sources to report hazardous air pollutant emissions before
 4 January 1, 2004.

5 (e) For purposes of rules adopted by the board, a reference to
 6 "chemical process plants" does not include an ethanol production
 7 operation that:

8 (1) produces ethanol by natural fermentation after July 2, 2007;
 9 and

10 (2) is included in the North American Industry Classification
 11 System (NAICS) code:

12 (A) 325193 (Ethyl Alcohol Manufacturing); or

13 (B) 312140 (Distilleries);

14 as described in 72 FR 24059 et seq. (May 1, 2007).

15 This subsection expires April 1, 2012.

16 SECTION 45. IC 13-23-8-4, AS AMENDED BY P.L.19-2012,
 17 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 UPON PASSAGE]: Sec. 4. (a) Except as provided under subsection
 19 (b), and subject to section 4.5 of this chapter, an owner or operator may
 20 receive money from the excess liability trust fund under section 1 of
 21 this chapter only if the owner or operator is in substantial compliance
 22 (as defined in 328 IAC 1-1-9) with the following requirements:

23 (1) The owner or operator has complied with the following:

24 (A) This article or IC 13-7-20 (before its repeal).

25 (B) Rules adopted under this article or IC 13-7-20 (before its
 26 repeal).

27 A release from an underground petroleum storage tank may not
 28 prevent an owner or operator from establishing compliance with
 29 this subdivision to receive money from the excess liability fund.

30 (2) The owner or operator has paid all registration fees that are
 31 required under rules adopted under IC 13-23-8-4.5.

32 (3) The owner or operator has provided the commissioner with
 33 evidence of payment of the amount of liability the owner or
 34 operator is required to pay under section 2 of this chapter.

35 (4) A corrective action plan is approved by the commissioner or
 36 deemed approved under this subdivision. The corrective action
 37 plan for sites with a release from an underground petroleum
 38 storage tank that impacts soil or groundwater, or both, is
 39 automatically deemed approved only as long as:

40 (A) the plan conforms with:

41 (i) 329 IAC 9-4 and 329 IAC 9-5; and

42 (ii) the department's cleanup guidelines set forth in the

C
O
P
Y



- 1 Underground Storage Tank Branch Guidance Manual,
2 including the department's risk integrated system of closure
3 standards; and
4 (B) the soil and groundwater contamination is confined to the
5 owner's or operator's property.
- 6 If the corrective action plan fails to satisfy any of the requirements
7 of clause (A) or (B), the plan is automatically deemed
8 disapproved. If a corrective action plan is disapproved, the
9 claimant may supplement the plan. The corrective action plan is
10 automatically deemed approved when the cause for the
11 disapproval is corrected. For purposes of this subdivision, in the
12 event of a conflict between compliance with the corrective action
13 plan and the department's standards in clause (A), the
14 department's standards control. For purposes of this subdivision,
15 if there is a conflict between compliance with the corrective
16 action plan and the board's rules, the board's rules control. The
17 department may audit any corrective action plan. If the
18 commissioner denies the plan, a detailed explanation of all the
19 deficiencies of the plan must be provided with the denial.
- 20 (b) An owner, operator, or transferee of property under subsection
21 (e) is eligible to receive money from the fund before the owner,
22 operator, or transferee has a corrective action plan approved or deemed
23 approved if:
- 24 (1) the work for which payment is sought under IC 13-23-9-2 was
25 an initial response to a petroleum release that created the need for
26 emergency action to abate an immediate threat of harm to human
27 health, property, or the environment;
- 28 (2) the work is for a site characterization completed in accordance
29 with 329 IAC 9-5; or
- 30 (3) the department has not acted upon a corrective action plan
31 submitted under IC 13-23-9-2 within ninety (90) days after the
32 date the department receives the:
- 33 (A) plan; or
34 (B) application to the fund;
35 whichever is later.
- 36 (c) The amount of money an owner, operator, or transferee of
37 property under subsection (e) is eligible to receive from the fund under
38 subsection (b) must be calculated in accordance with 328 IAC 1-3.
- 39 (d) An owner, an operator, or a transferee of property described in
40 subsection (e) eligible to receive money from the fund under this
41 section may assign that right to another person.
- 42 (e) A transferee of property upon which a tank was located is

C
o
p
y

1 eligible to receive money from the fund under this section if any of the
 2 following ~~conditions are met~~ **subdivisions apply:**

3 (1) The transferor of the property was eligible to receive money
 4 under this section with respect to the property.

5 (2) **All of the following conditions are met:**

6 (A) ~~The transferee acquires~~ **acquired** ownership or operation
 7 of an underground petroleum storage tank as a result of a bona
 8 fide, good faith transaction, negotiated at arm's length,
 9 between parties under separate ownership.

10 (B) ~~The~~ transferor failed to pay fees due under IC 13-23-12-1.
 11 ~~and~~

12 (C) ~~The~~ department failed to record a lien against the property
 13 under IC 13-23-7-10.

14 (3) The transferee pays all applicable tank fees under
 15 IC 13-23-12-1, including past due fees and interest for each tank,
 16 not more than thirty (30) days after receiving notice of the
 17 indebtedness.

18 SECTION 46. IC 14-13-1-41, AS ADDED BY P.L.51-2012,
 19 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 UPON PASSAGE]: Sec. 41. (a) The commission may establish a
 21 nonprofit subsidiary corporation that is exempt from federal income
 22 taxation under Section 501(c)(3) of the Internal Revenue Code, to
 23 solicit and accept private funding, gifts, donations, bequests, devises,
 24 and contributions.

25 (b) A subsidiary corporation established under this section:

26 (1) shall use money received under subsection (a) to carry out in
 27 any manner the purposes of and programs under this chapter;

28 (2) shall report to the budget committee each year concerning:

29 (A) the use of money received under subsection (a); and

30 (B) the balances in any accounts or funds established by the
 31 subsidiary corporation; and

32 (3) may deposit money received under subsection (a) in an
 33 account or fund that is:

34 (A) administered by the subsidiary corporation; and

35 (B) not part of the state treasury.

36 (c) A subsidiary corporation established under this section ~~is~~ **shall**
 37 **be** governed by a board of directors comprised of:

38 (1) the members of the commission appointed under section 6 of
 39 this chapter; and

40 (2) any other directors that the members of the commission
 41 appoint.

42 (d) Employees of the commission shall provide administrative

C
O
P
Y



1 support for a subsidiary corporation established under this section.

2 (e) The state board of accounts shall annually audit a subsidiary
3 corporation established under this section.

4 SECTION 47. IC 14-25-15-7, AS ADDED BY P.L.4-2008,
5 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 UPON PASSAGE]: Sec. 7. (a) Except as provided in section 8 of this
7 chapter, a person must, under the rules established under section 5(4)
8 of this chapter, obtain a permit from the department for a daily
9 withdrawal in excess of any of the following, calculated on average
10 over any ninety (90) day period:

11 (1) Five million (5,000,000) gallons from Lake Michigan surface
12 water.

13 (2) Subject to subsection (b), one hundred thousand (100,000)
14 gallons from a salmonid stream.

15 (3) For any other surface water or groundwater source, one
16 million **(1,000,000)** gallons. (~~1,000,000~~).

17 (b) Notwithstanding 327 IAC 2-1.5-5(a)(3), the salmonid streams
18 subject to subsection (a)(2) are the following:

19 (1) Trail Creek and its tributaries downstream to Lake Michigan.

20 (2) Galien River and its tributaries in LaPorte County.

21 (3) East Branch of the Little Calumet River and its tributaries
22 downstream to Lake Michigan via Burns Ditch.

23 (4) St. Joseph River and its tributaries in St. Joseph County from
24 the Twin Branch Dam in Mishawaka downstream to the
25 Indiana/Michigan state line.

26 (5) Subject to subsection (c), any other watercourse determined
27 by rule by the commission.

28 (c) Before adopting a rule under subsection (b)(5), the commission
29 shall seek input from the U.S. Fish and Wildlife Service.

30 SECTION 48. IC 15-19-7-29, AS AMENDED BY P.L.99-2012,
31 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
32 UPON PASSAGE]: Sec. 29. A commercial feed is considered
33 adulterated if it meets any of the following conditions:

34 (1) It bears or contains a poisonous or deleterious substance that
35 may render it injurious to health. However, if the substance is not
36 an added substance, the commercial feed is not considered to be
37 adulterated under this subdivision if the quantity of the substance
38 in the commercial feed does not ordinarily render it injurious to
39 health.

40 (2) It contains an added poisonous, added deleterious, or added
41 nonnutritive substance that is unsafe within the meaning of
42 Section 406 of the federal Food, Drug, and Cosmetic Act (21

C
o
p
y



- 1 U.S.C. 346) other than one that is:
 2 (A) a pesticide chemical in or on a raw agricultural
 3 commodity; or
 4 (B) a food additive.
 5 (3) It is, or it contains, a food additive that is unsafe within the
 6 meaning of Section 409 of the federal Food, Drug, and Cosmetic
 7 Act (21 U.S.C. 348).
 8 (4) It is a raw agricultural commodity and it contains a pesticide
 9 chemical that is unsafe within the meaning of Section 408(a) of
 10 the federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(a)).
 11 However, if a pesticide chemical has been used in or on a raw
 12 agricultural commodity in conformity with an exemption granted
 13 or a tolerance prescribed under Section 408 of the federal Food,
 14 Drug, and Cosmetic Act (21 U.S.C. 346a) and the raw agricultural
 15 commodity has been subjected to processing, such as canning,
 16 cooking, freezing, dehydrating, or milling, the residue of the
 17 pesticide chemical remaining in or on the processed feed is not
 18 considered unsafe if:
 19 (A) the residue in or on the raw agricultural commodity has
 20 been removed to the extent possible in good manufacturing
 21 practice;
 22 (B) the concentration of the residue in the processed feed is
 23 not greater than the tolerance prescribed for the raw
 24 agricultural commodity; and
 25 (C) the feeding of the processed feed will not result, or is not
 26 likely to result, in a pesticide residue in the edible product of
 27 the animal that is unsafe within the meaning of Section 408(a)
 28 of the federal Food, Drug, and Cosmetic Act (21 U.S.C.
 29 346a(a)).
 30 (5) It is, or it contains, a color additive that is unsafe within the
 31 meaning of Section 721 of the federal Food, Drug, and Cosmetic
 32 Act (21 U.S.C. 379e).
 33 (6) It is, or it contains, an animal drug that is unsafe within the
 34 meaning of Section 512 of the federal Food, Drug, and Cosmetic
 35 Act (21 U.S.C. 360b).
 36 (7) If any valuable constituent has been in whole or in part
 37 omitted or abstracted from the commercial feed or any less
 38 valuable substance has been substituted for a valuable constituent.
 39 (8) Its composition or quality falls below or differs from that
 40 which it is purported or is represented to possess by its labeling.
 41 (9) It contains a drug and the methods used in or the facilities or
 42 controls used for its manufacture, processing, or packaging do not

C
o
p
y



1 conform to current good manufacturing practice rules adopted by
2 the state chemist to ensure that the drug:

3 (A) meets the requirement of this chapter as to safety; and

4 (B) has the identity and strength, and meets the quality and
5 purity characteristics that it is represented to possess.

6 In adopting these rules, the state chemist shall adopt the current
7 good manufacturing practice regulations for Type A medicated
8 articles and Type B and Type C medicated feeds established
9 under authority of the federal Food, Drug, and Cosmetic Act (21
10 U.S.C. 301 et seq.), unless the state chemist determines that they
11 are not appropriate to the conditions that exist in Indiana.

12 (10) It contains viable weed seeds in amounts exceeding the limits
13 the state chemist establishes by rule.

14 (11) It consists in whole or in part of any filthy, putrid, or
15 decomposed substance, or it is otherwise unfit for feed.

16 (12) It has been prepared, packed, or held under unsanitary
17 conditions **where under which:**

18 (A) it may become contaminated with filth; or

19 (B) ~~where~~ it may have ~~been~~ become injurious to health.

20 (13) It is, in whole or in part, the product of a diseased animal or
21 of an animal that has died by means other than slaughter.

22 (14) It is unsafe within the meaning of Section 402(a)(1) or
23 402(a)(2) of the federal Food, Drug, and Cosmetic Act (21 U.S.C.
24 342(a)(1) and 21 U.S.C. 342(a)(2)).

25 (15) Its container is composed, in whole or in part, of any
26 poisonous or deleterious substance that may render the contents
27 injurious to health.

28 (16) It has been intentionally subjected to radiation, unless the use
29 of radiation was in conformity with a regulation or exemption in
30 effect under Section 409 of the Federal Food, Drug, and Cosmetic
31 Act (21 U.S.C. 348).

32 SECTION 49. IC 16-18-2-7, AS AMENDED BY P.L.77-2012,
33 SECTION 5, AND AS AMENDED BY P.L.114-2012, SECTION 39,
34 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
35 [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) "Advanced life support",
36 for purposes of IC 16-31, means care that is given:

37 (1) at the scene of:

38 (A) an accident;

39 (B) an act of terrorism (as defined in IC 35-31.5-2-329), if the
40 governor has declared a disaster emergency under
41 IC 10-14-3-12 in response to the act of terrorism; or

42 (C) an illness;

C
o
p
y



1 (2) during transport; or
 2 (3) at a hospital;
 3 by a paramedic or an *advanced* emergency medical
 4 *technician-intermediate technician* and that is more advanced than the
 5 care usually provided by an emergency medical technician. *or an*
 6 *emergency medical technician-basic advanced.*

7 (b) The term may include any of the following:

- 8 (1) Defibrillation.
 9 (2) Endotracheal intubation.
 10 (3) Parenteral injections of appropriate medications.
 11 (4) Electrocardiogram interpretation.
 12 (5) Emergency management of trauma and illness.

13 SECTION 50. IC 20-19-2-8, AS AMENDED BY P.L.145-2011,
 14 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 UPON PASSAGE]: Sec. 8. (a) In addition to any other powers and
 16 duties prescribed by law, the state board shall adopt rules under
 17 IC 4-22-2 concerning, but not limited to, the following matters:

18 (1) The designation and employment of the employees and
 19 consultants necessary for the department. The state board shall fix
 20 the compensation of employees of the department, subject to the
 21 approval of the budget committee and the governor under
 22 IC 4-12-2.

23 (2) The establishment and maintenance of standards and
 24 guidelines for media centers, libraries, instructional materials
 25 centers, or any other area or system of areas in a school where a
 26 full range of information sources, associated equipment, and
 27 services from professional media staff are accessible to the school
 28 community. With regard to library automation systems, the state
 29 board may only adopt rules that meet the standards established by
 30 the state library board for library automation systems under
 31 IC 4-23-7.1-11(b).

32 (3) The establishment and maintenance of standards for student
 33 personnel and guidance services.

34 ~~(4) This subdivision expires December 31, 2011. The~~
 35 ~~establishment and maintenance of minimum standards for driver~~
 36 ~~education programs (including classroom instruction and practice~~
 37 ~~driving) and equipment. Classroom instruction standards~~
 38 ~~established under this subdivision must include instruction about:~~

39 (A) railroad-highway grade crossing safety; and

40 (B) the procedure for participation in the human organ donor
 41 program;

42 and must provide, effective July 1, 2010, that the classroom

C
o
p
y



1 instruction may not be provided to a child less than fifteen (15)
 2 years and one hundred eighty (180) days of age.

3 ~~(5)~~ (4) The inspection of all public schools in Indiana to
 4 determine the condition of the schools. The state board shall
 5 establish standards governing the accreditation of public schools.

6 Observance of:

7 (A) IC 20-31-4;

8 (B) IC 20-28-5-2;

9 (C) IC 20-28-6-3 through IC 20-28-6-7;

10 (D) IC 20-28-11.5; and

11 (E) IC 20-31-3, IC 20-32-4, IC 20-32-5, IC 20-32-6, and
 12 IC 20-32-8;

13 is a prerequisite to the accreditation of a school. Local public
 14 school officials shall make the reports required of them and
 15 otherwise cooperate with the state board regarding required
 16 inspections. Nonpublic schools may also request the inspection
 17 for classification purposes. Compliance with the building and site
 18 guidelines adopted by the state board is not a prerequisite of
 19 accreditation.

20 ~~(6)~~ (5) The distribution of funds and revenues appropriated for the
 21 support of schools in the state.

22 ~~(7)~~ (6) The state board may not establish an accreditation system
 23 for nonpublic schools that is less stringent than the accreditation
 24 system for public schools.

25 ~~(8)~~ (7) A separate system for recognizing nonpublic schools under
 26 IC 20-19-2-10. Recognition of nonpublic schools under this
 27 subdivision constitutes the system of regulatory standards that
 28 apply to nonpublic schools that seek to qualify for the system of
 29 recognition.

30 ~~(9)~~ (8) The establishment and enforcement of standards and
 31 guidelines concerning the safety of students participating in
 32 cheerleading activities.

33 ~~(10)~~ (9) Subject to IC 20-28-2, the preparation and licensing of
 34 teachers.

35 (b) Before final adoption of any rule, the state board shall make a
 36 finding on the estimated fiscal impact that the rule will have on school
 37 corporations.

38 SECTION 51. IC 20-19-3-11, AS ADDED BY P.L.46-2012,
 39 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 UPON PASSAGE]: Sec. 11. (a) The department, in collaboration with
 41 the department of child services and organizations that have expertise
 42 in child abuse, including child sexual abuse, shall identify or develop:

C
 O
 P
 Y



- 1 (1) research and evidence based model educational materials on
 2 child abuse and child sexual abuse; and
 3 (2) a model for child abuse and child sexual abuse response
 4 policies and reporting procedures.
 5 To identify or develop models under this subsection, the department
 6 may not hire additional staff members or expend funds not already
 7 included in the department's budget.
 8 (b) Not later than July 1, 2013, the department shall make the
 9 models developed or identified under this section available to assist
 10 schools with the implementation of:
 11 (1) child abuse and child sexual abuse education programs in
 12 grade 2 through grade 5; and
 13 (2) child abuse and child sexual abuse response and reporting
 14 policies.
 15 (c) The model educational materials on child abuse and child sexual
 16 abuse identified or developed under subsection (a) may include the
 17 following topics:
 18 (1) Warning signs of a child who is being abused or sexually
 19 abused.
 20 (2) The basic principles of child abuse and child sexual abuse
 21 prevention.
 22 (3) Methods of student, teacher, and parental education and
 23 outreach.
 24 (d) The model child abuse and child sexual abuse response and
 25 reporting policies referred to in subsection (b) may include the
 26 following topics:
 27 (1) Actions that a child who is a victim of abuse or sexual abuse
 28 may take to obtain assistance.
 29 (2) Interventions.
 30 (3) Counseling options.
 31 (4) Educational support available for a child who is a victim of
 32 abuse or sexual abuse **to enable the child** to continue to be
 33 successful in school.
 34 (5) Reporting procedures.
 35 (e) A school that chooses to use the model educational materials
 36 developed under subsection (a) shall inform the parents of students in
 37 the grade levels in which the materials could be used, in writing and by
 38 posting on the school's Internet web site, that a parent may:
 39 (1) examine and review the model educational materials before
 40 the materials are taught; and
 41 (2) decide if the parent's child will be instructed with the model
 42 educational materials.

C
O
P
Y



1 (f) If a parent decides that the parent's child may be taught using the
 2 model educational materials, the parent shall notify the school of the
 3 parent's decision in writing or electronically.

4 SECTION 52. IC 20-24-9-7, AS ADDED BY P.L.148-2012,
 5 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 UPON PASSAGE]: Sec. 7. The organizer of a charter school shall
 7 publish the names of **the members** of the charter school's governing
 8 body on the school's Internet web site.

9 SECTION 53. IC 20-25-13-5, AS ADDED BY P.L.1-2005,
 10 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 UPON PASSAGE]: Sec. 5. Development and implementation of a staff
 12 performance evaluation plan for each school is a condition for
 13 accreditation for the school under ~~IC 20-19-2-8(a)(5)~~.
 14 **IC 20-19-2-8(a)(4).**

15 SECTION 54. IC 20-45-1 IS REPEALED [EFFECTIVE UPON
 16 PASSAGE]. (Definitions).

17 SECTION 55. IC 21-7-13-6, AS AMENDED BY P.L.107-2012,
 18 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 UPON PASSAGE]: Sec. 6. (a) "Approved postsecondary educational
 20 institution", for purposes of this title (except section 15 of this chapter,
 21 IC 21-12-6, ~~IC 21-12-7~~, and IC 21-13-1-4) means the following:

22 (1) A postsecondary educational institution that operates in
 23 Indiana and:

24 (A) provides an organized two (2) year or longer program of
 25 collegiate grade directly creditable toward a baccalaureate
 26 degree;

27 (B) is either operated by the state or operated nonprofit; and

28 (C) is accredited by a recognized regional accrediting agency,
 29 including:

- 30 (i) Ancilla College;
- 31 (ii) Anderson University;
- 32 (iii) Bethel College;
- 33 (iv) Butler University;
- 34 (v) Calumet College of St. Joseph;
- 35 (vi) DePauw University;
- 36 (vii) Earlham College;
- 37 (viii) Franklin College;
- 38 (ix) Goshen College;
- 39 (x) Grace College and Seminary;
- 40 (xi) Hanover College;
- 41 (xii) Holy Cross College;
- 42 (xiii) Huntington University;



C
o
p
y

- 1 (xiv) Indiana Institute of Technology;
 2 (xv) Indiana Wesleyan University;
 3 (xvi) Manchester College;
 4 (xvii) Marian University;
 5 (xviii) Martin University;
 6 (xix) Oakland City University;
 7 (xx) Rose-Hulman Institute of Technology;
 8 (xxi) Saint Joseph's College;
 9 (xxii) Saint Mary-of-the-Woods College;
 10 (xxiii) Saint Mary's College;
 11 (xxiv) Taylor University;
 12 (xxv) Trine University;
 13 (xxvi) University of Evansville;
 14 (xxvii) University of Indianapolis;
 15 (xxviii) University of Notre Dame;
 16 (xxix) University of Saint Francis;
 17 (xxx) Valparaiso University; and
 18 (xxxi) Wabash College;
 19 or is accredited by the board for proprietary education under
 20 IC 21-18.5-6 or an accrediting agency recognized by the
 21 United States Department of Education.
 22 (2) Ivy Tech Community College.
 23 (3) A hospital that operates a nursing diploma program that is
 24 accredited by the Indiana state board of nursing.
 25 (4) A postsecondary credit bearing proprietary educational
 26 institution that meets the following requirements:
 27 (A) Is incorporated in Indiana, or is registered as a foreign
 28 corporation doing business in Indiana.
 29 (B) Is fully accredited by and is in good standing with the
 30 board for proprietary education under IC 21-18.5-6.
 31 (C) Is accredited by and is in good standing with a regional or
 32 national accrediting agency.
 33 (D) Offers a course of study that is at least eighteen (18)
 34 consecutive months in duration (or an equivalent to be
 35 determined by the board for proprietary education under
 36 IC 21-18.5-6) and that leads to an associate or a baccalaureate
 37 degree recognized by the board for proprietary education
 38 under IC 21-18.5-6.
 39 (E) Is certified by the board for proprietary education as
 40 meeting the requirements of this subdivision.
 41 (b) "Approved postsecondary educational institution" for purposes
 42 of section 15 of this chapter, IC 21-12-6, ~~IC 21-12-7~~, and IC 21-13-1-4,

C
O
P
Y

- 1 means the following:
- 2 (1) A state educational institution.
- 3 (2) A nonprofit college or university.
- 4 (3) A postsecondary credit bearing proprietary educational
- 5 institution that is accredited by an accrediting agency recognized
- 6 by the United States Department of Education.
- 7 SECTION 56. IC 21-18.5-1-1, AS ADDED BY P.L.107-2012,
- 8 SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 9 UPON PASSAGE]: Sec. 1. (a) As used in this section, "contract" refers
- 10 to a contract or guarantee entered into by the state student assistance
- 11 commission (before its abolishment on July 1, 2012) or by the state
- 12 student assistance commission (as it existed before the enactment of
- 13 P.L.128-1990).
- 14 (b) After June 30, 2012, a contract entered into by the state student
- 15 assistance commission (before its abolishment on July 1, 2012) or by
- 16 the state student assistance commission (as it existed before the
- 17 enactment of P.L. 128-1990) is a contract of the commission for higher
- 18 education established by IC 21-18-2-1.
- 19 (c) The:
- 20 (1) amendments made by P.L.128-1990; and
- 21 (2) repeal of IC 21-11 and addition of this article by ~~legislation~~
- 22 ~~enacted during the 2012 session of the general assembly;~~
- 23 **P.L.107-2012;**
- 24 do not affect the rights, duties, or obligations of the commission for
- 25 higher education established by IC 21-18-2-1 or a person who before
- 26 July 1, 2012, had a contract with the state student assistance
- 27 commission (before its abolishment on July 1, 2012) or with the state
- 28 student assistance commission (as it existed before the enactment of
- 29 P.L.128-1990).
- 30 (d) A person or the commission for higher education established by
- 31 IC 21-18-2-1 may enforce a right or compel performance of a duty with
- 32 respect to a contract as if:
- 33 (1) P.L.128-1990; and
- 34 (2) the repeal of IC 21-11 and conforming amendments made to
- 35 IC 21-7 through IC 21-17 by ~~legislation enacted during the 2012~~
- 36 ~~session of the general assembly; P.L.107-2012;~~
- 37 had not been enacted.
- 38 SECTION 57. IC 21-18.5-1-4, AS ADDED BY P.L.107-2012,
- 39 SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 40 UPON PASSAGE]: Sec. 4. (a) Changes made by P.L.218-1987 do not
- 41 affect:
- 42 (1) rights or liabilities accrued;

C
o
p
y



1 (2) penalties incurred;
 2 (3) crimes committed; or
 3 (4) proceedings begun;
 4 before July 1, 1987. These rights, liabilities, penalties, crimes, and
 5 proceedings continue and shall be imposed and enforced under prior
 6 law as if P.L.218-1987 had not been enacted.

7 (b) The abolishment of the Indiana commission on proprietary
 8 education on July 1, 2012, by ~~legislation enacted during the 2012~~
 9 ~~session of the general assembly P.L.107-2012~~ does not affect:

10 (1) rights or liabilities accrued;
 11 (2) penalties incurred;
 12 (3) crimes committed; or
 13 (4) proceedings begun;

14 before July 1, 2012, that pertain to a postsecondary credit bearing
 15 proprietary educational institution. These rights, liabilities, penalties,
 16 crimes, and proceedings continue and shall be imposed and enforced
 17 by the board for proprietary education established by IC 21-18.5-5-1.

18 (c) The abolishment of the Indiana commission on proprietary
 19 education on July 1, 2012, by ~~legislation enacted during the 2012~~
 20 ~~session of the general assembly P.L.107-2012~~ does not affect:

21 (1) rights or liabilities accrued;
 22 (2) penalties incurred;
 23 (3) crimes committed; or
 24 (4) proceedings begun;

25 before July 1, 2012, that pertain to a postsecondary proprietary
 26 educational institution (as defined in IC 22-4.1-21-9). These rights,
 27 liabilities, penalties, crimes, and proceedings continue and shall be
 28 imposed and enforced by the state workforce innovation council
 29 established under IC 22-4-18.1-3.

30 SECTION 58. IC 21-18.5-6-12, AS ADDED BY P.L.107-2012,
 31 SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 UPON PASSAGE]: Sec. 12. (a) After an investigation and a finding
 33 that the information in the application is true and **that** the
 34 postsecondary credit bearing proprietary educational institution meets
 35 the minimum standards, the ~~commission on postsecondary proprietary~~
 36 ~~education board for proprietary education~~ shall issue an
 37 accreditation to the postsecondary credit bearing proprietary
 38 educational institution upon payment of an additional fee of at least
 39 twenty-five dollars (\$25). An applicant's market research may not be
 40 considered or required by the board for proprietary education as a
 41 condition for accrediting or renewing the accreditation of or for
 42 approval of the programs of a postsecondary credit bearing proprietary

C
O
P
Y



- 1 educational institution.
- 2 (b) The board for proprietary education may waive inspection of a
3 postsecondary credit bearing proprietary educational institution that has
4 been accredited by an accrediting unit whose standards are approved
5 by the board for proprietary education as meeting or exceeding the
6 requirements of this chapter.
- 7 (c) A valid license, approval to operate, or other form of
8 accreditation issued to a postsecondary credit bearing proprietary
9 educational institution by another state may be accepted, instead of
10 inspection, if:
- 11 (1) the requirements of that state meet or exceed the requirements
12 of this chapter; and
- 13 (2) the other state will, in turn, extend reciprocity to
14 postsecondary credit bearing proprietary educational institutions
15 accredited by the board for proprietary education.
- 16 (d) An accreditation issued under this section expires one (1) year
17 following the accreditation's issuance.
- 18 (e) An accredited postsecondary credit bearing proprietary
19 educational institution may renew the institution's accreditation
20 annually upon:
- 21 (1) the payment of a fee of at least twenty-five dollars (\$25); and
22 (2) continued compliance with this chapter.
- 23 SECTION 59. IC 21-18.5-6-20, AS ADDED BY P.L.107-2012,
24 SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 UPON PASSAGE]: Sec. 20. (a) This section applies to claims against
26 the balance of the career college student assurance fund.
- 27 (b) A student or ~~an~~ enrollee of a postsecondary credit bearing
28 proprietary educational institution who believes that the student or
29 enrollee has suffered loss or damage resulting from any of the
30 occurrences described in section 6(a) of this chapter may ~~request the~~
31 ~~board for proprietary education to~~ file a claim with the board for
32 proprietary education against the balance of the fund.
- 33 (c) A claim under this section is limited to a refund of the claimant's
34 applicable tuition and fees.
- 35 (d) All claims must be filed not later than five (5) years after the
36 occurrence resulting in the loss or damage to the claimant occurs.
- 37 (e) Upon the filing of a claim under this section, the board for
38 proprietary education shall review the records submitted by the
39 appropriate postsecondary credit bearing proprietary educational
40 institution described under section 12 of this chapter and shall
41 investigate the claim.
- 42 (f) Upon a determination by the ~~commission on postsecondary~~

C
O
P
Y



1 ~~proprietary education board for proprietary education~~ that a claimant
 2 shall be reimbursed under the career college student assurance fund,
 3 the board for proprietary education shall prioritize the reimbursements
 4 under the following guidelines:

- 5 (1) A student's educational loan balances.
- 6 (2) Federal grant repayment obligations of the student.
- 7 (3) Other expenses paid directly by the student.

8 SECTION 60. IC 21-18.5-6-26, AS ADDED BY P.L.107-2012,
 9 SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 UPON PASSAGE]: Sec. 26. (a) As used in this section, "fund" means
 11 the postsecondary credit bearing proprietary educational institution
 12 accreditation fund established by subsection (b).

13 (b) The postsecondary credit bearing proprietary educational
 14 institution accreditation fund is established.

15 (c) The fund shall be administered by the commission (as defined
 16 in IC 21-18.5-2-7.).

17 (d) Money in the fund at the end of a state fiscal year does not revert
 18 to the general fund.

19 (e) All fees collected by the board for proprietary education under
 20 this chapter shall be deposited in the fund.

21 (f) Money in the fund shall be used by the board for ~~postsecondary~~
 22 proprietary education to administer this chapter.

23 SECTION 61. IC 24-4-18-8, AS ADDED BY P.L.69-2012,
 24 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2013]: Sec. 8. (a) **If there is a violation of section 6 or 7 of**
 26 **this chapter**, the attorney general may bring an action to enforce a
 27 ~~violation of section 6 or 7 of this chapter~~. In addition to any injunctive
 28 or other relief, the attorney general may recover a civil penalty of:

- 29 (1) not more than one thousand dollars (\$1,000) for a first
 30 violation; and
- 31 (2) not more than five thousand dollars (\$5,000) for a second or
 32 subsequent violation.

33 (b) Any person injured by a violation of section 6 or 7 of this
 34 chapter may bring an action to recover:

- 35 (1) the greater of:
 - 36 (A) actual damages, including consequential damages; or
 - 37 (B) liquidated damages of five hundred dollars (\$500); and
- 38 (2) court costs and reasonable attorney's fees.

39 SECTION 62. IC 24-4.4-1-202, AS AMENDED BY P.L.27-2012,
 40 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 UPON PASSAGE]: Sec. 202. (a) As used in this section, "balloon
 42 payment", with respect to a mortgage transaction, means any payment:

C
o
p
y



- 1 that:
- 2 (1) **that** the creditor requires the debtor to make at any time
- 3 during the term of the mortgage;
- 4 (2) **that** represents the entire amount of the outstanding balance
- 5 with respect to the mortgage; and
- 6 (3) the entire amount of which is due as of a specified date or at
- 7 the end of a specified period;
- 8 if the aggregate amount of the minimum periodic payments required
- 9 under the mortgage would not fully amortize the outstanding balance
- 10 by the specified date or at the end of the specified period. The term
- 11 does not include a payment required by a creditor under a due-on-sale
- 12 clause (as defined in 12 U.S.C. 1701j-3(a)) or a payment required by
- 13 a creditor under a provision in the mortgage that permits the creditor
- 14 to accelerate the debt upon the debtor's default or failure to abide by the
- 15 material terms of the mortgage.
- 16 (b) This article does not apply to the following:
- 17 (1) Extensions of credit to government or governmental agencies
- 18 or instrumentalities.
- 19 (2) A first lien mortgage transaction in which the debt is incurred
- 20 primarily for a purpose other than a personal, family, or
- 21 household purpose.
- 22 (3) An extension of credit primarily for a business, a commercial,
- 23 or an agricultural purpose.
- 24 (4) Except for IC 24-4.4-2-401(2), IC 24-4.4-2-402.3,
- 25 IC 24-4.4-2-405(4), and IC 24-4.4-2-405(5), a first lien mortgage
- 26 transaction made:
- 27 (a) in compliance with the requirements of; and
- 28 (b) by a community development corporation (as defined in
- 29 IC 4-4-28-2) acting as a subrecipient of funds from;
- 30 the Indiana housing and community development authority
- 31 established by IC 5-20-1-3.
- 32 (5) Except for IC 24-4.4-2-401(2), IC 24-4.4-2-402.3,
- 33 IC 24-4.4-2-405(4), and IC 24-4.4-2-405(5), a first lien mortgage
- 34 transaction made by an entity that exclusively uses funds provided
- 35 by the United States Department of Housing and Urban
- 36 Development under Title 1 of the federal Housing and
- 37 Community Development Act of 1974, Public Law 93-383, as
- 38 amended (42 U.S.C. 5301 et seq.).
- 39 (6) An extension of credit originated by:
- 40 (a) a depository institution;
- 41 (b) subsidiaries that are:
- 42 (i) owned and controlled by a depository institution; and

C
o
p
y



- 1 (ii) regulated by a federal banking agency; or
 2 (c) an institution regulated by the Farm Credit Administration.
- 3 (7) Except for IC 24-4.4-2-401(2), IC 24-4.4-2-402.3,
 4 IC 24-4.4-2-405(4), and IC 24-4.4-2-405(5), a credit union service
 5 organization that is majority owned, directly or indirectly, by one
 6 (1) or more credit unions.
- 7 (8) A first lien mortgage transaction originated by a registered
 8 mortgage loan originator, when acting for an entity described in
 9 subsection (6). **However**, a privately insured state chartered credit
 10 union shall ~~also~~ comply with the system of mortgage loan
 11 originator registration developed by the Federal Financial
 12 Institutions Examinations Council under Section 1507 of the
 13 federal Secure and Fair Enforcement for Mortgage Licensing Act
 14 of 2008 (SAFE).
- 15 (9) An individual who offers or negotiates terms of a mortgage
 16 transaction with or on behalf of an immediate family member of
 17 the individual.
- 18 (10) An individual who offers or negotiates terms of a mortgage
 19 transaction secured by a dwelling that served as the individual's
 20 residence.
- 21 (11) Unless the attorney is compensated by:
 22 (a) a lender;
 23 (b) a mortgage broker;
 24 (c) another mortgage loan originator; or
 25 (d) any agent of the lender, mortgage broker, or other
 26 mortgage loan originator described in clauses (a) through (c);
 27 a licensed attorney who negotiates the terms of a mortgage
 28 transaction on behalf of a client as an ancillary matter to the
 29 attorney's representation of the client.
- 30 (12) The United States, any state or local government, or any
 31 agency or instrumentality of any governmental entity, including
 32 United States government sponsored enterprises.
- 33 (13) A person in whose name a tablefunded transaction is closed,
 34 as described in section 301(34)(a) of this chapter. However, the
 35 exemption provided by this subsection does not apply if:
 36 (a) the transaction:
 37 (i) is secured by a dwelling that is a mobile home, a
 38 manufactured home, or a trailer; and
 39 (ii) is not also secured by an interest in land; and
 40 (b) the person in whose name the transaction is closed, as
 41 described in section 301(34)(a) of this chapter, sells the
 42 dwelling to the debtor through a retail installment contract or

C
O
P
Y

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

other similar transaction.
(14) A bona fide nonprofit organization not operating in a commercial context, as determined by the director, if the following criteria are satisfied:

- (a) Subject to clause (b), the organization originates only one (1) or both of the following types of mortgage transactions:
 - (i) Zero (0) interest first lien mortgage transactions.
 - (ii) Zero (0) interest subordinate lien mortgage transactions.
- (b) The organization does not require, under the terms of the mortgage or otherwise, balloon payments with respect to the mortgage transactions described in clause (a).
- (c) The organization is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code.
- (d) The organization's primary purpose is to serve the public by helping low income individuals and families build, repair, and purchase housing.
- (e) The organization uses only:
 - (i) unpaid volunteers; or
 - (ii) employees whose compensation is not based on the number or size of any mortgage transactions that the employees originate;
 to originate the mortgage transactions described in clause (a).
- (f) The organization does not charge loan origination fees in connection with the mortgage transactions described in clause (a).

(15) A bona fide nonprofit organization (as defined in section 301(37) of this chapter) if the following criteria are satisfied:

- (a) For each calendar year that the organization seeks the exemption provided by this subdivision, the organization certifies, not later than December 31 of the preceding calendar year and on a form prescribed by the director and accompanied by such documentation as required by the director, that the organization is a bona fide nonprofit organization (as defined in section 301(37) of this chapter).
- (b) The director determines that the organization originates only mortgage transactions that are favorable to the debtor. For purposes of this clause, a mortgage transaction is favorable to the debtor if the director determines that the terms of the mortgage transaction are consistent with terms of mortgage transactions made in a public or charitable context, rather than in a commercial context.

SECTION 63. IC 24-5-23.5-4, AS AMENDED BY P.L.89-2011,

C
o
p
y



1 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 UPON PASSAGE]: Sec. 4. (a) As used in this chapter, "mortgage loan"
3 means a loan in which a mortgage (or another equivalent consensual
4 security interest) that constitutes a lien is created or retained against an
5 interest in real property in Indiana.

6 (b) The term includes the following:

7 (1) A home loan subject to IC 24-9.

8 (2) A loan described in IC 24-9-1-1, to the extent allowed under
9 federal law.

10 (3) A first lien mortgage transaction (as defined in
11 IC 24-4.4-1-301) subject to IC 24-4.4.

12 (4) A consumer credit sale subject to IC 24-4.5-2 in which a
13 mortgage (or another equivalent consensual security interest) that
14 constitutes a lien is created or retained against an interest in real
15 property in Indiana.

16 (5) A consumer credit loan subject to IC 24-4.5-3 in which a
17 mortgage (or another equivalent consensual security interest) that
18 constitutes a lien is created or retained against an interest in real
19 property in Indiana.

20 (6) A loan in which a mortgage (or another equivalent consensual
21 security interest) that constitutes a lien is created or retained
22 against land:

23 (A) that is located in Indiana;

24 (B) upon which there is a dwelling that is not or will not be
25 used by the borrower primarily for personal, family, or
26 household purposes; and

27 (C) that is classified as residential for property tax purposes.

28 The term includes a loan that is secured by land in Indiana upon
29 which there is a dwelling that is purchased by or through the
30 borrower for investment or other business purposes.

31 (c) The term does not include a land contract.

32 SECTION 64. IC 24-9-3-7, AS AMENDED BY P.L.27-2012,
33 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
34 UPON PASSAGE]: Sec. 7. (a) As used in this section, "mortgage
35 transaction" includes the following:

36 (1) A home loan subject to this article.

37 (2) To the extent allowed under federal law, a loan described in
38 IC 24-9-1-1 that is secured by a mortgage or a land contract (or
39 another consensual security interest equivalent to a mortgage or
40 a land contract) on real estate in Indiana on which there is located
41 or will be located a structure or structures:

42 (A) designed primarily for occupancy of one (1) to four (4)

C
o
p
y



- 1 families; and
- 2 (B) that is or will be occupied by a borrower as the borrower's
- 3 principal dwelling.
- 4 (3) A first lien mortgage transaction (as defined in
- 5 IC 24-4.4-1-301) subject to IC 24-4.4.
- 6 (4) A consumer credit sale subject to IC 24-4.5-2 in which a
- 7 mortgage or a land contract (or another consensual security
- 8 interest equivalent to a mortgage or a land contract) that
- 9 constitutes a lien is created or retained against land:
- 10 (A) that is located in Indiana; and
- 11 (B) upon which there is constructed or intended to be
- 12 constructed a dwelling that is or will be used by the debtor
- 13 primarily for personal, family, or household purposes.
- 14 (5) A consumer credit loan subject to IC 24-4.5-3 in which a
- 15 mortgage or a land contract (or another consensual security
- 16 interest equivalent to a mortgage or a land contract) that
- 17 constitutes a lien is created or retained against land:
- 18 (A) that is located in Indiana; and
- 19 (B) upon which there is constructed or intended to be
- 20 constructed a dwelling that is or will be used by the debtor
- 21 primarily for personal, family, or household purposes.
- 22 (6) A loan in which a mortgage or a land contract (or another
- 23 consensual security interest equivalent to a mortgage or a land
- 24 contract) that constitutes a lien is created or retained against land:
- 25 (A) that is located in Indiana;
- 26 (B) upon which there is constructed or intended to be
- 27 constructed a dwelling that is not or will not be used by the
- 28 borrower primarily for personal, family, or household
- 29 purposes; and
- 30 (C) that is classified as residential for property tax purposes.
- 31 The term includes a loan that is secured by land in Indiana upon
- 32 which there is constructed or intended to be constructed a
- 33 dwelling that is purchased by or through the borrower for
- 34 investment or other business purposes.
- 35 (7) A reverse mortgage transaction that is secured by real estate
- 36 in Indiana on which there is located a structure that is occupied by
- 37 a borrower as the borrower's principal dwelling.
- 38 (b) As used in this section, "real estate transaction" means the sale
- 39 or lease of any legal or equitable interest in real estate:
- 40 (1) that is located in Indiana;
- 41 (2) upon which there is constructed or intended to be constructed
- 42 a dwelling; and

COPY



- 1 (3) that is classified as residential for property tax purposes.
 2 (c) A person may not do any of the following:
 3 (1) Divide a home loan transaction into separate parts with the
 4 intent of evading a provision of this article.
 5 (2) Structure a home loan transaction as an open-end loan with
 6 the intent of evading the provisions of this article if the home loan
 7 would be a high cost home loan if the home loan had been
 8 structured as a closed-end loan.
 9 (3) Engage in a deceptive act in connection with a mortgage
 10 transaction or a real estate transaction.
 11 (4) Engage in, or solicit to engage in, a real estate transaction or
 12 a mortgage transaction without a permit or license required by
 13 law.
 14 (5) With respect to a real estate transaction or a mortgage
 15 transaction, represent that:
 16 (A) the transaction has:
 17 (i) certain terms or conditions; or
 18 (ii) the sponsorship or approval of a particular person or
 19 entity;
 20 that it does not have and that the person knows or reasonably
 21 should know it does not have; or
 22 (B) the real estate or property that is the subject of the
 23 transaction has any improvements, appurtenances, uses,
 24 characteristics, or associated benefits that it does not have and
 25 that the person knows or reasonably should know it does not
 26 have.
 27 (6) Maintain or offer to maintain an account for the receipt of
 28 funds for the payment of real estate taxes and insurance unless the
 29 person is any of the following:
 30 (A) Any of the following that is chartered under the laws of a
 31 state or the United States:
 32 (i) A bank.
 33 (ii) A savings and loan association.
 34 (iii) A credit union.
 35 (iv) A savings bank.
 36 (B) The creditor in a mortgage transaction.
 37 (C) A mortgage servicer acting on behalf of the creditor in a
 38 mortgage transaction.
 39 (D) A closing agent (as defined in IC 27-7-3.7-1).
 40 (7) Fail to provide the notice required under subsection (d), within
 41 the time specified in subsection (d), if the person is a seller in a
 42 real estate transaction described in subsection (d).

C
O
P
Y



1 (d) This subsection applies to a real estate transaction that involves
 2 a land contract between the seller and the buyer in the transaction. If
 3 the real estate that is the subject of the transaction is subject to any
 4 encumbrance, including any tax lien, foreclosure action, legal
 5 judgment, or other encumbrance affecting the title to the real estate, the
 6 seller must provide written notice by certified mail, return receipt
 7 requested, of the encumbrance to the buyer:

8 (1) not later than the time the land contract is executed, if the
 9 encumbrance is created before or at the time the land contract is
 10 executed; or

11 (2) not later than ten (10) business days after the encumbrance is
 12 created, if the encumbrance is created after the land contract is
 13 executed.

14 SECTION 65. IC 25-15-10-2, AS ADDED BY P.L.95-2012,
 15 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 UPON PASSAGE]: Sec. 2. As used in this section, "funeral
 17 ceremonies" ~~refer~~ **refers** to services or rites commemorating the
 18 deceased, with the dead human body present, conducted: ~~at:~~

19 (1) **in** churches;

20 (2) **in** funeral homes;

21 (3) **in** cemeteries;

22 (4) **in** crematories; or

23 (5) elsewhere.

24 Funeral ceremonies include visitations, funerals, graveside funeral
 25 services, and other similar rites or ceremonies.

26 SECTION 66. IC 25-26-13-25, AS AMENDED BY P.L.152-2012,
 27 SECTION 13, AND AS AMENDED BY P.L.159-2012, SECTION 6,
 28 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 29 [EFFECTIVE UPON PASSAGE]: Sec. 25. (a) All original
 30 prescriptions, whether in written or electronic format, shall be
 31 numbered and maintained in numerical and chronological order, or in
 32 a manner approved by the board and accessible for at least two (2)
 33 years in the pharmacy. A prescription transmitted from a practitioner
 34 by means of communication other than writing must immediately be
 35 reduced to writing or recorded in an electronic format by the
 36 pharmacist. The files shall be open for inspection to any member of the
 37 board or ~~its~~ *the board's* duly authorized agent or representative.

38 (b) A prescription may be electronically transmitted from the
 39 practitioner by computer or another electronic device to a pharmacy
 40 that is licensed under this article or any other state or territory. An
 41 electronic data intermediary that is approved by the board:

42 (1) may transmit the prescription information between the

C
o
p
y



1 prescribing practitioner and the pharmacy;
 2 (2) may archive copies of the electronic information related to the
 3 transmissions as necessary for auditing and security purposes; and
 4 (3) must maintain patient privacy and confidentiality of all
 5 archived information as required by applicable state and federal
 6 laws.

7 (c) Except as provided in subsection (d), a prescription for any drug,
 8 the label of which bears either the legend, "Caution: Federal law
 9 prohibits dispensing without prescription" or "Rx Only", may not be
 10 refilled without written, electronically transmitted, or oral authorization
 11 of a licensed practitioner.

12 (d) A prescription for any drug, the label of which bears either the
 13 legend, "Caution: Federal law prohibits dispensing without
 14 prescription" or "Rx Only", may be refilled by a pharmacist one (1)
 15 time without the written, electronically transmitted, or oral
 16 authorization of a licensed practitioner if all of the following conditions
 17 are met:

18 (1) The pharmacist has made every reasonable effort to contact
 19 the original prescribing practitioner or the practitioner's designee
 20 for consultation and authorization of the prescription refill.

21 (2) The pharmacist believes that, under the circumstances, failure
 22 to provide a refill would be seriously detrimental to the patient's
 23 health.

24 (3) The original prescription authorized a refill but a refill would
 25 otherwise be invalid for either of the following reasons:

26 (A) All of the authorized refills have been dispensed.

27 (B) The prescription has expired under subsection ~~(g)~~ (h).

28 (4) The prescription for which the patient requests the refill was:

29 (A) originally filled at the pharmacy where the request for a
 30 refill is received and the prescription has not been transferred
 31 for refills to another pharmacy at any time; or

32 (B) filled at or transferred to another location of the same
 33 pharmacy or its affiliate owned by the same parent corporation
 34 if the pharmacy filling the prescription has full access to
 35 prescription and patient profile information that is
 36 simultaneously and continuously updated on the parent
 37 corporation's information system.

38 (5) The drug is prescribed for continuous and uninterrupted use
 39 and the pharmacist determines that the drug is being taken
 40 properly in accordance with IC 25-26-16.

41 (6) The pharmacist shall document the following information
 42 regarding the refill:

C
o
p
y



- 1 (A) The information required for any refill dispensed under
2 subsection (e).
- 3 (B) The dates and times that the pharmacist attempted to
4 contact the prescribing practitioner or the practitioner's
5 designee for consultation and authorization of the prescription
6 refill.
- 7 (C) The fact that the pharmacist dispensed the refill without
8 the authorization of a licensed practitioner.
- 9 (7) The pharmacist notifies the original prescribing practitioner
10 of the refill and the reason for the refill by the practitioner's next
11 business day after the refill has been made by the pharmacist.
- 12 (8) Any pharmacist initiated refill under this subsection may not
13 be for more than the minimum amount necessary to supply the
14 patient through the prescribing practitioner's next business day.
15 However, a pharmacist may dispense a drug in an amount greater
16 than the minimum amount necessary to supply the patient through
17 the prescribing practitioner's next business day if:
- 18 (A) the drug is packaged in a form that requires the pharmacist
19 to dispense the drug in a quantity greater than the minimum
20 amount necessary to supply the patient through the prescribing
21 practitioner's next business day; or
- 22 (B) the pharmacist documents in the patient's record the
23 amount of the drug dispensed and a compelling reason for
24 dispensing the drug in a quantity greater than the minimum
25 amount necessary to supply the patient through the prescribing
26 practitioner's next business day.
- 27 (9) Not more than one (1) pharmacist initiated refill is dispensed
28 under this subsection for a single prescription.
- 29 (10) The drug prescribed is not a controlled substance.
- 30 A pharmacist may not refill a prescription under this subsection if the
31 practitioner has designated on the prescription form the words "No
32 Emergency Refill".
- 33 (e) When refilling a prescription, the refill record shall include:
- 34 (1) the date of the refill;
- 35 (2) the quantity dispensed if other than the original quantity; and
- 36 (3) the dispenser's identity on:
- 37 (A) the original prescription form; or
- 38 (B) another board approved, uniformly maintained, readily
39 retrievable record.
- 40 (f) The original prescription form or the other board approved
41 record described in subsection (e) must indicate by the number of the
42 original prescription the following information:

C
o
p
y



- 1 (1) The name and dosage form of the drug.
 2 (2) The date of each refill.
 3 (3) The quantity dispensed.
 4 (4) The identity of the pharmacist who dispensed the refill.
 5 (5) The total number of refills for that prescription.
 6 (g) *This subsection does not apply:*
 7 (1) *unless a patient requests a prescription drug supply of more*
 8 *than thirty (30) days;*
 9 (2) *to the dispensing of a controlled substance (as defined in*
 10 *IC 35-48-1-9); or*
 11 (3) *if a prescriber indicates on the prescription that the quantity*
 12 *of the prescription may not be changed.*
 13 *A pharmacist may dispense, upon request of the patient, personal or*
 14 *legal representative of the patient, or guardian of the patient, not more*
 15 *than a ninety (90) day supply of medication if the patient has*
 16 *completed an initial thirty (30) day supply of the drug therapy and the*
 17 *prescription, including any refills, allows a pharmacist to dispense at*
 18 *least a ninety (90) day supply of the medication. However, a*
 19 *pharmacist shall notify the prescriber of the change in the quantity*
 20 *filled and must comply with state and federal laws and regulations*
 21 *concerning the dispensing limitations concerning a prescription drug.*
 22 *The pharmacist shall inform the customer concerning whether the*
 23 *additional supply of the prescription will be covered under the*
 24 *patient's insurance, if applicable.*
 25 ~~(g)~~ (h) A prescription is valid for not more than one (1) year after
 26 the original date of issue.
 27 ~~(h)~~ (i) A pharmacist may not knowingly dispense a prescription after
 28 the demise of the practitioner, unless in the pharmacist's professional
 29 judgment it is in the best interest of the patient's health.
 30 ~~(i)~~ (j) A pharmacist may not knowingly dispense a prescription after
 31 the demise of the patient.
 32 ~~(j)~~ (k) A pharmacist or a pharmacy shall not resell, reuse, or
 33 redistribute a medication that is returned to the pharmacy after being
 34 dispensed unless the medication:
 35 (1) was dispensed to an individual:
 36 (A) residing in an institutional facility (as defined in 856
 37 IAC 1-28.1-1(6));
 38 (B) in a hospice program under IC 16-25; or
 39 (C) in a county jail or department of correction facility;
 40 (2) was properly stored and securely maintained according to
 41 sound pharmacy practices;
 42 (3) is returned unopened and:

C
O
P
Y

- 1 (A) was dispensed in the manufacturer's original:
 2 (i) bulk, multiple dose container with an unbroken tamper
 3 resistant seal; or
 4 (ii) unit dose package; or
 5 (B) was packaged by the dispensing pharmacy in a:
 6 (i) multiple dose blister container; or
 7 (ii) unit dose package;
 8 (4) was dispensed by the same pharmacy as the pharmacy
 9 accepting the return;
 10 (5) is not expired; and
 11 (6) is not a controlled substance (as defined in IC 35-48-1-9),
 12 unless the pharmacy holds a ~~Type~~ Category II permit (as
 13 described in section 17 of this chapter).
 14 ~~(k)~~ (l) A pharmacist or a pharmacy shall not resell, reuse, or
 15 redistribute medical devices or medical supplies used for prescription
 16 drug therapy that have been returned to the pharmacy after being
 17 dispensed unless the medical devices or medical supplies:
 18 (1) were dispensed to an individual in a county jail or department
 19 of correction facility;
 20 (2) are not expired; and
 21 (3) are returned unopened and in the original sealed packaging.
 22 ~~(m)~~ (m) A pharmacist may use the pharmacist's professional
 23 judgment as to whether to accept medication for return under this
 24 section.
 25 ~~(n)~~ (n) A pharmacist who violates subsection (d) commits a Class
 26 A infraction.
 27 SECTION 67. IC 27-9-3.1-1, AS ADDED BY P.L.11-2011,
 28 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 UPON PASSAGE]: Sec. 1. (a) As used in this chapter, "actual direct
 30 compensatory damages" includes:
 31 (1) normal and reasonable costs of cover; **and**
 32 (2) other reasonable measures of damages used in the derivatives
 33 market, the securities market, or another market for contract
 34 claims.
 35 (b) The term does not include:
 36 (1) punitive or exemplary damages;
 37 (2) damages for lost profit or lost opportunity; or
 38 (3) damages for pain and suffering.
 39 SECTION 68. IC 28-1-7-1, AS AMENDED BY P.L.27-2012,
 40 SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 UPON PASSAGE]: Sec. 1. (a) As used in this chapter, "corporation"
 42 means:



C
O
P
Y

- 1 (1) a bank;
 2 (2) a trust company;
 3 (3) a corporate fiduciary;
 4 (4) a savings bank organized, reorganized, or formed as a result
 5 of a conversion after December 31, 1992;
 6 (5) a savings association; or
 7 (6) an industrial loan and investment company that maintains
 8 federal deposit insurance.

9 (b) As used in this chapter, "shareholder", with respect to a:

- 10 (1) mutual savings bank; or
 11 (2) mutual ~~saving~~ **savings** association;

12 refers to a member of the mutual savings bank or mutual savings
 13 association.

14 (c) Any two (2) or more corporations that are organized or
 15 reorganized under the laws of any state (as defined in IC 28-2-17-19)
 16 or of the United States may merge into one (1) of such corporations, or
 17 may consolidate into a new corporation, to be organized under
 18 IC 28-12, by complying with the provisions of this chapter.

19 (d) A savings bank organized before January 1, 1993, may under
 20 section 25 of this chapter merge, consolidate, or join together with a
 21 bank or trust company. Except as provided in section 25 of this chapter,
 22 all other provisions of this chapter apply to the merger, consolidation,
 23 or joining together.

24 (e) A corporation organized or reorganized under the laws of a state
 25 (as defined in IC 28-2-17-19) or of the United States may merge or
 26 consolidate with one (1) or more of its affiliates (as defined in
 27 IC 28-1-18.2-1) by complying with all the provisions of this chapter. In
 28 effecting a merger or consolidation between a corporation and an
 29 affiliate, this chapter applies as if the affiliate were a corporation except
 30 that a noncorporation survivor of a merger or consolidation does not
 31 retain powers of the corporation.

32 SECTION 69. IC 28-1-8-0.7, AS ADDED BY P.L.27-2012,
 33 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 UPON PASSAGE]: Sec. 0.7. As used in this chapter, "shareholder",
 35 with respect to a:

- 36 (1) mutual savings bank; or
 37 (2) mutual ~~saving~~ **savings** association;

38 refers to a member of the mutual savings bank or mutual savings
 39 association.

40 SECTION 70. IC 28-6.1-1-2, AS AMENDED BY P.L.27-2012,
 41 SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 UPON PASSAGE]: Sec. 2. (a) This section applies only to a savings

C
O
P
Y



- 1 bank (whether in stock or mutual form of ownership) that was:
- 2 (1) formed as a result of conversion under IC 28-1-21.7,
- 3 IC 28-1-21.8, or IC 28-1-21.9 after December 31, 1992;
- 4 (2) incorporated under IC 28-12; or
- 5 (3) formed as a result of conversion under IC 28-1-30.
- 6 (b) A savings bank described in subsection (a) is governed by
- 7 IC 28-13 in addition to this article.
- 8 (c) A reference in this article to formation and operation by a board
- 9 means formation by conversion and operation by an elected board of
- 10 directors.
- 11 (d) As to a mutual savings bank, a reference in IC 28-13-5,
- 12 IC 28-13-6, IC 28-1-7, IC 28-1-7.1, IC 28-1-8, or IC 28-1-9 to
- 13 shareholders and shareholders' meetings means members and members'
- 14 meetings.
- 15 (e) Notwithstanding subsection (d), in a proposed disposition
- 16 described in IC 28-1-8-3(b), ~~of this chapter~~, the rights and remedies for
- 17 dissenting shareholders set forth in IC 28-1-7-21 do not apply.
- 18 SECTION 71. IC 28-11-5-10, AS AMENDED BY P.L.27-2012,
- 19 SECTION 108, IS AMENDED TO READ AS FOLLOWS
- 20 [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) Subject to subsection
- 21 (g), a financial institution described in section 1 of this chapter that is
- 22 subject to this chapter may:
- 23 (1) be organized as a limited liability company;
- 24 (2) convert to a limited liability company; or
- 25 (3) merge with or into a limited liability company;
- 26 under the laws of Indiana or the United States, including any rules or
- 27 regulations adopted or promulgated under the laws of Indiana or the
- 28 United States.
- 29 (b) A financial institution organized as a limited liability company
- 30 is subject to:
- 31 (1) IC 23-18; and
- 32 (2) this title.
- 33 If a provision of IC 23-18 conflicts with a provision of this title or with
- 34 any rule of the department, the provision of this title or the rule of the
- 35 department controls.
- 36 (c) Any filing required to be made under IC 23-18 shall be made in
- 37 the same manner as for a financial institution that is organizing or is
- 38 organized in stock form.
- 39 (d) The department may prescribe any requirements for:
- 40 (1) the articles of organization; and
- 41 (2) the operating agreement;
- 42 of a financial institution that is organized and operates as a limited

C
o
p
y

1 liability company.

2 (e) The department has the exclusive authority under this title to
3 regulate a financial institution organized as a limited liability company.
4 A financial institution that is a limited liability company is subject to
5 the department's authority in the same manner as a bank that is
6 organized in stock form.

7 (f) A financial institution that is a limited liability company is
8 subject to the provisions of this title that apply to banks, except for the
9 provisions concerning corporate governance (IC 28-13), in the same
10 manner as a financial institution that is organized in stock form, subject
11 to the following:

12 (1) In the case of a manager managed limited liability company,
13 "director" means a manager of the limited liability company.

14 (2) In the case of a member managed limited liability company,
15 "director" means a member of the limited liability company.

16 (g) A financial institution may not:

17 (1) organize as;

18 (2) convert to; or

19 (3) merge with or into;

20 a limited liability company without the prior approval of the
21 department under this title.

22 SECTION 72. IC 31-9-2-117, AS AMENDED BY P.L.48-2012,
23 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 UPON PASSAGE]: Sec. 117. (a) Except as provided in subsection (b),
25 "shelter care facility", for purposes of the juvenile law, means a place
26 of residence that:

27 (1) is licensed under the laws of any state; and

28 (2) is not locked to prevent a child's departure unless the
29 administrator determines that locking is necessary to protect the
30 child's health.

31 (b) "Shelter care facility", for purposes of IC 31-27-3 and
32 IC 31-27-5, means a child caring institution or group home that
33 provides temporary service **twenty-four (24) hours a day** for not more
34 than twenty (20) consecutive days to a child:

35 (1) who is admitted to a residential facility on an emergency
36 basis; **and**

37 ~~(2) for twenty-four (24) hours a day; and~~

38 ~~(3) (2) who is:~~

39 (A) receiving care and supervision under an order of a juvenile
40 court;

41 (B) voluntarily placed by the parent or guardian of the child;
42 or

C
o
p
y



- 1 (C) self-referred.
- 2 SECTION 73. IC 31-14-11-12, AS AMENDED BY P.L.128-2012,
3 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 UPON PASSAGE]: Sec. 12. (a) If the clerk of the court is notified by
5 the Title IV-D agency or the agency's designee that:
- 6 (1) the child who is the beneficiary of a support order is receiving
7 assistance under the:
- 8 (A) federal Title IV-A assistance program (42 U.S.C. 601 et
9 seq.); or
- 10 (B) Title IV-E assistance program (42 U.S.C. ~~671~~ 670 et seq.);
- 11 (2) an assignment of support rights in favor of the state is in effect
12 against the person obligated to make child support payments; and
13 (3) the Title IV-D agency has sent notice to the child support
14 obligor and obligee;
- 15 the clerk of the court shall forward the child support payments directly
16 to the Title IV-D agency without further order of the court.
- 17 (b) The Title IV-D agency shall disburse the child support payments
18 in accordance with federal regulations governing the Title IV-D
19 program.
- 20 SECTION 74. IC 31-27-4-2, AS AMENDED BY P.L.48-2012,
21 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 UPON PASSAGE]: Sec. 2. (a) A person may not operate a therapeutic
23 foster family home without a certificate issued under this article.
- 24 (b) The state or a political subdivision of the state may not operate
25 a therapeutic foster family home without a certificate issued under this
26 article.
- 27 (c) The department may issue a certificate only for a therapeutic
28 foster family home that meets:
- 29 (1) all the certification requirements of a foster family home; and
30 (2) the additional requirements described in this section.
- 31 (d) To receive a **certificate for the operation of a** therapeutic
32 **certificate foster family home**, a person must do the following:
- 33 (1) Be licensed as a foster parent under this chapter and 465 IAC
34 2-1-1 et seq.
- 35 (2) Participate in preservice training that includes:
- 36 (A) preservice training to be licensed as a foster parent under
37 465 IAC 2-1-1 et seq.; and
38 (B) additional preservice training in therapeutic foster care.
- 39 (e) A person who is issued a certificate to operate a therapeutic
40 foster family home shall, within one (1) year after meeting the training
41 requirements of subsection (d)(2) and, annually thereafter, participate
42 in training that includes:

C
o
p
y

1 (1) training as required in order to be licensed as a foster parent
 2 under 465 IAC 2-1-1 et seq.; and
 3 (2) additional training in therapeutic foster care.
 4 (f) An operator of a therapeutic foster family home may not provide
 5 supervision and care in a therapeutic foster family home to more than
 6 four (4) children at the same time, including the children for whom the
 7 applicant or operator is a parent, stepparent, guardian, custodian, or
 8 other relative, and only two (2) of the children may be foster children.
 9 The department may grant an exception to this subsection whenever the
 10 placement of siblings in the same therapeutic foster family home is
 11 desirable, the foster child has an established, meaningful relationship
 12 with the therapeutic foster parent, or it is otherwise in the foster child's
 13 best interests.
 14 (g) An operator of a therapeutic foster family home that has a
 15 therapeutic foster child placed with the therapeutic foster family home
 16 may not accept a placement of a child who is not a therapeutic foster
 17 child unless the child who is not a therapeutic foster child is a sibling
 18 of the therapeutic foster child who is placed with the therapeutic foster
 19 family home or it is in the best interests of the child being placed.
 20 (h) A therapeutic foster family home may provide care for an
 21 individual receiving collaborative care under IC 31-28-5.8.
 22 (i) The department shall adopt rules under IC 4-22-2, including
 23 emergency rules under IC 4-22-2-37.1, necessary to carry out this
 24 section, including rules governing the number of hours of training
 25 required under subsections (d) and (e).
 26 (j) If a therapeutic foster family home does not meet the
 27 requirements under subsection (f) or (g) on July 1, 2011, any foster
 28 child placed in the home prior to July 1, 2011, may remain placed.
 29 However, a new placement of a child may not be made in violation of
 30 this section.
 31 SECTION 75. IC 31-28-5.8-4, AS ADDED BY P.L.48-2012,
 32 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 UPON PASSAGE]: Sec. 4. As used in this chapter, "older youth"
 34 means an individual who is at least eighteen (18) years of age but less
 35 than twenty (20) years of age.
 36 SECTION 76. IC 31-33-24-15, AS AMENDED BY P.L.48-2012,
 37 SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 UPON PASSAGE]: Sec. 15. (a) The department shall collect and
 39 document information surrounding the deaths of children reviewed by
 40 local child fatality review teams. The department shall develop a data
 41 collection form that includes:
 42 (1) identifying and nonidentifying information;

COPY



- 1 (2) information regarding the circumstances surrounding a death;
 2 (3) factors contributing to a death; and
 3 (4) findings and recommendations that include the following
 4 information:
 5 (A) Whether similar future deaths could be prevented.
 6 (B) A list of:
 7 (i) agencies and entities that should be involved; and
 8 (ii) any other resources that should be used;
 9 to adequately prevent future child deaths in the region.
 10 (C) A regional strategy that should be implemented to prevent
 11 future child deaths.
 12 (b) The data collection form developed under this section must be
 13 provided to the following:
 14 (1) The appropriate community child protection team.
 15 (2) The chairperson of the statewide child fatality review
 16 committee.
 17 (3) The chairperson of a local child fatality review team.
 18 (c) Each local child fatality review team shall, using the form
 19 established under this section, report to the department the findings for
 20 each fatality that the local child fatality review team reviews.
 21 (d) The department shall annually prepare a report of all child
 22 fatalities in Indiana that are the result of child abuse or neglect. The
 23 report must include the following information:
 24 (1) A summary of the information gathered under subsection (a)
 25 for all child abuse or neglect fatalities.
 26 (2) Demographic information regarding victims, perpetrators, and
 27 households involved in child abuse or neglect fatalities.
 28 (3) An analysis of the primary risk factors involved in child abuse
 29 or neglect fatalities.
 30 (4) A summary of the most frequent causes of child abuse or
 31 neglect fatalities.
 32 (5) A description of the manner in which the data was assembled.
 33 The department shall post the report prepared under this subsection ~~to~~
 34 **on** the department's Internet web site.
 35 SECTION 77. IC 32-29-8-4, AS ADDED BY P.L.130-2012,
 36 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 UPON PASSAGE]: Sec. 4. (a) As used in this section, "interested
 38 person", with respect to an action to foreclose a mortgage on an interest
 39 in real property in Indiana, means:
 40 (1) the holder of the evidence of debt secured by the mortgage
 41 being foreclosed;
 42 (2) a person:

C
O
P
Y



- 1 (A) who purchases the property at a judicial sale after a
 2 judgment and decree of sale is entered in the action; and
 3 (B) to whom a deed is executed and delivered by the sheriff
 4 under IC 32-29-7-10; or
 5 (3) any person claiming by, through, or under a person described
 6 in subdivision (1) or (2).
- 7 (b) As used in this section, "omitted party", with respect to an action
 8 to foreclose a mortgage on an interest in real property in Indiana,
 9 means a person who:
 10 (1) before the commencement of the action has acquired in the
 11 property an interest that:
 12 (A) is junior or subordinate to the mortgage being foreclosed;
 13 and
 14 (B) would otherwise be extinguished by the foreclosure; and
 15 (2) is either:
 16 (A) not named as a party defendant in the action or, if named
 17 as a party defendant, is not served with process; or
 18 (B) not served with a notice of sale under IC 32-29-7-3(d) after
 19 a judgment and decree of sale is entered in the action.
- 20 The term includes any person claiming by, through, or under a person
 21 described in this subsection.
- 22 (c) At any time after a judgment and decree of sale is entered in a
 23 action to foreclose a mortgage on an interest in real property in Indiana,
 24 an interested person or an omitted party may bring a civil action to:
 25 (1) determine the extent of; and
 26 (2) terminate;
 27 the interest of an omitted party in the property subject to the sale.
- 28 (d) Except as provided in subsection (e) and subject to subsections
 29 (f) and (g), upon the filing of an action described in subsection (c), the
 30 court shall determine the extent of the omitted party's interest in the
 31 property and issue a decree terminating that interest, subject to the right
 32 of the omitted party to redeem the property on terms as the court
 33 considers equitable under the circumstances after considering the
 34 factors set forth in subsection (f), if the omitted party would have had
 35 redemption rights:
 36 (1) before the sale under IC 32-29-7-7; or
 37 (2) after the sale, as described in IC 34-55-4-8(a)(2).
- 38 (e) If the omitted party proves that the omitted party has a right to
 39 receive proceeds actually paid at the judicial sale, the omitted party's
 40 interest in the property is not subject to termination by an action
 41 brought under this section unless the proceeds that the omitted party
 42 would have received at the judicial sale are paid to the omitted party.

C
O
P
Y

1 (f) In an action brought under this section, if the court determines
 2 that the omitted party is entitled to redemption under subsection (d),
 3 the court shall consider the following in deciding the terms of the
 4 redemption:

5 (1) Whether the omitted party:

6 (A) was given or had actual notice or knowledge of the
 7 foreclosure; and

8 (B) had opportunity to intervene in the foreclosure action or
 9 otherwise exercise any right to redeem the property.

10 (2) Whether any interested person in good faith has made
 11 valuable improvements to the property and, if so, the value of all
 12 lasting improvements made to the property before the
 13 commencement of the action under this section.

14 (3) The amount of any taxes and assessments, along with any
 15 related interest payments, related to the property and paid by ~~the~~
 16 **an** interested person or by any person under whose title to the
 17 property ~~the an~~ interested person claims.

18 (g) If the court determines that the omitted party is entitled to
 19 redemption under subsection (d), and after considering the factors set
 20 forth in subsection (f), the court shall grant redemption rights to the
 21 omitted party that the court considers equitable under the
 22 circumstances, subject to the following:

23 (1) The amount to be paid for redemption may not be less than the
 24 sale price resulting from the foreclosure of the interested person's
 25 senior lien, plus interest at the statutory judgment rate.

26 (2) The time allowed for payment of the redemption amount may
 27 not exceed ninety (90) days after the date of the court's decree
 28 under subsection (d).

29 (h) The senior lien upon which the foreclosure action was based is
 30 not extinguished by merger with the title to the property conveyed to
 31 a purchaser through a sheriff's deed executed and delivered under
 32 IC 32-29-7-10 until the interest of any omitted party has been
 33 terminated:

34 (1) through an action brought under this section; or

35 (2) by operation of law.

36 Until an omitted party's interest is terminated as described in this
 37 subsection, any owner of the property as a holder of a sheriff's deed
 38 executed and delivered under IC 32-29-7-10, or any person claiming
 39 by, through, or under such an owner, is the equitable owner of the
 40 senior lien upon which the foreclosure action was based and has all
 41 rights against an omitted party as existed before the judicial sale.

42 (i) An interested person may not terminate an omitted party's

C
o
p
y



1 interest in real property that is the subject of a foreclosure action except
 2 through an action brought under this section. An interested person's
 3 rights under this section may not be denied because the interested
 4 person:

- 5 (1) had actual or constructive notice of the omitted party's interest
 6 in the property;
 7 (2) was negligent in examining county records;
 8 (3) was engaged in the business of lending; or
 9 (4) obtained a title search or commitment or a title insurance
 10 policy.

11 SECTION 78. IC 33-38-11-10 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE APRIL 1, 2012 (RETROACTIVE)]: Sec. 10.
 13 Except for:

- 14 (1) a temporary juvenile law judge appointed under section 1(b)
 15 of this chapter for the exclusive purpose of hearing cases arising
 16 under IC 31-30 through IC 31-40; or
 17 (2) a temporary judge appointed by a court located in a county
 18 having a population of more than two hundred **fifty** thousand
 19 ~~(200,000)~~ **(250,000)** but less than ~~three two~~ hundred **seventy**
 20 thousand ~~(300,000)~~; **(270,000)**;

21 a temporary judge appointed under this chapter may not serve for more
 22 than sixty (60) calendar days in all during a calendar year.

23 SECTION 79. IC 33-40-7-1 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE APRIL 1, 2012 (RETROACTIVE)]: Sec. 1.
 25 This chapter does not apply to a county that:

- 26 (1) contains a consolidated city;
 27 (2) has a population of:
 28 (A) more than three hundred thousand (300,000) but less than
 29 four hundred thousand (400,000);
 30 (B) more than two hundred **fifty** thousand ~~(200,000)~~ **(250,000)**
 31 but less than ~~three two~~ hundred **seventy** thousand ~~(300,000)~~;
 32 **(270,000)**; or
 33 (C) more than one hundred ~~seventy~~ **seventy-five** thousand
 34 ~~(170,000)~~ **(175,000)** but less than one hundred ~~eighty~~
 35 **eighty-five** thousand ~~(180,000)~~; **(185,000)**; or
 36 (3) has a population of more than four hundred thousand
 37 (400,000) but less than seven hundred thousand (700,000), except
 38 as provided in sections 5 and 11 of this chapter.

39 SECTION 80. IC 34-28-5-15, AS ADDED BY P.L.69-2012,
 40 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 UPON PASSAGE]: Sec. 15. (a) If a person alleged to have violated a
 42 statute defining an infraction:

C
o
p
y



- 1 (1) is not prosecuted, or if the action against the person is
 2 dismissed;
 3 (2) is adjudged not to have committed the infraction; or
 4 (3) is adjudged to have committed the infraction and the
 5 adjudication is subsequently vacated;
 6 the court in which the action was filed shall order the clerk not to
 7 disclose or permit disclosure of information related to the infraction to
 8 a noncriminal justice organization or an individual.
- 9 (b) If a court fails to order the ~~court clerk~~ to restrict **disclosure of**
 10 information related to the infraction under subsection (a), the person
 11 may petition the court to restrict disclosure of the records related to the
 12 infraction to a noncriminal justice organization or an individual.
- 13 (c) A petition under subsection (b) must be verified and filed in:
 14 (1) the court in which the action was filed, for a person described
 15 in subsection (a)(1); or
 16 (2) the court in which the trial was held, for a person described in
 17 subsection (a)(2) or (a)(3).
- 18 (d) A petition under subsection (b) must be filed not earlier than:
 19 (1) if the person is adjudged **not** to have ~~not~~ committed the
 20 infraction, thirty (30) days after the date of judgment;
 21 (2) if the person's adjudication is vacated, three hundred sixty-five
 22 (365) days after:
 23 (A) the order vacating the adjudication is final, if there is no
 24 appeal or the appeal is terminated before entry of an opinion
 25 or memorandum decision; or
 26 (B) the opinion or memorandum decision vacating the
 27 adjudication is certified; or
 28 (3) if the person is not prosecuted or the action is dismissed, thirty
 29 (30) days after the action is dismissed, if a new action is not filed.
- 30 (e) A petition under subsection (b) must set forth:
 31 (1) the date of the alleged violation;
 32 (2) the **alleged** violation;
 33 (3) the date the action was dismissed, if applicable;
 34 (4) the date of judgment, if applicable;
 35 (5) the date the adjudication was vacated, if applicable;
 36 (6) the basis on which the adjudication was vacated, if applicable;
 37 (7) the law enforcement agency employing the officer who issued
 38 the complaint, if applicable;
 39 (8) any other known identifying information, such as the name of
 40 the officer, case number, or court cause number;
 41 (9) the date of the petitioner's birth; and
 42 (10) the petitioner's Social Security number.

C
O
P
Y

1 (f) A copy of a petition **filed** under subsection ~~(b)~~ (c) shall be served
2 on the prosecuting attorney.

3 (g) If the prosecuting attorney wishes to oppose a petition **filed**
4 under subsection ~~(b)~~; (c), the prosecuting attorney shall, not later than
5 thirty (30) days after the petition is filed, file a notice of opposition
6 with the court setting forth reasons for opposing the petition. The
7 prosecuting attorney shall attach to the notice of opposition a certified
8 copy of any documentary evidence showing that the petitioner is not
9 entitled to relief. A copy of the notice of opposition and copies of any
10 documentary evidence shall be served on the petitioner in accordance
11 with the Indiana Rules of Trial Procedure. The court may:

12 (1) summarily grant the petition;

13 (2) set the matter for hearing; or

14 (3) summarily deny the petition, if the court determines that:

15 (A) the petition is insufficient; or

16 (B) based on documentary evidence submitted by the
17 prosecuting attorney, the petitioner is not entitled to have
18 access to the petitioner's records restricted.

19 (h) If a notice of opposition is filed under subsection (g) and the
20 court does not summarily grant or summarily deny the petition, the
21 court shall set the matter for a hearing.

22 (i) After a hearing is held under subsection (h), the court shall grant
23 the petition filed under subsection ~~(b)~~ (c) if the person is entitled to
24 relief under subsection (a).

25 (j) If the court grants a petition filed under subsection ~~(b)~~; (c), the
26 court shall order the clerk not to disclose or permit disclosure of
27 information related to the infraction to a noncriminal justice
28 organization or an individual.

29 SECTION 81. IC 34-28-5-16, AS ADDED BY P.L.69-2012,
30 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
31 UPON PASSAGE]: Sec. 16. (a) This chapter applies only to a person
32 found to have committed an infraction.

33 (b) Five (5) years after the date a person satisfies a judgment
34 imposed on a person for the violation of **a statute defining** an
35 infraction, the clerk of the court shall prohibit the disclosure of
36 information related to the infraction to a noncriminal justice
37 organization or an individual.

38 (c) If a person whose records are restricted under this section brings
39 a civil action that might be defended with the contents of the records,
40 the defendant is presumed to have a complete defense to the action.

41 (d) For the plaintiff to recover in an action described in subsection
42 (c), the plaintiff must show that the contents of the restricted records

C
O
P
Y



1 would not exonerate the defendant.

2 (e) In an action described in subsection (c), the plaintiff may be
3 required to state under oath whether the disclosure of records relating
4 to an infraction has been restricted.

5 (f) In an action described in subsection (c), if the plaintiff denies the
6 existence of the records, the defendant may prove the existence of the
7 records in any manner compatible with the law of evidence.

8 (g) A person whose records have been restricted under this section
9 may legally state on an application for employment or any other
10 document that the person has not been adjudicated to have committed
11 the infraction recorded in the restricted records.

12 SECTION 82. IC 34-36-4 IS REPEALED [EFFECTIVE UPON
13 PASSAGE]. (Filling Regular Panel of Jurors When Persons Excused
14 From Service).

15 SECTION 83. IC 35-31.5-2-10, AS ADDED BY P.L.114-2012,
16 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 UPON PASSAGE]: Sec. 10. ~~(a) "Advisory sentence", for purposes of~~
18 ~~IC 35-35-3, means the nonbinding guideline sentence defined in~~
19 ~~IC 35-50-2-1.3. (b) "Advisory sentence", for purposes of IC 35-50-2-3~~
20 through IC 35-50-2-7, has the meaning set forth in IC 35-50-2-1.3.

21 SECTION 84. IC 35-31.5-2-15, AS ADDED BY P.L.114-2012,
22 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 UPON PASSAGE]: Sec. 15. "Alien", for purposes of ~~IC 35-44-5;~~
24 **IC 35-44.1-5**, has the meaning set forth in ~~IC 35-44-5-2.~~
25 **IC 35-44.1-5-2.**

26 SECTION 85. IC 35-31.5-2-26.5 IS ADDED TO THE INDIANA
27 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
28 **[EFFECTIVE UPON PASSAGE]: Sec. 26.5. "Benefit", for purposes**
29 **of IC 35-43-4-6, has the meaning set forth in IC 35-43-4-6(a).**

30 SECTION 86. IC 35-31.5-2-27.5 IS ADDED TO THE INDIANA
31 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
32 **[EFFECTIVE UPON PASSAGE]: Sec. 27.5. "Benefit provider", for**
33 **purposes of IC 35-43-4-6, has the meaning set forth in**
34 **IC 35-43-4-6(a).**

35 SECTION 87. IC 35-31.5-2-32.5 IS ADDED TO THE INDIANA
36 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
37 **[EFFECTIVE UPON PASSAGE]: Sec. 32.5. "Burn", for purposes of**
38 **IC 35-47-7-3, has the meaning set forth in IC 35-47-7-3(a).**

39 SECTION 88. IC 35-31.5-2-44.8 IS ADDED TO THE INDIANA
40 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
41 **[EFFECTIVE UPON PASSAGE]: Sec. 44.8. "Cocaine", for purposes**
42 **of IC 35-48, has the meaning set forth in IC 35-48-1-7.**



C
o
p
y

1 SECTION 89. IC 35-31.5-2-56.3 IS ADDED TO THE INDIANA
 2 CODE AS A NEW SECTION TO READ AS FOLLOWS
 3 [EFFECTIVE UPON PASSAGE]: **Sec. 56.3. "Confidential**
 4 **information", for purposes of IC 35-37-6, has the meaning set forth**
 5 **in IC 35-37-6-1.5(a).**

6 SECTION 90. IC 35-31.5-2-57.8 IS ADDED TO THE INDIANA
 7 CODE AS A NEW SECTION TO READ AS FOLLOWS
 8 [EFFECTIVE UPON PASSAGE]: **Sec. 57.8. "Consent of the original**
 9 **manufacturer", for purposes of IC 35-43-7, has the meaning set**
 10 **forth in IC 35-43-7-1.**

11 SECTION 91. IC 35-31.5-2-60, AS ADDED BY P.L.114-2012,
 12 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 UPON PASSAGE]: Sec. 60. (a) "Consumer product", for purposes of
 14 ~~IC 35-44-2-2~~; **IC 35-44.1-2-3**, has the meaning set forth in
 15 ~~IC 35-44-2-2(a)~~; **IC 35-44.1-2-3(a).**

16 (b) "Consumer product", for purposes of IC 35-45-8, has the
 17 meaning set forth in IC 35-45-8-1.

18 SECTION 92. IC 35-31.5-2-62, AS ADDED BY P.L.114-2012,
 19 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 UPON PASSAGE]: Sec. 62. "Contraband", for purposes of
 21 ~~IC 35-44-3-9.3~~; **IC 35-44.1-3-6**, has the meaning set forth in
 22 ~~IC 35-44-3-9.3(a)~~; **IC 35-44.1-3-6(a).**

23 SECTION 93. IC 35-31.5-2-67.2 IS ADDED TO THE INDIANA
 24 CODE AS A NEW SECTION TO READ AS FOLLOWS
 25 [EFFECTIVE UPON PASSAGE]: **Sec. 67.2. "Corrections officer",**
 26 **for purposes of IC 35-42-2-6, has the meaning set forth in**
 27 **IC 35-42-2-6(a).**

28 SECTION 94. IC 35-31.5-2-87, AS ADDED BY P.L.114-2012,
 29 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 UPON PASSAGE]: Sec. 87. (a) "Dealer", for purposes of
 31 IC 35-43-4-2.3, has the meaning set forth in IC 35-43-4-2.3(a).

32 (b) "Dealer", for purposes of IC 35-47, has the meaning set forth in
 33 IC 35-47-1-3.

34 (c) "Dealer", for purposes of IC 35-47-2.5, includes any person
 35 licensed under 18 U.S.C. 923, as set forth in IC 35-47-2.5-2.

36 SECTION 95. IC 35-31.5-2-87.5 IS ADDED TO THE INDIANA
 37 CODE AS A NEW SECTION TO READ AS FOLLOWS
 38 [EFFECTIVE UPON PASSAGE]: **Sec. 87.5. "Defense counsel", for**
 39 **purposes of IC 35-40-5-11, has the meaning set forth in**
 40 **IC 35-40-5-11(b).**

41 SECTION 96. IC 35-31.5-2-90, AS ADDED BY P.L.114-2012,
 42 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

C
o
p
y



1 UPON PASSAGE]: Sec. 90. (a) "Dependent", for purposes of
 2 ~~IC 35-44-1-3~~; **IC 35-44.1-1-4**, has the meaning set forth in
 3 ~~IC 35-44-1-3(a)(1)~~; **IC 35-44.1-1-4(a)(1)**.

4 (b) "Dependent", for purposes of IC 35-46-1, has the meaning set
 5 forth in IC 35-46-1-1.

6 SECTION 97. IC 35-31.5-2-95, AS ADDED BY P.L.114-2012,
 7 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 UPON PASSAGE]: Sec. 95. "Dispatched firefighter", for purposes of
 9 ~~IC 35-44-4~~; **IC 35-44.1-4**, has the meaning set forth in ~~IC 35-44-4-1~~;
 10 **IC 35-44.1-4-1**.

11 SECTION 98. IC 35-31.5-2-114, AS ADDED BY P.L.114-2012,
 12 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 UPON PASSAGE]: Sec. 114. "Emergency incident area", for purposes
 14 of ~~IC 35-44-4~~; **IC 35-44.1-4**, has the meaning set forth in ~~IC 35-44-4-2~~;
 15 **IC 35-44.1-4-2**.

16 SECTION 99. IC 35-31.5-2-115, AS ADDED BY P.L.114-2012,
 17 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 UPON PASSAGE]: Sec. 115. "Emergency medical person", for
 19 purposes of ~~IC 35-44-3-8.5~~; **IC 35-44.1-4-9**, has the meaning set forth
 20 in ~~IC 35-44-3-8.5(b)~~; **IC 35-44.1-4-9(a)**.

21 SECTION 100. IC 35-31.5-2-115.2 IS ADDED TO THE INDIANA
 22 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 23 [EFFECTIVE UPON PASSAGE]: **Sec. 115.2. "Emergency medical**
 24 **responder"**, for purposes of **IC 35-42-2-6**, has the meaning set forth
 25 in **IC 35-42-2-6(c)**.

26 SECTION 101. IC 35-31.5-2-123.5 IS ADDED TO THE INDIANA
 27 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 28 [EFFECTIVE UPON PASSAGE]: **Sec. 123.5. "Executive authority"**,
 29 **for purposes of IC 35-33-10-3**, has the meaning set forth in
 30 **IC 35-33-10-3(1)**.

31 SECTION 102. IC 35-31.5-2-135, AS ADDED BY P.L.114-2012,
 32 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 UPON PASSAGE]: Sec. 135. (a) "Firefighter", for purposes of
 34 IC 35-42-2-6, has the meaning set forth in IC 35-42-2-6(b).

35 (b) "Firefighter", for purposes of ~~IC 35-44-4~~; **IC 35-44.1-4**, has the
 36 meaning set forth in ~~IC 35-44-4-3~~; **IC 35-44.1-4-3**.

37 SECTION 103. IC 35-31.5-2-135.2 IS ADDED TO THE INDIANA
 38 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 39 [EFFECTIVE UPON PASSAGE]: **Sec. 135.2. "Fire protective**
 40 **clothing and fire protective gear"**, for purposes of **IC 35-44.1-4**, has
 41 the meaning set forth in **IC 35-44.1-4-4**.

42 SECTION 104. IC 35-31.5-2-139.5 IS ADDED TO THE INDIANA

C
o
p
y



1 CODE AS A NEW SECTION TO READ AS FOLLOWS
 2 [EFFECTIVE UPON PASSAGE]: **Sec. 139.5. "Funds", for purposes**
 3 **of IC 35-45-15, has the meaning set forth in IC 35-45-15-2.**

4 SECTION 105. IC 35-31.5-2-145, AS ADDED BY P.L.114-2012,
 5 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 UPON PASSAGE]: Sec. 145. "Governmental entity served by the
 7 public servant", for purposes of ~~IC 35-44-1-3~~, **IC 35-44.1-1-4**, has the
 8 meaning set forth in ~~IC 35-44-1-3(a)(2)~~: **IC 35-44.1-1-4(a)(2).**

9 SECTION 106. IC 35-31.5-2-145.3 IS ADDED TO THE INDIANA
 10 CODE AS A NEW SECTION TO READ AS FOLLOWS
 11 [EFFECTIVE UPON PASSAGE]: **Sec. 145.3. "Governor", for**
 12 **purposes of IC 35-33-10-3, has the meaning set forth in**
 13 **IC 35-33-10-3(1).**

14 SECTION 107. IC 35-31.5-2-152.5 IS ADDED TO THE INDIANA
 15 CODE AS A NEW SECTION TO READ AS FOLLOWS
 16 [EFFECTIVE UPON PASSAGE]: **Sec. 152.5. "HIV", for purposes**
 17 **of IC 35-45-16, has the meaning set forth in IC 35-45-16-1.**

18 SECTION 108. IC 35-31.5-2-160.5 IS ADDED TO THE INDIANA
 19 CODE AS A NEW SECTION TO READ AS FOLLOWS
 20 [EFFECTIVE UPON PASSAGE]: **Sec. 160.5. "Human**
 21 **immunodeficiency virus (HIV)", for purposes of IC 35-42-2-6, has**
 22 **the meaning set forth in IC 35-42-2-6(d).**

23 SECTION 109. IC 35-31.5-2-163, AS ADDED BY P.L.114-2012,
 24 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 UPON PASSAGE]: Sec. 163. ~~"Identify~~ **"Identity theft"**, for the
 26 purposes of IC 35-40-14, has the meaning set forth in IC 35-40-14-1.

27 SECTION 110. IC 35-31.5-2-165.8 IS ADDED TO THE INDIANA
 28 CODE AS A NEW SECTION TO READ AS FOLLOWS
 29 [EFFECTIVE UPON PASSAGE]: **Sec. 165.8. "Impermissible**
 30 **contact", for purposes of IC 35-45-10, has the meaning set forth in**
 31 **IC 35-45-10-3.**

32 SECTION 111. IC 35-31.5-2-168.8 IS ADDED TO THE INDIANA
 33 CODE AS A NEW SECTION TO READ AS FOLLOWS
 34 [EFFECTIVE UPON PASSAGE]: **Sec. 168.8. "Indiana", for**
 35 **purposes of IC 35-41-1-1, has the meaning set forth in**
 36 **IC 35-41-1-1(a).**

37 SECTION 112. IC 35-31.5-2-171, AS ADDED BY P.L.114-2012,
 38 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 UPON PASSAGE]: Sec. 171. "Inmate outside a facility", for purposes
 40 of ~~IC 35-44-3-9.3~~, **IC 35-44.1-3-6**, has the meaning set forth in
 41 ~~IC 35-44-3-9.3(b)~~: **IC 35-44.1-3-6(b).**

42 SECTION 113. IC 35-31.5-2-173.8 IS ADDED TO THE INDIANA

C
o
p
y



1 CODE AS A NEW SECTION TO READ AS FOLLOWS
 2 [EFFECTIVE UPON PASSAGE]: **Sec. 173.8. "Insurance policy", for**
 3 **purposes of IC 35-43-5, has the meaning set forth in**
 4 **IC 35-43-5-1(j).**

5 SECTION 114. IC 35-31.5-2-178, AS ADDED BY P.L.114-2012,
 6 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 UPON PASSAGE]: Sec. 178. "Juvenile facility", for purposes of
 8 ~~IC 35-44-3-9~~; **IC 35-44.1-3-5**, has the meaning set forth in
 9 ~~IC 35-44-3-9(a)~~; **IC 35-44.1-3-5(a).**

10 SECTION 115. IC 35-31.5-2-185, AS ADDED BY P.L.114-2012,
 11 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 UPON PASSAGE]: Sec. 185. **(a)** "Law enforcement officer" means:

- 13 (1) a police officer (including a correctional police officer),
- 14 sheriff, constable, marshal, prosecuting attorney, special
- 15 prosecuting attorney, special deputy prosecuting attorney, the
- 16 securities commissioner, or the inspector general;
- 17 (2) a deputy of any of those persons;
- 18 (3) an investigator for a prosecuting attorney or for the inspector
- 19 general;
- 20 (4) a conservation officer;
- 21 (5) an enforcement officer of the alcohol and tobacco
- 22 commission; or
- 23 (6) an enforcement officer of the securities division of the office
- 24 of the secretary of state.

25 **(b) "Law enforcement officer", for purposes of IC 35-42-2-1,**
 26 **includes an alcoholic beverage enforcement officer, as set forth in**
 27 **IC 35-42-2-1(b)(1).**

28 **(c) "Law enforcement officer", for purposes of IC 35-45-15,**
 29 **includes a federal enforcement officer, as set forth in**
 30 **IC 35-45-15-3.**

31 SECTION 116. IC 35-31.5-2-203, AS ADDED BY P.L.114-2012,
 32 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 UPON PASSAGE]: Sec. 203. "Misconduct", for purposes of
 34 ~~IC 35-44-2-2~~; **IC 35-44.1-2-3**, has the meaning set forth in
 35 ~~IC 35-44-2-2(b)~~; **IC 35-44.1-2-3(b).**

36 SECTION 117. IC 35-31.5-2-217.5 IS ADDED TO THE INDIANA
 37 CODE AS A NEW SECTION TO READ AS FOLLOWS
 38 [EFFECTIVE UPON PASSAGE]: **Sec. 217.5. "Officer", for purposes**
 39 **of IC 35-44.1-3-2, has the meaning set forth in IC 35-44.1-3-2(a).**

40 SECTION 118. IC 35-31.5-2-218.5 IS ADDED TO THE INDIANA
 41 CODE AS A NEW SECTION TO READ AS FOLLOWS
 42 [EFFECTIVE UPON PASSAGE]: **Sec. 218.5. "Omnibus date", for**

C
o
p
y



1 **purposes of IC 35-36, has the meaning set forth in IC 35-36-1-1.**

2 SECTION 119. IC 35-31.5-2-230, AS ADDED BY P.L.114-2012,
3 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 UPON PASSAGE]: Sec. 230. "Pecuniary interest", for purposes of
5 ~~IC 35-44-1-3~~ **IC 35-44.1-1-4** and ~~IC 35-44-1-7~~; **IC 35-44.1-1-5**, has the
6 meaning set forth in ~~IC 35-44-1-3(a)(3)~~; **IC 35-44.1-1-4(a)(3)**.

7 SECTION 120. IC 35-31.5-2-234, AS ADDED BY P.L.114-2012,
8 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 UPON PASSAGE]: Sec. 234. (a) **Except as provided in subsections**
10 **(b) through (d)**, "person" means a human being, corporation, limited
11 liability company, partnership, unincorporated association, or
12 governmental entity.

13 (b) "Person", for purposes of IC 35-43-6, has the meaning set forth
14 in IC 35-43-6-7.

15 (c) "Person", for purposes of IC 35-43-9, has the meaning set forth
16 in IC 35-43-9-2.

17 **(d) "Person", for purposes of section 128 of this chapter, means**
18 **an adult or a minor.**

19 SECTION 121. IC 35-31.5-2-235.7 IS ADDED TO THE INDIANA
20 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
21 [EFFECTIVE UPON PASSAGE]: **Sec. 235.7. "Place", for purposes**
22 **of IC 35-33-5-1, has the meaning set forth in IC 35-33-5-1(b).**

23 SECTION 122. IC 35-31.5-2-237, AS ADDED BY P.L.114-2012,
24 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 UPON PASSAGE]: Sec. 237. "Police radio", for purposes of
26 ~~IC 35-44-3-12~~; **IC 35-44.1-2-7**, has the meaning set forth in
27 ~~IC 35-44-3-12(c)~~; **IC 35-44.1-2-7(c)**.

28 SECTION 123. IC 35-31.5-2-244, AS ADDED BY P.L.114-2012,
29 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 UPON PASSAGE]: Sec. 244. (a) "Prescription drug", for purposes of
31 IC 35-48, has the meaning set forth in IC 35-48-1-25.

32 **(b) "Prescription drug", for purposes of IC 35-42-2-8, has the**
33 **meaning set forth in IC 35-42-2-8(a)(4).**

34 SECTION 124. IC 35-31.5-2-248.2 IS ADDED TO THE INDIANA
35 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
36 [EFFECTIVE UPON PASSAGE]: **Sec. 248.2. "Production", for**
37 **purposes of IC 35-48, has the meaning set forth in IC 35-48-1-26.**

38 SECTION 125. IC 35-31.5-2-262, AS ADDED BY P.L.114-2012,
39 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 UPON PASSAGE]: Sec. 262. "Publicly paid costs of representation",
41 means the part of all attorney's fees, expenses, or wages incurred by the
42 county that are: (1) directly attributable to the defendant's defense; and

C
o
p
y



1 (2) not overhead expenditures made in connection with the
 2 maintenance or operation of a governmental agency: for purposes of
 3 **IC 35-33-8, has the meaning set forth in IC 35-33-8-1.5.**

4 SECTION 126. IC 35-31.5-2-273.2 IS ADDED TO THE INDIANA
 5 CODE AS A NEW SECTION TO READ AS FOLLOWS
 6 [EFFECTIVE UPON PASSAGE]: **Sec. 273.2. "Refuse", for purposes**
 7 **of IC 35-45-3-2, has the meaning set forth in IC 35-45-3-2(b).**

8 SECTION 127. IC 35-31.5-2-273.3 IS ADDED TO THE INDIANA
 9 CODE AS A NEW SECTION TO READ AS FOLLOWS
 10 [EFFECTIVE UPON PASSAGE]: **Sec. 273.3. "Regulated explosive",**
 11 **for purposes of IC 35-47.5, has the meaning set forth in**
 12 **IC 35-47.5-2-13.**

13 SECTION 128. IC 35-31.5-2-296, AS ADDED BY P.L.114-2012,
 14 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 UPON PASSAGE]: Sec. 296. "Service provider", for purposes of
 16 ~~IC 35-44-1-5~~, **IC 35-44.1-3-10**, has the meaning set forth in
 17 ~~IC 35-44-1-5(a)~~: **IC 35-44.1-3-10(a).**

18 SECTION 129. IC 35-31.5-2-311, AS ADDED BY P.L.114-2012,
 19 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 UPON PASSAGE]: Sec. 311. (a) "State", for purposes of IC 35-48-7,
 21 has the meaning set forth in IC 35-48-7-7.5.

22 (b) "State", for purposes of IC 35-37-5, has the meaning set
 23 forth in IC 35-37-5-1.

24 SECTION 130. IC 35-31.5-2-316.8 IS ADDED TO THE INDIANA
 25 CODE AS A NEW SECTION TO READ AS FOLLOWS
 26 [EFFECTIVE UPON PASSAGE]: **Sec. 316.8. "Subpoena", for**
 27 **purposes of IC 35-37-5, has the meaning set forth in IC 35-37-5-1.**

28 SECTION 131. IC 35-31.5-2-330.3 IS ADDED TO THE INDIANA
 29 CODE AS A NEW SECTION TO READ AS FOLLOWS
 30 [EFFECTIVE UPON PASSAGE]: **Sec. 330.3. "Threatens", for**
 31 **purposes of IC 35-45-9, has the meaning set forth in IC 35-45-9-2.**

32 SECTION 132. IC 35-31.5-2-330.7 IS ADDED TO THE INDIANA
 33 CODE AS A NEW SECTION TO READ AS FOLLOWS
 34 [EFFECTIVE UPON PASSAGE]: **Sec. 330.7. "Timber", for**
 35 **purposes of IC 35-43-8, has the meaning set forth in IC 35-43-8-1.**

36 SECTION 133. IC 35-31.5-2-333.9 IS ADDED TO THE INDIANA
 37 CODE AS A NEW SECTION TO READ AS FOLLOWS
 38 [EFFECTIVE UPON PASSAGE]: **Sec. 333.9. "Tobacco", for**
 39 **purposes of IC 35-46-1, has the meaning set forth in IC 35-46-1-1.7.**

40 SECTION 134. IC 35-38-1-5, AS AMENDED BY P.L.105-2010,
 41 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 UPON PASSAGE]: Sec. 5. (a) When the defendant appears for

C
o
p
y



1 sentencing, the court shall inform the defendant of the verdict of the
 2 jury or the finding of the court. The court shall afford counsel for the
 3 defendant an opportunity to speak on behalf of the defendant. The
 4 defendant may also make a statement personally in the defendant's own
 5 behalf and, before pronouncing sentence, the court shall ask the
 6 defendant whether the defendant wishes to make such a statement.
 7 Sentence shall then be pronounced, unless a sufficient cause is alleged
 8 or appears to the court for delay in sentencing.

9 ~~(b) This subsection expires June 30, 2012. A court that sentences a~~
 10 ~~person to a term of imprisonment shall include the total costs of~~
 11 ~~incarceration in the sentencing order. The court may not consider Class~~
 12 ~~I credit under IC 35-50-6-3 in the calculation of the total costs of~~
 13 ~~incarceration.~~

14 SECTION 135. IC 35-38-2-2.3, AS AMENDED BY P.L.40-2012,
 15 SECTION 20, AND AS AMENDED BY P.L.147-2012, SECTION 9,
 16 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 17 [EFFECTIVE UPON PASSAGE]: Sec. 2.3. (a) As a condition of
 18 probation, the court may require a person to do a combination of the
 19 following:

20 (1) Work faithfully at suitable employment or faithfully pursue a
 21 course of study or career and technical education that will equip
 22 the person for suitable employment.

23 (2) Undergo available medical or psychiatric treatment and
 24 remain in a specified institution if required for that purpose.

25 (3) Attend or reside in a facility established for the instruction,
 26 recreation, or residence of persons on probation.

27 *(4) Participate in a treatment program, educational class, or*
 28 *rehabilitative service provided by a probation department or by*
 29 *referral to an agency.*

30 ~~(4)~~ (5) Support the person's dependents and meet other family
 31 responsibilities.

32 ~~(5)~~ (6) Make restitution or reparation to the victim of the crime for
 33 damage or injury that was sustained by the victim. When
 34 restitution or reparation is a condition of probation, the court shall
 35 fix the amount, which may not exceed an amount the person can
 36 or will be able to pay, and shall fix the manner of performance.

37 ~~(6)~~ (7) Execute a repayment agreement with the appropriate
 38 governmental entity to repay the full amount of public relief or
 39 assistance wrongfully received, and make repayments according
 40 to a repayment schedule set out in the agreement.

41 ~~(7)~~ (8) Pay a fine authorized by IC 35-50.

42 ~~(8)~~ (9) Refrain from possessing a firearm or other deadly weapon

C
o
p
y



- 1 unless granted written permission by the court or the person's
 2 probation officer.
- 3 ~~(9)~~ (10) Report to a probation officer at reasonable times as
 4 directed by the court or the probation officer.
- 5 ~~(10)~~ (11) Permit the person's probation officer to visit the person
 6 at reasonable times at the person's home or elsewhere.
- 7 ~~(11)~~ (12) Remain within the jurisdiction of the court, unless
 8 granted permission to leave by the court or by the person's
 9 probation officer.
- 10 ~~(12)~~ (13) Answer all reasonable inquiries by the court or the
 11 person's probation officer and promptly notify the court or
 12 probation officer of any change in address or employment.
- 13 ~~(13)~~ (14) Perform uncompensated work that benefits the
 14 community.
- 15 ~~(14)~~ (15) Satisfy other conditions reasonably related to the
 16 person's rehabilitation.
- 17 ~~(15)~~ (16) Undergo home detention under IC 35-38-2.5.
- 18 ~~(16)~~ (17) Undergo a laboratory test or series of tests approved by
 19 the state department of health to detect and confirm the presence
 20 of the human immunodeficiency virus (HIV) antigen or antibodies
 21 to the human immunodeficiency virus (HIV), if:
- 22 (A) the person had been convicted of an offense relating to a
 23 criminal sexual act and the offense created an
 24 epidemiologically demonstrated risk of transmission of the
 25 human immunodeficiency virus (HIV); or
- 26 (B) the person had been convicted of an offense relating to a
 27 controlled substance and the offense involved:
- 28 (i) the delivery by any person to another person; or
 29 (ii) the use by any person on another person;
 30 of a contaminated sharp (as defined in IC 16-41-16-2) or other
 31 paraphernalia that creates an epidemiologically demonstrated
 32 risk of transmission of HIV by involving percutaneous contact.
- 33 ~~(17)~~ (18) Refrain from any direct or indirect contact with an
 34 individual and, if convicted of an offense under IC 35-46-3, any
 35 animal belonging to the individual.
- 36 ~~(18)~~ (19) Execute a repayment agreement with the appropriate
 37 governmental entity or with a person for reasonable costs incurred
 38 because of the taking, detention, or return of a missing child (as
 39 defined in IC 10-13-5-4).
- 40 ~~(19)~~ (20) Periodically undergo a laboratory chemical test (as
 41 defined in ~~IC 14-15-8-1~~ IC 9-13-2-22) or series of chemical tests
 42 as specified by the court to detect and confirm the presence of a

C
o
p
y

1 controlled substance (as defined in IC 35-48-1-9). The person on
 2 probation is responsible for any charges resulting from a test and
 3 shall have the results of any test under this subdivision reported
 4 to the person's probation officer by the laboratory.

5 ~~(20)~~ (21) If the person was confined in a penal facility, execute a
 6 reimbursement plan as directed by the court and make repayments
 7 under the plan to the authority that operates the penal facility for
 8 all or part of the costs of the person's confinement in the penal
 9 facility. The court shall fix an amount that:

10 (A) may not exceed an amount the person can or will be able
 11 to pay;

12 (B) does not harm the person's ability to reasonably be self
 13 supporting or to reasonably support any dependent of the
 14 person; and

15 (C) takes into consideration and gives priority to any other
 16 restitution, reparation, repayment, or fine the person is
 17 required to pay under this section.

18 ~~(21)~~ (22) Refrain from owning, harboring, or training an animal.

19 ~~(22)~~ (23) Participate in a reentry court program.

20 (b) When a person is placed on probation, the person shall be given
 21 a written statement specifying:

22 (1) the conditions of probation; and

23 (2) that if the person violates a condition of probation during the
 24 probationary period, a petition to revoke probation may be filed
 25 before the earlier of the following:

26 (A) One (1) year after the termination of probation.

27 (B) Forty-five (45) days after the state receives notice of the
 28 violation.

29 (c) As a condition of probation, the court may require that the
 30 person serve a term of imprisonment in an appropriate facility at the
 31 time or intervals (consecutive or intermittent) within the period of
 32 probation the court determines.

33 (d) Intermittent service may be required only for a term of not more
 34 than sixty (60) days and must be served in the county or local penal
 35 facility. The intermittent term is computed on the basis of the actual
 36 days spent in confinement and shall be completed within one (1) year.
 37 A person does not earn credit time while serving an intermittent term
 38 of imprisonment under this subsection. When the court orders
 39 intermittent service, the court shall state:

40 (1) the term of imprisonment;

41 (2) the days or parts of days during which a person is to be
 42 confined; and

C
o
p
y



1 (3) the conditions.
 2 (e) Supervision of a person may be transferred from the court that
 3 placed the person on probation to a court of another jurisdiction, with
 4 the concurrence of both courts. Retransfers of supervision may occur
 5 in the same manner. This subsection does not apply to transfers made
 6 under IC 11-13-4 or IC 11-13-5.

7 (f) When a court imposes a condition of probation described in
 8 subsection ~~(a)(17): (a)(18):~~

9 (1) the clerk of the court shall comply with IC 5-2-9; and
 10 (2) the prosecuting attorney shall file a confidential form
 11 prescribed or approved by the division of state court
 12 administration with the clerk.

13 (g) As a condition of probation, a court shall require a person:
 14 (1) convicted of an offense described in IC 10-13-6-10;
 15 (2) who has not previously provided a DNA sample in accordance
 16 with IC 10-13-6; and
 17 (3) whose sentence does not involve a commitment to the
 18 department of correction;

19 to provide a DNA sample as a condition of probation.

20 (h) *If a court imposes a condition of probation described in*
 21 *subsection (a)(4), the person on probation is responsible for any costs*
 22 *resulting from the participation in a program, class, or service. Any*
 23 *costs collected for services provided by the probation department shall*
 24 *be deposited in the county or local supplemental adult services fund.*

25 SECTION 136. IC 35-41-3-2, AS AMENDED BY P.L.161-2012,
 26 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 UPON PASSAGE]: Sec. 2. (a) In enacting this section, the general
 28 assembly finds and declares that it is the policy of this state to
 29 recognize the unique character of a citizen's home and to ensure that a
 30 citizen feels secure in his or her own home against unlawful intrusion
 31 by another individual or a public servant. By reaffirming the long
 32 standing right of a citizen to protect his or her home against unlawful
 33 intrusion, however, the general assembly does not intend to diminish
 34 in any way the other robust self defense rights that citizens of this state
 35 have always enjoyed. Accordingly, the general assembly also finds and
 36 declares that it is the policy of this state that people have a right to
 37 defend themselves and third parties from physical harm and crime. The
 38 purpose of this section is to provide the citizens of this state with a
 39 lawful means of carrying out this policy.

40 (b) As used in this section, "public servant" means a person
 41 described in ~~IC 35-41-1-17~~, IC 35-31.5-2-129 or IC 35-31.5-2-185.

42 (c) A person is justified in using reasonable force against any other

C
o
p
y



1 person to protect the person or a third person from what the person
2 reasonably believes to be the imminent use of unlawful force.

3 However, a person:

4 (1) is justified in using deadly force; and

5 (2) does not have a duty to retreat;

6 if the person reasonably believes that that force is necessary to prevent
7 serious bodily injury to the person or a third person or the commission
8 of a forcible felony. No person in this state shall be placed in legal
9 jeopardy of any kind whatsoever for protecting the person or a third
10 person by reasonable means necessary.

11 (d) A person:

12 (1) is justified in using reasonable force, including deadly force,
13 against any other person; and

14 (2) does not have a duty to retreat;

15 if the person reasonably believes that the force is necessary to prevent
16 or terminate the other person's unlawful entry of or attack on the
17 person's dwelling, curtilage, or occupied motor vehicle.

18 (e) With respect to property other than a dwelling, curtilage, or an
19 occupied motor vehicle, a person is justified in using reasonable force
20 against any other person if the person reasonably believes that the force
21 is necessary to immediately prevent or terminate the other person's
22 trespass on or criminal interference with property lawfully in the
23 person's possession, lawfully in possession of a member of the person's
24 immediate family, or belonging to a person whose property the person
25 has authority to protect. However, a person:

26 (1) is justified in using deadly force; and

27 (2) does not have a duty to retreat;

28 only if that force is justified under subsection (c).

29 (f) A person is justified in using reasonable force, including deadly
30 force, against any other person and does not have a duty to retreat if the
31 person reasonably believes that the force is necessary to prevent or stop
32 the other person from hijacking, attempting to hijack, or otherwise
33 seizing or attempting to seize unlawful control of an aircraft in flight.
34 For purposes of this subsection, an aircraft is considered to be in flight
35 while the aircraft is:

36 (1) on the ground in Indiana:

37 (A) after the doors of the aircraft are closed for takeoff; and

38 (B) until the aircraft takes off;

39 (2) in the airspace above Indiana; or

40 (3) on the ground in Indiana:

41 (A) after the aircraft lands; and

42 (B) before the doors of the aircraft are opened after landing.

C
O
P
Y



1 (g) Notwithstanding subsections (c) through (e), a person is not
2 justified in using force if:

3 (1) the person is committing or is escaping after the commission
4 of a crime;

5 (2) the person provokes unlawful action by another person with
6 intent to cause bodily injury to the other person; or

7 (3) the person has entered into combat with another person or is
8 the initial aggressor unless the person withdraws from the
9 encounter and communicates to the other person the intent to do
10 so and the other person nevertheless continues or threatens to
11 continue unlawful action.

12 (h) Notwithstanding subsection (f), a person is not justified in using
13 force if the person:

14 (1) is committing, or is escaping after the commission of, a crime;

15 (2) provokes unlawful action by another person, with intent to
16 cause bodily injury to the other person; or

17 (3) continues to combat another person after the other person
18 withdraws from the encounter and communicates the other
19 person's intent to stop hijacking, attempting to hijack, or
20 otherwise seizing or attempting to seize unlawful control of an
21 aircraft in flight.

22 (i) A person is justified in using reasonable force against a public
23 servant if the person reasonably believes the force is necessary to:

24 (1) protect the person or a third person from what the person
25 reasonably believes to be the imminent use of unlawful force;

26 (2) prevent or terminate the public servant's unlawful entry of or
27 attack on the person's dwelling, curtilage, or occupied motor
28 vehicle; or

29 (3) prevent or terminate the public servant's unlawful trespass on
30 or criminal interference with property lawfully in the person's
31 possession, lawfully in possession of a member of the person's
32 immediate family, or belonging to a person whose property the
33 person has authority to protect.

34 (j) Notwithstanding subsection (i), a person is not justified in using
35 force against a public servant if:

36 (1) the person is committing or is escaping after the commission
37 of a crime;

38 (2) the person provokes action by the public servant with intent to
39 cause bodily injury to the public servant;

40 (3) the person has entered into combat with the public servant or
41 is the initial aggressor, unless the person withdraws from the
42 encounter and communicates to the public servant the intent to do

C
o
p
y



1 so and the public servant nevertheless continues or threatens to
 2 continue unlawful action; or
 3 (4) the person reasonably believes the public servant is:
 4 (A) acting lawfully; or
 5 (B) engaged in the lawful execution of the public servant's
 6 official duties.
 7 (k) A person is not justified in using deadly force against a public
 8 servant whom the person knows or reasonably should know is a public
 9 servant unless:
 10 (1) the person reasonably believes that the public servant is:
 11 (A) acting unlawfully; or
 12 (B) not engaged in the execution of the public servant's official
 13 duties; and
 14 (2) the force is reasonably necessary to prevent serious bodily
 15 injury to the person or a third person.
 16 SECTION 137. IC 35-44.1-2-8, AS ADDED BY P.L.126-2012,
 17 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 UPON PASSAGE]: Sec. 8. (a) A person who knowingly or
 19 intentionally manufactures and sells or manufactures and offers for
 20 sale:
 21 (1) an official badge or a replica of an official badge that is
 22 currently used by a law enforcement agency or fire department of
 23 the state or of a political subdivision of the state; or
 24 (2) a document that purports to be an official employment
 25 identification that is used by a law enforcement agency or fire
 26 department of the state or of a political subdivision of the state;
 27 without the written permission of the chief executive officer of the law
 28 enforcement agency commits unlawful manufacture or sale of a police
 29 or fire insignia, a Class A misdemeanor.
 30 (b) However, the offense described in subsection (a) is:
 31 (1) a Class D felony if the person commits the offense with the
 32 knowledge or intent that the badge or employment identification
 33 will be used to further the commission of an offense under
 34 ~~IC 35-44-2-3~~; **section 6 of this chapter**; and
 35 (2) a Class B felony if the person commits the offense with the
 36 knowledge or intent that the badge or employment identification
 37 will be used to further the commission of an offense under
 38 IC 35-47-12.
 39 (c) It is a defense to a prosecution under subsection (a)(1) if the area
 40 of the badge or replica that is manufactured and sold or manufactured
 41 and offered for sale as measured by multiplying the greatest length of
 42 the badge by the greatest width of the badge is:

COPY



- 1 (1) less than fifty percent (50%); or
- 2 (2) more than one hundred fifty percent (150%);
- 3 of the area of an official badge that is used by a law enforcement
- 4 agency or fire department of the state or a political subdivision of the
- 5 state as measured by multiplying the greatest length of the official
- 6 badge by the greatest width of the official badge.

7 SECTION 138. IC 35-44.1-4-9, AS ADDED BY P.L.126-2012,
 8 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 UPON PASSAGE]: Sec. 9. (a) **As used in this section**, "emergency
 10 medical person" means a person who holds a certificate issued by the
 11 Indiana emergency medical services commission to provide emergency
 12 medical services.

13 (b) A person who knowingly or intentionally obstructs or interferes
 14 with an emergency medical person performing or attempting to perform
 15 the emergency medical person's emergency functions or duties commits
 16 obstructing an emergency medical person, a Class B misdemeanor.

17 SECTION 139. IC 35-44.2-4-2, AS ADDED BY P.L.126-2012,
 18 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 UPON PASSAGE]: Sec. 2. (a) An employee of a state agency who
 20 unlawfully discloses a Social Security number is subject to criminal
 21 prosecution under IC 4-1-10-8.

22 (b) An employee of a state agency who makes a false representation
 23 to obtain a Social Security number **from the state agency** is subject to
 24 criminal prosecution under IC 4-1-10-9.

25 (c) An employee of a state agency who negligently discloses a
 26 Social Security number is subject to a civil action for an infraction
 27 under IC 4-1-10-10.

28 SECTION 140. IC 35-45-6-1, AS AMENDED BY P.L.126-2012,
 29 SECTION 56, AND AS AMENDED BY P.L.149-2012, SECTION 19,
 30 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 31 [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) The definitions in this
 32 section apply throughout this chapter.

33 (b) "Documentary material" means any document, drawing,
 34 photograph, recording, or other tangible item containing compiled data
 35 from which information can be either obtained or translated into a
 36 usable form.

37 (c) "Enterprise" means:
 38 (1) a sole proprietorship, corporation, limited liability company,
 39 partnership, business trust, or governmental entity; or
 40 (2) a union, an association, or a group, whether a legal entity or
 41 merely associated in fact.

42 (d) "Pattern of racketeering activity" means engaging in at least two

COPY



1 (2) incidents of racketeering activity that have the same or similar
 2 intent, result, accomplice, victim, or method of commission, or that are
 3 otherwise interrelated by distinguishing characteristics that are not
 4 isolated incidents. However, the incidents are a pattern of racketeering
 5 activity only if at least one (1) of the incidents occurred after August
 6 31, 1980, and if the last of the incidents occurred within five (5) years
 7 after a prior incident of racketeering activity.

8 (e) "Racketeering activity" means to commit, to attempt to commit,
 9 to conspire to commit a violation of, or aiding and abetting in a
 10 violation of any of the following:

- 11 (1) A provision of IC 23-19, or of a rule or order issued under
- 12 IC 23-19.
- 13 (2) A violation of IC 35-45-9.
- 14 (3) A violation of IC 35-47.
- 15 (4) A violation of IC 35-49-3.
- 16 (5) Murder (IC 35-42-1-1).
- 17 (6) Battery as a Class C felony (IC 35-42-2-1).
- 18 (7) Kidnapping (IC 35-42-3-2).
- 19 (8) Human and sexual trafficking crimes (IC 35-42-3.5).
- 20 (9) Child exploitation (IC 35-42-4-4).
- 21 (10) Robbery (IC 35-42-5-1).
- 22 (11) Carjacking (IC 35-42-5-2).
- 23 (12) Arson (IC 35-43-1-1).
- 24 (13) Burglary (IC 35-43-2-1).
- 25 (14) Theft (IC 35-43-4-2).
- 26 (15) Receiving stolen property (IC 35-43-4-2).
- 27 (16) Forgery (IC 35-43-5-2).
- 28 (17) Fraud (IC 35-43-5-4(1) through IC 35-43-5-4(10)).
- 29 (18) Bribery (~~IC 35-44-1-1~~; (IC 35-44.1-1-2).
- 30 (19) Official misconduct (~~IC 35-44-1-2~~; (IC 35-44.1-1-1).
- 31 (20) Conflict of interest (~~IC 35-44-1-3~~; (IC 35-44.1-1-4).
- 32 (21) Perjury (~~IC 35-44-2-1~~; (IC 35-44.1-2-1).
- 33 (22) Obstruction of justice (~~IC 35-44-3-4~~; (IC 35-44.1-2-2).
- 34 (23) Intimidation (IC 35-45-2-1).
- 35 (24) Promoting prostitution (IC 35-45-4-4).
- 36 (25) Professional gambling (IC 35-45-5-3).
- 37 (26) Maintaining a professional gambling site
- 38 (IC 35-45-5-3.5(b)).
- 39 (27) Promoting professional gambling (IC 35-45-5-4).
- 40 (28) Dealing in or manufacturing cocaine or a narcotic drug
- 41 (IC 35-48-4-1).
- 42 (29) Dealing in or manufacturing methamphetamine

C
o
p
y



- 1 (IC 35-48-4-1.1).
- 2 (30) Dealing in a schedule I, II, or III controlled substance
- 3 (IC 35-48-4-2).
- 4 (31) Dealing in a schedule IV controlled substance
- 5 (IC 35-48-4-3).
- 6 (32) Dealing in a schedule V controlled substance (IC 35-48-4-4).
- 7 (33) Dealing in marijuana, hash oil, hashish, salvia, or a synthetic
- 8 cannabinoid (IC 35-48-4-10).
- 9 (34) Money laundering (IC 35-45-15-5).
- 10 (35) A violation of IC 35-47.5-5.
- 11 (36) A violation of any of the following:
- 12 (A) IC 23-14-48-9.
- 13 (B) IC 30-2-9-7(b).
- 14 (C) IC 30-2-10-9(b).
- 15 (D) IC 30-2-13-38(f).
- 16 (37) *Practice of law by a person who is not an attorney*
- 17 *(IC 33-43-2-1).*
- 18 SECTION 141. IC 35-50-1-2, AS AMENDED BY P.L.125-2012,
- 19 SECTION 416, AND AS AMENDED BY P.L.126-2012, SECTION
- 20 59, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
- 21 [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) As used in this section,
- 22 "crime of violence" means the following:
- 23 (1) Murder (IC 35-42-1-1).
- 24 (2) Attempted murder (IC 35-41-5-1).
- 25 (3) Voluntary manslaughter (IC 35-42-1-3).
- 26 (4) Involuntary manslaughter (IC 35-42-1-4).
- 27 (5) Reckless homicide (IC 35-42-1-5).
- 28 (6) Aggravated battery (IC 35-42-2-1.5).
- 29 (7) Kidnapping (IC 35-42-3-2).
- 30 (8) Rape (IC 35-42-4-1).
- 31 (9) Criminal deviate conduct (IC 35-42-4-2).
- 32 (10) Child molesting (IC 35-42-4-3).
- 33 (11) Sexual misconduct with a minor as a Class A felony under
- 34 IC 35-42-4-9(a)(2) or a Class B felony under IC 35-42-4-9(b)(2).
- 35 (12) Robbery as a Class A felony or a Class B felony
- 36 (IC 35-42-5-1).
- 37 (13) Burglary as a Class A felony or a Class B felony
- 38 (IC 35-43-2-1).
- 39 (14) Operating a ~~motor~~ vehicle while intoxicated causing death
- 40 (IC 9-30-5-5).
- 41 (15) Operating a ~~motor~~ vehicle while intoxicated causing serious
- 42 bodily injury to another person (IC 9-30-5-4).

COPY



1 (16) Resisting law enforcement as a felony (~~IC 35-44-3-3~~);
2 (~~IC 35-44.1-3-1~~).

3 (b) As used in this section, "episode of criminal conduct" means
4 offenses or a connected series of offenses that are closely related in
5 time, place, and circumstance.

6 (c) Except as provided in subsection (d) or (e), the court shall
7 determine whether terms of imprisonment shall be served concurrently
8 or consecutively. The court may consider the:

9 (1) aggravating circumstances in IC 35-38-1-7.1(a); and
10 (2) mitigating circumstances in IC 35-38-1-7.1(b);

11 in making a determination under this subsection. The court may order
12 terms of imprisonment to be served consecutively even if the sentences
13 are not imposed at the same time. However, except for crimes of
14 violence, the total of the consecutive terms of imprisonment, exclusive
15 of terms of imprisonment under IC 35-50-2-8 and IC 35-50-2-10, to
16 which the defendant is sentenced for felony convictions arising out of
17 an episode of criminal conduct shall not exceed the advisory sentence
18 for a felony which is one (1) class of felony higher than the most
19 serious of the felonies for which the person has been convicted.

20 (d) If, after being arrested for one (1) crime, a person commits
21 another crime:

22 (1) before the date the person is discharged from probation,
23 parole, or a term of imprisonment imposed for the first crime; or
24 (2) while the person is released:

25 (A) upon the person's own recognizance; or
26 (B) on bond;

27 the terms of imprisonment for the crimes shall be served consecutively,
28 regardless of the order in which the crimes are tried and sentences are
29 imposed.

30 (e) If the factfinder determines under IC 35-50-2-11 that a person
31 used a firearm in the commission of the offense for which the person
32 was convicted, the term of imprisonment for the underlying offense and
33 the additional term of imprisonment imposed under IC 35-50-2-11
34 must be served consecutively.

35 SECTION 142. IC 35-50-2-7, AS AMENDED BY P.L.69-2012,
36 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 UPON PASSAGE]: Sec. 7. (a) A person who commits a Class D felony
38 shall be imprisoned for a fixed term of between six (6) months and
39 three (3) years, with the advisory sentence being one and one-half (1
40 1/2) years. In addition, the person may be fined not more than ten
41 thousand dollars (\$10,000).

42 (b) Notwithstanding subsection (a), if a person has committed a

C
o
p
y



1 Class D felony, the court may enter judgment of conviction of a Class
 2 A misdemeanor and sentence accordingly. However, the court shall
 3 enter a judgment of conviction of a Class D felony if:

4 (1) the court finds that:

5 (A) the person has committed a prior, unrelated felony for
 6 which judgment was entered as a conviction of a Class A
 7 misdemeanor; and

8 (B) the prior felony was committed less than three (3) years
 9 before the second felony was committed;

10 (2) the offense is domestic battery as a Class D felony under
 11 IC 35-42-2-1.3; or

12 (3) the offense is possession of child pornography (IC
 13 35-42-4-4(c)).

14 The court shall enter in the record, in detail, the reason for its action
 15 whenever it exercises the power to enter judgment of conviction of a
 16 Class A misdemeanor granted in this subsection.

17 (c) Notwithstanding subsection (a), the sentencing court may
 18 convert a Class D felony conviction to a Class A misdemeanor
 19 conviction if, after receiving a verified petition as described in
 20 subsection (d) and after conducting a hearing of which the prosecuting
 21 attorney has been notified, the court makes the following findings:

22 (1) The person is not a sex or violent offender (as defined in
 23 IC 11-8-8-5).

24 (2) The person was not convicted of a Class D felony that resulted
 25 in bodily injury to another person.

26 (3) The person has not been convicted of perjury under
 27 **IC 35-44.1-2-1 (or IC 35-44-2-1 before its repeal)** or official
 28 misconduct under **IC 35-44.1-1-1 (or IC 35-44-1-2 before its
 29 repeal)**.

30 (4) At least three (3) years have passed since the person:

31 (A) completed the person's sentence; and

32 (B) satisfied any other obligation imposed on the person as
 33 part of the sentence;

34 for the Class D felony.

35 (5) The person has not been convicted of a felony since the
 36 person:

37 (A) completed the person's sentence; and

38 (B) satisfied any other obligation imposed on the person as
 39 part of the sentence;

40 for the Class D felony.

41 (6) No criminal charges are pending against the person.

42 (d) A petition filed under subsection (c) must be verified and set

C
o
p
y



- 1 forth:
- 2 (1) the crime the person has been convicted of;
- 3 (2) the date of the conviction;
- 4 (3) the date the person completed the person's sentence;
- 5 (4) any obligations imposed on the person as part of the sentence;
- 6 (5) the date the obligations were satisfied; and
- 7 (6) a verified statement that there are no criminal charges pending
- 8 against the person.

9 (e) If a person whose Class D felony conviction has been converted
 10 to a Class A misdemeanor conviction under subsection (c) is convicted
 11 of a felony within five (5) years after the conversion under subsection
 12 (c), a prosecuting attorney may petition a court to convert the person's
 13 Class A misdemeanor conviction back to a Class D felony conviction.

14 SECTION 143. IC 35-51-6-1, AS AMENDED BY P.L.6-2012,
 15 SECTION 236, IS AMENDED TO READ AS FOLLOWS
 16 [EFFECTIVE UPON PASSAGE]: Sec. 1. The following statutes define
 17 crimes in IC 6:

- 18 IC 6-1.1-5.5-10 (Concerning sales disclosure forms).
- 19 IC 6-1.1-37-1 (Concerning officers of the state or local
- 20 government).
- 21 IC 6-1.1-37-2 (Concerning officials or representatives of the
- 22 department of local government **finance**).
- 23 IC 6-1.1-37-3 (Concerning property tax returns, statements, or
- 24 documents).
- 25 IC 6-1.1-37-4 (Concerning property tax deductions).
- 26 IC 6-1.1-37-5 (Concerning false statements on a report or
- 27 application).
- 28 IC 6-1.1-37-6 (Concerning general assessments).
- 29 IC 6-2.3-5.5-12 (Concerning utility taxes).
- 30 IC 6-2.3-7-1 (Concerning taxes).
- 31 IC 6-2.3-7-2 (Concerning taxes).
- 32 IC 6-2.3-7-3 (Concerning taxes).
- 33 IC 6-2.3-7-4 (Concerning taxes).
- 34 IC 6-2.5-9-1 (Concerning taxes).
- 35 IC 6-2.5-9-2 (Concerning taxes).
- 36 IC 6-2.5-9-3 (Concerning taxes).
- 37 IC 6-2.5-9-6 (Concerning taxes).
- 38 IC 6-2.5-9-7 (Concerning retail sales).
- 39 IC 6-2.5-9-8 (Concerning taxes).
- 40 IC 6-3-3-9 (Concerning taxes).
- 41 IC 6-3-4-8 (Concerning taxes).
- 42 IC 6-3-6-10 (Concerning taxes).

COPY



- 1 IC 6-3-6-11 (Concerning taxes).
- 2 IC 6-3-7-5 (Concerning taxes).
- 3 IC 6-3.5-4-16 (Concerning taxes).
- 4 IC 6-4.1-12-12 (Concerning taxes).
- 5 IC 6-5.5-7-3 (Concerning taxes).
- 6 IC 6-5.5-7-4 (Concerning taxes).
- 7 IC 6-6-1.1-1307 (Concerning taxes).
- 8 IC 6-6-1.1-1308 (Concerning taxes).
- 9 IC 6-6-1.1-1309 (Concerning taxes).
- 10 IC 6-6-1.1-1310 (Concerning taxes).
- 11 IC 6-6-1.1-1311 (Concerning taxes).
- 12 IC 6-6-1.1-1312 (Concerning taxes).
- 13 IC 6-6-1.1-1313 (Concerning taxes).
- 14 IC 6-6-1.1-1316 (Concerning taxes).
- 15 IC 6-6-2.5-28 (Concerning taxes).
- 16 IC 6-6-2.5-40 (Concerning fuel).
- 17 IC 6-6-2.5-56.5 (Concerning fuel).
- 18 IC 6-6-2.5-62 (Concerning fuel).
- 19 IC 6-6-2.5-63 (Concerning taxes).
- 20 IC 6-6-2.5-71 (Concerning taxes).
- 21 IC 6-6-5-11 (Concerning taxes).
- 22 IC 6-6-5.1-25 (Concerning taxes).
- 23 IC 6-6-6-10 (Concerning taxes).
- 24 IC 6-6-11-27 (Concerning taxes).
- 25 IC 6-7-1-15 (Concerning tobacco taxes).
- 26 IC 6-7-1-21 (Concerning tobacco taxes).
- 27 IC 6-7-1-22 (Concerning tobacco taxes).
- 28 IC 6-7-1-23 (Concerning tobacco taxes).
- 29 IC 6-7-1-24 (Concerning tobacco taxes).
- 30 IC 6-7-1-36 (Concerning tobacco taxes).
- 31 IC 6-7-2-18 (Concerning tobacco taxes).
- 32 IC 6-7-2-19 (Concerning tobacco taxes).
- 33 IC 6-7-2-20 (Concerning tobacco taxes).
- 34 IC 6-7-2-21 (Concerning tobacco taxes).
- 35 IC 6-8-1-19 (Concerning petroleum severance taxes).
- 36 IC 6-8-1-23 (Concerning petroleum severance taxes).
- 37 IC 6-8-1-24 (Concerning petroleum severance taxes).
- 38 IC 6-8.1-3-21.2 (Concerning taxes).
- 39 IC 6-8.1-7-3 (Concerning taxes).
- 40 IC 6-8.1-8-2 (Concerning taxes).
- 41 IC 6-8.1-10-4 (Concerning taxes).
- 42 IC 6-9-2-5 (Concerning innkeeper's taxes).

C
o
p
y



- 1 IC 6-9-2.5-8 (Concerning innkeeper's taxes).
- 2 IC 6-9-4-8 (Concerning innkeeper's taxes).
- 3 IC 6-9-6-8 (Concerning innkeeper's taxes).
- 4 IC 6-9-7-8 (Concerning innkeeper's taxes).
- 5 IC 6-9-10-8 (Concerning innkeeper's taxes).
- 6 IC 6-9-10.5-12 (Concerning innkeeper's taxes).
- 7 IC 6-9-11-8 (Concerning innkeeper's taxes).
- 8 IC 6-9-14-8 (Concerning innkeeper's taxes).
- 9 IC 6-9-15-8 (Concerning innkeeper's taxes).
- 10 IC 6-9-16-8 (Concerning innkeeper's taxes).
- 11 IC 6-9-17-8 (Concerning innkeeper's taxes).
- 12 IC 6-9-18-8 (Concerning innkeeper's taxes).
- 13 IC 6-9-19-8 (Concerning innkeeper's taxes).
- 14 IC 6-9-29-2 (Concerning innkeeper's taxes).
- 15 IC 6-9-32-8 (Concerning innkeeper's taxes).
- 16 IC 6-9-37-8 (Concerning innkeeper's taxes).
- 17 SECTION 144. IC 35-51-25-1, AS ADDED BY P.L.70-2011,
- 18 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 19 UPON PASSAGE]: Sec. 1. The following statutes define crimes in
- 20 IC 25:
- 21 IC 25-2.1-13-3 (Concerning accountants).
- 22 IC 25-2.5-3-4 (Concerning acupuncturists).
- 23 IC 25-5.1-4-2 (Concerning athletic trainers).
- 24 IC 25-5.2-2-12 (Concerning athlete agents).
- 25 IC 25-6.1-7-1 (Concerning auctioneers and auctions).
- 26 IC 25-6.1-7-2 (Concerning auctioneers and auctions).
- 27 IC 25-8-15.4-25 (Concerning beauty culture).
- 28 IC 25-10-1-11 (Concerning chiropractors).
- 29 IC 25-11-1-12 (Concerning collection agencies).
- 30 IC 25-13-1-3 (Concerning dental hygienists).
- 31 IC 25-14-1-25 (Concerning dentists).
- 32 IC 25-14-4-6 (Concerning dentists).
- 33 IC 25-14.5-7-2 (Concerning dietitians).
- 34 IC 25-16-1-18 (Concerning employment services).
- 35 IC 25-17.3-5-3 (Concerning genetic counselors).
- 36 IC 25-17.6-8-2 (Concerning geologists).
- 37 IC 25-18-1-19 (Concerning distress sales).
- 38 IC 25-20-1-21 (Concerning hearing aid dealers).
- 39 IC 25-20.7-5-1 (Concerning interior designers).
- 40 IC 25-21.5-5-10 (Concerning land surveyors).
- 41 IC 25-21.5-13-2 (Concerning land surveyors).
- 42 IC 25-21.8-7-1 (Concerning massage therapists).

C
o
p
y



- 1 IC 25-22.5-8-2 (Concerning physicians).
 2 IC 25-22.5-8-3 (Concerning physicians).
 3 IC 25-23-1-27 (Concerning nurses).
 4 IC 25-23.5-3-2 (Concerning occupational therapists).
 5 IC 25-23.6-3-3 (Concerning marriage and family therapists).
 6 IC 25-23.6-4-4 (Concerning marriage and family therapists).
 7 IC 25-23.6-4.5-4 (Concerning marriage and family therapists).
 8 ~~IC 25-23.6-4.7-7~~ **IC 25-23.6-7-7** (Concerning marriage and
 9 family therapists).
 10 IC 25-23.6-10.1-6 (Concerning marriage and family therapists).
 11 IC 25-23.6-11-1 (Concerning marriage and family therapists).
 12 IC 25-23.6-11-2 (Concerning marriage and family therapists).
 13 IC 25-23.6-11-3 (Concerning marriage and family therapists).
 14 IC 25-23.7-7-5 (Concerning manufactured home installers).
 15 IC 25-24-1-18 (Concerning optometrists).
 16 IC 25-24-3-17 (Concerning optometrists).
 17 IC 25-26-13-29 (Concerning pharmacists, pharmacies, and drug
 18 stores).
 19 IC 25-26-14-23 (Concerning pharmacists, pharmacies, and drug
 20 stores).
 21 IC 25-26-14-25 (Concerning pharmacists, pharmacies, and drug
 22 stores).
 23 IC 25-26-14-26 (Concerning pharmacists, pharmacies, and drug
 24 stores).
 25 IC 25-26-14-27 (Concerning pharmacists, pharmacies, and drug
 26 stores).
 27 IC 25-26-19-9 (Concerning pharmacists, pharmacies, and drug
 28 stores).
 29 IC 25-26-21-11 (Concerning pharmacists, pharmacies, and drug
 30 stores).
 31 IC 25-27-1-12 (Concerning physical therapists).
 32 IC 25-27.5-7-2 (Concerning physician assistants).
 33 IC 25-28.5-1-31 (Concerning plumbers).
 34 IC 25-29-9-1 (Concerning podiatrists).
 35 IC 25-30-1-21 (Concerning private investigator firms, security
 36 guards, and polygraph examiners).
 37 IC 25-30-1.3-23 (Concerning private investigator firms, security
 38 guards, and polygraph examiners).
 39 IC 25-31-1-13 (Concerning engineers).
 40 IC 25-31-1-27 (Concerning engineers).
 41 IC 25-31.5-8-7 (Concerning soil scientists).
 42 IC 25-33-1-15 (Concerning psychologists).

C
O
P
Y

- 1 IC 25-34.5-3-2 (Concerning respiratory care specialists).
 2 IC 25-35.6-3-10 (Concerning speech pathologists and
 3 audiologists).
 4 IC 25-36.1-1-2 (Concerning surgical technologists).
 5 IC 25-36.5-1-10 (Concerning timber buyers).
 6 IC 25-36.5-1-15 (Concerning timber buyers).
 7 IC 25-38.1-4-10 (Concerning veterinarians).
 8 IC 25-38.1-4-11 (Concerning veterinarians).
 9 IC 25-39-5-1 (Concerning water well drilling contractors).
 10 IC 25-39-5-7 (Concerning water well drilling contractors).
 11 IC 25-41-1-2 (Concerning behavior analysts).
- 12 SECTION 145. IC 36-1-3-8, AS AMENDED BY P.L.200-2005,
 13 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 UPON PASSAGE]: Sec. 8. (a) Subject to subsection (b), a unit does
 15 not have the following:
- 16 (1) The power to condition or limit its civil liability, except as
 17 expressly granted by statute.
 - 18 (2) The power to prescribe the law governing civil actions
 19 between private persons.
 - 20 (3) The power to impose duties on another political subdivision,
 21 except as expressly granted by statute.
 - 22 (4) The power to impose a tax, except as expressly granted by
 23 statute.
 - 24 (5) The power to impose a license fee greater than that reasonably
 25 related to the administrative cost of exercising a regulatory power.
 - 26 (6) The power to impose a service charge or user fee greater than
 27 that reasonably related to reasonable and just rates and charges
 28 for services.
 - 29 (7) The power to regulate conduct that is regulated by a state
 30 agency, except as expressly granted by statute.
 - 31 (8) The power to prescribe a penalty for conduct constituting a
 32 crime or infraction under statute.
 - 33 (9) The power to prescribe a penalty of imprisonment for an
 34 ordinance violation.
 - 35 (10) The power to prescribe a penalty of a fine as follows:
 - 36 (A) More than ten thousand dollars (\$10,000) for the violation
 37 of an ordinance or a regulation concerning air emissions
 38 adopted by a county that has received approval to establish an
 39 air **permit** program under IC 13-17-12-6.
 - 40 (B) For a violation of any other ordinance:
 - 41 (i) more than two thousand five hundred dollars (\$2,500) for
 42 a first violation of the ordinance; and

C
O
P
Y

- 1 (ii) except as provided in subsection (c), more than seven
- 2 thousand five hundred dollars (\$7,500) for a second or
- 3 subsequent violation of the ordinance.
- 4 (11) The power to invest money, except as expressly granted by
- 5 statute.
- 6 (12) The power to order or conduct an election, except as
- 7 expressly granted by statute.
- 8 (b) A township does not have the following, except as expressly
- 9 granted by statute:
- 10 (1) The power to require a license or impose a license fee.
- 11 (2) The power to impose a service charge or user fee.
- 12 (3) The power to prescribe a penalty.
- 13 (c) Subsection (a)(10)(B)(ii) does not apply to the violation of an
- 14 ordinance that regulates traffic or parking.
- 15 SECTION 146. IC 36-1-20.2-4, AS ADDED BY P.L.135-2012,
- 16 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 17 UPON PASSAGE]: Sec. 4. **(a) As used in For the purposes of** this
- 18 **chapter, a person is in the "direct line of supervision" means of** an
- 19 **elected officer or employee who is in if the elected officer or**
- 20 **employee is in** a position to affect the terms and conditions of **another**
- 21 **the** individual's employment, including making decisions about work
- 22 assignments, compensation, grievances, advancement, or performance
- 23 evaluation.
- 24 **(b)** The term does not include the responsibilities of the executive,
- 25 legislative body, or fiscal body of a unit, as provided by law, to make
- 26 decisions regarding salary ordinances, budgets, or personnel policies
- 27 of the unit.
- 28 SECTION 147. IC 36-1-21-5, AS ADDED BY P.L.135-2012,
- 29 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 30 UPON PASSAGE]: Sec. 5. (a) A unit may enter into a contract or
- 31 renew a contract for the procurement of goods and services or a
- 32 contract for public works with:
- 33 (1) an individual who is a relative of an elected official; or
- 34 (2) a business entity that is wholly or partially owned by a relative
- 35 of an elected official;
- 36 only if the requirements of this section are satisfied and the elected
- 37 official does not violate ~~IC 35-44-1-3~~. **IC 35-44.1-1-4.**
- 38 (b) A unit may enter into a contract or renew a contract with an
- 39 individual or business entity described in subsection (a) if:
- 40 (1) the elected official files with the unit a full disclosure, which
- 41 must:
- 42 (A) be in writing;

COPY



- 1 (B) describe the contract or purchase to be made by the unit;
- 2 (C) describe the relationship that the elected official has to the
- 3 individual or business entity that contracts or purchases;
- 4 (D) be affirmed under penalty of perjury;
- 5 (E) be submitted to the legislative body of the unit and be
- 6 accepted by the legislative body in a public meeting of the unit
- 7 prior to final action on the contract or purchase; and
- 8 (F) be filed, not later than fifteen (15) days after final action on
- 9 the contract or purchase, with:
 - 10 (i) the state board of accounts; and
 - 11 (ii) the clerk of the circuit court in the county where the unit
 - 12 takes final action on the contract or purchase;
- 13 (2) the appropriate agency of the unit:
 - 14 (A) makes a certified statement that the contract amount or
 - 15 purchase price was the lowest amount or price bid or offered;
 - 16 or
 - 17 (B) makes a certified statement of the reasons why the vendor
 - 18 or contractor was selected; and
- 19 (3) the unit satisfies any other requirements under IC 5-22 or
- 20 IC 36-1-12.
- 21 (c) An elected official shall also comply with the disclosure
- 22 provisions of ~~IC 35-44-1-3~~, **IC 35-44.1-1-4**, if applicable.
- 23 (d) This section does not affect the initial term of a contract in
- 24 existence at the time the term of office of the elected official of the unit
- 25 begins.
- 26 SECTION 148. IC 36-2-7-10, AS AMENDED BY P.L.45-2010,
- 27 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 28 UPON PASSAGE]: Sec. 10. (a) The county recorder shall tax and
- 29 collect the fees prescribed by this section for recording, filing, copying,
- 30 and other services the recorder renders, and shall pay them into the
- 31 county treasury at the end of each calendar month. The fees prescribed
- 32 and collected under this section supersede all other recording fees
- 33 required by law to be charged for services rendered by the county
- 34 recorder.
- 35 (b) The county recorder shall charge the following:
 - 36 (1) Six dollars (\$6) for the first page and two dollars (\$2) for each
 - 37 additional page of any document the recorder records if the pages
 - 38 are not larger than eight and one-half (8 1/2) inches by fourteen
 - 39 (14) inches.
 - 40 (2) Fifteen dollars (\$15) for the first page and five dollars (\$5) for
 - 41 each additional page of any document the recorder records, if the
 - 42 pages are larger than eight and one-half (8 1/2) inches by fourteen

COPY



- 1 (14) inches.
- 2 (3) For attesting to the release, partial release, or assignment of
- 3 any mortgage, judgment, lien, or oil and gas lease contained on a
- 4 multiple transaction document, the fee for each transaction after
- 5 the first is the amount provided in subdivision (1) plus the amount
- 6 provided in subdivision (4) and one dollar (\$1) for marginal
- 7 mortgage assignments or marginal mortgage releases.
- 8 (4) One dollar (\$1) for each cross-reference of a recorded
- 9 document.
- 10 (5) One dollar (\$1) per page not larger than eight and one-half (8
- 11 1/2) inches by fourteen (14) inches for furnishing copies of
- 12 records and two dollars (\$2) per page that is larger than eight and
- 13 one-half (8 1/2) inches by fourteen (14) inches.
- 14 (6) Five dollars (\$5) for acknowledging or certifying to a
- 15 document.
- 16 (7) Five dollars (\$5) for each deed the recorder records, in
- 17 addition to other fees for deeds, for the county surveyor's corner
- 18 perpetuation fund for use as provided in IC 21-47-3-3 or
- 19 IC 36-2-12-11(e).
- 20 (8) A fee in an amount authorized under IC 5-14-3-8 for
- 21 transmitting a copy of a document by facsimile machine.
- 22 (9) A fee in an amount authorized by an ordinance adopted by the
- 23 county legislative body for duplicating a computer tape, a
- 24 computer disk, an optical disk, microfilm, or similar media. This
- 25 fee may not cover making a handwritten copy or a photocopy or
- 26 using xerography or a duplicating machine.
- 27 (10) A supplemental fee of three dollars (\$3) for recording a
- 28 document that is paid at the time of recording. The fee under this
- 29 subdivision is in addition to other fees provided by law for
- 30 recording a document.
- 31 (11) Three dollars (\$3) for each mortgage on real estate recorded,
- 32 in addition to other fees required by this section, distributed as
- 33 follows:
- 34 (A) Fifty cents (\$0.50) is to be deposited in the recorder's
- 35 record perpetuation fund.
- 36 (B) Two dollars and fifty cents (\$2.50) is to be distributed to
- 37 the auditor of state on or before June 20 and December 20 of
- 38 each year as provided in IC 24-9-9-3.
- 39 (12) This subdivision applies in a county only if at least one (1)
- 40 unit in the county has established an affordable housing fund
- 41 under IC 5-20-5-15.5 and the county fiscal body adopts an
- 42 ordinance authorizing the fee described in this subdivision. An

COPY



1 ordinance adopted under this subdivision may authorize the
 2 county recorder to charge a fee of:
 3 (A) two dollars and fifty cents (\$2.50) for the first page; and
 4 (B) one dollar (\$1) for each additional page;
 5 of each document the recorder records.
 6 (13) This subdivision applies in a county containing a
 7 consolidated city that has established a housing trust fund under
 8 IC 36-7-15.1-35.5(e). The county fiscal body may adopt an
 9 ordinance authorizing the fee described in this subdivision. An
 10 ordinance adopted under this subdivision may authorize the
 11 county recorder to charge a fee of:
 12 (A) two dollars and fifty cents (\$2.50) for the first page; and
 13 (B) one dollar (\$1) for each additional page;
 14 of each document the recorder records.
 15 (c) The county recorder shall charge a two dollar (\$2) county
 16 identification security protection fee for recording or filing a document.
 17 This fee shall be deposited under IC 36-2-7.5-6.
 18 (d) The county treasurer shall establish a recorder's records
 19 perpetuation fund. All revenue received under section 10.1 of this
 20 chapter, subsection (b)(5), (b)(8), (b)(9), and (b)(10), and
 21 ~~IC 36-2-7.5-6(e)(1) (after June 30, 2011); IC 36-2-7.5-6(b)(1)~~, and
 22 fifty cents (\$0.50) from revenue received under subsection (b)(11),
 23 shall be deposited in this fund. The county recorder may use any money
 24 in this fund without appropriation for the preservation of records and
 25 the improvement of record keeping systems and equipment. Money
 26 from the fund may not be deposited or transferred into the county
 27 general fund and does not revert to the county general fund at the end
 28 of a fiscal year.
 29 (e) As used in this section, "record" or "recording" includes the
 30 functions of recording, filing, and filing for record.
 31 (f) The county recorder shall post the fees set forth in subsection (b)
 32 in a prominent place within the county recorder's office where the fee
 33 schedule will be readily accessible to the public.
 34 (g) The county recorder may not tax or collect any fee for:
 35 (1) recording an official bond of a public officer, a deputy, an
 36 appointee, or an employee; or
 37 (2) performing any service under any of the following:
 38 (A) IC 6-1.1-22-2(c).
 39 (B) IC 8-23-7.
 40 (C) IC 8-23-23.
 41 (D) IC 10-17-2-3.
 42 (E) IC 10-17-3-2.

C
o
p
y



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

(F) IC 12-14-13.

(G) IC 12-14-16.

(h) The state and its agencies and instrumentalities are required to pay the recording fees and charges that this section prescribes.

(i) This subsection applies to a county other than a county containing a consolidated city. The county treasurer shall distribute money collected by the county recorder under subsection (b)(12) as follows:

(1) Sixty percent (60%) of the money collected by the county recorder under subsection (b)(12) shall be distributed to the units in the county that have established an affordable housing fund under IC 5-20-5-15.5 for deposit in the fund. The amount to be distributed to a unit is the amount available for distribution multiplied by a fraction. The numerator of the fraction is the population of the unit. The denominator of the fraction is the population of all units in the county that have established an affordable housing fund. The population to be used for a county that establishes an affordable housing fund is the population of the county outside any city or town that has established an affordable housing fund.

(2) Forty percent (40%) of the money collected by the county recorder under subsection (b)(12) shall be distributed to the treasurer of state for deposit in the affordable housing and community development fund established under IC 5-20-4-7 for the purposes of the fund.

Money shall be distributed under this subsection before the sixteenth day of the month following the month in which the money is collected from the county recorder.

(j) This subsection applies to a county described in subsection (b)(13). The county treasurer shall distribute money collected by the county recorder under subsection (b)(13) as follows:

(1) Sixty percent (60%) of the money collected by the county recorder under subsection (b)(13) shall be deposited in the housing trust fund established under IC 36-7-15.1-35.5(e) for the purposes of the fund.

(2) Forty percent (40%) of the money collected by the county recorder under subsection (b)(13) shall be distributed to the treasurer of state for deposit in the affordable housing and community development fund established under IC 5-20-4-7 for the purposes of the fund.

Money shall be distributed under this subsection before the sixteenth day of the month following the month in which the money is collected

C
o
p
y



1 from the county recorder.

2 SECTION 149. IC 36-2-7-19, AS AMENDED BY P.L.120-2012,
3 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 UPON PASSAGE]: Sec. 19. (a) As used in this section, "fund" refers
5 to a county elected officials training fund established under subsection
6 (b).

7 (b) Each county legislative body shall before July 1, 2011, establish
8 a county elected officials training fund. The county fiscal body shall
9 appropriate money from the fund.

10 (c) The fund consists of money deposited under ~~IC 36-2-7.5-6(c)(3)~~
11 **IC 36-2-7.5-6(b)(3)** and any other sources required or permitted by
12 law. Money in the fund does not revert to the county general fund.

13 (d) Money in the fund shall be used solely to provide training of
14 county elected officials required by IC 36-2-9-2.5, IC 36-2-9.5-2.5,
15 IC 36-2-10-2.5, IC 36-2-11-2.5, IC 36-2-12-2.5, and other similar laws.

16 SECTION 150. IC 36-2-7.5-6, AS AMENDED BY P.L.45-2010,
17 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 UPON PASSAGE]: Sec. 6. (a) The county recorder shall charge a two
19 dollar (\$2) county identification security protection fee for recording
20 or filing a document in addition to the fees required by
21 IC 36-2-7-10(b)(1) through IC 36-2-7-10(b)(11).

22 ~~(b) The county recorder shall deposit two dollars (\$2) of the fee~~
23 ~~charged under subsection (a) in the county identification security~~
24 ~~protection fund established by section 11 of this chapter. This~~
25 ~~subsection expires July 1, 2011.~~

26 ~~(c)~~ **(b)** ~~Beginning July 1, 2011,~~ The county recorder shall deposit the
27 fee charged under subsection (a) in the following manner:

28 (1) One dollar (\$1) shall be deposited in the county recorder's
29 records perpetuation fund established under IC 36-2-7-10(d).

30 (2) Fifty cents (\$0.50) shall be deposited in the county
31 identification security protection fund established under section
32 11 of this chapter.

33 (3) Fifty cents (\$0.50) shall be deposited in the county elected
34 officials training fund established under IC 36-2-7-19.

35 SECTION 151. IC 36-2-7.5-11, AS AMENDED BY P.L.45-2010,
36 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 UPON PASSAGE]: Sec. 11. (a) As used in this section, "fund" refers
38 to a county identification security protection fund established under
39 subsection (b).

40 (b) Each county legislative body shall establish an identification
41 security protection fund to be administered by the county recorder. The
42 county fiscal body shall appropriate money from the fund.

C
o
p
y



1 (c) A fund consists of money deposited in the fund under section
 2 6(b) of this chapter. (~~before July 1, 2011~~) and section 6(c) of this
 3 chapter (~~after June 30, 2011~~). Money in a fund does not revert to the
 4 county general fund.

5 (d) A county recorder may use money in the fund only to purchase,
 6 upgrade, implement, or maintain redacting technology used in the
 7 office of the county recorder.

8 SECTION 152. IC 36-12-2-25, AS AMENDED BY P.L.84-2012,
 9 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 UPON PASSAGE]: Sec. 25. (a) The residents or real property
 11 taxpayers of the library district taxed for the support of the library may
 12 use the facilities and services of the public library without charge for
 13 library or related purposes. However, the library board may:

- 14 (1) fix and collect fees and rental charges; and
 15 (2) assess fines, penalties, and damages for the:
 16 (A) loss of;
 17 (B) injury to; or
 18 (C) failure to return;
 19 any library property or material.

20 (b) A library board may issue local library cards to:

- 21 (1) residents and real property taxpayers of the library district;
 22 (2) Indiana residents who are not residents of the library district;
 23 and
 24 (3) individuals who reside out of state and who are being served
 25 through an agreement under IC 36-12-13.

26 (c) Except as provided in subsection (~~d~~), (**e**), a library board must
 27 set and charge a fee for:

- 28 (1) a local library card issued under subsection (b)(2); and
 29 (2) a local library card issued under subsection (b)(3).

30 (~~d~~) The minimum fee that the board may set under this subsection
 31 (**e**) is the greater of the following:

- 32 (1) The library district's operating fund expenditure per capita in
 33 the most recent year for which that information is available in the
 34 Indiana state library's annual "Statistics of Indiana Libraries".
 35 (2) Twenty-five dollars (\$25).

36 (~~d~~) (**e**) A library board may issue a local library card without charge
 37 or for a reduced fee to an individual who is not a resident of the library
 38 district and who is:

- 39 (1) a student enrolled in or a teacher in a public school
 40 corporation or nonpublic school:
 41 (A) that is located at least in part in the library district; and
 42 (B) in which students in any grade **from** preschool through

C
o
p
y



1 grade 12 are educated; or
2 (2) a library employee of the district;
3 if the board adopts a resolution that is approved by an affirmative vote
4 of a majority of the members appointed to the library board.

5 ~~(e)~~ (f) A library card issued under subsection (b)(2), (b)(3), or ~~(d)~~
6 (e) expires one (1) year after issuance of the card.

7 SECTION 153. IC 36-12-5-3, AS AMENDED BY P.L.84-2012,
8 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 UPON PASSAGE]: Sec. 3. (a) The library board of a public library

10 may file with the township trustee and legislative body with a proposal
11 of expansion and an intent to file a petition for acceptance of the
12 proposal of expansion. Not later than ten (10) days after the filing, the
13 township trustee shall publish notice of the proposal of expansion in
14 the manner provided in IC 5-3-1 in a newspaper of general circulation
15 in the township. Beginning the first day after the notice is published,
16 and during the period that ends sixty (60) days after the date of the
17 publication of the notice, an individual who is a registered voter of the
18 affected township or part of the affected township subject to expansion
19 may sign one (1) or both of the following:

20 (1) A petition for acceptance of the proposal of expansion that
21 states that the registered voter is in favor of the establishment of
22 an expanded library district.

23 (2) A remonstrance in opposition to the proposal of expansion
24 that states that the registered voter is opposed to the establishment
25 of an expanded library district.

26 (b) A registered voter of the township or part of the township may
27 file a petition or a remonstrance, if any, with the clerk of the circuit
28 court in the county where the township is located. A petition for
29 acceptance of the proposal of expansion must be signed by at least
30 twenty percent (20%) of the registered voters of the township, or part
31 of the township, as determined by the most recent general election.

32 (c) The following apply to a petition that is filed under this section
33 or a remonstrance that is filed under subsection (b):

34 (1) The petition or remonstrance must show the following:
35 (A) The date on which each individual signed the petition or
36 remonstrance.

37 (B) The residence of each individual on the date the individual
38 signed the petition or remonstrance.

39 (2) The petition or remonstrance must include an affidavit of the
40 individual circulating the petition or remonstrance, stating that
41 each signature on the petition or remonstrance:

42 (A) was affixed in the individual's presence; and

C
o
p
y



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

(B) is the true signature of the individual who signed the petition or remonstrance.

(3) Several copies of the petition or remonstrance may be executed. The total of the copies constitute a petition or remonstrance. A copy must include an affidavit described in subdivision (2). A signer may file the petition or remonstrance, or a copy of the petition or remonstrance. All copies constituting a petition or remonstrance must be filed on the same day.

(4) The clerk of the circuit court in the county in which the township is located shall do the following:

(A) If a name appears more than one (1) time on a petition or on a remonstrance, the clerk must strike any duplicates of the name until the name appears only one (1) time on a petition or a remonstrance, or both, if the individual signed both a petition and a remonstrance.

(B) Strike the name from either the petition or the remonstrance of an individual who:

- (i) signed both the petition and the remonstrance; and
- (ii) personally, in the clerk's office, makes a voluntary written and signed request for the clerk to strike the individual's name from the petition or the remonstrance.

(C) Certify the number of signatures on the petition and on any remonstrance that:

- (i) are not duplicates; and
- (ii) represent individuals who are registered voters in the township or the part of the township on the day the individuals signed the petition or remonstrance.

The clerk of the circuit court may only strike an individual's name from a petition or a remonstrance as set forth in clauses (A) and (B).

(d) The clerk of the circuit court shall complete the certification required under subsection (c) not more than fifteen (15) days after the petition or remonstrance is filed. The clerk shall:

- (1) establish a record of certification in the clerk's office; and
- (2) file the original petition, the original remonstrance, if any, and a copy of the clerk's certification with the legislative body.

SECTION 154. IC 36-12-5-6, AS AMENDED BY P.L.84-2012, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) The library board of a public library may file with the legislative body of a county ~~with~~ a proposal of expansion and an intent to file a petition for acceptance of the proposal of expansion. Not later than ten (10) days after the intent is filed, the

C
o
p
y



1 county auditor shall publish notice in the manner provided in IC 5-3-1
2 of the proposal of expansion in a newspaper of general circulation in
3 the county. Beginning the first day after the notice is published, and
4 during the period that ends sixty (60) days after the date of the
5 publication of the notice, an individual who is a registered voter of an
6 affected township or an affected part of a township subject to the
7 expansion may sign one (1) or both of the following:

8 (1) A petition for acceptance of the proposal of expansion.

9 (2) A remonstrance petition in opposition to the proposal of
10 expansion.

11 (b) Registered voters shall file a petition or a remonstrance, if any,
12 with the clerk of the circuit court in the county where the townships are
13 located. A petition for acceptance of the proposal of expansion must be
14 signed by at least twenty percent (20%) of the registered voters of the
15 townships or parts of townships, as determined by the most recent
16 general election.

17 **SECTION 155. An emergency is declared for this act.**

C
O
P
Y

