

SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1494 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 10-13-3-28, AS AMENDED BY P.L.127-2011,
4 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2013]: Sec. 28. On request of an individual who has applied
6 for employment **or to volunteer** with a noncriminal justice
7 organization or individual, the Indiana central repository for criminal
8 history information shall process a request for a national fingerprint
9 based criminal history check of the individual making the request from
10 the Federal Bureau of Investigation's National Crime Information
11 Center upon:
12 (1) the submission of fingerprints of the individual making the
13 request; and
14 (2) the payment of a fifteen dollar (\$15) fee."
15 Page 2, between lines 2 and 3, begin a new line block indented and
16 insert:
17 **"(14) Battery as a felony (IC 35-42-2-1).**
18 **(15) Domestic battery (IC 35-42-2-1.3).**
19 **(16) Strangulation (IC 35-42-2-9).**
20 **(17) Criminal confinement (IC 35-42-3-3).**
21 **(18) Sexual battery (IC 35-42-4-8)."**
22 Page 2, line 3, delete "(14)" and insert "(19)".
23 Page 2, delete lines 5 through 10, begin a new line block indented
24 and insert:
25 **"(20) An attempt to commit or a conspiracy to commit an**
26 **offense listed in subdivisions (1) through (19).**
27 SECTION 3. IC 12-7-2-131.8 IS ADDED TO THE INDIANA
28 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
29 [EFFECTIVE JULY 1, 2013]: **Sec. 131.8. "National criminal history**
30 **background check", for purposes of IC 12-17.2, has the meaning**

- 1 **set forth in IC 10-13-3-12."**
- 2 Page 2, line 18, strike "applicant" and insert "**following**".
- 3 Page 2, line 18, reset in roman "through the state police
4 department".
- 5 Page 2, line 19, reset in roman "under IC 10-13-3-39".
- 6 Page 2, line 19, delete "license." and insert "license:
- 7 **(A) An applicant for a license.**
- 8 **(B) An employee or volunteer of an applicant who has**
9 **direct contact with a child who is receiving child care from**
10 **the applicant.**
- 11 **(C) If an applicant is applying for a license to operate a**
12 **child care home, the following:**
- 13 **(i) The applicant's spouse.**
- 14 **(ii) The applicant's household members who are at least**
15 **eighteen (18) years of age or who are less than eighteen**
16 **(18) years of age but have previously been waived from**
17 **juvenile court to adult court."**
- 18 Page 2, line 21, strike "a child care ministry applicant for
19 registration" and insert "**the following**".
- 20 Page 2, line 21, after "completed" insert "**through the state police**
21 **department under IC 10-13-3-39**".
- 22 Page 2, line 22, strike "the" and insert "a".
- 23 Page 2, line 22, delete "ministry." and insert "ministry:
- 24 **(A) An applicant for a child care ministry registration.**
- 25 **(B) An employee or volunteer of an applicant who has**
26 **direct contact with a child who is receiving child care from**
27 **the applicant."**
- 28 Page 3, delete lines 18 through 42, begin a new paragraph and
29 insert:
- 30 "SECTION 5. IC 12-17.2-2-14 IS ADDED TO THE INDIANA
31 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
32 [EFFECTIVE JULY 1, 2013]: **Sec. 14. (a) The state police**
33 **department shall release the results of a national criminal history**
34 **background check conducted in accordance with this article to the**
35 **division.**
- 36 **(b) The division may not release records received from the state**
37 **police department under subsection (a).**
- 38 SECTION 6. IC 12-17.2-3.5-4 IS AMENDED TO READ AS
39 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. A provider ~~who~~ **is**
40 **ineligible to receive a voucher payment if the provider:**
- 41 (1) has been convicted of a:
- 42 (A) felony:
- 43 **(i) related to the health or safety of a child;**
44 **(ii) that is a sex offense (as defined in IC 11-8-8-5.2);**
45 **(iii) that is a dangerous felony; or**
46 **(iv) that is not a felony otherwise described in items (i)**

- 1 through (iii), and less than ten (10) years have elapsed
 2 from the date the person was discharged from probation,
 3 imprisonment, or parole, whichever discharge date is
 4 latest;
- 5 (B) misdemeanor related to the health or safety of a child;
 6 (C) misdemeanor for operating a child care center without a
 7 license under IC 12-17.2-4-35, **or of a substantially similar**
 8 **offense committed in another jurisdiction if the offense is**
 9 **directly or indirectly related to jeopardizing the health or**
 10 **safety of a child; or**
- 11 (D) misdemeanor for operating a child care home without a
 12 license under IC 12-17.2-5-35, **or of a substantially similar**
 13 **offense committed in another jurisdiction if the offense is**
 14 **directly or indirectly related to jeopardizing the health or**
 15 **safety of a child;**
- 16 (2) ~~employs or otherwise~~ allows an individual who has been
 17 convicted of a crime specified under subdivision (1) to
 18 ~~(A) serve as a caregiver to a child in the provider's care; or~~
 19 ~~(B) reside with the provider, if the provider operates a child~~
 20 ~~care program in the provider's home; or~~
- 21 **(3) employs an individual or allows an individual to volunteer**
 22 **who:**
- 23 **(A) has direct contact with a child who is receiving child**
 24 **care from the provider; and**
- 25 **(B) has been convicted of a crime specified in subdivision**
 26 **(1); or**
- 27 ~~(3) (4) fails to meet the requirements set forth in sections 5~~
 28 ~~through 12.1 of this chapter.~~
- 29 ~~is ineligible to receive a voucher payment.~~
- 30 SECTION 7. IC 12-17.2-3.5-12, AS AMENDED BY P.L.142-2006,
 31 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2013]: Sec. 12. (a) Except as provided in subsection (f) **and**
 33 **subject to subsection (g)**, a provider shall, at no expense to the state,
 34 ~~maintain and make available to the division upon request a copy of a~~
 35 ~~limited criminal history for:~~ **do the following:**
- 36 (1) ~~the provider,~~ If the provider is an individual, **submit the**
 37 **provider's fingerprints for a national criminal history**
 38 **background check by the Federal Bureau of Investigation.**
- 39 (2) If the provider operates a child care program in the provider's
 40 home, **require:**
- 41 **(A) the provider's spouse; and**
- 42 **(B) any individual who resides with the provider and who is:**
- 43 ~~(A) (i) at least eighteen (18) years of age; or~~
 44 ~~(B) (ii) less than eighteen (18) years of age but has~~
 45 ~~previously been waived from juvenile court to adult court;~~
 46 ~~and~~

1 **to submit fingerprints for a national criminal history**
 2 **background check by the Federal Bureau of Investigation.**

3 (3) **Require** any individual who:

4 (A) is employed or

5 ~~(B)~~ volunteers; **and**

6 **(B) has direct contact with a child who is receiving child**
 7 **care from the provider;**

8 as a caregiver at the facility where the provider operates a child
 9 care program **to submit fingerprints for a national criminal**
 10 **history background check by the Federal Bureau of**
 11 **Investigation.**

12 A provider shall **require an individual described in subdivision (3)**
 13 **to apply submit fingerprints** for a ~~limited national~~ criminal history
 14 for an individual described in subdivision ~~(3)~~ **background check**
 15 before the individual is employed or allowed to volunteer as a
 16 caregiver. **and every three (3) years thereafter that the individual**
 17 **is continuously employed or allowed to volunteer.**

18 (b) In addition to the requirement under subsection (a), a provider
 19 shall report to the division any:

20 (1) police investigations;

21 (2) arrests; and

22 (3) criminal convictions;

23 ~~not listed on a limited criminal history obtained under subsection (a) of~~
 24 **which the provider is aware** regarding any of the persons listed in
 25 subsection (a).

26 (c) A provider that meets the other eligibility requirements of this
 27 chapter is temporarily eligible to receive voucher payments until the
 28 **provider division** receives the ~~limited national~~ criminal history
 29 **background check** required under subsection (a) from the state police
 30 department if:

31 (1) the provider:

32 (A) has:

33 (i) ~~applied for the limited submitted; or~~

34 (ii) **required an individual described in subsection (a)(2)**
 35 **or (a)(3) to submit;**

36 **fingerprints for a national criminal history background**
 37 **check as** required under subsection (a); and

38 (B) obtains a local criminal history for the individuals
 39 described in subsection (a) from each individual's local law
 40 enforcement agency before the individual is employed or
 41 allowed to volunteer; ~~as a caregiver;~~ and

42 (2) the local criminal history does not reveal that an individual
 43 has been convicted of a:

44 (A) felony:

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

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

- 1 **(iii) that is a dangerous felony; or**
- 2 **(iv) that is not a felony otherwise described in items (i)**
- 3 **through (iii), and less than ten (10) years have elapsed**
- 4 **from the date the person was discharged from probation,**
- 5 **imprisonment, or parole, whichever discharge date is**
- 6 **latest;**
- 7 (B) misdemeanor related to the health or safety of a child;
- 8 (C) misdemeanor for operating a child care center without a
- 9 license under IC 12-17.2-4-35, **or of a substantially similar**
- 10 **offense committed in another jurisdiction if the offense is**
- 11 **directly or indirectly related to jeopardizing the health or**
- 12 **safety of a child; or**
- 13 (D) misdemeanor for operating a child care home without a
- 14 license under IC 12-17.2-5-35, **or of a substantially similar**
- 15 **offense committed in another jurisdiction if the offense is**
- 16 **directly or indirectly related to jeopardizing the health or**
- 17 **safety of a child.**
- 18 (d) A provider is ineligible to receive a voucher payment if an
- 19 individual for whom a ~~limited~~ **national criminal history background**
- 20 **check** is required under this section has been convicted of a:
- 21 (1) felony:
- 22 **(A) related to the health or safety of a child;**
- 23 **(B) that is a sex offense (as defined in IC 11-8-8-5.2);**
- 24 **(C) that is a dangerous felony; or**
- 25 **(D) that is not a felony otherwise described in clauses (A)**
- 26 **through (C), and less than ten (10) years have elapsed from**
- 27 **the date the person was discharged from probation,**
- 28 **imprisonment, or parole, whichever discharge date is**
- 29 **latest;**
- 30 (2) misdemeanor related to the health or safety of a child;
- 31 (3) misdemeanor for operating a child care center without a
- 32 license under IC 12-17.2-4-35, **or of a substantially similar**
- 33 **offense committed in another jurisdiction, if the offense is**
- 34 **directly or indirectly related to jeopardizing the health or**
- 35 **safety of a child; or**
- 36 (4) misdemeanor for operating a child care home without a
- 37 license under IC 12-17.2-5-35, **or of a substantially similar**
- 38 **offense committed in another jurisdiction, if the offense is**
- 39 **directly or indirectly related to jeopardizing the health or**
- 40 **safety of a child;**
- 41 until the individual is dismissed from employment or volunteer service
- 42 at the facility where the provider operates a child care program or no
- 43 longer resides with the provider.
- 44 (e) A provider shall maintain a written policy requiring an
- 45 individual for whom a ~~limited~~ **national criminal history background**
- 46 **check** is required under this section to report any criminal convictions

1 of the individual to the provider.

2 (f) **Notwithstanding IC 10-13-3-28**, the state police department
 3 may not charge a church or religious society any fees or costs **(other**
 4 **than fees or costs charged by the Federal Bureau of Investigation**
 5 **or a private entity)** for responding to a request for a release of a
 6 **limited national criminal history background check** record of a
 7 prospective or current employee or a prospective or current volunteer
 8 of a child care ministry registered under IC 12-17.2-6 if the conditions
 9 set forth in IC 10-13-3-36(f) are met.

10 (g) **A provider that holds a license or registration under this**
 11 **article on July 1, 2013, shall, at no expense to the state, meet the**
 12 **requirements under subsection (a) not later than July 1, 2014.**

13 SECTION 8. IC 12-17.2-4-3, AS AMENDED BY P.L.145-2006,
 14 SECTION 97, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2013]: Sec. 3. (a) An applicant must apply for a child care
 16 center license on forms provided by the division.

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

19 (c) The applicant must submit with the application a statement
 20 attesting that the applicant:

21 (1) has not been convicted of:

22 (A) a felony:

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

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

25 (iii) **that is a dangerous felony; or**

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

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

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

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

42 (2) has not been charged with:

43 (A) a felony;

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

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

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

9 during the pendency of the application.
 10 (d) An applicant ~~must~~, **shall, at no expense to the state**, submit:
 11 (1) the necessary information, forms, or consents; ~~for the division~~
 12 ~~to obtain and~~
 13 **(2) the applicant's fingerprints;**
 14 **for a national criminal history background check on the applicant**
 15 **through the state police department under IC 10-13-3-39. by the**
 16 **Federal Bureau of Investigation.**

17 (e) **Subject to section 3.3 of this chapter**, the applicant must, **at no**
 18 **expense to the state**, do the following:

19 (1) ~~Conduct~~ **Require an employee or volunteer of the applicant**
 20 **who has direct contact with a child who is receiving child care**
 21 **from the applicant to submit fingerprints for a national**
 22 **criminal history background check of the applicant's employees**
 23 **and volunteers: by the Federal Bureau of Investigation.**

24 (2) ~~Maintain records of each criminal history check.~~ **Report to**
 25 **the division any:**

- 26 **(A) police investigations;**
 - 27 **(B) arrests; and**
 - 28 **(C) criminal convictions;**
- 29 **of which the applicant is aware regarding the applicant or an**
 30 **employee or volunteer described in subdivision (1).**

31 **An applicant shall require an individual described in subdivision**
 32 **(1) to apply for a national criminal history background check**
 33 **before the individual is employed or allowed to volunteer and every**
 34 **three (3) years thereafter that the individual is continuously**
 35 **employed or allowed to volunteer.**

36 SECTION 9. IC 12-17.2-4-3.3 IS ADDED TO THE INDIANA
 37 CODE AS A NEW SECTION TO READ AS FOLLOWS
 38 [EFFECTIVE JULY 1, 2013]: **Sec. 3.3. A person that holds a license**
 39 **under this chapter on July 1, 2013, shall, at no expense to the state,**
 40 **meet the requirements under section 3(e) of this chapter not later**
 41 **than July 1, 2014."**

- 42 Delete pages 4 through 7.
- 43 Page 8, delete lines 1 through 18.
- 44 Page 8, line 34, delete "contact," and insert "contact".
- 45 Page 8, line 34, strike "on a regular and continuous".
- 46 Page 8, line 35, strike "basis,".

- 1 Page 8, line 35, strike "under the direct supervision of" and insert
2 **"receiving child care from"**.
- 3 Page 8, line 36, delete "contact," and insert "contact".
- 4 Page 8, line 37, strike "on a regular and continuous basis,".
- 5 Page 8, line 37, strike "under".
- 6 Page 8, line 38, strike "the direct supervision of" and insert
7 **"receiving child care from"**.
- 8 Page 9, line 8, after "chapter" insert ",".
- 9 Page 9, line 9, delete "jurisdiction," and insert **"jurisdiction"**.
- 10 Page 9, line 13, after "IC 12-17.2-5-35" insert ",".
- 11 Page 9, line 14, delete "jurisdiction," and insert **"jurisdiction"**.
- 12 Page 10, line 4, delete "contact," and insert "contact".
- 13 Page 10, line 4, strike "on a regular and continuous".
- 14 Page 10, line 5, strike "basis,".
- 15 Page 10, line 5, strike "under the direct supervision of" and insert
16 **"receiving child care from"**.
- 17 Page 10, line 6, delete "contact," and insert "contact".
- 18 Page 10, line 6, strike "on".
- 19 Page 10, line 7, strike "a regular and continuous basis,".
- 20 Page 10, line 7, strike "under the".
- 21 Page 10, line 8, strike "direct supervision of" and insert **"receiving
22 child care from"**.
- 23 Page 10, line 20, delete "chapter" and insert "chapter,".
- 24 Page 10, line 21, delete "jurisdiction," and insert **"jurisdiction"**.
- 25 Page 10, line 25, delete "IC 12-17.2-5-35" and insert
26 **"IC 12-17.2-5-35,"**.
- 27 Page 10, line 26, delete "jurisdiction," and insert **"jurisdiction"**.
- 28 Page 11, delete lines 2 through 42, begin a new paragraph and
29 insert:
- 30 "SECTION 12. IC 12-17.2-5-3, AS AMENDED BY P.L.145-2006,
31 SECTION 100, IS AMENDED TO READ AS FOLLOWS
32 [EFFECTIVE JULY 1, 2013]: Sec. 3. (a) An applicant must apply for
33 a child care home license on forms provided by the division.
- 34 (b) An applicant must submit the required information as part of the
35 application.
- 36 (c) An applicant must submit with the application a statement
37 attesting that the applicant has not been:
- 38 (1) convicted of:
- 39 (A) a felony:
- 40 (i) **related to the health or safety of a child;**
41 (ii) **that is a sex offense (as defined in IC 11-8-8-5.2);**
42 (iii) **that is a dangerous felony; or**
43 (iv) **that is not a felony otherwise described in items (i)**
44 **through (iii), and less than ten (10) years have elapsed**
45 **from the date the person was discharged from probation,**
46 **imprisonment, or parole, whichever discharge date is**

- 1 **latest;**
- 2 (B) a misdemeanor relating to the health or safety of children;
- 3 (C) a misdemeanor for operating a child care center without a
- 4 license under IC 12-17.2-4-35, **or of a substantially similar**
- 5 **offense committed in another jurisdiction if the offense is**
- 6 **directly or indirectly related to jeopardizing the health or**
- 7 **safety of a child; or**
- 8 (D) a misdemeanor for operating a child care home without a
- 9 license under section 35 of this chapter, **or of a substantially**
- 10 **similar offense committed in another jurisdiction if the**
- 11 **offense is directly or indirectly related to jeopardizing the**
- 12 **health or safety of a child; and**
- 13 (2) charged with:
- 14 (A) a felony;
- 15 (B) a misdemeanor relating to the health or safety of children;
- 16 (C) a misdemeanor for operating a child care center without a
- 17 license under IC 12-17.2-4-35, **or with a substantially**
- 18 **similar offense in another jurisdiction if the offense is**
- 19 **directly or indirectly related to jeopardizing the health or**
- 20 **safety of a child; or**
- 21 (D) a misdemeanor for operating a child care home without a
- 22 license under section 35 of this chapter, **or with a**
- 23 **substantially similar offense in another jurisdiction if the**
- 24 **offense is directly or indirectly related to jeopardizing the**
- 25 **health or safety of a child;**
- 26 during the pendency of the application.
- 27 (d) An applicant must submit:
- 28 (1) the necessary information, forms, or consents; ~~for the division~~
- 29 ~~to; and~~
- 30 ~~(1) conduct~~ **(2) the fingerprints of the applicant and the**
- 31 **applicant's spouse;**
- 32 **for a national criminal history background check on the applicant's**
- 33 **spouse; and**
- 34 ~~(2) obtain a national criminal history background check on the~~
- 35 ~~applicant. through the state police department under~~
- 36 ~~IC 10-13-3-39. by Federal Bureau of Investigation.~~
- 37 (e) **Subject to section 3.3 of this chapter, an applicant must do the**
- 38 ~~following. shall require:~~
- 39 ~~(1) Conduct a criminal history check of the applicant's:~~
- 40 ~~(A) employees;~~
- 41 ~~(B) volunteers; and~~
- 42 ~~(C) household members who are:~~
- 43 ~~(i) at least eighteen (18) years of age; or~~
- 44 ~~(ii) less than eighteen (18) years of age but have previously~~
- 45 ~~been waived from juvenile court to adult court;~~
- 46 ~~(2) Maintain records of each criminal history check.~~

1 (1) an employee or a volunteer of the applicant who has direct
 2 contact with a child who is receiving child care from the
 3 applicant; and
 4 (2) the applicant's household members who are:
 5 (A) at least eighteen (18) years of age; or
 6 (B) less than eighteen (18) years of age but have previously
 7 been waived from juvenile court to adult court;
 8 to submit fingerprints for a national criminal history background
 9 check by the Federal Bureau of Investigation. An applicant shall
 10 require an individual described in subdivision (1) to apply for a
 11 national criminal history background check before the individual
 12 is employed or allowed to volunteer and every three (3) years
 13 thereafter that the individual is continuously employed or allowed
 14 to volunteer.

15 (f) In addition to the requirements under subsections (d) and (e),
 16 an applicant must report to the division any:
 17 (A) police investigations;
 18 (B) arrests; and
 19 (C) criminal convictions;
 20 of which the applicant is aware regarding the applicant, the
 21 applicant's spouse, or a person described in subsection (e).

22 SECTION 13. IC 12-17.2-5-3.3 IS ADDED TO THE INDIANA
 23 CODE AS A NEW SECTION TO READ AS FOLLOWS
 24 [EFFECTIVE JULY 1, 2013]: **Sec. 3.3. A person that holds a license**
 25 **under this chapter on July 1, 2013, shall, at no expense to the state,**
 26 **meet the requirements under section 3(e) of this chapter not later**
 27 **than July 1, 2014."**

- 28 Page 12, delete lines 1 through 21.
- 29 Page 12, line 38, delete "contact," and insert "contact".
- 30 Page 12, line 38, strike "on a regular and continuous".
- 31 Page 12, line 39, strike "basis,".
- 32 Page 12, line 39, strike "under the direct supervision of" and insert
 33 **"receiving child care from"**.
- 34 Page 12, line 40, delete "contact," and insert "contact".
- 35 Page 12, line 40, strike "on".
- 36 Page 12, line 41, strike "a regular and continuous basis,".
- 37 Page 12, line 41, strike "under the".
- 38 Page 12, line 42, strike "direct supervision of" and insert **"receiving**
 39 **child care from"**.
- 40 Page 13, line 14, delete ",".
- 41 Page 13, line 19, delete ",".
- 42 Page 14, line 14, delete "contact," and insert "contact".
- 43 Page 14, line 14, strike "on a regular and continuous".
- 44 Page 14, line 15, strike "basis,".
- 45 Page 14, line 15, strike "under the direct supervision of" and insert
 46 **"receiving child care from"**.

- 1 Page 14, line 16, delete "contact," and insert "contact".
- 2 Page 14, line 16, strike "on a".
- 3 Page 14, line 17, strike "regular and continuous basis,".
- 4 Page 14, line 17, strike "under the".
- 5 Page 14, line 18, strike "direct supervision of" and insert "**receiving**
- 6 **child care from**".
- 7 Page 14, line 32, delete "jurisdiction," and insert "**jurisdiction**".
- 8 Page 14, line 37, delete "jurisdiction," and insert "**jurisdiction**".
- 9 Page 15, delete lines 17 through 42, begin a new paragraph and
- 10 insert:
- 11 "SECTION 16. IC 12-17.2-6-14, AS AMENDED BY P.L.124-2007,
- 12 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 13 JULY 1, 2013]: Sec. 14. **(a)** The child care ministry must do the
- 14 following:
- 15 (1) ~~Conduct~~ **Subject to subsection (c), require, at no expense to**
- 16 **the state, an employee or a volunteer who has direct contact**
- 17 **with a child who is receiving child care from the child care**
- 18 **ministry to submit fingerprints for a national criminal history**
- 19 **background check of the child care ministry's employees and**
- 20 **volunteers: by the Federal Bureau of Investigation.**
- 21 **(2) Report to the division any:**
- 22 **(A) police investigations;**
- 23 **(B) arrests; and**
- 24 **(C) criminal convictions;**
- 25 **of which the operator or director of the child care ministry is**
- 26 **aware regarding an employee or volunteer described in**
- 27 **subdivision (1).**
- 28 ~~(2)~~ **(3) Refrain from employing, or allowing to serve as a**
- 29 **volunteer, an individual who has direct contact with a child who**
- 30 **is receiving child care from the child care ministry and who:**
- 31 **(A) has been convicted of any of the following felonies:**
- 32 **(i) Murder (IC 35-42-1-1);**
- 33 **(ii) Causing suicide (IC 35-42-1-2);**
- 34 **(iii) Assisting suicide (IC 35-42-1-2.5);**
- 35 **(iv) Voluntary manslaughter (IC 35-42-1-3);**
- 36 **(v) Reckless homicide (IC 35-42-1-5);**
- 37 **(vi) Battery (IC 35-42-2-1);**
- 38 **(vii) Aggravated battery (IC 35-42-2-1.5);**
- 39 **(viii) Kidnapping (IC 35-42-3-2);**
- 40 **(ix) Criminal confinement (IC 35-42-3-3);**
- 41 **(x) A felony sex offense under IC 35-42-4;**
- 42 **(xi) Carjacking (IC 35-42-5-2);**
- 43 **(xii) Arson (IC 35-43-1-1);**
- 44 **(xiii) Incest (IC 35-46-1-3);**
- 45 **(xiv) Neglect of a dependent (IC 35-46-1-4(a)(1) and**
- 46 **IC 35-46-1-4(a)(2));**

- 1 (xv) Child selling (IC 35-46-1-4(d)).
- 2 (xvi) A felony involving a weapon under IC 35-47 or
- 3 IC 35-47.5.
- 4 (xvii) A felony relating to controlled substances under
- 5 IC 35-48-4.
- 6 (xviii) An offense relating to material or a performance that
- 7 is harmful to minors or obscene under IC 35-49-3.
- 8 (xix) A felony that is substantially equivalent to a felony
- 9 listed in items (i) through (xviii) for which the conviction
- 10 was entered in another state: **a felony:**
- 11 **(i) related to the health or safety of a child;**
- 12 **(ii) that is a sex offense (as defined in IC 11-8-8-5.2);**
- 13 **(iii) that is a dangerous felony; or**
- 14 **(iv) that is not a felony otherwise described in items (i)**
- 15 **through (iii), and less than ten (10) years have elapsed**
- 16 **from the date the person was discharged from probation,**
- 17 **imprisonment, or parole, whichever discharge date is**
- 18 **latest;**
- 19 **(B) has been convicted of a misdemeanor related to the health**
- 20 **or safety of a child;**
- 21 **(C) has been convicted of a misdemeanor under**
- 22 **IC 12-17.2-4-35 for operating a child care center without**
- 23 **a license, or of a substantially similar offense committed in**
- 24 **another jurisdiction if the offense is directly or indirectly**
- 25 **related to jeopardizing the health or safety of a child;**
- 26 **(D) has been convicted of a misdemeanor under**
- 27 **IC 12-17.2-5-35 for operating a child care home without a**
- 28 **license, or of a substantially similar offense committed in**
- 29 **another jurisdiction if the offense is directly or indirectly**
- 30 **related to jeopardizing the health or safety of a child; or**
- 31 **(E) is a person against whom an allegation of child abuse**
- 32 **or neglect has been substantiated under IC 31-33, or under a**
- 33 **substantially similar provision in another jurisdiction.**
- 34 ~~(3) Maintain records of each criminal history check.~~
- 35 **(b) A child care ministry shall require an individual described**
- 36 **in subsection (a)(1) to apply for a national criminal history**
- 37 **background check before the individual is employed or allowed to**
- 38 **volunteer and every three (3) years thereafter that the individual**
- 39 **is continuously employed or allowed to volunteer.**
- 40 **(c) A child care ministry that is registered under this chapter on**
- 41 **July 1, 2013, shall, at no expense to the state, meet the**

- 1 **requirements under subsection (a)(1) not later than July 1, 2014."**
- 2 Delete page 16.
- 3 Renumber all SECTIONS consecutively.
(Reference is to EHB 1494 as printed March 15, 2013.)

Senator HOLDMAN