January 18, 2013

SENATE BILL No. 85

DIGEST OF SB 85 (Updated January 16, 2013 11:04 am - DI 106)

Citations Affected: Numerous provisions 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, Randolph

January 7, 2013, read first time and referred to Committee on Judiciary.
January 17, 2013, amended, reported favorably — Do Pass.

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January 18, 2013

First Regular Session 118th General Assembly (2013)

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

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

Conflict reconciliation: Text in a statute in *this style type* or ~~*this style type*~~ reconciles conflicts between statutes enacted by the 2012 Regular Session of the General Assembly.

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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:

SECTION 1. IC 1-1-3.5-8, AS ADDED BY P.L.119-2012, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012 (RETROACTIVE)]: Sec. 8. (a) A reference in this section to amendments made to a statute is a reference to amendments made during the 2012 regular session of the general assembly.

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

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

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

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

The amendment to a population parameter in a SECTION described in this subsection takes effect April 1, 2012, and the amendment to other provisions in a SECTION described in this subsection take effect as

otherwise provided in the bill described in this subsection.

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

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

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

(3) The SECTION contains a population parameter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) The voter's name.

(2) The date the application is received.

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

~~(3)~~ *(4)* The date the ballot is sent to the voter.

~~(4)~~ *(5)* If mailed, the address to which the ballot is sent.

~~(5)~~ *(6)* If transmitted by fax, the fax number to which the ballot is faxed.

~~(6)~~ *(7)* The date the ballot is marked before the clerk or otherwise received from the voter.

~~(7)~~ *(8)* The combined total number of absentee ballots sent by the county to absent uniformed services voters and overseas voters.

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

~~(9)~~ *(10)* The total number of absentee ballots described in subdivision ~~(7)~~ *(8)* that were counted in whole or in part.

~~(10)~~ *(11)* Any other information that is necessary or advisable.

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

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

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

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

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

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

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

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

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

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

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governor reaches age sixty-five (65) years, ~~he~~ **the governor** may choose to receive:

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

(B) forty percent (40%) of the governor's annual salary set in IC 4-2-1-1 for the remainder of ~~his~~ **the governor's** life.

(f) With respect to a governor who is entitled to a retirement benefit under subsection (b):

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

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

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

(2) if ~~he~~ **the governor** chooses to begin receiving ~~his~~ **the governor's** retirement benefit on or after the date ~~he~~ **the governor** reaches age sixty-five (65) years, ~~he~~ **the governor** may choose to receive:

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

(B) fifty percent (50%) of the governor's annual salary set in IC 4-2-1-1 for the remainder of ~~his~~ **the governor's** life.

SECTION 5. IC 4-13-1-25, AS ADDED BY P.L.14-2012, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 25. (a) As used in this section, "emergency services equipment" refers to the following:

(1) Fire trucks.

(2) Emergency service vehicles.

(3) Firefighting tools.

(4) Protective wear.

(5) Breathing apparatuses.

(6) Communication devices, including hand held devices and vehicle radios.

(7) Similar products used by public safety service providers.

(b) As used in this section, "public safety service provider" has the meaning set forth in IC 10-19-9-2.

(c) As used in this section, "purchaser" includes the following:

(1) A political subdivision.

(2) A fire department established under IC 36-8-2-3.

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(3) A volunteer fire department (as defined in IC 36-8-12-2).
(4) The board of fire trustees of a fire protection district established under IC 36-8-11.
(5) The provider unit of a fire protection territory established under IC 36-8-19.
(6) A law enforcement agency of a political subdivision.
(7) An emergency medical services agency of a political subdivision.

(d) The department shall award quantity purchase agreements under IC 5-22 to vendors for the purchase of emergency services equipment.

(e) A quantity purchase agreement awarded under this section must require the vendor to offer to purchasers emergency services equipment under the quantity purchase agreement.

(f) Purchasers may participate in the solicitation of ~~purchase~~ **purchases** of emergency services equipment. To participate in the solicitation of **purchases of** emergency services equipment, a purchaser must do the following:
(1) Submit estimated quantities to the department.
(2) Commit to purchasing the minimum fill percentage submitted for solicitation.

(g) The department may adopt rules under IC 4-22-2 for management and control of the process by which purchasers may purchase emergency services equipment under this section.

SECTION 6. IC 4-13-19-10, AS ADDED BY P.L.182-2009(ss), SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) The office of the department of child services ombudsman shall prepare a report each year on the operations of the office.

(b) The office of the department of child services ombudsman shall include the following information in the annual report required under subsection (a):
(1) The office of the department of child services ombudsman's activities.
(2) The general status of children in Indiana, including:
(A) the health and education of children; and
(B) the administration or implementation of programs for children.
(3) Any other issues, concerns, or information concerning children.

(c) A copy of the report shall be provided to the following:
(1) The governor.
(2) The legislative council.

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(3) The Indiana department of administration.

(4) The department of child services.

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

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

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

~~(1) The governor.~~

~~(2) The legislative council.~~

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

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

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

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

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

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

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

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

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

(1) general policies of the state library;

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

(3) library research;

(4) professional development for librarians;

(5) standards and rules for library services;

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

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

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

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

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

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

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

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

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

(1) be in writing;

(2) be adopted at a public meeting;

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

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

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

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

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

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

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

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

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

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

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

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

(1) the investment policy has expired; or

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

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

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

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

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

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

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

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

(1) include the percentage of households that have access to broadband service; and

(2) use the Federal Communications Commission benchmark rates for broadband service to identify different speed tiers.

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

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

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

(1) property tax rate or rates; or

(2) special benefits tax rate or rates;

referred to in the statutes listed in subsection (d).

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

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

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

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(2) a general reassessment of real property under IC 6-1.1-4-4; *or*
(3) a reassessment under a county's reassessment plan prepared under IC 6-1.1-4-4.2.

(d) The statutes to which subsection (a) refers are:
(1) IC 8-10-5-17;
(2) IC 8-22-3-11;
(3) IC 8-22-3-25;
(4) IC 12-29-1-1;
(5) IC 12-29-1-2;
(6) IC 12-29-1-3;
(7) IC 12-29-3-6;
(8) IC 13-21-3-12;
(9) IC 13-21-3-15;
(10) IC 14-27-6-30;
(11) IC 14-33-7-3;
(12) IC 14-33-21-5;
(13) IC 15-14-7-4;
(14) IC 15-14-9-1;
(15) IC 15-14-9-2;
(16) IC 16-20-2-18;
(17) IC 16-20-4-27;
(18) IC 16-20-7-2;
(19) IC 16-22-14;
(20) IC 16-23-1-29;
(21) IC 16-23-3-6;
(22) IC 16-23-4-2;
(23) IC 16-23-5-6;
(24) IC 16-23-7-2;
(25) IC 16-23-8-2;
(26) IC 16-23-9-2;
(27) IC 16-41-15-5;
(28) IC 16-41-33-4;
(29) IC 20-46-2-3 (before its repeal on January 1, 2009);
(30) IC 20-46-6-5;
(31) IC 20-49-2-10;
(32) IC 36-1-19-1;
(33) IC 23-14-66-2;
(34) IC 23-14-67-3;
(35) IC 36-7-13-4;
(36) IC 36-7-14-28;
(37) IC 36-7-15.1-16;
(38) IC 36-8-19-8.5;

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(39) IC 36-9-6.1-2;
(40) IC 36-9-17.5-4;
(41) IC 36-9-27-73;
(42) IC 36-9-29-31;
(43) IC 36-9-29.1-15;
(44) IC 36-10-6-2;
(45) IC 36-10-7-7;
(46) IC 36-10-7-8;
(47) IC 36-10-7.5-19;
(48) IC 36-10-13-5;
(49) IC 36-10-13-7;
(50) IC 36-10-14-4;
(51) IC 36-12-7-7;
(52) IC 36-12-7-8;
(53) IC 36-12-12-10;
(54) a statute listed in IC 6-1.1-18.5-9.8; and
~~(54)~~ *(55)* any statute enacted after December 31, 2003, that:
(A) establishes a maximum rate for any part of the:
(i) property taxes; or
(ii) special benefits taxes;
imposed by a political subdivision; and
(B) does not exempt the maximum rate from the adjustment under this section.

(e) *For property tax rates imposed for property taxes first due and payable after December 31, 2012,* the new maximum rate under a statute listed in subsection (d) is the tax rate determined under STEP ~~*SEVEN*~~ *EIGHT* of the following STEPS:

STEP ONE: *Except as provided in subsection (g),* determine the maximum rate for the political subdivision levying a property tax or special benefits tax under the statute for the year preceding the year in which the annual adjustment or ~~*general*~~ *the* reassessment *under IC 6-1.1-4-4 or IC 6-1.1-4-4.2* takes effect.

STEP TWO: ~~*Except as provided in subsection (g),*~~ Determine the actual percentage change (rounded to the nearest one-hundredth percent (0.01%)) in the assessed value (before the adjustment, if any, under IC 6-1.1-4-4.5) of the taxable property from the year preceding the year the annual adjustment or ~~*general*~~ *the* reassessment *under IC 6-1.1-4-4 or IC 6-1.1-4-4.2* takes effect to the year that the annual adjustment or ~~*general*~~ *the* reassessment *under IC 6-1.1-4-4 or IC 6-1.1-4-4.2* takes effect.

STEP THREE: Determine the three (3) calendar years that immediately precede the ensuing calendar year and in which a

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statewide general reassessment of real property *under IC 6-1.1-4-4* does not first take effect.

STEP FOUR: ~~*Except as provided in subsection (g),*~~ Compute separately, for each of the calendar years determined in STEP THREE, the actual percentage change (rounded to the nearest one-hundredth percent (0.01%)) in the assessed value (before the adjustment, if any, under IC 6-1.1-4-4.5) of the taxable property from the preceding year.

STEP FIVE: Divide the sum of the three (3) quotients computed in STEP FOUR by three (3).

STEP SIX: Determine the greater of the following:

(A) Zero (0).

(B) The STEP FIVE result.

STEP ~~*SIX:*~~ *SEVEN:* Determine the greater of the following:

(A) Zero (0).

(B) The result of the STEP TWO percentage minus the STEP ~~*FIVE*~~ *SIX* percentage.

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

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

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

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

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

(g) This subsection applies only when calculating the maximum rate for taxes due and payable in calendar year 2013. The STEP ONE result is the greater of the following:

(1) The actual maximum rate established for property taxes first due and payable in calendar year 2012.

(2) The maximum rate that would have been established for property taxes first due and payable in calendar year 2012 if the maximum rate had been established under the formula under this section, as amended in the 2012 session of the general assembly.

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

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

(2) the excess, if any, of:

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

IC 3-11-6-9;
IC 8-16-3;
IC 8-16-3.1;
IC 8-22-3-25;
IC 14-27-6-48;
IC 14-33-9-3;
IC 16-22-8-41;
IC 16-22-5-2 through IC 16-22-5-15;
IC 16-23-1-40;
IC 36-8-14;
IC 36-9-4-48;
IC 36-9-14;
IC 36-9-14.5;
IC 36-9-15;
IC 36-9-15.5;
IC 36-9-16;
IC 36-9-16.5;
IC 36-9-17;
IC 36-9-26;
IC 36-9-27-100;
IC 36-10-3-21; or
IC 36-10-4-36;

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

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(B) the property taxes imposed by the city, town, or county under the authority of the citations listed in clause (A) that were first due and payable during calendar year 1984.

~~*(b) The maximum property tax rate levied under the statutes listed in subsection (a) must be adjusted each year to account for the change in assessed value of real property that results from:*~~

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

~~*(2) a general reassessment of real property under IC 6-1.1-4-4; or*~~

~~*(3) a reassessment under a county's reassessment plan prepared under IC 6-1.1-4-4.2.*~~

~~*(c) The new maximum rate under a statute listed in subsection (a) is the tax rate determined under STEP SEVEN of the following formula:*~~

~~*STEP ONE: Determine the maximum rate for the political subdivision levying a property tax under the statute for the year preceding the year in which the annual adjustment or the reassessment under IC 6-1.1-4-4 or IC 6-1.1-4-4.2 takes effect.*~~

~~*STEP TWO: Subject to subsection (e), determine the actual percentage change (rounded to the nearest one-hundredth percent (0.01%)) in the assessed value (before the adjustment, if any, under IC 6-1.1-4-4.5) of the taxable property from the year preceding the year the annual adjustment or the reassessment under IC 6-1.1-4-4 or IC 6-1.1-4-4.2 takes effect to the year that the annual adjustment or the reassessment is effective.*~~

~~*STEP THREE: Determine the three (3) calendar years that immediately precede the ensuing calendar year and in which a statewide general reassessment of real property under IC 6-1.1-4-4 does not first become effective.*~~

~~*STEP FOUR: Subject to subsection (e), compute separately, for each of the calendar years determined in STEP THREE, the actual percentage change (rounded to the nearest one-hundredth percent (0.01%)) in the assessed value (before the adjustment, if any, under IC 6-1.1-4-4.5) of the taxable property from the preceding year.*~~

~~*STEP FIVE: Divide the sum of the three (3) quotients computed in STEP FOUR by three (3).*~~

~~*STEP SIX: Determine the greater of the following:*~~

~~*(A) Zero (0).*~~

~~*(B) The result of the STEP TWO percentage minus the STEP FIVE percentage.*~~

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

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

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

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

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

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

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

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

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

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

(B) not later than:

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

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

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

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

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

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possible to complete the:

(1) preparation; and

(2) mailing or transmittal;

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

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

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

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

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

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

(B) not later than:

(i) November 10; or

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

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

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

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

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

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

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

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

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

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

(i) nationally recognized assessing organizations;

(ii) postsecondary educational institutions; or

(iii) other education delivery organizations;

in each subject matter area of the curriculum; and

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

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

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

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

(1) The date specified in the temporary rule.

(2) The date that another temporary rule or rule adopted under IC 4-22-2 supersedes or repeals the temporary rule.

(3) January 1, 2014.

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

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

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

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

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

(1) Supplemental deductions under IC 6-1.1-12-37.5.

(2) Homestead credits under IC 6-1.1-20.4, IC 6-3.5-1.1-26, 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, or any other law.

(3) Credit for excessive property taxes under IC 6-1.1-20.6-7.5 or IC 6-1.1-20.6-8.5.

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

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

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

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(repealed).

(2) Other expenses of the office of the county auditor.

(3) The cost of preparing, sending, and processing notices described in IC 6-1.1-22-8.1(b)(9). ~~and checklists or notices described in IC 6-1.1-22.5-12(d).~~

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

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

(1) presented by the taxpayer to the assessor before; or

(2) introduced by the taxpayer at;

the hearing held by the county property tax assessment board of appeals. An appraisal may not be required by the county property tax assessment board of appeals or the assessor in a proceeding before the county property tax assessment board of appeals or in a preliminary informal meeting under IC 6-1.1-15-1(h)(2).

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

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

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

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

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

(1) is acquired in a transaction that is an isolated or occasional sale; and

(2) is required to be titled, licensed, or registered by this state for use in Indiana.

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

(1) the state gross retail or use tax has been previously imposed on the sale or use of that property; or

(2) the ultimate purchaser or recipient of that property would have been exempt from the state gross retail and use taxes if that purchaser or recipient had directly purchased the property from the supplier for addition to the structure or facility.

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

(1) manufactures, fabricates, or assembles tangible personal property from materials either within or outside Indiana; and

(2) uses, stores, distributes, or consumes tangible personal property in Indiana.

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

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(1) the property is delivered into Indiana by or for the purchaser of the property;

(2) the property is delivered in Indiana for the sole purpose of being processed, printed, fabricated, or manufactured into, attached to, or incorporated into other tangible personal property; and

(3) the property is subsequently transported out of state for use solely outside Indiana.

(f) As used in subsection (g) and IC 6-2.5-5-42:

(1) "completion work" means the addition of tangible personal property to or reconfiguration of the interior of an aircraft, if the work requires the issuance of an airworthiness certificate from the:

(A) Federal Aviation Administration; or

(B) equivalent foreign regulatory authority;

due to the change in the type certification basis of the aircraft resulting from the addition to or reconfiguration of the interior of the aircraft;

(2) "delivery" means the physical delivery of the aircraft regardless of who holds title; and

(3) "prepurchase evaluation" means an examination of an aircraft by a potential purchaser for the purpose of obtaining information relevant to the potential purchase of the aircraft.

(g) Notwithstanding any other provision of this section, the use tax is not imposed on the keeping, retaining, or exercising of any right or power over an aircraft, if:

(1) the aircraft is or will be titled, registered, or based (as defined in IC 6-6-6.5-1(m)) in another state or country;

(2) the aircraft is delivered to Indiana by or for a nonresident owner or purchaser of the aircraft;

(3) the aircraft is delivered to Indiana for the sole purpose of being repaired, refurbished, remanufactured, or subjected to completion work or a prepurchase evaluation; and

(4) after completion of the repair, refurbishment, remanufacture, completion work, or prepurchase evaluation, the aircraft is transported to a destination outside Indiana.

(h) The amendments made to this section by ~~the act enacted in 2012~~ **P.L.153-2012** shall be interpreted to specify and not to change the general assembly's intent with respect to this section.

SECTION 21. IC 6-2.5-8-7, AS AMENDED BY P.L.78-2012, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. **7.** (a) The department may, for good cause,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) that:

(i) applied for; or

(ii) made a retail transaction under;

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

(B) that:

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

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

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

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

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

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

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homestead that:

(A) the individual:

(i) owns; or

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

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

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

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

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

(2) A firefighting and fire prevention system.

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

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

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

(6) A probation department of a court.

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

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

(B) convicted of a crime; or

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

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

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

(10) A county jail.

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

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

(13) Pension payments for any of the following:

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

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

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

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

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

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

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

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

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

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

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

(2) a fraction equal to:

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

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

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

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

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

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

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

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

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

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

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

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purposes specified in the resolutions.

(l) A fire department, volunteer fire department, or emergency medical services provider that:

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

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

may before July 1 of a year apply to the county council for a distribution of tax revenue under this section during the following calendar year. The county council shall review an application submitted under this subsection and may before September 1 of a year adopt a resolution requiring that one (1) or more of the applicants shall receive a specified amount of the tax revenue to be distributed under this section during the following calendar year. A resolution approved under this subsection providing for a distribution to one (1) or more fire departments, volunteer fire departments, or emergency medical services providers applies only to distributions in the following calendar year. Any amount of tax revenue distributed under this subsection to a fire department, volunteer fire department, or emergency medical services provider shall be distributed before the remainder of the tax revenue is distributed under subsection (f).

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

(1) impose, increase, decrease, or rescind a tax or tax rate; or

(2) grant, increase, decrease, rescind, or change a homestead credit or property tax replacement credit authorized under this chapter;

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

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

(1) An ordinance adopted after December 31 of the immediately preceding year and before October 1 of the current year takes effect October 1 of the current year.

(2) An ordinance adopted after September 30 and before October 16 of the current year takes effect November 1 of the current year.

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

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

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

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

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

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

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

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

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

(2) A firefighting and fire prevention system.

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

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

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

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(6) A probation department of a court.

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

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

(B) convicted of a crime; or

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

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

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

(10) A county jail.

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

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

(13) Pension payments for any of the following:

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

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

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

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

(b) The county income tax council may adopt an ordinance to impose an additional tax rate under this section to provide funding for public safety if:

(1) the county income tax council has imposed a tax rate under section 30 of this chapter, in the case of a county containing a consolidated city; or

(2) the county income tax council has imposed a tax rate of at least twenty-five hundredths of one percent (0.25%) under section 30 of this chapter, a tax rate of at least twenty-five hundredths of

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

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

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

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

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

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

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

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

(2) a fraction equal to:

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

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

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

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purposes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 26. IC 6-6-6.5-21.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012 (RETROACTIVE)]: Sec. 21.5. (a) The **Allen** County treasurer ~~of a county that:~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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(2) Low temperature, oxygen starved gasification of municipal solid waste.

~~(11)~~ (3) Methane recovered from landfills for the production of electricity.

(b) Except for energy described in subsection (a)(2) and IC 8-1-37-4(a)(9), the term does not include energy from the incinerations, burning, or heating of any of the following:

(1) Tires.

(2) General household, institutional, commercial, industrial lunchroom, office, or landscape waste.

(c) The term excludes treated or painted lumber.

SECTION 30. IC 8-23-7-22, AS AMENDED BY P.L.163-2011, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012 (RETROACTIVE)]: Sec. 22. (a) Subject to subsection (b), the department may, after issuing an order and receiving the governor's approval, determine that a state highway should become a tollway. After the order becomes effective, the department shall maintain and operate the tollway and levy and collect tolls as provided in IC 8-15-3 or enter into a public-private agreement with an operator with respect to the tollway under IC 8-15.7. Before issuing an order under this section, the department shall submit to the governor a plan to bring the tollway to the current design standards of the department for new state highways within a specified period. The specified period may not exceed five (5) years.

(b) Before the governor, the department, or an operator may carry out any of the following activities under this section, the general assembly must enact a statute authorizing that activity:

(1) Determine that a highway that is in existence or under construction on July 1, 2011, should become a tollway.

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

(3) Impose tolls on motor vehicles for use of Interstate Highway 69.

(c) Notwithstanding subsection (b), during the period beginning July 1, 2011, and ending June 30, 2021, the general assembly is not required to enact a statute authorizing the governor, the department, or an operator to determine that all or part of the following projects should become a tollway:

(1) A project on which construction begins after June 30, 2011,

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

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

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

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

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

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

(2) A requirement that the authority:

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

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

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

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

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

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

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

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

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

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

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

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

(2) a course that is:

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

(B) approved by the bureau.

SECTION 33. IC 9-13-2-92, AS AMENDED BY P.L.114-2012, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 92. (a) "Law enforcement officer", except as provided in subsection (b), includes the following:

(1) A state police officer.

(2) A city, town, or county police officer.

(3) A sheriff.

(4) A county coroner.

(5) A conservation officer.

(6) An individual assigned as a motor carrier inspector under

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IC 10-11-2-26(a).

(7) A member of a consolidated law enforcement department established under IC 36-3-1-5.1.

(8) An excise police officer of the alcohol and tobacco commission.

(9) A gaming control officer employed by the gaming control division under IC 4-33-20.

(b) "Law enforcement officer", for purposes of IC 9-30-6 and IC 9-30-7, has the meaning set forth in IC 35-31.5-2-185.

SECTION 34. IC 9-13-2-127, AS AMENDED BY P.L.94-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 127. (a) "Police officer" means, except as provided in subsection (b), the following:

(1) A regular member of the state police department.

(2) A regular member of a city or town police department.

(3) A town marshal or town marshal deputy.

(4) A regular member of a county sheriff's department.

(5) A conservation officer of the department of natural resources.

(6) An individual assigned as a motor carrier inspector under IC 10-11-2-26(a).

(7) An excise police officer of the alcohol and tobacco commission.

(8) A gaming control officer employed by the gaming control division under IC 4-33-20.

(b) "Police officer", for purposes of IC 9-21, means an officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

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

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

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

(3) An axle in an axle combination may not exceed thirteen thousand (13,000) pounds per axle, with the exception of one (1) tandem group that may weigh sixteen thousand (16,000) pounds per axle or a total of thirty-two thousand (32,000) pounds.

(4) Except as provided in section ~~4(22)~~ **4(a)(22)** of this chapter,

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the total gross weight, with load, of any vehicle or combination of vehicles may not exceed one hundred thirty-four thousand (134,000) pounds.

(5) Axle spacings may not be less than three (3) feet, six (6) inches, between each axle in an axle combination.

(6) Axle spacings may not be less than eight (8) feet between each axle or axle combination.

(b) A vehicle operated in accordance with section ~~4(23)~~ **4(a)(23)** of this chapter may not have a:

(1) maximum wheel weight, unladen or with load, in excess of one thousand six hundred fifty (1,650) pounds per inch width of tire, measured between the flanges of the rim; or

(2) single axle weight that exceeds sixty-five thousand (65,000) pounds.

(c) This section expires on the later of the following dates:

(1) The date on which rules described in section ~~1(c)(1)~~ **1(c)(2)** of this chapter are finally adopted.

(2) December 31, 2014.

SECTION 36. IC 9-23-2-2, AS AMENDED BY P.L.42-2011, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012 (RETROACTIVE)]: Sec. 2. (a) An application for a license under this chapter must:

(1) be accompanied by the fee required under IC 9-29-8;

(2) be on a form prescribed by the secretary of state;

(3) contain the information the secretary of state considers necessary to enable the secretary of state to determine fully the following information:

(A) The qualifications and eligibility of the applicant to receive the license.

(B) The location of each of the applicant's places of business in Indiana.

(C) The ability of the applicant to conduct properly the business for which the application is submitted; and

(4) contain evidence of a bond required in subsection (e).

(b) An application for a license as a dealer must show whether the applicant proposes to sell new or used motor vehicles, or both.

(c) An applicant who proposes to use the Internet or other computer network in aid of its sale of motor vehicles to consumers in Indiana, which activities may result in the creation of business records outside Indiana, shall provide the division with the name, address, and telephone number of the person who has control of those business records. The secretary of state may not issue a license to a dealer who

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transacts business in this manner who does not have an established place of business in Indiana.

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

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

(2) the zoning enforcement officer under IC 36-7-4, if one exists;

who has jurisdiction over the real property where the applicant wants to operate as a dealer. The affidavit must state that the proposed location is zoned for the operation of a dealer's establishment. The applicant may file the affidavit at any time after the filing of the application. However, the secretary of state may not issue a license until the applicant files the affidavit.

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

(1) be in favor of the state; and

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

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

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

SECTION 37. IC 9-23-2-4, AS AMENDED BY P.L.184-2007, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012 (RETROACTIVE)]: Sec. 4. (a) The license issued to a factory branch, a distributor branch, an automobile auctioneer, a transfer dealer, or a dealer under this chapter must specify the location of each place of business and shall be conspicuously displayed at each business location.

(b) If a business name or location is changed, the holder shall notify the secretary of state within ten (10) days and remit the fee required

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under IC 9-29-8. The secretary of state shall endorse that change on the license if the secretary of state determines that the change is not subject to other provisions of this article.

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

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

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

(2) the zoning enforcement officer under IC 36-7-4, if one exists;

who has jurisdiction over the real property where the applicant wants to operate as a dealer. The affidavit must state that the proposed location is zoned for the operation of a dealer's establishment. The secretary of state may not approve a change of location or endorse a change of location on the dealer's license until the dealer provides the affidavit.

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

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

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

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

~~(3) Thirty cents ($0.30) to the spinal cord and brain injury fund under IC 16-41-42.2-3, as provided under section 0.5 of this chapter.~~

~~(4) The balance to the state general fund for credit to the motor vehicle highway account.~~

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~~(b) This subsection applies after December 31, 2011.~~ The fee for the registration of a motorcycle is seventeen dollars and thirty cents ($17.30). The revenue from this fee shall be allocated as follows:

(1) Seven dollars ($7) to the motorcycle operator safety education fund established by IC 9-27-7-7.

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

(3) Thirty cents ($0.30) to the spinal cord and brain injury fund under IC 16-41-42.2-3, as provided under section 0.5 of this chapter.

(4) The balance to the state general fund for credit to the motor vehicle highway account.

SECTION 39. IC 9-30-4-6, AS AMENDED BY P.L.125-2012, SECTION 330, AND AS AMENDED BY P.L.126-2012, SECTION 29, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) Whenever the bureau suspends or revokes the current driver's license upon receiving a record of the conviction of a person for any offense under the motor vehicle laws not enumerated under subsection (b), the bureau may also suspend any of the certificates of registration and license plates issued for any motor vehicle registered in the name of the person so convicted. However, the bureau may not suspend the evidence of registration, unless otherwise required by law, if the person has given or gives and maintains during the three (3) years following the date of suspension or revocation proof of financial responsibility in the future in the manner specified in this section.

(b) The bureau shall suspend or revoke without notice or hearing the current driver's license and all certificates of registration and license plates issued or registered in the name of a person who is convicted of any of the following:

(1) Manslaughter or reckless homicide resulting from the operation of a motor vehicle.

(2) Perjury or knowingly making a false affidavit to the department under this chapter or any other law requiring the registration of motor vehicles or regulating motor vehicle operation upon the highways.

(3) A felony under Indiana motor vehicle laws or felony in the commission of which a motor vehicle is used.

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

(5) Failure to stop and give information or assistance or failure to stop and disclose the person's identity at the scene of an accident

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that has resulted in death, personal injury, or property damage in excess of two hundred dollars ($200).

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

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

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

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

(2) Subject to section 6.5 of this chapter, upon conviction of an offense described in subsection (b)(1), for a fixed period of not less than two (2) years and not more than five (5) years, to be fixed by the bureau based upon recommendation of the court entering a conviction. A new or reinstated license may not be issued to the person unless that person, within the three (3) years following the expiration of the suspension or revocation, gives and maintains in force at all times during the effective period of a new or reinstated license proof of financial responsibility in the future in the manner specified in this chapter. However, the liability of the insurance carrier under a motor vehicle liability policy that is furnished for proof of financial responsibility in the future as set out in this chapter becomes absolute whenever loss or damage covered by the policy occurs, and the satisfaction by the insured of a final judgment for loss or damage is not a condition precedent to the right or obligation of the carrier to make payment on account of loss or damage, but the insurance

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carrier has the right to settle a claim covered by the policy. If the settlement is made in good faith, the amount shall be deductive from the limits of liability specified in the policy. A policy may not be canceled or annulled with respect to a loss or damage by an agreement between the carrier and the insured after the insured has become responsible for the loss or damage, and a cancellation or annulment is void. The policy may provide that the insured or any other person covered by the policy shall reimburse the insurance carrier for payment made on account of any loss or damage claim or suit involving a breach of the terms, provisions, or conditions of the policy. If the policy provides for limits in excess of the limits specified in this chapter, the insurance carrier may plead against any plaintiff, with respect to the amount of the excess limits of liability, any defenses that the carrier may be entitled to plead against the insured. The policy may further provide for prorating of the insurance with other applicable valid and collectible insurance. An action does not lie against the insurance carrier by or on behalf of any claimant under the policy until a final judgment has been obtained after actual trial by or on behalf of any claimant under the policy.

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

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

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

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

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

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

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

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

(B) committed criminal recklessness with a vehicle

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(IC 35-42-2-2); or

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

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

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

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

(1) A conviction upon a plea of guilty.

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

(A) no sentence is imposed; or

(B) a sentence is suspended.

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

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

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

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

SECTION 40. IC 9-30-6-4.3, AS AMENDED BY P.L.125-2012, SECTION 343, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4.3. (a) This section applies only to a person whose motor vehicle has been seized under ~~IC 34-24-1-1(15).~~ **IC 34-24-1-1(a)(15).**

(b) If the bureau receives an order from a court recommending that the bureau not register a motor vehicle in the name of a person whose

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motor vehicle has been seized under ~~IC 34-24-1-1(15),~~ **IC 34-24-1-1(a)(15),** the bureau may not register a motor vehicle in the name of the person whose motor vehicle has been seized until the person proves that the person possesses a driver's license with valid driving privileges.

SECTION 41. IC 11-8-8-4.5, AS AMENDED BY P.L.72-2012, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4.5. (a) Except as provided in section 22 of this chapter, as used in this chapter, "sex offender" means a person convicted of any of the following offenses:

(1) Rape (IC 35-42-4-1).
(2) Criminal deviate conduct (IC 35-42-4-2).
(3) Child molesting (IC 35-42-4-3).
(4) Child exploitation (IC 35-42-4-4(b)).
(5) Vicarious sexual gratification (including performing sexual conduct in the presence of a minor) (IC 35-42-4-5).
(6) Child solicitation (IC 35-42-4-6).
(7) Child seduction (IC 35-42-4-7).
(8) Sexual misconduct with a minor as a Class A, Class B, or Class C felony (IC 35-42-4-9), unless:
  (A) the person is convicted of sexual misconduct with a minor as a Class C felony;
  (B) the person is not more than:
    (i) four (4) years older than the victim if the offense was committed after June 30, 2007; or
    (ii) five (5) years older than the victim if the offense was committed before July 1, 2007; and
  (C) the sentencing court finds that the person should not be required to register as a sex offender.
(9) Incest (IC 35-46-1-3).
(10) Sexual battery (IC 35-42-4-8).
(11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age, and the person who kidnapped the victim is not the victim's parent or guardian.
(12) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age, and the person who confined or removed the victim is not the victim's parent or guardian.
(13) Possession of child pornography (IC 35-42-4-4(c)).
(14) Promoting prostitution (IC 35-45-4-4) as a Class B felony.
(15) Promotion of human trafficking (IC 35-42-3.5-1(a)(2)) if the victim is less than eighteen (18) years of age.
(16) Sexual trafficking of a minor (IC 35-42-3.5-1(c)).

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(17) Human trafficking (IC 35-42-3.5-1(d)(3)) if the victim is less than eighteen (18) years of age.

(18) Sexual misconduct by a service provider with a detained child ~~(IC 35-44-1-5(c)).~~ **(IC 35-44.1-3-10(c)).**

(19) An attempt or conspiracy to commit a crime listed in subdivisions (1) through (18).

(20) A crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in subdivisions (1) through (19).

(b) The term includes:

(1) a person who is required to register as a sex offender in any jurisdiction; and

(2) a child who has committed a delinquent act and who:

(A) is at least fourteen (14) years of age;

(B) is on probation, is on parole, is discharged from a facility by the department of correction, is discharged from a secure private facility (as defined in IC 31-9-2-115), or is discharged from a juvenile detention facility as a result of an adjudication as a delinquent child for an act that would be an offense described in subsection (a) if committed by an adult; and

(C) is found by a court by clear and convincing evidence to be likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

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

SECTION 42. IC 11-8-8-5, AS AMENDED BY P.L.1-2012, SECTION 3, AND AS AMENDED BY P.L.72-2012, SECTION 2, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Except as provided in section 22 of this chapter, as used in this chapter, "sex or violent offender" means a person convicted of any of the following offenses:

(1) Rape (IC 35-42-4-1).

(2) Criminal deviate conduct (IC 35-42-4-2).

(3) Child molesting (IC 35-42-4-3).

(4) Child exploitation (IC 35-42-4-4(b)).

(5) Vicarious sexual gratification (including performing sexual conduct in the presence of a minor) (IC 35-42-4-5).

(6) Child solicitation (IC 35-42-4-6).

(7) Child seduction (IC 35-42-4-7).

(8) Sexual misconduct with a minor as a Class A, Class B, or

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Class C felony (IC 35-42-4-9), unless:
(A) the person is convicted of sexual misconduct with a minor as a Class C felony;
(B) the person is not more than:
(i) four (4) years older than the victim if the offense was committed after June 30, 2007; or
(ii) five (5) years older than the victim if the offense was committed before July 1, 2007; and
(C) the sentencing court finds that the person should not be required to register as a sex offender.
(9) Incest (IC 35-46-1-3).
(10) Sexual battery (IC 35-42-4-8).
(11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age, and the person who kidnapped the victim is not the victim's parent or guardian.
(12) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age, and the person who confined or removed the victim is not the victim's parent or guardian.
(13) Possession of child pornography (IC 35-42-4-4(c)).
(14) Promoting prostitution (IC 35-45-4-4) as a Class B felony.
(15) Promotion of human trafficking (IC 35-42-3.5-1(a)(2)) if the victim is less than eighteen (18) years of age.
(16) Sexual trafficking of a minor ~~*(IC 35-42-3.5-1(b)).*~~ *(IC 35-42-3.5-1(c)).*
(17) Human trafficking ~~*(IC 35-42-3.5-1(c)(3))*~~ *(IC 35-42-3.5-1(d)(3))* if the victim is less than eighteen (18) years of age.
(18) Murder (IC 35-42-1-1).
(19) Voluntary manslaughter (IC 35-42-1-3).
(20) Sexual misconduct by a service provider with a detained child ~~*(IC 35-44-1-5(c)).*~~ **(IC 35-44.1-3-10(c)).**
~~*(20)*~~ *(21)* An attempt or conspiracy to commit a crime listed in subdivisions (1) through ~~*(19).*~~ *(20).*
~~*(21)*~~ *(22)* A crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in subdivisions (1) through ~~*(20).*~~ *(21).*
(b) The term includes:
(1) a person who is required to register as a sex or violent offender in any jurisdiction; and
(2) a child who has committed a delinquent act and who:
(A) is at least fourteen (14) years of age;
(B) is on probation, is on parole, is discharged from a facility

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by the department of correction, is discharged from a secure private facility (as defined in IC 31-9-2-115), or is discharged from a juvenile detention facility as a result of an adjudication as a delinquent child for an act that would be an offense described in subsection (a) if committed by an adult; and

(C) is found by a court by clear and convincing evidence to be likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

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

SECTION 43. IC 12-7-2-69, AS AMENDED BY P.L.6-2012, SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 69. (a) "Division", except as provided in subsections (b) and (c), refers to any of the following:

(1) The division of disability and rehabilitative services established by IC 12-9-1-1.

(2) The division of aging established by IC 12-9.1-1-1.

(3) The division of family resources established by IC 12-13-1-1.

(4) The division of mental health and addiction established by IC 12-21-1-1.

(b) The term refers to the following:

(1) For purposes of the following statutes, the division of disability and rehabilitative services established by IC 12-9-1-1:

(A) IC 12-9.

(B) IC 12-11.

(C) IC 12-12.

(D) IC 12-12.5.

(E) IC 12-12.7.

(F) IC 12-15-46-2.

(G) IC 12-28-5.

(2) For purposes of the following statutes, the division of aging established by IC 12-9.1-1-1:

(A) IC 12-9.1.

(B) IC 12-10.

(C) IC 12-10.5.

(3) For purposes of the following statutes, the division of family resources established by IC 12-13-1-1:

(A) IC 12-13.

(B) IC 12-14.

(C) IC 12-15.

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(D) IC 12-16.
(E) IC 12-17.2.
(F) IC 12-18.
(G) IC 12-19.
(H) IC 12-20.

(4) For purposes of the following statutes, the division of mental health and addiction established by IC 12-21-1-1:
(A) IC 12-21.
(B) IC 12-22.
(C) IC 12-23.
(D) IC 12-25.

(c) With respect to a particular state institution, the term refers to the division whose director has administrative control of and responsibility for the state institution.

(d) For purposes of IC 12-24, IC 12-26, and IC 12-27, the term refers to the division whose director has administrative control of and responsibility for the appropriate state institution.

SECTION 44. IC 12-8-1.5-9, AS ADDED BY P.L.160-2012, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. ~~(a)~~ Consistent with the powers and duties of the secretary under this article, the secretary may adopt rules under IC 4-22-2 relating to the exercise of those powers and duties.

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

~~(1) Federal Medicaid waiver program provisions.~~

~~(2) Federal programs administered by the office of the secretary.~~

~~This subsection expires December 31, 2012.~~

SECTION 45. IC 12-13-14-13, AS ADDED BY P.L.96-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. ~~(a) Before January 1, 2010,~~ The division shall implement a program that provides a farmers' market administrator or a retailer who sells food at a farmers' market with a wired or wireless point of sale terminal that is connected to the EBT system.

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

~~(1) connected to the EBT system; and~~

~~(2) issued to a farmer's market administrator or a retailer who sells food at a farmers' market.~~

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

SECTION 46. IC 13-11-2-17, AS AMENDED BY P.L.133-2012,

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

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

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

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

SECTION 47. IC 13-17-3-4, AS AMENDED BY P.L.159-2011, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The board shall adopt rules under IC 4-22-2 that are:

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

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

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

(1) environmental significance of;

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

(3) need for opportunity for public participation on;

the permits or permit modifications.

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

(1) emissions; and

(2) impacts.

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

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

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

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

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

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

~~(B) 312140 (Distilleries);~~

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

~~This subsection expires April 1, 2012.~~

SECTION 48. IC 13-23-8-4, AS AMENDED BY P.L.19-2012, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) Except as provided under subsection (b), and subject to section 4.5 of this chapter, an owner or operator may receive money from the excess liability trust fund under section 1 of this chapter only if the owner or operator is in substantial compliance (as defined in 328 IAC 1-1-9) with the following requirements:

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

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

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

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

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

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

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

(A) the plan conforms with:

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

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

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Underground Storage Tank Branch Guidance Manual, including the department's risk integrated system of closure standards; and

(B) the soil and groundwater contamination is confined to the owner's or operator's property.

If the corrective action plan fails to satisfy any of the requirements of clause (A) or (B), the plan is automatically deemed disapproved. If a corrective action plan is disapproved, the claimant may supplement the plan. The corrective action plan is automatically deemed approved when the cause for the disapproval is corrected. For purposes of this subdivision, in the event of a conflict between compliance with the corrective action plan and the department's standards in clause (A), the department's standards control. For purposes of this subdivision, if there is a conflict between compliance with the corrective action plan and the board's rules, the board's rules control. The department may audit any corrective action plan. If the commissioner denies the plan, a detailed explanation of all the deficiencies of the plan must be provided with the denial.

(b) An owner, operator, or transferee of property under subsection (e) is eligible to receive money from the fund before the owner, operator, or transferee has a corrective action plan approved or deemed approved if:

(1) the work for which payment is sought under IC 13-23-9-2 was an initial response to a petroleum release that created the need for emergency action to abate an immediate threat of harm to human health, property, or the environment;

(2) the work is for a site characterization completed in accordance with 329 IAC 9-5; or

(3) the department has not acted upon a corrective action plan submitted under IC 13-23-9-2 within ninety (90) days after the date the department receives the:

(A) plan; or

(B) application to the fund;

whichever is later.

(c) The amount of money an owner, operator, or transferee of property under subsection (e) is eligible to receive from the fund under subsection (b) must be calculated in accordance with 328 IAC 1-3.

(d) An owner, an operator, or a transferee of property described in subsection (e) eligible to receive money from the fund under this section may assign that right to another person.

(e) A transferee of property upon which a tank was located is

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

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

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

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

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

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

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

SECTION 49. IC 14-13-1-41, AS ADDED BY P.L.51-2012, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 41. (a) The commission may establish a nonprofit subsidiary corporation that is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code, to solicit and accept private funding, gifts, donations, bequests, devises, and contributions.

(b) A subsidiary corporation established under this section:

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

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

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

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

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

(A) administered by the subsidiary corporation; and

(B) not part of the state treasury.

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

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

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

(d) Employees of the commission shall provide administrative

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support for a subsidiary corporation established under this section.

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

SECTION 50. IC 14-25-15-7, AS ADDED BY P.L.4-2008, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) Except as provided in section 8 of this chapter, a person must, under the rules established under section 5(4) of this chapter, obtain a permit from the department for a daily withdrawal in excess of any of the following, calculated on average over any ninety (90) day period:

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

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

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

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

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

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

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

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

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

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

SECTION 51. IC 15-19-7-29, AS AMENDED BY P.L.99-2012, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 29. A commercial feed is considered adulterated if it meets any of the following conditions:

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

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

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U.S.C. 346) other than one that is:

(A) a pesticide chemical in or on a raw agricultural commodity; or

(B) a food additive.

(3) It is, or it contains, a food additive that is unsafe within the meaning of Section 409 of the federal Food, Drug, and Cosmetic Act (21 U.S.C. 348).

(4) It is a raw agricultural commodity and it contains a pesticide chemical that is unsafe within the meaning of Section 408(a) of the federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(a)). However, if a pesticide chemical has been used in or on a raw agricultural commodity in conformity with an exemption granted or a tolerance prescribed under Section 408 of the federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a) and the raw agricultural commodity has been subjected to processing, such as canning, cooking, freezing, dehydrating, or milling, the residue of the pesticide chemical remaining in or on the processed feed is not considered unsafe if:

(A) the residue in or on the raw agricultural commodity has been removed to the extent possible in good manufacturing practice;

(B) the concentration of the residue in the processed feed is not greater than the tolerance prescribed for the raw agricultural commodity; and

(C) the feeding of the processed feed will not result, or is not likely to result, in a pesticide residue in the edible product of the animal that is unsafe within the meaning of Section 408(a) of the federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(a)).

(5) It is, or it contains, a color additive that is unsafe within the meaning of Section 721 of the federal Food, Drug, and Cosmetic Act (21 U.S.C. 379e).

(6) It is, or it contains, an animal drug that is unsafe within the meaning of Section 512 of the federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b).

(7) If any valuable constituent has been in whole or in part omitted or abstracted from the commercial feed or any less valuable substance has been substituted for a valuable constituent.

(8) Its composition or quality falls below or differs from that which it is purported or is represented to possess by its labeling.

(9) It contains a drug and the methods used in or the facilities or controls used for its manufacture, processing, or packaging do not

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

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

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

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

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

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

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

(A) it may become contaminated with filth; or

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

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

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

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

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

SECTION 52. IC 16-18-2-7, AS AMENDED BY P.L.77-2012, SECTION 5, AND AS AMENDED BY P.L.114-2012, SECTION 39, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) "Advanced life support", for purposes of IC 16-31, means care that is given:

(1) at the scene of:

(A) an accident;

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

(C) an illness;

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(2) during transport; or
(3) at a hospital;

by a paramedic or an *advanced* emergency medical ~~*technician-intermediate*~~ *technician* and that is more advanced than the care usually provided by an emergency medical technician. ~~*or an emergency medical technician-basic advanced.*~~

(b) The term may include any of the following:
(1) Defibrillation.
(2) Endotracheal intubation.
(3) Parenteral injections of appropriate medications.
(4) Electrocardiogram interpretation.
(5) Emergency management of trauma and illness.

SECTION 53. IC 20-19-2-8, AS AMENDED BY P.L.145-2011, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) In addition to any other powers and duties prescribed by law, the state board shall adopt rules under IC 4-22-2 concerning, but not limited to, the following matters:

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

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

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

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

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

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

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

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

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

(A) IC 20-31-4;

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

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

(D) IC 20-28-11.5; and

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

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

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

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

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

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

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

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

SECTION 54. IC 20-19-3-11, AS ADDED BY P.L.46-2012, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) The department, in collaboration with the department of child services and organizations that have expertise in child abuse, including child sexual abuse, shall identify or develop:

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(1) research and evidence based model educational materials on child abuse and child sexual abuse; and

(2) a model for child abuse and child sexual abuse response policies and reporting procedures.

To identify or develop models under this subsection, the department may not hire additional staff members or expend funds not already included in the department's budget.

(b) Not later than July 1, 2013, the department shall make the models developed or identified under this section available to assist schools with the implementation of:

(1) child abuse and child sexual abuse education programs in grade 2 through grade 5; and

(2) child abuse and child sexual abuse response and reporting policies.

(c) The model educational materials on child abuse and child sexual abuse identified or developed under subsection (a) may include the following topics:

(1) Warning signs of a child who is being abused or sexually abused.

(2) The basic principles of child abuse and child sexual abuse prevention.

(3) Methods of student, teacher, and parental education and outreach.

(d) The model child abuse and child sexual abuse response and reporting policies referred to in subsection (b) may include the following topics:

(1) Actions that a child who is a victim of abuse or sexual abuse may take to obtain assistance.

(2) Interventions.

(3) Counseling options.

(4) Educational support available for a child who is a victim of abuse or sexual abuse **to enable the child** to continue to be successful in school.

(5) Reporting procedures.

(e) A school that chooses to use the model educational materials developed under subsection (a) shall inform the parents of students in the grade levels in which the materials could be used, in writing and by posting on the school's Internet web site, that a parent may:

(1) examine and review the model educational materials before the materials are taught; and

(2) decide if the parent's child will be instructed with the model educational materials.

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

SECTION 55. IC 20-24-9-7, AS ADDED BY P.L.148-2012, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. The organizer of a charter school shall publish the names of **the members of** the charter school's governing body on the school's Internet web site.

SECTION 56. IC 20-25-13-5, AS ADDED BY P.L.1-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. Development and implementation of a staff performance evaluation plan for each school is a condition for accreditation for the school under ~~IC 20-19-2-8(a)(5).~~ **IC 20-19-2-8(a)(4).**

SECTION 57. IC 20-45-1 IS REPEALED [EFFECTIVE UPON PASSAGE]. (Definitions).

SECTION 58. IC 21-7-13-6, AS AMENDED BY P.L.107-2012, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) "Approved postsecondary educational institution", for purposes of this title (except section 15 of this chapter, IC 21-12-6, ~~IC 21-12-7,~~ and IC 21-13-1-4) means the following:

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

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

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

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

(i) Ancilla College;

(ii) Anderson University;

(iii) Bethel College;

(iv) Butler University;

(v) Calumet College of St. Joseph;

(vi) DePauw University;

(vii) Earlham College;

(viii) Franklin College;

(ix) Goshen College;

(x) Grace College and Seminary;

(xi) Hanover College;

(xii) Holy Cross College;

(xiii) Huntington University;

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(xiv) Indiana Institute of Technology;
(xv) Indiana Wesleyan University;
(xvi) Manchester College;
(xvii) Marian University;
(xviii) Martin University;
(xix) Oakland City University;
(xx) Rose-Hulman Institute of Technology;
(xxi) Saint Joseph's College;
(xxii) Saint Mary-of-the-Woods College;
(xxiii) Saint Mary's College;
(xxiv) Taylor University;
(xxv) Trine University;
(xxvi) University of Evansville;
(xxvii) University of Indianapolis;
(xxviii) University of Notre Dame;
(xxix) University of Saint Francis;
(xxx) Valparaiso University; and
(xxxi) Wabash College;

or is accredited by the board for proprietary education under IC 21-18.5-6 or an accrediting agency recognized by the United States Department of Education.

(2) Ivy Tech Community College.

(3) A hospital that operates a nursing diploma program that is accredited by the Indiana state board of nursing.

(4) A postsecondary credit bearing proprietary educational institution that meets the following requirements:

(A) Is incorporated in Indiana, or is registered as a foreign corporation doing business in Indiana.

(B) Is fully accredited by and is in good standing with the board for proprietary education under IC 21-18.5-6.

(C) Is accredited by and is in good standing with a regional or national accrediting agency.

(D) Offers a course of study that is at least eighteen (18) consecutive months in duration (or an equivalent to be determined by the board for proprietary education under IC 21-18.5-6) and that leads to an associate or a baccalaureate degree recognized by the board for proprietary education under IC 21-18.5-6.

(E) Is certified by the board for proprietary education as meeting the requirements of this subdivision.

(b) "Approved postsecondary educational institution" for purposes of section 15 of this chapter, IC 21-12-6, ~~IC 21-12-7,~~ and IC 21-13-1-4,

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means the following:

(1) A state educational institution.

(2) A nonprofit college or university.

(3) A postsecondary credit bearing proprietary educational institution that is accredited by an accrediting agency recognized by the United States Department of Education.

SECTION 59. IC 21-18.5-1-1, AS ADDED BY P.L.107-2012, SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) As used in this section, "contract" refers to a contract or guarantee entered into by the state student assistance commission (before its abolishment on July 1, 2012) or by the state student assistance commission (as it existed before the enactment of P.L.128-1990).

(b) After June 30, 2012, a contract entered into by the state student assistance commission (before its abolishment on July 1, 2012) or by the state student assistance commission (as it existed before the enactment of P.L.128-1990) is a contract of the commission for higher education established by IC 21-18-2-1.

(c) The:

(1) amendments made by P.L.128-1990; and

(2) repeal of IC 21-11 and addition of this article by ~~legislation enacted during the 2012 session of the general assembly;~~ **P.L.107-2012;**

do not affect the rights, duties, or obligations of the commission for higher education established by IC 21-18-2-1 or a person who before July 1, 2012, had a contract with the state student assistance commission (before its abolishment on July 1, 2012) or with the state student assistance commission (as it existed before the enactment of P.L.128-1990).

(d) A person or the commission for higher education established by IC 21-18-2-1 may enforce a right or compel performance of a duty with respect to a contract as if:

(1) P.L.128-1990; and

(2) the repeal of IC 21-11 and conforming amendments made to IC 21-7 through IC 21-17 by ~~legislation enacted during the 2012 session of the general assembly;~~ **P.L.107-2012;**

had not been enacted.

SECTION 60. IC 21-18.5-1-4, AS ADDED BY P.L.107-2012, SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) Changes made by P.L.218-1987 do not affect:

(1) rights or liabilities accrued;

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(2) penalties incurred;
(3) crimes committed; or
(4) proceedings begun;

before July 1, 1987. These rights, liabilities, penalties, crimes, and proceedings continue and shall be imposed and enforced under prior law as if P.L.218-1987 had not been enacted.

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

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

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

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

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

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

SECTION 61. IC 21-18.5-6-12, AS ADDED BY P.L.107-2012, SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) After an investigation and a finding that the information in the application is true and **that** the postsecondary credit bearing proprietary educational institution meets the minimum standards, the ~~commission on postsecondary proprietary education~~ **board for proprietary education** shall issue an accreditation to the postsecondary credit bearing proprietary educational institution upon payment of an additional fee of at least twenty-five dollars ($25). An applicant's market research may not be considered or required by the board for proprietary education as a condition for accrediting or renewing the accreditation of or for approval of the programs of a postsecondary credit bearing proprietary

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educational institution.

(b) The board for proprietary education may waive inspection of a postsecondary credit bearing proprietary educational institution that has been accredited by an accrediting unit whose standards are approved by the board for proprietary education as meeting or exceeding the requirements of this chapter.

(c) A valid license, approval to operate, or other form of accreditation issued to a postsecondary credit bearing proprietary educational institution by another state may be accepted, instead of inspection, if:

(1) the requirements of that state meet or exceed the requirements of this chapter; and

(2) the other state will, in turn, extend reciprocity to postsecondary credit bearing proprietary educational institutions accredited by the board for proprietary education.

(d) An accreditation issued under this section expires one (1) year following the accreditation's issuance.

(e) An accredited postsecondary credit bearing proprietary educational institution may renew the institution's accreditation annually upon:

(1) the payment of a fee of at least twenty-five dollars ($25); and

(2) continued compliance with this chapter.

SECTION 62. IC 21-18.5-6-20, AS ADDED BY P.L.107-2012, SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20. (a) This section applies to claims against the balance of the career college student assurance fund.

(b) A student or ~~an~~ enrollee of a postsecondary credit bearing proprietary educational institution who believes that the student or enrollee has suffered loss or damage resulting from any of the occurrences described in section 6(a) of this chapter may ~~request the board for proprietary education to~~ file a claim with the board for proprietary education against the balance of the fund.

(c) A claim under this section is limited to a refund of the claimant's applicable tuition and fees.

(d) All claims must be filed not later than five (5) years after the occurrence resulting in the loss or damage to the claimant occurs.

(e) Upon the filing of a claim under this section, the board for proprietary education shall review the records submitted by the appropriate postsecondary credit bearing proprietary educational institution described under section 12 of this chapter and shall investigate the claim.

(f) Upon a determination by the ~~commission on postsecondary~~

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

(1) A student's educational loan balances.

(2) Federal grant repayment obligations of the student.

(3) Other expenses paid directly by the student.

SECTION 63. IC 21-18.5-6-26, AS ADDED BY P.L.107-2012, SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 26. (a) As used in this section, "fund" means the postsecondary credit bearing proprietary educational institution accreditation fund established by subsection (b).

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

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

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

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

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

SECTION 64. IC 24-4-18-8, AS ADDED BY P.L.69-2012, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 8. (a) **If there is a violation of section 6 or 7 of this chapter,** the attorney general may bring an action to enforce ~~a violation of~~ section 6 or 7 of this chapter. In addition to any injunctive or other relief, the attorney general may recover a civil penalty of:

(1) not more than one thousand dollars ($1,000) for a first violation; and

(2) not more than five thousand dollars ($5,000) for a second or subsequent violation.

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

(1) the greater of:

(A) actual damages, including consequential damages; or

(B) liquidated damages of five hundred dollars ($500); and

(2) court costs and reasonable attorney's fees.

SECTION 65. IC 24-4.4-1-202, AS AMENDED BY P.L.27-2012, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 202. (a) As used in this section, "balloon payment", with respect to a mortgage transaction, means any payment:

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~~that:~~

(1) **that** the creditor requires the debtor to make at any time during the term of the mortgage;

(2) **that** represents the entire amount of the outstanding balance with respect to the mortgage; and

(3) the entire amount of which is due as of a specified date or at the end of a specified period;

if the aggregate amount of the minimum periodic payments required under the mortgage would not fully amortize the outstanding balance by the specified date or at the end of the specified period. The term does not include a payment required by a creditor under a due-on-sale clause (as defined in 12 U.S.C. 1701j-3(a)) or a payment required by a creditor under a provision in the mortgage that permits the creditor to accelerate the debt upon the debtor's default or failure to abide by the material terms of the mortgage.

(b) This article does not apply to the following:

(1) Extensions of credit to government or governmental agencies or instrumentalities.

(2) A first lien mortgage transaction in which the debt is incurred primarily for a purpose other than a personal, family, or household purpose.

(3) An extension of credit primarily for a business, a commercial, or an agricultural purpose.

(4) Except for IC 24-4.4-2-401(2), IC 24-4.4-2-402.3, IC 24-4.4-2-405(4), and IC 24-4.4-2-405(5), a first lien mortgage transaction made:

(a) in compliance with the requirements of; and

(b) by a community development corporation (as defined in IC 4-4-28-2) acting as a subrecipient of funds from;

the Indiana housing and community development authority established by IC 5-20-1-3.

(5) Except for IC 24-4.4-2-401(2), IC 24-4.4-2-402.3, IC 24-4.4-2-405(4), and IC 24-4.4-2-405(5), a first lien mortgage transaction made by an entity that exclusively uses funds provided by the United States Department of Housing and Urban Development under Title 1 of the federal Housing and Community Development Act of 1974, Public Law 93-383, as amended (42 U.S.C. 5301 et seq.).

(6) An extension of credit originated by:

(a) a depository institution;

(b) subsidiaries that are:

(i) owned and controlled by a depository institution; and

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(ii) regulated by a federal banking agency; or

(c) an institution regulated by the Farm Credit Administration.

(7) Except for IC 24-4.4-2-401(2), IC 24-4.4-2-402.3, IC 24-4.4-2-405(4), and IC 24-4.4-2-405(5), a credit union service organization that is majority owned, directly or indirectly, by one (1) or more credit unions.

(8) A first lien mortgage transaction originated by a registered mortgage loan originator, when acting for an entity described in subsection (6). **However,** a privately insured state chartered credit union shall ~~also~~ comply with the system of mortgage loan originator registration developed by the Federal Financial Institutions Examinations Council under Section 1507 of the federal Secure and Fair Enforcement for Mortgage Licensing Act of 2008 (SAFE).

(9) An individual who offers or negotiates terms of a mortgage transaction with or on behalf of an immediate family member of the individual.

(10) An individual who offers or negotiates terms of a mortgage transaction secured by a dwelling that served as the individual's residence.

(11) Unless the attorney is compensated by:

(a) a lender;

(b) a mortgage broker;

(c) another mortgage loan originator; or

(d) any agent of the lender, mortgage broker, or other mortgage loan originator described in clauses (a) through (c);

a licensed attorney who negotiates the terms of a mortgage transaction on behalf of a client as an ancillary matter to the attorney's representation of the client.

(12) The United States, any state or local government, or any agency or instrumentality of any governmental entity, including United States government sponsored enterprises.

(13) A person in whose name a tablefunded transaction is closed, as described in section 301(34)(a) of this chapter. However, the exemption provided by this subsection does not apply if:

(a) the transaction:

(i) is secured by a dwelling that is a mobile home, a manufactured home, or a trailer; and

(ii) is not also secured by an interest in land; and

(b) the person in whose name the transaction is closed, as described in section 301(34)(a) of this chapter, sells the dwelling to the debtor through a retail installment contract or

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

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

(b) The term includes the following:

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

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

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

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

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

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

(A) that is located in Indiana;

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

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

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

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

SECTION 67. IC 24-9-3-7, AS AMENDED BY P.L.27-2012, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) As used in this section, "mortgage transaction" includes the following:

(1) A home loan subject to this article.

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

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

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families; and

(B) that is or will be occupied by a borrower as the borrower's principal dwelling.

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

(4) A consumer credit sale subject to IC 24-4.5-2 in which a mortgage or a land contract (or another consensual security interest equivalent to a mortgage or a land contract) that constitutes a lien is created or retained against land:

(A) that is located in Indiana; and

(B) upon which there is constructed or intended to be constructed a dwelling that is or will be used by the debtor primarily for personal, family, or household purposes.

(5) A consumer ~~credit~~ loan subject to IC 24-4.5-3 in which a mortgage or a land contract (or another consensual security interest equivalent to a mortgage or a land contract) that constitutes a lien is created or retained against land:

(A) that is located in Indiana; and

(B) upon which there is constructed or intended to be constructed a dwelling that is or will be used by the debtor primarily for personal, family, or household purposes.

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

(A) that is located in Indiana;

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

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

The term includes a loan that is secured by land in Indiana upon which there is constructed or intended to be constructed a dwelling that is purchased by or through the borrower for investment or other business purposes.

(7) A reverse mortgage transaction that is secured by real estate in Indiana on which there is located a structure that is occupied by a borrower as the borrower's principal dwelling.

(b) As used in this section, "real estate transaction" means the sale or lease of any legal or equitable interest in real estate:

(1) that is located in Indiana;

(2) upon which there is constructed or intended to be constructed a dwelling; and

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

(c) A person may not do any of the following:

(1) Divide a home loan transaction into separate parts with the intent of evading a provision of this article.

(2) Structure a home loan transaction as an open-end loan with the intent of evading the provisions of this article if the home loan would be a high cost home loan if the home loan had been structured as a closed-end loan.

(3) Engage in a deceptive act in connection with a mortgage transaction or a real estate transaction.

(4) Engage in, or solicit to engage in, a real estate transaction or a mortgage transaction without a permit or license required by law.

(5) With respect to a real estate transaction or a mortgage transaction, represent that:

(A) the transaction has:

(i) certain terms or conditions; or

(ii) the sponsorship or approval of a particular person or entity;

that it does not have and that the person knows or reasonably should know it does not have; or

(B) the real estate or property that is the subject of the transaction has any improvements, appurtenances, uses, characteristics, or associated benefits that it does not have and that the person knows or reasonably should know it does not have.

(6) Maintain or offer to maintain an account for the receipt of funds for the payment of real estate taxes and insurance unless the person is any of the following:

(A) Any of the following that is chartered under the laws of a state or the United States:

(i) A bank.

(ii) A savings and loan association.

(iii) A credit union.

(iv) A savings bank.

(B) The creditor in a mortgage transaction.

(C) A mortgage servicer acting on behalf of the creditor in a mortgage transaction.

(D) A closing agent (as defined in IC 27-7-3.7-1).

(7) Fail to provide the notice required under subsection (d), within the time specified in subsection (d), if the person is a seller in a real estate transaction described in subsection (d).

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

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

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

SECTION 68. IC 25-15-10-2, AS ADDED BY P.L.95-2012, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. As used in this section, "funeral ceremonies" ~~refer~~ **refers** to services or rites commemorating the deceased, with the dead human body present, conducted: ~~at:~~

(1) **in** churches;

(2) **in** funeral homes;

(3) **in** cemeteries;

(4) **in** crematories; or

(5) elsewhere.

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

SECTION 69. IC 25-26-13-25, AS AMENDED BY P.L.152-2012, SECTION 13, AND AS AMENDED BY P.L.159-2012, SECTION 6, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 25. (a) All original prescriptions, whether in written or electronic format, shall be numbered and maintained in numerical and chronological order, or in a manner approved by the board and accessible for at least two (2) years in the pharmacy. A prescription transmitted from a practitioner by means of communication other than writing must immediately be reduced to writing or recorded in an electronic format by the pharmacist. The files shall be open for inspection to any member of the board or ~~*it's*~~ *the board's* duly authorized agent or representative.

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

(1) may transmit the prescription information between the

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prescribing practitioner and the pharmacy;

(2) may archive copies of the electronic information related to the transmissions as necessary for auditing and security purposes; and

(3) must maintain patient privacy and confidentiality of all archived information as required by applicable state and federal laws.

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

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

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

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

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

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

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

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

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

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

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

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

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(A) The information required for any refill dispensed under subsection (e).

(B) The dates and times that the pharmacist attempted to contact the prescribing practitioner or the practitioner's designee for consultation and authorization of the prescription refill.

(C) The fact that the pharmacist dispensed the refill without the authorization of a licensed practitioner.

(7) The pharmacist notifies the original prescribing practitioner of the refill and the reason for the refill by the practitioner's next business day after the refill has been made by the pharmacist.

(8) Any pharmacist initiated refill under this subsection may not be for more than the minimum amount necessary to supply the patient through the prescribing practitioner's next business day. However, a pharmacist may dispense a drug in an amount greater than the minimum amount necessary to supply the patient through the prescribing practitioner's next business day if:

(A) the drug is packaged in a form that requires the pharmacist to dispense the drug in a quantity greater than the minimum amount necessary to supply the patient through the prescribing practitioner's next business day; or

(B) the pharmacist documents in the patient's record the amount of the drug dispensed and a compelling reason for dispensing the drug in a quantity greater than the minimum amount necessary to supply the patient through the prescribing practitioner's next business day.

(9) Not more than one (1) pharmacist initiated refill is dispensed under this subsection for a single prescription.

(10) The drug prescribed is not a controlled substance.

A pharmacist may not refill a prescription under this subsection if the practitioner has designated on the prescription form the words "No Emergency Refill".

(e) When refilling a prescription, the refill record shall include:

(1) the date of the refill;

(2) the quantity dispensed if other than the original quantity; and

(3) the dispenser's identity on:

(A) the original prescription form; or

(B) another board approved, uniformly maintained, readily retrievable record.

(f) The original prescription form or the other board approved record described in subsection (e) must indicate by the number of the original prescription the following information:

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(1) The name and dosage form of the drug.
(2) The date of each refill.
(3) The quantity dispensed.
(4) The identity of the pharmacist who dispensed the refill.
(5) The total number of refills for that prescription.

(g) This subsection does not apply:

(1) unless a patient requests a prescription drug supply of more than thirty (30) days;

(2) to the dispensing of a controlled substance (as defined in IC 35-48-1-9); or

(3) if a prescriber indicates on the prescription that the quantity of the prescription may not be changed.

A pharmacist may dispense, upon request of the patient, personal or legal representative of the patient, or guardian of the patient, not more than a ninety (90) day supply of medication if the patient has completed an initial thirty (30) day supply of the drug therapy and the prescription, including any refills, allows a pharmacist to dispense at least a ninety (90) day supply of the medication. However, a pharmacist shall notify the prescriber of the change in the quantity filled and must comply with state and federal laws and regulations concerning the dispensing limitations concerning a prescription drug. The pharmacist shall inform the customer concerning whether the additional supply of the prescription will be covered under the patient's insurance, if applicable.

~~(g)~~ *(h)* A prescription is valid for not more than one (1) year after the original date of issue.

~~(h)~~ *(i)* A pharmacist may not knowingly dispense a prescription after the demise of the practitioner, unless in the pharmacist's professional judgment it is in the best interest of the patient's health.

~~(i)~~ *(j)* A pharmacist may not knowingly dispense a prescription after the demise of the patient.

~~(j)~~ *(k)* A pharmacist or a pharmacy shall not resell, reuse, or redistribute a medication that is returned to the pharmacy after being dispensed unless the medication:

(1) was dispensed to an individual:

(A) residing in an institutional facility (as defined in 856 IAC 1-28.1-1(6));

(B) in a hospice program under IC 16-25; or

(C) in a county jail or department of correction facility;

(2) was properly stored and securely maintained according to sound pharmacy practices;

(3) is returned unopened and:

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(A) was dispensed in the manufacturer's original:
(i) bulk, multiple dose container with an unbroken tamper resistant seal; or
(ii) unit dose package; or
(B) was packaged by the dispensing pharmacy in a:
(i) multiple dose blister container; or
(ii) unit dose package;
(4) was dispensed by the same pharmacy as the pharmacy accepting the return;
(5) is not expired; and
(6) is not a controlled substance (as defined in IC 35-48-1-9), unless the pharmacy holds a ~~*Type*~~ *Category* II permit (as described in section 17 of this chapter).

~~*(k)*~~ *(l)* A pharmacist or a pharmacy shall not resell, reuse, or redistribute medical devices or medical supplies used for prescription drug therapy that have been returned to the pharmacy after being dispensed unless the medical devices or medical supplies:
(1) were dispensed to an individual in a county jail or department of correction facility;
(2) are not expired; and
(3) are returned unopened and in the original sealed packaging.

~~*(l)*~~ *(m)* A pharmacist may use the pharmacist's professional judgment as to whether to accept medication for return under this section.

~~*(m)*~~ *(n)* A pharmacist who violates subsection (d) commits a Class A infraction.

SECTION 70. IC 27-9-3.1-1, AS ADDED BY P.L.11-2011, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) As used in this chapter, "actual direct compensatory damages" includes:
(1) normal and reasonable costs of cover; **and**
(2) other reasonable measures of damages used in the derivatives market, the securities market, or another market for contract claims.
(b) The term does not include:
(1) punitive or exemplary damages;
(2) damages for lost profit or lost opportunity; or
(3) damages for pain and suffering.

SECTION 71. IC 28-1-7-1, AS AMENDED BY P.L.27-2012, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) As used in this chapter, "corporation" means:

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

(b) As used in this chapter, "shareholder", with respect to a:
(1) mutual savings bank; or
(2) mutual ~~saving~~ **savings** association;
refers to a member of the mutual savings bank or mutual savings association.

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

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

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

SECTION 72. IC 28-1-8-0.7, AS ADDED BY P.L.27-2012, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 0.7. As used in this chapter, "shareholder", with respect to a:
(1) mutual savings bank; or
(2) mutual ~~saving~~ **savings** association;
refers to a member of the mutual savings bank or mutual savings association.

SECTION 73. IC 28-6.1-1-2, AS AMENDED BY P.L.27-2012, SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) This section applies only to a savings

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bank (whether in stock or mutual form of ownership) that was:

(1) formed as a result of conversion under IC 28-1-21.7, IC 28-1-21.8, or IC 28-1-21.9 after December 31, 1992;

(2) incorporated under IC 28-12; or

(3) formed as a result of conversion under IC 28-1-30.

(b) A savings bank described in subsection (a) is governed by IC 28-13 in addition to this article.

(c) A reference in this article to formation and operation by a board means formation by conversion and operation by an elected board of directors.

(d) As to a mutual savings bank, a reference in IC 28-13-5, IC 28-13-6, IC 28-1-7, IC 28-1-7.1, IC 28-1-8, or IC 28-1-9 to shareholders and shareholders' meetings means members and members' meetings.

(e) Notwithstanding subsection (d), in a proposed disposition described in IC 28-1-8-3(b), ~~of this chapter,~~ the rights and remedies for dissenting shareholders set forth in IC 28-1-7-21 do not apply.

SECTION 74. IC 28-11-5-10, AS AMENDED BY P.L.27-2012, SECTION 108, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) Subject to subsection (g), a financial institution described in section 1 of this chapter that is subject to this chapter may:

(1) be organized as a limited liability company;

(2) convert to a limited liability company; or

(3) merge with or into a limited liability company;

under the laws of Indiana or the United States, including any rules or regulations adopted or promulgated under the laws of Indiana or the United States.

(b) A financial institution organized as a limited liability company is subject to:

(1) IC 23-18; and

(2) this title.

If a provision of IC 23-18 conflicts with a provision of this title or with any rule of the department, the provision of this title or the rule **of** the department controls.

(c) Any filing required to be made under IC 23-18 shall be made in the same manner as for a financial institution that is organizing or is organized in stock form.

(d) The department may prescribe any requirements for:

(1) the articles of organization; and

(2) the operating agreement;

of a financial institution that is organized and operates as a limited

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liability company.

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

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

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

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

(g) A financial institution may not:

(1) organize as;

(2) convert to; or

(3) merge with or into;

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

SECTION 75. IC 31-9-2-117, AS AMENDED BY P.L.48-2012, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 117. (a) Except as provided in subsection (b), "shelter care facility", for purposes of the juvenile law, means a place of residence that:

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

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

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

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

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

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

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

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

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(C) self-referred.

SECTION 76. IC 31-14-11-12, AS AMENDED BY P.L.128-2012, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) If the clerk of the court is notified by the Title IV-D agency or the agency's designee that:

(1) the child who is the beneficiary of a support order is receiving assistance under the:

(A) federal Title IV-A assistance program (42 U.S.C. 601 et seq.); or

(B) Title IV-E assistance program (42 U.S.C. ~~671~~ **670** et seq.);

(2) an assignment of support rights in favor of the state is in effect against the person obligated to make child support payments; and

(3) the Title IV-D agency has sent notice to the child support obligor and obligee;

the clerk of the court shall forward the child support payments directly to the Title IV-D agency without further order of the court.

(b) The Title IV-D agency shall disburse the child support payments in accordance with federal regulations governing the Title IV-D program.

SECTION 77. IC 31-27-4-2, AS AMENDED BY P.L.48-2012, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) A person may not operate a therapeutic foster family home without a certificate issued under this article.

(b) The state or a political subdivision of the state may not operate a therapeutic foster family home without a certificate issued under this article.

(c) The department may issue a certificate only for a therapeutic foster family home that meets:

(1) all the certification requirements of a foster family home; and

(2) the additional requirements described in this section.

(d) To receive a **certificate for the operation of a** therapeutic ~~certificate~~ **foster family home,** a person must do the following:

(1) Be licensed as a foster parent under this chapter and 465 IAC 2-1-1 et seq.

(2) Participate in preservice training that includes:

(A) preservice training to be licensed as a foster parent under 465 IAC 2-1-1 et seq.; and

(B) additional preservice training in therapeutic foster care.

(e) A person who is issued a certificate to operate a therapeutic foster family home shall, within one (1) year after meeting the training requirements of subsection (d)(2) and, annually thereafter, participate in training that includes:

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(1) training as required in order to be licensed as a foster parent under 465 IAC 2-1-1 et seq.; and

(2) additional training in therapeutic foster care.

(f) An operator of a therapeutic foster family home may not provide supervision and care in a therapeutic foster family home to more than four (4) children at the same time, including the children for whom the applicant or operator is a parent, stepparent, guardian, custodian, or other relative, and only two (2) of the children may be foster children. The department may grant an exception to this subsection whenever the placement of siblings in the same therapeutic foster family home is desirable, the foster child has an established, meaningful relationship with the therapeutic foster parent, or it is otherwise in the foster child's best interests.

(g) An operator of a therapeutic foster family home that has a therapeutic foster child placed with the therapeutic foster family home may not accept a placement of a child who is not a therapeutic foster child unless the child who is not a therapeutic foster child is a sibling of the therapeutic foster child who is placed with the therapeutic foster family home or it is in the best interests of the child being placed.

(h) A therapeutic foster family home may provide care for an individual receiving collaborative care under IC 31-28-5.8.

(i) The department shall adopt rules under IC 4-22-2, including emergency rules under IC 4-22-2-37.1, necessary to carry out this section, including rules governing the number of hours of training required under subsections (d) and (e).

(j) If a therapeutic foster family home does not meet the requirements under subsection (f) or (g) on July 1, 2011, any foster child placed in the home prior to July 1, 2011, may remain placed. However, a new placement of a child may not be made in violation of this section.

SECTION 78. IC 31-28-5.8-4, AS ADDED BY P.L.48-2012, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. As used in this chapter, "older youth" means an individual who is at least eighteen (18) years of age but less than twenty (20) years **of** age.

SECTION 79. IC 31-33-24-15, AS AMENDED BY P.L.48-2012, SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) The department shall collect and document information surrounding the deaths of children reviewed by local child fatality review teams. The department shall develop a data collection form that includes:

(1) identifying and nonidentifying information;

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(2) information regarding the circumstances surrounding a death;
(3) factors contributing to a death; and
(4) findings and recommendations that include the following information:
(A) Whether similar future deaths could be prevented.
(B) A list of:
(i) agencies and entities that should be involved; and
(ii) any other resources that should be used;
to adequately prevent future child deaths in the region.
(C) A regional strategy that should be implemented to prevent future child deaths.

(b) The data collection form developed under this section must be provided to the following:
(1) The appropriate community child protection team.
(2) The chairperson of the statewide child fatality review committee.
(3) The chairperson of a local child fatality review team.

(c) Each local child fatality review team shall, using the form established under this section, report to the department the findings for each fatality that the local child fatality review team reviews.

(d) The department shall annually prepare a report of all child fatalities in Indiana that are the result of child abuse or neglect. The report must include the following information:
(1) A summary of the information gathered under subsection (a) for all child abuse or neglect fatalities.
(2) Demographic information regarding victims, perpetrators, and households involved in child abuse or neglect fatalities.
(3) An analysis of the primary risk factors involved in child abuse or neglect fatalities.
(4) A summary of the most frequent causes of child abuse or neglect fatalities.
(5) A description of the manner in which the data was assembled.

The department shall post the report prepared under this subsection ~~to~~ **on** the department's Internet web site.

SECTION 80. IC 32-29-8-4, AS ADDED BY P.L.130-2012, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) As used in this section, "interested person", with respect to an action to foreclose a mortgage on an interest in real property in Indiana, means:
(1) the holder of the evidence of debt secured by the mortgage being foreclosed;
(2) a person:

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(A) who purchases the property at a judicial sale after a judgment and decree of sale is entered in the action; and

(B) to whom a deed is executed and delivered by the sheriff under IC 32-29-7-10; or

(3) any person claiming by, through, or under a person described in subdivision (1) or (2).

(b) As used in this section, "omitted party", with respect to an action to foreclose a mortgage on an interest in real property in Indiana, means a person who:

(1) before the commencement of the action has acquired in the property an interest that:

(A) is junior or subordinate to the mortgage being foreclosed; and

(B) would otherwise be extinguished by the foreclosure; and

(2) is either:

(A) not named as a party defendant in the action or, if named as a party defendant, is not served with process; or

(B) not served with a notice of sale under IC 32-29-7-3(d) after a judgment and decree of sale is entered in the action.

The term includes any person claiming by, through, or under a person described in this subsection.

(c) At any time after a judgment and decree of sale is entered in an action to foreclose a mortgage on an interest in real property in Indiana, an interested person or an omitted party may bring a civil action to:

(1) determine the extent of; and

(2) terminate;

the interest of an omitted party in the property subject to the sale.

(d) Except as provided in subsection (e) and subject to subsections (f) and (g), upon the filing of an action described in subsection (c), the court shall determine the extent of the omitted party's interest in the property and issue a decree terminating that interest, subject to the right of the omitted party to redeem the property on terms as the court considers equitable under the circumstances after considering the factors set forth in subsection (f), if the omitted party would have had redemption rights:

(1) before the sale under IC 32-29-7-7; or

(2) after the sale, as described in IC 34-55-4-8(a)(2).

(e) If the omitted party proves that the omitted party has a right to receive proceeds actually paid at the judicial sale, the omitted party's interest in the property is not subject to termination by an action brought under this section unless the proceeds that the omitted party would have received at the judicial sale are paid to the omitted party.

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

(1) Whether the omitted party:

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

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

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

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

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

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

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

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

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

(2) by operation of law.

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

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

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

(1) had actual or constructive notice of the omitted party's interest in the property;

(2) was negligent in examining county records;

(3) was engaged in the business of lending; or

(4) obtained a title search or commitment or a title insurance policy.

SECTION 81. IC 33-38-11-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012 (RETROACTIVE)]: Sec. 10. Except for:

(1) a temporary juvenile law judge appointed under section 1(b) of this chapter for the exclusive purpose of hearing cases arising under IC 31-30 through IC 31-40; or

(2) a temporary judge appointed by a court located in a county having a population of more than two hundred **fifty** thousand ~~(200,000)~~ **(250,000)** but less than ~~three~~ **two** hundred **seventy** thousand ~~(300,000);~~ **(270,000);**

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

SECTION 82. IC 33-40-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012 (RETROACTIVE)]: Sec. 1. This chapter does not apply to a county that:

(1) contains a consolidated city;

(2) has a population of:

(A) more than three hundred thousand (300,000) but less than four hundred thousand (400,000);

(B) more than two hundred **fifty** thousand ~~(200,000)~~ **(250,000)** but less than ~~three~~ **two** hundred **seventy** thousand ~~(300,000);~~ **(270,000);** or

(C) more than one hundred ~~seventy~~ **seventy-five** thousand ~~(170,000)~~ **(175,000)** but less than one hundred ~~eighty~~ **eighty-five** thousand ~~(180,000);~~ **(185,000);** or

(3) has a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000), except as provided in sections 5 and 11 of this chapter.

SECTION 83. IC 34-28-5-15, AS ADDED BY P.L.69-2012, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) If a person alleged to have violated a statute defining an infraction:

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(1) is not prosecuted, or if the action against the person is dismissed;
(2) is adjudged not to have committed the infraction; or
(3) is adjudged to have committed the infraction and the adjudication is subsequently vacated;

the court in which the action was filed shall order the clerk not to disclose or permit disclosure of information related to the infraction to a noncriminal justice organization or an individual.

(b) If a court fails to order the ~~court~~ **clerk** to restrict **disclosure of** information related to the infraction under subsection (a), the person may petition the court to restrict disclosure of the records related to the infraction to a noncriminal justice organization or an individual.

(c) A petition under subsection (b) must be verified and filed in:
(1) the court in which the action was filed, for a person described in subsection (a)(1); or
(2) the court in which the trial was held, for a person described in subsection (a)(2) or (a)(3).

(d) A petition under subsection (b) must be filed not earlier than:
(1) if the person is adjudged **not** to have ~~not~~ committed the infraction, thirty (30) days after the date of judgment;
(2) if the person's adjudication is vacated, three hundred sixty-five (365) days after:
(A) the order vacating the adjudication is final, if there is no appeal or the appeal is terminated before entry of an opinion or memorandum decision; or
(B) the opinion or memorandum decision vacating the adjudication is certified; or
(3) if the person is not prosecuted or the action is dismissed, thirty (30) days after the action is dismissed, if a new action is not filed.

(e) A petition under subsection (b) must set forth:
(1) the date of the alleged violation;
(2) the **alleged** violation;
(3) the date the action was dismissed, if applicable;
(4) the date of judgment, if applicable;
(5) the date the adjudication was vacated, if applicable;
(6) the basis on which the adjudication was vacated, if applicable;
(7) the law enforcement agency employing the officer who issued the complaint, if applicable;
(8) any other known identifying information, such as the name of the officer, case number, or court cause number;
(9) the date of the petitioner's birth; and
(10) the petitioner's Social Security number.

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

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

(1) summarily grant the petition;

(2) set the matter for hearing; or

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

(A) the petition is insufficient; or

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

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

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

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

SECTION 84. IC 34-28-5-16, AS ADDED BY P.L.69-2012, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) This chapter applies only to a person found to have committed an infraction.

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

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

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

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would not exonerate the defendant.

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

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

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

SECTION 85. IC 34-36-4 IS REPEALED [EFFECTIVE UPON PASSAGE]. (Filling Regular Panel of Jurors When Persons Excused From Service).

SECTION 86. IC 35-31.5-2-10, AS ADDED BY P.L.114-2012, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. ~~(a)~~ "Advisory sentence", for purposes of ~~IC 35-35-3, means the nonbinding guideline sentence defined in IC 35-50-2-1.3. (b) "Advisory sentence", for purposes of~~ IC 35-50-2-3 through IC 35-50-2-7, has the meaning set forth in IC 35-50-2-1.3.

SECTION 87. IC 35-31.5-2-15, AS ADDED BY P.L.114-2012, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. "Alien", for purposes of ~~IC 35-44-5,~~ **IC 35-44.1-5,** has the meaning set forth in ~~IC 35-44-5-2.~~ **IC 35-44.1-5-2.**

SECTION 88. IC 35-31.5-2-26.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 26.5. "Benefit", for purposes of IC 35-43-4-6, has the meaning set forth in IC 35-43-4-6(a).**

SECTION 89. IC 35-31.5-2-27.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 27.5. "Benefit provider", for purposes of IC 35-43-4-6, has the meaning set forth in IC 35-43-4-6(a).**

SECTION 90. IC 35-31.5-2-32.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 32.5. "Burn", for purposes of IC 35-47-7-3, has the meaning set forth in IC 35-47-7-3(a).**

SECTION 91. IC 35-31.5-2-44.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 44.8. "Cocaine", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-7.**

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SECTION 92. IC 35-31.5-2-56.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 56.3. "Confidential information", for purposes of IC 35-37-6, has the meaning set forth in IC 35-37-6-1.5(a).**

SECTION 93. IC 35-31.5-2-57.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 57.8. "Consent of the original manufacturer", for purposes of IC 35-43-7, has the meaning set forth in IC 35-43-7-1.**

SECTION 94. IC 35-31.5-2-60, AS ADDED BY P.L.114-2012, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 60. (a) "Consumer product", for purposes of ~~IC 35-44-2-2,~~ **IC 35-44.1-2-3,** has the meaning set forth in ~~IC 35-44-2-2(a).~~ **IC 35-44.1-2-3(a).**

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

SECTION 95. IC 35-31.5-2-62, AS ADDED BY P.L.114-2012, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 62. "Contraband", for purposes of ~~IC 35-44-3-9.3,~~ **IC 35-44.1-3-6,** has the meaning set forth in ~~IC 35-44-3-9.3(a).~~ **IC 35-44.1-3-6(a).**

SECTION 96. IC 35-31.5-2-67.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 67.2. "Corrections officer", for purposes of IC 35-42-2-6, has the meaning set forth in IC 35-42-2-6(a).**

SECTION 97. IC 35-31.5-2-87, AS ADDED BY P.L.114-2012, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 87. (a) "Dealer", for purposes of IC 35-43-4-2.3, has the meaning set forth in IC 35-43-4-2.3(a).

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

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

SECTION 98. IC 35-31.5-2-87.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 87.5. "Defense counsel", for purposes of IC 35-40-5-11, has the meaning set forth in IC 35-40-5-11(b).**

SECTION 99. IC 35-31.5-2-90, AS ADDED BY P.L.114-2012, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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

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

SECTION 100. IC 35-31.5-2-95, AS ADDED BY P.L.114-2012, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 95. "Dispatched firefighter", for purposes of ~~IC 35-44-4,~~ **IC 35-44.1-4,** has the meaning set forth in ~~IC 35-44-4-1.~~ **IC 35-44.1-4-1.**

SECTION 101. IC 35-31.5-2-114, AS ADDED BY P.L.114-2012, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 114. "Emergency incident area", for purposes of ~~IC 35-44-4,~~ **IC 35-44.1-4,** has the meaning set forth in ~~IC 35-44-4-2.~~ **IC 35-44.1-4-2.**

SECTION 102. IC 35-31.5-2-115, AS ADDED BY P.L.114-2012, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 115. "Emergency medical person", for purposes of ~~IC 35-44-3-8.5,~~ **IC 35-44.1-4-9,** has the meaning set forth in ~~IC 35-44-3-8.5(b).~~ **IC 35-44.1-4-9(a).**

SECTION 103. IC 35-31.5-2-115.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 115.2. "Emergency medical responder", for purposes of IC 35-42-2-6, has the meaning set forth in IC 35-42-2-6(c).**

SECTION 104. IC 35-31.5-2-123.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 123.5. "Executive authority", for purposes of IC 35-33-10-3, has the meaning set forth in IC 35-33-10-3(1).**

SECTION 105. IC 35-31.5-2-135, AS ADDED BY P.L.114-2012, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 135. (a) "Firefighter", for purposes of IC 35-42-2-6, has the meaning set forth in IC 35-42-2-6(b).

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

SECTION 106. IC 35-31.5-2-135.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 135.2. "Fire protective clothing and fire protective gear", for purposes of IC 35-44.1-4, has the meaning set forth in IC 35-44.1-4-4.**

SECTION 107. IC 35-31.5-2-139.5 IS ADDED TO THE INDIANA

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

SECTION 108. IC 35-31.5-2-145, AS ADDED BY P.L.114-2012, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 145. "Governmental entity served by the public servant", for purposes of ~~IC 35-44-1-3,~~ **IC 35-44.1-1-4,** has the meaning set forth in ~~IC 35-44-1-3(a)(2).~~ **IC 35-44.1-1-4(a)(2).**

SECTION 109. IC 35-31.5-2-145.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 145.3. "Governor", for purposes of IC 35-33-10-3, has the meaning set forth in IC 35-33-10-3(1).**

SECTION 110. IC 35-31.5-2-152.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 152.5. "HIV", for purposes of IC 35-45-16, has the meaning set forth in IC 35-45-16-1.**

SECTION 111. IC 35-31.5-2-160.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 160.5. "Human immunodeficiency virus (HIV)", for purposes of IC 35-42-2-6, has the meaning set forth in IC 35-42-2-6(d).**

SECTION 112. IC 35-31.5-2-163, AS ADDED BY P.L.114-2012, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 163. ~~"Identify~~ **"Identity** theft", for the purposes of IC 35-40-14, has the meaning set forth in IC 35-40-14-1.

SECTION 113. IC 35-31.5-2-165.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 165.8. "Impermissible contact", for purposes of IC 35-45-10, has the meaning set forth in IC 35-45-10-3.**

SECTION 114. IC 35-31.5-2-168.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 168.8. "Indiana", for purposes of IC 35-41-1-1, has the meaning set forth in IC 35-41-1-1(a).**

SECTION 115. IC 35-31.5-2-171, AS ADDED BY P.L.114-2012, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 171. "Inmate outside a facility", for purposes of ~~IC 35-44-3-9.3,~~ **IC 35-44.1-3-6,** has the meaning set forth in ~~IC 35-44-3-9.3(b).~~ **IC 35-44.1-3-6(b).**

SECTION 116. IC 35-31.5-2-173.8 IS ADDED TO THE INDIANA

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

SECTION 117. IC 35-31.5-2-178, AS ADDED BY P.L.114-2012, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 178. "Juvenile facility", for purposes of ~~IC 35-44-3-9,~~ **IC 35-44.1-3-5,** has the meaning set forth in ~~IC 35-44-3-9(a).~~ **IC 35-44.1-3-5(a).**

SECTION 118. IC 35-31.5-2-185, AS ADDED BY P.L.114-2012, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 185. **(a)** "Law enforcement officer" means:

(1) a police officer (including a correctional police officer), sheriff, constable, marshal, prosecuting attorney, special prosecuting attorney, special deputy prosecuting attorney, the securities commissioner, or the inspector general;

(2) a deputy of any of those persons;

(3) an investigator for a prosecuting attorney or for the inspector general;

(4) a conservation officer;

(5) an enforcement officer of the alcohol and tobacco commission; ~~or~~

(6) an enforcement officer of the securities division of the office of the secretary of state; **or**

(7) a gaming control officer employed by the gaming control division under IC 4-33-20.

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

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

SECTION 119. IC 35-31.5-2-203, AS ADDED BY P.L.114-2012, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 203. "Misconduct", for purposes of ~~IC 35-44-2-2,~~ **IC 35-44.1-2-3,** has the meaning set forth in ~~IC 35-44-2-2(b).~~ **IC 35-44.1-2-3(b).**

SECTION 120. IC 35-31.5-2-217.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 217.5. "Officer", for purposes of IC 35-44.1-3-2, has the meaning set forth in IC 35-44.1-3-2(a).**

SECTION 121. IC 35-31.5-2-218.5 IS ADDED TO THE INDIANA

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CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 218.5. "Omnibus date", for purposes of IC 35-36, has the meaning set forth in IC 35-36-1-1.**

SECTION 122. IC 35-31.5-2-230, AS ADDED BY P.L.114-2012, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 230. "Pecuniary interest", for purposes of ~~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 meaning set forth in ~~IC 35-44-1-3(a)(3).~~ **IC 35-44.1-1-4(a)(3).**

SECTION 123. IC 35-31.5-2-234, AS ADDED BY P.L.114-2012, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 234. (a) **Except as provided in subsections (b) through (d),** "person" means a human being, corporation, limited liability company, partnership, unincorporated association, or governmental entity.

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

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

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

SECTION 124. IC 35-31.5-2-235.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 235.7. "Place", for purposes of IC 35-33-5-1, has the meaning set forth in IC 35-33-5-1(b).**

SECTION 125. IC 35-31.5-2-237, AS ADDED BY P.L.114-2012, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 237. "Police radio", for purposes of ~~IC 35-44-3-12,~~ **IC 35-44.1-2-7,** has the meaning set forth in ~~IC 35-44-3-12(c).~~ **IC 35-44.1-2-7(c).**

SECTION 126. IC 35-31.5-2-244, AS ADDED BY P.L.114-2012, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 244. **(a)** "Prescription drug", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-25.

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

SECTION 127. IC 35-31.5-2-248.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 248.2. "Production", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-26.**

SECTION 128. IC 35-31.5-2-262, AS ADDED BY P.L.114-2012, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 262. "Publicly paid costs of representation",

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~~means the part of all attorney's fees, expenses, or wages incurred by the county that are: (1) directly attributable to the defendant's defense; and (2) not overhead expenditures made in connection with the maintenance or operation of a governmental agency.~~ **for purposes of IC 35-33-8, has the meaning set forth in IC 35-33-8-1.5.**

SECTION 129. IC 35-31.5-2-273.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 273.2. "Refuse", for purposes of IC 35-45-3-2, has the meaning set forth in IC 35-45-3-2(b).**

SECTION 130. IC 35-31.5-2-273.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 273.3. "Regulated explosive", for purposes of IC 35-47.5, has the meaning set forth in IC 35-47.5-2-13.**

SECTION 131. IC 35-31.5-2-296, AS ADDED BY P.L.114-2012, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 296. "Service provider", for purposes of ~~IC 35-44-1-5,~~ **IC 35-44.1-3-10,** has the meaning set forth in ~~IC 35-44-1-5(a).~~ **IC 35-44.1-3-10(a).**

SECTION 132. IC 35-31.5-2-311, AS ADDED BY P.L.114-2012, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 311. **(a)** "State", for purposes of IC 35-48-7, has the meaning set forth in IC 35-48-7-7.5.

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

SECTION 133. IC 35-31.5-2-316.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 316.8. "Subpoena", for purposes of IC 35-37-5, has the meaning set forth in IC 35-37-5-1.**

SECTION 134. IC 35-31.5-2-330.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 330.3. "Threatens", for purposes of IC 35-45-9, has the meaning set forth in IC 35-45-9-2.**

SECTION 135. IC 35-31.5-2-330.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 330.7. "Timber", for purposes of IC 35-43-8, has the meaning set forth in IC 35-43-8-1.**

SECTION 136. IC 35-31.5-2-333.9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 333.9. "Tobacco", for purposes of IC 35-46-1, has the meaning set forth in IC 35-46-1-1.7.**

SECTION 137. IC 35-38-1-5, AS AMENDED BY P.L.105-2010,

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SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. ~~(a)~~ When the defendant appears for sentencing, the court shall inform the defendant of the verdict of the jury or the finding of the court. The court shall afford counsel for the defendant an opportunity to speak on behalf of the defendant. The defendant may also make a statement personally in the defendant's own behalf and, before pronouncing sentence, the court shall ask the defendant whether the defendant wishes to make such a statement. Sentence shall then be pronounced, unless a sufficient cause is alleged or appears to the court for delay in sentencing.

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

SECTION 138. IC 35-38-2-2.3, AS AMENDED BY P.L.40-2012, SECTION 20, AND AS AMENDED BY P.L.147-2012, SECTION 9, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.3. (a) As a condition of probation, the court may require a person to do a combination of the following:

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

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

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

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

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

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

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

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~~(7)~~ *(8)* Pay a fine authorized by IC 35-50.
~~(8)~~ *(9)* Refrain from possessing a firearm or other deadly weapon unless granted written permission by the court or the person's probation officer.
~~(9)~~ *(10)* Report to a probation officer at reasonable times as directed by the court or the probation officer.
~~(10)~~ *(11)* Permit the person's probation officer to visit the person at reasonable times at the person's home or elsewhere.
~~(11)~~ *(12)* Remain within the jurisdiction of the court, unless granted permission to leave by the court or by the person's probation officer.
~~(12)~~ *(13)* Answer all reasonable inquiries by the court or the person's probation officer and promptly notify the court or probation officer of any change in address or employment.
~~(13)~~ *(14)* Perform uncompensated work that benefits the community.
~~(14)~~ *(15)* Satisfy other conditions reasonably related to the person's rehabilitation.
~~(15)~~ *(16)* Undergo home detention under IC 35-38-2.5.
~~(16)~~ *(17)* Undergo a laboratory test or series of tests approved by the state department of health to detect and confirm the presence of the human immunodeficiency virus (HIV) antigen or antibodies to the human immunodeficiency virus (HIV), if:
(A) the person had been convicted of an offense relating to a criminal sexual act and the offense created an epidemiologically demonstrated risk of transmission of the human immunodeficiency virus (HIV); or
(B) the person had been convicted of an offense relating to a controlled substance and the offense involved:
(i) the delivery by any person to another person; or
(ii) the use by any person on another person;
of a contaminated sharp (as defined in IC 16-41-16-2) or other paraphernalia that creates an epidemiologically demonstrated risk of transmission of HIV by involving percutaneous contact.
~~(17)~~ *(18)* Refrain from any direct or indirect contact with an individual and, if convicted of an offense under IC 35-46-3, any animal belonging to the individual.
~~(18)~~ *(19)* Execute a repayment agreement with the appropriate governmental entity or with a person for reasonable costs incurred because of the taking, detention, or return of a missing child (as defined in IC 10-13-5-4).
~~(19)~~ *(20)* Periodically undergo a laboratory chemical test (as

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defined in ~~IC 14-15-8-1~~ *IC 9-13-2-22)* or series of chemical tests as specified by the court to detect and confirm the presence of a controlled substance (as defined in IC 35-48-1-9). The person on probation is responsible for any charges resulting from a test and shall have the results of any test under this subdivision reported to the person's probation officer by the laboratory.

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

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

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

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

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

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

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

(1) the conditions of probation; and

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

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

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

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

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

(1) the term of imprisonment;

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

(3) the conditions.

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

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

(1) the clerk of the court shall comply with IC 5-2-9; and

(2) the prosecuting attorney shall file a confidential form prescribed or approved by the division of state court administration with the clerk.

(g) As a condition of probation, a court shall require a person:

(1) convicted of an offense described in IC 10-13-6-10;

(2) who has not previously provided a DNA sample in accordance with IC 10-13-6; and

(3) whose sentence does not involve a commitment to the department of correction;

to provide a DNA sample as a condition of probation.

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

SECTION 139. IC 35-41-3-2, AS AMENDED BY P.L.161-2012, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) In enacting this section, the general assembly finds and declares that it is the policy of this state to recognize the unique character of a citizen's home and to ensure that a citizen feels secure in his or her own home against unlawful intrusion by another individual or a public servant. By reaffirming the long standing right of a citizen to protect his or her home against unlawful intrusion, however, the general assembly does not intend to diminish in any way the other robust self defense rights that citizens of this state have always enjoyed. Accordingly, the general assembly also finds and declares that it is the policy of this state that people have a right to defend themselves and third parties from physical harm and crime. The purpose of this section is to provide the citizens of this state with a lawful means of carrying out this policy.

(b) As used in this section, "public servant" means a person

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described in ~~IC 35-41-1-17,~~ IC 35-31.5-2-129 or IC 35-31.5-2-185.

(c) A person is justified in using reasonable force against any other person to protect the person or a third person from what the person reasonably believes to be the imminent use of unlawful force. However, a person:

(1) is justified in using deadly force; and

(2) does not have a duty to retreat;

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

(d) A person:

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

(2) does not have a duty to retreat;

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

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

(1) is justified in using deadly force; and

(2) does not have a duty to retreat;

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

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

(1) on the ground in Indiana:

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

(B) until the aircraft takes off;

(2) in the airspace above Indiana; or

(3) on the ground in Indiana:

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(A) after the aircraft lands; and
(B) before the doors of the aircraft are opened after landing.

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

(1) the person is committing or is escaping after the commission of a crime;
(2) the person provokes unlawful action by another person with intent to cause bodily injury to the other person; or
(3) the person has entered into combat with another person or is the initial aggressor unless the person withdraws from the encounter and communicates to the other person the intent to do so and the other person nevertheless continues or threatens to continue unlawful action.

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

(1) is committing, or is escaping after the commission of, a crime;
(2) provokes unlawful action by another person, with intent to cause bodily injury to the other person; or
(3) continues to combat another person after the other person withdraws from the encounter and communicates the other person's intent to stop hijacking, attempting to hijack, or otherwise seizing or attempting to seize unlawful control of an aircraft in flight.

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

(1) protect the person or a third person from what the person reasonably believes to be the imminent use of unlawful force;
(2) prevent or terminate the public servant's unlawful entry of or attack on the person's dwelling, curtilage, or occupied motor vehicle; or
(3) prevent or terminate the public servant's unlawful trespass on or criminal interference with property lawfully in the person's possession, lawfully in possession of a member of the person's immediate family, or belonging to a person whose property the person has authority to protect.

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

(1) the person is committing or is escaping after the commission of a crime;
(2) the person provokes action by the public servant with intent to cause bodily injury to the public servant;
(3) the person has entered into combat with the public servant or

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is the initial aggressor, unless the person withdraws from the encounter and communicates to the public servant the intent to do so and the public servant nevertheless continues or threatens to continue unlawful action; or

(4) the person reasonably believes the public servant is:

(A) acting lawfully; or

(B) engaged in the lawful execution of the public servant's official duties.

(k) A person is not justified in using deadly force against a public servant whom the person knows or reasonably should know is a public servant unless:

(1) the person reasonably believes that the public servant is:

(A) acting unlawfully; or

(B) not engaged in the execution of the public servant's official duties; and

(2) the force is reasonably necessary to prevent serious bodily injury to the person or a third person.

SECTION 140. IC 35-44.1-2-8, AS ADDED BY P.L.126-2012, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) A person who knowingly or intentionally manufactures and sells or manufactures and offers for sale:

(1) an official badge or a replica of an official badge that is currently used by a law enforcement agency or fire department of the state or of a political subdivision of the state; or

(2) a document that purports to be an official employment identification that is used by a law enforcement agency or fire department of the state or of a political subdivision of the state;

without the written permission of the chief executive officer of the law enforcement agency commits unlawful manufacture or sale of a police or fire insignia, a Class A misdemeanor.

(b) However, the offense described in subsection (a) is:

(1) a Class D felony if the person commits the offense with the knowledge or intent that the badge or employment identification will be used to further the commission of an offense under ~~IC 35-44-2-3;~~ **section 6 of this chapter;** and

(2) a Class B felony if the person commits the offense with the knowledge or intent that the badge or employment identification will be used to further the commission of an offense under IC 35-47-12.

(c) It is a defense to a prosecution under subsection (a)(1) if the area of the badge or replica that is manufactured and sold or manufactured

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and offered for sale as measured by multiplying the greatest length of the badge by the greatest width of the badge is:

(1) less than fifty percent (50%); or

(2) more than one hundred fifty percent (150%);

of the area of an official badge that is used by a law enforcement agency or fire department of the state or a political subdivision of the state as measured by multiplying the greatest length of the official badge by the greatest width of the official badge.

SECTION 141. IC 35-44.1-4-9, AS ADDED BY P.L.126-2012, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) **As used in this section,** "emergency medical person" means a person who holds a certificate issued by the Indiana emergency medical services commission to provide emergency medical services.

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

SECTION 142. IC 35-44.2-4-2, AS ADDED BY P.L.126-2012, SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) An employee of a state agency who unlawfully discloses a Social Security number is subject to criminal prosecution under IC 4-1-10-8.

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

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

SECTION 143. IC 35-45-6-1, AS AMENDED BY P.L.126-2012, SECTION 56, AND AS AMENDED BY P.L.149-2012, SECTION 19, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) The definitions in this section apply throughout this chapter.

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

(c) "Enterprise" means:

(1) a sole proprietorship, corporation, limited liability company, partnership, business trust, or governmental entity; or

(2) a union, an association, or a group, whether a legal entity or

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merely associated in fact.

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

(e) "Racketeering activity" means to commit, to attempt to commit, to conspire to commit a violation of, or aiding and abetting in a violation of any of the following:

(1) A provision of IC 23-19, or of a rule or order issued under IC 23-19.
(2) A violation of IC 35-45-9.
(3) A violation of IC 35-47.
(4) A violation of IC 35-49-3.
(5) Murder (IC 35-42-1-1).
(6) Battery as a Class C felony (IC 35-42-2-1).
(7) Kidnapping (IC 35-42-3-2).
(8) Human and sexual trafficking crimes (IC 35-42-3.5).
(9) Child exploitation (IC 35-42-4-4).
(10) Robbery (IC 35-42-5-1).
(11) Carjacking (IC 35-42-5-2).
(12) Arson (IC 35-43-1-1).
(13) Burglary (IC 35-43-2-1).
(14) Theft (IC 35-43-4-2).
(15) Receiving stolen property (IC 35-43-4-2).
(16) Forgery (IC 35-43-5-2).
(17) Fraud (IC 35-43-5-4(1) through IC 35-43-5-4(10)).
(18) Bribery ~~*(IC 35-44-1-1).*~~ *(IC 35-44.1-1-2).*
(19) Official misconduct ~~*(IC 35-44-1-2).*~~ *(IC 35-44.1-1-1).*
(20) Conflict of interest ~~*(IC 35-44-1-3).*~~ *(IC 35-44.1-1-4).*
(21) Perjury ~~*(IC 35-44-2-1).*~~ *(IC 35-44.1-2-1).*
(22) Obstruction of justice ~~*(IC 35-44-3-4).*~~ *(IC 35-44.1-2-2).*
(23) Intimidation (IC 35-45-2-1).
(24) Promoting prostitution (IC 35-45-4-4).
(25) Professional gambling (IC 35-45-5-3).
(26) Maintaining a professional gambling site (IC 35-45-5-3.5(b)).
(27) Promoting professional gambling (IC 35-45-5-4).
(28) Dealing in or manufacturing cocaine or a narcotic drug

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(IC 35-48-4-1).
(29) Dealing in or manufacturing methamphetamine (IC 35-48-4-1.1).
(30) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).
(31) Dealing in a schedule IV controlled substance (IC 35-48-4-3).
(32) Dealing in a schedule V controlled substance (IC 35-48-4-4).
(33) Dealing in marijuana, hash oil, hashish, salvia, or a synthetic cannabinoid (IC 35-48-4-10).
(34) Money laundering (IC 35-45-15-5).
(35) A violation of IC 35-47.5-5.
(36) A violation of any of the following:
(A) IC 23-14-48-9.
(B) IC 30-2-9-7(b).
(C) IC 30-2-10-9(b).
(D) IC 30-2-13-38(f).
(37) Practice of law by a person who is not an attorney (IC 33-43-2-1).

SECTION 144. IC 35-50-1-2, AS AMENDED BY P.L.125-2012, SECTION 416, AND AS AMENDED BY P.L.126-2012, SECTION 59, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) As used in this section, "crime of violence" means the following:
(1) Murder (IC 35-42-1-1).
(2) Attempted murder (IC 35-41-5-1).
(3) Voluntary manslaughter (IC 35-42-1-3).
(4) Involuntary manslaughter (IC 35-42-1-4).
(5) Reckless homicide (IC 35-42-1-5).
(6) Aggravated battery (IC 35-42-2-1.5).
(7) Kidnapping (IC 35-42-3-2).
(8) Rape (IC 35-42-4-1).
(9) Criminal deviate conduct (IC 35-42-4-2).
(10) Child molesting (IC 35-42-4-3).
(11) Sexual misconduct with a minor as a Class A felony under IC 35-42-4-9(a)(2) or a Class B felony under IC 35-42-4-9(b)(2).
(12) Robbery as a Class A felony or a Class B felony (IC 35-42-5-1).
(13) Burglary as a Class A felony or a Class B felony (IC 35-43-2-1).
(14) Operating a ~~motor~~ vehicle while intoxicated causing death (IC 9-30-5-5).

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(15) Operating a ~~motor~~ vehicle while intoxicated causing serious bodily injury to another person (IC 9-30-5-4).

(16) Resisting law enforcement as a felony ~~(IC 35-44-3-3).~~ *(IC 35-44.1-3-1).*

(b) As used in this section, "episode of criminal conduct" means offenses or a connected series of offenses that are closely related in time, place, and circumstance.

(c) Except as provided in subsection (d) or (e), the court shall determine whether terms of imprisonment shall be served concurrently or consecutively. The court may consider the:

(1) aggravating circumstances in IC 35-38-1-7.1(a); and

(2) mitigating circumstances in IC 35-38-1-7.1(b);

in making a determination under this subsection. The court may order terms of imprisonment to be served consecutively even if the sentences are not imposed at the same time. However, except for crimes of violence, the total of the consecutive terms of imprisonment, exclusive of terms of imprisonment under IC 35-50-2-8 and IC 35-50-2-10, to which the defendant is sentenced for felony convictions arising out of an episode of criminal conduct shall not exceed the advisory sentence for a felony which is one (1) class of felony higher than the most serious of the felonies for which the person has been convicted.

(d) If, after being arrested for one (1) crime, a person commits another crime:

(1) before the date the person is discharged from probation, parole, or a term of imprisonment imposed for the first crime; or

(2) while the person is released:

(A) upon the person's own recognizance; or

(B) on bond;

the terms of imprisonment for the crimes shall be served consecutively, regardless of the order in which the crimes are tried and sentences are imposed.

(e) If the factfinder determines under IC 35-50-2-11 that a person used a firearm in the commission of the offense for which the person was convicted, the term of imprisonment for the underlying offense and the additional term of imprisonment imposed under IC 35-50-2-11 must be served consecutively.

SECTION 145. IC 35-50-2-7, AS AMENDED BY P.L.69-2012, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) A person who commits a Class D felony shall be imprisoned for a fixed term of between six (6) months and three (3) years, with the advisory sentence being one and one-half (1 1/2) years. In addition, the person may be fined not more than ten

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thousand dollars ($10,000).

(b) Notwithstanding subsection (a), if a person has committed a Class D felony, the court may enter judgment of conviction of a Class A misdemeanor and sentence accordingly. However, the court shall enter a judgment of conviction of a Class D felony if:

(1) the court finds that:

(A) the person has committed a prior, unrelated felony for which judgment was entered as a conviction of a Class A misdemeanor; and

(B) the prior felony was committed less than three (3) years before the second felony was committed;

(2) the offense is domestic battery as a Class D felony under IC 35-42-2-1.3; or

(3) the offense is possession of child pornography (IC 35-42-4-4(c)).

The court shall enter in the record, in detail, the reason for its action whenever it exercises the power to enter judgment of conviction of a Class A misdemeanor granted in this subsection.

(c) Notwithstanding subsection (a), the sentencing court may convert a Class D felony conviction to a Class A misdemeanor conviction if, after receiving a verified petition as described in subsection (d) and after conducting a hearing of which the prosecuting attorney has been notified, the court makes the following findings:

(1) The person is not a sex or violent offender (as defined in IC 11-8-8-5).

(2) The person was not convicted of a Class D felony that resulted in bodily injury to another person.

(3) The person has not been convicted of perjury under **IC 35-44.1-2-1 (or** IC 35-44-2-1 **before its repeal)** or official misconduct under **IC 35-44.1-1-1 (or** IC 35-44-1-2 **before its repeal).**

(4) At least three (3) years have passed since the person:

(A) completed the person's sentence; and

(B) satisfied any other obligation imposed on the person as part of the sentence;

for the Class D felony.

(5) The person has not been convicted of a felony since the person:

(A) completed the person's sentence; and

(B) satisfied any other obligation imposed on the person as part of the sentence;

for the Class D felony.

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(6) No criminal charges are pending against the person.

(d) A petition filed under subsection (c) must be verified and set forth:

(1) the crime the person has been convicted of;

(2) the date of the conviction;

(3) the date the person completed the person's sentence;

(4) any obligations imposed on the person as part of the sentence;

(5) the date the obligations were satisfied; and

(6) a verified statement that there are no criminal charges pending against the person.

(e) If a person whose Class D felony conviction has been converted to a Class A misdemeanor conviction under subsection (c) is convicted of a felony within five (5) years after the conversion under subsection (c), a prosecuting attorney may petition a court to convert the person's Class A misdemeanor conviction back to a Class D felony conviction.

SECTION 146. IC 35-51-6-1, AS AMENDED BY P.L.6-2012, SECTION 236, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. The following statutes define crimes in IC 6:

IC 6-1.1-5.5-10 (Concerning sales disclosure forms).

IC 6-1.1-37-1 (Concerning officers of the state or local government).

IC 6-1.1-37-2 (Concerning officials or representatives of the department of local government **finance).**

IC 6-1.1-37-3 (Concerning property tax returns, statements, or documents).

IC 6-1.1-37-4 (Concerning property tax deductions).

IC 6-1.1-37-5 (Concerning false statements on a report or application).

IC 6-1.1-37-6 (Concerning general assessments).

IC 6-2.3-5.5-12 (Concerning utility taxes).

IC 6-2.3-7-1 (Concerning taxes).

IC 6-2.3-7-2 (Concerning taxes).

IC 6-2.3-7-3 (Concerning taxes).

IC 6-2.3-7-4 (Concerning taxes).

IC 6-2.5-9-1 (Concerning taxes).

IC 6-2.5-9-2 (Concerning taxes).

IC 6-2.5-9-3 (Concerning taxes).

IC 6-2.5-9-6 (Concerning taxes).

IC 6-2.5-9-7 (Concerning retail sales).

IC 6-2.5-9-8 (Concerning taxes).

IC 6-3-3-9 (Concerning taxes).

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IC 6-3-4-8 (Concerning taxes).
IC 6-3-6-10 (Concerning taxes).
IC 6-3-6-11 (Concerning taxes).
IC 6-3-7-5 (Concerning taxes).
IC 6-3.5-4-16 (Concerning taxes).
IC 6-4.1-12-12 (Concerning taxes).
IC 6-5.5-7-3 (Concerning taxes).
IC 6-5.5-7-4 (Concerning taxes).
IC 6-6-1.1-1307 (Concerning taxes).
IC 6-6-1.1-1308 (Concerning taxes).
IC 6-6-1.1-1309 (Concerning taxes).
IC 6-6-1.1-1310 (Concerning taxes).
IC 6-6-1.1-1311 (Concerning taxes).
IC 6-6-1.1-1312 (Concerning taxes).
IC 6-6-1.1-1313 (Concerning taxes).
IC 6-6-1.1-1316 (Concerning taxes).
IC 6-6-2.5-28 (Concerning taxes).
IC 6-6-2.5-40 (Concerning fuel).
IC 6-6-2.5-56.5 (Concerning fuel).
IC 6-6-2.5-62 (Concerning fuel).
IC 6-6-2.5-63 (Concerning taxes).
IC 6-6-2.5-71 (Concerning taxes).
IC 6-6-5-11 (Concerning taxes).
IC 6-6-5.1-25 (Concerning taxes).
IC 6-6-6-10 (Concerning taxes).
IC 6-6-11-27 (Concerning taxes).
IC 6-7-1-15 (Concerning tobacco taxes).
IC 6-7-1-21 (Concerning tobacco taxes).
IC 6-7-1-22 (Concerning tobacco taxes).
IC 6-7-1-23 (Concerning tobacco taxes).
IC 6-7-1-24 (Concerning tobacco taxes).
IC 6-7-1-36 (Concerning tobacco taxes).
IC 6-7-2-18 (Concerning tobacco taxes).
IC 6-7-2-19 (Concerning tobacco taxes).
IC 6-7-2-20 (Concerning tobacco taxes).
IC 6-7-2-21 (Concerning tobacco taxes).
IC 6-8-1-19 (Concerning petroleum severance taxes).
IC 6-8-1-23 (Concerning petroleum severance taxes).
IC 6-8-1-24 (Concerning petroleum severance taxes).
IC 6-8.1-3-21.2 (Concerning taxes).
IC 6-8.1-7-3 (Concerning taxes).
IC 6-8.1-8-2 (Concerning taxes).

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IC 6-8.1-10-4 (Concerning taxes).
IC 6-9-2-5 (Concerning innkeeper's taxes).
IC 6-9-2.5-8 (Concerning innkeeper's taxes).
IC 6-9-4-8 (Concerning innkeeper's taxes).
IC 6-9-6-8 (Concerning innkeeper's taxes).
IC 6-9-7-8 (Concerning innkeeper's taxes).
IC 6-9-10-8 (Concerning innkeeper's taxes).
IC 6-9-10.5-12 (Concerning innkeeper's taxes).
IC 6-9-11-8 (Concerning innkeeper's taxes).
IC 6-9-14-8 (Concerning innkeeper's taxes).
IC 6-9-15-8 (Concerning innkeeper's taxes).
IC 6-9-16-8 (Concerning innkeeper's taxes).
IC 6-9-17-8 (Concerning innkeeper's taxes).
IC 6-9-18-8 (Concerning innkeeper's taxes).
IC 6-9-19-8 (Concerning innkeeper's taxes).
IC 6-9-29-2 (Concerning innkeeper's taxes).
IC 6-9-32-8 (Concerning innkeeper's taxes).
IC 6-9-37-8 (Concerning innkeeper's taxes).

SECTION 147. IC 35-51-25-1, AS ADDED BY P.L.70-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. The following statutes define crimes in IC 25:

IC 25-2.1-13-3 (Concerning accountants).
IC 25-2.5-3-4 (Concerning acupuncturists).
IC 25-5.1-4-2 (Concerning athletic trainers).
IC 25-5.2-2-12 (Concerning athlete agents).
IC 25-6.1-7-1 (Concerning auctioneers and auctions).
IC 25-6.1-7-2 (Concerning auctioneers and auctions).
IC 25-8-15.4-25 (Concerning beauty culture).
IC 25-10-1-11 (Concerning chiropractors).
IC 25-11-1-12 (Concerning collection agencies).
IC 25-13-1-3 (Concerning dental hygienists).
IC 25-14-1-25 (Concerning dentists).
IC 25-14-4-6 (Concerning dentists).
IC 25-14.5-7-2 (Concerning dietitians).
IC 25-16-1-18 (Concerning employment services).
IC 25-17.3-5-3 (Concerning genetic counselors).
IC 25-17.6-8-2 (Concerning geologists).
IC 25-18-1-19 (Concerning distress sales).
IC 25-20-1-21 (Concerning hearing aid dealers).
IC 25-20.7-5-1 (Concerning interior designers).
IC 25-21.5-5-10 (Concerning land surveyors).

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IC 25-21.5-13-2 (Concerning land surveyors).
IC 25-21.8-7-1 (Concerning massage therapists).
IC 25-22.5-8-2 (Concerning physicians).
IC 25-22.5-8-3 (Concerning physicians).
IC 25-23-1-27 (Concerning nurses).
IC 25-23.5-3-2 (Concerning occupational therapists).
IC 25-23.6-3-3 (Concerning marriage and family therapists).
IC 25-23.6-4-4 (Concerning marriage and family therapists).
IC 25-23.6-4.5-4 (Concerning marriage and family therapists).
~~IC 25-23.6-4.7-7~~ **IC 25-23.6-7-7** (Concerning marriage and family therapists).
IC 25-23.6-10.1-6 (Concerning marriage and family therapists).
IC 25-23.6-11-1 (Concerning marriage and family therapists).
IC 25-23.6-11-2 (Concerning marriage and family therapists).
IC 25-23.6-11-3 (Concerning marriage and family therapists).
IC 25-23.7-7-5 (Concerning manufactured home installers).
IC 25-24-1-18 (Concerning optometrists).
IC 25-24-3-17 (Concerning optometrists).
IC 25-26-13-29 (Concerning pharmacists, pharmacies, and drug stores).
IC 25-26-14-23 (Concerning pharmacists, pharmacies, and drug stores).
IC 25-26-14-25 (Concerning pharmacists, pharmacies, and drug stores).
IC 25-26-14-26 (Concerning pharmacists, pharmacies, and drug stores).
IC 25-26-14-27 (Concerning pharmacists, pharmacies, and drug stores).
IC 25-26-19-9 (Concerning pharmacists, pharmacies, and drug stores).
IC 25-26-21-11 (Concerning pharmacists, pharmacies, and drug stores).
IC 25-27-1-12 (Concerning physical therapists).
IC 25-27.5-7-2 (Concerning physician assistants).
IC 25-28.5-1-31 (Concerning plumbers).
IC 25-29-9-1 (Concerning podiatrists).
IC 25-30-1-21 (Concerning private investigator firms, security guards, and polygraph examiners).
IC 25-30-1.3-23 (Concerning private investigator firms, security guards, and polygraph examiners).
IC 25-31-1-13 (Concerning engineers).
IC 25-31-1-27 (Concerning engineers).

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IC 25-31.5-8-7 (Concerning soil scientists).
IC 25-33-1-15 (Concerning psychologists).
IC 25-34.5-3-2 (Concerning respiratory care specialists).
IC 25-35.6-3-10 (Concerning speech pathologists and audiologists).
IC 25-36.1-1-2 (Concerning surgical technologists).
IC 25-36.5-1-10 (Concerning timber buyers).
IC 25-36.5-1-15 (Concerning timber buyers).
IC 25-38.1-4-10 (Concerning veterinarians).
IC 25-38.1-4-11 (Concerning veterinarians).
IC 25-39-5-1 (Concerning water well drilling contractors).
IC 25-39-5-7 (Concerning water well drilling contractors).
IC 25-41-1-2 (Concerning behavior analysts).

SECTION 148. IC 36-1-3-8, AS AMENDED BY P.L.200-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) Subject to subsection (b), a unit does not have the following:

(1) The power to condition or limit its civil liability, except as expressly granted by statute.

(2) The power to prescribe the law governing civil actions between private persons.

(3) The power to impose duties on another political subdivision, except as expressly granted by statute.

(4) The power to impose a tax, except as expressly granted by statute.

(5) The power to impose a license fee greater than that reasonably related to the administrative cost of exercising a regulatory power.

(6) The power to impose a service charge or user fee greater than that reasonably related to reasonable and just rates and charges for services.

(7) The power to regulate conduct that is regulated by a state agency, except as expressly granted by statute.

(8) The power to prescribe a penalty for conduct constituting a crime or infraction under statute.

(9) The power to prescribe a penalty of imprisonment for an ordinance violation.

(10) The power to prescribe a penalty of a fine as follows:

(A) More than ten thousand dollars ($10,000) for the violation of an ordinance or a regulation concerning air emissions adopted by a county that has received approval to establish an air **permit** program under IC 13-17-12-6.

(B) For a violation of any other ordinance:

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(i) more than two thousand five hundred dollars ($2,500) for a first violation of the ordinance; and

(ii) except as provided in subsection (c), more than seven thousand five hundred dollars ($7,500) for a second or subsequent violation of the ordinance.

(11) The power to invest money, except as expressly granted by statute.

(12) The power to order or conduct an election, except as expressly granted by statute.

(b) A township does not have the following, except as expressly granted by statute:

(1) The power to require a license or impose a license fee.

(2) The power to impose a service charge or user fee.

(3) The power to prescribe a penalty.

(c) Subsection (a)(10)(B)(ii) does not apply to the violation of an ordinance that regulates traffic or parking.

SECTION 149. IC 36-1-20.2-4, AS ADDED BY P.L.135-2012, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. **(a)** ~~As used in~~ **For the purposes of** this chapter, **a person is in the** "direct line of supervision" ~~means~~ **of** an elected officer or employee ~~who is in~~ **if the elected officer or employee is in** a position to affect the terms and conditions of ~~another~~ **the** individual's employment, including making decisions about work assignments, compensation, grievances, advancement, or performance evaluation.

(b) The term does not include the responsibilities of the executive, legislative body, or fiscal body of a unit, as provided by law, to make decisions regarding salary ordinances, budgets, or personnel policies of the unit.

SECTION 150. IC 36-1-21-5, AS ADDED BY P.L.135-2012, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) A unit may enter into a contract or renew a contract for the procurement of goods and services or a contract for public works with:

(1) an individual who is a relative of an elected official; or

(2) a business entity that is wholly or partially owned by a relative of an elected official;

only if the requirements of this section are satisfied and the elected official does not violate ~~IC 35-44-1-3.~~ **IC 35-44.1-1-4.**

(b) A unit may enter into a contract or renew a contract with an individual or business entity described in subsection (a) if:

(1) the elected official files with the unit a full disclosure, which

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must:
(A) be in writing;
(B) describe the contract or purchase to be made by the unit;
(C) describe the relationship that the elected official has to the individual or business entity that contracts or purchases;
(D) be affirmed under penalty of perjury;
(E) be submitted to the legislative body of the unit and be accepted by the legislative body in a public meeting of the unit prior to final action on the contract or purchase; and
(F) be filed, not later than fifteen (15) days after final action on the contract or purchase, with:
(i) the state board of accounts; and
(ii) the clerk of the circuit court in the county where the unit takes final action on the contract or purchase;
(2) the appropriate agency of the unit:
(A) makes a certified statement that the contract amount or purchase price was the lowest amount or price bid or offered; or
(B) makes a certified statement of the reasons why the vendor or contractor was selected; and
(3) the unit satisfies any other requirements under IC 5-22 or IC 36-1-12.

(c) An elected official shall also comply with the disclosure provisions of ~~IC 35-44-1-3,~~ **IC 35-44.1-1-4,** if applicable.

(d) This section does not affect the initial term of a contract in existence at the time the term of office of the elected official of the unit begins.

SECTION 151. IC 36-2-7-10, AS AMENDED BY P.L.45-2010, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) The county recorder shall tax and collect the fees prescribed by this section for recording, filing, copying, and other services the recorder renders, and shall pay them into the county treasury at the end of each calendar month. The fees prescribed and collected under this section supersede all other recording fees required by law to be charged for services rendered by the county recorder.

(b) The county recorder shall charge the following:
(1) Six dollars ($6) for the first page and two dollars ($2) for each additional page of any document the recorder records if the pages are not larger than eight and one-half (8 1/2) inches by fourteen (14) inches.
(2) Fifteen dollars ($15) for the first page and five dollars ($5) for

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each additional page of any document the recorder records, if the pages are larger than eight and one-half (8 1/2) inches by fourteen (14) inches.

(3) For attesting to the release, partial release, or assignment of any mortgage, judgment, lien, or oil and gas lease contained on a multiple transaction document, the fee for each transaction after the first is the amount provided in subdivision (1) plus the amount provided in subdivision (4) and one dollar ($1) for marginal mortgage assignments or marginal mortgage releases.

(4) One dollar ($1) for each cross-reference of a recorded document.

(5) One dollar ($1) per page not larger than eight and one-half (8 1/2) inches by fourteen (14) inches for furnishing copies of records and two dollars ($2) per page that is larger than eight and one-half (8 1/2) inches by fourteen (14) inches.

(6) Five dollars ($5) for acknowledging or certifying to a document.

(7) Five dollars ($5) for each deed the recorder records, in addition to other fees for deeds, for the county surveyor's corner perpetuation fund for use as provided in IC 21-47-3-3 or IC 36-2-12-11(e).

(8) A fee in an amount authorized under IC 5-14-3-8 for transmitting a copy of a document by facsimile machine.

(9) A fee in an amount authorized by an ordinance adopted by the county legislative body for duplicating a computer tape, a computer disk, an optical disk, microfilm, or similar media. This fee may not cover making a handwritten copy or a photocopy or using xerography or a duplicating machine.

(10) A supplemental fee of three dollars ($3) for recording a document that is paid at the time of recording. The fee under this subdivision is in addition to other fees provided by law for recording a document.

(11) Three dollars ($3) for each mortgage on real estate recorded, in addition to other fees required by this section, distributed as follows:

(A) Fifty cents ($0.50) is to be deposited in the recorder's record perpetuation fund.

(B) Two dollars and fifty cents ($2.50) is to be distributed to the auditor of state on or before June 20 and December 20 of each year as provided in IC 24-9-9-3.

(12) This subdivision applies in a county only if at least one (1) unit in the county has established an affordable housing fund

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under IC 5-20-5-15.5 and the county fiscal body adopts an ordinance authorizing the fee described in this subdivision. An ordinance adopted under this subdivision may authorize the county recorder to charge a fee of:

(A) two dollars and fifty cents ($2.50) for the first page; and

(B) one dollar ($1) for each additional page;

of each document the recorder records.

(13) This subdivision applies in a county containing a consolidated city that has established a housing trust fund under IC 36-7-15.1-35.5(e). The county fiscal body may adopt an ordinance authorizing the fee described in this subdivision. An ordinance adopted under this subdivision may authorize the county recorder to charge a fee of:

(A) two dollars and fifty cents ($2.50) for the first page; and

(B) one dollar ($1) for each additional page;

of each document the recorder records.

(c) The county recorder shall charge a two dollar ($2) county identification security protection fee for recording or filing a document. This fee shall be deposited under IC 36-2-7.5-6.

(d) The county treasurer shall establish a recorder's records perpetuation fund. All revenue received under section 10.1 of this chapter, subsection (b)(5), (b)(8), (b)(9), and (b)(10), and ~~IC 36-2-7.5-6(c)(1) (after June 30, 2011),~~ **IC 36-2-7.5-6(b)(1),** and fifty cents ($0.50) from revenue received under subsection (b)(11), shall be deposited in this fund. The county recorder may use any money in this fund without appropriation for the preservation of records and the improvement of record keeping systems and equipment. Money from the fund may not be deposited or transferred into the county general fund and does not revert to the county general fund at the end of a fiscal year.

(e) As used in this section, "record" or "recording" includes the functions of recording, filing, and filing for record.

(f) The county recorder shall post the fees set forth in subsection (b) in a prominent place within the county recorder's office where the fee schedule will be readily accessible to the public.

(g) The county recorder may not tax or collect any fee for:

(1) recording an official bond of a public officer, a deputy, an appointee, or an employee; or

(2) performing any service under any of the following:

(A) IC 6-1.1-22-2(c).

(B) IC 8-23-7.

(C) IC 8-23-23.

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(D) IC 10-17-2-3.
(E) IC 10-17-3-2.
(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.

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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.

SECTION 152. IC 36-2-7-19, AS AMENDED BY P.L.120-2012, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19. (a) As used in this section, "fund" refers to a county elected officials training fund established under subsection (b).

(b) Each county legislative body shall before July 1, 2011, establish a county elected officials training fund. The county fiscal body shall appropriate money from the fund.

(c) The fund consists of money deposited under ~~IC 36-2-7.5-6(c)(3)~~ **IC 36-2-7.5-6(b)(3)** and any other sources required or permitted by law. Money in the fund does not revert to the county general fund.

(d) Money in the fund shall be used solely to provide training of county elected officials required by IC 36-2-9-2.5, IC 36-2-9.5-2.5, IC 36-2-10-2.5, IC 36-2-11-2.5, IC 36-2-12-2.5, and other similar laws.

SECTION 153. IC 36-2-7.5-6, AS AMENDED BY P.L.45-2010, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) The county recorder shall charge a two dollar ($2) county identification security protection fee for recording or filing a document in addition to the fees required by IC 36-2-7-10(b)(1) through IC 36-2-7-10(b)(11).

~~(b) The county recorder shall deposit two dollars ($2) of the fee charged under subsection (a) in the county identification security protection fund established by section 11 of this chapter. This subsection expires July 1, 2011.~~

~~(c)~~ **(b)** ~~Beginning July 1, 2011,~~ The county recorder shall deposit the fee charged under subsection (a) in the following manner:

(1) One dollar ($1) shall be deposited in the county recorder's records perpetuation fund established under IC 36-2-7-10(d).

(2) Fifty cents ($0.50) shall be deposited in the county identification security protection fund established under section 11 of this chapter.

(3) Fifty cents ($0.50) shall be deposited in the county elected officials training fund established under IC 36-2-7-19.

SECTION 154. IC 36-2-7.5-11, AS AMENDED BY P.L.45-2010, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) As used in this section, "fund" refers to a county identification security protection fund established under subsection (b).

(b) Each county legislative body shall establish an identification

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security protection fund to be administered by the county recorder. The county fiscal body shall appropriate money from the fund.

(c) A fund consists of money deposited in the fund under section 6(b) of this chapter. ~~(before July 1, 2011) and section 6(c) of this chapter (after June 30, 2011).~~ Money in a fund does not revert to the county general fund.

(d) A county recorder may use money in the fund only to purchase, upgrade, implement, or maintain redacting technology used in the office of the county recorder.

SECTION 155. IC 36-12-2-25, AS AMENDED BY P.L.84-2012, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 25. (a) The residents or real property taxpayers of the library district taxed for the support of the library may use the facilities and services of the public library without charge for library or related purposes. However, the library board may:

(1) fix and collect fees and rental charges; and

(2) assess fines, penalties, and damages for the:

(A) loss of;

(B) injury to; or

(C) failure to return;

any library property or material.

(b) A library board may issue local library cards to:

(1) residents and real property taxpayers of the library district;

(2) Indiana residents who are not residents of the library district; and

(3) individuals who reside out of state and who are being served through an agreement under IC 36-12-13.

(c) Except as provided in subsection ~~(d),~~ **(e),** a library board must set and charge a fee for:

(1) a local library card issued under subsection (b)(2); and

(2) a local library card issued under subsection (b)(3).

(d) The minimum fee that the board may set under ~~this~~ subsection **(c)** is the greater of the following:

(1) The library district's operating fund expenditure per capita in the most recent year for which that information is available in the Indiana state library's annual "Statistics of Indiana Libraries".

(2) Twenty-five dollars ($25).

~~(d)~~ **(e)** A library board may issue a local library card without charge or for a reduced fee to an individual who is not a resident of the library district and who is:

(1) a student enrolled in or a teacher in a public school corporation or nonpublic school:

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(A) that is located at least in part in the library district; and

(B) in which students in any grade **from** preschool through grade 12 are educated; or

(2) a library employee of the district;

if the board adopts a resolution that is approved by an affirmative vote of a majority of the members appointed to the library board.

~~(e)~~ **(f)** A library card issued under subsection (b)(2), (b)(3), or ~~(d)~~ **(e)** expires one (1) year after issuance of the card.

SECTION 156. IC 36-12-5-3, AS AMENDED BY P.L.84-2012, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The library board of a public library may file with the township trustee and legislative body ~~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 filing, the township trustee shall publish notice of the proposal of expansion in the manner provided in IC 5-3-1 in a newspaper of general circulation in the township. Beginning the first day after the notice is published, and during the period that ends sixty (60) days after the date of the publication of the notice, an individual who is a registered voter of the affected township or part of the affected township subject to expansion may sign one (1) or both of the following:

(1) A petition for acceptance of the proposal of expansion that states that the registered voter is in favor of the establishment of an expanded library district.

(2) A remonstrance in opposition to the proposal of expansion that states that the registered voter is opposed to the establishment of an expanded library district.

(b) A registered voter of the township or part of the township may file a petition or a remonstrance, if any, with the clerk of the circuit court in the county where the township is located. A petition for acceptance of the proposal of expansion must be signed by at least twenty percent (20%) of the registered voters of the township, or part of the township, as determined by the most recent general election.

(c) The following apply to a petition that is filed under this section or a remonstrance that is filed under subsection (b):

(1) The petition or remonstrance must show the following:

(A) The date on which each individual signed the petition or remonstrance.

(B) The residence of each individual on the date the individual signed the petition or remonstrance.

(2) The petition or remonstrance must include an affidavit of the individual circulating the petition or remonstrance, stating that

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each signature on the petition or remonstrance:

(A) was affixed in the individual's presence; and

(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 157. 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

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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 county auditor shall publish notice in the manner provided in IC 5-3-1 of the proposal of expansion in a newspaper of general circulation in the county. Beginning the first day after the notice is published, and during the period that ends sixty (60) days after the date of the publication of the notice, an individual who is a registered voter of an affected township or an affected part of a township subject to the expansion may sign one (1) or both of the following:

(1) A petition for acceptance of the proposal of expansion.

(2) A remonstrance petition in opposition to the proposal of expansion.

(b) Registered voters shall file a petition or a remonstrance, if any, with the clerk of the circuit court in the county where the townships are located. A petition for acceptance of the proposal of expansion must be signed by at least twenty percent (20%) of the registered voters of the townships or parts of townships, as determined by the most recent general election.

SECTION 158. **An emergency is declared for this act.**

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COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 85, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 37, between lines 32 and 33, begin a new paragraph and insert:

"SECTION 33. IC 9-13-2-92, AS AMENDED BY P.L.114-2012, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 92. (a) "Law enforcement officer", except as provided in subsection (b), includes the following:

(1) A state police officer.

(2) A city, town, or county police officer.

(3) A sheriff.

(4) A county coroner.

(5) A conservation officer.

(6) An individual assigned as a motor carrier inspector under IC 10-11-2-26(a).

(7) A member of a consolidated law enforcement department established under IC 36-3-1-5.1.

(8) An excise police officer of the alcohol and tobacco commission.

(9) A gaming control officer employed by the gaming control division under IC 4-33-20.

(b) "Law enforcement officer", for purposes of IC 9-30-6 and IC 9-30-7, has the meaning set forth in IC 35-31.5-2-185.

SECTION 34. IC 9-13-2-127, AS AMENDED BY P.L.94-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 127. (a) "Police officer" means, except as provided in subsection (b), the following:

(1) A regular member of the state police department.

(2) A regular member of a city or town police department.

(3) A town marshal or town marshal deputy.

(4) A regular member of a county sheriff's department.

(5) A conservation officer of the department of natural resources.

(6) An individual assigned as a motor carrier inspector under IC 10-11-2-26(a).

(7) An excise police officer of the alcohol and tobacco commission.

(8) A gaming control officer employed by the gaming control division under IC 4-33-20.

(b) "Police officer", for purposes of IC 9-21, means an officer

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authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.".

Page 48, between lines 17 and 18, begin a new paragraph and insert:

"SECTION 43. IC 12-7-2-69, AS AMENDED BY P.L.6-2012, SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 69. (a) "Division", except as provided in subsections (b) and (c), refers to any of the following:

(1) The division of disability and rehabilitative services established by IC 12-9-1-1.

(2) The division of aging established by IC 12-9.1-1-1.

(3) The division of family resources established by IC 12-13-1-1.

(4) The division of mental health and addiction established by IC 12-21-1-1.

(b) The term refers to the following:

(1) For purposes of the following statutes, the division of disability and rehabilitative services established by IC 12-9-1-1:

(A) IC 12-9.

(B) IC 12-11.

(C) IC 12-12.

(D) IC 12-12.5.

(E) IC 12-12.7.

(F) IC 12-15-46-2.

(G) IC 12-28-5.

(2) For purposes of the following statutes, the division of aging established by IC 12-9.1-1-1:

(A) IC 12-9.1.

(B) IC 12-10.

(C) IC 12-10.5.

(3) For purposes of the following statutes, the division of family resources established by IC 12-13-1-1:

(A) IC 12-13.

(B) IC 12-14.

(C) IC 12-15.

(D) IC 12-16.

(E) IC 12-17.2.

(F) IC 12-18.

(G) IC 12-19.

(H) IC 12-20.

(4) For purposes of the following statutes, the division of mental health and addiction established by IC 12-21-1-1:

(A) IC 12-21.

(B) IC 12-22.

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(C) IC 12-23.
(D) IC 12-25.

(c) With respect to a particular state institution, the term refers to the division whose director has administrative control of and responsibility for the state institution.

(d) For purposes of IC 12-24, IC 12-26, and IC 12-27, the term refers to the division whose director has administrative control of and responsibility for the appropriate state institution.".

Page 91, line 22, strike "or".

Page 91, line 24, delete "." and insert "; **or**".

Page 91, between lines 24 and 25, begin a new line block indented and insert:

"**(7) a gaming control officer employed by the gaming control division under IC 4-33-20.**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 85 as introduced.)

STEELE, Chairperson

Committee Vote: Yeas 7, Nays 0.

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