

**CONFERENCE COMMITTEE REPORT  
DIGEST FOR EHB 1053**

**Citations Affected:** IC 4-13-2-14.7; IC 10-13-3-27; IC 11-8; IC 12-24-3-2; IC 16-21-8-1; IC 16-25-6; IC 16-27-2; IC 20-28-5-8; IC 22-5-5-1; IC 29-3-7-7; IC 31-19-9-10; IC 31-30-1; IC 31-34-1-3; IC 31-35-3-4; IC 31-37-19-9; IC 33-37-5; IC 33-39-1-9; IC 35-31.5-2-216; IC 35-38; IC 35-42; IC 35-47-4-5; IC 35-49-3; IC 35-50; IC 36-2-13-5.5; IC 36-2-13-5.5.

**Synopsis:** Sex offenses and sex offenders. Conference committee report for Engrossed House Bill 1053. Requires the department of correction to remove from the public portal of the sex offender registry the information relating to a sex or violent offender who is deceased or no longer required to register. Adds the vehicle identification number of the vehicle owned or regularly operated by the offender to the information required for sex offender registration, requires an offender to report certain information changes within 72 hours, and provides that an offender's driver's license or identification card must contain the offender's current address and physical description. Provides that an offender who is scheduled to move must register in the appropriate location within 72 hours. Removes the requirement that a local law enforcement authority contact offenders by mail and permits local law enforcement authorities to contact the offenders in a manner approved by the department of correction. Makes it possession of child pornography, a Class D felony, for a person to knowingly or intentionally possess certain items that: (1) depict or describe sexual conduct by a child who the person knows is less than 18 years of age or who appears to be less than 18 years of age; and (2) lack serious literary, artistic, political, or scientific value. Makes knowingly or intentionally: (1) sending or bringing into Indiana obscene matter for sale or distribution; or (2) offering to distribute, distributing, or exhibiting to another person obscene matter; a Class D felony instead of a Class A misdemeanor if the obscene matter depicts or describes sexual conduct involving any person who is or appears to be under 18 years of age. Makes knowingly or intentionally engaging in, participating in, managing, producing, sponsoring, presenting, exhibiting, photographing, filming, or videotaping any obscene performance a Class D felony instead of a Class A misdemeanor if the obscene performance depicts or describes sexual conduct involving any person who is or appears to be under 18 years of age. Merges, effective July 1, 2014, the offense of criminal deviate conduct into the crime of rape and repeals the criminal deviate conduct statute. Increases the sexual assault victims fee to a range between \$500 and \$5,000. (Under current law, the fee ranges from \$250 to \$1,000.) Adds: (1) promotion of human trafficking; (2) promotion of human trafficking of a minor; (3) sexual trafficking of a minor; and (4) human trafficking; to the offenses for which a convicted individual is required to pay the sexual assault victims fee. Makes conforming

amendments and technical corrections. (The introduced version of this bill was prepared by the criminal law and sentencing policy study committee.) **(This conference committee report: (1) removes provisions requiring persons convicted of kidnapping or criminally confining a child to register as sex offenders only if the offense was committed for a sexual purpose; and (2) makes the merger of rape and criminal deviate conduct effective on July 1, 2014.)**

**Effective:** July 1, 2013; July 1, 2014.

# CONFERENCE COMMITTEE REPORT

**MADAM PRESIDENT:**

*Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill No. 1053 respectfully reports that said two committees have conferred and agreed as follows to wit:*

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

- 1 Delete everything after the enacting clause and insert the following:  
2 SECTION 1. IC 4-13-2-14.7 IS AMENDED TO READ AS  
3 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 14.7. A person  
4 employed, appointed, or under contract with a state agency, who works  
5 with or around children, shall be dismissed (after the appropriate  
6 pre-deprivation procedure has occurred) if that person is, or has ever  
7 been, convicted of any of the following:  
8 (1) Rape (IC 35-42-4-1), if the victim is less than eighteen (18)  
9 years of age.  
10 (2) Criminal deviate conduct (IC 35-42-4-2) **(for an act**  
11 **committed before its repeal on July 1, 2014)**, if the victim is  
12 less than eighteen (18) years of age.  
13 (3) Child molesting (IC 35-42-4-3).  
14 (4) Child exploitation (IC 35-42-4-4(b)).  
15 (5) Vicarious sexual gratification (IC 35-42-4-5).  
16 (6) Child solicitation (IC 35-42-4-6).  
17 (7) Child seduction (IC 35-42-4-7).  
18 (8) Sexual misconduct with a minor as a Class A or **Class B**  
19 felony (IC 35-42-4-9).  
20 (9) Incest (IC 35-46-1-3), if the victim is less than eighteen (18)  
21 years of age.

1 SECTION 2. IC 10-13-3-27, AS AMENDED BY P.L.48-2012,  
2 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2014]: Sec. 27. (a) Except as provided in subsection (b), on  
4 request, a law enforcement agency shall release a limited criminal  
5 history to or allow inspection of a limited criminal history by  
6 noncriminal justice organizations or individuals only if the subject of  
7 the request:

8 (1) has applied for employment with a noncriminal justice  
9 organization or individual;

10 (2) has:

11 (A) applied for a license or is maintaining a license; and

12 (B) provided criminal history data as required by law to be  
13 provided in connection with the license;

14 (3) is a candidate for public office or a public official;

15 (4) is in the process of being apprehended by a law enforcement  
16 agency;

17 (5) is placed under arrest for the alleged commission of a crime;

18 (6) has charged that the subject's rights have been abused  
19 repeatedly by criminal justice agencies;

20 (7) is the subject of a judicial decision or determination with  
21 respect to the setting of bond, plea bargaining, sentencing, or  
22 probation;

23 (8) has volunteered services that involve contact with, care of, or  
24 supervision over a child who is being placed, matched, or  
25 monitored by a social services agency or a nonprofit corporation;

26 (9) is currently residing in a location designated by the  
27 department of child services (established by IC 31-25-1-1) or by  
28 a juvenile court as the out-of-home placement for a child at the  
29 time the child will reside in the location;

30 (10) has volunteered services at a public school (as defined in  
31 IC 20-18-2-15) or nonpublic school (as defined in IC 20-18-2-12)  
32 that involve contact with, care of, or supervision over a student  
33 enrolled in the school;

34 (11) is being investigated for welfare fraud by an investigator of  
35 the division of family resources or a county office of the division  
36 of family resources;

37 (12) is being sought by the parent locator service of the child  
38 support bureau of the department of child services;

39 (13) is or was required to register as a sex or violent offender  
40 under IC 11-8-8;

41 (14) has been convicted of any of the following:

42 (A) Rape (IC 35-42-4-1), if the victim is less than eighteen  
43 (18) years of age.

44 (B) Criminal deviate conduct (IC 35-42-4-2) (**repealed**), if the  
45 victim is less than eighteen (18) years of age.

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

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

48 (E) Possession of child pornography (IC 35-42-4-4(c)).

49 (F) Vicarious sexual gratification (IC 35-42-4-5).

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

- 1 (H) Child seduction (IC 35-42-4-7).
- 2 (I) Sexual misconduct with a minor as a felony (IC 35-42-4-9).
- 3 (J) Incest (IC 35-46-1-3), if the victim is less than eighteen
- 4 (18) years of age.
- 5 (K) Attempt under IC 35-41-5-1 to commit an offense listed in
- 6 clauses (A) through (J).
- 7 (L) Conspiracy under IC 35-41-5-2 to commit an offense listed
- 8 in clauses (A) through (J).
- 9 (M) An offense in any other jurisdiction in which the elements
- 10 of the offense for which the conviction was entered are
- 11 substantially similar to the elements of an offense described
- 12 under clauses (A) through (J);
- 13 (15) is identified as a possible perpetrator of child abuse or
- 14 neglect in an assessment conducted by the department of child
- 15 services under IC 31-33-8; or
- 16 (16) is:
  - 17 (A) a parent, guardian, or custodian of a child; or
  - 18 (B) an individual who is at least eighteen (18) years of age and
  - 19 resides in the home of the parent, guardian, or custodian;
  - 20 with whom the department of child services or a county probation
  - 21 department has a case plan, dispositional decree, or permanency
  - 22 plan approved under IC 31-34 or IC 31-37 that provides for
  - 23 reunification following an out-of-home placement.
- 24 However, limited criminal history information obtained from the
- 25 National Crime Information Center may not be released under this
- 26 section except to the extent permitted by the Attorney General of the
- 27 United States.
- 28 (b) A law enforcement agency shall allow inspection of a limited
- 29 criminal history by and release a limited criminal history to the
- 30 following noncriminal justice organizations:
  - 31 (1) Federally chartered or insured banking institutions.
  - 32 (2) Officials of state and local government for any of the
  - 33 following purposes:
    - 34 (A) Employment with a state or local governmental entity.
    - 35 (B) Licensing.
  - 36 (3) Segments of the securities industry identified under 15 U.S.C.
  - 37 78q(f)(2).
- 38 (c) Any person who knowingly or intentionally uses limited criminal
- 39 history for any purpose not specified under this section commits a
- 40 Class A misdemeanor.
- 41 SECTION 3. IC 11-8-2-13, AS AMENDED BY P.L.216-2007,
- 42 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 43 JULY 1, 2013]: Sec. 13. (a) The Indiana sex and violent offender
- 44 registry established under IC 36-2-13-5.5 and maintained by the
- 45 department under section 12.4 of this chapter must include the names
- 46 of each offender who is or has been required to register under
- 47 IC 11-8-8.
- 48 (b) The department shall do the following:
  - 49 (1) Ensure that the Indiana sex and violent offender registry is
  - 50 updated at least once per day with information provided by a local

1 law enforcement authority (as defined in IC 11-8-8-2).

2 (2) Publish the Indiana sex and violent offender registry on the  
3 Internet through the computer gateway administered by the office  
4 of technology established by IC 4-13.1-2-1, and ensure that the  
5 Indiana sex and violent offender registry displays the following or  
6 similar words:

7 "Based on information submitted to law enforcement, a  
8 person whose name appears in this registry has been  
9 convicted of a sex or violent offense or has been adjudicated  
10 a delinquent child for an act that would be a sex or violent  
11 offense if committed by an adult."

12 **(3) If:**

13 **(A) an offender's registration period has expired as**  
14 **described in IC 11-8-8-19; or**

15 **(B) an offender is deceased;**

16 **ensure that the offender's information is no longer published**  
17 **to the public portal of the sex and violent offender registry**  
18 **Internet web site established under IC 36-2-13-5.5.**

19 SECTION 4. IC 11-8-8-4.5, AS AMENDED BY P.L.72-2012,  
20 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
21 JULY 1, 2013]: Sec. 4.5. (a) Except as provided in section 22 of this  
22 chapter, as used in this chapter, "sex offender" means a person  
23 convicted of any of the following offenses:

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

25 (2) Criminal deviate conduct (IC 35-42-4-2) **(before its repeal on**  
26 **July 1, 2014).**

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

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

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

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

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

33 (8) Sexual misconduct with a minor as a Class A, Class B, or  
34 Class C felony (IC 35-42-4-9), unless:

35 (A) the person is convicted of sexual misconduct with a minor  
36 as a Class C felony;

37 (B) the person is not more than:

38 (i) four (4) years older than the victim if the offense was  
39 committed after June 30, 2007; or

40 (ii) five (5) years older than the victim if the offense was  
41 committed before July 1, 2007; and

42 (C) the sentencing court finds that the person should not be  
43 required to register as a sex offender.

44 (9) Incest (IC 35-46-1-3).

45 (10) Sexual battery (IC 35-42-4-8).

46 (11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen  
47 (18) years of age, and the person who kidnapped the victim is not  
48 the victim's parent or guardian.

49 (12) Criminal confinement (IC 35-42-3-3), if the victim is less  
50 than eighteen (18) years of age, and the person who confined or  
51 removed the victim is not the victim's parent or guardian.

- 1 (13) Possession of child pornography (IC 35-42-4-4(c)).  
 2 (14) Promoting prostitution (IC 35-45-4-4) as a Class B felony.  
 3 (15) Promotion of human trafficking (IC 35-42-3.5-1(a)(2)) if the  
 4 victim is less than eighteen (18) years of age.  
 5 (16) Sexual trafficking of a minor (IC 35-42-3.5-1(c)).  
 6 (17) Human trafficking (IC 35-42-3.5-1(d)(3)) if the victim is less  
 7 than eighteen (18) years of age.  
 8 (18) Sexual misconduct by a service provider with a detained  
 9 child (~~IC 35-44-1-5(c)~~): **(IC 35-44.1-3-10(c))**.  
 10 (19) An attempt or conspiracy to commit a crime listed in  
 11 subdivisions (1) through (18).  
 12 (20) A crime under the laws of another jurisdiction, including a  
 13 military court, that is substantially equivalent to any of the  
 14 offenses listed in subdivisions (1) through (19).  
 15 (b) The term includes:  
 16 (1) a person who is required to register as a sex offender in any  
 17 jurisdiction; and  
 18 (2) a child who has committed a delinquent act and who:  
 19 (A) is at least fourteen (14) years of age;  
 20 (B) is on probation, is on parole, is discharged from a facility  
 21 by the department of correction, is discharged from a secure  
 22 private facility (as defined in IC 31-9-2-115), or is discharged  
 23 from a juvenile detention facility as a result of an adjudication  
 24 as a delinquent child for an act that would be an offense  
 25 described in subsection (a) if committed by an adult; and  
 26 (C) is found by a court by clear and convincing evidence to be  
 27 likely to repeat an act that would be an offense described in  
 28 subsection (a) if committed by an adult.  
 29 (c) In making a determination under subsection (b)(2)(C), the court  
 30 shall consider expert testimony concerning whether a child is likely to  
 31 repeat an act that would be an offense described in subsection (a) if  
 32 committed by an adult.  
 33 SECTION 5. IC 11-8-8-5, AS AMENDED BY P.L.1-2012,  
 34 SECTION 3, AND AS AMENDED BY P.L.72-2012, SECTION 2, IS  
 35 CORRECTED AND AMENDED TO READ AS FOLLOWS  
 36 [EFFECTIVE JULY 1, 2013]: Sec. 5. (a) Except as provided in section  
 37 22 of this chapter, as used in this chapter, "sex or violent offender"  
 38 means a person convicted of any of the following offenses:  
 39 (1) Rape (IC 35-42-4-1).  
 40 (2) Criminal deviate conduct (IC 35-42-4-2) **(before its repeal on**  
 41 **July 1, 2014)**.  
 42 (3) Child molesting (IC 35-42-4-3).  
 43 (4) Child exploitation (IC 35-42-4-4(b)).  
 44 (5) Vicarious sexual gratification (including performing sexual  
 45 conduct in the presence of a minor) (IC 35-42-4-5).  
 46 (6) Child solicitation (IC 35-42-4-6).  
 47 (7) Child seduction (IC 35-42-4-7).  
 48 (8) Sexual misconduct with a minor as a Class A, Class B, or  
 49 Class C felony (IC 35-42-4-9), unless:  
 50 (A) the person is convicted of sexual misconduct with a minor

- 1 as a Class C felony;
- 2 (B) the person is not more than:
- 3 (i) four (4) years older than the victim if the offense was
- 4 committed after June 30, 2007; or
- 5 (ii) five (5) years older than the victim if the offense was
- 6 committed before July 1, 2007; and
- 7 (C) the sentencing court finds that the person should not be
- 8 required to register as a sex offender.
- 9 (9) Incest (IC 35-46-1-3).
- 10 (10) Sexual battery (IC 35-42-4-8).
- 11 (11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen
- 12 (18) years of age, and the person who kidnapped the victim is not
- 13 the victim's parent or guardian.
- 14 (12) Criminal confinement (IC 35-42-3-3), if the victim is less
- 15 than eighteen (18) years of age, and the person who confined or
- 16 removed the victim is not the victim's parent or guardian.
- 17 (13) Possession of child pornography (IC 35-42-4-4(c)).
- 18 (14) Promoting prostitution (IC 35-45-4-4) as a Class B felony.
- 19 (15) Promotion of human trafficking (IC 35-42-3.5-1(a)(2)) if the
- 20 victim is less than eighteen (18) years of age.
- 21 (16) Sexual trafficking of a minor ~~(IC 35-42-3.5-1(b))~~:
- 22 ~~(IC 35-42-3.5-1(c))~~.
- 23 (17) Human trafficking ~~(IC 35-42-3.5-1(c)(3))~~
- 24 ~~(IC 35-42-3.5-1(d)(3))~~ if the victim is less than eighteen (18)
- 25 years of age.
- 26 (18) Murder (IC 35-42-1-1).
- 27 (19) Voluntary manslaughter (IC 35-42-1-3).
- 28 ~~(20) Sexual misconduct by a service provider with a detained~~
- 29 ~~child (IC 35-44-1-5(e)). (IC 35-44.1-3-10(c)).~~
- 30 ~~(20) (21) An attempt or conspiracy to commit a crime listed in~~
- 31 ~~subdivisions (1) through (19): (20).~~
- 32 ~~(21) (22) A crime under the laws of another jurisdiction, including~~
- 33 ~~a military court, that is substantially equivalent to any of the~~
- 34 ~~offenses listed in subdivisions (1) through (20): (21).~~
- 35 (b) The term includes:
- 36 (1) a person who is required to register as a sex or violent
- 37 offender in any jurisdiction; and
- 38 (2) a child who has committed a delinquent act and who:
- 39 (A) is at least fourteen (14) years of age;
- 40 (B) is on probation, is on parole, is discharged from a facility
- 41 by the department of correction, is discharged from a secure
- 42 private facility (as defined in IC 31-9-2-115), or is discharged
- 43 from a juvenile detention facility as a result of an adjudication
- 44 as a delinquent child for an act that would be an offense
- 45 described in subsection (a) if committed by an adult; and
- 46 (C) is found by a court by clear and convincing evidence to be
- 47 likely to repeat an act that would be an offense described in
- 48 subsection (a) if committed by an adult.
- 49 (c) In making a determination under subsection (b)(2)(C), the court
- 50 shall consider expert testimony concerning whether a child is likely to

1 repeat an act that would be an offense described in subsection (a) if  
2 committed by an adult.

3 SECTION 6. IC 11-8-8-7, AS AMENDED BY P.L.114-2012,  
4 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 JULY 1, 2013]: Sec. 7. (a) Subject to section 19 of this chapter, the  
6 following persons must register under this chapter:

7 (1) A sex or violent offender who resides in Indiana. A sex or  
8 violent offender resides in Indiana if either of the following  
9 applies:

10 (A) The sex or violent offender spends or intends to spend at  
11 least seven (7) days (including part of a day) in Indiana during  
12 a one hundred eighty (180) day period.

13 (B) The sex or violent offender owns real property in Indiana  
14 and returns to Indiana at any time.

15 (2) A sex or violent offender who works or carries on a vocation  
16 or intends to work or carry on a vocation full time or part time for  
17 a period:

18 (A) exceeding seven (7) consecutive days; or

19 (B) for a total period exceeding fourteen (14) days;

20 during any calendar year in Indiana regardless of whether the sex  
21 or violent offender is financially compensated, volunteered, or is  
22 acting for the purpose of government or educational benefit.

23 (3) A sex or violent offender who is enrolled or intends to be  
24 enrolled on a full-time or part-time basis in any public or private  
25 educational institution, including any secondary school, trade, or  
26 professional institution, or postsecondary educational institution.

27 (b) Except as provided in subsection (e), a sex or violent offender  
28 who resides in Indiana shall register with the local law enforcement  
29 authority in the county where the sex or violent offender resides. If a  
30 sex or violent offender resides in more than one (1) county, the sex or  
31 violent offender shall register with the local law enforcement authority  
32 in each county in which the sex or violent offender resides. If the sex  
33 or violent offender is also required to register under subsection (a)(2)  
34 or (a)(3), the sex or violent offender shall also register with the local  
35 law enforcement authority in the county in which the offender is  
36 required to register under subsection (c) or (d).

37 (c) A sex or violent offender described in subsection (a)(2) shall  
38 register with the local law enforcement authority in the county where  
39 the sex or violent offender is or intends to be employed or carry on a  
40 vocation. If a sex or violent offender is or intends to be employed or  
41 carry on a vocation in more than one (1) county, the sex or violent  
42 offender shall register with the local law enforcement authority in each  
43 county. If the sex or violent offender is also required to register under  
44 subsection (a)(1) or (a)(3), the sex or violent offender shall also register  
45 with the local law enforcement authority in the county in which the  
46 offender is required to register under subsection (b) or (d).

47 (d) A sex or violent offender described in subsection (a)(3) shall  
48 register with the local law enforcement authority in the county where  
49 the sex or violent offender is enrolled or intends to be enrolled as a  
50 student. If the sex or violent offender is also required to register under

1 subsection (a)(1) or (a)(2), the sex or violent offender shall also register  
 2 with the local law enforcement authority in the county in which the  
 3 offender is required to register under subsection (b) or (c).

4 (e) A sex or violent offender described in subsection (a)(1)(B) shall  
 5 register with the local law enforcement authority in the county in which  
 6 the real property is located. If the sex or violent offender is also  
 7 required to register under subsection (a)(1)(A), (a)(2), or (a)(3), the sex  
 8 or violent offender shall also register with the local law enforcement  
 9 authority in the county in which the offender is required to register  
 10 under subsection (b), (c), or (d).

11 (f) A sex or violent offender committed to the department shall  
 12 register with the department before the sex or violent offender is  
 13 **placed in a community transition program, placed in a work**  
 14 **release program, or** released from incarceration, **whichever occurs**  
 15 **first.** The department shall forward the sex or violent offender's  
 16 registration information to the local law enforcement authority of every  
 17 county in which the sex or violent offender is required to register. **If a**  
 18 **sex or violent offender released from the department under this**  
 19 **subsection:**

20 (1) **informs the department of the offender's intended location**  
 21 **of residence upon release; and**

22 (2) **does not move to this location upon release;**

23 **the offender shall, not later than seventy-two (72) hours after the**  
 24 **date on which the offender is released, report in person to the local**  
 25 **law enforcement authority having jurisdiction over the offender's**  
 26 **current address or location.**

27 (g) This subsection does not apply to a sex or violent offender who  
 28 is a sexually violent predator. A sex or violent offender not committed  
 29 to the department shall register not more than seven (7) days after the  
 30 sex or violent offender:

31 (1) is released from a penal facility (as defined in  
 32 IC 35-31.5-2-232);

33 (2) is released from a secure private facility (as defined in  
 34 IC 31-9-2-115);

35 (3) is released from a juvenile detention facility;

36 (4) is transferred to a community transition program;

37 (5) is placed on parole;

38 (6) is placed on probation;

39 (7) is placed on home detention; or

40 (8) arrives at the place where the sex or violent offender is  
 41 required to register under subsection (b), (c), or (d);

42 whichever occurs first. A sex or violent offender required to register in  
 43 more than one (1) county under subsection (b), (c), (d), or (e) shall  
 44 register in each appropriate county not more than seventy-two (72)  
 45 hours after the sex or violent offender's arrival in that county or  
 46 acquisition of real estate in that county.

47 (h) This subsection applies to a sex or violent offender who is a  
 48 sexually violent predator. A sex or violent offender who is a sexually  
 49 violent predator shall register not more than seventy-two (72) hours  
 50 after the sex or violent offender:

51 (1) is released from a penal facility (as defined in

- 1 IC 35-31.5-2-232);  
 2 (2) is released from a secure private facility (as defined in  
 3 IC 31-9-2-115);  
 4 (3) is released from a juvenile detention facility;  
 5 (4) is transferred to a community transition program;  
 6 (5) is placed on parole;  
 7 (6) is placed on probation;  
 8 (7) is placed on home detention; or  
 9 (8) arrives at the place where the sexually violent predator is  
 10 required to register under subsection (b), (c), or (d);

11 whichever occurs first. A sex or violent offender who is a sexually  
 12 violent predator required to register in more than one (1) county under  
 13 subsection (b), (c), (d), or (e) shall register in each appropriate county  
 14 not more than seventy-two (72) hours after the offender's arrival in that  
 15 county or acquisition of real estate in that county.

16 (i) The local law enforcement authority with whom a sex or violent  
 17 offender registers under this section shall make and publish a  
 18 photograph of the sex or violent offender on the Indiana sex and violent  
 19 offender registry web site established under IC 36-2-13-5.5. The local  
 20 law enforcement authority shall make a photograph of the sex or  
 21 violent offender that complies with the requirements of IC 36-2-13-5.5  
 22 at least once per year. The sheriff of a county containing a consolidated  
 23 city shall provide the police chief of the consolidated city with all  
 24 photographic and computer equipment necessary to enable the police  
 25 chief of the consolidated city to transmit sex or violent offender  
 26 photographs (and other identifying information required by  
 27 IC 36-2-13-5.5) to the Indiana sex and violent offender registry web  
 28 site established under IC 36-2-13-5.5. In addition, the sheriff of a  
 29 county containing a consolidated city shall provide all funding for the  
 30 county's financial obligation for the establishment and maintenance of  
 31 the Indiana sex and violent offender registry web site established under  
 32 IC 36-2-13-5.5.

33 (j) When a sex or violent offender registers, the local law  
 34 enforcement authority shall:

- 35 (1) immediately update the Indiana sex and violent offender  
 36 registry web site established under IC 36-2-13-5.5;  
 37 (2) notify every law enforcement agency having jurisdiction in the  
 38 county where the sex or violent offender resides; and  
 39 (3) update the National Crime Information Center National Sex  
 40 Offender Registry data base via the Indiana data and  
 41 communications system (IDACS).

42 When a sex or violent offender from a jurisdiction outside Indiana  
 43 registers a change of address, electronic mail address, instant  
 44 messaging username, electronic chat room username, social networking  
 45 web site username, employment, vocation, or enrollment in Indiana, the  
 46 local law enforcement authority shall provide the department with the  
 47 information provided by the sex or violent offender during registration.

48 SECTION 7. IC 11-8-8-8, AS AMENDED BY P.L.119-2008,  
 49 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 50 JULY 1, 2013]: Sec. 8. (a) The registration required under this chapter

- 1 must include the following information:
- 2 (1) The sex or violent offender's full name, alias, any name by
- 3 which the sex or violent offender was previously known, date of
- 4 birth, sex, race, height, weight, hair color, eye color, any scars,
- 5 marks, or tattoos, Social Security number, driver's license number
- 6 or state identification card number, vehicle description, ~~and~~
- 7 vehicle plate number, **and vehicle identification number** for any
- 8 vehicle the sex or violent offender owns or operates on a regular
- 9 basis, principal residence address, other address where the sex or
- 10 violent offender spends more than seven (7) nights in a fourteen
- 11 (14) day period, and mailing address, if different from the sex or
- 12 violent offender's principal residence address.
- 13 (2) A description of the offense for which the sex or violent
- 14 offender was convicted, the date of conviction, the county of the
- 15 conviction, the cause number of the conviction, and the sentence
- 16 imposed, if applicable.
- 17 (3) If the person is required to register under section 7(a)(2) or
- 18 7(a)(3) of this chapter, the name and address of each of the sex or
- 19 violent offender's employers in Indiana, the name and address of
- 20 each campus or location where the sex or violent offender is
- 21 enrolled in school in Indiana, and the address where the sex or
- 22 violent offender stays or intends to stay while in Indiana.
- 23 (4) A recent photograph of the sex or violent offender.
- 24 (5) If the sex or violent offender is a sexually violent predator,
- 25 that the sex or violent offender is a sexually violent predator.
- 26 (6) If the sex or violent offender is required to register for life,
- 27 that the sex or violent offender is required to register for life.
- 28 (7) Any electronic mail address, instant messaging username,
- 29 electronic chat room username, or social networking web site
- 30 username that the sex or violent offender uses or intends to use.
- 31 (8) Any other information required by the department.
- 32 (b) ~~If the a~~ sex or violent offender **on probation or parole** registers
- 33 any information under subsection (a)(7), the offender shall sign a
- 34 consent form authorizing the:
- 35 (1) search of the sex or violent offender's personal computer or
- 36 device with Internet capability, at any time; and
- 37 (2) installation on the sex or violent offender's personal computer
- 38 or device with Internet capability, at the sex or violent offender's
- 39 expense, of hardware or software to monitor the sex or violent
- 40 offender's Internet usage.
- 41 **(c) If the information described in subsection (a) changes, the**
- 42 **sex or violent offender shall report in person to the local law**
- 43 **enforcement authority having jurisdiction over the sex or violent**
- 44 **offender's principal address not later than seventy-two (72) hours**
- 45 **after the change and submit the new information to the local law**
- 46 **enforcement authority. Upon request of the local law enforcement**
- 47 **authority, the sex or violent offender shall permit a new**
- 48 **photograph of the sex or violent offender to be made.**
- 49 SECTION 8. IC 11-8-8-11, AS AMENDED BY P.L.119-2008,
- 50 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 51 JULY 1, 2013]: Sec. 11. (a) If a sex or violent offender who is required

1 to register under this chapter changes:  
2 (1) principal residence address; or  
3 (2) if section 7(a)(2) or 7(a)(3) of this chapter applies, the place  
4 where the sex or violent offender stays in Indiana;  
5 the sex or violent offender shall report in person to the local law  
6 enforcement authority having jurisdiction over the sex or violent  
7 offender's current principal address or location and, if the offender  
8 moves to a new county in Indiana, to the local law enforcement  
9 authority having jurisdiction over the sex or violent offender's new  
10 principal address or location not more than seventy-two (72) hours  
11 after the address change.

12 (b) If a sex or violent offender moves to a new county in Indiana, the  
13 local law enforcement authority where the sex or violent offender's  
14 current principal residence address is located shall inform the local law  
15 enforcement authority in the new county in Indiana of the sex or violent  
16 offender's residence and forward all relevant registration information  
17 concerning the sex or violent offender to the local law enforcement  
18 authority in the new county. The local law enforcement authority  
19 receiving notice under this subsection shall verify the address of the  
20 sex or violent offender under section 13 of this chapter not more than  
21 seven (7) days after receiving the notice.

22 (c) If a sex or violent offender who is required to register under  
23 section 7(a)(2) or 7(a)(3) of this chapter changes the sex or violent  
24 offender's principal place of employment, principal place of vocation,  
25 or campus or location where the sex or violent offender is enrolled in  
26 school, the sex or violent offender shall report in person:  
27 (1) to the local law enforcement authority having jurisdiction over  
28 the sex or violent offender's current principal place of  
29 employment, principal place of vocation, or campus or location  
30 where the sex or violent offender is enrolled in school; and  
31 (2) if the sex or violent offender changes the sex or violent  
32 offender's place of employment, vocation, or enrollment to a new  
33 county in Indiana, to the local law enforcement authority having  
34 jurisdiction over the sex or violent offender's new principal place  
35 of employment, principal place of vocation, or campus or location  
36 where the sex or violent offender is enrolled in school;  
37 not more than seventy-two (72) hours after the change.

38 (d) If a sex or violent offender moves the sex or violent offender's  
39 place of employment, vocation, or enrollment to a new county in  
40 Indiana, the local law enforcement authority having jurisdiction over  
41 the sex or violent offender's current principal place of employment,  
42 principal place of vocation, or campus or location where the sex or  
43 violent offender is enrolled in school shall inform the local law  
44 enforcement authority in the new county of the sex or violent offender's  
45 new principal place of employment, vocation, or enrollment by  
46 forwarding relevant registration information to the local law  
47 enforcement authority in the new county.

48 (e) If a sex or violent offender moves the sex or violent offender's  
49 residence, place of employment, vocation, or enrollment to a new state,  
50 the local law enforcement authority shall inform the state police in the

1 new state of the sex or violent offender's new place of residence,  
2 employment, vocation, or enrollment.

3 (f) If a sex or violent offender who is required to register under this  
4 chapter changes or obtains a new:

- 5 (1) electronic mail address;
- 6 (2) instant messaging username;
- 7 (3) electronic chat room username; or
- 8 (4) social networking web site username;

9 the sex or violent offender shall report in person to the local law  
10 enforcement authority having jurisdiction over the sex or violent  
11 offender's current principal address or location and shall provide the  
12 local law enforcement authority with the new address or username not  
13 more than seventy-two (72) hours after the change or creation of the  
14 address or username.

15 (g) A local law enforcement authority shall make registration  
16 information, including information concerning the duty to register and  
17 the penalty for failing to register, available to a sex or violent offender.

18 (h) A local law enforcement authority who is notified of a change  
19 under subsection (a), (c), or (f) shall:

- 20 (1) immediately update the Indiana sex and violent offender  
21 registry web site established under IC 36-2-13-5.5;
- 22 (2) update the National Crime Information Center National Sex  
23 Offender Registry data base via the Indiana data and  
24 communications system (IDACS); and
- 25 (3) notify the department.

26 (i) If a sex or violent offender who is registered with a local law  
27 enforcement authority becomes incarcerated, the local law enforcement  
28 authority shall transmit a copy of the information provided by the sex  
29 or violent offender during registration to the department.

30 (j) If a sex or violent offender is no longer required to register due  
31 to the expiration of the registration period, **or if a court grants a**  
32 **petition under section 22 of this chapter that removes the**  
33 **offender's duty to register under this chapter**, the local law  
34 enforcement authority shall:

- 35 (1) **ensure the offender's information is no longer published to**  
36 **the public portal of the sex and violent offender registry**  
37 **Internet web site established under IC 36-2-13-5.5; and**
- 38 (2) transmit a copy of the information provided by the sex or  
39 violent offender during registration to the department.

40 (k) **This subsection applies only to a sex or violent offender who**  
41 **has:**

- 42 (1) **informed the local law enforcement authority of the**  
43 **offender's intention to move the offender's residence to a new**  
44 **location; and**
- 45 (2) **not moved the offender's residence to the new location.**

46 **Not later than seventy-two (72) hours after the date on which a sex**  
47 **or violent offender to whom this subsection applies was scheduled**  
48 **to move (according to information the offender provided to the**  
49 **local law enforcement authority before the move), the sex or**  
50 **violent offender shall report in person to the local law enforcement**  
51 **authority having jurisdiction over the offender's current address**

1 **or location, even if the offender's address has not changed. An**  
 2 **offender who fails to report as provided in this subsection may be**  
 3 **prosecuted in the offender's original county of residence, in the**  
 4 **county to which the offender intended to move, or in the offender's**  
 5 **current county of residence.**

6 SECTION 9. IC 11-8-8-13, AS AMENDED BY P.L.114-2012,  
 7 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 8 JULY 1, 2013]: Sec. 13. (a) To verify a sex or violent offender's current  
 9 residence, the local law enforcement authority having jurisdiction over  
 10 the area of the sex or violent offender's current principal address or  
 11 location shall do the following:

12 (1) **Mail a form that is Contact each offender in a manner**  
 13 **approved or prescribed by the department to each sex or violent**  
 14 **offender in the county at the sex or violent offender's listed**  
 15 **address at least one (1) time per year. beginning seven (7) days**  
 16 **after the local law enforcement authority receives a notice under**  
 17 **section 11 or 20 of this chapter or the date the sex or violent**  
 18 **offender is:**

- 19 (A) released from a penal facility (as defined in
- 20 IC 35-31.5-2-232); a secure private facility (as defined in
- 21 IC 31-9-2-115); or a juvenile detention facility;
- 22 (B) placed in a community transition program;
- 23 (C) placed in a community corrections program;
- 24 (D) placed on parole; or
- 25 (E) placed on probation;

26 **whichever occurs first.**

27 (2) **Mail a form that is Contact each offender who is designated**  
 28 **a sexually violent predator in a manner** approved or prescribed  
 29 **by the department to each sex or violent offender who is**  
 30 **designated a sexually violent predator under IC 35-38-1-7.5 at**  
 31 **least once every ninety (90) days. beginning seven (7) days**  
 32 **after the local law enforcement authority receives a notice under**  
 33 **section 11 or 20 of this chapter or the date the sex or violent**  
 34 **offender is:**

- 35 (A) released from a penal facility (as defined in
- 36 IC 35-31.5-2-232); a secure private facility (as defined in
- 37 IC 31-9-2-115); or a juvenile detention facility;
- 38 (B) placed in a community transition program;
- 39 (C) placed in a community corrections program;
- 40 (D) placed on parole; or
- 41 (E) placed on probation;

42 **whichever occurs first.**

43 (3) **Personally visit each sex or violent offender in the county at**  
 44 **the sex or violent offender's listed address at least one (1) time per**  
 45 **year, beginning seven (7) days after the local law enforcement**  
 46 **authority receives a notice under section 7 of this chapter or the**  
 47 **date the sex or violent offender is:**

- 48 (A) released from a penal facility (as defined in
- 49 IC 35-31.5-2-232), a secure private facility (as defined in
- 50 IC 31-9-2-115), or a juvenile detention facility;

- 1 (B) placed in a community transition program;  
 2 (C) placed in a community corrections program;  
 3 (D) placed on parole; or  
 4 (E) placed on probation;  
 5 whichever occurs first.
- 6 (4) Personally visit each sex or violent offender who is designated  
 7 a sexually violent predator under IC 35-38-1-7.5 at least once  
 8 every ninety (90) days, beginning seven (7) days after the local  
 9 law enforcement authority receives a notice under section 7 of  
 10 this chapter or the date the sex or violent offender is:  
 11 (A) released from a penal facility (as defined in  
 12 IC 35-31.5-2-232), a secure private facility (as defined in  
 13 IC 31-9-2-115), or a juvenile detention facility;  
 14 (B) placed in a community transition program;  
 15 (C) placed in a community corrections program;  
 16 (D) placed on parole; or  
 17 (E) placed on probation;  
 18 whichever occurs first.
- 19 (b) If a sex or violent offender ~~fails to return a signed form either by~~  
 20 ~~mail or in person, not later than fourteen (14) days after mailing, or~~  
 21 appears not to reside at the **sex or violent offender's** listed address, the  
 22 local law enforcement authority shall immediately notify the  
 23 department and the prosecuting attorney.
- 24 SECTION 10. IC 11-8-8-14, AS AMENDED BY P.L.216-2007,  
 25 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 26 JULY 1, 2013]: Sec. 14. (a) This subsection does not apply to a sex or  
 27 violent offender who is a sexually violent predator. In addition to the  
 28 other requirements of this chapter, a sex or violent offender who is  
 29 required to register under this chapter shall, at least one (1) time ~~per~~  
 30 ~~calendar year: every three hundred sixty-five (365) days:~~  
 31 (1) report in person to the local law enforcement authority;  
 32 (2) register; and  
 33 (3) be photographed by the local law enforcement authority;  
 34 in each location where the offender is required to register.
- 35 (b) This subsection applies to a sex or violent offender who is a  
 36 sexually violent predator. In addition to the other requirements of this  
 37 chapter, a sex or violent offender who is a sexually violent predator  
 38 under IC 35-38-1-7.5 shall:  
 39 (1) report in person to the local law enforcement authority;  
 40 (2) register; and  
 41 (3) be photographed by the local law enforcement authority in  
 42 each location where the sex or violent offender is required to  
 43 register;  
 44 every ninety (90) days.
- 45 (c) Each time a sex or violent offender who claims to be working or  
 46 attending school registers in person, the sex or violent offender shall  
 47 provide documentation to the local law enforcement authority  
 48 providing evidence that the sex or violent offender is still working or  
 49 attending school at the registered location.
- 50 SECTION 11. IC 11-8-8-15, AS AMENDED BY P.L.216-2007,

1 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 JULY 1, 2013]: Sec. 15. (a) A sex or violent offender who is a resident  
3 of Indiana shall obtain and keep in the sex or violent offender's  
4 possession:

- 5 (1) a valid Indiana driver's license; or
- 6 (2) a valid Indiana identification card (as described in  
7 IC 9-24-16);

8 **that contains the offender's current address and current physical**  
9 **description.**

10 (b) A sex or violent offender required to register in Indiana who is  
11 not a resident of Indiana shall obtain and keep in the sex or violent  
12 offender's possession:

- 13 (1) a valid driver's license issued by the state in which the sex or  
14 violent offender resides; or
- 15 (2) a valid state issued identification card issued by the state in  
16 which the sex or violent offender resides;

17 **that contains the offender's current address and current physical**  
18 **description.**

19 (c) A person who knowingly or intentionally violates this section  
20 commits failure of a sex or violent offender to possess identification,  
21 a Class A misdemeanor. However, the offense is a Class D felony if the  
22 person:

- 23 (1) is a sexually violent predator; or
- 24 (2) has a prior unrelated conviction:
  - 25 (A) under this section; or
  - 26 (B) based on the person's failure to comply with any  
27 requirement imposed on an offender under this chapter.

28 (d) It is a defense to a prosecution under this section that:

- 29 (1) the person has been unable to obtain a valid driver's license or  
30 state issued identification card because less than thirty (30) days  
31 have passed since the person's release from incarceration; ~~or~~
- 32 (2) the person possesses a driver's license or state issued  
33 identification card that expired not more than thirty (30) days  
34 before the date the person violated subsection (a) or (b); **or**
- 35 **(3) the person possesses a valid driver's license or state issued**  
36 **identification card, but the card does not reflect the person's**  
37 **current address or current physical description because fewer**  
38 **than thirty (30) days have passed since the person changed the**  
39 **person's current address or physical characteristics.**

40 SECTION 12. IC 11-8-8-19, AS AMENDED BY P.L.114-2012,  
41 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
42 JULY 1, 2013]: Sec. 19. (a) Except as provided in subsections (b)  
43 through (e), a sex or violent offender is required to register under this  
44 chapter until the expiration of ten (10) years after the date the sex or  
45 violent offender:

- 46 (1) is released from a penal facility (as defined in  
47 IC 35-31.5-2-232) or a secure juvenile detention facility of a state  
48 or another jurisdiction;
- 49 (2) is placed in a community transition program;
- 50 (3) is placed in a community corrections program;
- 51 (4) is placed on parole; or

1 (5) is placed on probation;  
 2 for the sex or violent offense requiring registration, whichever occurs  
 3 last. The registration period is tolled during any period that the sex or  
 4 violent offender is incarcerated. The registration period does not restart  
 5 if the offender is convicted of a subsequent offense. However, if the  
 6 subsequent offense is a sex or violent offense, a new registration period  
 7 may be imposed in accordance with this chapter. The department shall  
 8 ensure that an offender who is no longer required to register as a sex or  
 9 violent offender is notified that the obligation to register has expired,  
 10 **and shall ensure that the offender's information is no longer**  
 11 **published to the public portal of the sex and violent offender**  
 12 **registry Internet web site established under IC 36-2-13-5.5.**

13 (b) A sex or violent offender who is a sexually violent predator is  
 14 required to register for life.

15 (c) A sex or violent offender who is convicted of at least one (1)  
 16 offense under section 5(a) of this chapter that the sex or violent  
 17 offender committed:

- 18 (1) when the person was at least eighteen (18) years of age; and
- 19 (2) against a victim who was less than twelve (12) years of age at  
 20 the time of the crime;

21 is required to register for life.

22 (d) A sex or violent offender who is convicted of at least one (1)  
 23 offense under section 5(a) of this chapter in which the sex offender:

- 24 (1) proximately caused serious bodily injury or death to the  
 25 victim;
- 26 (2) used force or the threat of force against the victim or a  
 27 member of the victim's family, unless the offense is sexual battery  
 28 as a Class D felony; or
- 29 (3) rendered the victim unconscious or otherwise incapable of  
 30 giving voluntary consent;

31 is required to register for life.

32 (e) A sex or violent offender who is convicted of at least two (2)  
 33 unrelated offenses under section 5(a) of this chapter is required to  
 34 register for life.

35 (f) A person who is required to register as a sex or violent offender  
 36 in any jurisdiction shall register for the period required by the other  
 37 jurisdiction or the period described in this section, whichever is longer.

38 SECTION 13. IC 11-8-8-22, AS AMENDED BY P.L.103-2010,  
 39 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 40 JULY 1, 2013]: Sec. 22. (a) As used in this section, "offender" means  
 41 a sex offender (as defined in section 4.5 of this chapter) and a sex or  
 42 violent offender (as defined in section 5 of this chapter).

43 (b) Subsection (g) applies to an offender required to register under  
 44 this chapter if, due to a change in federal or state law after June 30,  
 45 2007, an individual who engaged in the same conduct as the offender:

- 46 (1) would not be required to register under this chapter; or
- 47 (2) would be required to register under this chapter but under less  
 48 restrictive conditions than the offender is required to meet.

49 (c) A person to whom this section applies may petition a court to:

- 50 (1) remove the person's designation as an offender **and order the**  
 51 **department to remove all information regarding the person**

1           **from the public portal of the sex and violent offender registry**  
 2           **Internet web site established under IC 36-2-13-5.5; or**

3           (2) require the person to register under less restrictive conditions.

4           (d) A petition under this section shall be filed in the circuit or  
 5 superior court of the county in which the offender resides. If the  
 6 offender resides in more than one (1) county, the petition shall be filed  
 7 in the circuit or superior court of the county in which the offender  
 8 resides the greatest time. If the offender does not reside in Indiana, the  
 9 petition shall be filed in the circuit or superior court of the county  
 10 where the offender is employed the greatest time. If the offender does  
 11 not reside or work in Indiana, but is a student in Indiana, the petition  
 12 shall be filed in the circuit or superior court of the county where the  
 13 offender is a student. If the offender is not a student in Indiana and does  
 14 not reside or work in Indiana, the petition shall be filed in the county  
 15 where the offender was most recently convicted of a crime listed in  
 16 section 5 of this chapter.

17           (e) After receiving a petition under this section, the court may:

18           (1) summarily dismiss the petition; or

19           (2) give notice to:

20           (A) the department;

21           (B) the attorney general;

22           (C) the prosecuting attorney of:

23           (i) the county where the petition was filed;

24           (ii) the county where offender was most recently convicted  
 25 of an offense listed in section 5 of this chapter; and

26           (iii) the county where the offender resides; and

27           (D) the sheriff of the county where the offender resides;

28 and set the matter for hearing. The date set for a hearing must not be  
 29 less than sixty (60) days after the court gives notice under this  
 30 subsection.

31           (f) If a court sets a matter for a hearing under this section, the  
 32 prosecuting attorney of the county in which the action is pending shall  
 33 appear and respond, unless the prosecuting attorney requests the  
 34 attorney general to appear and respond and the attorney general agrees  
 35 to represent the interests of the state in the matter. If the attorney  
 36 general agrees to appear, the attorney general shall give notice to:

37           ~~(A)~~ (1) the prosecuting attorney; and

38           ~~(B)~~ (2) the court.

39           (g) A court may grant a petition under this section if, following a  
 40 hearing, the court makes the following findings:

41           (1) The law requiring the petitioner to register as an offender has  
 42 changed since the date on which the petitioner was initially  
 43 required to register.

44           (2) If the petitioner who was required to register as an offender  
 45 before the change in law engaged in the same conduct after the  
 46 change in law occurred, the petitioner would:

47           (A) not be required to register as an offender; or

48           (B) be required to register as an offender, but under less  
 49 restrictive conditions.

50           (3) If the petitioner seeks relief under this section because a

1 change in law makes a previously unavailable defense available  
 2 to the petitioner, that the petitioner has proved the defense.  
 3 The court has the discretion to deny a petition under this section, even  
 4 if the court makes the findings under this subsection.

5 (h) The petitioner has the burden of proof in a hearing under this  
 6 section.

7 (i) If the court grants a petition under this section, the court shall  
 8 notify:

- 9 (1) the victim of the offense, if applicable;
- 10 (2) the department of correction; and
- 11 (3) the local law enforcement authority of every county in which  
 12 the petitioner is currently required to register.

13 (j) An offender may base a petition filed under this section on a  
 14 claim that the application or registration requirements constitute ex  
 15 post facto punishment.

16 (k) A petition filed under this section must:

- 17 (1) be submitted under the penalties of perjury;
- 18 (2) list each of the offender's criminal convictions and state for  
 19 each conviction:
  - 20 (A) the date of the judgment of conviction;
  - 21 (B) the court that entered the judgment of conviction;
  - 22 (C) the crime that the offender pled guilty to or was convicted  
 23 of; and
  - 24 (D) whether the offender was convicted of the crime in a trial  
 25 or pled guilty to the criminal charges; and
- 26 (3) list each jurisdiction in which the offender is required to  
 27 register as a sex offender or a violent offender.

28 (l) The attorney general may initiate an appeal from any order  
 29 granting an offender relief under this section.

30 SECTION 14. IC 12-24-3-2 IS AMENDED TO READ AS  
 31 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. To provide greater  
 32 security for patients, visitors, and employees, the division may not  
 33 employ in a state institution an individual who has been convicted of  
 34 any of the following offenses:

- 35 (1) Rape (IC 35-42-4-1).
- 36 (2) Criminal deviate conduct (IC 35-42-4-2) **(before its repeal on**  
 37 **July 1, 2014).**
- 38 (3) Child molesting (IC 35-42-4-3).
- 39 (4) Child exploitation (IC 35-42-4-4).
- 40 (5) Sexual misconduct with a minor as a Class A or **Class B**  
 41 felony (IC 35-42-4-9).

42 SECTION 15. IC 16-21-8-1, AS AMENDED BY P.L.41-2007,  
 43 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 44 JULY 1, 2014]: Sec. 1. (a) A hospital licensed under IC 16-21-2 that  
 45 provides general medical and surgical hospital services shall provide  
 46 forensic medical exams and additional forensic services to all alleged  
 47 sex crime victims who apply for forensic medical exams and additional  
 48 forensic services in relation to injuries or trauma resulting from the  
 49 alleged sex crime. The provision of services may not be dependent on  
 50 a victim's reporting to, or cooperating with, law enforcement.

1 (b) For the purposes of this chapter, the following crimes are  
2 considered sex crimes:

- 3 (1) Rape (IC 35-42-4-1).
- 4 (2) Criminal deviate conduct (IC 35-42-4-2) **(repealed)**.
- 5 (3) Child molesting (IC 35-42-4-3).
- 6 (4) Vicarious sexual gratification (IC 35-42-4-5).
- 7 (5) Sexual battery (IC 35-42-4-8).
- 8 (6) Sexual misconduct with a minor (IC 35-42-4-9).
- 9 (7) Child solicitation (IC 35-42-4-6).
- 10 (8) Child seduction (IC 35-42-4-7).
- 11 (9) Incest (IC 35-46-1-3).

12 (c) Payment for services under this section shall be processed in  
13 accordance with rules adopted by the victim services division of the  
14 Indiana criminal justice institute.

15 SECTION 16. IC 16-25-6-1 IS AMENDED TO READ AS  
16 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) A person may not  
17 own or operate a hospice program if the person has:

- 18 (1) been convicted of rape (IC 35-42-4-1);
- 19 (2) been convicted of criminal deviate conduct (IC 35-42-4-2)  
20 **(repealed)**;
- 21 (3) been convicted of exploitation of a dependent or an  
22 endangered adult (IC 35-46-1-12);
- 23 (4) had a judgment entered against the person for failure to report  
24 battery, neglect, or exploitation of an endangered adult  
25 (IC 35-46-1-13); or
- 26 (5) been convicted of theft (IC 35-43-4), if the person's conviction  
27 for theft occurred less than ten (10) years before the date of  
28 submission by the person of an application for licensure or  
29 approval as a hospice program under IC 16-25-3.

30 (b) A person who knowingly or intentionally violates this section  
31 commits a Class A misdemeanor.

32 SECTION 17. IC 16-25-6-3 IS AMENDED TO READ AS  
33 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) Except as  
34 provided in subsection (b), a person who owns or operates a hospice  
35 program may not employ an individual or allow a volunteer to provide  
36 hospice services if that individual's or volunteer's limited criminal  
37 history indicates that the individual or volunteer has:

- 38 (1) been convicted of rape (IC 35-42-4-1);
- 39 (2) been convicted of criminal deviate conduct (IC 35-42-4-2)  
40 **(repealed)**;
- 41 (3) been convicted of exploitation of an endangered adult  
42 (IC 35-46-1-12);
- 43 (4) had a judgment entered against the individual for failure to  
44 report battery, neglect, or exploitation of an endangered adult  
45 (IC 35-46-1-13); or
- 46 (5) been convicted of theft (IC 35-43-4), if the conviction for theft  
47 occurred less than ten (10) years before the individual's  
48 employment application date.

49 (b) A hospice program may not employ an individual or allow a  
50 volunteer to provide hospice services for more than twenty-one (21)

1 calendar days without receipt of that individual's or volunteer's limited  
 2 criminal history required by section 2 of this chapter, unless the Indiana  
 3 central repository for criminal history information under IC 10-13-3 is  
 4 solely responsible for failing to provide the individual's or volunteer's  
 5 limited criminal history to the hospice program within the time  
 6 required under this subsection.

7 SECTION 18. IC 16-27-2-3, AS AMENDED BY P.L.212-2005,  
 8 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 9 JULY 1, 2014]: Sec. 3. (a) A person may not operate a home health  
 10 agency or a personal services agency if the person has been convicted  
 11 of any of the following:

- 12 (1) Rape (IC 35-42-4-1).
- 13 (2) Criminal deviate conduct (IC 35-42-4-2) **(repealed)**.
- 14 (3) Exploitation of an endangered adult (IC 35-46-1-12).
- 15 (4) Failure to report battery, neglect, or exploitation of an  
 16 endangered adult (IC 35-46-1-13).
- 17 (5) Theft (IC 35-43-4), if the person's conviction for theft  
 18 occurred less than ten (10) years before the date of submission by  
 19 the person of an application for licensure as a home health agency  
 20 under IC 16-27-1 or as a personal services agency under  
 21 IC 16-27-4.

22 (b) A person who knowingly or intentionally violates this section  
 23 commits a Class A misdemeanor.

24 SECTION 19. IC 16-27-2-5, AS AMENDED BY P.L.84-2010,  
 25 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 26 JULY 1, 2014]: Sec. 5. (a) Except as provided in subsection (b), a  
 27 person who operates a home health agency under IC 16-27-1 or a  
 28 personal services agency under IC 16-27-4 may not employ a person to  
 29 provide services in a patient's or client's temporary or permanent  
 30 residence if that person's limited criminal history, national criminal  
 31 history background check, or expanded criminal history check indicates  
 32 that the person has been convicted of any of the following:

- 33 (1) Rape (IC 35-42-4-1).
- 34 (2) Criminal deviate conduct (IC 35-42-4-2) **(repealed)**.
- 35 (3) Exploitation of an endangered adult (IC 35-46-1-12).
- 36 (4) Failure to report battery, neglect, or exploitation of an  
 37 endangered adult (IC 35-46-1-13).
- 38 (5) Theft (IC 35-43-4), if the conviction for theft occurred less  
 39 than ten (10) years before the person's employment application  
 40 date.
- 41 (6) A felony that is substantially equivalent to a felony listed in:  
 42 (A) subdivisions (1) through (4); or  
 43 (B) subdivision (5), if the conviction for theft occurred less  
 44 than ten (10) years before the person's employment application  
 45 date;  
 46 for which the conviction was entered in another state.

47 (b) A home health agency or personal services agency may not  
 48 employ a person to provide services in a patient's or client's temporary  
 49 or permanent residence for more than twenty-one (21) calendar days  
 50 without receipt of that person's limited criminal history, national

1 criminal history background check, or expanded criminal history check,  
 2 required by section 4 of this chapter, unless the state police department,  
 3 the Federal Bureau of Investigation under IC 10-13-3-39, or the private  
 4 agency providing the expanded criminal history check is responsible  
 5 for failing to provide the person's limited criminal history, national  
 6 criminal history background check, or expanded criminal history check  
 7 to the home health agency or personal services agency within the time  
 8 required under this subsection.

9 SECTION 20. IC 20-28-5-8, AS AMENDED BY P.L.78-2012,  
 10 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 11 JULY 1, 2014]: Sec. 8. (a) This section applies when a prosecuting  
 12 attorney knows that a licensed employee of a public school or a  
 13 nonpublic school has been convicted of an offense listed in subsection  
 14 (c). The prosecuting attorney shall immediately give written notice of  
 15 the conviction to the following:

16 (1) The state superintendent.

17 (2) Except as provided in subdivision (3), the superintendent of  
 18 the school corporation that employs the licensed employee or the  
 19 equivalent authority if a nonpublic school employs the licensed  
 20 employee.

21 (3) The presiding officer of the governing body of the school  
 22 corporation that employs the licensed employee, if the convicted  
 23 licensed employee is the superintendent of the school corporation.

24 (b) The superintendent of a school corporation, presiding officer of  
 25 the governing body, or equivalent authority for a nonpublic school shall  
 26 immediately notify the state superintendent when the individual knows  
 27 that a current or former licensed employee of the public school or  
 28 nonpublic school has been convicted of an offense listed in subsection  
 29 (c), or when the governing body or equivalent authority for a nonpublic  
 30 school takes any final action in relation to an employee who engaged  
 31 in any offense listed in subsection (c).

32 (c) The department, after holding a hearing on the matter, shall  
 33 permanently revoke the license of a person who is known by the  
 34 department to have been convicted of any of the following felonies:

35 (1) Kidnapping (IC 35-42-3-2).

36 (2) Criminal confinement (IC 35-42-3-3).

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

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

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

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

41 (7) Vicarious sexual gratification (IC 35-42-4-5).

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

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

44 (10) Sexual misconduct with a minor (IC 35-42-4-9).

45 (11) Incest (IC 35-46-1-3).

46 (12) Dealing in or manufacturing cocaine or a narcotic drug  
 47 (IC 35-48-4-1).

48 (13) Dealing in methamphetamine (IC 35-48-4-1.1).

49 (14) Dealing in a schedule I, II, or III controlled substance  
 50 (IC 35-48-4-2).

- 1 (15) Dealing in a schedule IV controlled substance  
 2 (IC 35-48-4-3).  
 3 (16) Dealing in a schedule V controlled substance (IC 35-48-4-4).  
 4 (17) Dealing in a counterfeit substance (IC 35-48-4-5).  
 5 (18) Dealing in marijuana, hash oil, hashish, salvia, or a synthetic  
 6 drug (IC 35-48-4-10(b)).  
 7 (19) Possession of child pornography (IC 35-42-4-4(c)).  
 8 (20) Homicide (IC 35-42-1).  
 9 (21) Voluntary manslaughter (IC 35-42-1-3).  
 10 (22) Reckless homicide (IC 35-42-1-5).  
 11 (23) Battery as any of the following:  
 12 (A) A Class A felony (IC 35-42-2-1(a)(5)).  
 13 (B) A Class B felony (IC 35-42-2-1(a)(4)).  
 14 (C) A Class C felony (IC 35-42-2-1(a)(3)).  
 15 (24) Aggravated battery (IC 35-42-2-1.5).  
 16 (25) Robbery (IC 35-42-5-1).  
 17 (26) Carjacking (IC 35-42-5-2).  
 18 (27) Arson as a Class A felony or a Class B felony  
 19 (IC 35-43-1-1(a)).  
 20 (28) Burglary as a Class A felony or a Class B felony  
 21 (IC 35-43-2-1).  
 22 (29) Attempt under IC 35-41-5-1 to commit an offense listed in  
 23 subdivisions (1) through (28).  
 24 (30) Conspiracy under IC 35-41-5-2 to commit an offense listed  
 25 in subdivisions (1) through (28).  
 26 (d) The department, after holding a hearing on the matter, shall  
 27 permanently revoke the license of a person who is known by the  
 28 department to have been convicted of a federal offense or an offense in  
 29 another state that is comparable to a felony listed in subsection (c).  
 30 (e) A license may be suspended by the state superintendent as  
 31 specified in IC 20-28-7.5.  
 32 (f) The department shall develop a data base of information on  
 33 school corporation employees who have been reported to the  
 34 department under this section.  
 35 SECTION 21. IC 22-5-5-1 IS AMENDED TO READ AS  
 36 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. The employment  
 37 contract of a person who:  
 38 (1) works with children; and  
 39 (2) is convicted of:  
 40 (A) rape (IC 35-42-4-1), if the victim is less than eighteen (18)  
 41 years of age;  
 42 (B) criminal deviate conduct (IC 35-42-4-2) (**repealed**), if the  
 43 victim is less than eighteen (18) years of age;  
 44 (C) child molesting (IC 35-42-4-3);  
 45 (D) child exploitation (IC 35-42-4-4(b));  
 46 (E) vicarious sexual gratification (IC 35-42-4-5);  
 47 (F) child solicitation (IC 35-42-4-6);  
 48 (G) child seduction (IC 35-42-4-7); or  
 49 (H) incest (IC 35-46-1-3), if the victim is less than eighteen  
 50 (18) years of age;

1 may be canceled by the person's employer.

2 SECTION 22. IC 29-3-7-7, AS ADDED BY P.L.131-2009,  
3 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JULY 1, 2014]: Sec. 7. A court may not appoint a person to serve as  
5 the guardian or permit a person to continue to serve as a guardian if the  
6 person:

7 (1) is a sexually violent predator (as described in IC 35-38-1-7.5);  
8 (2) was at least eighteen (18) years of age at the time of the  
9 offense and was convicted of child molesting (IC 35-42-4-3) or  
10 sexual misconduct with a minor (IC 35-42-4-9) against a child  
11 less than sixteen (16) years of age:

12 (A) by using or threatening the use of deadly force;

13 (B) while armed with a deadly weapon; or

14 (C) that resulted in serious bodily injury; or

15 (3) was less than eighteen (18) years of age at the time of the  
16 offense and was convicted as an adult of:

17 (A) an offense described in:

18 (i) IC 35-42-4-1;

19 (ii) IC 35-42-4-2 **(before its repeal)**;

20 (iii) IC 35-42-4-3 as a Class A or Class B felony;

21 (iv) IC 35-42-4-5(a)(1);

22 (v) IC 35-42-4-5(a)(2);

23 (vi) IC 35-42-4-5(a)(3);

24 (vii) IC 35-42-4-5(b)(1) as a Class A or Class B felony;

25 (viii) IC 35-42-4-5(b)(2); or

26 (ix) IC 35-42-4-5(b)(3) as a Class A or Class B felony;

27 (B) an attempt or conspiracy to commit a crime listed in clause  
28 (A); or

29 (C) a crime under the laws of another jurisdiction, including a  
30 military court, that is substantially equivalent to any of the  
31 offenses listed in clauses (A) and (B).

32 SECTION 23. IC 31-19-9-10 IS AMENDED TO READ AS  
33 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. A court shall  
34 determine that consent to adoption is not required from a parent if:

35 (1) the parent is convicted of and incarcerated at the time of the  
36 filing of a petition for adoption for:

37 (A) murder (IC 35-42-1-1);

38 (B) causing suicide (IC 35-42-1-2);

39 (C) voluntary manslaughter (IC 35-42-1-3);

40 (D) rape (IC 35-42-4-1);

41 (E) criminal deviate conduct (IC 35-42-4-2) **(repealed)**;

42 (F) child molesting as a Class A or Class B felony  
43 (IC 35-42-4-3);

44 (G) incest as a Class B felony (IC 35-46-1-3);

45 (H) neglect of a dependent as a Class B felony (IC 35-46-1-4);

46 (I) battery of a child as a Class C felony (IC 35-42-2-1(a)(3));

47 (J) battery as a Class A felony (IC 35-42-2-1(a)(5)) or Class B  
48 felony (IC 35-42-2-1(a)(4)); or

49 (K) an attempt under IC 35-41-5-1 to commit an offense  
50 described in clauses (A) through (J);

1 (2) the child or the child's sibling, half-blood sibling, or  
 2 step-sibling of the parent's current marriage is the victim of the  
 3 offense; and

4 (3) after notice to the parent and a hearing, the court determines  
 5 that dispensing with the parent's consent to adoption is in the  
 6 child's best interests.

7 SECTION 24. IC 31-30-1-2.5, AS AMENDED BY P.L.131-2009,  
 8 SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 9 JULY 1, 2014]: Sec. 2.5. A juvenile court may not appoint a person to  
 10 serve as the guardian or custodian of a child or permit a person to  
 11 continue to serve as a guardian or custodian of a child if the person:

12 (1) is a sexually violent predator (as described in IC 35-38-1-7.5);  
 13 (2) was at least eighteen (18) years of age at the time of the  
 14 offense and committed child molesting (IC 35-42-4-3) or sexual  
 15 misconduct with a minor (IC 35-42-4-9) against a child less than  
 16 sixteen (16) years of age:

17 (A) by using or threatening the use of deadly force;

18 (B) while armed with a deadly weapon; or

19 (C) that resulted in serious bodily injury; or

20 (3) was less than eighteen (18) years of age at the time of the  
 21 offense but was tried and convicted as an adult of:

22 (A) an offense described in:

23 (i) IC 35-42-4-1;

24 (ii) IC 35-42-4-2 (**before its repeal**);

25 (iii) IC 35-42-4-3 as a Class A or Class B felony;

26 (iv) IC 35-42-4-5(a)(1);

27 (v) IC 35-42-4-5(a)(2);

28 (vi) IC 35-42-4-5(a)(3);

29 (vii) IC 35-42-4-5(b)(1) as a Class A or Class B felony;

30 (viii) IC 35-42-4-5(b)(2); or

31 (ix) IC 35-42-4-5(b)(3) as a Class A or Class B felony;

32 (B) an attempt or conspiracy to commit a crime listed in clause  
 33 (A); or

34 (C) a crime under the laws of another jurisdiction, including a  
 35 military court, that is substantially equivalent to any of the  
 36 offenses listed in clauses (A) and (B).

37 SECTION 25. IC 31-30-1-4, AS AMENDED BY P.L.67-2008,  
 38 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 39 JULY 1, 2014]: Sec. 4. (a) The juvenile court does not have jurisdiction  
 40 over an individual for an alleged violation of:

41 (1) IC 35-41-5-1(a) (attempted murder);

42 (2) IC 35-42-1-1 (murder);

43 (3) IC 35-42-3-2 (kidnapping);

44 (4) IC 35-42-4-1 (rape);

45 (5) IC 35-42-4-2 (criminal deviate conduct) (**repealed**);

46 (6) IC 35-42-5-1 (robbery) if:

47 (A) the robbery was committed while armed with a deadly  
 48 weapon; or

49 (B) the robbery results in bodily injury or serious bodily  
 50 injury;

1 (7) IC 35-42-5-2 (carjacking);  
 2 (8) IC 35-45-9-3 (criminal gang activity);  
 3 (9) IC 35-45-9-4 (criminal gang intimidation);  
 4 (10) IC 35-47-2-1 (carrying a handgun without a license), if  
 5 charged as a felony;  
 6 (11) IC 35-47-10 (children and firearms), if charged as a felony;  
 7 (12) IC 35-47-5-4.1 (dealing in a sawed-off shotgun); or  
 8 (13) any offense that may be joined under IC 35-34-1-9(a)(2) with  
 9 any crime listed in subdivisions (1) through (12);  
 10 if the individual was at least sixteen (16) years of age at the time of the  
 11 alleged violation.

12 (b) The juvenile court does not have jurisdiction for an alleged  
 13 violation of manufacturing or dealing in cocaine or a narcotic drug  
 14 (IC 35-48-4-1), dealing in methamphetamine (IC 35-48-4-1.1), dealing  
 15 in a schedule I, II, or III controlled substance (IC 35-48-4-2), or dealing  
 16 in a schedule IV controlled substance (IC 35-48-4-3), if:

17 (1) the individual has a prior unrelated conviction under  
 18 IC 35-48-4-1, IC 35-48-4-1.1, IC 35-48-4-2, or IC 35-48-4-3; or  
 19 (2) the individual has a prior unrelated juvenile adjudication that,  
 20 if committed by an adult, would be a crime under IC 35-48-4-1,  
 21 IC 35-48-4-1.1, IC 35-48-4-2, or IC 35-48-4-3;

22 and the individual was at least sixteen (16) years of age at the time of  
 23 the alleged violation.

24 (c) Once an individual described in subsection (a) or (b) has been  
 25 charged with any crime listed in subsection (a) or (b), the court having  
 26 adult criminal jurisdiction shall retain jurisdiction over the case even  
 27 if the individual pleads guilty to or is convicted of a lesser included  
 28 offense. A plea of guilty to or a conviction of a lesser included offense  
 29 does not vest jurisdiction in the juvenile court.

30 SECTION 26. IC 31-34-1-3 IS AMENDED TO READ AS  
 31 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) A child is a child  
 32 in need of services if, before the child becomes eighteen (18) years of  
 33 age:

34 (1) the child is the victim of a sex offense under:  
 35 (A) IC 35-42-4-1;  
 36 (B) IC 35-42-4-2 (**repealed**);  
 37 (C) IC 35-42-4-3;  
 38 (D) IC 35-42-4-4;  
 39 (E) IC 35-42-4-7;  
 40 (F) IC 35-42-4-9;  
 41 (G) IC 35-45-4-1;  
 42 (H) IC 35-45-4-2;  
 43 (I) IC 35-46-1-3; or  
 44 (J) the law of another jurisdiction, including a military court,  
 45 that is substantially equivalent to any of the offenses listed in  
 46 clauses (A) through (I); and  
 47 (2) the child needs care, treatment, or rehabilitation that:  
 48 (A) the child is not receiving; and  
 49 (B) is unlikely to be provided or accepted without the coercive  
 50 intervention of the court.

- 1 (b) A child is a child in need of services if, before the child becomes  
 2 eighteen (18) years of age:
- 3 (1) the child lives in the same household as another child who is  
 4 the victim of a sex offense under:
- 5 (A) IC 35-42-4-1;  
 6 (B) IC 35-42-4-2 (**repealed**);  
 7 (C) IC 35-42-4-3;  
 8 (D) IC 35-42-4-4;  
 9 (E) IC 35-42-4-7;  
 10 (F) IC 35-42-4-9;  
 11 (G) IC 35-45-4-1;  
 12 (H) IC 35-45-4-2;  
 13 (I) IC 35-46-1-3; or  
 14 (J) the law of another jurisdiction, including a military court,  
 15 that is substantially equivalent to any of the offenses listed in  
 16 clauses (A) through (I);
- 17 (2) the child lives in the same household as the adult who  
 18 committed the sex offense under subdivision (1) and the sex  
 19 offense resulted in a conviction or a judgment under  
 20 IC 31-34-11-2;
- 21 (3) the child needs care, treatment, or rehabilitation that:
- 22 (A) the child is not receiving; and  
 23 (B) is unlikely to be provided or accepted without the coercive  
 24 intervention of the court; and
- 25 (4) a caseworker assigned to provide services to the child:
- 26 (A) places the child in a program of informal adjustment or  
 27 other family or rehabilitative services based upon the existence  
 28 of the circumstances described in subdivisions (1) and (2) and  
 29 the assigned caseworker subsequently determines further  
 30 intervention is necessary; or  
 31 (B) determines that a program of informal adjustment or other  
 32 family or rehabilitative services is inappropriate.
- 33 SECTION 27. IC 31-35-3-4, AS AMENDED BY P.L.146-2008,  
 34 SECTION 618, IS AMENDED TO READ AS FOLLOWS  
 35 [EFFECTIVE JULY 1, 2014]: Sec. 4. If:
- 36 (1) an individual is convicted of the offense of:
- 37 (A) murder (IC 35-42-1-1);  
 38 (B) causing suicide (IC 35-42-1-2);  
 39 (C) voluntary manslaughter (IC 35-42-1-3);  
 40 (D) involuntary manslaughter (IC 35-42-1-4);  
 41 (E) rape (IC 35-42-4-1);  
 42 (F) criminal deviate conduct (IC 35-42-4-2) (**repealed**);  
 43 (G) child molesting (IC 35-42-4-3);  
 44 (H) child exploitation (IC 35-42-4-4);  
 45 (I) sexual misconduct with a minor (IC 35-42-4-9); or  
 46 (J) incest (IC 35-46-1-3); and
- 47 (2) the victim of the offense:
- 48 (A) was less than sixteen (16) years of age at the time of the  
 49 offense; and  
 50 (B) is:

- 1 (i) the individual's biological or adoptive child; or  
 2 (ii) the child of a spouse of the individual who has  
 3 committed the offense;  
 4 the attorney for the department, the child's guardian ad litem, or the  
 5 court appointed special advocate may file a petition with the juvenile  
 6 or probate court to terminate the parent-child relationship of the  
 7 individual who has committed the offense with the victim of the  
 8 offense, the victim's siblings, or any biological or adoptive child of that  
 9 individual.

10 SECTION 28. IC 31-37-19-9, AS AMENDED BY P.L.173-2006,  
 11 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 12 JULY 1, 2014]: Sec. 9. (a) This section applies if a child is a delinquent  
 13 child under IC 31-37-1.

14 (b) After a juvenile court makes a determination under IC 11-8-8-5,  
 15 the juvenile court may, in addition to an order under section 6 of this  
 16 chapter, and if the child:

- 17 (1) is at least thirteen (13) years of age and less than sixteen (16)  
 18 years of age; and  
 19 (2) committed an act that, if committed by an adult, would be:  
 20 (A) murder (IC 35-42-1-1);  
 21 (B) kidnapping (IC 35-42-3-2);  
 22 (C) rape (IC 35-42-4-1);  
 23 (D) criminal deviate conduct (IC 35-42-4-2) **(repealed)**; or  
 24 (E) robbery (IC 35-42-5-1) if the robbery was committed while  
 25 armed with a deadly weapon or if the robbery resulted in  
 26 bodily injury or serious bodily injury;

27 order wardship of the child to the department of correction for a fixed  
 28 period that is not longer than the date the child becomes eighteen (18)  
 29 years of age, subject to IC 11-10-2-10.

30 (c) Notwithstanding IC 11-10-2-5, the department of correction may  
 31 not reduce the period ordered under this section (or  
 32 IC 31-6-4-15.9(b)(8) before its repeal).

33 SECTION 29. IC 33-37-5-12 IS AMENDED TO READ AS  
 34 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. The court shall  
 35 order a person to pay a child abuse prevention fee of one hundred  
 36 dollars (\$100) to the clerk in each criminal action in which:

- 37 (1) the person is found to have committed the offense of:  
 38 (A) murder (IC 35-42-1-1);  
 39 (B) causing suicide (IC 35-42-1-2);  
 40 (C) voluntary manslaughter (IC 35-42-1-3);  
 41 (D) reckless homicide (IC 35-42-1-5);  
 42 (E) battery (IC 35-42-2-1);  
 43 (F) rape (IC 35-42-4-1);  
 44 (G) criminal deviate conduct (IC 35-42-4-2) **(repealed)**;  
 45 (H) child molesting (IC 35-42-4-3);  
 46 (I) child exploitation (IC 35-42-4-4);  
 47 (J) vicarious sexual gratification (IC 35-42-4-5);  
 48 (K) child solicitation (IC 35-42-4-6);  
 49 (L) incest (IC 35-46-1-3);  
 50 (M) neglect of a dependent (IC 35-46-1-4);

- 1 (N) child selling (IC 35-46-1-4); or  
 2 (O) child seduction (IC 35-42-4-7); and  
 3 (2) the victim of the offense is less than eighteen (18) years of  
 4 age.

5 SECTION 30. IC 33-37-5-23 IS AMENDED TO READ AS  
 6 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 23. (a) This section  
 7 applies to criminal actions.

8 (b) The court shall assess a sexual assault victims assistance fee of  
 9 at least ~~two hundred fifty dollars (\$250)~~ **five hundred dollars (\$500)**  
 10 and not more than ~~one thousand dollars (\$1,000)~~ **five thousand dollars**  
 11 **(\$5,000)** against an individual convicted in Indiana of any of the  
 12 following offenses:

- 13 (1) Rape (IC 35-42-4-1).  
 14 (2) Criminal deviate conduct (IC 35-42-4-2) **(before its repeal on**  
 15 **July 1, 2014).**  
 16 (3) Child molesting (IC 35-42-4-3).  
 17 (4) Child exploitation (IC 35-42-4-4(b)).  
 18 (5) Vicarious sexual gratification (IC 35-42-4-5).  
 19 (6) Child solicitation (IC 35-42-4-6).  
 20 (7) Child seduction (IC 35-42-4-7).  
 21 (8) Sexual battery (IC 35-42-4-8).  
 22 (9) Sexual misconduct with a minor as a Class A or Class B  
 23 felony (IC 35-42-4-9).  
 24 (10) Incest (IC 35-46-1-3).  
 25 **(11) Promotion of human trafficking (IC 35-42-3.5-1(a)).**  
 26 **(12) Promotion of human trafficking of a minor**  
 27 **(IC 35-42-3.5-1(b)).**  
 28 **(13) Sexual trafficking of a minor (IC 35-42-3.5-1(c)).**  
 29 **(14) Human trafficking (IC 35-42-3.5-1(d)).**

30 SECTION 31. IC 33-39-1-9 IS AMENDED TO READ AS  
 31 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. A prosecuting  
 32 attorney who charges a person with committing any of the following  
 33 shall inform the person's employer of the charge, unless the prosecuting  
 34 attorney determines that the person charged does not work with  
 35 children:

- 36 (1) Rape (IC 35-42-4-1), if the victim is less than eighteen (18)  
 37 years of age.  
 38 (2) Criminal deviate conduct (IC 35-42-4-2) **(repealed)**, if the  
 39 victim is less than eighteen (18) years of age.  
 40 (3) Child molesting (IC 35-42-4-3).  
 41 (4) Child exploitation (IC 35-42-4-4(b)).  
 42 (5) Vicarious sexual gratification (IC 35-42-4-5).  
 43 (6) Child solicitation (IC 35-42-4-6).  
 44 (7) Child seduction (IC 35-42-4-7).  
 45 (8) Incest (IC 35-46-1-3), if the victim is less than eighteen (18)  
 46 years of age.

47 SECTION 32. IC 35-31.5-2-216, AS ADDED BY P.L.114-2012,  
 48 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 49 JULY 1, 2014]: Sec. 216. "Offense relating to a criminal sexual act"  
 50 means the following:

- 1 (1) Rape (IC 35-42-4-1).  
 2 (2) Criminal deviate conduct (IC 35-42-4-2) **(repealed)**.  
 3 (3) Child molesting (IC 35-42-4-3).  
 4 (4) Child seduction (IC 35-42-4-7).  
 5 (5) Prostitution (IC 35-45-4-2).  
 6 (6) Patronizing a prostitute (IC 35-45-4-3).  
 7 (7) Incest (IC 35-46-1-3).  
 8 (8) Sexual misconduct with a minor under IC 35-42-4-9(a).
- 9 SECTION 33. IC 35-38-1-7.5, AS AMENDED BY P.L.216-2007,  
 10 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 11 JULY 1, 2013]: Sec. 7.5. (a) As used in this section, "sexually violent  
 12 predator" means a person who suffers from a mental abnormality or  
 13 personality disorder that makes the individual likely to repeatedly  
 14 commit a sex offense (as defined in IC 11-8-8-5.2). The term includes  
 15 a person convicted in another jurisdiction who is identified as a  
 16 sexually violent predator under IC 11-8-8-20. The term does not  
 17 include a person no longer considered a sexually violent predator under  
 18 subsection (g).
- 19 (b) A person who:  
 20 (1) being at least eighteen (18) years of age, commits an offense  
 21 described in:  
 22 (A) IC 35-42-4-1;  
 23 (B) IC 35-42-4-2 **(before its repeal on July 1, 2014)**;  
 24 (C) IC 35-42-4-3 as a Class A or Class B felony;  
 25 (D) IC 35-42-4-5(a)(1);  
 26 (E) IC 35-42-4-5(a)(2);  
 27 (F) IC 35-42-4-5(a)(3);  
 28 (G) IC 35-42-4-5(b)(1) as a Class A or Class B felony;  
 29 (H) IC 35-42-4-5(b)(2);  
 30 (I) IC 35-42-4-5(b)(3) as a Class A or Class B felony;  
 31 (J) an attempt or conspiracy to commit a crime listed in  
 32 clauses (A) through (I); or  
 33 (K) a crime under the laws of another jurisdiction, including  
 34 a military court, that is substantially equivalent to any of the  
 35 offenses listed in clauses (A) through (J);  
 36 (2) commits a sex offense (as defined in IC 11-8-8-5.2) while  
 37 having a previous unrelated conviction for a sex offense for which  
 38 the person is required to register as a sex or violent offender under  
 39 IC 11-8-8;  
 40 (3) commits a sex offense (as defined in IC 11-8-8-5.2) while  
 41 having had a previous unrelated adjudication as a delinquent child  
 42 for an act that would be a sex offense if committed by an adult, if,  
 43 after considering expert testimony, a court finds by clear and  
 44 convincing evidence that the person is likely to commit an  
 45 additional sex offense; or  
 46 (4) commits a sex offense (as defined in IC 11-8-8-5.2) while  
 47 having had a previous unrelated adjudication as a delinquent child  
 48 for an act that would be a sex offense if committed by an adult, if  
 49 the person was required to register as a sex or violent offender  
 50 under IC 11-8-8-5(b)(2);

1 is a sexually violent predator. Except as provided in subsection (g) or  
2 (h), a person is a sexually violent predator by operation of law if an  
3 offense committed by the person satisfies the conditions set forth in  
4 subdivision (1) or (2) and the person was released from incarceration,  
5 secure detention, ~~or~~ probation, **or parole** for the offense after June 30,  
6 1994.

7 (c) This section applies whenever a court sentences a person or a  
8 juvenile court issues a dispositional decree for a sex offense (as defined  
9 in IC 11-8-8-5.2) for which the person is required to register with the  
10 local law enforcement authority under IC 11-8-8.

11 (d) At the sentencing hearing, the court shall indicate on the record  
12 whether the person has been convicted of an offense that makes the  
13 person a sexually violent predator under subsection (b).

14 (e) If a person is not a sexually violent predator under subsection  
15 (b), the prosecuting attorney may request the court to conduct a hearing  
16 to determine whether the person (including a child adjudicated to be a  
17 delinquent child) is a sexually violent predator under subsection (a). If  
18 the court grants the motion, the court shall appoint two (2)  
19 psychologists or psychiatrists who have expertise in criminal  
20 behavioral disorders to evaluate the person and testify at the hearing.  
21 After conducting the hearing and considering the testimony of the two  
22 (2) psychologists or psychiatrists, the court shall determine whether the  
23 person is a sexually violent predator under subsection (a). A hearing  
24 conducted under this subsection may be combined with the person's  
25 sentencing hearing.

26 (f) If a person is a sexually violent predator:

- 27 (1) the person is required to register with the local law  
28 enforcement authority as provided in IC 11-8-8; and  
29 (2) the court shall send notice to the department of correction.

30 (g) This subsection does not apply to a person who has two (2) or  
31 more unrelated convictions for an offense described in IC 11-8-8-4.5  
32 for which the person is required to register under IC 11-8-8. A person  
33 who is a sexually violent predator may petition the court to consider  
34 whether the person should no longer be considered a sexually violent  
35 predator. The person may file a petition under this subsection not  
36 earlier than ten (10) years after:

- 37 (1) the sentencing court or juvenile court makes its determination  
38 under subsection (e); or  
39 (2) the person is released from incarceration or secure detention.

40 A person may file a petition under this subsection not more than one  
41 (1) time per year. A court may dismiss a petition filed under this  
42 subsection or conduct a hearing to determine if the person should no  
43 longer be considered a sexually violent predator. If the court conducts  
44 a hearing, the court shall appoint two (2) psychologists or psychiatrists  
45 who have expertise in criminal behavioral disorders to evaluate the  
46 person and testify at the hearing. After conducting the hearing and  
47 considering the testimony of the two (2) psychologists or psychiatrists,  
48 the court shall determine whether the person should no longer be  
49 considered a sexually violent predator under subsection (a). If a court  
50 finds that the person should no longer be considered a sexually violent

1 predator, the court shall send notice to the department of correction that  
 2 the person is no longer considered a sexually violent predator **or an**  
 3 **offender against children**. Notwithstanding any other law, a condition  
 4 imposed on a person due to the person's status as a sexually violent  
 5 predator, including lifetime parole or GPS monitoring, does not apply  
 6 to a person no longer considered a sexually violent predator.

7 (h) A person is not a sexually violent predator by operation of law  
 8 under subsection (b)(1) if all of the following conditions are met:

9 (1) The victim was not less than twelve (12) years of age at the  
 10 time the offense was committed.

11 (2) The person is not more than four (4) years older than the  
 12 victim.

13 (3) The relationship between the person and the victim was a  
 14 dating relationship or an ongoing personal relationship. The term  
 15 "ongoing personal relationship" does not include a family  
 16 relationship.

17 (4) The offense committed by the person was not any of the  
 18 following:

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

20 (B) Criminal deviate conduct (IC 35-42-4-2) **(before its**  
 21 **repeal on July 1, 2014).**

22 (C) An offense committed by using or threatening the use of  
 23 deadly force or while armed with a deadly weapon.

24 (D) An offense that results in serious bodily injury.

25 (E) An offense that is facilitated by furnishing the victim,  
 26 without the victim's knowledge, with a drug (as defined in  
 27 IC 16-42-19-2(1)) or a controlled substance (as defined in  
 28 IC 35-48-1-9) or knowing that the victim was furnished with  
 29 the drug or controlled substance without the victim's  
 30 knowledge.

31 (5) The person has not committed another sex offense (as defined  
 32 in IC 11-8-8-5.2) (including a delinquent act that would be a sex  
 33 offense if committed by an adult) against any other person.

34 (6) The person did not have a position of authority or substantial  
 35 influence over the victim.

36 (7) The court finds that the person should not be considered a  
 37 sexually violent predator.

38 SECTION 34. IC 35-38-2-2.5, AS AMENDED BY P.L.216-2007,  
 39 SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 40 JULY 1, 2014]: Sec. 2.5. (a) As used in this section, "offender" means  
 41 an individual convicted of a sex offense.

42 (b) As used in this section, "sex offense" means any of the  
 43 following:

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

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

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

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

48 (5) Vicarious sexual gratification (IC 35-42-4-5).

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

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

- 1 (8) Sexual battery (IC 35-42-4-8).  
2 (9) Sexual misconduct with a minor as a felony (IC 35-42-4-9).  
3 (10) Incest (IC 35-46-1-3).  
4 (c) A condition of remaining on probation or parole after conviction  
5 for a sex offense is that the offender not reside within one (1) mile of  
6 the residence of the victim of the offender's sex offense.  
7 (d) An offender:  
8 (1) who will be placed on probation shall provide the sentencing  
9 court and the probation department with the address where the  
10 offender intends to reside during the period of probation:  
11 (A) at the time of sentencing if the offender will be placed on  
12 probation without first being incarcerated; or  
13 (B) before the offender's release from incarceration if the  
14 offender will be placed on probation after completing a term  
15 of incarceration; or  
16 (2) who will be placed on parole shall provide the parole board  
17 with the address where the offender intends to reside during the  
18 period of parole.  
19 (e) An offender, while on probation or parole, may not establish a  
20 new residence within one (1) mile of the residence of the victim of the  
21 offender's sex offense unless the offender first obtains a waiver from  
22 the:  
23 (1) court, if the offender is placed on probation; or  
24 (2) parole board, if the offender is placed on parole;  
25 for the change of address under subsection (f).  
26 (f) The court or parole board may waive the requirement set forth in  
27 subsection (c) only if the court or parole board, at a hearing at which  
28 the offender is present and of which the prosecuting attorney has been  
29 notified, determines that:  
30 (1) the offender has successfully completed a sex offender  
31 treatment program during the period of probation or parole;  
32 (2) the offender is in compliance with all terms of the offender's  
33 probation or parole; and  
34 (3) good cause exists to allow the offender to reside within one (1)  
35 mile of the residence of the victim of the offender's sex offense.  
36 However, the court or parole board may not grant a waiver under this  
37 subsection if the offender is a sexually violent predator under  
38 IC 35-38-1-7.5 or if the offender is an offender against children under  
39 IC 35-42-4-11.  
40 (g) If the court or parole board grants a waiver under subsection (f),  
41 the court or parole board shall state in writing the reasons for granting  
42 the waiver. The court's written statement of its reasons shall be  
43 incorporated into the record.  
44 (h) The address of the victim of the offender's sex offense is  
45 confidential even if the court or parole board grants a waiver under  
46 subsection (f).  
47 SECTION 35. IC 35-42-1-1, AS AMENDED BY P.L.1-2007,  
48 SECTION 230, IS AMENDED TO READ AS FOLLOWS  
49 [EFFECTIVE JULY 1, 2014]: Sec. 1. A person who:  
50 (1) knowingly or intentionally kills another human being;

1 (2) kills another human being while committing or attempting to  
 2 commit arson, burglary, child molesting, consumer product  
 3 tampering, criminal deviate conduct (**under IC 35-42-4-2 before**  
 4 **its repeal on July 1, 2014**), kidnapping, rape, robbery, human  
 5 trafficking, promotion of human trafficking, sexual trafficking of  
 6 a minor, or carjacking;

7 (3) kills another human being while committing or attempting to  
 8 commit:

9 (A) dealing in or manufacturing cocaine or a narcotic drug  
 10 (IC 35-48-4-1);

11 (B) dealing in or manufacturing methamphetamine  
 12 (IC 35-48-4-1.1);

13 (C) dealing in a schedule I, II, or III controlled substance  
 14 (IC 35-48-4-2);

15 (D) dealing in a schedule IV controlled substance  
 16 (IC 35-48-4-3); or

17 (E) dealing in a schedule V controlled substance; or

18 (4) knowingly or intentionally kills a fetus that has attained  
 19 viability (as defined in IC 16-18-2-365);

20 commits murder, a felony.

21 SECTION 36. IC 35-42-4-1 IS AMENDED TO READ AS  
 22 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) Except as  
 23 provided in subsection (b), a person who knowingly or intentionally has  
 24 sexual intercourse with a member of the opposite sex **or knowingly or**  
 25 **intentionally causes another person to perform or submit to**  
 26 **deviate sexual conduct** when:

27 (1) the other person is compelled by force or imminent threat of  
 28 force;

29 (2) the other person is unaware that the sexual intercourse **or**  
 30 **deviate sexual conduct** is occurring; or

31 (3) the other person is so mentally disabled or deficient that  
 32 consent to sexual intercourse **or deviate sexual conduct** cannot  
 33 be given;

34 commits rape, a Class B felony.

35 (b) An offense described in subsection (a) is a Class A felony if:

36 (1) it is committed by using or threatening the use of deadly force;

37 (2) it is committed while armed with a deadly weapon;

38 (3) it results in serious bodily injury to a person other than a  
 39 defendant; or

40 (4) the commission of the offense is facilitated by furnishing the  
 41 victim, without the victim's knowledge, with a drug (as defined in  
 42 IC 16-42-19-2(1)) or a controlled substance (as defined in  
 43 IC 35-48-1-9) or knowing that the victim was furnished with the  
 44 drug or controlled substance without the victim's knowledge.

45 SECTION 37. IC 35-42-4-2 IS REPEALED [EFFECTIVE JULY 1,  
 46 2014]. Sec. 2: (a) ~~A person who knowingly or intentionally causes~~  
 47 ~~another person to perform or submit to deviate sexual conduct when:~~

48 ~~(1) the other person is compelled by force or imminent threat of~~  
 49 ~~force;~~

50 ~~(2) the other person is unaware that the conduct is occurring; or~~

1           (3) the other person is so mentally disabled or deficient that  
2           consent to the conduct cannot be given;  
3           commits criminal deviate conduct, a Class B felony.

4           (b) An offense described in subsection (a) is a Class A felony if:

5           (1) it is committed by using or threatening the use of deadly force;

6           (2) it is committed while armed with a deadly weapon;

7           (3) it results in serious bodily injury to any person other than a  
8           defendant; or

9           (4) the commission of the offense is facilitated by furnishing the  
10          victim, without the victim's knowledge, with a drug (as defined in  
11          IC 16-42-19-2(1)) or a controlled substance (as defined in  
12          IC 35-48-1-9) or knowing that the victim was furnished with the  
13          drug or controlled substance without the victim's knowledge.

14          SECTION 38. IC 35-42-4-4, AS AMENDED BY P.L.6-2012,  
15          SECTION 226, IS AMENDED TO READ AS FOLLOWS  
16          [EFFECTIVE JULY 1, 2013]: Sec. 4. (a) The following definitions  
17          apply throughout this section:

18          (1) "Disseminate" means to transfer possession for free or for a  
19          consideration.

20          (2) "Matter" has the same meaning as in IC 35-49-1-3.

21          (3) "Performance" has the same meaning as in IC 35-49-1-7.

22          (4) "Sexual conduct" means sexual intercourse, deviate sexual  
23          conduct, exhibition of the uncovered genitals intended to satisfy  
24          or arouse the sexual desires of any person, sadomasochistic abuse,  
25          sexual intercourse or deviate sexual conduct with an animal, or  
26          any fondling or touching of a child by another person or of  
27          another person by a child intended to arouse or satisfy the sexual  
28          desires of either the child or the other person.

29          (b) A person who knowingly or intentionally:

30          (1) manages, produces, sponsors, presents, exhibits, photographs,  
31          films, videotapes, or creates a digitized image of any performance  
32          or incident that includes sexual conduct by a child under eighteen  
33          (18) years of age;

34          (2) disseminates, exhibits to another person, offers to disseminate  
35          or exhibit to another person, or sends or brings into Indiana for  
36          dissemination or exhibition matter that depicts or describes sexual  
37          conduct by a child under eighteen (18) years of age; or

38          (3) makes available to another person a computer, knowing that  
39          the computer's fixed drive or peripheral device contains matter  
40          that depicts or describes sexual conduct by a child less than  
41          eighteen (18) years of age;

42          commits child exploitation, a Class C felony.

43          (c) A person who knowingly or intentionally possesses:

44          (1) a picture;

45          (2) a drawing;

46          (3) a photograph;

47          (4) a negative image;

48          (5) undeveloped film;

49          (6) a motion picture;

50          (7) a videotape;

- 1 (8) a digitized image; or  
 2 (9) any pictorial representation;  
 3 that depicts or describes sexual conduct by a child who the person  
 4 knows is less than ~~sixteen (16)~~ **eighteen (18)** years of age or who  
 5 appears to be less than ~~sixteen (16)~~ **eighteen (18)** years of age, and that  
 6 lacks serious literary, artistic, political, or scientific value commits  
 7 possession of child pornography, a Class D felony.
- 8 (d) Subsections (b) and (c) do not apply to a bona fide school,  
 9 museum, or public library that qualifies for certain property tax  
 10 exemptions under IC 6-1.1-10, or to an employee of such a school,  
 11 museum, or public library acting within the scope of the employee's  
 12 employment when the possession of the listed materials is for  
 13 legitimate scientific or educational purposes.
- 14 (e) It is a defense to a prosecution under this section that:  
 15 (1) the person is a school employee; and  
 16 (2) the acts constituting the elements of the offense were  
 17 performed solely within the scope of the person's employment as  
 18 a school employee.
- 19 (f) Except as provided in subsection (g), it is a defense to a  
 20 prosecution under subsection (b)(1), subsection (b)(2), or subsection  
 21 (c) if all of the following apply:  
 22 (1) A cellular telephone, another wireless or cellular  
 23 communications device, or a social networking web site was used  
 24 to possess, produce, or disseminate the image.  
 25 (2) The defendant is not more than four (4) years older or younger  
 26 than the person who is depicted in the image or who received the  
 27 image.  
 28 (3) The relationship between the defendant and the person who  
 29 received the image or who is depicted in the image was a dating  
 30 relationship or an ongoing personal relationship. For purposes of  
 31 this subdivision, the term "ongoing personal relationship" does  
 32 not include a family relationship.  
 33 (4) The crime was committed by a person less than twenty-two  
 34 (22) years of age.  
 35 (5) The person receiving the image or who is depicted in the  
 36 image acquiesced in the defendant's conduct.
- 37 (g) The defense to a prosecution described in subsection (f) does not  
 38 apply if:  
 39 (1) the person who receives the image disseminates it to a person  
 40 other than the person:  
 41 (A) who sent the image; or  
 42 (B) who is depicted in the image;  
 43 (2) the image is of a person other than the person who sent the  
 44 image or received the image; or  
 45 (3) the dissemination of the image violates:  
 46 (A) a protective order to prevent domestic or family violence  
 47 issued under IC 34-26-5 (or, if the order involved a family or  
 48 household member, under IC 34-26-2 or IC 34-4-5.1-5 before  
 49 their repeal);  
 50 (B) an ex parte protective order issued under IC 34-26-5 (or,

- 1 if the order involved a family or household member, an  
 2 emergency order issued under IC 34-26-2 or IC 34-4-5.1  
 3 before their repeal);  
 4 (C) a workplace violence restraining order issued under  
 5 IC 34-26-6;  
 6 (D) a no contact order in a dispositional decree issued under  
 7 IC 31-34-20-1, IC 31-37-19-1, or IC 31-37-5-6 (or  
 8 IC 31-6-4-15.4 or IC 31-6-4-15.9 before their repeal) or an  
 9 order issued under IC 31-32-13 (or IC 31-6-7-14 before its  
 10 repeal) that orders the person to refrain from direct or indirect  
 11 contact with a child in need of services or a delinquent child;  
 12 (E) a no contact order issued as a condition of pretrial release,  
 13 including release on bail or personal recognizance, or pretrial  
 14 diversion, and including a no contact order issued under  
 15 IC 35-33-8-3.6;  
 16 (F) a no contact order issued as a condition of probation;  
 17 (G) a protective order to prevent domestic or family violence  
 18 issued under IC 31-15-5 (or IC 31-16-5 or IC 31-1-11.5-8.2  
 19 before their repeal);  
 20 (H) a protective order to prevent domestic or family violence  
 21 issued under IC 31-14-16-1 in a paternity action;  
 22 (I) a no contact order issued under IC 31-34-25 in a child in  
 23 need of services proceeding or under IC 31-37-25 in a juvenile  
 24 delinquency proceeding;  
 25 (J) an order issued in another state that is substantially similar  
 26 to an order described in clauses (A) through (I);  
 27 (K) an order that is substantially similar to an order described  
 28 in clauses (A) through (I) and is issued by an Indian:  
 29 (i) tribe;  
 30 (ii) band;  
 31 (iii) pueblo;  
 32 (iv) nation; or  
 33 (v) organized group or community, including an Alaska  
 34 Native village or regional or village corporation as defined  
 35 in or established under the Alaska Native Claims Settlement  
 36 Act (43 U.S.C. 1601 et seq.);  
 37 that is recognized as eligible for the special programs and  
 38 services provided by the United States to Indians because of  
 39 their special status as Indians;  
 40 (L) an order issued under IC 35-33-8-3.2; or  
 41 (M) an order issued under IC 35-38-1-30.
- 42 SECTION 39. IC 35-42-4-11, AS AMENDED BY P.L.216-2007,  
 43 SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 44 JULY 1, 2013]: Sec. 11. (a) As used in this section, and except as  
 45 provided in subsection (d), "offender against children" means a person  
 46 required to register as a sex or violent offender under IC 11-8-8 who  
 47 has been:  
 48 (1) found to be a sexually violent predator under IC 35-38-1-7.5;  
 49 or  
 50 (2) convicted of one (1) or more of the following offenses:

- 1 (A) Child molesting (IC 35-42-4-3).  
 2 (B) Child exploitation (IC 35-42-4-4(b)).  
 3 (C) Child solicitation (IC 35-42-4-6).  
 4 (D) Child seduction (IC 35-42-4-7).  
 5 (E) Kidnapping (IC 35-42-3-2), if the victim is less than  
 6 eighteen (18) years of age, and the person is not the child's  
 7 parent or guardian.  
 8 (F) Attempt to commit or conspiracy to commit an offense  
 9 listed in clauses (A) through (E).  
 10 (G) An offense in another jurisdiction that is substantially  
 11 similar to an offense described in clauses (A) through (F).  
 12 A person is an offender against children by operation of law if the  
 13 person meets the conditions described in subdivision (1) or (2) at any  
 14 time.  
 15 (b) As used in this section, "reside" means to spend more than three  
 16 (3) nights in:  
 17 (1) a residence; or  
 18 (2) if the person does not reside in a residence, a particular  
 19 location;  
 20 in any thirty (30) day period.  
 21 (c) An offender against children who knowingly or intentionally:  
 22 (1) resides within one thousand (1,000) feet of:  
 23 (A) school property, not including property of an institution  
 24 providing post-secondary education;  
 25 (B) a youth program center; or  
 26 (C) a public park; or  
 27 (2) establishes a residence within one (1) mile of the residence of  
 28 the victim of the offender's sex offense;  
 29 commits a sex offender residency offense, a Class D felony.  
 30 (d) This subsection does not apply to an offender against children  
 31 who has two (2) or more unrelated convictions for an offense described  
 32 in subsection (a). A person who is an offender against children may  
 33 petition the court to consider whether the person should no longer be  
 34 considered an offender against children. The person may file a petition  
 35 under this subsection not earlier than ten (10) years after the person is  
 36 released from incarceration (**or, if the person is not incarcerated, not**  
 37 **earlier than ten (10) years after the person is released from**  
 38 **probation). ~~or parole, whichever occurs last.~~ A person may file a**  
 39 **petition under this subsection not more than one (1) time per year. A**  
 40 **court may dismiss a petition filed under this subsection or conduct a**  
 41 **hearing to determine if the person should no longer be considered an**  
 42 **offender against children. If the court conducts a hearing, the court**  
 43 **shall appoint two (2) psychologists or psychiatrists who have expertise**  
 44 **in criminal behavioral disorders to evaluate the person and testify at the**  
 45 **hearing. After conducting the hearing and considering the testimony of**  
 46 **the two (2) psychologists or psychiatrists, the court shall determine**  
 47 **whether the person should no longer be considered an offender against**  
 48 **children. If a court finds that the person should no longer be considered**  
 49 **an offender against children, the court shall send notice to the**  
 50 **department of correction that the person is no longer considered an**

- 1 offender against children.
- 2 SECTION 40. IC 35-47-4-5, AS AMENDED BY P.L.126-2012,  
 3 SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 4 JULY 1, 2014]: Sec. 5. (a) As used in this section, "serious violent  
 5 felon" means a person who has been convicted of:
- 6 (1) committing a serious violent felony in:
    - 7 (A) Indiana; or
    - 8 (B) any other jurisdiction in which the elements of the crime  
 9 for which the conviction was entered are substantially similar  
 10 to the elements of a serious violent felony; or
  - 11 (2) attempting to commit or conspiring to commit a serious  
 12 violent felony in:
    - 13 (A) Indiana as provided under IC 35-41-5-1 or IC 35-41-5-2;  
 14 or
    - 15 (B) any other jurisdiction in which the elements of the crime  
 16 for which the conviction was entered are substantially similar  
 17 to the elements of attempting to commit or conspiring to  
 18 commit a serious violent felony.
- 19 (b) As used in this section, "serious violent felony" means:
- 20 (1) murder (IC 35-42-1-1);
  - 21 (2) voluntary manslaughter (IC 35-42-1-3);
  - 22 (3) reckless homicide not committed by means of a vehicle (IC  
 23 35-42-1-5);
  - 24 (4) battery as a:
    - 25 (A) Class A felony (IC 35-42-2-1(a)(5));
    - 26 (B) Class B felony (IC 35-42-2-1(a)(4)); or
    - 27 (C) Class C felony (IC 35-42-2-1(a)(3));
  - 28 (5) aggravated battery (IC 35-42-2-1.5);
  - 29 (6) kidnapping (IC 35-42-3-2);
  - 30 (7) criminal confinement (IC 35-42-3-3);
  - 31 (8) rape (IC 35-42-4-1);
  - 32 (9) criminal deviate conduct (IC 35-42-4-2) (**repealed**);
  - 33 (10) child molesting (IC 35-42-4-3);
  - 34 (11) sexual battery as a Class C felony (IC 35-42-4-8);
  - 35 (12) robbery (IC 35-42-5-1);
  - 36 (13) carjacking (IC 35-42-5-2);
  - 37 (14) arson as a Class A felony or Class B felony (IC  
 38 35-43-1-1(a));
  - 39 (15) burglary as a Class A felony or Class B felony (IC  
 40 35-43-2-1);
  - 41 (16) assisting a criminal as a Class C felony (IC 35-44.1-2-5);
  - 42 (17) resisting law enforcement as a Class B felony or Class C  
 43 felony (IC 35-44.1-3-1);
  - 44 (18) escape as a Class B felony or Class C felony (IC  
 45 35-44.1-3-4);
  - 46 (19) trafficking with an inmate as a Class C felony (IC  
 47 35-44.1-3-5);
  - 48 (20) criminal gang intimidation (IC 35-45-9-4);
  - 49 (21) stalking as a Class B felony or Class C felony (IC  
 50 35-45-10-5);

- 1 (22) incest (IC 35-46-1-3);  
 2 (23) dealing in or manufacturing cocaine or a narcotic drug (IC  
 3 35-48-4-1);  
 4 (24) dealing in methamphetamine (IC 35-48-4-1.1);  
 5 (25) dealing in a schedule I, II, or III controlled substance (IC  
 6 35-48-4-2);  
 7 (26) dealing in a schedule IV controlled substance (IC 35-48-4-3);  
 8 or  
 9 (27) dealing in a schedule V controlled substance (IC 35-48-4-4).  
 10 (c) A serious violent felon who knowingly or intentionally possesses  
 11 a firearm commits unlawful possession of a firearm by a serious violent  
 12 felon, a Class B felony.
- 13 SECTION 41. IC 35-49-3-1 IS AMENDED TO READ AS  
 14 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. A person who  
 15 knowingly or intentionally:  
 16 (1) sends or brings into Indiana obscene matter for sale or  
 17 distribution; or  
 18 (2) offers to distribute, distributes, or exhibits to another person  
 19 obscene matter;  
 20 commits a Class A misdemeanor. However, the offense is a Class D  
 21 felony if the obscene matter depicts or describes sexual conduct  
 22 involving any person who is or appears to be under ~~sixteen (16)~~  
 23 **eighteen (18)** years of age.
- 24 SECTION 42. IC 35-49-3-2 IS AMENDED TO READ AS  
 25 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. A person who  
 26 knowingly or intentionally engages in, participates in, manages,  
 27 produces, sponsors, presents, exhibits, photographs, films, or  
 28 videotapes any obscene performance commits a Class A misdemeanor.  
 29 However, the offense is a Class D felony if the obscene performance  
 30 depicts or describes sexual conduct involving any person who is or  
 31 appears to be under ~~sixteen (16)~~ **eighteen (18)** years of age.
- 32 SECTION 43. IC 35-50-1-2, AS AMENDED BY P.L.125-2012,  
 33 SECTION 416, AND AS AMENDED BY P.L.126-2012, SECTION  
 34 59, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 35 [EFFECTIVE JULY 1, 2013]: Sec. 2. (a) As used in this section,  
 36 "crime of violence" means the following:  
 37 (1) Murder (IC 35-42-1-1).  
 38 (2) Attempted murder (IC 35-41-5-1).  
 39 (3) Voluntary manslaughter (IC 35-42-1-3).  
 40 (4) Involuntary manslaughter (IC 35-42-1-4).  
 41 (5) Reckless homicide (IC 35-42-1-5).  
 42 (6) Aggravated battery (IC 35-42-2-1.5).  
 43 (7) Kidnapping (IC 35-42-3-2).  
 44 (8) Rape (IC 35-42-4-1).  
 45 (9) Criminal deviate conduct (IC 35-42-4-2) **(before its repeal on**  
 46 **July 1, 2014).**  
 47 (10) Child molesting (IC 35-42-4-3).  
 48 (11) Sexual misconduct with a minor as a Class A felony under  
 49 IC 35-42-4-9(a)(2) or a Class B felony under IC 35-42-4-9(b)(2).  
 50 (12) Robbery as a Class A felony or a Class B felony

- 1 (IC 35-42-5-1).  
 2 (13) Burglary as a Class A felony or a Class B felony  
 3 (IC 35-43-2-1).  
 4 (14) Operating a vehicle while intoxicated causing death  
 5 (IC 9-30-5-5).  
 6 (15) Operating a ~~motor~~ vehicle while intoxicated causing serious  
 7 bodily injury to another person (IC 9-30-5-4).  
 8 (16) Resisting law enforcement as a felony (~~IC 35-44-3-3~~).  
 9 (~~IC 35-44.1-3-1~~).
- 10 (b) As used in this section, "episode of criminal conduct" means  
 11 offenses or a connected series of offenses that are closely related in  
 12 time, place, and circumstance.
- 13 (c) Except as provided in subsection (d) or (e), the court shall  
 14 determine whether terms of imprisonment shall be served concurrently  
 15 or consecutively. The court may consider the:  
 16 (1) aggravating circumstances in IC 35-38-1-7.1(a); and  
 17 (2) mitigating circumstances in IC 35-38-1-7.1(b);  
 18 in making a determination under this subsection. The court may order  
 19 terms of imprisonment to be served consecutively even if the sentences  
 20 are not imposed at the same time. However, except for crimes of  
 21 violence, the total of the consecutive terms of imprisonment, exclusive  
 22 of terms of imprisonment under IC 35-50-2-8 and IC 35-50-2-10, to  
 23 which the defendant is sentenced for felony convictions arising out of  
 24 an episode of criminal conduct shall not exceed the advisory sentence  
 25 for a felony which is one (1) class of felony higher than the most  
 26 serious of the felonies for which the person has been convicted.
- 27 (d) If, after being arrested for one (1) crime, a person commits  
 28 another crime:  
 29 (1) before the date the person is discharged from probation,  
 30 parole, or a term of imprisonment imposed for the first crime; or  
 31 (2) while the person is released:  
 32 (A) upon the person's own recognizance; or  
 33 (B) on bond;
- 34 the terms of imprisonment for the crimes shall be served consecutively,  
 35 regardless of the order in which the crimes are tried and sentences are  
 36 imposed.
- 37 (e) If the factfinder determines under IC 35-50-2-11 that a person  
 38 used a firearm in the commission of the offense for which the person  
 39 was convicted, the term of imprisonment for the underlying offense and  
 40 the additional term of imprisonment imposed under IC 35-50-2-11  
 41 must be served consecutively.
- 42 SECTION 44. IC 35-50-2-2, AS AMENDED BY P.L.126-2012,  
 43 SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 44 JULY 1, 2014]: Sec. 2. (a) The court may suspend any part of a  
 45 sentence for a felony, except as provided in this section or in section  
 46 2.1 of this chapter.
- 47 (b) Except as provided in subsection (i), with respect to the  
 48 following crimes listed in this subsection, the court may suspend only  
 49 that part of the sentence that is in excess of the minimum sentence,  
 50 unless the court has approved placement of the offender in a forensic

- 1 diversion program under IC 11-12-3.7:
- 2 (1) The crime committed was a Class A felony or Class B felony
- 3 and the person has a prior unrelated felony conviction.
- 4 (2) The crime committed was a Class C felony and less than seven
- 5 (7) years have elapsed between the date the person was
- 6 discharged from probation, imprisonment, or parole, whichever
- 7 is later, for a prior unrelated felony conviction and the date the
- 8 person committed the Class C felony for which the person is
- 9 being sentenced.
- 10 (3) The crime committed was a Class D felony and less than three
- 11 (3) years have elapsed between the date the person was
- 12 discharged from probation, imprisonment, or parole, whichever
- 13 is later, for a prior unrelated felony conviction and the date the
- 14 person committed the Class D felony for which the person is
- 15 being sentenced. However, the court may suspend the minimum
- 16 sentence for the crime only if the court orders home detention
- 17 under IC 35-38-1-21 or IC 35-38-2.5-5 instead of the minimum
- 18 sentence specified for the crime under this chapter.
- 19 (4) The felony committed was:
- 20 (A) murder (IC 35-42-1-1);
- 21 (B) battery (IC 35-42-2-1) with a deadly weapon or battery
- 22 causing death;
- 23 (C) sexual battery (IC 35-42-4-8) with a deadly weapon;
- 24 (D) kidnapping (IC 35-42-3-2);
- 25 (E) confinement (IC 35-42-3-3) with a deadly weapon;
- 26 (F) rape (IC 35-42-4-1) as a Class A felony;
- 27 (G) criminal deviate conduct (IC 35-42-4-2) (**repealed**) as a
- 28 Class A felony;
- 29 (H) except as provided in subsection (i), child molesting
- 30 (IC 35-42-4-3) as a Class A or Class B felony, unless:
- 31 (i) the felony committed was child molesting as a Class B
- 32 felony;
- 33 (ii) the victim was not less than twelve (12) years old at the
- 34 time the offense was committed;
- 35 (iii) the person is not more than four (4) years older than the
- 36 victim, or more than five (5) years older than the victim if
- 37 the relationship between the person and the victim was a
- 38 dating relationship or an ongoing personal relationship (not
- 39 including a family relationship);
- 40 (iv) the person did not have a position of authority or
- 41 substantial influence over the victim; and
- 42 (v) the person has not committed another sex offense (as
- 43 defined in IC 11-8-8-5.2) (including a delinquent act that
- 44 would be a sex offense if committed by an adult) against any
- 45 other person;
- 46 (I) robbery (IC 35-42-5-1) resulting in serious bodily injury or
- 47 with a deadly weapon;
- 48 (J) arson (IC 35-43-1-1) for hire or resulting in serious bodily
- 49 injury;
- 50 (K) burglary (IC 35-43-2-1) resulting in serious bodily injury

- 1 or with a deadly weapon;  
 2 (L) resisting law enforcement (IC 35-44.1-3-1) with a deadly  
 3 weapon;  
 4 (M) escape (IC 35-44.1-3-4) with a deadly weapon;  
 5 (N) rioting (IC 35-45-1-2) with a deadly weapon;  
 6 (O) dealing in cocaine or a narcotic drug (IC 35-48-4-1) if the  
 7 court finds the person possessed a firearm (as defined in  
 8 IC 35-47-1-5) at the time of the offense, or the person  
 9 delivered or intended to deliver to a person under eighteen  
 10 (18) years of age at least three (3) years junior to the person  
 11 and was on a school bus or within one thousand (1,000) feet  
 12 of:  
 13 (i) school property;  
 14 (ii) a public park;  
 15 (iii) a family housing complex; or  
 16 (iv) a youth program center;  
 17 (P) dealing in methamphetamine (IC 35-48-4-1.1) if the court  
 18 finds the person possessed a firearm (as defined in  
 19 IC 35-47-1-5) at the time of the offense, or the person  
 20 delivered or intended to deliver the methamphetamine pure or  
 21 adulterated to a person under eighteen (18) years of age at  
 22 least three (3) years junior to the person and was on a school  
 23 bus or within one thousand (1,000) feet of:  
 24 (i) school property;  
 25 (ii) a public park;  
 26 (iii) a family housing complex; or  
 27 (iv) a youth program center;  
 28 (Q) dealing in a schedule I, II, or III controlled substance  
 29 (IC 35-48-4-2) if the court finds the person possessed a firearm  
 30 (as defined in IC 35-47-1-5) at the time of the offense, or the  
 31 person delivered or intended to deliver to a person under  
 32 eighteen (18) years of age at least three (3) years junior to the  
 33 person and was on a school bus or within one thousand (1,000)  
 34 feet of:  
 35 (i) school property;  
 36 (ii) a public park;  
 37 (iii) a family housing complex; or  
 38 (iv) a youth program center;  
 39 (R) an offense under IC 9-30-5 (operating a vehicle while  
 40 intoxicated) and the person who committed the offense has  
 41 accumulated at least two (2) prior unrelated convictions under  
 42 IC 9-30-5;  
 43 (S) an offense under IC 9-30-5-5(b) (operating a vehicle while  
 44 intoxicated causing death);  
 45 (T) aggravated battery (IC 35-42-2-1.5); or  
 46 (U) disarming a law enforcement officer (IC 35-44.1-3-2).  
 47 (c) Except as provided in subsection (e), whenever the court  
 48 suspends a sentence for a felony, it shall place the person on probation  
 49 under IC 35-38-2 for a fixed period to end not later than the date that  
 50 the maximum sentence that may be imposed for the felony will expire.

1 (d) The minimum sentence for a person convicted of voluntary  
 2 manslaughter may not be suspended unless the court finds at the  
 3 sentencing hearing that the crime was not committed by means of a  
 4 deadly weapon.

5 (e) Whenever the court suspends that part of the sentence of a sex  
 6 or violent offender (as defined in IC 11-8-8-5) that is suspendible under  
 7 subsection (b), the court shall place the sex or violent offender on  
 8 probation under IC 35-38-2 for not more than ten (10) years.

9 (f) An additional term of imprisonment imposed under  
 10 IC 35-50-2-11 may not be suspended.

11 (g) A term of imprisonment imposed under IC 35-47-10-6 or  
 12 IC 35-47-10-7 may not be suspended if the commission of the offense  
 13 was knowing or intentional.

14 (h) A term of imprisonment imposed for an offense under  
 15 IC 35-48-4-6(b)(1)(B) or IC 35-48-4-6.1(b)(1)(B) may not be  
 16 suspended.

17 (i) If a person is:

18 (1) convicted of child molesting (IC 35-42-4-3) as a Class A  
 19 felony against a victim less than twelve (12) years of age; and

20 (2) at least twenty-one (21) years of age;

21 the court may suspend only that part of the sentence that is in excess of  
 22 thirty (30) years.

23 SECTION 45. IC 35-50-2-9, AS AMENDED BY P.L.99-2007,  
 24 SECTION 213, IS AMENDED TO READ AS FOLLOWS  
 25 [EFFECTIVE JULY 1, 2014]: Sec. 9. (a) The state may seek either a  
 26 death sentence or a sentence of life imprisonment without parole for  
 27 murder by alleging, on a page separate from the rest of the charging  
 28 instrument, the existence of at least one (1) of the aggravating  
 29 circumstances listed in subsection (b). In the sentencing hearing after  
 30 a person is convicted of murder, the state must prove beyond a  
 31 reasonable doubt the existence of at least one (1) of the aggravating  
 32 circumstances alleged. However, the state may not proceed against a  
 33 defendant under this section if a court determines at a pretrial hearing  
 34 under IC 35-36-9 that the defendant is an individual with mental  
 35 retardation.

36 (b) The aggravating circumstances are as follows:

37 (1) The defendant committed the murder by intentionally killing  
 38 the victim while committing or attempting to commit any of the  
 39 following:

40 (A) Arson (IC 35-43-1-1).

41 (B) Burglary (IC 35-43-2-1).

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

43 (D) Criminal deviate conduct (IC 35-42-4-2) **(repealed)**.

44 (E) Kidnapping (IC 35-42-3-2).

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

46 (G) Robbery (IC 35-42-5-1).

47 (H) Carjacking (IC 35-42-5-2).

48 (I) Criminal gang activity (IC 35-45-9-3).

49 (J) Dealing in cocaine or a narcotic drug (IC 35-48-4-1).

50 (2) The defendant committed the murder by the unlawful

- 1 detonation of an explosive with intent to injure person or damage  
 2 property.  
 3 (3) The defendant committed the murder by lying in wait.  
 4 (4) The defendant who committed the murder was hired to kill.  
 5 (5) The defendant committed the murder by hiring another person  
 6 to kill.  
 7 (6) The victim of the murder was a corrections employee,  
 8 probation officer, parole officer, community corrections worker,  
 9 home detention officer, fireman, judge, or law enforcement  
 10 officer, and either:  
 11 (A) the victim was acting in the course of duty; or  
 12 (B) the murder was motivated by an act the victim performed  
 13 while acting in the course of duty.  
 14 (7) The defendant has been convicted of another murder.  
 15 (8) The defendant has committed another murder, at any time,  
 16 regardless of whether the defendant has been convicted of that  
 17 other murder.  
 18 (9) The defendant was:  
 19 (A) under the custody of the department of correction;  
 20 (B) under the custody of a county sheriff;  
 21 (C) on probation after receiving a sentence for the commission  
 22 of a felony; or  
 23 (D) on parole;  
 24 at the time the murder was committed.  
 25 (10) The defendant dismembered the victim.  
 26 (11) The defendant burned, mutilated, or tortured the victim while  
 27 the victim was alive.  
 28 (12) The victim of the murder was less than twelve (12) years of  
 29 age.  
 30 (13) The victim was a victim of any of the following offenses for  
 31 which the defendant was convicted:  
 32 (A) Battery as a Class D felony or as a Class C felony under  
 33 IC 35-42-2-1.  
 34 (B) Kidnapping (IC 35-42-3-2).  
 35 (C) Criminal confinement (IC 35-42-3-3).  
 36 (D) A sex crime under IC 35-42-4.  
 37 (14) The victim of the murder was listed by the state or known by  
 38 the defendant to be a witness against the defendant and the  
 39 defendant committed the murder with the intent to prevent the  
 40 person from testifying.  
 41 (15) The defendant committed the murder by intentionally  
 42 discharging a firearm (as defined in IC 35-47-1-5):  
 43 (A) into an inhabited dwelling; or  
 44 (B) from a vehicle.  
 45 (16) The victim of the murder was pregnant and the murder  
 46 resulted in the intentional killing of a fetus that has attained  
 47 viability (as defined in IC 16-18-2-365).  
 48 (c) The mitigating circumstances that may be considered under this  
 49 section are as follows:  
 50 (1) The defendant has no significant history of prior criminal

- 1           conduct.
- 2           (2) The defendant was under the influence of extreme mental or
- 3           emotional disturbance when the murder was committed.
- 4           (3) The victim was a participant in or consented to the defendant's
- 5           conduct.
- 6           (4) The defendant was an accomplice in a murder committed by
- 7           another person, and the defendant's participation was relatively
- 8           minor.
- 9           (5) The defendant acted under the substantial domination of
- 10          another person.
- 11          (6) The defendant's capacity to appreciate the criminality of the
- 12          defendant's conduct or to conform that conduct to the
- 13          requirements of law was substantially impaired as a result of
- 14          mental disease or defect or of intoxication.
- 15          (7) The defendant was less than eighteen (18) years of age at the
- 16          time the murder was committed.
- 17          (8) Any other circumstances appropriate for consideration.
- 18          (d) If the defendant was convicted of murder in a jury trial, the jury
- 19          shall reconvene for the sentencing hearing. If the trial was to the court,
- 20          or the judgment was entered on a guilty plea, the court alone shall
- 21          conduct the sentencing hearing. The jury or the court may consider all
- 22          the evidence introduced at the trial stage of the proceedings, together
- 23          with new evidence presented at the sentencing hearing. The court shall
- 24          instruct the jury concerning the statutory penalties for murder and any
- 25          other offenses for which the defendant was convicted, the potential for
- 26          consecutive or concurrent sentencing, and the availability of good time
- 27          credit and clemency. The court shall instruct the jury that, in order for
- 28          the jury to recommend to the court that the death penalty or life
- 29          imprisonment without parole should be imposed, the jury must find at
- 30          least one (1) aggravating circumstance beyond a reasonable doubt as
- 31          described in subsection (1) and shall provide a special verdict form for
- 32          each aggravating circumstance alleged. The defendant may present any
- 33          additional evidence relevant to:
- 34                  (1) the aggravating circumstances alleged; or
- 35                  (2) any of the mitigating circumstances listed in subsection (c).
- 36          (e) For a defendant sentenced after June 30, 2002, except as
- 37          provided by IC 35-36-9, if the hearing is by jury, the jury shall
- 38          recommend to the court whether the death penalty or life imprisonment
- 39          without parole, or neither, should be imposed. The jury may
- 40          recommend:
- 41                  (1) the death penalty; or
- 42                  (2) life imprisonment without parole;
- 43          only if it makes the findings described in subsection (1). If the jury
- 44          reaches a sentencing recommendation, the court shall sentence the
- 45          defendant accordingly. After a court pronounces sentence, a
- 46          representative of the victim's family and friends may present a
- 47          statement regarding the impact of the crime on family and friends. The
- 48          impact statement may be submitted in writing or given orally by the
- 49          representative. The statement shall be given in the presence of the
- 50          defendant.

1 (f) If a jury is unable to agree on a sentence recommendation after  
 2 reasonable deliberations, the court shall discharge the jury and proceed  
 3 as if the hearing had been to the court alone.

4 (g) If the hearing is to the court alone, except as provided by  
 5 IC 35-36-9, the court shall:

6 (1) sentence the defendant to death; or

7 (2) impose a term of life imprisonment without parole;  
 8 only if it makes the findings described in subsection (l).

9 (h) If a court sentences a defendant to death, the court shall order  
 10 the defendant's execution to be carried out not later than one (1) year  
 11 and one (1) day after the date the defendant was convicted. The  
 12 supreme court has exclusive jurisdiction to stay the execution of a  
 13 death sentence. If the supreme court stays the execution of a death  
 14 sentence, the supreme court shall order a new date for the defendant's  
 15 execution.

16 (i) If a person sentenced to death by a court files a petition for  
 17 post-conviction relief, the court, not later than ninety (90) days after the  
 18 date the petition is filed, shall set a date to hold a hearing to consider  
 19 the petition. If a court does not, within the ninety (90) day period, set  
 20 the date to hold the hearing to consider the petition, the court's failure  
 21 to set the hearing date is not a basis for additional post-conviction  
 22 relief. The attorney general shall answer the petition for post-conviction  
 23 relief on behalf of the state. At the request of the attorney general, a  
 24 prosecuting attorney shall assist the attorney general. The court shall  
 25 enter written findings of fact and conclusions of law concerning the  
 26 petition not later than ninety (90) days after the date the hearing  
 27 concludes. However, if the court determines that the petition is without  
 28 merit, the court may dismiss the petition within ninety (90) days  
 29 without conducting a hearing under this subsection.

30 (j) A death sentence is subject to automatic review by the supreme  
 31 court. The review, which shall be heard under rules adopted by the  
 32 supreme court, shall be given priority over all other cases. The supreme  
 33 court's review must take into consideration all claims that the:

34 (1) conviction or sentence was in violation of the:

35 (A) Constitution of the State of Indiana; or

36 (B) Constitution of the United States;

37 (2) sentencing court was without jurisdiction to impose a  
 38 sentence; and

39 (3) sentence:

40 (A) exceeds the maximum sentence authorized by law; or

41 (B) is otherwise erroneous.

42 If the supreme court cannot complete its review by the date set by the  
 43 sentencing court for the defendant's execution under subsection (h), the  
 44 supreme court shall stay the execution of the death sentence and set a  
 45 new date to carry out the defendant's execution.

46 (k) A person who has been sentenced to death and who has  
 47 completed state post-conviction review proceedings may file a written  
 48 petition with the supreme court seeking to present new evidence  
 49 challenging the person's guilt or the appropriateness of the death  
 50 sentence if the person serves notice on the attorney general. The

1 supreme court shall determine, with or without a hearing, whether the  
 2 person has presented previously undiscovered evidence that  
 3 undermines confidence in the conviction or the death sentence. If  
 4 necessary, the supreme court may remand the case to the trial court for  
 5 an evidentiary hearing to consider the new evidence and its effect on  
 6 the person's conviction and death sentence. The supreme court may not  
 7 make a determination in the person's favor nor make a decision to  
 8 remand the case to the trial court for an evidentiary hearing without  
 9 first providing the attorney general with an opportunity to be heard on  
 10 the matter.

11 (l) Before a sentence may be imposed under this section, the jury,  
 12 in a proceeding under subsection (e), or the court, in a proceeding  
 13 under subsection (g), must find that:

14 (1) the state has proved beyond a reasonable doubt that at least  
 15 one (1) of the aggravating circumstances listed in subsection (b)  
 16 exists; and

17 (2) any mitigating circumstances that exist are outweighed by the  
 18 aggravating circumstance or circumstances.

19 SECTION 46. IC 35-50-6-3.3, AS AMENDED BY P.L.147-2012,  
 20 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 21 JULY 1, 2014]: Sec. 3.3. (a) In addition to any credit time a person  
 22 earns under subsection (b) or section 3 of this chapter, a person earns  
 23 credit time if the person:

24 (1) is in credit Class I;

25 (2) has demonstrated a pattern consistent with rehabilitation; and

26 (3) successfully completes requirements to obtain one (1) of the  
 27 following:

28 (A) A general educational development (GED) diploma under  
 29 IC 20-20-6 (before its repeal) or IC 22-4.1-18, if the person  
 30 has not previously obtained a high school diploma.

31 (B) Except as provided in subsection (n), a high school  
 32 diploma, if the person has not previously obtained a general  
 33 educational development (GED) diploma.

34 (C) An associate's degree from an approved postsecondary  
 35 educational institution (as defined under IC 21-7-13-6(a)).

36 (D) A bachelor's degree from an approved postsecondary  
 37 educational institution (as defined under IC 21-7-13-6(a)).

38 (b) In addition to any credit time that a person earns under  
 39 subsection (a) or section 3 of this chapter, a person may earn credit  
 40 time if, while confined by the department of correction, the person:

41 (1) is in credit Class I;

42 (2) demonstrates a pattern consistent with rehabilitation; and

43 (3) successfully completes requirements to obtain at least one (1)  
 44 of the following:

45 (A) A certificate of completion of a career and technical  
 46 education program approved by the department of correction.

47 (B) A certificate of completion of a substance abuse program  
 48 approved by the department of correction.

49 (C) A certificate of completion of a literacy and basic life  
 50 skills program approved by the department of correction.

1 (D) A certificate of completion of a reformatory program  
2 approved by the department of correction.

3 (c) The department of correction shall establish admissions criteria  
4 and other requirements for programs available for earning credit time  
5 under subsection (b). A person may not earn credit time under both  
6 subsections (a) and (b) for the same program of study.

7 (d) The amount of credit time a person may earn under this section  
8 is the following:

9 (1) Six (6) months for completion of a state of Indiana general  
10 educational development (GED) diploma under IC 20-20-6  
11 (before its repeal) or IC 22-4.1-18.

12 (2) One (1) year for graduation from high school.

13 (3) One (1) year for completion of an associate's degree.

14 (4) Two (2) years for completion of a bachelor's degree.

15 (5) Not more than a total of six (6) months of credit, as  
16 determined by the department of correction, for the completion of  
17 one (1) or more career and technical education programs  
18 approved by the department of correction.

19 (6) Not more than a total of six (6) months of credit, as  
20 determined by the department of correction, for the completion of  
21 one (1) or more substance abuse programs approved by the  
22 department of correction.

23 (7) Not more than a total of six (6) months credit, as determined  
24 by the department of correction, for the completion of one (1) or  
25 more literacy and basic life skills programs approved by the  
26 department of correction.

27 (8) Not more than a total of six (6) months credit time, as  
28 determined by the department of correction, for completion of one  
29 (1) or more reformatory programs approved by the department of  
30 correction. However, a person who is serving a sentence for an  
31 offense listed under IC 11-8-8-4.5 may not earn credit time under  
32 this subdivision.

33 However, a person who does not have a substance abuse problem that  
34 qualifies the person to earn credit in a substance abuse program may  
35 earn not more than a total of twelve (12) months of credit, as  
36 determined by the department of correction, for the completion of one  
37 (1) or more career and technical education programs approved by the  
38 department of correction. If a person earns more than six (6) months of  
39 credit for the completion of one (1) or more career and technical  
40 education programs, the person is ineligible to earn credit for the  
41 completion of one (1) or more substance abuse programs.

42 (e) Credit time earned by a person under this section is subtracted  
43 from the release date that would otherwise apply to the person after  
44 subtracting all other credit time earned by the person.

45 (f) A person does not earn credit time under subsection (a) unless  
46 the person completes at least a portion of the degree requirements after  
47 June 30, 1993.

48 (g) A person does not earn credit time under subsection (b) unless  
49 the person completes at least a portion of the program requirements  
50 after June 30, 1999.

1 (h) Credit time earned by a person under subsection (a) for a  
 2 diploma or degree completed before July 1, 1999, shall be subtracted  
 3 from:

4 (1) the release date that would otherwise apply to the person after  
 5 subtracting all other credit time earned by the person, if the  
 6 person has not been convicted of an offense described in  
 7 subdivision (2); or

8 (2) the period of imprisonment imposed on the person by the  
 9 sentencing court, if the person has been convicted of one (1) of  
 10 the following crimes:

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

12 (B) Criminal deviate conduct (IC 35-42-4-2) **(repealed)**.

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

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

15 (E) Vicarious sexual gratification (IC 35-42-4-5).

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

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

18 (H) Sexual misconduct with a minor as a Class A felony, Class  
 19 B felony, or Class C felony (IC 35-42-4-9).

20 (I) Incest (IC 35-46-1-3).

21 (J) Sexual battery (IC 35-42-4-8).

22 (K) Kidnapping (IC 35-42-3-2), if the victim is less than  
 23 eighteen (18) years of age.

24 (L) Criminal confinement (IC 35-42-3-3), if the victim is less  
 25 than eighteen (18) years of age.

26 (M) An attempt or a conspiracy to commit a crime listed in  
 27 clauses (A) through (L).

28 (i) The maximum amount of credit time a person may earn under  
 29 this section is the lesser of:

30 (1) four (4) years; or

31 (2) one-third (1/3) of the person's total applicable credit time.

32 (j) Credit time earned under this section by an offender serving a  
 33 sentence for a felony against a person under IC 35-42 or for a crime  
 34 listed in IC 11-8-8-5 shall be reduced to the extent that application of  
 35 the credit time would otherwise result in:

36 (1) postconviction release (as defined in IC 35-40-4-6); or

37 (2) assignment of the person to a community transition program;  
 38 in less than forty-five (45) days after the person earns the credit time.

39 (k) A person may earn credit time for multiple degrees at the same  
 40 education level under subsection (d) only in accordance with guidelines  
 41 approved by the department of correction. The department of  
 42 correction may approve guidelines for proper sequence of education  
 43 degrees under subsection (d).

44 (l) A person may not earn credit time:

45 (1) for a general educational development (GED) diploma if the  
 46 person has previously earned a high school diploma; or

47 (2) for a high school diploma if the person has previously earned  
 48 a general educational development (GED) diploma.

49 (m) A person may not earn credit time under this section if the  
 50 person:

1 (1) commits an offense listed in IC 11-8-8-4.5 while the person is  
 2 required to register as a sex or violent offender under IC 11-8-8-7;  
 3 and

4 (2) is committed to the department of correction after being  
 5 convicted of the offense listed in IC 11-8-8-4.5.

6 (n) For a person to earn credit time under subsection (a)(3)(B) for  
 7 successfully completing the requirements for a high school diploma  
 8 through correspondence courses, each correspondence course must be  
 9 approved by the department before the person begins the  
 10 correspondence course. The department may approve a correspondence  
 11 course only if the entity administering the course is recognized and  
 12 accredited by the department of education in the state where the entity  
 13 is located.

14 SECTION 47. IC 36-2-13-5.5, AS AMENDED BY P.L.216-2007,  
 15 SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 16 JULY 1, 2013]: Sec. 5.5. (a) The sheriffs shall jointly establish and  
 17 maintain an Indiana sex and violent offender registry web site, known  
 18 as the Indiana sex and violent offender registry, to inform the general  
 19 public about the identity, location, and appearance of every sex or  
 20 violent offender ~~residing within Indiana.~~ **who is required to register**  
 21 **under IC 11-8-8-7.** The web site must provide information regarding  
 22 each sex or violent offender, organized by county of residence. The  
 23 web site shall be updated at least daily.

24 (b) The **public portal of the** Indiana sex and violent offender  
 25 registry **Internet** web site must include the following information **for**  
 26 **every sex or violent offender who is required to register under**  
 27 **IC 11-8-8-7:**

28 (1) A recent photograph of every sex or violent offender who has  
 29 registered with a sheriff after the effective date of this chapter.

30 (2) The home address of every sex or violent offender.

31 (3) The information required under ~~IC 11-8-8-8.~~

32 (1) **The sex or violent offender's full name, alias, any name by**  
 33 **which the sex or violent offender was previously known, sex,**  
 34 **race, height, weight, hair color, eye color, any scars, marks, or**  
 35 **tattoos, principal residence address, and any other address**  
 36 **where the sex or violent offender spends more than seven (7)**  
 37 **nights in a fourteen (14) day period.**

38 (2) **A description of the offense for which the sex or violent**  
 39 **offender was convicted, the date of conviction, the county of**  
 40 **the conviction, the state of the conviction, the cause number**  
 41 **of the conviction, and the sentence imposed.**

42 (3) **If the person is required to register under**  
 43 **IC 11-8-8-7(a)(2) or IC 11-8-8-7(a)(3), the address of each of**  
 44 **the sex or violent offender's employers in Indiana, the address**  
 45 **of each campus or location where the sex or violent offender**  
 46 **is enrolled in school in Indiana, and the address where the sex**  
 47 **or violent offender stays or intends to stay while in Indiana.**

48 (4) **A recent photograph of the sex or violent offender.**

49 (5) **If the sex or violent offender is a sexually violent predator,**  
 50 **that the sex or violent offender is a sexually violent predator.**

51 (c) **The local law enforcement authority (as defined in**

- 1 **IC 11-8-8-2) shall:**  
 2 Every time a sex or violent offender registers, but at least once per  
 3 year, the sheriff shall:  
 4 (1) photograph the sex or violent offender **in accordance with**  
 5 **IC 11-8-8-14;** and  
 6 (2) determine whether the sex or violent offender's fingerprints  
 7 are on file:  
 8 (A) in Indiana; or  
 9 (B) with the Federal Bureau of Investigation.

10 If it appears that the sex or violent offender's fingerprints are not on file  
 11 as described in subdivision (2), the **sheriff local law enforcement**  
 12 **authority** shall fingerprint the sex or violent offender and transmit a  
 13 copy of the fingerprints to the state police department. The **sheriff local**  
 14 **law enforcement authority** shall place the photograph described in  
 15 subdivision (1) on the **public portal of the** Indiana sex and violent  
 16 offender registry **Internet** web site.

17 (d) The photograph of a sex or violent offender described in  
 18 subsection (c) must meet the following requirements:

- 19 (1) The photograph must be full face, front view, with a plain  
 20 white or off-white background.  
 21 (2) The image of the offender's face, measured from the bottom  
 22 of the chin to the top of the head, must fill at least seventy-five  
 23 percent (75%) of the photograph.  
 24 (3) The photograph must be in color.  
 25 (4) The photograph must show the offender dressed in normal  
 26 street attire, without a hat or headgear that obscures the hair or  
 27 hairline.  
 28 (5) If the offender normally and consistently wears prescription  
 29 glasses, a hearing device, wig, or a similar article, the photograph  
 30 must show the offender wearing those items. A photograph may  
 31 not include dark glasses or nonprescription glasses with tinted  
 32 lenses unless the offender can provide a medical certificate  
 33 demonstrating that tinted lenses are required for medical reasons.  
 34 (6) The photograph must have sufficient resolution to permit the  
 35 offender to be easily identified by a person accessing the Indiana  
 36 sex and violent offender registry web site.

37 (e) The Indiana sex and violent offender registry web site may be  
 38 funded from:

- 39 (1) the jail commissary fund (IC 36-8-10-21);  
 40 (2) a grant from the criminal justice institute; and  
 41 (3) any other source, subject to the approval of the county fiscal  
 42 body.

(Reference is to Engrossed House Bill 1053 as reprinted April 2,  
 2013.)

**Conference Committee Report**  
**on**  
**Engrossed House Bill 1053**

**S**igned by:

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Representative Steuerwald  
Chairperson

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Senator Steele

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Representative Lawson L

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Senator Hume

**House Conferees**

**Senate Conferees**