
TITLE 860 INDIANA PLUMBING COMMISSION

Proposed Rule
LSA Document #23-50

DIGEST

Adds [860 IAC 1-6](#) concerning convictions of concern and related provisions, implementing [IC 25-1-1.1-6](#). Effective 30 days after filing with the Publisher.

[IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses](#)

[860 IAC 1-6](#)

SECTION 1. [860 IAC 1-6](#) IS ADDED TO READ AS FOLLOWS:

Rule 6. Convictions of Concern

[860 IAC 1-6-1](#) Scope

Authority: [IC 25-1-1.1-6](#)

Affected: [IC 25-1-1.1-6](#); [IC 25-28.5](#)

Sec. 1. This rule implements [IC 25-1-1.1-6](#) regarding convictions of concern, which may disqualify an individual from receiving a plumbing contractor license by the Indiana plumbing commission, and includes in section 4 of this rule an explicit list of crimes that may disqualify an individual from receiving a license issued under [IC 25-15](#). No crime will disqualify an individual from receiving a journeyman plumber license or plumbing apprentice registration.

(Indiana Plumbing Commission; [860 IAC 1-6-1](#))

[860 IAC 1-6-2](#) Issuance of license

Authority: [IC 25-1-1.1-6](#)

Affected: [IC 25-1-1.1-6](#); [IC 25-28.5](#)

Sec. 2. An applicant for licensure who has a conviction of concern may still be granted a license based on the criteria stated in [IC 25-1-1.1-6\(h\)](#).

(Indiana Plumbing Commission; [860 IAC 1-6-2](#))

[860 IAC 1-6-3](#) Authority to issue license on probation

Authority: [IC 25-1-1.1-6](#)

Affected: [IC 25-1-1.1-6](#); [IC 25-1-11-19](#); [IC 25-28.5](#)

Sec. 3. This rule and [IC 25-1-1.1-6](#) do not limit the authority of a board or committee to issue a license on probation if appropriate under [IC 25-1-11-19](#) or any other applicable statute.

(Indiana Plumbing Commission; [860 IAC 1-6-3](#))

[860 IAC 1-6-4](#) Convictions of concern

Authority: [IC 25-1-1.1-6](#)

Affected: [IC 11-8-8-17](#); [IC 11-8-8-18](#); [IC 12-7.2-5-1](#); [IC 16-42-19](#); [IC 23-0.5-2-9](#); [IC 23-19-5-2](#); [IC 25](#); [IC 31-33-22](#); [IC 35](#)

Sec. 4. The following are convictions of concern:

(1) Crimes involving sexual acts that can be considered without respect to age of conviction as follows:

- (A) Child molesting ([IC 35-42-4-3](#)).
- (B) Child seduction ([IC 35-42-4-7](#)).
- (C) Criminal deviate conduct ([IC 35-42-4-2](#)) (before its repeal).
- (D) Incest ([IC 35-46-1-3](#)).
- (E) Making an unlawful proposition ([IC 35-45-4-3](#)).
- (F) Prostitution ([IC 35-45-4-2](#)).
- (G) Rape ([IC 35-42-4-1](#)).
- (H) Sexual misconduct with a minor ([IC 35-42-4-9\(a\)](#)).
- (2) Crimes of violence that can be considered without respect to age of conviction as follows:
 - (A) Attempted murder ([IC 35-41-5-1](#)).
 - (B) Child exploitation as a Level 5 felony under [IC 35-42-4-4\(b\)](#) or a Level 4 felony under [IC 35-42-4-4\(c\)](#).
 - (C) Child molesting ([IC 35-42-4-3](#)).
 - (D) Criminal deviate conduct ([IC 35-42-4-2](#)) (before its repeal).
 - (E) Involuntary manslaughter ([IC 35-42-1-4](#)).
 - (F) Kidnapping ([IC 35-42-3-2](#)).
 - (G) Murder ([IC 35-42-1-1](#)).
 - (H) Rape ([IC 35-42-4-1](#)).
 - (I) Reckless homicide ([IC 35-42-1-5](#)).
 - (J) Resisting law enforcement as a felony ([IC 35-44.1-3-1](#)).
 - (K) Sexual misconduct with a minor as a Level 1 felony under [IC 35-42-4-9\(a\)\(2\)](#) or a Level 2 felony under [IC 35-42-4-9\(b\)\(2\)](#).
 - (L) Voluntary manslaughter ([IC 35-42-1-3](#)).
- (3) Adoption deception ([IC 35-46-1-9.5](#)).
- (4) Agricultural terrorism ([IC 35-47-12-2](#)) (before its repeal).
- (5) Arson ([IC 35-43-1-1](#)).
- (6) Assisting suicide ([IC 35-42-1-2.5](#)).
- (7) Battery, neglect, or exploitation of endangered adult or person with mental or physical disability; failure to report; unlawful disclosures; referrals; retaliation ([IC 35-46-1-13](#)).
- (8) Carrying a handgun without being licensed; exceptions; person convicted of domestic battery ([IC 35-47-2-1](#)).
- (9) Causing suicide ([IC 35-42-1-2](#)).
- (10) Check deception ([IC 35-43-5-5](#)) (before its repeal).
- (11) Check fraud ([IC 35-43-5-12](#)) (before its repeal).
- (12) Child exploitation; possession of child pornography; exemptions; defenses ([IC 35-42-4-4](#)).
- (13) Child sexual trafficking ([IC 35-42-3.5-1.3](#)).
- (14) Child solicitation ([IC 35-42-4-6](#)).
- (15) Consumer product tampering; offenses ([IC 35-45-8-3](#)).
- (16) Contributing to the delinquency of a minor ([IC 35-46-1-8](#)).
- (17) Conversion ([IC 35-43-4-3](#)).
- (18) Corrupt business influence ([IC 35-45-6-2](#)).
- (19) Counterfeiting; false or fraudulent sales receipts; forgery; application fraud ([IC 35-43-5-2](#)).
- (20) Criminal confinement ([IC 35-42-3-3](#)).
- (21) Criminal organization recruitment ([IC 35-45-9-5](#)).
- (22) Criminal parole violation by a sexual predator ([IC 35-44.1-3-9](#)).
- (23) Criminal stalking ([IC 35-45-10-5](#)).
- (24) Criminal use or possession of code grabbing device ([IC 35-45-12-2](#)).
- (25) Dealing in a controlled substance by a practitioner ([IC 35-48-4-1.5](#)).
- (26) Dealing in a controlled substance resulting in death ([IC 35-42-1-1.5](#)).
- (27) Dealing in a schedule I, II, or III controlled substance or controlled substance analog ([IC 35-48-4-2](#)).
- (28) Dealing in a schedule IV controlled substance or controlled substance analog ([IC 35-48-4-3](#)).
- (29) Dealing in a schedule V controlled substance or controlled substance analog ([IC 35-48-4-4](#)).
- (30) Dealing in a synthetic drug or synthetic drug lookalike substance ([IC 35-48-4-10.5](#)) (before its repeal).
- (31) Dealing in cocaine or narcotic drug ([IC 35-48-4-1](#)).
- (32) Dealing in marijuana, hash oil, hashish, or salvia ([IC 35-48-4-10](#)).
- (33) Dealing in methamphetamine ([IC 35-48-4-1.1](#)).
- (34) Dealing in paraphernalia ([IC 35-48-4-8.5](#)).
- (35) Deception ([IC 35-43-5-3](#)).
- (36) Deploying a booby trap ([IC 35-47.5-5-10](#)).

- (37) Destructive device or explosive to kill, injure, or intimidate or to destroy property ([IC 35-47.5-5-8](#)).
- (38) Destructive devices ([IC 35-47.5-5-2](#)).
- (39) Disrupting operation of aircraft; Class B felony ([IC 35-47-6-1.6](#)).
- (40) Distribution of destructive device, explosive, or detonator to a minor ([IC 35-47.5-5-5](#)).
- (41) Distribution of regulated explosives to persons convicted of felony ([IC 35-47.5-5-4](#)).
- (42) Exploitation of dependent or endangered adult; financial exploitation of endangered adult; violation classification ([IC 35-46-1-12](#)).
- (43) Failure to make report ([IC 31-33-22-1](#)).
- (44) False government issued identification ([IC 35-43-5-2.5](#)).
- (45) False reports; criminal and civil liability; notification of prosecuting attorney ([IC 31-33-22-3](#)).
- (46) Feticide ([IC 35-42-1-6](#)).
- (47) Firearm, explosive, or deadly weapon; possession in commercial or chartered aircraft ([IC 35-47-6-1](#)).
- (48) Firearm, explosive, or deadly weapon; possession in controlled access areas of an airport ([IC 35-47-6-1.3](#)).
- (49) Firearms and handguns; giving false information or offering false evidence of identity ([IC 35-47-2-17](#)).
- (50) Fraud ([IC 35-43-5-4](#)).
- (51) Fraud on financial institutions ([IC 35-43-5-8](#)) (before its repeal).
- (52) Hindering or obstructing detection, disarming, or destruction of destructive device ([IC 35-47.5-5-7](#)).
- (53) Hoax devices or replicas ([IC 35-47.5-5-6](#)).
- (54) Home improvement fraud; offense ([IC 35-43-6-12](#)) (before its repeal).
- (55) Homicide ([IC 35-42-1](#)).
- (56) Human organ trafficking ([IC 35-46-5-1](#)).
- (57) Human trafficking ([IC 35-42-3.5-1.4](#)).
- (58) Identity deception ([IC 35-43-5-3.5](#)).
- (59) Inappropriate communication with a child ([IC 35-42-4-13](#)).
- (60) Indecent display by a youth ([IC 35-45-4-6](#)).
- (61) Inmate fraud ([IC 35-43-5-20](#)) (before its repeal).
- (62) Insurance fraud; insurance application fraud ([IC 35-43-5-4.5](#)) (before its repeal).
- (63) Insurance fraud ([IC 35-43-5-7.2](#)) (before its repeal).
- (64) Intentional signing of false document; sanctions ([IC 23-0.5-2-9](#)).
- (65) Interference with custody ([IC 35-42-3-4](#)).
- (66) Interfering with drug or alcohol screening test ([IC 35-43-5-19](#)).
- (67) Invasion of privacy; offense; penalties ([IC 35-46-1-15.1](#)).
- (68) Legend drug deception; penalty ([IC 35-43-10-3](#)).
- (69) Making a false sales document ([IC 35-43-5-16](#)) (before its repeal).
- (70) Making an unlawful proposition ([IC 35-45-4-3](#)).
- (71) Manufacturing methamphetamine ([IC 35-48-4-1.2](#)).
- (72) Medicaid fraud ([IC 35-43-5-7.1](#)) (before its repeal).
- (73) Money laundering; defenses ([IC 35-45-15-5](#)).
- (74) Neglect of a dependent; child selling ([IC 35-46-1-4](#)).
- (75) Nonsupport of a dependent child ([IC 35-46-1-5](#)).
- (76) Nonsupport of a parent ([IC 35-46-1-7](#)).
- (77) Nonsupport of a spouse ([IC 35-46-1-6](#)).
- (78) Notario publico deception ([IC 35-43-5-3.7](#)).
- (79) Notary fraud; notarial fraud ([IC 35-43-5-23](#)).
- (80) Obtaining child abuse information under false pretenses; knowingly falsifying records or interfering with an investigation ([IC 31-33-22-2](#)).
- (81) Operation of home without proper licensure; prohibition ([IC 12-17.2-5-1](#)).
- (82) Participation in criminal organization; offense ([IC 35-45-9-3](#)).
- (83) Possession of a fraudulent sales document manufacturing device ([IC 35-43-5-15](#)) (before its repeal).
- (84) Possession of device or substance used to interfere with drug or alcohol screening test ([IC 35-43-5-18](#)).
- (85) Possession or sale of drug precursors ([IC 35-48-4-14.5](#)).
- (86) Profiting from adoption ([IC 35-46-1-9](#)).
- (87) "Machine gun"; prohibited sales or transfers of ownership ([IC 35-47-2-7](#)).
- (88) Promoting prostitution ([IC 35-45-4-4](#)).
- (89) Promotion of child sexual trafficking; promotion of sexual trafficking of a younger child ([IC 35-42-](#)

3.5-1.2).

- (90) Promotion of human labor trafficking ([IC 35-42-3.5-1](#)).
- (91) Promotion of human sexual trafficking ([IC 35-42-3.5-1.1](#)).
- (92) Public indecency ([IC 35-45-4-1](#)).
- (93) Public nudity ([IC 35-45-4-1.5](#)).
- (94) Reckless supervision ([IC 35-46-1-4.1](#)).
- (95) Registration violations; penalty ([IC 11-8-8-17](#)).
- (96) Regulated explosives; persons convicted of felonies; prior unrelated convictions ([IC 35-47.5-5-3](#)).
- (97) Sex offender Internet offense ([IC 35-42-4-12](#)).
- (98) Sex offender residency restrictions ([IC 35-42-4-11](#)).
- (99) Sex offender unmanned aerial vehicle offense ([IC 35-42-4-12.5](#)).
- (100) Sexual battery ([IC 35-42-4-8](#)).
- (101) Sexual misconduct with a service provider ([IC 35-44.1-3-10](#)).
- (102) Sexually violent predator; duty to notify ([IC 11-8-8-18](#)).
- (103) Stolen valor fraud ([IC 35-43-5-22](#)) (before its repeal).
- (104) Synthetic identity deception ([IC 35-43-5-3.8](#)) (before its repeal).
- (105) "Synthetic urine" ([IC 35-43-5-19.5](#)).
- (106) Tampering with a water supply; poisoning ([IC 35-43-1-5](#)).
- (107) Terrorism ([IC 35-47-12-1](#)) (before its repeal).
- (108) Terroristic deception ([IC 35-43-5-3.6](#)) (before its repeal).
- (109) Terroristic mischief ([IC 35-47-12-3](#)) (before its repeal).
- (110) Theft ([IC 35-43-4-2](#)).
- (111) Threats; refusal to join or withdraw from organization; intimidation offense ([IC 35-45-9-4](#)).
- (112) Unauthorized adoption advertising; ([IC 35-46-1-21](#)).
- (113) Unauthorized adoption facilitation ([IC 35-46-1-22](#)).
- (114) Undisclosed transport of dangerous device ([IC 35-47-6-1.1](#)).
- (115) Unlawful employment by a sexual predator ([IC 35-42-4-10](#)).
- (116) Unlawful entry of school property by a serious sex offender ([IC 35-42-4-14](#)).
- (117) Unlawful entry to restricted area of airport ([IC 35-47-6-1.4](#)).
- (118) Unlawful photography and surveillance on private property ([IC 35-46-8.5-1](#)).
- (119) Unlawful possession of a card skimming device ([IC 35-43-5-4.3](#)) (before its repeal).
- (120) Unlawful practices; investment advisers and investment adviser representatives; investment advisory contract ([IC 23-19-5-2](#)).
- (121) Unlawful purchase of a handgun ([IC 35-47-2.5-14](#)) (before its repeal).
- (122) Unlawful sale or possession of a transaction manipulation device ([IC 35-43-5-4.6](#)) (before its repeal).
- (123) Use of overpressure device ([IC 35-47.5-5-9](#)).
- (124) Use of regulated explosive in violation of commission rule ([IC 35-47.5-5-11](#)).
- (125) Vicarious sexual gratification; sexual conduct in presence of a minor ([IC 35-42-4-5](#)).
- (126) Violation of certain no contact orders; offense; penalty ([IC 35-46-1-15.3](#)).
- (127) Violation of [IC 25-2.1-12](#) (unauthorized practice of accounting) under [IC 25-2.1-13-3](#).
- (128) Violation of [IC 25-2.5](#) (unauthorized practice of acupuncture) under [IC 25-2.5-3-4](#).
- (129) Violation of [IC 25-3.7](#) (unauthorized practice of an anesthesiologist assistant) under [IC 25-3.7-3](#).
- (130) Violation of [IC 25-5.1-4-1](#) (unauthorized practice of athletic trainer) under [IC 25-5.1-4-2](#).
- (131) Violation of [IC 25-6.1-7-1](#) (unauthorized practice of auctioneering) under [IC 25-6.1-7-1](#).
- (132) Violation of [IC 25-6.1-7-2](#) (violation of auctioneering statute) under [IC 25-6.1-7-2](#).
- (133) Violation of [IC 25-8-15.4](#) (unauthorized operation of a tanning facility) under [IC 25-8-15.4-25](#).
- (134) Violation of [IC 25-10-1](#) (unauthorized practice of chiropractic) under [IC 25-10-1-11](#).
- (135) Violation of [IC 25-11-1](#) (violation of the collection agency statute) under [IC 25-11-1-12](#).
- (136) Violation of [IC 25-13-1](#) (unauthorized practice of dental hygienist) under [IC 25-13-1-3](#).
- (137) Violation of [IC 25-14-1](#) (unauthorized practice of dentistry) under [IC 25-14-1-25](#).
- (138) Violation of [IC 25-14.3](#) (violation of diabetes educator statute) under [IC 25-14.3-5-1](#).
- (139) Violation of [IC 25-14.5](#) (unauthorized practice of dietitian) under [IC 25-14.5-7-2](#).
- (140) Violation of [IC 25-16-1](#) (violation of employment services statute) under [IC 25-16-1-18](#).
- (141) Violation of [IC 25-17.3-5](#) (violation of genetic counselors statute) under [IC 25-17.3-5-3](#).
- (142) Violation of [IC 25-17.6-8-2](#) (unauthorized practice of professional geologist) under [IC 25-17.6-8-2](#).
- (143) Violation of [IC 25-20-1](#) (unauthorized practice of hearing aid dealer) under [IC 25-20-1-21](#).
- (144) Violation of [IC 25-20.7-5-1](#) (unauthorized practice of interior designer) under [IC 25-20.7-5-1](#).
- (145) Violation of [IC 25-21.5-13-2](#) (unauthorized practice of surveying) under [IC 25-21.5-13-2](#).
- (146) Violation of [IC 25-21.8](#) (unauthorized practice of massage therapy) under [IC 25-21.8-7-1](#).
- (147) Violation of [IC 25-22.5](#) (unauthorized practice of medicine, midwifery, osteopathic medicine, or

- physician assistant) under [IC 25-22.5-8-1](#) and [IC 25-22.5-8-2](#).
- (148) Violation of [IC 25-22.5](#) (violation of temporary medical permit statute) under [IC 25-22.5-8-3](#).
- (149) Violation of [IC 25-23-1](#) (unauthorized practice of nursing) under [IC 25-23-1-27](#).
- (150) Violation of [IC 25-23.5-3](#) (unauthorized practice of occupational therapy) under [IC 25-23.5-3-2](#).
- (151) Violation of [IC 25-23.6-3](#) (unauthorized practice of marriage and family therapy) under [IC 25-23.6-3-3](#).
- (152) Violation of [IC 25-23.6-4](#) (unauthorized practice of social work) under [IC 25-23.6-4-4](#).
- (153) Violation of [IC 25-23.6-4.5](#) (violation of mental health counselor statute) under [IC 25-23.6-4.5-4](#).
- (154) Violation of [IC 25-23.6-10.1](#) (unauthorized practice of addiction counselor or therapist) under [IC 25-23.6-10.1-6](#).
- (155) Violation of [IC 25-23.6-11-1](#) (unauthorized use of term "psychotherapy" or "clinical psychology") under [IC 25-23.6-11-1](#).
- (156) Violation of [IC 25-23.6](#) (unauthorized use of license issued by behavioral health and human services board) under [IC 25-23.6-11-2](#).
- (157) Violation of [IC 25-23.6-11-3](#) (presenting false information to the behavioral health and human services board to obtain license) under [IC 25-23.6-11-3](#).
- (158) Violation of [IC 25-23.7-7-5](#) (unauthorized practice of home installing) under [IC 25-23.7-7-5](#).
- (159) Violation of [IC 25-23.4](#) (unauthorized practice of direct entry midwife) under [IC 25-23.4-3-7](#).
- (160) Violation of [IC 25-24-1](#) (unauthorized practice of optometry) under [IC 25-24-1-18](#).
- (161) Violation of [IC 25-26-13-29](#) (unauthorized practice of pharmacy or as a pharmacist) under [IC 25-26-13-29](#).
- (162) Violation of any state drug law related to wholesale legend drug distribution ([IC 25-26-14](#)).
- (163) Violation of [IC 25-26-19-9](#) (unauthorized practice of pharmacy technician) under [IC 25-26-19-9](#).
- (164) Violation of [IC 25-26-21](#) (unauthorized provision of home medical equipment provider services) under [IC 25-26-21-11](#).
- (165) Violation of [IC 25-27-1](#) (unauthorized practice of physical therapy) under [IC 25-27-1-12](#).
- (166) Violation of [IC 25-27.5-7](#) (unauthorized practice of physician assistant) under [IC 25-27.5-7-2](#).
- (167) Violation of [IC 25-28.5-1](#) (unauthorized practice of plumbing) under [IC 25-28.5-1-31](#).
- (168) Violation of [IC 25-29](#) (unauthorized practice of podiatry) under [IC 25-29-9-1](#).
- (169) Violation of [IC 25-30-1](#) (unauthorized practice of being a private investigator) under [IC 25-30-1-21](#).
- (170) Violation of [IC 25-30-1.3](#) (unauthorized operation of a security agency) under [IC 25-30-1.3-23](#).
- (171) Violation of [IC 25-31-1](#) (unauthorized practice of engineering) under [IC 25-31-1-27](#).
- (172) Violation of [IC 25-31.5-8-7](#) (unauthorized practice as a registered professional soil scientist) under [IC 25-31.5-8-7](#).
- (173) Violation of [IC 25-33-1-14](#) (unlawful use of title "psychologist") under [IC 25-33-1-15](#).
- (174) Violation of [IC 25-34.5-3](#) (unauthorized practice of respiratory care) under [IC 25-34.5-3-2](#).
- (175) Violation of [IC 25-35.6](#) (unauthorized practice of speech-language pathology and audiology) under [IC 25-35.6-3-10](#).
- (176) Violation of [IC 25-36.1-2](#) (violation of certified surgical technology statute) under [IC 25-36.1-2-3](#).
- (177) Violation of [IC 25-36.5-1-10](#) (unauthorized practice of timber buying or timber buying agent) under [IC 25-36.5-1-10](#) and [IC 25-36.5-1-15](#).
- (178) Violation of [IC 25-38.1](#) (unauthorized practice of veterinary medicine) under [IC 25-38.1-4-10](#).
- (179) Violation of [IC 25-38.1](#) (unauthorized practice of veterinary technician) under [IC 25-38.1-4-11](#).
- (180) Violation of [IC 25-39-5](#) (unlawful drilling and well installation) under [IC 25-39-5](#).
- (181) Violation of [IC 25-41-1-1](#) (before its repeal) (unauthorized practice of behavior analyst) under [IC 25-41-1-2](#) (before its repeal).
- (182) Violation of Indiana Legend Drug Act ([IC 16-42-19](#)).
- (183) Violations ([IC 35-43-9-7](#)) (before its repeal).
- (184) Voyeurism; public voyeurism; aerial voyeurism ([IC 35-45-4-5](#)).
- (185) Welfare fraud ([IC 35-43-5-7](#)) (before its repeal).
- (186) Worker's compensation fraud ([IC 35-43-5-21](#)) (before its repeal).

(Indiana Plumbing Commission; [860 IAC 1-6-4](#))

[860 IAC 1-6-5](#) Convictions in another jurisdiction

Authority: [IC 25-1-1.1-6](#)

Affected: [IC 25-28.5](#)

Sec. 5. A crime in any other jurisdiction for which the elements of the crime for which conviction was entered are substantially similar to the elements of a crime included on the list in section 4 of this rule

shall also be a crime that may disqualify an individual from receiving a license and therefore included on the list.

(Indiana Plumbing Commission; [860 IAC 1-6-5](#))

[860 IAC 1-6-6](#) Prelicensure determinations; fee

Authority: [IC 25-1-1.1-6](#)

Affected: [IC 25-28.5](#)

Sec. 6. The fee for a petition under [IC 25-1-1.1-6\(g\)](#) for a determination as to whether an individual's misdemeanor or felony conviction may disqualify the individual from receiving a license or certification is twenty-five dollars (\$25).

(Indiana Plumbing Commission; [860 IAC 1-6-6](#))

[Notice of Public Hearing](#)

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