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HOUSE BILL No. 1318

Proposed Changes to January 26, 2023 printing by AM131801

DIGEST OF PROPOSED AMENDMENT

Additional technical change. Makes technical changes to a statute that entitles an attorney who is a member of the general assembly to a continuance in a civil action, a criminal action, or an administrative adjudication under certain circumstances.

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

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

- 1 SECTION 1. IC 1-2-3-3 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2023]: Sec. 3. (a) Each ~~and every~~ member of
3 the ~~Indiana~~ general assembly ~~shall be~~ **is** entitled to request and have
4 sent, during any one (1) period of three hundred (300) days, two (2) of
5 the state flags displayed ~~pursuant to~~ **under** section 1 of this chapter. ~~In~~
6 ~~the event that~~ **If** any flags are not sent at the request of a legislator **[**
7 **before December 31, 1967,** or at the end of any ~~subsequent~~ **subsequent**
8 three hundred (300) days, ~~they~~ **the commissioner of the Indiana**
9 **department of administration** ~~shall be delivered~~ **deliver those flags**
10 to the lieutenant governor ~~of the state of Indiana by the commissioner~~
11 ~~of the department of administration~~ to be disposed of at the lieutenant
12 governor's discretion. ~~Provided, however, that any~~
13 (b) A member of the ~~Indiana~~ general assembly may purchase from
14 the ~~Indiana~~ department of administration any other state flag ~~which~~
15 ~~may have been~~ manufactured in state industries at a price not to exceed
16 the actual cost of each of ~~said~~ **the** flags.
17 SECTION 2. IC 2-3-4-4 IS AMENDED TO READ AS FOLLOWS
18 [EFFECTIVE JULY 1, 2023]: Sec. 4. ~~Any such~~ (a) A member
19 performing any of the acts or duties ~~hereunder~~ **shall be under this**

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chapter is entitled to the same fees as those charged by notaries public. ~~and where any~~

(b) If an act by a notary public would be a violation of the law, it ~~shall likewise be a the same act is a~~ violation of the law if ~~committed~~ **done** by a member of ~~said the~~ general assembly in the performance of any of the duties or acts authorized ~~hereunder. All laws and parts of~~ laws in conflict herewith are hereby repealed: **under this chapter.**

[SECTION 3. IC 2-3-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. Whenever a:

(1) party to a civil action;

(2) defendant in a criminal action; or

(3) party in an administrative adjudication before a state or local governmental entity;

~~shall,~~ in person or by attorney, ~~move~~ **moves** the court or other governmental entity before which ~~such the~~ action is pending for a continuance on the grounds that ~~said the~~ party or defendant, or ~~his or her the party's or defendant's~~ attorney, is a member of the general assembly, of the state of Indiana, the court or other governmental entity shall grant ~~such the~~ motion for a continuance to a date not sooner than thirty (30) days following the date of adjournment of the session of the general assembly during which ~~such the~~ cause of action has been set or rule has been made returnable.

] SECTION ~~<3>~~ [4]. IC 3-6-5.2-1, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2023 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. This chapter applies to a county having a population of more than four hundred thousand (400,000) ~~but and~~ less than seven hundred thousand (700,000).

SECTION ~~<4>~~ [5]. IC 4-1-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 2. Legal action required to be taken at state offices during the time ~~said those~~ offices are closed pursuant to the provisions of **under** this chapter can be taken on the next ~~following~~ day ~~said those~~ offices are open pursuant to the provisions of **under** this chapter. to the same effect as if this chapter had not become law.

SECTION ~~<5>~~ [6]. IC 5-2-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. There is hereby created as a public body corporate and politic a Law Enforcement Academy Building Commission. ~~Said The~~ commission shall have power to sue and be sued, plead and be impleaded, adopt and have a corporate seal, make rules and ~~by-laws~~ **bylaws** for the management and regulation of its affairs, and to do all things necessary or convenient to

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1 carry out the powers given in this chapter.

2 SECTION ~~6~~ [7]. IC 6-7-1-27 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 27. Where stamps or
4 individual packages to which stamps have been affixed have become
5 mutilated, or otherwise unfit for use, distributors shall notify the
6 department, and, if an investigation discloses that ~~said the~~ stamps have
7 not evidenced a taxable transaction, replacement stamps shall be
8 supplied to the distributor without cost. Any unused stamps may be
9 returned to the department by the distributor who purchased ~~such the~~
10 stamps, and the department shall then refund to ~~such the~~ distributor an
11 amount equal to that paid ~~therefor~~ **for the stamps**.

12 SECTION ~~7~~ [8]. IC 7.1-1-2-1 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. ~~Construction~~. This
14 title is an exercise of the police powers of the state. The classifications
15 and differentiations made in this title are real and are actually and
16 substantially related to the accomplishment of the purposes of this title.
17 The provisions of this title shall be liberally construed so as to
18 effectuate the purposes of this title.

19 SECTION ~~8~~ [9]. IC 8-1-2-15 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 15. **(a)** Each public
21 utility shall:

22 **(1)** have an office in one (1) of the towns or cities in ~~this state~~
23 **Indiana** in which its property or some part ~~thereof of its~~
24 **property** is located; and ~~shall~~

25 **(2)** keep in ~~said that~~ office all books, accounts, papers, and
26 records ~~as shall be required by that~~ the commission **requires** to
27 be kept within ~~the state~~ **No Indiana**.

28 **(b)** Books, accounts, papers, or records required by the
29 commission to be kept within ~~the state shall be~~ **Indiana may not** at any
30 time **be** removed from ~~this state~~ **Indiana**, except upon ~~such~~ conditions
31 ~~as may be prescribed by the commission~~ **may prescribe**.

32 **(c)** A majority in number of the board of directors of each ~~and~~
33 ~~every~~ company or association organized under Indiana statutes and
34 coming under the provisions of this chapter shall be bona fide residents
35 ~~and citizens of the state of~~ **Indiana** while acting as ~~such~~ directors.

36 SECTION ~~9~~ [10]. IC 9-13-1-4, AS AMENDED BY
37 P.L.128-2015, SECTION 217, IS AMENDED TO READ AS
38 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 4. Except as otherwise
39 provided in this title, a reference in this title to a federal statute or
40 regulation relating to the National Voter Registration Act of 1993 (52
41 U.S.C. 20501) is a reference to the statute or regulation as in effect
42 September 1, ~~2014~~ **2022**.

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SECTION 1 ~~1~~ [1]. IC 10-10.5-4-2, AS ADDED BY P.L.86-2022, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 2. Section 1 of this chapter does not prohibit the broadcast or disclosure of identifying information other than a Social Security number to the public by other means, including news reports, press conferences, silver or Amber alerts, wanted notices, ~~Internet web~~ **website** postings, and similar methods specifically intended to inform the public.

SECTION 1 ~~1~~ [2]. IC 11-12-6.5-6, AS ADDED BY P.L.239-2019, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 6. The ~~state~~ **state** auditor ~~of~~ **state** shall semiannually provide to the department and the general assembly, in an electronic format under IC 5-14-6, an itemized record of the per diem and medical expense reimbursements received by a county under section 4 of this chapter.

SECTION 1 ~~1~~ [3]. IC 12-14-13-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 5. The copies of the certificate shall be distributed as follows:

- (1) One (1) copy retained by and filed in the division.
- (2) One (1) copy filed with the ~~state~~ **state** auditor ~~of~~ **state**.
- (3) One (1) copy filed in the office of the county recorder.
- (4) One (1) copy given to the recipient.

SECTION 1 ~~1~~ [4]. IC 13-20-12-1, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2023 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. This chapter applies to a county having a population of more than four hundred thousand (400,000) ~~but~~ **and** less than seven hundred thousand (700,000).

SECTION 1 ~~1~~ [5]. IC 14-20-15-5, AS AMENDED BY P.L.203-2014, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 5. (a) The governor or the governor's designee shall act as the chair of the commission.

(b) The chair shall give notice of the date, time, and place of a meeting of the commission to the members of the commission at least ten (10) days before the meeting date by any of the following methods:

- (1) Mail.
- (2) ~~Fax~~ **Facsimile transmission**.
- (3) Telephone.
- (4) Electronic mail.

SECTION 1 ~~1~~ [6]. IC 15-17.5-3-1, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2023 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2023]: Sec. 1. (a) The center shall facilitate the coordination of regulatory duties of the state board and the board upon the approval of each respective entity, as set forth in a ~~memoranda~~ **memorandum** of understanding or other agreement.

(b) Nothing in this article shall be construed to amend the independent duties, authorities, and funding mechanisms of the board and the state board.

SECTION 1 ~~<6>~~ [7]. IC 16-19-4-6, AS AMENDED BY P.L.130-2021, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 6. The state health commissioner is entitled to receive a salary in an amount to be fixed by the governor and the ~~state~~ budget agency.

SECTION 1 ~~<8>~~ [8]. IC 20-26-5-32.4, AS ADDED BY P.L.93-2009, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 32.4. The department of education shall create a document explaining aspects of autism including behaviors that students with autism may exhibit. ~~Said~~ **This** document ~~is to~~ **shall** be distributed to school corporations for distribution to noncertificated employees (as defined in IC 20-29-2-11).

SECTION 1 ~~<8>~~ [9]. IC 21-28-5-13, AS ADDED BY P.L.2-2007, SECTION 269, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 13. (a) The higher education statewide telecommunications fund is established as a special and distinct fund. Expenditures from the fund may be made only for the following:

(1) Payments by the participating educational institutions for the use of a transmission system or the lease, purchase, rental, or production of information in a designated electronic format.

(2) Studies regarding the possibilities of extending the use of the transmission system:

(A) to state educational institutions or private postsecondary educational institutions in Indiana that are not participating educational institutions; and

(B) for post-high school and other educational uses.

(3) The expenses of coordinating, planning, and supervising the use of the transmission system and the information in the designated electronic format.

(4) Equipment for the originating and receiving of instructional communication and educational information by means of the transmission system and the information in the designated electronic format.

(b) The ~~state~~ auditor **of state** shall pay, as needed, from the fund

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amounts to the board of trustees of Indiana University as agent for the participating educational institutions.

(c) The board of trustees of Indiana University, as agent, shall apply the funds to the payment of items as payment becomes due from the fund.

SECTION ~~19~~ [20]. IC 22-2-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. (a) Any direction given by an employee to an employer to make a deduction from the wages to be earned by ~~said the~~ employee, after ~~said the~~ direction is given, shall constitute an assignment of the wages of ~~said the~~ employee.

(b) For the purpose of this chapter, the term "employer" ~~shall also include~~ **includes the following:**

(1) The state. ~~and any~~

(2) **An Indiana** political subdivision. ~~of the state.~~

SECTION 2 ~~1~~ [1]. IC 23-5-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 7. The trust instrument by which any business trust was created may be amended in the manner specified ~~therein in the trust instrument~~ or in ~~such any~~ manner **as that** is valid under the common or statutory law applicable to ~~such the~~ business trust. ~~provided, that no such~~ **An** amendment adopted ~~subsequent to~~ **after** the preliminary filings required by section 4 of this chapter ~~shall be~~ **is not** legally effective in ~~this state~~ **Indiana** until:

(1) an executed copy ~~thereof of the amendment~~ has been filed in the office of the secretary of state;

(2) accompanied by a fee of thirteen dollars (\$13); and

(3) a file-marked copy ~~thereof of the amendment~~ **is** recorded in the office of the county recorder of the county in which the principal office of ~~said the~~ business trust in ~~this state~~ **Indiana** is located.

SECTION 2 ~~1~~ [2]. IC 24-1-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. ~~From and after April 14, 1897,~~ All arrangements, contracts, agreements, trusts, or combinations between persons or corporations who control the output of any article of merchandise, made with a view to lessen, or which tend to lessen, full and free competition in the importation or sale of articles imported into ~~this state,~~ **Indiana**, and all arrangements, contracts, agreements, trusts, or combinations between persons or corporations who control the output of ~~said the~~ article of merchandise, designed, or which tend to advance, reduce, or control the price or the cost to the producer or to the consumer of any such product or article, are ~~hereby~~ declared to be against public policy **of Indiana**, unlawful,

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1 and void.

2 SECTION 2 ~~↔~~ [3]. IC 25-4-1-27 IS AMENDED TO READ AS
 3 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 27. ~~No~~ A firm,
 4 partnership, or corporation ~~shall~~ **may not** engage in the practice of
 5 architecture unless the work is under the full authority and responsible
 6 charge of a registrant who is also a principal of the firm, or partnership
 7 or officer of the corporation. The name of ~~said the~~ registrant ~~shall~~ **must**
 8 appear ~~whenever~~ **whenever** the firm name is used in the professional
 9 practice of the firm, partnership, or corporation.

10 SECTION 2 ~~↔~~ [4]. IC 26-1-5.1-109 IS AMENDED TO READ
 11 AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 109. (a) If a
 12 presentation is made that appears on its face strictly to comply with the
 13 terms and conditions of the letter of credit, but a required document is
 14 forged or materially fraudulent, or honor of the presentation would
 15 facilitate a material fraud by the beneficiary on the issuer or applicant:

16 (1) the issuer shall honor the presentation, if honor is demanded
 17 by:

18 (i) a nominated person who has given value in good faith
 19 and without notice of forgery or material fraud;

20 (ii) a confirmer who has honored its confirmation in good
 21 faith;

22 (iii) a holder in due course of a draft drawn under the letter
 23 of credit which was taken after acceptance by the issuer or
 24 nominated person; or

25 (iv) an assignee of the issuer's or nominated person's
 26 deferred obligation that was taken for value and without
 27 notice of forgery or material fraud after the obligation was
 28 incurred by the issuer or nominated person; and

29 (2) the issuer, acting in good faith, may honor or dishonor the
 30 presentation in any other case.

31 (b) If an applicant claims that a required document is forged or
 32 materially fraudulent or that honor of the presentation would facilitate
 33 a material fraud by the beneficiary on the issuer or applicant, a court of
 34 competent jurisdiction may temporarily or permanently enjoin the
 35 issuer from honoring a presentation or grant similar relief against the
 36 issuer or other persons only if the court finds that:

37 (1) the relief is not prohibited under the law applicable to an
 38 accepted draft or deferred obligation incurred by the issuer;

39 (2) a beneficiary, issuer, or nominated person who may be
 40 adversely affected is adequately protected against loss that it
 41 may suffer because the relief is granted;

42 (3) all of the conditions to entitle a person to the relief under ~~the~~

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1 **Indiana** law ~~of Indiana~~ have been met; and

2 (4) on the basis of the information submitted to the court, the
3 applicant is more likely than not to succeed under its claim of
4 forgery or material fraud and the person demanding honor does
5 not qualify for protection under subsection (a)(1).

6 SECTION 2 ~~↔~~ [5]. IC 27-1-1-1 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. **(a)** There is hereby
8 created a department ~~in of the state government of the state of Indiana~~
9 ~~which shall be~~ known as the department of insurance. ~~Said~~ The
10 department shall:

11 **(1)** have charge of the organization, supervision, regulation,
12 examination, rehabilitation, liquidation, ~~and/or and~~ conservation
13 of all insurance companies to which this title is applicable; ~~shall~~

14 **(2)** have charge of the enforcement, administration, and
15 execution of the provisions of this title and the provisions of any
16 other statute applicable to insurance companies, to the insurance
17 department, or to the insurance commissioner; and ~~shall~~

18 **(3)** exercise such other powers and perform such other duties as
19 may at any time be imposed or conferred on the department by
20 law. ~~Wherever by any of the provisions of~~

21 **(b) Whenever** any statute **imposes or confers on the department**
22 any right, power, or duty, ~~is imposed or conferred on the department,~~
23 the right, power, or duty ~~so~~ imposed or conferred shall be possessed
24 and exercised by the insurance commissioner, unless:

25 **(1)** otherwise provided in that statute; or ~~unless any such~~

26 **(2)** the right, power, or duty is delegated to the duly appointed
27 deputies, assistants, or employees of the department, or any of
28 them, by an appropriate rule or order of the insurance
29 commissioner.

30 SECTION 2 ~~↔~~ [6]. IC 28-2-7-2 IS AMENDED TO READ AS
31 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 2. The court in which
32 ~~is~~ **said** the estate, trust, receivership, action, matter, or proceeding is
33 pending may, at the time it is filed or instituted, refuse to permit ~~said~~
34 **the** fiduciary to take advantage and have the benefits of section 1 of
35 this chapter or may, at any time during the pendency thereof, cause a
36 written notice to be served upon ~~said the~~ fiduciary to show cause why
37 an order should not be entered, requiring ~~it the~~ **fiduciary** to file the
38 bond or bonds ~~which it that the~~ **fiduciary** would be or have been
39 required to file but for the provisions of section 1 of this chapter. ~~and~~
40 ~~it shall be stated in said~~ **The** notice **must state** the date upon which a
41 hearing ~~thereon~~ shall be held.

42 SECTION 2 ~~↔~~ [7]. IC 29-1-1-6 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 6. (a) When any judge or ~~his the judge's~~ spouse ~~shall be~~ is related within the third degree of consanguinity, according to the civil law, to any of the parties or their attorneys, shall have drawn the will of the decedent, or shall be interested or have been counsel in any probate proceeding or any matter ~~therein~~, **in the proceeding**, the same shall be grounds for disqualifying ~~such the~~ judge from acting in a controverted matter with respect to which ~~his the judge's~~ disqualification exists.

(b) When grounds for disqualification exist:

(1) the judge may refuse to act as judge ~~therein~~, **in the proceeding**; or

(2) upon filing of a petition to disqualify ~~such the~~ judge, stating the grounds ~~therefor~~, **for the disqualification**, by any person interested in the particular matter with respect to which ~~his the judge's~~ disqualification exists;

the judge ~~must~~ **may** not act ~~therein~~, **in the proceeding**.

(c) The grounds for disqualification stated ~~herein in this section~~ are enumerated as additional grounds, and not in limitation of applicable grounds for disqualification provided by statute or by Supreme Court rule with respect to trial judges generally.

SECTION 2 ~~↔~~ [8]. IC 30-1-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 3. (a) In compliance with the terms of the order for the sale of ~~said the~~ oil and gas, coal, or other mineral lease, ~~said the~~ administrator, executor, or guardian shall **do the following**:

(1) Offer ~~said the~~ lease for sale and sell the ~~same lease~~ to the highest bidder upon ~~such the~~ terms and conditions ~~as the court~~ **shall order and shall thereupon orders**.

(2) **After the sale required under subdivision (1),** file a report of sale showing **all of the following**:

(A) The land upon which ~~said the~~ lease was sold.

(B) The term of years ~~thereof~~, **of the lease**.

(C) The name of the purchaser. ~~and~~

(D) The amount for which the ~~same lease~~ was sold. ~~and~~

The administrator, executor, or guardian shall attach to the ~~return report~~ a copy of the form of lease proposed to be executed. ~~which report~~

(b) **The court having probate jurisdiction** shall, ~~thereupon~~, **upon the filing of the report**, without further notice, ~~be heard by the court having probate jurisdiction and hold a hearing on the report~~. If the court finds that: ~~said~~

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(1) the sale was properly conducted as ~~herein~~ provided in this chapter; and that

(2) the price bid for ~~said the~~ lease was not disproportionate to the value thereof; ~~said of the lease;~~

the court shall confirm the sale. ~~shall be confirmed and said The~~ court shall also authorize and direct the administrator, executor, or guardian ~~authorized and directed~~ to execute and deliver ~~said the~~ lease. ~~and when said After the~~ lease is executed, the judge shall ~~indorse his~~ endorse the judge's approval ~~thereon. on the lease.~~

SECTION 2-~~8~~^[9]. IC 31-12-2-2, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2023 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 2. For:

(1) any judicial circuit in which there is located a consolidated city, the judges described in section 1(1) of this chapter may establish a bureau of the courts; and

(2) a county having a population of more than four hundred thousand (400,000) ~~but and~~ less than seven hundred thousand (700,000), the judge of the circuit court may establish a bureau of the court;

known as the "Domestic Relations Counseling Bureau".

SECTION ~~29~~^[30]. IC 32-30-7-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 20. (a) This section applies to an indecent nuisance complaint under this chapter filed by a private person.

(b) The court shall not voluntarily dismiss the complaint unless:

(1) the complainant and the complainant's attorney file a sworn statement setting forth the reason why the action should be dismissed; and

(2) the dismissal is approved in writing or in open court by the prosecuting attorney of the circuit in which the alleged indecent nuisance is located.

(c) If the judge believes that the action should not be dismissed, the judge may direct the prosecuting attorney to prosecute the action to judgment at the expense of the county.

(d) If:

(1) the action is brought by a private person;

(2) the court finds that there were no reasonable grounds or probable cause for bringing ~~said the~~ action; and

(3) the case is dismissed either:

(A) for the reason described in subdivision (2) before trial;
or

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(B) for want of prosecution;
the costs may be taxed to the person who brought the case.

SECTION 3 ~~↔~~ [1]. IC 33-35-2-5, AS AMENDED BY THE
TECHNICAL CORRECTIONS BILL OF THE 2023 GENERAL
ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2023]: Sec. 5. The city court of each of the five (5) cities
having the largest populations and the town court of the town having
the largest population in a county having a population of more than
four hundred thousand (400,000) ~~but~~ and less than seven hundred
thousand (700,000) have concurrent civil jurisdiction with the circuit
court of the county where the amount in controversy does not exceed
six thousand dollars (\$6,000). The court has jurisdiction in any action
where the parties or the subject matter are in the county in which the
city or town is located. However, the city or town court does not have
jurisdiction in:

- (1) actions for slander or libel;
- (2) matters relating to decedents' estates, appointment of
guardians, and all related matters;
- (3) dissolution of marriage actions; or
- (4) injunction or mandate actions.

SECTION 3 ~~↔~~ [2]. IC 34-13-3-24, AS AMENDED BY THE
TECHNICAL CORRECTIONS BILL OF THE 2023 GENERAL
ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2023]: Sec. 24. ~~(a)~~ There is appropriated from the state
general fund sufficient funds to:

- (1) settle claims and satisfy tort judgments obtained against the
state;
- (2) pay interest on claims and judgments; and
- (3) subject to approval by the budget director, pay:
 - (A) liability insurance premiums; and
 - (B) expenses incurred by the attorney general in employing
other counsel to aid in defending or settling claims or civil
actions against the state.

SECTION 3 ~~↔~~ [3]. IC 35-44.1-3-10, AS AMENDED BY THE
TECHNICAL CORRECTIONS BILL OF THE 2023 GENERAL
ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2023]: Sec. 10. (a) The following definitions apply throughout
this section:

- (1) "Lawful supervision" means supervision by:
 - (A) the department of correction;
 - (B) a court;
 - (C) a probation department;

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- 1 (D) a community corrections program, a community
 2 transition program, or another similar program; or
 3 (E) parole.
- 4 (2) "Service provider" means:
- 5 (A) with respect to a person subject to lawful detention:
- 6 (i) a public servant;
- 7 (ii) a person employed by a governmental entity; or
- 8 (iii) a person who provides goods or services to a
 9 person who is subject to lawful detention; and
- 10 (B) with respect to a person subject to lawful supervision:
- 11 (i) a public servant whose official duties include the
 12 supervision of the person subject to lawful supervision;
- 13 (ii) a person employed by a governmental entity to
 14 provide supervision for the person subject to lawful
 15 supervision; or
- 16 (iii) a person who is employed by or contracts with a
 17 governmental entity to provide treatment or other
 18 services to the person subject to lawful supervision as
 19 a condition of the person's lawful supervision.
- 20 (b) A service provider who knowingly or intentionally engages in
 21 sexual intercourse or other sexual conduct (as defined in
 22 IC 35-31.5-2-221.5) with a person who is subject to lawful detention
 23 or lawful supervision commits sexual misconduct, a Level 5 felony.
- 24 (c) A service provider at least eighteen (18) years of age who
 25 knowingly or intentionally engages in sexual intercourse or other
 26 sexual conduct (as defined in IC 35-31.5-2-221.5) with a person who
 27 is:
- 28 (1) less than eighteen (18) years of age; and
- 29 (2) subject to lawful detention or lawful supervision;
- 30 commits sexual misconduct, a Level 4 felony.
- 31 (d) In addition to any other penalty imposed for a violation of this
 32 section, the court shall order the person to pay restitution under
 33 IC 35-50-5-3 for expenses related to pregnancy and childbirth if the
 34 pregnancy is a result of the offense.
- 35 (e) It is not a defense that an act described in subsection (b) or (c)
 36 was consensual.
- 37 (f) This section does not apply to sexual intercourse or other
 38 sexual conduct (as defined in IC 35-31.5-2-221.5) between spouses.
- 39 SECTION 3 ~~3~~ [4](#). IC 36-9-43-9, AS ADDED BY P.L.229-2017,
 40 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2023]: Sec. 9. (a) This section applies only to a regional
 42 development authority created or established after June 30, 2017.

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(b) The Indiana finance authority shall create the regional development authority infrastructure fund for the purpose of allowing a regional development authority to finance or contribute to the financing of regional transportation infrastructure projects.

(c) The fund is administered by the Indiana finance authority. The Indiana finance authority shall create an account within the fund for each regional development authority established under IC 36-7.5 or IC 36-7.6.

(d) A person, including a political subdivision, may make a contribution or gift to the fund. Any expenditure from the account must be approved by the regional development authority that holds the account within the fund and must be expended for regional transportation infrastructure projects in cooperation with the Indiana department of transportation.

(e) An expenditure from the fund may be used to supplement financing from the Indiana department of transportation for regional transportation infrastructure projects.

(f) The Indiana finance authority shall invest money from the fund in one (1) or more fiduciary accounts with a trustee that is a financial institution. A trustee may make an investment under this subsection in accordance with a trust agreement or indenture and may permit disbursements by the trustee to:

- (1) the Indiana finance authority;
- (2) the Indiana department of transportation;
- (3) the ~~state~~ budget agency; or
- (4) any other person provided for in the trust agreement or indenture.

(g) Interest or other income earned on money in the fund becomes part of the fund.

(h) Expenses incurred in the administration of the fund are to be paid from the fund.

(i) A person who makes a contribution or gift to the fund is entitled to a deduction from the taxpayer's adjusted gross income for the taxable year under IC 6-3-2-26. [\[](#)

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