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SENATE BILL No. 136

Proposed Changes to February 1, 2023 printing by AM013604

DIGEST OF PROPOSED AMENDMENT

Conviction data. Provides that the office of judicial administration and courts may (instead of shall) carry out the functions specified in the bill.

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A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

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

1   SECTION 1. IC 10-13-3-35 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 35. (a) On a daily basis,
3 all law enforcement agencies shall enter into the Indiana data and
4 communication system (IDACS) computer the following:
5   (1) All information concerning stolen or recovered property,
6   including the following:
7   (A) Motor vehicles.
8   (B) Firearms.
9   (C) Securities.
10   (D) Boats.
11   (E) License plates.
12   (F) Other stolen or recovered property.
13   (2) All information concerning fugitives charged with a crime,
14   including information concerning extradition.
15   (3) All information concerning runaways, missing and
16   unidentified persons, and missing children (as defined in
17   IC 10-13-5-4), including information concerning the release of
18   those persons to the custody of a parent or guardian.
19   (4) Information contained in a protective order, including any
20   modifications or extensions issued by a court and filed with a

1   law enforcement agency as required in IC 5-2-9-6(f).
2   **(5) Information received from a court concerning a**
3   **prohibited person under IC 33-24-6-15.**
4   (b) On a daily basis, all law enforcement agencies shall do the
5 following:
6   (1) Enter all information concerning missing children (as defined
7   in IC 10-13-5-4) into the National Crime Information Center's
8   Missing Person File.
9   (2) Enter all information concerning warrants issued for a person
10   who allegedly abducted or unlawfully retained a missing child
11   into the National Crime Information Center's Wanted Person
12   File.
13   (3) Enter all information concerning unidentified persons into
14   the National Crime Information Center's Unidentified Person
15   File.
16   (4) Enter all information concerning a protective order, a
17   workplace violence restraining order, or a no contact order
18   involving intimate partners into the National Crime Information
19   Center's (NCIC) Protection Order File if the order qualifies
20   under NCIC rules.
21   (c) If a protective order, a no contact order, or a workplace
22 violence restraining order is removed from a depository established
23 under IC 5-2-9, the law enforcement agency responsible for the
24 depository shall delete the information entered under subsection (a)(4)
25 from the Indiana data and communication system (IDACS) computer.
26   SECTION 2. IC 33-24-6-15 IS ADDED TO THE INDIANA
27 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
28 [EFFECTIVE JULY 1, 2023]: **Sec. 15. (a) The following definitions**
29 **apply throughout this section:**
30   **(1) "Firearm" has the meaning set forth in IC 35-47-1-5.**
31   **(2) "INcite" means the Indiana court information technology**
32   **extranet.**
33   **(3) "NICS" has the meaning set forth in IC 35-47-2.5-2.5.**
34   **(4) "Office" means the office of judicial administration**
35   **created by section 1 of this chapter.**
36   **(5) "Prohibited person" means a person who is prohibited**
37   **from:**
38   **(A) possessing a firearm under state or federal law; or**
39   **(B) carrying a handgun under IC 35-47-2-1.5(b).**
40   **(b) The office <shall>[may], before January 1, 2024, develop**
41 **and maintain a system to transmit data contained in the following,**
42 **for the purpose of aiding the state police department in the**

1   **identification of a prohibited person:**
2   **(1) The odyssey case management system.**
3   **(2) The NICS reporting application.**
4   **(3) The protection order registry.**
5   **(4) The offender management system.**
6   **(5) Any other relevant data source as determined by the**
7   **office.**
8   **(c) The office ~~shall~~[may], before January 1, 2024, develop**
9   **an electronic tool to allow a court to access its system in order to**
10   **retrieve and transmit data that can be used to determine whether**
11   **a person is a prohibited person. The office may create an INcite**
12   **application to serve as the electronic tool.**
13   **(d) Immediately after entering the judgment of conviction, the**
14   **court ~~shall~~[may]:**
15   **(1) retrieve data concerning the defendant from the system**
16   **maintained by the office; and**
17   **(2) promptly enter:**
18   **(A) the data described in subdivision (1); and**
19   **(B) the judgment of conviction;**
20   **into the court's system.**
21   **(e) The office and the state police department ~~shall~~[may]**
22   **jointly establish a protocol governing the data and judgment of**
23   **conviction information described under subsection (d).**