



January 8, 2026

HOUSE BILL No. 1040

DIGEST OF HB 1040 (Updated January 7, 2026 12:34 pm - DI 106)

Citations Affected: IC 5-2; IC 5-14; IC 22-8; IC 27-10; IC 35-31.5; IC 35-40.5; IC 35-42.

Synopsis: Battery against vulnerable workers. Increases the penalty for battery on certain health care employees and school employees. Specifies that the enhancement for battery committed against a department of child services (DCS) employee applies only to those DCS employees whose responsibilities include personally supervising a child or parent, personally providing services to a child or parent, or personally interviewing a child or parent as part of an investigation. Requires the employer of a health care or school employee who is the victim of battery to report the incident to the department of labor.

Effective: July 1, 2026.

**McNamara, Engleman, Barrett,
Pfaff**

December 2, 2025, read first time and referred to Committee on Courts and Criminal Code.
January 8, 2026, amended, reported — Do Pass.

HB 1040—LS 6292/DI 106



January 8, 2026

Second Regular Session of the 124th General Assembly (2026)

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

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

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2025 Regular Session of the General Assembly.

HOUSE BILL No. 1040

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

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

1 SECTION 1. IC 5-2-22-1, AS AMENDED BY P.L.161-2018,
2 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2026]: Sec. 1. The following definitions apply throughout this
4 chapter:

5 (1) "Crime of child abuse" means:

6 (A) neglect of a dependent (IC 35-46-1-4) if the dependent is
7 a child and the offense is committed under:

8 (i) IC 35-46-1-4(a)(1);

9 (ii) IC 35-46-1-4(a)(2); or

10 (iii) IC 35-46-1-4(a)(3);

11 (B) child selling (IC 35-46-1-4(d));

12 (C) a sex offense (as defined in IC 11-8-8-5.2) committed
13 against a child; or

14 (D) battery against a child under:

15 (i) IC 35-42-2-1(e)(3) (battery on a child);

16 (ii) ~~IC 35-42-2-1(e)(5)(B)~~ **IC 35-42-2-1(h)(5)(B)** (battery
17 causing bodily injury to a child);

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(iii) ~~IC 35-42-2-1(j)~~ **IC 35-42-2-1(k)** (battery causing serious bodily injury to a child); or

(iv) ~~IC 35-42-2-1(k)~~ **IC 35-42-2-1(l)** (battery resulting in the death of a child).

(2) "Office" refers to the office of judicial administration created ~~under~~ **by** IC 33-24-6-1.

(3) "Registry" means the child abuse registry established under section 2 of this chapter.

SECTION 2. IC 5-14-3-4, AS AMENDED BY P.L.33-2025, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) The following public records are excepted from section 3 of this chapter and may not be disclosed by a public agency, unless access to the records is specifically required by a state or federal statute or is ordered by a court under the rules of discovery:

(1) Those declared confidential by state statute.

(2) Those declared confidential by rule adopted by a public agency under specific authority to classify public records as confidential granted to the public agency by statute.

(3) Those required to be kept confidential by federal law.

(4) Records containing trade secrets.

(5) Confidential financial information obtained, upon request, from a person. However, this does not include information that is filed with or received by a public agency pursuant to state statute.

(6) Information concerning research, including actual research documents, conducted under the auspices of a state educational institution, including information:

(A) concerning any negotiations made with respect to the research; and

(B) received from another party involved in the research.

(7) Grade transcripts and license examination scores obtained as part of a licensure process.

(8) Those declared confidential by or under rules adopted by the supreme court of Indiana.

(9) Patient medical records and charts created by a provider, unless the patient gives written consent under IC 16-39 or as provided under IC 16-41-8.

(10) Application information declared confidential by the Indiana economic development corporation under IC 5-28.

(11) A photograph, a video recording, or an audio recording of an autopsy, except as provided in IC 36-2-14-10.

(12) A Social Security number contained in the records of a public agency.



(13) The following information that is part of a foreclosure action subject to IC 32-30-10.5:

(A) Contact information for a debtor, as described in IC 32-30-10.5-8(d)(1)(B).

(B) Any document submitted to the court as part of the debtor's loss mitigation package under IC 32-30-10.5-10(a)(3).

(14) The following information obtained from a call made to a fraud hotline established under IC 36-1-8-8.5:

(A) The identity of any individual who makes a call to the fraud hotline.

(B) A report, transcript, audio recording, or other information concerning a call to the fraud hotline.

However, records described in this subdivision may be disclosed to a law enforcement agency, a private university police department, the attorney general, the inspector general, the state examiner, or a prosecuting attorney.

(15) Information described in section 5(c)(3)(B) of this chapter that is contained in a daily log or record described in section 5(c) of this chapter for a victim of a crime or delinquent act who is less than eighteen (18) years of age, unless and to the extent that:

(A) a parent, guardian, or custodian of the victim consents in writing to public disclosure of the records; and

(B) that parent, guardian, or custodian of the victim has not been charged with or convicted of committing a crime against the victim.

However, records described in this subdivision may be disclosed to the department of child services.

(b) Except as otherwise provided by subsection (a), the following public records shall be excepted from section 3 of this chapter at the discretion of a public agency:

(1) Investigatory records of law enforcement agencies or private university police departments. For purposes of this chapter, a law enforcement recording is not an investigatory record. However, information described in subsection (a)(15) contained in a law enforcement recording is exempt from disclosure, unless and to the extent that a parent, guardian, or custodian of the victim consents in writing to public disclosure of the records. However, a parent, guardian, or custodian charged with or convicted of a crime against the victim may not consent to public disclosure of the records. Law enforcement agencies or private university police departments may share investigatory records with:

(A) a person who advocates on behalf of a crime victim,



- 1 including a victim advocate (as defined in IC 35-37-6-3.5) or
- 2 a victim service provider (as defined in IC 35-37-6-5), for the
- 3 purposes of providing services to a victim or describing
- 4 services that may be available to a victim;
- 5 (B) a school corporation (as defined by IC 20-18-2-16(a)),
- 6 charter school (as defined by IC 20-24-1-4), or nonpublic
- 7 school (as defined by IC 20-18-2-12) for the purpose of
- 8 enhancing the safety or security of a student or a school
- 9 facility; and
- 10 (C) the victim services division of the Indiana criminal justice
- 11 institute under IC 5-2-6-8, for the purposes of conducting an
- 12 investigation under IC 5-2-6.1-26;
- 13 without the law enforcement agency or private university police
- 14 department losing its discretion to keep those records confidential
- 15 from other records requesters. However, certain law enforcement
- 16 records must be made available for inspection and copying as
- 17 provided in section 5 of this chapter.
- 18 (2) The work product of an attorney representing, pursuant to
- 19 state employment or an appointment by a public agency:
- 20 (A) a public agency;
- 21 (B) the state; or
- 22 (C) an individual.
- 23 (3) Test questions, scoring keys, and other examination data used
- 24 in administering a licensing examination, examination for
- 25 employment, or academic examination before the examination is
- 26 given or if it is to be given again.
- 27 (4) Scores of tests if the person is identified by name and has not
- 28 consented to the release of the person's scores.
- 29 (5) The following:
- 30 (A) Records relating to negotiations between:
- 31 (i) the Indiana economic development corporation;
- 32 (ii) the ports of Indiana;
- 33 (iii) the Indiana state department of agriculture;
- 34 (iv) the Indiana finance authority;
- 35 (v) an economic development commission;
- 36 (vi) the Indiana White River state park development
- 37 commission;
- 38 (vii) a local economic development organization that is a
- 39 nonprofit corporation established under state law whose
- 40 primary purpose is the promotion of industrial or business
- 41 development in Indiana, the retention or expansion of
- 42 Indiana businesses, or the development of entrepreneurial



activities in Indiana; or

(viii) a governing body of a political subdivision;

with industrial, research, or commercial prospects, if the records are created while negotiations are in progress. However, this clause does not apply to records regarding research that is prohibited under IC 16-34.5-1-2 or any other law.

(B) Notwithstanding clause (A), the terms of the final offer of public financial resources communicated by the Indiana economic development corporation, the ports of Indiana, the Indiana finance authority, an economic development commission, the Indiana White River state park development commission, or a governing body of a political subdivision to an industrial, a research, or a commercial prospect shall be available for inspection and copying under section 3 of this chapter after negotiations with that prospect have terminated.

(C) When disclosing a final offer under clause (B), the Indiana economic development corporation shall certify that the information being disclosed accurately and completely represents the terms of the final offer.

(D) Notwithstanding clause (A), an incentive agreement with an incentive recipient shall be available for inspection and copying under section 3 of this chapter after the date the incentive recipient and the Indiana economic development corporation execute the incentive agreement regardless of whether negotiations are in progress with the recipient after that date regarding a modification or extension of the incentive agreement.

(6) Records that are intra-agency or interagency advisory or deliberative material, including material developed by a private contractor under a contract with a public agency, that are expressions of opinion or are of a speculative nature, and that are communicated for the purpose of decision making.

(7) Diaries, journals, or other personal notes serving as the functional equivalent of a diary or journal.

(8) Personnel files of public employees and files of applicants for public employment, except for:

(A) the name, compensation, job title, business address, business telephone number, job description, education and training background, previous work experience, or dates of first and last employment of present or former officers or employees of the agency;



- 1 (B) information relating to the status of any formal charges
- 2 against the employee; and
- 3 (C) the factual basis for a disciplinary action in which final
- 4 action has been taken and that resulted in the employee being
- 5 suspended, demoted, or discharged.
- 6 However, all personnel file information shall be made available
- 7 to the affected employee or the employee's representative. This
- 8 subdivision does not apply to disclosure of personnel information
- 9 generally on all employees or for groups of employees without the
- 10 request being particularized by employee name.
- 11 (9) Minutes or records of hospital medical staff meetings.
- 12 (10) Administrative or technical information that would
- 13 jeopardize a record keeping system, voting system, voter
- 14 registration system, or security system.
- 15 (11) Computer programs, computer codes, computer filing
- 16 systems, and other software that are owned by the public agency
- 17 or entrusted to it and portions of electronic maps entrusted to a
- 18 public agency by a utility.
- 19 (12) Records specifically prepared for discussion or developed
- 20 during discussion in an executive session under IC 5-14-1.5-6.1.
- 21 However, this subdivision does not apply to that information
- 22 required to be available for inspection and copying under
- 23 subdivision (8).
- 24 (13) The work product of the legislative services agency under
- 25 personnel rules approved by the legislative council.
- 26 (14) The work product of individual members and the partisan
- 27 staffs of the general assembly.
- 28 (15) The identity of a donor of a gift made to a public agency if:
- 29 (A) the donor requires nondisclosure of the donor's identity as
- 30 a condition of making the gift; or
- 31 (B) after the gift is made, the donor or a member of the donor's
- 32 family requests nondisclosure.
- 33 (16) Library or archival records:
- 34 (A) which can be used to identify any library patron; or
- 35 (B) deposited with or acquired by a library upon a condition
- 36 that the records be disclosed only:
- 37 (i) to qualified researchers;
- 38 (ii) after the passing of a period of years that is specified in
- 39 the documents under which the deposit or acquisition is
- 40 made; or
- 41 (iii) after the death of persons specified at the time of the
- 42 acquisition or deposit.



However, nothing in this subdivision shall limit or affect contracts entered into by the Indiana state library pursuant to IC 4-1-6-8.

(17) The identity of any person who contacts the bureau of motor vehicles concerning the ability of a driver to operate a motor vehicle safely and the medical records and evaluations made by the bureau of motor vehicles staff or members of the driver licensing medical advisory board regarding the ability of a driver to operate a motor vehicle safely. However, upon written request to the commissioner of the bureau of motor vehicles, the driver must be given copies of the driver's medical records and evaluations.

(18) School safety and security measures, plans, and systems, including emergency preparedness plans developed under 511 IAC 6.1-2-2.5.

(19) A record or a part of a record, the public disclosure of which would have a reasonable likelihood of threatening public safety by exposing a vulnerability to terrorist attack. A record described under this subdivision includes the following:

(A) A record assembled, prepared, or maintained to prevent, mitigate, or respond to an act of terrorism under IC 35-47-12-1 (before its repeal), an act of agricultural terrorism under IC 35-47-12-2 (before its repeal), or a felony terrorist offense (as defined in IC 35-50-2-18).

(B) Vulnerability assessments.

(C) Risk planning documents.

(D) Needs assessments.

(E) Threat assessments.

(F) Intelligence assessments.

(G) Domestic preparedness strategies.

(H) The location of community drinking water wells and surface water intakes.

(I) The emergency contact information of emergency responders and volunteers.

(J) Infrastructure records that disclose the configuration of critical systems such as voting system and voter registration system critical infrastructure, and communication, electrical, ventilation, water, and wastewater systems.

(K) Detailed drawings or specifications of structural elements, floor plans, and operating, utility, or security systems, whether in paper or electronic form, of any building or facility located on an airport (as defined in IC 8-21-1-1) that is owned, occupied, leased, or maintained by a public agency, or any part



of a law enforcement recording that captures information about airport security procedures, areas, or systems. A record described in this clause may not be released for public inspection by any public agency without the prior approval of the public agency that owns, occupies, leases, or maintains the airport. Both of the following apply to the public agency that owns, occupies, leases, or maintains the airport:

(i) The public agency is responsible for determining whether the public disclosure of a record or a part of a record, including a law enforcement recording, has a reasonable likelihood of threatening public safety by exposing a security procedure, area, system, or vulnerability to terrorist attack.

(ii) The public agency must identify a record described under item (i) and clearly mark the record as "confidential and not subject to public disclosure under IC 5-14-3-4(b)(19)(J) without approval of (insert name of submitting public agency)". However, in the case of a law enforcement recording, the public agency must clearly mark the record as "confidential and not subject to public disclosure under IC 5-14-3-4(b)(19)(K) without approval of (insert name of the public agency that owns, occupies, leases, or maintains the airport)".

(L) The home address, home telephone number, and emergency contact information for any:

- (i) emergency management worker (as defined in IC 10-14-3-3);
- (ii) public safety officer (as defined in IC 35-47-4.5-3);
- (iii) emergency medical responder (as defined in IC 16-18-2-109.8); or
- (iv) advanced emergency medical technician (as defined in IC 16-18-2-6.5).

(M) Information relating to security measures or precautions used to secure the statewide 911 system under IC 36-8-16.7.

This subdivision does not apply to a record or portion of a record pertaining to a location or structure owned or protected by a public agency in the event that an act of terrorism under IC 35-47-12-1 (before its repeal), an act of agricultural terrorism under IC 35-47-12-2 (before its repeal), or a felony terrorist offense (as defined in IC 35-50-2-18) has occurred at that location or structure, unless release of the record or portion of the record would have a reasonable likelihood of threatening public safety



by exposing a vulnerability of other locations or structures to terrorist attack.

(20) The following personal information concerning a customer of a municipally owned utility (as defined in IC 8-1-2-1):

(A) Telephone number.

(B) Address.

(C) Social Security number.

(21) The following personal information about a complainant contained in records of a law enforcement agency:

(A) Telephone number.

(B) The complainant's address. However, if the complainant's address is the location of the suspected crime, infraction, accident, or complaint reported, the address shall be made available for public inspection and copying.

(22) Notwithstanding subdivision (8)(A), the name, compensation, job title, business address, business telephone number, job description, education and training background, previous work experience, or dates of first employment of a law enforcement officer who is operating in an undercover capacity.

(23) Records requested by an offender, an agent, or a relative of an offender that:

(A) contain personal information relating to:

(i) a correctional officer (as defined in IC 5-10-10-1.5);

(ii) a probation officer;

(iii) a community corrections officer;

(iv) a law enforcement officer (as defined in IC 35-31.5-2-185);

(v) a judge (as defined in IC 33-38-12-3);

(vi) the victim of a crime; or

(vii) a family member of a correctional officer, probation officer, community corrections officer, law enforcement officer (as defined in IC 35-31.5-2-185), judge (as defined in IC 33-38-12-3), or victim of a crime; or

(B) concern or could affect the security of a jail or correctional facility.

For purposes of this subdivision, "agent" means a person who is authorized by an offender to act on behalf of, or at the direction of, the offender, and "relative" has the meaning set forth in ~~IC 35-42-2-1(b)~~. **IC 35-42-2-1(a)**. However, the term "agent" does not include an attorney in good standing admitted to the practice of law in Indiana.

(24) Information concerning an individual less than eighteen (18)



years of age who participates in a conference, meeting, program, or activity conducted or supervised by a state educational institution, including the following information regarding the individual or the individual's parent or guardian:

(A) Name.

(B) Address.

(C) Telephone number.

(D) Electronic mail account address.

(25) Criminal intelligence information.

(26) The following information contained in a report of unclaimed property under IC 32-34-1.5-18 or in a claim for unclaimed property under IC 32-34-1.5-48:

(A) Date of birth.

(B) Driver's license number.

(C) Taxpayer identification number.

(D) Employer identification number.

(E) Account number.

(27) Except as provided in subdivision (19) and sections 5.1 and 5.2 of this chapter, a law enforcement recording. However, before disclosing the recording, the public agency must comply with the obscuring requirements of sections 5.1 and 5.2 of this chapter, if applicable.

(28) Records relating to negotiations between a state educational institution and another entity concerning the establishment of a collaborative relationship or venture to advance the research, engagement, or educational mission of the state educational institution, if the records are created while negotiations are in progress. The terms of the final offer of public financial resources communicated by the state educational institution to an industrial, a research, or a commercial prospect shall be available for inspection and copying under section 3 of this chapter after negotiations with that prospect have terminated. However, this subdivision does not apply to records regarding research prohibited under IC 16-34.5-1-2 or any other law.

(c) Nothing contained in subsection (b) shall limit or affect the right of a person to inspect and copy a public record required or directed to be made by any statute or by any rule of a public agency.

(d) Notwithstanding any other law, a public record that is classified as confidential, other than a record concerning:

(1) an adoption or patient medical records; or

(2) a birth or stillbirth;

shall be made available for inspection and copying seventy-five (75)



years after the creation of that record. A registration or certificate of a birth or stillbirth shall be made available in accordance with IC 16-37-1-7.5.

(e) Only the content of a public record may form the basis for the adoption by any public agency of a rule or procedure creating an exception from disclosure under this section.

(f) Except as provided by law, a public agency may not adopt a rule or procedure that creates an exception from disclosure under this section based upon whether a public record is stored or accessed using paper, electronic media, magnetic media, optical media, or other information storage technology.

(g) Except as provided by law, a public agency may not adopt a rule or procedure nor impose any costs or liabilities that impede or restrict the reproduction or dissemination of any public record.

(h) Notwithstanding subsection (d) and section 7 of this chapter:

(1) public records subject to IC 5-15 may be destroyed only in accordance with record retention schedules under IC 5-15; or

(2) public records not subject to IC 5-15 may be destroyed in the ordinary course of business.

SECTION 3. IC 22-8-1.1-1, AS AMENDED BY P.L.32-2008, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. As used in this chapter, unless otherwise provided:

"Board" means the board of safety review created by this chapter.

"Commission" means the occupational safety standards commission created by this chapter.

"Commissioner" means the commissioner of labor or the commissioner's duly designated representative.

"Department" means the department of labor.

"Employee" means a person permitted to work by an employer in employment.

"Employer" means any individual or type of organization, including the state and all its political subdivisions, that has in its employ one (1) or more individuals.

"INSafe" means the division of the department created by section 40 of this chapter.

"Safety order" refers to a notice issued to employers by the commissioner of labor for alleged violations of this chapter, including any health and safety standards.

"Standard" refers to both health and safety standards.

"Voluntary protection program" means a program offered by the United States Occupational Safety and Health Administration to



employers subject to this chapter that exempts the employers from general scheduled inspections.

"Vulnerable worker" has the meaning set forth in IC 35-42-2-1.

SECTION 4. IC 22-8-1.1-43.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 43.2. (a) The employer of a vulnerable worker shall make a report to the commissioner if the vulnerable worker is the victim of workplace battery as described in IC 35-42-2-1(d) or IC 35-42-2-1(g).**

(b) The employer shall make the report not later than:

(1) eight (8) hours after the incident occurs, if the incident results in the death or hospitalization of the victim; or

(2) twenty-four (24) hours after the incident occurs, if the incident does not result in the death or hospitalization of the victim.

The employer shall make the report required under this subsection regardless of whether a person is criminally charged with the workplace battery.

SECTION 5. IC 27-10-2-4.5, AS ADDED BY P.L.147-2022, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 4.5. (a) The following definitions apply throughout this section:**

(1) "Charitable bail organization" means a business entity, or a nonprofit organization under:

(A) the Internal Revenue Code; or

(B) Indiana law;

that exists for the purpose of paying cash bail for another person. However, the term does not include a person who pays cash bail for three (3) or fewer defendants in any one hundred eighty (180) day period, or a person who pays bail for a relative (as defined in ~~IC 35-42-2-1(b))~~. IC 35-42-2-1(a)).

(2) "Crime of violence" has the meaning set forth in IC 35-50-1-2(a).

(b) The commissioner may certify a charitable bail organization if the charitable bail organization:

(1) is a business entity, or a nonprofit organization under:

(A) the Internal Revenue Code; or

(B) Indiana law;

(2) is currently registered to do business in Indiana;

(3) is located in Indiana; and

(4) exists for the purpose of depositing cash bail for an indigent defendant who:



- 1 (A) is not charged with a crime of violence; or
- 2 (B) if charged with a felony, does not have a prior conviction
- 3 for a crime of violence.
- 4 (c) A person may apply for certification under this section in
- 5 accordance with rules adopted under this section.
- 6 (d) The commissioner shall certify a person as a charitable bail
- 7 organization if the:
- 8 (1) person pays an application fee of three hundred dollars
- 9 (\$300);
- 10 (2) person meets the requirements of this section; and
- 11 (3) person, including an officer or director of the person, has not
- 12 engaged in conduct that:
- 13 (A) constitutes fraud, dishonesty, or deception;
- 14 (B) constitutes malfeasance, misfeasance, or nonfeasance in
- 15 dealing with money; or
- 16 (C) resulted in the suspension or revocation of a previous
- 17 certification.
- 18 (e) A charitable bail certification is valid for two (2) years from the
- 19 date of issuance and may be renewed upon payment of a renewal fee
- 20 of three hundred dollars (\$300). If a person applies for renewal before
- 21 the expiration of the existing certification, the existing certification
- 22 remains valid until the commissioner renews the certification, or until
- 23 five (5) days after the commissioner denies the application for renewal.
- 24 A person is entitled to renewal unless the commissioner denies the
- 25 application for renewal under subsection (f).
- 26 (f) The commissioner shall deny, suspend, revoke, or refuse to
- 27 renew certification for any of the following causes:
- 28 (1) Any cause for which issuance of the certification could have
- 29 been refused had it then existed and been known to the
- 30 commissioner.
- 31 (2) Violation of any laws of this state in the course of dealings
- 32 under the certification.
- 33 (3) Material misstatement, misrepresentation, or fraud in
- 34 obtaining the certification.
- 35 (4) Misappropriation, conversion, or unlawful withholding of
- 36 money belonging to donors or others and received in the conduct
- 37 of business under the certification.
- 38 (5) Fraudulent or dishonest practices in the conduct of business
- 39 under the certification.
- 40 (6) Willful failure to comply with or willful violation of any
- 41 proper order or rule of the commissioner.
- 42 (7) When, in the judgment of the commissioner, the certificate



holder has, in the conduct of affairs under the certification, demonstrated:

- (A) incompetency or untrustworthiness;
- (B) conduct or practices rendering the certificate holder unfit to carry on charitable bail activities or making the certificate holder's continuance detrimental to the public interest; or
- (C) that the certificate holder is no longer in good faith carrying on as a charitable bail organization;

and for these reasons is found by the commissioner to be a source of detriment, injury, or loss to the public.

(8) The listing of the name of the applicant or certificate holder on the most recent tax warrant list supplied to the commissioner by the department of state revenue.

(g) A charitable bail organization must comply with all of the following:

(1) If the charitable bail organization pays, or intends to pay, bail for more than three (3) individuals in any one hundred eighty (180) day period, the charitable bail organization must be certified by the commissioner under this section before soliciting or accepting donations for bail for another person, and before depositing money for bail for another person.

(2) A charitable bail organization may not pay bail for a defendant who:

- (A) is charged with a crime of violence; or
- (B) is charged with a felony and has a prior conviction for a crime of violence.

(3) A charitable bail organization may not execute a surety bond for a defendant.

(4) A charitable bail organization shall, before paying bail for an individual, execute an agreement described in IC 35-33-8-3.2 allowing the court to retain all or a part of the bail to pay publicly paid costs of representation and fines, costs, fees, and restitution that the court may order the defendant to pay if the defendant is convicted.

(5) A charitable bail organization may not charge a premium or receive any consideration for acting as a charitable bail organization.

(h) All fees collected under this section must be deposited in the bail bond enforcement and administration fund created by IC 27-10-5-1.

(i) Any authorized employee of a charitable bail organization may only deposit cash bail to the court.



(j) If an individual fails to appear, the bail shall be forfeited in the manner described in IC 35-33-8-7 and the court shall take the steps described in IC 35-33-8-8.

SECTION 6. IC 35-31.5-2-151.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 151.8. "Health care employee", for purposes of IC 35-42-2-1, has the meaning set forth in IC 35-42-2-1.**

SECTION 7. IC 35-31.5-2-282.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 282.9. "School", for purposes of IC 35-42-2-1, has the meaning set forth in IC 35-42-2-1.**

SECTION 8. IC 35-31.5-2-284.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 284.4. "School employee", for purposes of IC 35-42-2-1, has the meaning set forth in IC 35-42-2-1.**

SECTION 9. IC 35-31.5-2-352.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 352.6. "Vulnerable worker", for purposes of IC 35-42-2-1, has the meaning set forth in IC 35-42-2-1.**

SECTION 10. IC 35-40.5-1-1, AS AMENDED BY P.L.32-2021, SECTION 94, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. The following definitions apply throughout this article:

(1) "Law enforcement officer" means any of the following:

(A) A law enforcement officer (as defined in IC 35-31.5-2-185).

(B) A state educational institution police officer appointed under IC 21-39-4.

(C) A school corporation police officer appointed under IC 20-26-16.

(D) A school resource officer (as defined in IC 20-26-18.2-1).

(E) A police officer of a private postsecondary educational institution whose governing board has appointed the police officer under IC 21-17-5-2.

(2) "Provider" has the meaning set forth in IC 16-21-8-0.2.

(3) "Relative" has the meaning set forth in ~~IC 35-42-2-1(b).~~
IC 35-42-2-1(a).

(4) "Sexual assault forensic evidence" means the results collected from a forensic medical examination of a victim by a provider.



(5) "State sexual assault response team" means the statewide sexual assault response team coordinated by the Indiana prosecuting attorneys council and the Indiana criminal justice institute.

(6) "Victim" means an individual:

(A) who is a victim of sexual assault (as defined in IC 5-26.5-1-8); or

(B) who:

(i) is a relative of or a person who has had a close personal relationship with the individual described under clause (A);

and

(ii) is designated by the individual described under clause (A) as a representative.

The term does not include an individual who is accused of committing an act of sexual assault (as defined in IC 5-26.5-1-8) against the individual described under clause (A).

(7) "Victim advocate" has the meaning set forth in IC 35-37-6-3.5.

(8) "Victim service provider" has the meaning set forth in IC 35-37-6-5.

SECTION 11. IC 35-42-2-0.5, AS ADDED BY P.L.65-2016, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 0.5. "Relative", for purposes of ~~IC 35-42-2-1~~, **section 1 of this chapter**, has the meaning set forth in ~~IC 35-42-2-1(b)~~. **section 1(a) of this chapter**.

SECTION 12. IC 35-42-2-1, AS AMENDED BY P.L.148-2024, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) ~~As used in this section, "public safety official" means:~~

(1) a law enforcement officer, including an alcoholic beverage enforcement officer;

(2) an employee of a penal facility or a juvenile detention facility (as defined in IC 31-9-2-71);

(3) an employee of the department of correction;

(4) a probation officer;

(5) a parole officer;

(6) a community corrections worker;

(7) a home detention officer;

(8) a department of child services employee;

(9) a firefighter;

(10) an emergency medical services provider;

(11) a judicial officer;

(12) a bailiff of any court; or



(13) a special deputy (as described in IC 36-8-10-10.6);

(b) As used in this section, "relative" means an individual related by blood, half-blood, adoption, marriage, or remarriage, including:

(1) a spouse;

(2) a parent or stepparent;

(3) a child or stepchild;

(4) a grandchild or stepgrandchild;

(5) a grandparent or stepgrandparent;

(6) a brother, sister, stepbrother, or stepsister;

(7) a niece or nephew;

(8) an aunt or uncle;

(9) a daughter-in-law or son-in-law;

(10) a mother-in-law or father-in-law; or

(11) a first cousin.

(a) The following definitions apply throughout this section:

(1) "Health care employee" means an individual whose responsibilities involve contact or interaction with a patient, and who is employed by, in a contractual relationship with, or providing services on behalf of:

(A) an individual;

(B) a partnership;

(C) a professional corporation;

(D) a facility;

(E) an institution;

(F) a hospital; or

(G) any entity;

that is licensed, certified, or authorized to administer health care in the ordinary course of business or practice of the profession.

(2) "Public safety official" means:

(A) a law enforcement officer, including an alcoholic beverage enforcement officer;

(B) an employee of a penal facility or a juvenile detention facility (as defined in IC 31-9-2-71);

(C) an employee of the department of correction;

(D) a probation officer;

(E) a parole officer;

(F) a community corrections worker;

(G) a home detention officer;

(H) a department of child services employee whose responsibilities include:

(i) personally supervising a child or parent;



- 1 (ii) personally providing services to a child or parent; or
 2 (iii) personally interviewing a child or parent as part of
 3 an investigation;
 4 (I) a firefighter;
 5 (J) an emergency medical services provider;
 6 (K) a judicial officer;
 7 (L) a bailiff of any court; or
 8 (M) a special deputy (as described in IC 36-8-10-10.6).
 9 (3) "Relative" means an individual related by blood,
 10 half-blood, adoption, marriage, or remarriage, including:
 11 (A) a spouse;
 12 (B) a parent or stepparent;
 13 (C) a child or stepchild;
 14 (D) a grandchild or stepgrandchild;
 15 (E) a grandparent or stepgrandparent;
 16 (F) a brother, sister, stepbrother, or stepsister;
 17 (G) a niece or nephew;
 18 (H) an aunt or uncle;
 19 (I) a daughter-in-law or son-in-law;
 20 (J) a mother-in-law or father-in-law; or
 21 (K) a first cousin.
 22 (4) "School" means a public school, charter school, or
 23 nonpublic school with at least one (1) employee.
 24 (5) "School employee" means a person who:
 25 (A) is employed by a school or is in a contractual
 26 relationship with a school; and
 27 (B) has direct and ongoing contact with a student.
 28 (6) "Vulnerable worker" means the following:
 29 (A) A health care employee.
 30 (B) A school employee.
 31 ~~(e)~~ (b) Except as provided in subsections ~~(d)~~ (c) through ~~(k)~~ (l), a
 32 person who knowingly or intentionally:
 33 (1) touches another person in a rude, insolent, or angry manner;
 34 or
 35 (2) in a rude, insolent, or angry manner places any bodily fluid or
 36 waste on another person;
 37 commits battery, a Class B misdemeanor.
 38 ~~(d)~~ (c) The offense described in subsection ~~(e)~~ ~~(t)~~ (b)(1) or ~~(e)~~ ~~(2)~~
 39 (b)(2) is a Class A misdemeanor if it:
 40 (1) results in bodily injury to any other person; or
 41 (2) is committed against a member of a foster family home (as
 42 defined in IC 35-31.5-2-139.3) by a person who is not a resident



of the foster family home if the person who committed the offense is a relative of a person who lived in the foster family home at the time of the offense.

(d) The offense described in subsection (b)(1) is a Class A misdemeanor if it is committed against a vulnerable worker:

(1) while the vulnerable worker is acting within the scope of the vulnerable worker's employment;

(2) while the vulnerable worker is commuting to or from the vulnerable worker's place of employment; or

(3) in retaliation for an act taken by the vulnerable worker within the scope of the vulnerable worker's employment; unless the offense is committed by a person detained or committed under IC 12-26.

(e) The offense described in subsection ~~(c)(1)~~ (b)(1) or ~~(c)(2)~~ (b)(2) is a Level 6 felony if one (1) or more of the following apply:

(1) The offense results in moderate bodily injury to any other person.

(2) The offense is committed against a public safety official while the official is engaged in the official's official duty, unless the offense is committed by a person detained or committed under IC 12-26.

(3) The offense is committed against a person less than fourteen (14) years of age and is committed by a person at least eighteen (18) years of age.

(4) The offense is committed against a person of any age who has a mental or physical disability and is committed by a person having the care of the person with the mental or physical disability, whether the care is assumed voluntarily or because of a legal obligation.

(5) The offense is committed against an endangered adult (as defined in IC 12-10-3-2).

(6) The offense:

(A) is committed against a member of a foster family home (as defined in IC 35-31.5-2-139.3) by a person who is not a resident of the foster family home if the person who committed the offense is a relative of a person who lived in the foster family home at the time of the offense; and

(B) results in bodily injury to the member of the foster family.

(f) The offense described in subsection ~~(c)(2)~~ (b)(2) is a Level 6 felony if the person knew or recklessly failed to know that the bodily fluid or waste placed on another person was infected with hepatitis, tuberculosis, or human immunodeficiency virus.



(g) The offense described in subsection (b)(1) is a Level 6 felony if it results in bodily injury to a vulnerable worker and is committed against the vulnerable worker:

(1) while the vulnerable worker is acting within the scope of the vulnerable worker's employment;

(2) while the vulnerable worker is commuting to or from the vulnerable worker's place of employment; or

(3) in retaliation for an act taken by the vulnerable worker within the scope of the vulnerable worker's employment;

unless the offense is committed by a person detained or committed under IC 12-26.

~~(g)~~ (h) The offense described in subsection ~~(c)(1)~~ (b)(1) or ~~(c)(2)~~ (b)(2) is a Level 5 felony if one (1) or more of the following apply:

(1) The offense results in serious bodily injury to another person.

(2) The offense is committed with a deadly weapon.

(3) The offense results in bodily injury to a pregnant woman if the person knew of the pregnancy.

(4) The person has a previous conviction for a battery or strangulation offense included in this chapter against the same victim.

(5) The offense results in bodily injury to one (1) or more of the following:

(A) A public safety official while the official is engaged in the official's official duties, unless the offense is committed by a person detained or committed under IC 12-26.

(B) A person less than fourteen (14) years of age if the offense is committed by a person at least eighteen (18) years of age.

(C) A person who has a mental or physical disability if the offense is committed by an individual having care of the person with the disability, regardless of whether the care is assumed voluntarily or because of a legal obligation.

(D) An endangered adult (as defined in IC 12-10-3-2).

~~(h)~~ (i) The offense described in subsection ~~(c)(2)~~ (b)(2) is a Level 5 felony if:

(1) the person knew or recklessly failed to know that the bodily fluid or waste placed on another person was infected with hepatitis, tuberculosis, or human immunodeficiency virus; and

(2) the person placed the bodily fluid or waste on a public safety official, unless the offense is committed by a person detained or committed under IC 12-26.

~~(i)~~ (j) The offense described in subsection ~~(c)(1)~~ (b)(1) or ~~(c)(2)~~ (b)(2) is a Level 4 felony if it results in serious bodily injury to an



- 1 endangered adult (as defined in IC 12-10-3-2).
2 ~~(j)~~ **(k)** The offense described in subsection ~~(c)(1)~~ **(b)(1)** or ~~(c)(2)~~
3 **(b)(2)** is a Level 3 felony if it results in serious bodily injury to a person
4 less than fourteen (14) years of age if the offense is committed by a
5 person at least eighteen (18) years of age.
6 ~~(k)~~ **(l)** The offense described in subsection ~~(c)(1)~~ **(b)(1)** or ~~(c)(2)~~
7 **(b)(2)** is a Level 2 felony if it results in the death of one (1) or more of
8 the following:
9 (1) A person less than fourteen (14) years of age if the offense is
10 committed by a person at least eighteen (18) years of age.
11 (2) An endangered adult (as defined in IC 12-10-3-2).



COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1040, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 11, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 3. IC 22-8-1.1-1, AS AMENDED BY P.L.32-2008, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. As used in this chapter, unless otherwise provided:

"Board" means the board of safety review created by this chapter.

"Commission" means the occupational safety standards commission created by this chapter.

"Commissioner" means the commissioner of labor or the commissioner's duly designated representative.

"Department" means the department of labor.

"Employee" means a person permitted to work by an employer in employment.

"Employer" means any individual or type of organization, including the state and all its political subdivisions, that has in its employ one (1) or more individuals.

"INSafe" means the division of the department created by section 40 of this chapter.

"Safety order" refers to a notice issued to employers by the commissioner of labor for alleged violations of this chapter, including any health and safety standards.

"Standard" refers to both health and safety standards.

"Voluntary protection program" means a program offered by the United States Occupational Safety and Health Administration to employers subject to this chapter that exempts the employers from general scheduled inspections.

"Vulnerable worker" has the meaning set forth in IC 35-42-2-1.

SECTION 2. IC 22-8-1.1-43.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 43.2. (a) The employer of a vulnerable worker shall make a report to the commissioner if the vulnerable worker is the victim of workplace battery as described in IC 35-42-2-1(d) or IC 35-42-2-1(g).**

(b) The employer shall make the report not later than:

(1) eight (8) hours after the incident occurs, if the incident results in the death or hospitalization of the victim; or

(2) twenty-four (24) hours after the incident occurs, if the



incident does not result in the death or hospitalization of the victim.

The employer shall make the report required under this subsection regardless of whether a person is criminally charged with the workplace battery."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1040 as introduced.)

MCNAMARA

Committee Vote: yeas 11, nays 1.

