



Reprinted
February 20, 2026

ENGROSSED HOUSE BILL No. 1040

DIGEST OF HB 1040 (Updated February 19, 2026 3:41 pm - DI 106)

Citations Affected: IC 5-2; IC 5-14; IC 22-1; IC 27-10; IC 35-31.5; IC 35-40.5; IC 35-42.

Synopsis: Battery against school and healthcare employees. 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 make a semiannual report to the department of labor concerning workplace batteries.

Effective: July 1, 2026.

McNamara, Engleman, Barrett, Pfaff

(SENATE SPONSORS — FREEMAN, CARRASCO, RAATZ)

December 2, 2025, read first time and referred to Committee on Courts and Criminal Code.
January 8, 2026, amended, reported — Do Pass.
January 12, 2026, read second time, ordered engrossed.
January 13, 2026, engrossed. Read third time, passed. Yeas 92, nays 0.

SENATE ACTION

January 27, 2026, read first time and referred to Committee on Corrections and Criminal Law.
February 12, 2026, amended, reported favorably — Do Pass.
February 19, 2026, read second time, amended, ordered engrossed.

EH 1040—LS 6292/DI 106



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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.

ENGROSSED 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);

EH 1040—LS 6292/DI 106



- 1 (iii) ~~IC 35-42-2-1(j)~~ **IC 35-42-2-1(k)** (battery causing
 2 serious bodily injury to a child); or
 3 (iv) ~~IC 35-42-2-1(k)~~ **IC 35-42-2-1(l)** (battery resulting in the
 4 death of a child).
 5 (2) "Office" refers to the office of judicial administration created
 6 ~~under~~ by IC 33-24-6-1.
 7 (3) "Registry" means the child abuse registry established under
 8 section 2 of this chapter.
 9 SECTION 2. IC 5-14-3-4, AS AMENDED BY P.L.33-2025,
 10 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2026]: Sec. 4. (a) The following public records are excepted
 12 from section 3 of this chapter and may not be disclosed by a public
 13 agency, unless access to the records is specifically required by a state
 14 or federal statute or is ordered by a court under the rules of discovery:
 15 (1) Those declared confidential by state statute.
 16 (2) Those declared confidential by rule adopted by a public
 17 agency under specific authority to classify public records as
 18 confidential granted to the public agency by statute.
 19 (3) Those required to be kept confidential by federal law.
 20 (4) Records containing trade secrets.
 21 (5) Confidential financial information obtained, upon request,
 22 from a person. However, this does not include information that is
 23 filed with or received by a public agency pursuant to state statute.
 24 (6) Information concerning research, including actual research
 25 documents, conducted under the auspices of a state educational
 26 institution, including information:
 27 (A) concerning any negotiations made with respect to the
 28 research; and
 29 (B) received from another party involved in the research.
 30 (7) Grade transcripts and license examination scores obtained as
 31 part of a licensure process.
 32 (8) Those declared confidential by or under rules adopted by the
 33 supreme court of Indiana.
 34 (9) Patient medical records and charts created by a provider,
 35 unless the patient gives written consent under IC 16-39 or as
 36 provided under IC 16-41-8.
 37 (10) Application information declared confidential by the Indiana
 38 economic development corporation under IC 5-28.
 39 (11) A photograph, a video recording, or an audio recording of an
 40 autopsy, except as provided in IC 36-2-14-10.
 41 (12) A Social Security number contained in the records of a
 42 public agency.



- 1 (13) The following information that is part of a foreclosure action
 2 subject to IC 32-30-10.5:
 3 (A) Contact information for a debtor, as described in
 4 IC 32-30-10.5-8(d)(1)(B).
 5 (B) Any document submitted to the court as part of the debtor's
 6 loss mitigation package under IC 32-30-10.5-10(a)(3).
 7 (14) The following information obtained from a call made to a
 8 fraud hotline established under IC 36-1-8-8.5:
 9 (A) The identity of any individual who makes a call to the
 10 fraud hotline.
 11 (B) A report, transcript, audio recording, or other information
 12 concerning a call to the fraud hotline.
 13 However, records described in this subdivision may be disclosed
 14 to a law enforcement agency, a private university police
 15 department, the attorney general, the inspector general, the state
 16 examiner, or a prosecuting attorney.
 17 (15) Information described in section 5(c)(3)(B) of this chapter
 18 that is contained in a daily log or record described in section 5(c)
 19 of this chapter for a victim of a crime or delinquent act who is less
 20 than eighteen (18) years of age, unless and to the extent that:
 21 (A) a parent, guardian, or custodian of the victim consents in
 22 writing to public disclosure of the records; and
 23 (B) that parent, guardian, or custodian of the victim has not
 24 been charged with or convicted of committing a crime against
 25 the victim.
 26 However, records described in this subdivision may be disclosed
 27 to the department of child services.
 28 (b) Except as otherwise provided by subsection (a), the following
 29 public records shall be excepted from section 3 of this chapter at the
 30 discretion of a public agency:
 31 (1) Investigatory records of law enforcement agencies or private
 32 university police departments. For purposes of this chapter, a law
 33 enforcement recording is not an investigatory record. However,
 34 information described in subsection (a)(15) contained in a law
 35 enforcement recording is exempt from disclosure, unless and to
 36 the extent that a parent, guardian, or custodian of the victim
 37 consents in writing to public disclosure of the records. However,
 38 a parent, guardian, or custodian charged with or convicted of a
 39 crime against the victim may not consent to public disclosure of
 40 the records. Law enforcement agencies or private university
 41 police departments may share investigatory records with:
 42 (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



- 1 activities in Indiana; or
 2 (viii) a governing body of a political subdivision;
 3 with industrial, research, or commercial prospects, if the
 4 records are created while negotiations are in progress.
 5 However, this clause does not apply to records regarding
 6 research that is prohibited under IC 16-34.5-1-2 or any other
 7 law.
- 8 (B) Notwithstanding clause (A), the terms of the final offer of
 9 public financial resources communicated by the Indiana
 10 economic development corporation, the ports of Indiana, the
 11 Indiana finance authority, an economic development
 12 commission, the Indiana White River state park development
 13 commission, or a governing body of a political subdivision to
 14 an industrial, a research, or a commercial prospect shall be
 15 available for inspection and copying under section 3 of this
 16 chapter after negotiations with that prospect have terminated.
- 17 (C) When disclosing a final offer under clause (B), the Indiana
 18 economic development corporation shall certify that the
 19 information being disclosed accurately and completely
 20 represents the terms of the final offer.
- 21 (D) Notwithstanding clause (A), an incentive agreement with
 22 an incentive recipient shall be available for inspection and
 23 copying under section 3 of this chapter after the date the
 24 incentive recipient and the Indiana economic development
 25 corporation execute the incentive agreement regardless of
 26 whether negotiations are in progress with the recipient after
 27 that date regarding a modification or extension of the incentive
 28 agreement.
- 29 (6) Records that are intra-agency or interagency advisory or
 30 deliberative material, including material developed by a private
 31 contractor under a contract with a public agency, that are
 32 expressions of opinion or are of a speculative nature, and that are
 33 communicated for the purpose of decision making.
- 34 (7) Diaries, journals, or other personal notes serving as the
 35 functional equivalent of a diary or journal.
- 36 (8) Personnel files of public employees and files of applicants for
 37 public employment, except for:
 38 (A) the name, compensation, job title, business address,
 39 business telephone number, job description, education and
 40 training background, previous work experience, or dates of
 41 first and last employment of present or former officers or
 42 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.



- 1 However, nothing in this subdivision shall limit or affect contracts
2 entered into by the Indiana state library pursuant to IC 4-1-6-8.
3 (17) The identity of any person who contacts the bureau of motor
4 vehicles concerning the ability of a driver to operate a motor
5 vehicle safely and the medical records and evaluations made by
6 the bureau of motor vehicles staff or members of the driver
7 licensing medical advisory board regarding the ability of a driver
8 to operate a motor vehicle safely. However, upon written request
9 to the commissioner of the bureau of motor vehicles, the driver
10 must be given copies of the driver's medical records and
11 evaluations.
12 (18) School safety and security measures, plans, and systems,
13 including emergency preparedness plans developed under 511
14 IAC 6.1-2-2.5.
15 (19) A record or a part of a record, the public disclosure of which
16 would have a reasonable likelihood of threatening public safety
17 by exposing a vulnerability to terrorist attack. A record described
18 under this subdivision includes the following:
19 (A) A record assembled, prepared, or maintained to prevent,
20 mitigate, or respond to an act of terrorism under IC 35-47-12-1
21 (before its repeal), an act of agricultural terrorism under
22 IC 35-47-12-2 (before its repeal), or a felony terrorist offense
23 (as defined in IC 35-50-2-18).
24 (B) Vulnerability assessments.
25 (C) Risk planning documents.
26 (D) Needs assessments.
27 (E) Threat assessments.
28 (F) Intelligence assessments.
29 (G) Domestic preparedness strategies.
30 (H) The location of community drinking water wells and
31 surface water intakes.
32 (I) The emergency contact information of emergency
33 responders and volunteers.
34 (J) Infrastructure records that disclose the configuration of
35 critical systems such as voting system and voter registration
36 system critical infrastructure, and communication, electrical,
37 ventilation, water, and wastewater systems.
38 (K) Detailed drawings or specifications of structural elements,
39 floor plans, and operating, utility, or security systems, whether
40 in paper or electronic form, of any building or facility located
41 on an airport (as defined in IC 8-21-1-1) that is owned,
42 occupied, leased, or maintained by a public agency, or any part



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

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

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

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

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

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

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



- 1 by exposing a vulnerability of other locations or structures to
 2 terrorist attack.
- 3 (20) The following personal information concerning a customer
 4 of a municipally owned utility (as defined in IC 8-1-2-1):
 5 (A) Telephone number.
 6 (B) Address.
 7 (C) Social Security number.
- 8 (21) The following personal information about a complainant
 9 contained in records of a law enforcement agency:
 10 (A) Telephone number.
 11 (B) The complainant's address. However, if the complainant's
 12 address is the location of the suspected crime, infraction,
 13 accident, or complaint reported, the address shall be made
 14 available for public inspection and copying.
- 15 (22) Notwithstanding subdivision (8)(A), the name,
 16 compensation, job title, business address, business telephone
 17 number, job description, education and training background,
 18 previous work experience, or dates of first employment of a law
 19 enforcement officer who is operating in an undercover capacity.
- 20 (23) Records requested by an offender, an agent, or a relative of
 21 an offender that:
 22 (A) contain personal information relating to:
 23 (i) a correctional officer (as defined in IC 5-10-10-1.5);
 24 (ii) a probation officer;
 25 (iii) a community corrections officer;
 26 (iv) a law enforcement officer (as defined in
 27 IC 35-31.5-2-185);
 28 (v) a judge (as defined in IC 33-38-12-3);
 29 (vi) the victim of a crime; or
 30 (vii) a family member of a correctional officer, probation
 31 officer, community corrections officer, law enforcement
 32 officer (as defined in IC 35-31.5-2-185), judge (as defined
 33 in IC 33-38-12-3), or victim of a crime; or
 34 (B) concern or could affect the security of a jail or correctional
 35 facility.
- 36 For purposes of this subdivision, "agent" means a person who is
 37 authorized by an offender to act on behalf of, or at the direction
 38 of, the offender, and "relative" has the meaning set forth in
 39 ~~IC 35-42-2-1(b)~~. **IC 35-42-2-1(a)**. However, the term "agent"
 40 does not include an attorney in good standing admitted to the
 41 practice of law in Indiana.
- 42 (24) Information concerning an individual less than eighteen (18)



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

5 (A) Name.

6 (B) Address.

7 (C) Telephone number.

8 (D) Electronic mail account address.

9 (25) Criminal intelligence information.

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

13 (A) Date of birth.

14 (B) Driver's license number.

15 (C) Taxpayer identification number.

16 (D) Employer identification number.

17 (E) Account number.

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

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

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

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

40 (1) an adoption or patient medical records; or

41 (2) a birth or stillbirth;

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



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

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

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

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

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

- 16 (1) public records subject to IC 5-15 may be destroyed only in
 17 accordance with record retention schedules under IC 5-15; or
 18 (2) public records not subject to IC 5-15 may be destroyed in the
 19 ordinary course of business.

20 SECTION 3. IC 22-1-1-24 IS ADDED TO THE INDIANA CODE
 21 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 22 1, 2026]: **Sec. 24. (a) The following definitions apply throughout
 23 this section:**

- 24 (1) "Health care employee" has the meaning set forth in
 25 IC 35-42-2-1.
 26 (2) "School employee" has the meaning set forth in
 27 IC 35-42-2-1.
 28 (3) "Workplace battery" means a battery described in
 29 IC 35-42-2-1(d) or IC 35-42-2-1(g).

30 (b) The employer of a health care employee or school employee
 31 shall make a workplace battery report as described in subsection
 32 (c) to the commissioner if a health care employee or school
 33 employee is the victim of workplace battery.

34 (c) Beginning July 1, 2027, the employer shall make the
 35 workplace battery report required under subsection (b) each year
 36 before:

- 37 (1) August 1, for the period from January 1 to June 30; and
 38 (2) February 1, for the period from July 1 to December 31.

39 The report shall be made on a form provided by the commissioner.

40 (d) The workplace battery report must include the following
 41 information:

- 42 (1) The name of the employer.



- 1 **(2) The city and county in which a workplace battery was**
- 2 **committed.**
- 3 **(3) The time period covered by the report (January 1 to June**
- 4 **30 or July 1 to December 31).**
- 5 **(4) The number of workplace batteries that were committed**
- 6 **during the reporting period.**
- 7 **(5) The job title of each health care employee or school**
- 8 **employee who was the victim of the workplace battery.**
- 9 **(6) The date of each workplace battery.**
- 10 **(7) The address and specific location (such as "hospital**
- 11 **emergency room" or "school parking lot") where the**
- 12 **workplace battery occurred. However, if the battery occurred**
- 13 **at the health care employee's or school employee's home, the**
- 14 **report may not include the address.**
- 15 **(8) The circumstances surrounding the workplace battery and**
- 16 **any resulting injury, including the following, if known:**
- 17 **(A) The gender of the victim.**
- 18 **(B) The specific manner in which the workplace battery**
- 19 **was committed (such as by striking, biting, pushing,**
- 20 **kicking, use of an object, or use of a weapon).**
- 21 **(C) Whether the victim required hospitalization.**
- 22 **(D) If a weapon or other object was used to commit the**
- 23 **workplace battery, the type of weapon or object.**
- 24 **(E) Whether law enforcement was contacted or responded**
- 25 **to the workplace battery.**
- 26 **(F) Whether criminal charges were filed against the**
- 27 **perpetrator.**

28 **For a workplace battery that does not occur on the employer's**
 29 **premises, the employer shall provide as much information as is**
 30 **known to the employer.**

31 **(e) The employer shall make the report required under this**
 32 **section regardless of whether a person is criminally charged with**
 33 **the workplace battery.**

34 SECTION 4. IC 27-10-2-4.5, AS ADDED BY P.L.147-2022,
 35 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2026]: Sec. 4.5. (a) The following definitions apply
 37 throughout this section:

- 38 (1) "Charitable bail organization" means a business entity, or a
- 39 nonprofit organization under:
- 40 (A) the Internal Revenue Code; or
- 41 (B) Indiana law;
- 42 that exists for the purpose of paying cash bail for another person.



- 1 However, the term does not include a person who pays cash bail
 2 for three (3) or fewer defendants in any one hundred eighty (180)
 3 day period, or a person who pays bail for a relative (as defined in
 4 ~~IC 35-42-2-1(b))~~. **IC 35-42-2-1(a)**.
- 5 (2) "Crime of violence" has the meaning set forth in
 6 IC 35-50-1-2(a).
- 7 (b) The commissioner may certify a charitable bail organization if
 8 the charitable bail organization:
- 9 (1) is a business entity, or a nonprofit organization under:
 10 (A) the Internal Revenue Code; or
 11 (B) Indiana law;
 12 (2) is currently registered to do business in Indiana;
 13 (3) is located in Indiana; and
 14 (4) exists for the purpose of depositing cash bail for an indigent
 15 defendant who:
 16 (A) is not charged with a crime of violence; or
 17 (B) if charged with a felony, does not have a prior conviction
 18 for a crime of violence.
- 19 (c) A person may apply for certification under this section in
 20 accordance with rules adopted under this section.
- 21 (d) The commissioner shall certify a person as a charitable bail
 22 organization if the:
- 23 (1) person pays an application fee of three hundred dollars
 24 (\$300);
 25 (2) person meets the requirements of this section; and
 26 (3) person, including an officer or director of the person, has not
 27 engaged in conduct that:
 28 (A) constitutes fraud, dishonesty, or deception;
 29 (B) constitutes malfeasance, misfeasance, or nonfeasance in
 30 dealing with money; or
 31 (C) resulted in the suspension or revocation of a previous
 32 certification.
- 33 (e) A charitable bail certification is valid for two (2) years from the
 34 date of issuance and may be renewed upon payment of a renewal fee
 35 of three hundred dollars (\$300). If a person applies for renewal before
 36 the expiration of the existing certification, the existing certification
 37 remains valid until the commissioner renews the certification, or until
 38 five (5) days after the commissioner denies the application for renewal.
 39 A person is entitled to renewal unless the commissioner denies the
 40 application for renewal under subsection (f).
- 41 (f) The commissioner shall deny, suspend, revoke, or refuse to
 42 renew certification for any of the following causes:



- 1 (1) Any cause for which issuance of the certification could have
 2 been refused had it then existed and been known to the
 3 commissioner.
 4 (2) Violation of any laws of this state in the course of dealings
 5 under the certification.
 6 (3) Material misstatement, misrepresentation, or fraud in
 7 obtaining the certification.
 8 (4) Misappropriation, conversion, or unlawful withholding of
 9 money belonging to donors or others and received in the conduct
 10 of business under the certification.
 11 (5) Fraudulent or dishonest practices in the conduct of business
 12 under the certification.
 13 (6) Willful failure to comply with or willful violation of any
 14 proper order or rule of the commissioner.
 15 (7) When, in the judgment of the commissioner, the certificate
 16 holder has, in the conduct of affairs under the certification,
 17 demonstrated:
 18 (A) incompetency or untrustworthiness;
 19 (B) conduct or practices rendering the certificate holder unfit
 20 to carry on charitable bail activities or making the certificate
 21 holder's continuance detrimental to the public interest; or
 22 (C) that the certificate holder is no longer in good faith
 23 carrying on as a charitable bail organization;
 24 and for these reasons is found by the commissioner to be a source
 25 of detriment, injury, or loss to the public.
 26 (8) The listing of the name of the applicant or certificate holder on
 27 the most recent tax warrant list supplied to the commissioner by
 28 the department of state revenue.
 29 (g) A charitable bail organization must comply with all of the
 30 following:
 31 (1) If the charitable bail organization pays, or intends to pay, bail
 32 for more than three (3) individuals in any one hundred eighty
 33 (180) day period, the charitable bail organization must be certified
 34 by the commissioner under this section before soliciting or
 35 accepting donations for bail for another person, and before
 36 depositing money for bail for another person.
 37 (2) A charitable bail organization may not pay bail for a defendant
 38 who:
 39 (A) is charged with a crime of violence; or
 40 (B) is charged with a felony and has a prior conviction for a
 41 crime of violence.
 42 (3) A charitable bail organization may not execute a surety bond



- 1 for a defendant.
- 2 (4) A charitable bail organization shall, before paying bail for an
3 individual, execute an agreement described in IC 35-33-8-3.2
4 allowing the court to retain all or a part of the bail to pay publicly
5 paid costs of representation and fines, costs, fees, and restitution
6 that the court may order the defendant to pay if the defendant is
7 convicted.
- 8 (5) A charitable bail organization may not charge a premium or
9 receive any consideration for acting as a charitable bail
10 organization.
- 11 (h) All fees collected under this section must be deposited in the
12 bail bond enforcement and administration fund created by
13 IC 27-10-5-1.
- 14 (i) Any authorized employee of a charitable bail organization may
15 only deposit cash bail to the court.
- 16 (j) If an individual fails to appear, the bail shall be forfeited in the
17 manner described in IC 35-33-8-7 and the court shall take the steps
18 described in IC 35-33-8-8.
- 19 SECTION 5. IC 35-31.5-2-151.8 IS ADDED TO THE INDIANA
20 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
21 [EFFECTIVE JULY 1, 2026]: **Sec. 151.8. "Health care employee",**
22 **for purposes of IC 35-42-2-1, has the meaning set forth in**
23 **IC 35-42-2-1.**
- 24 SECTION 6. IC 35-31.5-2-282.9 IS ADDED TO THE INDIANA
25 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
26 [EFFECTIVE JULY 1, 2026]: **Sec. 282.9. "School", for purposes of**
27 **IC 35-42-2-1, has the meaning set forth in IC 35-42-2-1.**
- 28 SECTION 7. IC 35-31.5-2-284.4 IS ADDED TO THE INDIANA
29 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
30 [EFFECTIVE JULY 1, 2026]: **Sec. 284.4. "School employee", for**
31 **purposes of IC 35-42-2-1, has the meaning set forth in**
32 **IC 35-42-2-1.**
- 33 SECTION 8. IC 35-40.5-1-1, AS AMENDED BY P.L.32-2021,
34 SECTION 94, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 JULY 1, 2026]: Sec. 1. The following definitions apply throughout this
36 article:
- 37 (1) "Law enforcement officer" means any of the following:
- 38 (A) A law enforcement officer (as defined in
39 IC 35-31.5-2-185).
- 40 (B) A state educational institution police officer appointed
41 under IC 21-39-4.
- 42 (C) A school corporation police officer appointed under



- 1 IC 20-26-16.
- 2 (D) A school resource officer (as defined in IC 20-26-18.2-1).
- 3 (E) A police officer of a private postsecondary educational
- 4 institution whose governing board has appointed the police
- 5 officer under IC 21-17-5-2.
- 6 (2) "Provider" has the meaning set forth in IC 16-21-8-0.2.
- 7 (3) "Relative" has the meaning set forth in ~~IC 35-42-2-1(b)~~;
- 8 **IC 35-42-2-1(a).**
- 9 (4) "Sexual assault forensic evidence" means the results collected
- 10 from a forensic medical examination of a victim by a provider.
- 11 (5) "State sexual assault response team" means the statewide
- 12 sexual assault response team coordinated by the Indiana
- 13 prosecuting attorneys council and the Indiana criminal justice
- 14 institute.
- 15 (6) "Victim" means an individual:
- 16 (A) who is a victim of sexual assault (as defined in
- 17 IC 5-26.5-1-8); or
- 18 (B) who:
- 19 (i) is a relative of or a person who has had a close personal
- 20 relationship with the individual described under clause (A);
- 21 and
- 22 (ii) is designated by the individual described under clause
- 23 (A) as a representative.
- 24 The term does not include an individual who is accused of
- 25 committing an act of sexual assault (as defined in IC 5-26.5-1-8)
- 26 against the individual described under clause (A).
- 27 (7) "Victim advocate" has the meaning set forth in IC 35-37-6-3.5.
- 28 (8) "Victim service provider" has the meaning set forth in
- 29 IC 35-37-6-5.
- 30 SECTION 9. IC 35-42-2-0.5, AS ADDED BY P.L.65-2016,
- 31 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 32 JULY 1, 2026]: Sec. 0.5. "Relative", for purposes of ~~IC 35-42-2-1~~;
- 33 **section 1 of this chapter**, has the meaning set forth in ~~IC 35-42-2-1(b)~~;
- 34 **section 1(a) of this chapter.**
- 35 SECTION 10. IC 35-42-2-1, AS AMENDED BY P.L.148-2024,
- 36 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 37 JULY 1, 2026]: Sec. 1. (a) ~~As used in this section, "public safety~~
- 38 ~~official" means:~~
- 39 (1) ~~a law enforcement officer, including an alcoholic beverage~~
- 40 ~~enforcement officer;~~
- 41 (2) ~~an employee of a penal facility or a juvenile detention facility~~
- 42 ~~(as defined in IC 31-9-2-71);~~



- 1 (3) an employee of the department of correction;
- 2 (4) a probation officer;
- 3 (5) a parole officer;
- 4 (6) a community corrections worker;
- 5 (7) a home detention officer;
- 6 (8) a department of child services employee;
- 7 (9) a firefighter;
- 8 (10) an emergency medical services provider;
- 9 (11) a judicial officer;
- 10 (12) a bailiff of any court; or
- 11 (13) a special deputy (as described in IC 36-8-10-10.6).
- 12 (b) As used in this section, "relative" means an individual related by
- 13 blood, half-blood, adoption, marriage, or remarriage, including:
- 14 (1) a spouse;
- 15 (2) a parent or stepparent;
- 16 (3) a child or stepchild;
- 17 (4) a grandchild or stepgrandchild;
- 18 (5) a grandparent or stepgrandparent;
- 19 (6) a brother, sister, stepbrother, or stepsister;
- 20 (7) a niece or nephew;
- 21 (8) an aunt or uncle;
- 22 (9) a daughter-in-law or son-in-law;
- 23 (10) a mother-in-law or father-in-law; or
- 24 (11) a first cousin.
- 25 (a) The following definitions apply throughout this section:
- 26 (1) "Health care employee" means an individual whose
- 27 responsibilities involve contact or interaction with a patient,
- 28 and who is employed by, in a contractual relationship with, or
- 29 providing services on behalf of:
- 30 (A) an individual;
- 31 (B) a partnership;
- 32 (C) a professional corporation;
- 33 (D) a facility;
- 34 (E) an institution;
- 35 (F) a hospital; or
- 36 (G) any entity;
- 37 that is licensed, certified, or authorized to administer health
- 38 care in the ordinary course of business or practice of the
- 39 profession.
- 40 (2) "Public safety official" means:
- 41 (A) a law enforcement officer, including an alcoholic
- 42 beverage enforcement officer;



- 1 **(B) an employee of a penal facility or a juvenile detention**
- 2 **facility (as defined in IC 31-9-2-71);**
- 3 **(C) an employee of the department of correction;**
- 4 **(D) a probation officer;**
- 5 **(E) a parole officer;**
- 6 **(F) a community corrections worker;**
- 7 **(G) a home detention officer;**
- 8 **(H) a department of child services employee whose**
- 9 **responsibilities include:**
 - 10 **(i) personally supervising a child or parent;**
 - 11 **(ii) personally providing services to a child or parent; or**
 - 12 **(iii) personally interviewing a child or parent as part of**
 - 13 **an investigation;**
- 14 **(I) a firefighter;**
- 15 **(J) an emergency medical services provider;**
- 16 **(K) a judicial officer;**
- 17 **(L) a bailiff of any court; or**
- 18 **(M) a special deputy (as described in IC 36-8-10-10.6).**
- 19 **(3) "Relative" means an individual related by blood,**
- 20 **half-blood, adoption, marriage, or remarriage, including:**
 - 21 **(A) a spouse;**
 - 22 **(B) a parent or stepparent;**
 - 23 **(C) a child or stepchild;**
 - 24 **(D) a grandchild or stepgrandchild;**
 - 25 **(E) a grandparent or stepgrandparent;**
 - 26 **(F) a brother, sister, stepbrother, or stepsister;**
 - 27 **(G) a niece or nephew;**
 - 28 **(H) an aunt or uncle;**
 - 29 **(I) a daughter-in-law or son-in-law;**
 - 30 **(J) a mother-in-law or father-in-law; or**
 - 31 **(K) a first cousin.**
- 32 **(4) "School" means a public school, charter school, or**
- 33 **nonpublic school with at least one (1) employee.**
- 34 **(5) "School employee" means a person who:**
 - 35 **(A) is employed by a school or is in a contractual**
 - 36 **relationship with a school; and**
 - 37 **(B) has direct and ongoing contact with a student.**
- 38 ~~(e)~~ **(b) Except as provided in subsections ~~(d)~~ (c) through ~~(k)~~ (l), a**
- 39 **person who knowingly or intentionally:**
 - 40 **(1) touches another person in a rude, insolent, or angry manner;**
 - 41 **or**
 - 42 **(2) in a rude, insolent, or angry manner places any bodily fluid or**



1 waste on another person;
 2 commits battery, a Class B misdemeanor.

3 ~~(d)~~ **(c)** The offense described in subsection ~~(c)(1)~~ **(b)(1)** or ~~(c)(2)~~
 4 **(b)(2)** is a Class A misdemeanor if it:

- 5 (1) results in bodily injury to any other person; or
 6 (2) is committed against a member of a foster family home (as
 7 defined in IC 35-31.5-2-139.3) by a person who is not a resident
 8 of the foster family home if the person who committed the offense
 9 is a relative of a person who lived in the foster family home at the
 10 time of the offense.

11 **(d) The offense described in subsection (b)(1) is a Class A**
 12 **misdemeanor if it is committed against a health care employee or**
 13 **school employee:**

14 **(1) while the health care employee or school employee is**
 15 **acting within the scope of the health care employee's or school**
 16 **employee's employment;**

17 **(2) while the health care employee or school employee is**
 18 **commuting to or from the health care employee's or school**
 19 **employee's place of employment; or**

20 **(3) in retaliation for an act taken by the health care employee**
 21 **or school employee within the scope of the health care**
 22 **employee's or school employee's employment;**

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

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

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

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

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

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

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



- 1 (6) The offense:
 2 (A) is committed against a member of a foster family home (as
 3 defined in IC 35-31.5-2-139.3) by a person who is not a
 4 resident of the foster family home if the person who committed
 5 the offense is a relative of a person who lived in the foster
 6 family home at the time of the offense; and
 7 (B) results in bodily injury to the member of the foster family.
 8 (f) The offense described in subsection ~~(e)(2)~~ **(b)(2)** is a Level 6
 9 felony if the person knew or recklessly failed to know that the bodily
 10 fluid or waste placed on another person was infected with hepatitis,
 11 tuberculosis, or human immunodeficiency virus.
 12 **(g) The offense described in subsection (b)(1) is a Level 6 felony**
 13 **if it results in bodily injury to a health care employee or school**
 14 **employee and is committed against the health care employee or**
 15 **school employee:**
 16 **(1) while the health care employee or school employee is**
 17 **acting within the scope of the health care employee's or school**
 18 **employee's employment;**
 19 **(2) while the health care employee or school employee is**
 20 **commuting to or from the health care employee's or school**
 21 **employee's place of employment; or**
 22 **(3) in retaliation for an act taken by the health care employee**
 23 **or school employee within the scope of the health care**
 24 **employee's or school employee's employment;**
 25 **unless the offense is committed by a person detained or committed**
 26 **under IC 12-26.**
 27 ~~(g)~~ **(h)** The offense described in subsection ~~(e)(1)~~ **(b)(1)** or ~~(e)(2)~~
 28 **(b)(2)** is a Level 5 felony if one (1) or more of the following apply:
 29 (1) The offense results in serious bodily injury to another person.
 30 (2) The offense is committed with a deadly weapon.
 31 (3) The offense results in bodily injury to a pregnant woman if the
 32 person knew of the pregnancy.
 33 (4) The person has a previous conviction for a battery or
 34 strangulation offense included in this chapter against the same
 35 victim.
 36 (5) The offense results in bodily injury to one (1) or more of the
 37 following:
 38 (A) A public safety official while the official is engaged in the
 39 official's official duties, unless the offense is committed by a
 40 person detained or committed under IC 12-26.
 41 (B) A person less than fourteen (14) years of age if the offense
 42 is committed by a person at least eighteen (18) years of age.



- 1 (C) A person who has a mental or physical disability if the
 2 offense is committed by an individual having care of the
 3 person with the disability, regardless of whether the care is
 4 assumed voluntarily or because of a legal obligation.
- 5 (D) An endangered adult (as defined in IC 12-10-3-2).
- 6 ~~(h)~~ **(i)** The offense described in subsection ~~(c)(2)~~ **(b)(2)** is a Level
 7 5 felony if:
- 8 (1) the person knew or recklessly failed to know that the bodily
 9 fluid or waste placed on another person was infected with
 10 hepatitis, tuberculosis, or human immunodeficiency virus; and
 11 (2) the person placed the bodily fluid or waste on a public safety
 12 official, unless the offense is committed by a person detained or
 13 committed under IC 12-26.
- 14 ~~(i)~~ **(j)** The offense described in subsection ~~(c)(1)~~ **(b)(1)** or ~~(c)(2)~~
 15 **(b)(2)** is a Level 4 felony if it results in serious bodily injury to an
 16 endangered adult (as defined in IC 12-10-3-2).
- 17 ~~(j)~~ **(k)** The offense described in subsection ~~(c)(1)~~ **(b)(1)** or ~~(c)(2)~~
 18 **(b)(2)** is a Level 3 felony if it results in serious bodily injury to a person
 19 less than fourteen (14) years of age if the offense is committed by a
 20 person at least eighteen (18) years of age.
- 21 ~~(k)~~ **(l)** The offense described in subsection ~~(c)(1)~~ **(b)(1)** or ~~(c)(2)~~
 22 **(b)(2)** is a Level 2 felony if it results in the death of one (1) or more of
 23 the following:
- 24 (1) A person less than fourteen (14) years of age if the offense is
 25 committed by a person at least eighteen (18) years of age.
 26 (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.

COMMITTEE REPORT

Mr. President: The Senate Committee on Corrections and Criminal Law, to which was referred House Bill No. 1040, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 11, between lines 34 and 35, begin a new paragraph and insert:
""Health care employee" has the meaning set forth in IC 35-42-2-1."

Page 11, between lines 39 and 40, begin a new paragraph and insert:
""School employee" has the meaning set forth in IC 35-42-2-1."

Page 12, delete lines 3 through 18, begin a new paragraph and insert:

"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 following definitions apply throughout this section:

(1) "Health care employee" has the meaning set forth in IC 35-42-2-1.

(2) "School employee" has the meaning set forth in IC 35-42-2-1.

(3) "Workplace battery" means a battery described in IC 35-42-2-1(d) or IC 35-42-2-1(g).

(b) The employer of a health care employee or school employee shall make a workplace battery report as described in subsection (c) to the commissioner if a health care employee or school

EH 1040—LS 6292/DI 106



employee is the victim of workplace battery.

(c) Beginning July 1, 2027, the employer shall make the workplace battery report required under subsection (b) each year before:

- (1) August 1, for the period from January 1 to June 30; and
- (2) February 1, for the period from July 1 to December 31.

The report shall be made on a form provided by the commissioner.

(d) The workplace battery report must include the following information:

- (1) The name of the employer.
- (2) The city and county in which a workplace battery was committed.
- (3) The time period covered by the report (January 1 to June 30 or July 1 to December 31).
- (4) The number of workplace batteries that were committed during the reporting period.
- (5) The job title of each health care employee or school employee who was the victim of the workplace battery.
- (6) The date of each workplace battery.
- (7) The address and specific location (such as "hospital emergency room" or "school parking lot") where the workplace battery occurred. However, if the battery occurred at the health care employee's or school employee's home, the report may not include the address.
- (8) The circumstances surrounding the workplace battery and any resulting injury, including the following, if known:
 - (A) The gender of the victim.
 - (B) The specific manner in which the workplace battery was committed (such as by striking, biting, pushing, kicking, use of an object, or use of a weapon).
 - (C) Whether the victim required hospitalization.
 - (D) If a weapon or other object was used to commit the workplace battery, the type of weapon or object.
 - (E) Whether law enforcement was contacted or responded to the workplace battery.
 - (F) Whether criminal charges were filed against the perpetrator.

For a workplace battery that does not occur on the employer's premises, the employer shall provide as much information as is known to the employer.

(e) The employer shall make the report required under this section regardless of whether a person is criminally charged with



the workplace battery."

Page 15, delete lines 18 through 22.

Page 18, delete lines 28 through 30.

Page 19, delete lines 4 through 13, begin a new paragraph and insert:

"(d) The offense described in subsection (b)(1) is a Class A misdemeanor if it is committed against a health care employee or school employee:

(1) while the health care employee or school employee is acting within the scope of the health care employee's or school employee's employment;

(2) while the health care employee or school employee is commuting to or from the health care employee's or school employee's place of employment; or

(3) in retaliation for an act taken by the health care employee or school employee within the scope of the health care employee's or school employee's employment;

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

Page 20, delete lines 1 through 11, begin a new paragraph and insert:

"(g) The offense described in subsection (b)(1) is a Level 6 felony if it results in bodily injury to a health care employee or school employee and is committed against the health care employee or school employee:

(1) while the health care employee or school employee is acting within the scope of the health care employee's or school employee's employment;

(2) while the health care employee or school employee is commuting to or from the health care employee's or school employee's place of employment; or

(3) in retaliation for an act taken by the health care employee or school employee within the scope of the health care employee's or school employee's employment;

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

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1040 as printed January 8, 2026.)



FREEMAN, Chairperson

Committee Vote: Yeas 7, Nays 0.

 SENATE MOTION

Mr. President: I move that Engrossed House Bill 1040 be amended to read as follows:

Page 11, delete lines 20 through 42, begin a new paragraph, and insert:

"SECTION 3. IC 22-1-1-24 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 24. (a) The following definitions apply throughout this section:**

(1) "Health care employee" has the meaning set forth in IC 35-42-2-1.

(2) "School employee" has the meaning set forth in IC 35-42-2-1.

(3) "Workplace battery" means a battery described in IC 35-42-2-1(d) or IC 35-42-2-1(g).

(b) The employer of a health care employee or school employee shall make a workplace battery report as described in subsection (c) to the commissioner if a health care employee or school employee is the victim of workplace battery.

(c) Beginning July 1, 2027, the employer shall make the workplace battery report required under subsection (b) each year before:

(1) August 1, for the period from January 1 to June 30; and

(2) February 1, for the period from July 1 to December 31.

The report shall be made on a form provided by the commissioner.

(d) The workplace battery report must include the following information:

(1) The name of the employer.

(2) The city and county in which a workplace battery was committed.

(3) The time period covered by the report (January 1 to June 30 or July 1 to December 31).

(4) The number of workplace batteries that were committed during the reporting period.

(5) The job title of each health care employee or school employee who was the victim of the workplace battery.

EH 1040—LS 6292/DI 106



- (6) The date of each workplace battery.**
- (7) The address and specific location (such as "hospital emergency room" or "school parking lot") where the workplace battery occurred. However, if the battery occurred at the health care employee's or school employee's home, the report may not include the address.**
- (8) The circumstances surrounding the workplace battery and any resulting injury, including the following, if known:**
 - (A) The gender of the victim.**
 - (B) The specific manner in which the workplace battery was committed (such as by striking, biting, pushing, kicking, use of an object, or use of a weapon).**
 - (C) Whether the victim required hospitalization.**
 - (D) If a weapon or other object was used to commit the workplace battery, the type of weapon or object.**
 - (E) Whether law enforcement was contacted or responded to the workplace battery.**
 - (F) Whether criminal charges were filed against the perpetrator.**

For a workplace battery that does not occur on the employer's premises, the employer shall provide as much information as is known to the employer.

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

Delete page 12.

Page 13, delete lines 1 through 19.

Renumber all SECTIONS consecutively.

(Reference is to EHB 1040 as printed February 13, 2026.)

FREEMAN

