
HOUSE BILL No. 1040

AM104005 has been incorporated into January 8, 2026 printing.

Synopsis: Battery against vulnerable workers.

M
e
r
g
e
d

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.

M
e
r
g
e
d

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
- 7 is 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(g)(5)(B)~~ **IC 35-42-2-1(h)(5)(B)**
- 17 (battery causing bodily injury to a child);

HB 1040—LS 6292/DI 106



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

- 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
- 4 in the 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
- 23 is filed with or received by a public agency pursuant to state
- 24 statute.
- 25 (6) Information concerning research, including actual research
- 26 documents, conducted under the auspices of a state educational
- 27 institution, including information:
- 28 (A) concerning any negotiations made with respect to the
- 29 research; and
- 30 (B) received from another party involved in the research.
- 31 (7) Grade transcripts and license examination scores obtained as
- 32 part of a licensure process.
- 33 (8) Those declared confidential by or under rules adopted by the
- 34 supreme court of Indiana.
- 35 (9) Patient medical records and charts created by a provider,
- 36 unless the patient gives written consent under IC 16-39 or as
- 37 provided under IC 16-41-8.
- 38 (10) Application information declared confidential by the
- 39 Indiana economic development corporation under IC 5-28.
- 40 (11) A photograph, a video recording, or an audio recording of
- 41 an autopsy, except as provided in IC 36-2-14-10.

M
e
r
g
e
d



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

M
e
r
g
e
d



1 crime against the victim may not consent to public disclosure of
 2 the records. Law enforcement agencies or private university
 3 police departments may share investigatory records with:

4 (A) a person who advocates on behalf of a crime victim,
 5 including a victim advocate (as defined in IC 35-37-6-3.5)
 6 or a victim service provider (as defined in IC 35-37-6-5),
 7 for the purposes of providing services to a victim or
 8 describing services that may be available to a victim;

9 (B) a school corporation (as defined by IC 20-18-2-16(a)),
 10 charter school (as defined by IC 20-24-1-4), or nonpublic
 11 school (as defined by IC 20-18-2-12) for the purpose of
 12 enhancing the safety or security of a student or a school
 13 facility; and

14 (C) the victim services division of the Indiana criminal
 15 justice institute under IC 5-2-6-8, for the purposes of
 16 conducting an investigation under IC 5-2-6.1-26;

17 without the law enforcement agency or private university police
 18 department losing its discretion to keep those records
 19 confidential from other records requesters. However, certain law
 20 enforcement records must be made available for inspection and
 21 copying as provided in section 5 of this chapter.

22 (2) The work product of an attorney representing, pursuant to
 23 state employment or an appointment by a public agency:

- 24 (A) a public agency;
 25 (B) the state; or
 26 (C) an individual.

27 (3) Test questions, scoring keys, and other examination data used
 28 in administering a licensing examination, examination for
 29 employment, or academic examination before the examination
 30 is given or if it is to be given again.

31 (4) Scores of tests if the person is identified by name and has not
 32 consented to the release of the person's scores.

33 (5) The following:

34 (A) Records relating to negotiations between:

- 35 (i) the Indiana economic development corporation;
 36 (ii) the ports of Indiana;
 37 (iii) the Indiana state department of agriculture;
 38 (iv) the Indiana finance authority;
 39 (v) an economic development commission;
 40 (vi) the Indiana White River state park development
 41 commission;

M
e
r
g
e
d



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

M
e
r
g
e
d



- 1 (8) Personnel files of public employees and files of applicants for
 2 public employment, except for:
 3 (A) the name, compensation, job title, business address,
 4 business telephone number, job description, education and
 5 training background, previous work experience, or dates of
 6 first and last employment of present or former officers or
 7 employees of the agency;
 8 (B) information relating to the status of any formal charges
 9 against the employee; and
 10 (C) the factual basis for a disciplinary action in which final
 11 action has been taken and that resulted in the employee
 12 being suspended, demoted, or discharged.
- 13 However, all personnel file information shall be made available
 14 to the affected employee or the employee's representative. This
 15 subdivision does not apply to disclosure of personnel
 16 information generally on all employees or for groups of
 17 employees without the request being particularized by employee
 18 name.
- 19 (9) Minutes or records of hospital medical staff meetings.
 20 (10) Administrative or technical information that would
 21 jeopardize a record keeping system, voting system, voter
 22 registration system, or security system.
 23 (11) Computer programs, computer codes, computer filing
 24 systems, and other software that are owned by the public agency
 25 or entrusted to it and portions of electronic maps entrusted to a
 26 public agency by a utility.
 27 (12) Records specifically prepared for discussion or developed
 28 during discussion in an executive session under IC 5-14-1.5-6.1.
 29 However, this subdivision does not apply to that information
 30 required to be available for inspection and copying under
 31 subdivision (8).
 32 (13) The work product of the legislative services agency under
 33 personnel rules approved by the legislative council.
 34 (14) The work product of individual members and the partisan
 35 staffs of the general assembly.
 36 (15) The identity of a donor of a gift made to a public agency if:
 37 (A) the donor requires nondisclosure of the donor's identity
 38 as a condition of making the gift; or
 39 (B) after the gift is made, the donor or a member of the
 40 donor's family requests nondisclosure.
 41 (16) Library or archival records:

M
e
r
g
e
d

- 1 (A) which can be used to identify any library patron; or
 2 (B) deposited with or acquired by a library upon a condition
 3 that the records be disclosed only:
 4 (i) to qualified researchers;
 5 (ii) after the passing of a period of years that is
 6 specified in the documents under which the deposit or
 7 acquisition is made; or
 8 (iii) after the death of persons specified at the time of
 9 the acquisition or deposit.
- 10 However, nothing in this subdivision shall limit or affect
 11 contracts entered into by the Indiana state library pursuant to
 12 IC 4-1-6-8.
- 13 (17) The identity of any person who contacts the bureau of motor
 14 vehicles concerning the ability of a driver to operate a motor
 15 vehicle safely and the medical records and evaluations made by
 16 the bureau of motor vehicles staff or members of the driver
 17 licensing medical advisory board regarding the ability of a driver
 18 to operate a motor vehicle safely. However, upon written request
 19 to the commissioner of the bureau of motor vehicles, the driver
 20 must be given copies of the driver's medical records and
 21 evaluations.
- 22 (18) School safety and security measures, plans, and systems,
 23 including emergency preparedness plans developed under 511
 24 IAC 6.1-2-2.5.
- 25 (19) A record or a part of a record, the public disclosure of
 26 which would have a reasonable likelihood of threatening public
 27 safety by exposing a vulnerability to terrorist attack. A record
 28 described under this subdivision includes the following:
 29 (A) A record assembled, prepared, or maintained to prevent,
 30 mitigate, or respond to an act of terrorism under
 31 IC 35-47-12-1 (before its repeal), an act of agricultural
 32 terrorism under IC 35-47-12-2 (before its repeal), or a
 33 felony terrorist offense (as defined in IC 35-50-2-18).
 34 (B) Vulnerability assessments.
 35 (C) Risk planning documents.
 36 (D) Needs assessments.
 37 (E) Threat assessments.
 38 (F) Intelligence assessments.
 39 (G) Domestic preparedness strategies.
 40 (H) The location of community drinking water wells and
 41 surface water intakes.

M
e
r
g
e
d

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41

(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

M
e
r
g
e
d



- 1 IC 16-18-2-109.8); or
- 2 (iv) advanced emergency medical technician (as
- 3 defined in IC 16-18-2-6.5).
- 4 (M) Information relating to security measures or
- 5 precautions used to secure the statewide 911 system under
- 6 IC 36-8-16.7.
- 7 This subdivision does not apply to a record or portion of a record
- 8 pertaining to a location or structure owned or protected by a
- 9 public agency in the event that an act of terrorism under
- 10 IC 35-47-12-1 (before its repeal), an act of agricultural terrorism
- 11 under IC 35-47-12-2 (before its repeal), or a felony terrorist
- 12 offense (as defined in IC 35-50-2-18) has occurred at that
- 13 location or structure, unless release of the record or portion of
- 14 the record would have a reasonable likelihood of threatening
- 15 public safety by exposing a vulnerability of other locations or
- 16 structures to terrorist attack.
- 17 (20) The following personal information concerning a customer
- 18 of a municipally owned utility (as defined in IC 8-1-2-1):
- 19 (A) Telephone number.
- 20 (B) Address.
- 21 (C) Social Security number.
- 22 (21) The following personal information about a complainant
- 23 contained in records of a law enforcement agency:
- 24 (A) Telephone number.
- 25 (B) The complainant's address. However, if the
- 26 complainant's address is the location of the suspected crime,
- 27 infraction, accident, or complaint reported, the address shall
- 28 be made available for public inspection and copying.
- 29 (22) Notwithstanding subdivision (8)(A), the name,
- 30 compensation, job title, business address, business telephone
- 31 number, job description, education and training background,
- 32 previous work experience, or dates of first employment of a law
- 33 enforcement officer who is operating in an undercover capacity.
- 34 (23) Records requested by an offender, an agent, or a relative of
- 35 an offender that:
- 36 (A) contain personal information relating to:
- 37 (i) a correctional officer (as defined in IC 5-10-10-1.5);
- 38 (ii) a probation officer;
- 39 (iii) a community corrections officer;
- 40 (iv) a law enforcement officer (as defined in
- 41 IC 35-31.5-2-185);

M
e
r
g
e
d



- 1 (v) a judge (as defined in IC 33-38-12-3);
 2 (vi) the victim of a crime; or
 3 (vii) a family member of a correctional officer,
 4 probation officer, community corrections officer, law
 5 enforcement officer (as defined in IC 35-31.5-2-185),
 6 judge (as defined in IC 33-38-12-3), or victim of a
 7 crime; or
 8 (B) concern or could affect the security of a jail or
 9 correctional facility.
- 10 For purposes of this subdivision, "agent" means a person who is
 11 authorized by an offender to act on behalf of, or at the direction
 12 of, the offender, and "relative" has the meaning set forth in
 13 ~~IC 35-42-2-1(b)~~. **IC 35-42-2-1(a)**. However, the term "agent"
 14 does not include an attorney in good standing admitted to the
 15 practice of law in Indiana.
- 16 (24) Information concerning an individual less than eighteen
 17 (18) years of age who participates in a conference, meeting,
 18 program, or activity conducted or supervised by a state
 19 educational institution, including the following information
 20 regarding the individual or the individual's parent or guardian:
 21 (A) Name.
 22 (B) Address.
 23 (C) Telephone number.
 24 (D) Electronic mail account address.
- 25 (25) Criminal intelligence information.
- 26 (26) The following information contained in a report of
 27 unclaimed property under IC 32-34-1.5-18 or in a claim for
 28 unclaimed property under IC 32-34-1.5-48:
 29 (A) Date of birth.
 30 (B) Driver's license number.
 31 (C) Taxpayer identification number.
 32 (D) Employer identification number.
 33 (E) Account number.
- 34 (27) Except as provided in subdivision (19) and sections 5.1 and
 35 5.2 of this chapter, a law enforcement recording. However,
 36 before disclosing the recording, the public agency must comply
 37 with the obscuring requirements of sections 5.1 and 5.2 of this
 38 chapter, if applicable.
- 39 (28) Records relating to negotiations between a state educational
 40 institution and another entity concerning the establishment of a
 41 collaborative relationship or venture to advance the research,

M
e
r
g
e
d

1 engagement, or educational mission of the state educational
 2 institution, if the records are created while negotiations are in
 3 progress. The terms of the final offer of public financial
 4 resources communicated by the state educational institution to
 5 an industrial, a research, or a commercial prospect shall be
 6 available for inspection and copying under section 3 of this
 7 chapter after negotiations with that prospect have terminated.
 8 However, this subdivision does not apply to records regarding
 9 research prohibited under IC 16-34.5-1-2 or any other law.

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

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

- 15 (1) an adoption or patient medical records; or
 - 16 (2) a birth or stillbirth;
- 17 shall be made available for inspection and copying seventy-five (75)
 18 years after the creation of that record. A registration or certificate of a
 19 birth or stillbirth shall be made available in accordance with
 20 IC 16-37-1-7.5.

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

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

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

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

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

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

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

M
e
r
g
e
d



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

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

5 "Department" means the department of labor.

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

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

11 **"Health care employee" has the meaning set forth in**
12 **IC 35-42-2-1.**

13 "INSafe" means the division of the department created by section
14 40 of this chapter.

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

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

19 "Standard" refers to both health and safety standards.

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

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

31 **(b) The employer shall make the report not later than:**
32 **(1) eight (8) hours after the incident occurs, if the incident**
33 **results in the death or hospitalization of the victim; or**
34 **(2) twenty-four (24) hours after the incident occurs, if the**
35 **incident does not result in the death or hospitalization of the**
36 **victim.**

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

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

HB 1040—LS 6292/DI 106



M
e
r
g
e
d

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

M
e
r
g
e
d

1 the expiration of the existing certification, the existing certification
2 remains valid until the commissioner renews the certification, or until
3 five (5) days after the commissioner denies the application for renewal.
4 A person is entitled to renewal unless the commissioner denies the
5 application for renewal under subsection (f).

6 (f) The commissioner shall deny, suspend, revoke, or refuse to
7 renew certification for any of the following causes:

8 (1) Any cause for which issuance of the certification could have
9 been refused had it then existed and been known to the
10 commissioner.

11 (2) Violation of any laws of this state in the course of dealings
12 under the certification.

13 (3) Material misstatement, misrepresentation, or fraud in
14 obtaining the certification.

15 (4) Misappropriation, conversion, or unlawful withholding of
16 money belonging to donors or others and received in the conduct
17 of business under the certification.

18 (5) Fraudulent or dishonest practices in the conduct of business
19 under the certification.

20 (6) Willful failure to comply with or willful violation of any
21 proper order or rule of the commissioner.

22 (7) When, in the judgment of the commissioner, the certificate
23 holder has, in the conduct of affairs under the certification,
24 demonstrated:

25 (A) incompetency or untrustworthiness;

26 (B) conduct or practices rendering the certificate holder
27 unfit to carry on charitable bail activities or making the
28 certificate holder's continuance detrimental to the public
29 interest; or

30 (C) that the certificate holder is no longer in good faith
31 carrying on as a charitable bail organization;

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

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

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

39 (1) If the charitable bail organization pays, or intends to pay, bail
40 for more than three (3) individuals in any one hundred eighty
41 (180) day period, the charitable bail organization must be

M
e
r
g
e
d



1 certified by the commissioner under this section before soliciting
 2 or accepting donations for bail for another person, and before
 3 depositing money for bail for another person.

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

6 (A) is charged with a crime of violence; or

7 (B) is charged with a felony and has a prior conviction for
 8 a crime of violence.

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

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

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

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

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

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

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

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

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

HB 1040—LS 6292/DI 106



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
e
r
g
e
d

1 SECTION 9. IC 35-40.5-1-1, AS AMENDED BY P.L.32-2021,
2 SECTION 94, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2026]: Sec. 1. The following definitions apply throughout this
4 article:

- 5 (1) "Law enforcement officer" means any of the following:
 - 6 (A) A law enforcement officer (as defined in
 - 7 IC 35-31.5-2-185).
 - 8 (B) A state educational institution police officer appointed
 - 9 under IC 21-39-4.
 - 10 (C) A school corporation police officer appointed under
 - 11 IC 20-26-16.
 - 12 (D) A school resource officer (as defined in
 - 13 IC 20-26-18.2-1).
 - 14 (E) A police officer of a private postsecondary educational
 - 15 institution whose governing board has appointed the police
 - 16 officer under IC 21-17-5-2.

- 17 (2) "Provider" has the meaning set forth in IC 16-21-8-0.2.
- 18 (3) "Relative" has the meaning set forth in ~~IC 35-42-2-1(b).~~
- 19 **IC 35-42-2-1(a).**

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

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

- 27 (6) "Victim" means an individual:
 - 28 (A) who is a victim of sexual assault (as defined in
 - 29 IC 5-26.5-1-8); or
 - 30 (B) who:
 - 31 (i) is a relative of or a person who has had a close
 - 32 personal relationship with the individual described
 - 33 under clause (A); and
 - 34 (ii) is designated by the individual described under
 - 35 clause (A) as a representative.

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

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

41 (8) "Victim service provider" has the meaning set forth in

M
e
r
g
e
d



- 1 IC 35-37-6-5.
- 2 SECTION 10. IC 35-42-2-0.5, AS ADDED BY P.L.65-2016,
3 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2026]: Sec. 0.5. "Relative", for purposes of ~~IC 35-42-2-1,~~
5 **section 1 of this chapter**, has the meaning set forth in ~~IC 35-42-2-1(b):~~
6 **section 1(a) of this chapter.**
- 7 SECTION 11. IC 35-42-2-1, AS AMENDED BY P.L.148-2024,
8 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2026]: Sec. 1. (a) ~~As used in this section, "public safety~~
10 ~~official" means:~~
- 11 (1) a law enforcement officer, including an alcoholic beverage
 - 12 enforcement officer;
 - 13 (2) an employee of a penal facility or a juvenile detention facility
 - 14 (as defined in IC 31-9-2-71);
 - 15 (3) an employee of the department of correction;
 - 16 (4) a probation officer;
 - 17 (5) a parole officer;
 - 18 (6) a community corrections worker;
 - 19 (7) a home detention officer;
 - 20 (8) a department of child services employee;
 - 21 (9) a firefighter;
 - 22 (10) an emergency medical services provider;
 - 23 (11) a judicial officer;
 - 24 (12) a bailiff of any court; or
 - 25 (13) a special deputy (as described in IC 36-8-10-10.6).
- 26 (b) ~~As used in this section, "relative" means an individual related~~
27 ~~by blood, half-blood, adoption, marriage, or remarriage, including:~~
- 28 (1) a spouse;
 - 29 (2) a parent or stepparent;
 - 30 (3) a child or stepchild;
 - 31 (4) a grandchild or stepgrandchild;
 - 32 (5) a grandparent or stepgrandparent;
 - 33 (6) a brother, sister, stepbrother, or stepsister;
 - 34 (7) a niece or nephew;
 - 35 (8) an aunt or uncle;
 - 36 (9) a daughter-in-law or son-in-law;
 - 37 (10) a mother-in-law or father-in-law; or
 - 38 (11) a first cousin.
- 39 (a) **The following definitions apply throughout this section:**
- 40 (1) **"Health care employee" means an individual whose**
 - 41 **responsibilities involve contact or interaction with a patient,**
 - 42 **and who is employed by, in a contractual relationship with,**

M
e
r
g
e
d

- 1 or providing services on behalf of:
 2 (A) an individual;
 3 (B) a partnership;
 4 (C) a professional corporation;
 5 (D) a facility;
 6 (E) an institution;
 7 (F) a hospital; or
 8 (G) any entity;
 9 that is licensed, certified, or authorized to administer health
 10 care in the ordinary course of business or practice of the
 11 profession.
 12 (2) "Public safety official" means:
 13 (A) a law enforcement officer, including an alcoholic
 14 beverage enforcement officer;
 15 (B) an employee of a penal facility or a juvenile
 16 detention facility (as defined in IC 31-9-2-71);
 17 (C) an employee of the department of correction;
 18 (D) a probation officer;
 19 (E) a parole officer;
 20 (F) a community corrections worker;
 21 (G) a home detention officer;
 22 (H) a department of child services employee whose
 23 responsibilities include:
 24 (i) personally supervising a child or parent;
 25 (ii) personally providing services to a child or
 26 parent; or
 27 (iii) personally interviewing a child or parent as
 28 part of an investigation;
 29 (I) a firefighter;
 30 (J) an emergency medical services provider;
 31 (K) a judicial officer;
 32 (L) a bailiff of any court; or
 33 (M) a special deputy (as described in IC 36-8-10-10.6).
 34 (3) "Relative" means an individual related by blood,
 35 half-blood, adoption, marriage, or remarriage, including:
 36 (A) a spouse;
 37 (B) a parent or stepparent;
 38 (C) a child or stepchild;
 39 (D) a grandchild or stepgrandchild;
 40 (E) a grandparent or stepgrandparent;
 41 (F) a brother, sister, stepbrother, or stepsister;
 42 (G) a niece or nephew;

M
e
r
g
e
d

- 1 **(H) an aunt or uncle;**
- 2 **(I) a daughter-in-law or son-in-law;**
- 3 **(J) a mother-in-law or father-in-law; or**
- 4 **(K) a first cousin.**
- 5 **(4) "School" means a public school, charter school, or**
- 6 **nonpublic school with at least one (1) employee.**
- 7 **(5) "School employee" means a person who:**
- 8 **(A) is employed by a school or is in a contractual**
- 9 **relationship with a school; and**
- 10 **(B) has direct and ongoing contact with a student.**
- 11 ~~(e)~~ **(b)** Except as provided in subsections ~~(d)~~ **(c)** through ~~(k)~~ **(l)**,
- 12 a person who knowingly or intentionally:
- 13 (1) touches another person in a rude, insolent, or angry manner;
- 14 or
- 15 (2) in a rude, insolent, or angry manner places any bodily fluid
- 16 or waste on another person;
- 17 commits battery, a Class B misdemeanor.
- 18 ~~(d)~~ **(c)** The offense described in subsection ~~(e)~~~~(1)~~ **(b)(1)** or ~~(e)~~~~(2)~~
- 19 **(b)(2)** is a Class A misdemeanor if it:
- 20 (1) results in bodily injury to any other person; or
- 21 (2) is committed against a member of a foster family home (as
- 22 defined in IC 35-31.5-2-139.3) by a person who is not a resident
- 23 of the foster family home if the person who committed the
- 24 offense is a relative of a person who lived in the foster family
- 25 home at the time of the offense.
- 26 **(d) The offense described in subsection (b)(1) is a Class A**
- 27 **misdemeanor if it is committed against a health care employee or**
- 28 **school employee:**
- 29 **(1) while the health care employee or school employee is**
- 30 **acting within the scope of the health care employee's or**
- 31 **school employee's employment;**
- 32 **(2) while the health care employee or school employee is**
- 33 **commuting to or from the health care employee's or school**
- 34 **employee's place of employment; or**
- 35 **(3) in retaliation for an act taken by the health care employee**
- 36 **or school employee within the scope of the health care**
- 37 **employee's or school employee's employment;**
- 38 **unless the offense is committed by a person detained or committed**
- 39 **under IC 12-26.**
- 40 ~~(e)~~ **(c)** The offense described in subsection ~~(e)~~~~(1)~~ **(b)(1)** or ~~(e)~~~~(2)~~
- 41 **(b)(2)** is a Level 6 felony if one (1) or more of the following apply:
- 42 (1) The offense results in moderate bodily injury to any other

M
e
r
g
e
d



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

M
e
r
g
e
d



- 1 ~~(g)~~ **(h)** The offense described in subsection ~~(e)(1)~~ **(b)(1)** or ~~(e)(2)~~
2 **(b)(2)** is a Level 5 felony if one (1) or more of the following apply:
3 (1) The offense results in serious bodily injury to another person.
4 (2) The offense is committed with a deadly weapon.
5 (3) The offense results in bodily injury to a pregnant woman if
6 the person knew of the pregnancy.
7 (4) The person has a previous conviction for a battery or
8 strangulation offense included in this chapter against the same
9 victim.
10 (5) The offense results in bodily injury to one (1) or more of the
11 following:
12 (A) A public safety official while the official is engaged in
13 the official's official duties, unless the offense is committed
14 by a person detained or committed under IC 12-26.
15 (B) A person less than fourteen (14) years of age if the
16 offense is committed by a person at least eighteen (18) years
17 of age.
18 (C) A person who has a mental or physical disability if the
19 offense is committed by an individual having care of the
20 person with the disability, regardless of whether the care is
21 assumed voluntarily or because of a legal obligation.
22 (D) An endangered adult (as defined in IC 12-10-3-2).
23 ~~(h)~~ **(i)** The offense described in subsection ~~(e)(2)~~ **(b)(2)** is a Level
24 5 felony if:
25 (1) the person knew or recklessly failed to know that the bodily
26 fluid or waste placed on another person was infected with
27 hepatitis, tuberculosis, or human immunodeficiency virus; and
28 (2) the person placed the bodily fluid or waste on a public safety
29 official, unless the offense is committed by a person detained or
30 committed under IC 12-26.
31 ~~(i)~~ **(j)** The offense described in subsection ~~(e)(1)~~ **(b)(1)** or ~~(e)(2)~~
32 **(b)(2)** is a Level 4 felony if it results in serious bodily injury to an
33 endangered adult (as defined in IC 12-10-3-2).
34 ~~(j)~~ **(k)** The offense described in subsection ~~(e)(1)~~ **(b)(1)** or ~~(e)(2)~~
35 **(b)(2)** is a Level 3 felony if it results in serious bodily injury to a person
36 less than fourteen (14) years of age if the offense is committed by a
37 person at least eighteen (18) years of age.
38 ~~(k)~~ **(l)** The offense described in subsection ~~(e)(1)~~ **(b)(1)** or ~~(e)(2)~~
39 **(b)(2)** is a Level 2 felony if it results in the death of one (1) or more of
40 the following:
41 (1) A person less than fourteen (14) years of age if the offense is

M
e
r
g
e
d

- 1 committed by a person at least eighteen (18) years of age.
- 2 (2) An endangered adult (as defined in IC 12-10-3-2).

M
e
r
g
e
d

HB 1040—LS 6292/DI 106



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY