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# HOUSE BILL No. 1040

Proposed Changes to January 8, 2026 printing by AM104005

## DIGEST OF PROPOSED AMENDMENT

Vulnerable worker. Replaces references to "vulnerable worker" with health care employee or school employee. Makes conforming amendments.

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);
- 18 (iii) ~~IC 35-42-2-1(j)~~ **IC 35-42-2-1(k)** (battery causing
- 19 serious bodily injury to a child); or
- 20 (iv) ~~IC 35-42-2-1(k)~~ **IC 35-42-2-1(l)** (battery resulting

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in the death of a child).

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

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

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

- (1) Those declared confidential by state statute.
- (2) Those declared confidential by rule adopted by a public agency under specific authority to classify public records as confidential granted to the public agency by statute.
- (3) Those required to be kept confidential by federal law.
- (4) Records containing trade secrets.
- (5) Confidential financial information obtained, upon request, from a person. However, this does not include information that is filed with or received by a public agency pursuant to state statute.
- (6) Information concerning research, including actual research documents, conducted under the auspices of a state educational institution, including information:
  - (A) concerning any negotiations made with respect to the research; and
  - (B) received from another party involved in the research.
- (7) Grade transcripts and license examination scores obtained as part of a licensure process.
- (8) Those declared confidential by or under rules adopted by the supreme court of Indiana.
- (9) Patient medical records and charts created by a provider, unless the patient gives written consent under IC 16-39 or as provided under IC 16-41-8.
- (10) Application information declared confidential by the Indiana economic development corporation under IC 5-28.
- (11) A photograph, a video recording, or an audio recording of an autopsy, except as provided in IC 36-2-14-10.
- (12) A Social Security number contained in the records of a public agency.
- (13) The following information that is part of a foreclosure action subject to IC 32-30-10.5:

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1 (A) Contact information for a debtor, as described in  
 2 IC 32-30-10.5-8(d)(1)(B).  
 3 (B) Any document submitted to the court as part of the  
 4 debtor's loss mitigation package under  
 5 IC 32-30-10.5-10(a)(3).  
 6 (14) The following information obtained from a call made to a  
 7 fraud hotline established under IC 36-1-8-8.5:  
 8 (A) The identity of any individual who makes a call to the  
 9 fraud hotline.  
 10 (B) A report, transcript, audio recording, or other  
 11 information concerning a call to the fraud hotline.  
 12 However, records described in this subdivision may be disclosed  
 13 to a law enforcement agency, a private university police  
 14 department, the attorney general, the inspector general, the state  
 15 examiner, or a prosecuting attorney.  
 16 (15) Information described in section 5(c)(3)(B) of this chapter  
 17 that is contained in a daily log or record described in section 5(c)  
 18 of this chapter for a victim of a crime or delinquent act who is  
 19 less than eighteen (18) years of age, unless and to the extent that:  
 20 (A) a parent, guardian, or custodian of the victim consents  
 21 in writing to public disclosure of the records; and  
 22 (B) that parent, guardian, or custodian of the victim has not  
 23 been charged with or convicted of committing a crime  
 24 against the victim.  
 25 However, records described in this subdivision may be disclosed  
 26 to the department of child services.  
 27 (b) Except as otherwise provided by subsection (a), the following  
 28 public records shall be excepted from section 3 of this chapter at the  
 29 discretion of a public agency:  
 30 (1) Investigatory records of law enforcement agencies or private  
 31 university police departments. For purposes of this chapter, a law  
 32 enforcement recording is not an investigatory record. However,  
 33 information described in subsection (a)(15) contained in a law  
 34 enforcement recording is exempt from disclosure, unless and to  
 35 the extent that a parent, guardian, or custodian of the victim  
 36 consents in writing to public disclosure of the records. However,  
 37 a parent, guardian, or custodian charged with or convicted of a  
 38 crime against the victim may not consent to public disclosure of  
 39 the records. Law enforcement agencies or private university  
 40 police departments may share investigatory records with:  
 41 (A) a person who advocates on behalf of a crime victim,  
 42 including a victim advocate (as defined in IC 35-37-6-3.5)

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

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(viii) a governing body of a political subdivision; with industrial, research, or commercial prospects, if the records are created while negotiations are in progress. However, this clause does not apply to records regarding research that is prohibited under IC 16-34.5-1-2 or any other law.

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

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

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

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

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

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

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

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

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

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1 building or facility located on an airport (as defined in  
 2 IC 8-21-1-1) that is owned, occupied, leased, or maintained  
 3 by a public agency, or any part of a law enforcement  
 4 recording that captures information about airport security  
 5 procedures, areas, or systems. A record described in this  
 6 clause may not be released for public inspection by any  
 7 public agency without the prior approval of the public  
 8 agency that owns, occupies, leases, or maintains the airport.  
 9 Both of the following apply to the public agency that owns,  
 10 occupies, leases, or maintains the airport:

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

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

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

29 (i) emergency management worker (as defined in  
 30 IC 10-14-3-3);

31 (ii) public safety officer (as defined in IC 35-47-4.5-3);

32 (iii) emergency medical responder (as defined in  
 33 IC 16-18-2-109.8); or

34 (iv) advanced emergency medical technician (as  
 35 defined in IC 16-18-2-6.5).

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

39 This subdivision does not apply to a record or portion of a record  
 40 pertaining to a location or structure owned or protected by a  
 41 public agency in the event that an act of terrorism under  
 42 IC 35-47-12-1 (before its repeal), an act of agricultural terrorism

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1 under IC 35-47-12-2 (before its repeal), or a felony terrorist  
 2 offense (as defined in IC 35-50-2-18) has occurred at that  
 3 location or structure, unless release of the record or portion of  
 4 the record would have a reasonable likelihood of threatening  
 5 public safety by exposing a vulnerability of other locations or  
 6 structures to terrorist attack.  
 7 (20) The following personal information concerning a customer  
 8 of a municipally owned utility (as defined in IC 8-1-2-1):  
 9 (A) Telephone number.  
 10 (B) Address.  
 11 (C) Social Security number.  
 12 (21) The following personal information about a complainant  
 13 contained in records of a law enforcement agency:  
 14 (A) Telephone number.  
 15 (B) The complainant's address. However, if the  
 16 complainant's address is the location of the suspected crime,  
 17 infraction, accident, or complaint reported, the address shall  
 18 be made available for public inspection and copying.  
 19 (22) Notwithstanding subdivision (8)(A), the name,  
 20 compensation, job title, business address, business telephone  
 21 number, job description, education and training background,  
 22 previous work experience, or dates of first employment of a law  
 23 enforcement officer who is operating in an undercover capacity.  
 24 (23) Records requested by an offender, an agent, or a relative of  
 25 an offender that:  
 26 (A) contain personal information relating to:  
 27 (i) a correctional officer (as defined in IC 5-10-10-1.5);  
 28 (ii) a probation officer;  
 29 (iii) a community corrections officer;  
 30 (iv) a law enforcement officer (as defined in  
 31 IC 35-31.5-2-185);  
 32 (v) a judge (as defined in IC 33-38-12-3);  
 33 (vi) the victim of a crime; or  
 34 (vii) a family member of a correctional officer,  
 35 probation officer, community corrections officer, law  
 36 enforcement officer (as defined in IC 35-31.5-2-185),  
 37 judge (as defined in IC 33-38-12-3), or victim of a  
 38 crime; or  
 39 (B) concern or could affect the security of a jail or  
 40 correctional facility.  
 41 For purposes of this subdivision, "agent" means a person who is  
 42 authorized by an offender to act on behalf of, or at the direction

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1 of, the offender, and "relative" has the meaning set forth in  
 2 ~~IC 35-42-2-1(b)~~. **IC 35-42-2-1(a)**. However, the term "agent"  
 3 does not include an attorney in good standing admitted to the  
 4 practice of law in Indiana.  
 5 (24) Information concerning an individual less than eighteen  
 6 (18) years of age who participates in a conference, meeting,  
 7 program, or activity conducted or supervised by a state  
 8 educational institution, including the following information  
 9 regarding the individual or the individual's parent or guardian:  
 10 (A) Name.  
 11 (B) Address.  
 12 (C) Telephone number.  
 13 (D) Electronic mail account address.  
 14 (25) Criminal intelligence information.  
 15 (26) The following information contained in a report of  
 16 unclaimed property under IC 32-34-1.5-18 or in a claim for  
 17 unclaimed property under IC 32-34-1.5-48:  
 18 (A) Date of birth.  
 19 (B) Driver's license number.  
 20 (C) Taxpayer identification number.  
 21 (D) Employer identification number.  
 22 (E) Account number.  
 23 (27) Except as provided in subdivision (19) and sections 5.1 and  
 24 5.2 of this chapter, a law enforcement recording. However,  
 25 before disclosing the recording, the public agency must comply  
 26 with the obscuring requirements of sections 5.1 and 5.2 of this  
 27 chapter, if applicable.  
 28 (28) Records relating to negotiations between a state educational  
 29 institution and another entity concerning the establishment of a  
 30 collaborative relationship or venture to advance the research,  
 31 engagement, or educational mission of the state educational  
 32 institution, if the records are created while negotiations are in  
 33 progress. The terms of the final offer of public financial  
 34 resources communicated by the state educational institution to  
 35 an industrial, a research, or a commercial prospect shall be  
 36 available for inspection and copying under section 3 of this  
 37 chapter after negotiations with that prospect have terminated.  
 38 However, this subdivision does not apply to records regarding  
 39 research prohibited under IC 16-34.5-1-2 or any other law.  
 40 (c) Nothing contained in subsection (b) shall limit or affect the  
 41 right of a person to inspect and copy a public record required or  
 42 directed to be made by any statute or by any rule of a public agency.

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

- 3 (1) an adoption or patient medical records; or
- 4 (2) a birth or stillbirth;

5 shall be made available for inspection and copying seventy-five (75)  
6 years after the creation of that record. A registration or certificate of a  
7 birth or stillbirth shall be made available in accordance with  
8 IC 16-37-1-7.5.

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

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

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

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

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

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

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

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

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

34 "Department" means the department of labor.

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

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

40 [ ["Health care employee" has the meaning set forth in](#)  
41 [IC 35-42-2-1.](#)

42 ] "INSafe" means the division of the department created by section

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1 40 of this chapter.  
2 "Safety order" refers to a notice issued to employers by the  
3 commissioner of labor for alleged violations of this chapter, including  
4 any health and safety standards.

5 "School employee" has the meaning set forth in IC 35-42-2-1.  
6 ] "Standard" refers to both health and safety standards.

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

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

13 > SECTION 4. IC 22-8-1.1-43.2 IS ADDED TO THE INDIANA  
14 CODE AS A NEW SECTION TO READ AS FOLLOWS  
15 [EFFECTIVE JULY 1, 2026]: Sec. 43.2. (a) The employer of a  
16 ~~<vulnerable worker>~~ health care employee or school employee  
17 shall make a report to the commissioner if the ~~<vulnerable~~  
18 ~~worker>~~ health care employee or school employee is the victim of  
19 workplace battery as described in IC 35-42-2-1(d) or  
20 IC 35-42-2-1(g).

21 (b) The employer shall make the report not later than:  
22 (1) eight (8) hours after the incident occurs, if the incident  
23 results in the death or hospitalization of the victim; or  
24 (2) twenty-four (24) hours after the incident occurs, if the  
25 incident does not result in the death or hospitalization of the  
26 victim.

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

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

34 (1) "Charitable bail organization" means a business entity, or a  
35 nonprofit organization under:  
36 (A) the Internal Revenue Code; or  
37 (B) Indiana law;  
38 that exists for the purpose of paying cash bail for another person.  
39 However, the term does not include a person who pays cash bail  
40 for three (3) or fewer defendants in any one hundred eighty (180)  
41 day period, or a person who pays bail for a relative (as defined  
42 in ~~IC 35-42-2-1(b)~~: IC 35-42-2-1(a)).

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

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- 1 under the certification.
- 2 (3) Material misstatement, misrepresentation, or fraud in
- 3 obtaining the certification.
- 4 (4) Misappropriation, conversion, or unlawful withholding of
- 5 money belonging to donors or others and received in the conduct
- 6 of business under the certification.
- 7 (5) Fraudulent or dishonest practices in the conduct of business
- 8 under the certification.
- 9 (6) Willful failure to comply with or willful violation of any
- 10 proper order or rule of the commissioner.
- 11 (7) When, in the judgment of the commissioner, the certificate
- 12 holder has, in the conduct of affairs under the certification,
- 13 demonstrated:
- 14 (A) incompetency or untrustworthiness;
- 15 (B) conduct or practices rendering the certificate holder
- 16 unfit to carry on charitable bail activities or making the
- 17 certificate holder's continuance detrimental to the public
- 18 interest; or
- 19 (C) that the certificate holder is no longer in good faith
- 20 carrying on as a charitable bail organization;
- 21 and for these reasons is found by the commissioner to be a
- 22 source of detriment, injury, or loss to the public.
- 23 (8) The listing of the name of the applicant or certificate holder
- 24 on the most recent tax warrant list supplied to the commissioner
- 25 by the department of state revenue.
- 26 (g) A charitable bail organization must comply with all of the
- 27 following:
- 28 (1) If the charitable bail organization pays, or intends to pay, bail
- 29 for more than three (3) individuals in any one hundred eighty
- 30 (180) day period, the charitable bail organization must be
- 31 certified by the commissioner under this section before soliciting
- 32 or accepting donations for bail for another person, and before
- 33 depositing money for bail for another person.
- 34 (2) A charitable bail organization may not pay bail for a
- 35 defendant who:
- 36 (A) is charged with a crime of violence; or
- 37 (B) is charged with a felony and has a prior conviction for
- 38 a crime of violence.
- 39 (3) A charitable bail organization may not execute a surety bond
- 40 for a defendant.
- 41 (4) A charitable bail organization shall, before paying bail for an
- 42 individual, execute an agreement described in IC 35-33-8-3.2

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1 allowing the court to retain all or a part of the bail to pay  
2 publicly paid costs of representation and fines, costs, fees, and  
3 restitution that the court may order the defendant to pay if the  
4 defendant is convicted.

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

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

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

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

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

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

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

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

35 > SECTION <+>[\[9\]](#). IC 35-40.5-1-1, AS AMENDED BY  
36 P.L.32-2021, SECTION 94, IS AMENDED TO READ AS FOLLOWS  
37 [EFFECTIVE JULY 1, 2026]: Sec. 1. The following definitions apply  
38 throughout this article:

- 39 (1) "Law enforcement officer" means any of the following:  
40 (A) A law enforcement officer (as defined in  
41 IC 35-31.5-2-185).  
42 (B) A state educational institution police officer appointed

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- 1 under IC 21-39-4.  
 2 (C) A school corporation police officer appointed under  
 3 IC 20-26-16.  
 4 (D) A school resource officer (as defined in  
 5 IC 20-26-18.2-1).  
 6 (E) A police officer of a private postsecondary educational  
 7 institution whose governing board has appointed the police  
 8 officer under IC 21-17-5-2.  
 9 (2) "Provider" has the meaning set forth in IC 16-21-8-0.2.  
 10 (3) "Relative" has the meaning set forth in ~~IC 35-42-2-1(b)~~.  
 11 **IC 35-42-2-1(a).**  
 12 (4) "Sexual assault forensic evidence" means the results  
 13 collected from a forensic medical examination of a victim by a  
 14 provider.  
 15 (5) "State sexual assault response team" means the statewide  
 16 sexual assault response team coordinated by the Indiana  
 17 prosecuting attorneys council and the Indiana criminal justice  
 18 institute.  
 19 (6) "Victim" means an individual:  
 20 (A) who is a victim of sexual assault (as defined in  
 21 IC 5-26.5-1-8); or  
 22 (B) who:  
 23 (i) is a relative of or a person who has had a close  
 24 personal relationship with the individual described  
 25 under clause (A); and  
 26 (ii) is designated by the individual described under  
 27 clause (A) as a representative.  
 28 The term does not include an individual who is accused of  
 29 committing an act of sexual assault (as defined in IC 5-26.5-1-8)  
 30 against the individual described under clause (A).  
 31 (7) "Victim advocate" has the meaning set forth in  
 32 IC 35-37-6-3.5.  
 33 (8) "Victim service provider" has the meaning set forth in  
 34 IC 35-37-6-5.  
 35 SECTION 1 ~~↔~~ [0]. IC 35-42-2-0.5, AS ADDED BY P.L.65-2016,  
 36 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 37 JULY 1, 2026]: Sec. 0.5. "Relative", for purposes of ~~IC 35-42-2-1~~;  
 38 **section 1 of this chapter**, has the meaning set forth in ~~IC 35-42-2-1(b)~~.  
 39 **section 1(a) of this chapter.**  
 40 SECTION 1 ~~↔~~ [1]. IC 35-42-2-1, AS AMENDED BY  
 41 P.L.148-2024, SECTION 24, IS AMENDED TO READ AS  
 42 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) ~~As used in this~~

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- 1 section, "public safety official" means:
- 2 (1) a law enforcement officer, including an alcoholic beverage
- 3 enforcement officer;
- 4 (2) an employee of a penal facility or a juvenile detention facility
- 5 (as defined in IC 31-9-2-71);
- 6 (3) an employee of the department of correction;
- 7 (4) a probation officer;
- 8 (5) a parole officer;
- 9 (6) a community corrections worker;
- 10 (7) a home detention officer;
- 11 (8) a department of child services employee;
- 12 (9) a firefighter;
- 13 (10) an emergency medical services provider;
- 14 (11) a judicial officer;
- 15 (12) a bailiff of any court; or
- 16 (13) a special deputy (as described in IC 36-8-10-10.6).
- 17 (b) As used in this section, "relative" means an individual related
- 18 by blood, half-blood, adoption, marriage, or remarriage, including:
- 19 (1) a spouse;
- 20 (2) a parent or stepparent;
- 21 (3) a child or stepchild;
- 22 (4) a grandchild or stepgrandchild;
- 23 (5) a grandparent or stepgrandparent;
- 24 (6) a brother, sister, stepbrother, or stepsister;
- 25 (7) a niece or nephew;
- 26 (8) an aunt or uncle;
- 27 (9) a daughter-in-law or son-in-law;
- 28 (10) a mother-in-law or father-in-law; or
- 29 (11) a first cousin.
- 30 (a) The following definitions apply throughout this section:
- 31 (1) "Health care employee" means an individual whose
- 32 responsibilities involve contact or interaction with a patient,
- 33 and who is employed by, in a contractual relationship with,
- 34 or providing services on behalf of:
- 35 (A) an individual;
- 36 (B) a partnership;
- 37 (C) a professional corporation;
- 38 (D) a facility;
- 39 (E) an institution;
- 40 (F) a hospital; or
- 41 (G) any entity;
- 42 that is licensed, certified, or authorized to administer health

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

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

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

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- 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  
42 committed by a person at least eighteen (18) years of age.

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