

HOUSE BILL No. 1045

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-11-10-24; IC 11-10-12-4;
IC 35-31.5-2-292.8; IC 35-42-4-14.

Synopsis: Restricted access of certain offenders to parks. Provides that the offense of unlawful entry by a serious sex offender includes a serious sex offender knowingly or intentionally entering a public park.

Effective: July 1, 2026.

Prescott, Zimmerman

December 2, 2025, read first time and referred to Committee on Courts and Criminal Code.



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

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

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

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

HOUSE BILL No. 1045

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 3-11-10-24, AS AMENDED BY P.L.227-2023,
2 SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2026]: Sec. 24. (a) Except as provided in subsection (b), a
4 voter who satisfies any of the following is entitled to vote by mail:
5 (1) The voter has a specific, reasonable expectation of being
6 absent from the county on election day during the entire twelve
7 (12) hours that the polls are open.
8 (2) The voter will be absent from the precinct of the voter's
9 residence on election day because of service as:
10 (A) a precinct election officer under IC 3-6-6;
11 (B) a watcher under IC 3-6-8, IC 3-6-9, or IC 3-6-10;
12 (C) a challenger or pollbook holder under IC 3-6-7; or
13 (D) a person employed by an election board to administer the
14 election for which the absentee ballot is requested.
15 (3) The voter will be confined on election day to the voter's
16 residence, to a health care facility, or to a hospital because of an
17 illness or injury during the entire twelve (12) hours that the polls



are open.

(4) The voter is a voter with disabilities.

(5) The voter is an elderly voter.

(6) The voter is prevented from voting due to the voter's care of an individual confined to a private residence because of illness or injury during the entire twelve (12) hours that the polls are open.

(7) The voter is scheduled to work at the person's regular place of employment during the entire twelve (12) hours that the polls are open.

(8) The voter is eligible to vote under IC 3-10-11 or IC 3-10-12.

(9) The voter is prevented from voting due to observance of a religious discipline or religious holiday during the entire twelve (12) hours that the polls are open.

(10) The voter is an address confidentiality program participant (as defined in IC 5-26.5-1-6).

(11) The voter is a member of the Indiana National Guard deployed or on assignment inside Indiana or a public safety officer.

(12) The voter is a serious sex offender (as defined in ~~IC 35-42-4-14(a)~~; **IC 35-42-4-14(b)**).

(13) The voter is prevented from voting due to the unavailability of transportation to the polls.

(b) An absent uniformed services voter or overseas voter is entitled to vote by mail using the combined absentee registration form and absentee ballot request approved under 52 U.S.C. 20301(b)(2).

(c) A county shall mail an absentee ballot to a voter under this section by nonforwardable United States Postal Service mail.

(d) Except as provided in subsection (l), a voter with disabilities who:

(1) is unable to make a voting mark on the ballot or sign the absentee ballot secrecy envelope; and

(2) requests that the absentee ballot be delivered to an address within Indiana;

must vote before an absentee voter board under section 25(b) of this chapter.

(e) If a voter receives an absentee ballot by mail, the voter shall personally mark the ballot in secret and seal the marked ballot inside the envelope provided by the county election board for that purpose. The voter shall do one (1) of the following:

(1) Deliver the envelope to the county election board in person.

(2) Deliver the sealed envelope to the county election board with not more than one (1) ballot per envelope, by United States mail



or by a bonded courier company.

(3) Authorize a member of the voter's household, family listed in IC 3-6-6-7(a)(4), or the individual designated as the voter's attorney in fact to do one (1) of the following:

(A) Deposit the sealed envelope in the United States mail.

(B) Deliver the sealed envelope in person to the county election board at:

(i) the office of the circuit court clerk or the office of the board of elections and registration under section 26 of this chapter;

(ii) a satellite office of the circuit court clerk designated under section 26.3 of this chapter; or

(iii) a satellite office of a vote center under IC 3-11-18.1-11.

A voter who delivers the sealed envelope under this clause may request a replacement absentee ballot under IC 3-11.5-4-2 and cast a replacement absentee ballot at an office or vote center described in items (i) through (iii).

(f) A county election board shall reject an absentee ballot deposited in a drop box or other container or location that is not under the physical control and supervision of the county election board when the ballot is deposited.

(g) If a drop box or other container is located in a building under the control of a political subdivision in which a document may be deposited for other purposes related to the office of the circuit court clerk or an office of any other political subdivision, the political subdivision in control of the drop box or container shall post a notice on or in a prominent location adjacent to the drop box or container saying substantially as follows: "Do not deposit a voted absentee ballot into this box or container. The absentee ballot will not be counted."

(h) If an absentee ballot is deposited into a box or container in violation of subsection (f) or (g), the county election board shall mark the absentee ballot security envelope as rejected and, if possible, promptly notify the individual whose name appears on the security envelope containing the absentee ballot.

(i) If a member of the voter's household, family listed in IC 3-6-6-7(a)(4), or the voter's attorney in fact delivers the sealed envelope containing a voter's absentee ballot to the county election board, the individual delivering the ballot shall complete an affidavit in a form prescribed by the election division. The affidavit must contain the following information:

(1) The name and residence address of the voter whose absentee ballot is being delivered.



(2) A statement of the full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the individual delivering the absentee ballot.

(3) A statement indicating whether the individual delivering the absentee ballot is a member of the voter's household, family listed in IC 3-6-6-7(a)(4), or is the attorney in fact for the voter. If the individual is the attorney in fact for the voter, the individual must attach a copy of the power of attorney for the voter, unless a copy of this document has already been filed with the county election board.

(4) The date and location at which the absentee ballot was delivered by the voter to the individual delivering the ballot to the county election board.

(5) A statement that the individual delivering the absentee ballot has complied with Indiana laws governing absentee ballots.

(6) A statement that the individual delivering the absentee ballot is executing the affidavit under the penalties of perjury.

(7) A statement setting forth the penalties for perjury.

(j) The county election board shall record the date and time that the affidavit under subsection (i) was filed with the board.

(k) After a voter has mailed or delivered an absentee ballot to the office of the county election board, the voter may not recast a ballot, except as provided in IC 3-11-4-17.7, IC 3-11.5-4-2, and IC 3-11.5-4-21.

(l) A voter with print disabilities may vote by using the system developed by the secretary of state under IC 3-11-4-6(k).

SECTION 2. IC 11-10-12-4, AS AMENDED BY P.L.235-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. Upon the discharge of a criminal offender, the department shall do the following:

(1) Certify the discharge to the clerk of the sentencing court, who shall make an entry on the record of judgment that the sentence has been satisfied.

(2) Inform the criminal offender in writing of the right to register to vote under IC 3-7-13-5.

(3) Provide the criminal offender with a copy of the voter's bill of rights prescribed by the Indiana election commission under IC 3-5-8.

(4) If the criminal offender is a serious sex offender (as defined in ~~IC 35-42-4-14(a)~~; **IC 35-42-4-14(b)**), inform the criminal offender that:

(A) a serious sex offender who knowingly or intentionally



enters school property **or a public park (as defined in IC 35-42-4-14(a))** commits unlawful entry by a serious sex offender, a Level 6 felony, under ~~IC 35-42-4-14(b); IC 35-42-4-14(c);~~ and
(B) a serious sex offender may be eligible to vote by mail or absentee ballot.

SECTION 3. IC 35-31.5-2-292.8, AS ADDED BY P.L.235-2015, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 292.8. "Serious sex offender", for purposes of IC 35-42-4-14, has the meaning set forth in ~~IC 35-42-4-14(a); IC 35-42-4-14(b).~~

SECTION 4. IC 35-42-4-14, AS AMENDED BY P.L.218-2025, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 14. **(a) As used in this section, "public park" means any property that is owned or operated by either a:**

(1) state agency (as defined in IC 4-22-6-1); or

(2) political subdivision (as defined in IC 3-5-2.1-79);

and that is being used for park purposes (as defined IC 36-10-1-2).

~~(a)~~ **(b)** As used in this section, "serious sex offender" means a person required to register as a sex offender under IC 11-8-8 who is:

(1) found to be a sexually violent predator under IC 35-38-1-7.5;
or

(2) convicted of one (1) or more of the following offenses:

(A) Child molesting (IC 35-42-4-3).

(B) Child exploitation (IC 35-42-4-4(b) or IC 35-42-4-4(c)).

(C) Possession of child sex abuse material (IC 35-42-4-4(d) or IC 35-42-4-4(e)).

(D) Vicarious sexual gratification (IC 35-42-4-5(a) and IC 35-42-4-5(b)).

(E) Performing sexual conduct in the presence of a minor (IC 35-42-4-5(c)).

(F) Child solicitation (IC 35-42-4-6).

(G) Child seduction (IC 35-42-4-7).

(H) Sexual misconduct with a minor (IC 35-42-4-9).

~~(b)~~ **(c)** A serious sex offender who knowingly or intentionally enters:

(1) school property; or

(2) a public park;

commits unlawful entry by a serious sex offender, a Level 6 felony.

~~(c)~~ **(d)** It is a defense to a prosecution under subsection ~~(b)~~ **(c)(1)** that:

(1) a religious institution or house of worship is located on the



1 school property; and
2 (2) the person:
3 (A) enters the school property or other entity described in
4 IC 35-31.5-2-285(1)(A) through IC 35-31.5-2-285(1)(D) when
5 classes, extracurricular activities, or any other school activities
6 are not being held:
7 (i) for the sole purpose of attending worship services or
8 receiving religious instruction; and
9 (ii) not earlier than thirty (30) minutes before the beginning
10 of the worship services or religious instruction; and
11 (B) leaves the school property not later than thirty (30)
12 minutes after the conclusion of the worship services or
13 religious instruction.

