

HOUSE BILL No. 1223

DIGEST OF INTRODUCED BILL

Citations Affected: IC 11-8-8-5; IC 35-33-8-3.4; IC 35-38-1-7.1.

Synopsis: Crimes against law enforcement. Makes a person who commits an offense that results in serious bodily injury or death to a law enforcement officer a sex or violent offender. Prohibits a court from considering time spent by the defendant in pretrial detention or home detention or on work release when determining the sentence for a crime that resulted in serious bodily injury or death to a law enforcement officer. Makes it a sentencing aggravator if an offense results in serious bodily injury or death to a law enforcement officer. Provides that a person charged with an offense that resulted in serious bodily injury or death to a law enforcement officer may only be released on cash bail.

Effective: July 1, 2026.

Lopez, Garcia Wilburn

January 5, 2026, 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. 1223

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 11-8-8-5, AS AMENDED BY P.L.218-2025,
- 2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2026]: Sec. 5. (a) Except as provided in section 22 of this
- 4 chapter, as used in this chapter, "sex or violent offender" means a
- 5 person convicted of any of the following offenses:
- 6 (1) Rape (IC 35-42-4-1).
- 7 (2) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
- 8 (3) Child molesting (IC 35-42-4-3).
- 9 (4) Child exploitation (IC 35-42-4-4(b) or IC 35-42-4-4(c)).
- 10 (5) Vicarious sexual gratification (including performing sexual
- 11 conduct in the presence of a minor) (IC 35-42-4-5).
- 12 (6) Child solicitation (IC 35-42-4-6).
- 13 (7) Child seduction (IC 35-42-4-7).
- 14 (8) Sexual misconduct with a minor (IC 35-42-4-9) as a Class A,
- 15 Class B, or Class C felony (for a crime committed before July 1,
- 16 2014) or a Level 1, Level 2, Level 4, or Level 5 felony (for a
- 17 crime committed after June 30, 2014), unless:



- 1 (A) the person is convicted of sexual misconduct with a minor
- 2 as a Class C felony (for a crime committed before July 1,
- 3 2014) or a Level 5 felony (for a crime committed after June
- 4 30, 2014);
- 5 (B) the person is not more than:
- 6 (i) four (4) years older than the victim if the offense was
- 7 committed after June 30, 2007; or
- 8 (ii) five (5) years older than the victim if the offense was
- 9 committed before July 1, 2007; and
- 10 (C) the sentencing court finds that the person should not be
- 11 required to register as a sex offender.
- 12 (9) Incest (IC 35-46-1-3).
- 13 (10) Sexual battery (IC 35-42-4-8).
- 14 (11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen
- 15 (18) years of age, and the person who kidnapped the victim is not
- 16 the victim's parent or guardian.
- 17 (12) Criminal confinement (IC 35-42-3-3), if the victim is less
- 18 than eighteen (18) years of age, and the person who confined or
- 19 removed the victim is not the victim's parent or guardian.
- 20 (13) Possession of child sex abuse material (IC 35-42-4-4(d) or
- 21 IC 35-42-4-4(e)).
- 22 (14) Promoting prostitution (IC 35-45-4-4) as a Class B felony
- 23 (for a crime committed before July 1, 2014) or a Level 4 felony
- 24 (for a crime committed after June 30, 2014).
- 25 (15) Promotion of human sexual trafficking under
- 26 IC 35-42-3.5-1.1.
- 27 (16) Promotion of child sexual trafficking under
- 28 IC 35-42-3.5-1.2(a).
- 29 (17) Promotion of sexual trafficking of a younger child (IC
- 30 35-42-3.5-1.2(c)).
- 31 (18) Child sexual trafficking (IC 35-42-3.5-1.3).
- 32 (19) Human trafficking under IC 35-42-3.5-1.4 if the victim is
- 33 less than eighteen (18) years of age.
- 34 (20) Murder (IC 35-42-1-1).
- 35 (21) Voluntary manslaughter (IC 35-42-1-3).
- 36 (22) Sexual misconduct by a service provider with a detained or
- 37 supervised child (IC 35-44.1-3-10(c)).
- 38 **(23) An offense that resulted in serious bodily injury or death**
- 39 **to a law enforcement officer acting within the scope of the**
- 40 **officer's employment.**
- 41 (b) The term includes:
- 42 (1) a person who is required to register as a sex or violent



offender in any jurisdiction; and

(2) a child who has committed a delinquent act, or a person prosecuted under IC 31-30-1-4(d) for an offense described in subsection (a) committed when the person was less than eighteen (18) years of age, but who was at least twenty-one (21) years of age when the charge was filed, and who:

(A) is at least fourteen (14) years of age;

(B) is on probation, is on parole, is discharged from a facility by the department of correction, is discharged from a secure private facility (as defined in IC 31-9-2-115), or is discharged from a juvenile detention facility as a result of an adjudication as a delinquent child for an act that would be an offense described in subsection (a) if committed by an adult; and

(C) is found by a court by clear and convincing evidence to be likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

(c) In making a determination under subsection (b)(2)(C), the court shall consider expert testimony concerning whether a child is likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

(d) A person ordered to register under subsection (b)(2) may petition the court to reconsider the order at any time after completing court ordered sex offender treatment. The court shall consider expert testimony concerning whether a child or person is likely to repeat an offense described in subsection (a) or an act that would be an offense described in subsection (a) if committed by an adult.

SECTION 2. IC 35-33-8-3.4, AS ADDED BY P.L.197-2025, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3.4. (a) This section applies only to a violent arrestee. ~~or a repeat violent arrestee.~~

(b) The following definitions apply throughout this section:

(1) "Crime of violence" means an offense:

(A) described in IC 35-50-1-2(a); and

(B) that is a Level 1, Level 2, Level 3, Level 4, or Level 5 felony.

(2) ~~"Repeat violent arrestee" means a person arrested for or charged with a crime of violence who has a prior conviction for a crime of violence.~~

~~(3) "Violent arrestee" means a person arrested for or charged with a crime of violence.~~

(c) A violent arrestee ~~or a repeat violent arrestee~~ may only be released on bail set individually by the court following a hearing held



1 in open court. Before releasing a violent arrestee ~~or a repeat violent~~
 2 ~~arrestee~~ on bail the court must:

- 3 (1) review the probable cause affidavit or arrest warrant; and
 4 (2) impose money bail payable by surety bond or cash deposit.

5 **However, if the violent arrestee is charged with an offense that**
 6 **resulted in serious bodily injury or death to a law enforcement**
 7 **officer, the court may only impose money bail payable by cash**
 8 **deposit.**

9 (d) In accordance with IC 27-10-2-4.5(g)(2), a charitable bail
 10 organization may not pay money bail imposed under this section on
 11 behalf of a violent arrestee. ~~or a repeat violent arrestee.~~

12 SECTION 3. IC 35-38-1-7.1, AS AMENDED BY P.L.218-2025,
 13 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2026]: Sec. 7.1. (a) In determining what sentence to impose
 15 for a crime, the court may consider the following aggravating
 16 circumstances:

17 (1) The harm, injury, loss, or damage suffered by the victim of an
 18 offense was:

19 (A) significant; and

20 (B) greater than the elements necessary to prove the
 21 commission of the offense.

22 (2) The person has a history of criminal or delinquent behavior.

23 (3) The victim of the offense was less than twelve (12) years of
 24 age or at least sixty-five (65) years of age at the time the person
 25 committed the offense.

26 (4) The person:

27 (A) committed a crime of violence (IC 35-50-1-2); and

28 (B) knowingly committed the offense in the presence or within
 29 hearing of an individual who:

30 (i) was less than eighteen (18) years of age at the time the
 31 person committed the offense; and

32 (ii) is not the victim of the offense.

33 (5) The person violated a protective order issued against the
 34 person under IC 34-26-5 (or IC 31-1-11.5, IC 34-26-2, or
 35 IC 34-4-5.1 before their repeal), a workplace violence restraining
 36 order issued against the person under IC 34-26-6, or a no contact
 37 order issued against the person.

38 (6) The person has recently violated the conditions of any
 39 probation, parole, pardon, community corrections placement, or
 40 pretrial release granted to the person.

41 (7) The victim of the offense was:

42 (A) a person with a disability (as defined in IC 27-7-6-12), and



- 1 the defendant knew or should have known that the victim was
- 2 a person with a disability; or
- 3 (B) mentally or physically infirm.
- 4 (8) The person was in a position having care, custody, or control
- 5 of the victim of the offense.
- 6 (9) The injury to or death of the victim of the offense was the
- 7 result of shaken baby syndrome (as defined in IC 16-41-40-2) or
- 8 abusive head trauma.
- 9 (10) The person threatened to harm the victim of the offense or a
- 10 witness if the victim or witness told anyone about the offense.
- 11 (11) The person:
- 12 (A) committed trafficking with an inmate under
- 13 IC 35-44.1-3-5; and
- 14 (B) is an employee of the penal facility.
- 15 (12) The person committed the offense with bias due to the
- 16 victim's or the group's real or perceived characteristic, trait, belief,
- 17 practice, association, or other attribute the court chooses to
- 18 consider, including but not limited to an attribute described in
- 19 IC 10-13-3-1.
- 20 (13) The person is or has been an alien (as defined by 8 U.S.C.
- 21 1101(a)) unlawfully present in the United States. A determination
- 22 by the United States Department of Homeland Security that an
- 23 alien has come to, entered, or remained in the United States in
- 24 violation of law is evidence that the alien is or has been
- 25 unlawfully present in the United States.
- 26 (14) The offense involved dealing in a controlled substance under
- 27 IC 35-48-4 and the person distributed the controlled substance to
- 28 at least three (3) different individuals in a one hundred eighty
- 29 (180) day period.
- 30 **(15) The offense resulted in serious bodily injury or death to**
- 31 **a law enforcement officer.**
- 32 (b) The court may consider the following factors as mitigating
- 33 circumstances or as favoring suspending the sentence and imposing
- 34 probation:
- 35 (1) The crime neither caused nor threatened serious harm to
- 36 persons or property, or the person did not contemplate that it
- 37 would do so.
- 38 (2) The crime was the result of circumstances unlikely to recur.
- 39 (3) The victim of the crime induced or facilitated the offense.
- 40 (4) There are substantial grounds tending to excuse or justify the
- 41 crime, though failing to establish a defense.
- 42 (5) The person acted under strong provocation.



(6) The person has no history of delinquency or criminal activity, or the person has led a law-abiding life for a substantial period before commission of the crime.

(7) The person is likely to respond affirmatively to probation or short term imprisonment.

(8) The character and attitudes of the person indicate that the person is unlikely to commit another crime.

(9) The person has made or will make restitution to the victim of the crime for the injury, damage, or loss sustained.

(10) Imprisonment of the person will result in undue hardship to the person or the dependents of the person.

(11) The person was convicted of a crime involving the use of force against a person who had repeatedly inflicted physical or sexual abuse upon the convicted person and evidence shows that the convicted person suffered from the effects of battery as a result of the past course of conduct of the individual who is the victim of the crime for which the person was convicted.

(12) The person was convicted of a crime relating to a controlled substance and the person's arrest or prosecution was facilitated in part because the person:

(A) requested emergency medical assistance; or

(B) acted in concert with another person who requested emergency medical assistance;

for an individual who reasonably appeared to be in need of medical assistance due to the use of alcohol or a controlled substance.

(13) The person has posttraumatic stress disorder, traumatic brain injury, or a postconcussive brain injury.

(14) The person is a person described in IC 31-30-1-4(d) who committed the offense while the person was a child but is now at least twenty-one (21) years of age.

(15) The offense involved a controlled substance under IC 35-48-4 and the person:

(A) sought treatment:

(i) in the three hundred sixty-five (365) day period preceding the date of the commission of the offense; or

(ii) on or after the date on which the person committed the offense, but before sentencing; and

(B) successfully completed treatment:

(i) in the three hundred sixty-five (365) day period preceding the date of the commission of the offense; or

(ii) on or after the date on which the person committed the



- 1 offense, but before sentencing.
- 2 (c) The criteria listed in subsections (a) and (b) do not limit the
- 3 matters that the court may consider in determining the sentence.
- 4 **However, in determining the sentence for a crime that resulted in**
- 5 **serious bodily injury or death to a law enforcement officer, the**
- 6 **court may not consider time spent by the defendant in pretrial**
- 7 **detention or home detention or on work release.**
- 8 (d) A court may impose any sentence that is:
- 9 (1) authorized by statute; and
- 10 (2) permissible under the Constitution of the State of Indiana;
- 11 regardless of the presence or absence of aggravating circumstances or
- 12 mitigating circumstances.
- 13 (e) If a court suspends a sentence and orders probation for a person
- 14 described in subsection (b)(13), the court may require the person to
- 15 receive treatment for the person's injuries.

