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## HOUSE BILL No. 1248

Proposed Changes to introduced printing by AM124801

### DIGEST OF PROPOSED AMENDMENT

Qualified entity. Removes references to CrimeStoppers and replaces them with references to a qualified entity. Establishes the requirements for a qualified entity and allows law enforcement agencies to enter into a memorandum of understanding with a qualified entity for purposes of funding DNA testing.

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 5-2-27.4 IS ADDED TO THE INDIANA CODE
- 2 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2026]:
- 4 **Chapter 27.4. Advanced DNA Testing for Cold Cases**
- 5 **Sec. 1. This chapter applies to law enforcement investigations**
- 6 **or county coroner investigations concerning the following:**
- 7 (1) Homicide (IC ~~5-2-27.4~~ 35-42-1).
- 8 (2) A sex offense (as defined by IC 11-8-8-5.2).
- 9 (3) High risk missing persons (as defined in IC 5-2-17-1).
- 10 **Sec. 2. As used in this chapter, "advanced DNA testing"**
- 11 **includes:**
- 12 (1) DNA forensics;
- 13 (2) DNA analytics; or
- 14 (3) genetic genealogy.
- 15 **Sec. 3. As used in this chapter, "cold case" means either:**
- 16 (1) a law enforcement investigation that:
- 17 (A) has been open for more than five (5) years; and
- 18 (B) has no pending charges; or
- 19 (2) a county coroner investigation concerning the

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identification of unknown victims.

Sec. 4. As used in this chapter, "DNA profile" has the meaning set forth in IC 10-13-6-4.

Sec. 5. As used in this chapter, "eligible family member" means:

(1) an individual related to the victim by blood, half-blood, adoption, marriage, or remarriage, including:

- (A) a spouse;
- (B) a parent or stepparent;
- (C) a child or stepchild;
- (D) a grandchild or stepgrandchild;
- (E) a grandparent or stepgrandparent;
- (F) a brother, sister, stepbrother, or stepsister;
- (G) a niece or nephew;
- (H) an aunt or uncle;
- (I) a daughter-in-law or son-in-law;
- (J) a mother-in-law or father-in-law; or
- (K) a first cousin; or

(2) an individual who cohabits or formerly cohabited with the victim.

Sec. 6. As used in this chapter, "law enforcement agency" has the meaning set forth in IC 35-47-15-2.

Sec. ~~7~~ 7. As used in this chapter, "qualified entity" means an entity that meets all of the following requirements:

(A) The entity:

- (i) is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code; and
- (ii) has as its purpose, in whole or in part, to assist in solving crimes through a partnership between the community and a law enforcement agency.

(B) The entity has been in existence for at least five (5) years.

(C) The entity has:

- (i) a certificate of existence on file with the secretary of state; and
- (ii) a determination letter from the Internal Revenue Service.

(D) The entity has funding, or a demonstrated ability to raise funding, to cover the cost of advanced DNA testing under this chapter.

(E) The entity agrees to cover all costs associated with advanced DNA testing without use of state funding,



including costs incurred by the state police laboratory in performing advanced DNA testing.

(F) The entity has entered into a memorandum of understanding with a law enforcement agency under section 10 of this chapter.

Sec. 8]. As used in this chapter, "testing laboratory" means a laboratory that:

- (1) conducts advanced DNA testing; and
- (2) adheres to the standards described in IC 10-13-6-14.

Sec. ~~8~~ [9]. As used in this chapter, "victim" means:

- ↔ (1) a person who has suffered direct harm as a result of a crime; or
- (2) a high risk missing person (as defined in IC 5-2-17-1).

Sec. ~~9~~ [10. (a) A law enforcement agency may enter into a memorandum of understanding with an entity for purposes of funding advanced DNA testing for cold cases under this chapter if the law enforcement agency finds the entity meets all of the requirements under section 8(A) through 8(E) of this chapter.

(b) A law enforcement agency may cancel or suspend the memorandum of understanding if the law enforcement agency has reason to believe that the entity no longer meets all of the requirements under section 8(A) through 8(E) of this chapter.

Sec. 11]. The following individuals may submit a request to ~~Crime Stoppers of Central Indiana~~ [a qualified entity] to determine eligibility for advanced DNA testing:

- (1) The victim of a cold case.
- (2) An eligible family member of a cold case victim.
- (3) A county coroner.

~~Sec. 10. Crime Stoppers of Central Indiana~~ [(4) A law enforcement agency that has entered into a memorandum of understanding with a qualified entity.

Sec. 12. A qualified entity] shall determine eligibility for advanced DNA testing based on the following:

- (1) The order in which the request is received.
- (2) The date of the crime.
- (3) The availability of funds.
- (4) Any other relevant criteria as determined by ~~Crime Stoppers of Central Indiana~~ [the qualified entity].

Sec. 1~~1~~ [3]. Upon a determination of eligibility under section 1~~0~~ [2] of this chapter, ~~Crime Stoppers of Central Indiana~~ [the qualified entity] shall notify the investigating law enforcement agency of the determination of eligibility.



1       Sec. 1~~<2>~~[4]. Upon notice of eligibility under section 1~~<4>~~[3]  
2 of this chapter, the investigating law enforcement agency and a  
3 testing laboratory shall collaborate to determine:

- 4       (1) the amount of DNA evidence available for testing; and  
5       (2) the most appropriate advanced DNA testing options.

6       Sec. 1~~<3>~~[5]. A testing laboratory that conducts advanced  
7 DNA testing shall collect, preserve, and maintain the appropriate  
8 chain of custody of any evidence.

9       Sec. 1~~<4>~~[6]. The investigating law enforcement agency shall  
10 transmit any information concerning a DNA profile to the state  
11 police department for inclusion in the Indiana DNA data base and  
12 the combined DNA index system (as defined in IC 10-13-6-1).

13       Sec. 1~~<5>~~[7]. Nothing in this chapter shall prohibit a law  
14 enforcement agency from transferring DNA evidence to a testing  
15 laboratory for advanced DNA testing at the law enforcement  
16 agency's own expense.  
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