

# HOUSE BILL No. 1253

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 10-10.5; IC 11-8-8-22; IC 35-31.5-2; IC 35-38-1-7.5; IC 35-42-4; IC 35-45-4.

**Synopsis:** Various crimes and child protection. Adds family case managers to the list of individuals who are designated as Indiana first responders. Clarifies that a court order concerning certain sex offender registration requirements may only be granted if a petition is filed under the provision governing certain retroactive application of law. Specifies that, if a petition to determine if a person should be considered a sexually violent predator or an offender against children has been filed, notice must be sent to certain parties. Separates the offenses of voyeurism, public voyeurism, and aerial voyeurism into two sections of the Indiana Code. Removes, from the crime of public voyeurism, the required element that the individual has the intent to peep at the person being recorded, and changes the name of the crime to "digital voyeurism". Provides that a serious sex offender who knowingly or intentionally approaches or communicates with a child in a public park commits a Level 6 felony.

**Effective:** July 1, 2026.

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## Goss-Reaves

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January 5, 2026, read first time and referred to Committee on Courts and Criminal Code.

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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. 1253

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 10-10.5-1-1.5 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2026]: **Sec. 1.5. "Family case manager"**  
4 **means an employee of the department of child services who is**  
5 **classified as a family case manager.**

6       SECTION 2. IC 10-10.5-1-5, AS ADDED BY P.L.113-2020,  
7 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
8 JULY 1, 2026]: Sec. 5. **(a)** "Public safety agency" means a state or  
9 local:

- 10           (1) law enforcement agency;  
11           (2) fire protection agency (including a volunteer fire department);  
12           (3) PSAP;  
13           (4) emergency management agency; or  
14           (5) correctional institution.

15       **(b) The term includes the department of child services.**

16       SECTION 3. IC 10-10.5-2-1, AS AMENDED BY P.L.119-2022,  
17 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2026]: Sec. 1. The state of Indiana designates the following individuals to be Indiana first responders:

- (1) A law enforcement officer.
- (2) A firefighter, including a volunteer firefighter.
- (3) A corrections officer.
- (4) A public safety telecommunicator.
- (5) An emergency medical technician, emergency medical responder, or paramedic.
- (6) An individual performing emergency management services subject to the order or control of, or under a request of, the state or local government, including a volunteer health practitioner registered under IC 10-14-3.5.
- (7) Any individual serving in an employee or volunteer capacity for a public safety agency, whose duties include rapid emergency response.
- (8) A county coroner or deputy county coroner.
- (9) A family case manager.**

SECTION 4. IC 11-8-8-22, AS AMENDED BY P.L.1-2025, SECTION 160, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 22. (a) As used in this section, "offender" means a sex offender (as defined in section 4.5 of this chapter) and a sex or violent offender (as defined in section 5 of this chapter).

(b) Subsection ~~(g)~~ **(h)** applies to an offender required to register under this chapter if, due to a change in federal or state law after June 30, 2007, an individual who engaged in the same conduct as the offender:

- (1) would not be required to register under this chapter; or
  - (2) would be required to register under this chapter but under less restrictive conditions than the offender is required to meet.
- (c) A person to whom this section applies may petition a court to:
- (1) remove the person's designation as an offender and order the department to remove all information regarding the person from the public portal of the sex and violent offender registry website established under IC 36-2-13-5.5; or
  - (2) require the person to register under less restrictive conditions.

**A court may not issue an order described by subdivision (1) or (2) unless a petition is filed under this section.**

(d) A petition under this section shall be filed in the circuit or superior court of the county in which the offender resides. If the offender resides in more than one (1) county, the petition shall be filed in the circuit or superior court of the county in which the offender



1 resides the greatest time. If the offender does not reside in Indiana, the  
 2 petition shall be filed in the circuit or superior court of the county  
 3 where the offender is employed the greatest time. If the offender does  
 4 not reside or work in Indiana, but is a student in Indiana, the petition  
 5 shall be filed in the circuit or superior court of the county where the  
 6 offender is a student. If the offender is not a student in Indiana and does  
 7 not reside or work in Indiana, the petition shall be filed in the county  
 8 where the offender was most recently convicted of a crime listed in  
 9 section 5 of this chapter.

10 (e) After receiving a petition under this section, the court may

11 ~~(1)~~ summarily dismiss the petition. ~~or~~

12 ~~(2) (f) If the court does not dismiss a petition under subsection~~  
 13 ~~(e), the court shall~~ give notice to:

14 ~~(A) (1)~~ the department;

15 ~~(B) (2)~~ the attorney general;

16 ~~(C) (3)~~ the prosecuting attorney of:

17 ~~(i) (A)~~ the county where the petition was filed;

18 ~~(ii) (B)~~ the county where offender was most recently convicted  
 19 of an offense listed in section 5 of this chapter; and

20 ~~(iii) (C)~~ the county where the offender resides; and

21 ~~(D) (4)~~ the sheriff of the county where the offender resides;

22 and set the matter for hearing. The date set for a hearing must not be  
 23 less than sixty (60) days after the court gives notice under this  
 24 subsection.

25 ~~(f) (g)~~ If a court sets a matter for a hearing under this section, the  
 26 prosecuting attorney of the county in which the action is pending shall  
 27 appear and respond, unless the prosecuting attorney requests the  
 28 attorney general to appear and respond and the attorney general agrees  
 29 to represent the interests of the state in the matter. If the attorney  
 30 general agrees to appear, the attorney general shall give notice to:

31 (1) the prosecuting attorney; and

32 (2) the court.

33 ~~(g) (h)~~ A court may grant a petition under this section if, following  
 34 a hearing, the court makes the following findings:

35 (1) The law requiring the petitioner to register as an offender has  
 36 changed since the date on which the petitioner was initially  
 37 required to register.

38 (2) If the petitioner who was required to register as an offender  
 39 before the change in law engaged in the same conduct after the  
 40 change in law occurred, the petitioner would:

41 (A) not be required to register as an offender; or

42 (B) be required to register as an offender, but under less



1 restrictive conditions.

2 (3) If the petitioner seeks relief under this section because a  
3 change in law makes a previously unavailable defense available  
4 to the petitioner, that the petitioner has proved the defense.

5 The court has the discretion to deny a petition under this section, even  
6 if the court makes the findings under this subsection.

7 ~~(h)~~ (i) The petitioner has the burden of proof in a hearing under this  
8 section.

9 ~~(j)~~ (j) If the court grants a petition under this section, the court shall  
10 notify:

11 (1) the victim of the offense, if applicable;

12 (2) the department of correction; and

13 (3) the local law enforcement authority of every county in which  
14 the petitioner is currently required to register.

15 ~~(k)~~ (k) An offender may base a petition filed under this section on a  
16 claim that the application or registration requirements constitute ex  
17 post facto punishment.

18 ~~(l)~~ (l) A petition filed under this section must:

19 (1) be submitted under the penalties of perjury;

20 (2) list each of the offender's criminal convictions and state for  
21 each conviction:

22 (A) the date of the judgment of conviction;

23 (B) the court that entered the judgment of conviction;

24 (C) the crime that the offender pled guilty to or was convicted  
25 of; and

26 (D) whether the offender was convicted of the crime in a trial  
27 or pled guilty to the criminal charges; and

28 (3) list each jurisdiction in which the offender is required to  
29 register as a sex offender or a violent offender.

30 ~~(m)~~ (m) The attorney general may initiate an appeal from any order  
31 granting an offender relief under this section.

32 SECTION 5. IC 35-31.5-2-33, AS ADDED BY P.L.114-2012,  
33 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
34 JULY 1, 2026]: Sec. 33. "Camera", for purposes of ~~IC 35-45-4-5,~~  
35 **IC 35-45-4-5.5**, has the meaning set forth in ~~IC 35-45-4-5(a)(1).~~  
36 **IC 35-45-4-5.5(a).**

37 SECTION 6. IC 35-31.5-2-231, AS ADDED BY P.L.114-2012,  
38 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
39 JULY 1, 2026]: Sec. 231. "Peep", for purposes of IC 35-45-4-5, has the  
40 meaning set forth in ~~IC 35-45-4-5(a)(2).~~ **IC 35-45-4-5(a).**

41 SECTION 7. IC 35-31.5-2-246, AS ADDED BY P.L.114-2012,  
42 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2026]: Sec. 246. "Private area", for purposes of ~~IC 35-45-4-5~~,  
~~IC 35-45-4-5.5~~, has the meaning set forth in ~~IC 35-45-4-5(a)(3)~~.  
~~IC 35-45-4-5.5(a)~~.

SECTION 8. IC 35-38-1-7.5, AS AMENDED BY P.L.186-2025,  
 SECTION 229, IS AMENDED TO READ AS FOLLOWS  
 [EFFECTIVE JULY 1, 2026]: Sec. 7.5. (a) As used in this section,  
 "sexually violent predator" means a person who suffers from a mental  
 abnormality or personality disorder that makes the individual likely to  
 repeatedly commit a sex offense (as defined in IC 11-8-8-5.2). The  
 term includes a person convicted in another jurisdiction who is  
 identified as a sexually violent predator under IC 11-8-8-20. The term  
 does not include a person no longer considered a sexually violent  
 predator under subsection (g).

(b) A person who:

(1) being at least eighteen (18) years of age, commits an offense  
 described in:

(A) IC 35-42-4-1;

(B) IC 35-42-4-2 (before its repeal);

(C) IC 35-42-4-3 as a Class A or Class B felony (for a crime  
 committed before July 1, 2014) or a Level 1, Level 2, Level 3,  
 or Level 4 felony (for a crime committed after June 30, 2014);

(D) IC 35-42-4-5(a)(1);

(E) IC 35-42-4-5(a)(2);

(F) IC 35-42-4-5(a)(3) (before that provision was redesignated  
 by P.L.158-2013, SECTION 441);

(G) IC 35-42-4-5(b)(1) as a Class A or Class B felony (for a  
 crime committed before July 1, 2014) or Level 2, Level 3, or  
 Level 4 felony (for a crime committed after June 30, 2014);

(H) IC 35-42-4-5(b)(2); or

(I) IC 35-42-4-5(b)(3) as a Class A or Class B felony (for a  
 crime committed before July 1, 2014) or a Level 2, Level 3, or  
 Level 4 felony (for a crime committed after June 30, 2014);

(2) commits a sex offense (as defined in IC 11-8-8-5.2) while  
 having a previous unrelated conviction for a sex offense for which  
 the person is required to register as a sex or violent offender under  
 IC 11-8-8;

(3) commits a sex offense (as defined in IC 11-8-8-5.2) while  
 having had a previous unrelated adjudication as a delinquent child  
 for an act that would be a sex offense if committed by an adult, if,  
 after considering expert testimony, a court finds by clear and  
 convincing evidence that the person is likely to commit an  
 additional sex offense; or



(4) commits a sex offense (as defined in IC 11-8-8-5.2) while having had a previous unrelated adjudication as a delinquent child for an act that would be a sex offense if committed by an adult, if the person was required to register as a sex or violent offender under IC 11-8-8-5(b)(2);

is a sexually violent predator. Except as provided in subsection (g) or (h), a person is a sexually violent predator by operation of law if an offense committed by the person satisfies the conditions set forth in subdivision (1) or (2) and the person was released from incarceration, secure detention, probation, or parole for the offense after June 30, 1994.

(c) This section applies whenever a court sentences a person or a juvenile court issues a dispositional decree for a sex offense (as defined in IC 11-8-8-5.2) for which the person is required to register with the local law enforcement authority under IC 11-8-8.

(d) At the sentencing hearing, the court shall indicate on the record whether the person has been convicted of an offense that makes the person a sexually violent predator under subsection (b).

(e) If a person is not a sexually violent predator under subsection (b), the prosecuting attorney may request the court to conduct a hearing to determine whether the person (including a child adjudicated to be a delinquent child) is a sexually violent predator under subsection (a). If the court grants the motion, the court shall appoint two (2) psychologists or psychiatrists who have expertise in criminal behavioral disorders to evaluate the person and testify at the hearing. After conducting the hearing and considering the testimony of the two (2) psychologists or psychiatrists, the court shall determine whether the person is a sexually violent predator under subsection (a). A hearing conducted under this subsection may be combined with the person's sentencing hearing.

(f) If a person is a sexually violent predator:

- (1) the person is required to register with the local law enforcement authority as provided in IC 11-8-8; and
- (2) the court shall send notice to the department of correction.

(g) This subsection does not apply to a person who has two (2) or more unrelated convictions for an offense described in IC 11-8-8-4.5 for which the person is required to register under IC 11-8-8. A person who is a sexually violent predator may petition the court to consider whether the person should no longer be considered a sexually violent predator. The person may file a petition under this subsection not earlier than ten (10) years after:

- (1) the sentencing court or juvenile court makes its determination



under subsection (e); or

(2) the person is released from incarceration or secure detention.

A person may file a petition under this subsection not more than one (1) time per year. A court may dismiss a petition filed under this subsection or conduct a hearing to determine if the person should no longer be considered a sexually violent predator. If the court conducts a hearing, the court shall appoint two (2) psychologists or psychiatrists who have expertise in criminal behavioral disorders to evaluate the person and testify at the hearing. After conducting the hearing and considering the testimony of the two (2) psychologists or psychiatrists, the court shall determine whether the person should no longer be considered a sexually violent predator under subsection (a). If a court finds that the person should no longer be considered a sexually violent predator, the court shall send notice to the department of correction that the person is no longer considered a sexually violent predator or an offender against children. Notwithstanding any other law, a condition imposed on a person due to the person's status as a sexually violent predator, including lifetime parole or GPS monitoring, does not apply to a person no longer considered a sexually violent predator.

(h) A person is not a sexually violent predator by operation of law under subsection (b)(1) if all of the following conditions are met:

(1) The victim was not less than twelve (12) years of age at the time the offense was committed.

(2) The person is not more than four (4) years older than the victim.

(3) The relationship between the person and the victim was a dating relationship or an ongoing personal relationship. The term "ongoing personal relationship" does not include a family relationship.

(4) The offense committed by the person was not any of the following:

(A) Rape (IC 35-42-4-1).

(B) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).

(C) An offense committed by using or threatening the use of deadly force or while armed with a deadly weapon.

(D) An offense that results in serious bodily injury.

(E) An offense that is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1.1-7) or knowing that the victim was furnished with the drug or controlled substance without the victim's





1 knowledge.

2 (5) The person has not committed another sex offense (as defined  
3 in IC 11-8-8-5.2) (including a delinquent act that would be a sex  
4 offense if committed by an adult) against any other person.

5 (6) The person did not have a position of authority or substantial  
6 influence over the victim.

7 (7) The court finds that the person should not be considered a  
8 sexually violent predator.

9 **(i) If the court sets a hearing on a petition filed under subsection**  
10 **(g), notice shall be given in the manner required under**  
11 **IC 11-8-8-22(f). A court may not issue an order under this section**  
12 **to:**

13 **(1) order the department to remove all information regarding**  
14 **the person from the public portal of the sex and violent**  
15 **offender registry website established under IC 36-2-13-5.5; or**  
16 **(2) require the person to register under less restrictive**  
17 **conditions required by IC 11-8-8;**

18 **unless the petitioner has also filed a petition under IC 11-8-8-22.**

19 SECTION 9. IC 35-42-4-11, AS AMENDED BY P.L.142-2020,  
20 SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
21 JULY 1, 2026]: Sec. 11. (a) As used in this section, and except as  
22 provided in subsection (d), "offender against children" means a person  
23 required to register as a sex or violent offender under IC 11-8-8 who  
24 has been:

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

26 or

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

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

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

30 (C) Child solicitation (IC 35-42-4-6).

31 (D) Child seduction (IC 35-42-4-7).

32 (E) Kidnapping (IC 35-42-3-2), if the victim is less than  
33 eighteen (18) years of age, and the person is not the child's  
34 parent or guardian.

35 A person is an offender against children by operation of law if the  
36 person meets the conditions described in subdivision (1) or (2) at any  
37 time.

38 (b) As used in this section, "reside" means to spend more than three

39 (3) nights in:

40 (1) a residence; or

41 (2) if the person does not reside in a residence, a particular  
42 location;



1 in any thirty (30) day period.

2 (c) An offender against children who knowingly or intentionally:

3 (1) resides within one thousand (1,000) feet of:

4 (A) school property, not including property of an institution  
5 providing post-secondary education;

6 (B) a youth program center;

7 (C) a public park; or

8 (D) a day care center licensed under IC 12-17.2;

9 (2) establishes a residence within one (1) mile of the residence of  
10 the victim of the offender's sex offense; or

11 (3) resides in a residence where a child care provider (as defined  
12 by IC 31-33-26-1) provides child care services;

13 commits a sex offender residency offense, a Level 6 felony.

14 (d) This subsection does not apply to an offender against children  
15 who has two (2) or more unrelated convictions for an offense described  
16 in subsection (a). A person who is an offender against children may  
17 petition the court to consider whether the person should no longer be  
18 considered an offender against children. The person may file a petition  
19 under this subsection not earlier than ten (10) years after the person is  
20 released from incarceration or parole, whichever occurs last (or, if the  
21 person is not incarcerated, not earlier than ten (10) years after the  
22 person is released from probation). A person may file a petition under  
23 this subsection not more than one (1) time per year. A court may  
24 dismiss a petition filed under this subsection or conduct a hearing to  
25 determine if the person should no longer be considered an offender  
26 against children. If the court conducts a hearing, the court shall appoint  
27 two (2) psychologists or psychiatrists who have expertise in criminal  
28 behavioral disorders to evaluate the person and testify at the hearing.  
29 After conducting the hearing and considering the testimony of the two  
30 (2) psychologists or psychiatrists, the court shall determine whether the  
31 person should no longer be considered an offender against children. If  
32 a court finds that the person should no longer be considered an offender  
33 against children, the court shall send notice to the department of  
34 correction that the person is no longer considered an offender against  
35 children.

36 **(e) If the court sets a hearing on a petition filed under subsection**  
37 **(d), notice shall be given in the manner required under**  
38 **IC 11-8-8-22(f). A court may not issue an order under this section**  
39 **to:**

40 **(1) order the department to remove all information regarding**  
41 **the person from the public portal of the sex and violent**  
42 **offender registry website established under IC 36-2-13-5.5; or**



1           **(2) require the person to register under less restrictive**  
 2           **conditions required by IC 11-8-8;**  
 3           **unless the petitioner has also filed a petition under IC 11-8-22.**

4           SECTION 10. IC 35-42-4-14, AS AMENDED BY P.L.218-2025,  
 5           SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6           JULY 1, 2026]: Sec. 14. (a) As used in this section, "serious sex  
 7           offender" means a person required to register as a sex offender under  
 8           IC 11-8-8 who is:

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

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

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

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

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

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

18           (E) Performing sexual conduct in the presence of a minor (IC  
 19           35-42-4-5(c)).

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

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

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

23          (b) A serious sex offender who knowingly or intentionally enters  
 24          school property commits unlawful entry by a serious sex offender, a  
 25          Level 6 felony.

26          (c) It is a defense to a prosecution under subsection (b) that:

27           (1) a religious institution or house of worship is located on the  
 28           school property; and

29           (2) the person:

30           (A) enters the school property or other entity described in  
 31           IC 35-31.5-2-285(1)(A) through IC 35-31.5-2-285(1)(D) when  
 32           classes, extracurricular activities, or any other school activities  
 33           are not being held:

34           (i) for the sole purpose of attending worship services or  
 35           receiving religious instruction; and

36           (ii) not earlier than thirty (30) minutes before the beginning  
 37           of the worship services or religious instruction; and

38           (B) leaves the school property not later than thirty (30)  
 39           minutes after the conclusion of the worship services or  
 40           religious instruction.

41          **(d) A serious sex offender who knowingly or intentionally:**

42           **(1) approaches; or**



(2) communicates with;  
 a child who is less than eighteen (18) years of age in a public park  
 (as defined in IC 35-31.5-2-258) commits unlawful communication  
 by a serious sex offender, a Level 6 felony. It is a defense to a  
 prosecution under this subsection that the serious sex offender is  
 a parent or legal guardian of the child.

SECTION 11. IC 35-45-4-5, AS AMENDED BY P.L.79-2024,  
 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 JULY 1, 2026]: Sec. 5. (a) The following definitions apply throughout  
 As used in this section,

(1) "Camera" means a camera; a video camera; a device that  
 captures a digital image; or any other type of video recording  
 device.

(2) "peep" means

(A) any looking of a clandestine, surreptitious, prying, or  
 secretive nature. or

(B) using a concealed camera with the intent of capturing an  
 intimate image (as defined by IC 34-21.5-2-1).

(3) "Private area" means the naked or undergarment clad genitals;  
 pubic area; or buttocks of an individual.

(b) A person:

(1) who knowingly or intentionally:

(A) peeps; or

(B) goes upon the land of another with the intent to peep;  
 into an occupied dwelling of another person; or

(2) who knowingly or intentionally peeps in or into an area where  
 an occupant of the area reasonably can be expected to disrobe or  
 is actually expected to disrobe, including:

(A) restrooms;

(B) baths;

(C) showers; and

(D) dressing rooms;

without the consent of the other person, commits voyeurism, a Class B  
 misdemeanor.

(c) ~~However,~~ The offense under subsection (b) is a Level 6 felony  
 if

(1) it is knowingly or intentionally committed by means of a  
 camera; or

(2) the person who commits the offense has a prior unrelated  
 conviction under this section.

(d) A person who:

(1) without the consent of the individual; and



(2) with intent to peep at the private area of an individual; peeps at the private area of an individual and records an image by means of a camera commits public voyeurism; a Class A misdemeanor.

(e) The offense under subsection (d) is a Level 6 felony if the person has a prior unrelated conviction under this section or if the person:

(1) publishes the image;

(2) makes the image available on the Internet; or

(3) transmits or disseminates the image to another person.

(f) It is a defense to a prosecution under subsection (d) that the individual deliberately exposed the individual's private area.

(g) A person who, with the intent to peep, operates an unmanned aerial vehicle in a manner that is intended to cause the unmanned aerial vehicle to enter the space above or surrounding another person's occupied dwelling for the purpose of capturing images, photographs, video recordings, or audio recordings of the other person while the other person is:

(1) within the other person's occupied dwelling; or

(2) on the land or premises:

(A) on which the other person's occupied dwelling is located; and

(B) in a location that is not visible from an area:

(i) open to the general public; or

(ii) where a member of the general public has the right to be;

commits remote aerial voyeurism; a Class A misdemeanor.

(h) The offense under subsection (g) is a Level 6 felony if the person has a prior unrelated conviction under this section or if the person:

(1) publishes the images, photographs, or recordings captured;

(2) makes the images, photographs, or recordings captured available on the Internet; or

(3) transmits or disseminates the images, photographs, or recordings captured to another person.

SECTION 12. IC 35-45-4-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 5.5. (a) The following definitions apply throughout this section:**

(1) "Camera" means a camera, a video camera, a device that captures a digital image, or any other type of video recording device.

(2) "Private area" means the naked or undergarment clad genitals, pubic area, or buttocks of an individual.

(b) A person who, without the consent of the individual, records an image of the private area of an individual by means of a camera



1 commits digital voyeurism, a Class A misdemeanor.

2 (c) The offense under subsection (b) is a Level 6 felony if the  
3 person has a prior unrelated conviction under this section or if the  
4 person:

5 (1) publishes the image;

6 (2) makes the image available on the Internet; or

7 (3) transmits or disseminates the image to another person.

8 (d) A person who operates an unmanned aerial vehicle in a  
9 manner that is intended to cause the unmanned aerial vehicle to  
10 enter the space above or surrounding another person's occupied  
11 dwelling for the purpose of capturing images, photographs, video  
12 recordings, or audio recordings of the other person while the other  
13 person is:

14 (1) within the other person's occupied dwelling; or

15 (2) on the land or premises:

16 (A) on which the other person's occupied dwelling is  
17 located; and

18 (B) in a location that is not visible from an area:

19 (i) open to the general public; or

20 (ii) where a member of the general public has the right  
21 to be;

22 commits remote aerial voyeurism, a Class A misdemeanor.

23 (e) The offense under subsection (d) is a Level 6 felony if the  
24 person has a prior unrelated conviction under this section or if the  
25 person:

26 (1) publishes the images, photographs, or recordings  
27 captured;

28 (2) makes the images, photographs, or recordings captured  
29 available on the Internet; or

30 (3) transmits or disseminates the images, photographs, or  
31 recordings captured to another person.

