



Reprinted
February 20, 2026

ENGROSSED HOUSE BILL No. 1258

DIGEST OF HB 1258 (Updated February 19, 2026 4:11 pm - DI 106)

Citations Affected: IC 1-1; IC 2-8.2; IC 11-13; IC 16-27; IC 16-28; IC 16-31; IC 25-1; IC 25-23.6; IC 27-10; IC 33-23; IC 35-31.5; IC 35-33; IC 35-38; IC 35-40; IC 35-50; IC 36-1; IC 36-8.

Synopsis: Crimes of violence. Revises and consolidates the definition of "crime of violence". Amends the definition of violent offender to mean a person who is convicted of an offense or attempted offense that is a crime of violence or a person who is charged with an offense or attempted offense that is a crime of violence. Amends the definition of "violent arrestee" to mean a person arrested for or charged with a crime of violence that is a Level 1 felony, Level 2 felony, Level 3 felony, Level 4 felony, or a Level 5 felony. Removes provisions concerning repeat violent arrestees. Amends the definition of "violent criminal" to mean a person convicted of a crime of violence. Adds: (1) dangerous possession of a firearm with two priors; and (2) unlawful carrying of a handgun with two priors; to the crimes of violence list. Makes a technical correction and conforming changes.

Effective: July 1, 2026.

Jeter, King, Carbaugh, Porter

(SENATE SPONSOR — FREEMAN)

January 5, 2026, read first time and referred to Committee on Courts and Criminal Code.
January 14, 2026, reported — Do Pass.
January 22, 2026, read second time, amended, ordered engrossed.
January 23, 2026, engrossed.
January 28, 2026, read third time, passed. Yeas 91, nays 0.

SENATE ACTION

February 2, 2026, read first time and referred to Committee on Corrections and Criminal Law.
February 12, 2026, amended, reported favorably — Do Pass.
February 19, 2026, read second time, amended, ordered engrossed.

EH 1258—LS 6822/DI 151



Reprinted
February 20, 2026

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.

ENGROSSED HOUSE BILL No. 1258

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 1-1-2-2.5, AS ADDED BY P.L.142-2020,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2026]: Sec. 2.5. (a) This section applies to every crime in
4 which proof that a person has a prior conviction or judgment for an
5 infraction increases:
6 (1) the class or level of the crime;
7 (2) the penalty for the crime from a misdemeanor to a felony; or
8 (3) the penalty for an infraction to a misdemeanor or felony.
9 (b) This section does not apply to a sentencing provision that
10 increases the penalty that may be imposed for an infraction or crime
11 but does not increase:
12 (1) the class or level of the crime;
13 (2) the penalty for the crime from a misdemeanor to a felony; or
14 (3) the penalty for an infraction to a misdemeanor or felony;
15 including IC 35-50-2-8 (habitual offenders), IC 35-50-2-9 (death
16 penalty sentencing), IC 9-30-15.5 (habitual vehicular substance
17 offender), and IC 35-50-2-14 (repeat sexual offender).

EH 1258—LS 6822/DI 151



(c) This section does not apply to a crime that contains a specific lookback period for a prior conviction or judgment for an infraction.

(d) Subject to subsection (e), and except as provided in subsection (f), a prior conviction or a prior judgment for an infraction increases the class or level of the crime, the penalty for the crime from a misdemeanor to a felony, or the penalty for an infraction to a misdemeanor or felony only if the current crime was committed not later than twelve (12) years from the date the defendant was:

- (1) convicted of the prior crime, if the defendant was not sentenced to a term of incarceration or probation;
 - (2) adjudicated to have committed the infraction; or
 - (3) released from a term of incarceration, probation, or parole (whichever occurs later) imposed for the prior conviction;
- whichever occurred last.

(e) If a crime described in subsection (a) requires proof of more than one (1) criminal conviction or judgment for an infraction, the increased penalty applies only if the current crime was committed not later than twelve (12) years from the date the defendant was:

- (1) convicted of one (1) of the prior crimes, if the person was not sentenced to a term of incarceration or probation;
 - (2) adjudicated to have committed one (1) of the infractions; or
 - (3) released from a term of incarceration, probation, or parole (whichever occurs later) imposed for one (1) of the prior convictions;
- whichever occurred last.

(f) This section does not apply if the crime described in subsection (a) is one (1) or more of the following:

- (1) A crime of violence (as defined by ~~IC 35-50-1-2~~ **IC 35-31.5-2-79**).
- (2) A crime that results in bodily injury or death to a victim.
- (3) A sex offense (as defined by IC 11-8-8-5.2).
- (4) Domestic battery (IC 35-42-2-1.3).
- (5) Strangulation (IC 35-42-2-9).
- (6) Operating while intoxicated with a prior conviction for operating while intoxicated that resulted in death, serious bodily injury, or catastrophic injury (IC 9-30-5-3(b)).
- (7) Dealing in cocaine or a narcotic drug (IC 35-48-4-1).
- (8) Dealing in methamphetamine (IC 35-48-4-1.1).
- (9) Manufacturing methamphetamine (IC 35-48-4-1.2).
- (10) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).

(g) If there is a conflict between a provision in this section and



another provision of the Indiana Code, this section controls.

SECTION 2. IC 2-8.2-2-5.5, AS ADDED BY P.L.41-2025, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5.5. "Crime of moral turpitude" means the following:

- (1) A crime of violence as defined in ~~IC 35-50-1-2~~ **IC 35-31.5-2-79**.
- (2) A sex offense as defined in IC 11-8-8-5.2.
- (3) A crime involving fraud or a false statement.

SECTION 3. IC 11-13-3-3, AS AMENDED BY P.L.55-2017, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) A person sentenced under IC 35-50 shall be released on parole or discharged from the person's term of imprisonment under IC 35-50 without a parole release hearing.

(b) A person sentenced for an offense under laws other than IC 35-50 who is eligible for release on parole, or a person whose parole is revoked and is eligible for reinstatement on parole under rules adopted by the parole board shall, before the date of the person's parole eligibility, be granted a parole release hearing to determine whether parole will be granted or denied. The hearing shall be conducted by one (1) or more of the parole board members. If one (1) or more of the members conduct the hearing on behalf of the parole board, the final decision shall be rendered by the full parole board based upon the record of the proceeding and the hearing conductor's findings. Before the hearing, the parole board shall order an investigation to include the collection and consideration of:

- (1) reports regarding the person's medical, psychological, educational, vocational, employment, economic, and social condition and history;
- (2) official reports of the person's history of criminality;
- (3) reports of earlier parole or probation experiences;
- (4) reports concerning the person's present commitment that are relevant to the parole release determination;
- (5) any relevant information submitted by or on behalf of the person being considered; and
- (6) such other relevant information concerning the person as may be reasonably available.

(c) Unless the victim has requested in writing not to be notified, the department shall notify a victim of a felony (or the next of kin of the victim if the felony resulted in the death of the victim) or any witness involved in the prosecution of an offender imprisoned for the commission of a felony when the offender is:



- (1) to be discharged from imprisonment;
- (2) to be released on parole under IC 35-50-6-1;
- (3) to have a parole release hearing under this chapter;
- (4) to have a parole violation hearing;
- (5) an escaped committed offender; or
- (6) to be released from departmental custody under any temporary release program administered by the department, including the following:

- (A) Placement on minimum security assignment to a program authorized by IC 11-10-1-3 or IC 35-38-3-6 and requiring periodic reporting to a designated official, including a regulated community assignment program.

- (B) Assignment to a minimum security work release program.

(d) The department shall make the notification required under subsection (c):

- (1) not later than twenty-four (24) hours after the escape of a committed offender;
- (2) at least forty (40) days before:
 - (A) the discharge or release of a committed offender; or
 - (B) the date of a hearing concerning a committed offender's possible discharge or release; and
- (3) if the date of a committed offender's discharge or release as referred to in subdivision (2)(A) is changed during the forty (40) day notification period referred to in subdivision (2), as soon as possible but not more than forty-eight (48) hours after the change in the discharge or release date.

The department shall supply the information to a victim (or a next of kin of a victim in the appropriate case) and a witness at the address supplied to the department by the victim (or next of kin) or witness. A victim (or next of kin) is responsible for supplying the department with any change of address or telephone number of the victim (or next of kin).

(e) The probation officer conducting the presentence investigation shall inform the victim and witness described in subsection (c), at the time of the interview with the victim or witness, of the right of the victim or witness to receive notification from the department under subsection (c). The probation department for the sentencing court shall forward the most recent list of the addresses or telephone numbers, or both, of victims to the department of correction. The probation department shall supply the department with the information required by this section as soon as possible but not later than five (5) days from the receipt of the information from the victim. A victim (or next of kin)



1 is responsible for supplying the department with the correct address
2 and telephone number of the victim (or next of kin).

3 (f) Notwithstanding IC 11-8-5-2 and IC 4-1-6, an inmate may not
4 have access to the name and address of a victim and a witness. Upon
5 the filing of a motion by any person requesting or objecting to the
6 release of victim information, witness information, or both that is
7 retained by the department, the court shall review the information that
8 is the subject of the motion in camera before ruling on the motion.

9 (g) The notice required under subsection (c) must specify whether
10 the prisoner is being discharged, is being released on parole, is being
11 released on lifetime parole, is having a parole release hearing, is having
12 a parole violation hearing, or has escaped. The notice must contain the
13 following information:

- 14 (1) The name of the prisoner.
- 15 (2) The date of the offense.
- 16 (3) The date of the conviction.
- 17 (4) The felony of which the prisoner was convicted.
- 18 (5) The sentence imposed.
- 19 (6) The amount of time served.
- 20 (7) The date and location of the interview (if applicable).

21 (h) The parole board shall adopt rules under IC 4-22-2 and make
22 available to offenders the criteria considered in making parole release
23 determinations. The criteria must include the:

- 24 (1) nature and circumstances of the crime for which the offender
25 is committed;
- 26 (2) offender's prior criminal record;
- 27 (3) offender's conduct and attitude during the commitment; and
- 28 (4) offender's parole plan.

29 (i) The hearing prescribed by this section may be conducted in an
30 informal manner without regard to rules of evidence. In connection
31 with the hearing, however:

- 32 (1) reasonable, advance written notice, including the date, time,
33 and place of the hearing shall be provided to the person being
34 considered;
- 35 (2) the person being considered shall be given access, in accord
36 with IC 11-8-5, to records and reports considered by the parole
37 board in making its parole release decision;
- 38 (3) the person being considered may appear, speak in the person's
39 own behalf, and present documentary evidence;
- 40 (4) irrelevant, immaterial, or unduly repetitious evidence shall be
41 excluded; and
- 42 (5) a record of the proceeding, to include the results of the parole



board's investigation, notice of the hearing, and evidence adduced at the hearing, shall be made and preserved.

(j) If parole is denied, the parole board shall give the person written notice of the denial and the reasons for the denial. The parole board may not parole a person if it determines that there is substantial reason to believe that the person:

- (1) will engage in further specified criminal activity; or
- (2) will not conform to appropriate specified conditions of parole.

(k) If parole is denied, the parole board shall conduct another parole release hearing not earlier than five (5) years after the date of the hearing at which parole was denied. However, the board may conduct a hearing earlier than five (5) years after denial of parole if the board:

- (1) finds that special circumstances exist for the holding of a hearing; and
- (2) gives reasonable notice to the person being considered for parole.

(l) The parole board may parole a person who is outside Indiana on a record made by the appropriate authorities of the jurisdiction in which that person is imprisoned.

(m) If the board is considering the release on parole of an offender who is serving a sentence of life in prison, a determinate term of imprisonment of at least ten (10) years, or an indeterminate term of imprisonment with a minimum term of at least ten (10) years, in addition to the investigation required under subsection (b), except as provided in subsection (n), the board may order and consider a community investigation, which may include an investigation and report that substantially reflects the attitudes and opinions of:

- (1) the community in which the crime committed by the offender occurred;
- (2) law enforcement officers who have jurisdiction in the community in which the crime occurred;
- (3) the victim of the crime committed by the offender, or if the victim is deceased or incompetent for any reason, the victim's relatives or friends; and
- (4) friends or relatives of the offender.

If the board reconsiders for release on parole an offender who was previously released on parole and whose parole was revoked under section 10 of this chapter, the board may use a community investigation prepared for an earlier parole hearing to comply with this subsection. However, the board shall accept and consider any supplements or amendments to any previous statements from the victim or the victim's relatives or friends.



(n) The board shall conduct the community investigation described in subsection (m) if:

(1) the person was convicted of a crime of violence (as defined in ~~IC 35-50-1-2~~; **IC 35-31.5-2-79**); or

(2) the person is a sex offender (as defined in IC 11-8-8-4.5).

(o) As used in this section, "victim" means a person who has suffered direct harm as a result of a violent crime (as defined in IC 5-2-6.1-8).

SECTION 4. IC 11-13-9-1, AS ADDED BY P.L.119-2008, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. This chapter does not apply to the following:

(1) An inmate who receives a sentence of death or life without parole under IC 35-50-2.

(2) An inmate who has committed an offense described in IC 11-8-8-4.5.

(3) A person convicted of a crime of violence (as defined in ~~IC 35-50-1-2~~; **IC 35-31.5-2-79**).

SECTION 5. IC 16-27-2-3, AS AMENDED BY P.L.171-2025, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) Except as provided in subsection (c), a person may not operate a home health agency or a personal services agency if the person has been convicted of any of the following:

(1) A sex crime (IC 35-42-4).

(2) Exploitation of an endangered adult (IC 35-46-1-12).

(3) Failure to report battery, neglect, or exploitation of an endangered adult (IC 35-46-1-13).

(4) Theft, conversion, or receiving stolen property (IC 35-43-4), if the conviction is a:

(A) felony conviction that occurred less than ten (10) years; or

(B) misdemeanor conviction that occurred less than five (5) years;

before the date of submission by the person of an application for licensure as a home health agency under IC 16-27-1 or as a personal services agency under IC 16-27-4.

(5) Identity deception (IC 35-43-5-3.5), if the conviction is a:

(A) felony conviction that occurred less than ten (10) years; or

(B) misdemeanor conviction that occurred less than five (5) years;

before the person's employment application date.

(6) Fraud (IC 35-43-5-4), if the conviction is a:

(A) felony conviction that occurred less than ten (10) years; or

(B) misdemeanor conviction that occurred less than five (5)



- 1 years;
- 2 before the person's employment application date.
- 3 (7) Murder (IC 35-42-1-1).
- 4 (8) Voluntary manslaughter (IC 35-42-1-3).
- 5 (9) Except as provided in this section, a crime of violence (as
- 6 defined in ~~IC 35-50-1-2~~; **IC 35-31.5-2-79**), if the person's
- 7 conviction occurred less than ten (10) years before the person's
- 8 employment application date.
- 9 (10) Felony battery within the previous five (5) years.
- 10 (11) A felony offense relating to controlled substances within the
- 11 previous five (5) years.
- 12 (b) A person who knowingly or intentionally violates this section
- 13 commits a Class A misdemeanor.
- 14 (c) A person who:
- 15 (1) was operating a home health agency or a personal services
- 16 agency before July 1, 2025; and
- 17 (2) has a misdemeanor conviction under subsection (a)(4)(B) or
- 18 (a)(5)(B);
- 19 may continue to operate the home health agency or personal services
- 20 agency.
- 21 SECTION 6. IC 16-27-2-5, AS AMENDED BY P.L.171-2025,
- 22 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 23 JULY 1, 2026]: Sec. 5. (a) Except as provided in subsections (c) and
- 24 (d), a person who operates a home health agency under IC 16-27-1 or
- 25 a personal services agency under IC 16-27-4 may not employ a person
- 26 to provide services in a patient's or client's temporary or permanent
- 27 residence if one (1) or more of the following conditions exist:
- 28 (1) The person's national criminal history background check or
- 29 expanded criminal history check indicates that the person has
- 30 been convicted of any of the following:
- 31 (A) A sex crime (IC 35-42-4).
- 32 (B) Exploitation of an endangered adult (IC 35-46-1-12).
- 33 (C) Failure to report battery, neglect, or exploitation of an
- 34 endangered adult (IC 35-46-1-13).
- 35 (D) Theft, conversion, or receiving stolen property
- 36 (IC 35-43-4), if the conviction is a:
- 37 (i) felony conviction that occurred less than ten (10) years;
- 38 or
- 39 (ii) misdemeanor conviction that occurred less than five (5)
- 40 years;
- 41 before the person's employment application date.
- 42 (E) Identity deception (IC 35-43-5-3.5), if the conviction is a:



- 1 (i) felony conviction that occurred less than ten (10) years;
- 2 or
- 3 (ii) misdemeanor conviction that occurred less than five (5)
- 4 years;
- 5 before the person's employment application date.
- 6 (F) Fraud (IC 35-43-5-4), if the conviction is a:
- 7 (i) felony conviction that occurred less than ten (10) years;
- 8 or
- 9 (ii) misdemeanor conviction that occurred less than five (5)
- 10 years;
- 11 before the person's employment application date.
- 12 (G) Murder (IC 35-42-1-1).
- 13 (H) Voluntary manslaughter (IC 35-42-1-3).
- 14 (I) Except as provided in this section, a crime of violence (as
- 15 defined in ~~IC 35-50-1-2~~; **IC 35-31.5-2-79**), if the person's
- 16 conviction occurred less than ten (10) years before the person's
- 17 employment application date.
- 18 (J) Felony battery within the previous five (5) years.
- 19 (K) A felony offense relating to controlled substances within
- 20 the previous five (5) years.
- 21 (2) The person:
- 22 (A) has abused, neglected, or mistreated a patient or
- 23 misappropriated a patient's property; and
- 24 (B) had a finding entered into the state nurse aide registry.
- 25 (b) A person who knowingly or intentionally applies for a job as a
- 26 home health aide or other unlicensed employee at:
- 27 (1) a home health agency;
- 28 (2) a health care facility; or
- 29 (3) an entity in the business of contracting to provide home health
- 30 aides or other unlicensed employees for a health care facility;
- 31 after a conviction of one (1) or more of the offenses listed in subsection
- 32 (a)(1) commits a Class A infraction.
- 33 (c) A home health agency or personal services agency may not
- 34 employ a person to provide services in a patient's or client's temporary
- 35 or permanent residence for more than twenty-one (21) calendar days
- 36 without receipt of that person's national criminal history background
- 37 check or expanded criminal history check required by section 4 of this
- 38 chapter, unless the state police department, the Federal Bureau of
- 39 Investigation under IC 10-13-3-39, or the private agency providing the
- 40 expanded criminal history check is responsible for failing to provide
- 41 the person's national criminal history background check or expanded
- 42 criminal history check to the home health agency or personal services



1 agency within the time required under this subsection.

2 (d) A home health agency or personal services agency may continue
3 to employ a person to provide services in a patient's or client's
4 temporary or permanent residence if the person:

5 (1) has a misdemeanor conviction under subsection (a)(1)(D)(ii)
6 or (a)(1)(E)(ii); and

7 (2) was employed by the home health agency or personal services
8 agency to provide services described in this subsection before
9 July 1, 2025.

10 SECTION 7. IC 16-28-13-3, AS AMENDED BY THE
11 TECHNICAL CORRECTIONS BILL OF THE 2026 GENERAL
12 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2026]: Sec. 3. (a) A health care facility or an entity in the
14 business of contracting to provide nurse aides or other unlicensed
15 employees for a health care facility may not knowingly employ a
16 person as a nurse aide or other unlicensed employee if one (1) or more
17 of the following conditions exist:

18 (1) The person has been convicted of any of the following:

19 (A) A sex crime (IC 35-42-4).

20 (B) Exploitation of an endangered adult (IC 35-46-1-12).

21 (C) Failure to report battery, neglect, or exploitation of an
22 endangered adult (IC 35-46-1-13).

23 (D) A felony offense relating to theft, conversion, or receiving
24 stolen property (IC 35-43-4), if the person's conviction for
25 theft, conversion, or receiving stolen property occurred less
26 than five (5) years before the individual's employment
27 application date.

28 (E) Identity deception (IC 35-43-5-3.5), if the conviction is a
29 felony conviction that occurred less than five (5) years before
30 the person's employment application date.

31 (F) Fraud (IC 35-43-5-4), if the conviction is a felony
32 conviction that occurred less than five (5) years before the
33 person's employment application date.

34 (G) Murder (IC 35-42-1-1).

35 (H) Voluntary manslaughter (IC 35-42-1-3).

36 (I) Except as otherwise specified in this section, a crime of
37 violence (as defined in ~~IC 35-50-1-2~~; **IC 35-31.5-2-79**), if the
38 person's conviction occurred less than ten (10) years before the
39 person's employment application date.

40 (J) Felony battery within the previous five (5) years.

41 (K) A felony offense relating to controlled substances within
42 the previous five (5) years, unless:



(i) the person is certified as a peer recovery coach through a credential recognized by the division of mental health and addiction;

(ii) the person has not been convicted of a felony offense relating to controlled substances after the issuance of a peer recovery coach credential; and

(iii) there are no felony charges relating to controlled substances pending against the person.

(2) The person:

(A) has abused, neglected, or mistreated a patient or misappropriated a patient's property; and

(B) had a finding entered into the state nurse aide registry.

~~under IC 25-23-2.~~

(b) A person who knowingly or intentionally applies for a job as a nurse aide or other unlicensed employee at:

(1) a health care facility; or

(2) an entity in the business of contracting to provide nurse aides or other unlicensed employees for a health care facility;

after a conviction of one (1) or more of the offenses listed in subsection (a)(1) commits a Class A infraction.

SECTION 8. IC 16-31-3-14.5, AS AMENDED BY P.L.186-2025, SECTION 110, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 14.5. The department of homeland security may issue an order under IC 4-21.5-3-6 to deny an applicant's request for certification or licensure or permanently revoke a certificate or license under procedures provided by section 14 of this chapter if the individual who holds the certificate or license issued under this title is convicted of any of the following:

(1) Dealing in a controlled substance resulting in death under IC 35-42-1-1.5.

(2) Dealing in or manufacturing cocaine or a narcotic drug under IC 35-48-4-1.

(3) Dealing in methamphetamine under IC 35-48-4-1.1.

(4) Manufacturing methamphetamine under IC 35-48-4-1.2.

(5) Dealing in a schedule I, II, or III controlled substance under IC 35-48-4-2.

(6) Dealing in a schedule IV controlled substance under IC 35-48-4-3.

(7) Dealing in a schedule V controlled substance under IC 35-48-4-4.

(8) Dealing in a substance represented to be a controlled substance under IC 35-48-4-4.5 (repealed).



(9) Knowingly or intentionally manufacturing, advertising, distributing, or possessing with intent to manufacture, advertise, or distribute a substance represented to be a controlled substance under IC 35-48-4-4.6.

(10) Dealing in a counterfeit substance under IC 35-48-4-5.

(11) Dealing in marijuana, hash oil, hashish, or salvia as a felony under IC 35-48-4-10.

(12) An offense under IC 35-48-4 involving the manufacture or sale of a synthetic drug (as defined in IC 35-31.5-2-321), a synthetic drug lookalike substance (as defined in IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under IC 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled substance analog (as defined in IC 35-48-1.1-8), or a substance represented to be a controlled substance (as described in IC 35-48-4-4.6).

(13) A crime of violence (as defined in ~~IC 35-50-1-2(a)~~; **IC 35-31.5-2-79**).

SECTION 9. IC 25-1-1.1-6, AS AMENDED BY P.L.93-2024, SECTION 177, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) This section applies to a license or certificate under this title that is in effect on July 1, 2018, or created on or established after that date.

(b) As used in this section, "crime" has the meaning set forth in IC 33-23-1-4.

(c) As used in this section, "criminal history information" has the meaning set forth in IC 5-2-4-1.

(d) Not later than November 1, 2018, a board, commission, or committee shall revise its licensing or certification requirements to the extent necessary to explicitly list the crimes that may disqualify an individual from receiving a license or certificate under this title. The board, commission, or committee may not:

- (1) use nonspecific terms, such as moral turpitude or good character, as a licensing or certification requirement; or
- (2) consider an arrest that does not result in a conviction.

(e) A board's, commission's, or committee's use of an individual's conviction of a crime as a conviction of concern is limited to a crime directly related to the duties and responsibilities of the occupation or profession for which the individual is applying for or holds a license or certification.

(f) If an individual has a conviction of concern, the period of disqualification may not exceed five (5) years after the date of the conviction, unless the individual:



(1) was convicted of a crime of violence (as defined by ~~IC 35-50-1-2(a)~~; **IC 35-31.5-2-79**);

(2) was convicted of an offense relating to a criminal sexual act (as defined by IC 35-31.5-2-216); or

(3) is convicted of a second or subsequent crime during the disqualification period.

(g) An individual having a conviction of concern may at any time petition a board, commission, or committee requiring a license or certificate for a determination as to whether the individual's conviction of concern will disqualify the individual from receiving the license or certification. An individual filing a petition under this subsection shall submit the following:

(1) At no expense to the state, a national criminal background check by the Federal Bureau of Investigation.

(2) Any additional information requested by the board, commission, or committee to assist the board, commission, or committee in its review of the individual's petition.

(h) If an individual has a conviction of concern, the board, commission, or committee shall consider the following in determining whether to deny a license or certification to the individual based on the following factors:

(1) The nature and seriousness of the crime for which the individual was convicted.

(2) The passage of time since the commission of the crime.

(3) The relationship of the crime to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the occupation.

(4) Evidence of rehabilitation or treatment undertaken by the individual that might mitigate against a direct relation to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the occupation.

(i) If a board, commission, or committee determines an individual's conviction of concern disqualifies the individual from receiving a license or certification solely or in part because of the individual's criminal history, the board, commission, or committee shall notify the individual in writing of the following:

(1) The grounds and reasons for the denial or disqualification.

(2) The individual has the right to a hearing to challenge the licensing authority's decision.

(3) The earliest date the individual may reapply for a license or certification or the earliest date the individual can petition the board, commission, or committee for a review.



(4) Evidence of rehabilitation may be considered upon reapplication.

(5) Findings for each of the factors specified in subdivisions (1) through (4).

Any written determination that an individual's criminal history contains a conviction of concern that merits the denial of a license must be documented in written findings under subdivision (1) by clear and convincing evidence sufficient for review by a court. In an administrative hearing or a civil action reviewing the denial of a license, a board, commission, or committee has the burden of proof on the question of whether the individual's criminal history, based on the standards provided in subsection (h), should lead to the denial of a license.

(j) The board, commission, or committee shall inform the individual of its determination concerning the individual's petition not later than sixty (60) days after the petition, criminal history information, and any other information requested under subsection (g) is received by the board, commission, or committee.

(k) The board, commission, or committee may charge a fee established under IC 25-1-8 that does not exceed twenty-five dollars (\$25) to pay its costs of reviewing a petition filed under subsection (g).

(l) A board, commission, or committee may adopt rules under IC 4-22-2 to implement this section.

SECTION 10. IC 25-23.6-1-5.7, AS AMENDED BY P.L.142-2020, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5.7. (a) "Practice of addiction counseling" means the providing of professional services that are delivered by a licensed addiction counselor, that are designed to change substance use or addictive behavior, and that involve specialized knowledge and skill related to addictions and addictive behaviors, including understanding addiction, knowledge of the treatment process, application to practice, and professional readiness. The term includes:

- (1) gathering information through structured interview screens using routine protocols;
- (2) reviewing assessment findings to assist in the development of a plan individualized for treatment services and to coordinate services;
- (3) referring for assessment, diagnosis, evaluation, and mental health therapy;
- (4) providing client and family education related to addictions;
- (5) providing information on social networks and community systems for referrals and discharge planning;



(6) participating in multidisciplinary treatment team meetings or consulting with clinical addiction professionals;

(7) counseling, through individual and group counseling, as well as group and family education, to treat addiction and substance abuse in a variety of settings, including:

(A) mental and physical health facilities; and

(B) child and family service agencies; and

(8) maintaining the highest level of professionalism and ethical responsibility.

(b) The term does not include the use of psychotherapy or diagnosis (as defined in IC 25-22.5-1-1.1(c) or as defined as the practice of psychology under IC 25-33-1-2(a)).

(c) For an individual who obtains a license as an addiction counselor by:

(1) holding a valid:

(A) level II or higher certification or the equivalent certification from a credentialing agency approved by the division of mental health and addiction; or

(B) certification as an addiction counselor or addiction therapist from a credentialing agency that is approved by the board;

(2) having at least ten (10) years of experience in addiction counseling;

(3) furnishing satisfactory evidence to the board that the individual does not have:

(A) a conviction for a crime of violence (as defined in ~~IC 35-50-1-2~~; **IC 35-31.5-2-79**); or

(B) a conviction in the previous two (2) years that has a direct bearing on the individual's ability to practice competently; and

(4) filing an initial application with the board before July 1, 2010; the term includes the provision of addiction counseling services in private practice in consultation with other licensed professionals as required by the client's individualized treatment plan.

SECTION 11. IC 25-23.6-10.5-1, AS AMENDED BY P.L.142-2020, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. An individual who applies for a license as an addiction counselor must meet the following requirements:

(1) Furnish satisfactory evidence to the board that the individual has:

(A) received a baccalaureate or higher degree in addiction counseling or in a related area as determined by the board



from:

(i) an eligible postsecondary educational institution that meets the requirements under section 3(1) of this chapter; or

(ii) a foreign school that has a program of study that meets the requirements under section 3(2) or 3(3) of this chapter;

(B) completed the educational requirements under section 5 of this chapter; and

(C) completed the experience requirements under section 7 of this chapter.

(2) Furnish satisfactory evidence to the board that the individual does not have a:

(A) conviction for a crime of violence (as defined in ~~IC 35-50-1-2~~; **IC 35-31.5-2-79**); or

(B) conviction in the previous two (2) years that has a direct bearing on the individual's ability to practice competently.

(3) Furnish satisfactory evidence to the board that the individual has not been the subject of a disciplinary action by a licensing or certification agency of another state or jurisdiction on the grounds that the individual was not able to practice as an addiction counselor without endangering the public.

(4) Pass an examination established by the board.

(5) Pay the fee established by the board.

SECTION 12. IC 25-23.6-10.5-1.5, AS AMENDED BY P.L.142-2020, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1.5. (a) An individual who applies for a license as an addiction counselor associate must meet the following requirements:

(1) Furnish satisfactory evidence to the board that the individual has:

(A) received a baccalaureate or higher degree in addiction counseling, or in a related area as determined by the board from:

(i) an eligible postsecondary educational institution that meets the requirement under section 3(1) of this chapter; or

(ii) a foreign school that has a program of study that meets the requirement under section 3(2) or 3(3) of this chapter; and

(B) completed the educational requirements under section 5 of this chapter.

(2) Furnish satisfactory evidence to the board that the individual does not have a:

(A) conviction for a crime of violence (as defined in



- 1 ~~IC 35-50-1-2~~; **IC 35-31.5-2-79**); or
- 2 (B) conviction in the previous two (2) years that has a direct
- 3 bearing on the individual's ability to practice competently.
- 4 (3) Furnish satisfactory evidence to the board that the individual
- 5 has not been the subject of a disciplinary action by a licensing or
- 6 certification agency of another state or jurisdiction on the grounds
- 7 that the individual was not able to practice as an addiction
- 8 counselor associate without endangering the public.
- 9 (4) Pass an examination established by the board.
- 10 (5) Pay the fee established by the board.
- 11 (b) The board shall issue an associate temporary permit to practice
- 12 addiction counseling or clinical addiction counseling to an individual
- 13 who:
- 14 (1) meets the educational requirements for a license as an
- 15 addiction counselor or clinical addiction counselor;
- 16 (2) is pursuing the required clinical supervisory hours for a
- 17 license as an addiction counselor or clinical addiction counselor;
- 18 and
- 19 (3) pays a fee for the temporary permit set by the board.
- 20 An associate temporary permit issued under this subsection expires one
- 21 (1) year after the date the permit is issued, without regard to the
- 22 number of times the individual passes or fails the required examination
- 23 to become a licensed addiction counselor or clinical addiction
- 24 counselor. The temporary permit may not be renewed.
- 25 SECTION 13. IC 25-23.6-10.5-2, AS AMENDED BY
- 26 P.L.142-2020, SECTION 30, IS AMENDED TO READ AS
- 27 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. An individual who
- 28 applies for a license as a clinical addiction counselor must meet the
- 29 following requirements:
- 30 (1) Furnish satisfactory evidence to the board that the individual
- 31 has:
- 32 (A) received a master's or doctor's degree in addiction
- 33 counseling, addiction therapy, or a related area as determined
- 34 by the board from an eligible postsecondary educational
- 35 institution that meets the requirements under section 4(a)(1) of
- 36 this chapter or from a foreign school that has a program of
- 37 study that meets the requirements under section 4(a)(2) or
- 38 4(a)(3) of this chapter;
- 39 (B) completed the educational requirements under section 6 of
- 40 this chapter; and
- 41 (C) completed the experience requirements under section 8 of
- 42 this chapter.



(2) Furnish satisfactory evidence to the board that the individual does not have a:

(A) conviction for a crime of violence (as defined in ~~IC 35-50-1-2~~; **IC 35-31.5-2-79**); or

(B) conviction in the previous two (2) years that has a direct bearing on the individual's ability to practice competently.

(3) Furnish satisfactory evidence to the board that the individual has not been the subject of a disciplinary action by a licensing or certification agency of another state or jurisdiction on the grounds that the individual was not able to practice as a clinical addiction counselor without endangering the public.

(4) Pass an examination established by the board.

(5) Pay the fee established by the board.

SECTION 14. IC 25-23.6-10.5-2.5, AS AMENDED BY P.L.142-2020, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2.5. An individual who applies for a license as a clinical addiction counselor associate must meet the following requirements:

(1) Furnish satisfactory evidence to the board that the individual has:

(A) received a master's or doctor's degree in addiction counseling, or in a related area as determined by the board from:

(i) an eligible postsecondary educational institution that meets the requirements under section 4(a)(1) of this chapter;

or

(ii) a foreign school that has a program of study that meets the requirements under section 4(a)(2) or 4(a)(3) of this chapter; and

(B) completed the education requirements under section 6 of this chapter.

(2) Furnish satisfactory evidence to the board that the individual does not have a:

(A) conviction for a crime of violence (as defined in ~~IC 35-50-1-2~~; **IC 35-31.5-2-79**); or

(B) conviction in the previous two (2) years that has a direct bearing on the individual's ability to practice competently.

(3) Furnish satisfactory evidence to the board that the individual has not been the subject of a disciplinary action by a licensing or certification agency of another state or jurisdiction on the grounds that the individual was not able to practice as a clinical addiction counselor associate without endangering the public.



(4) Pass an examination established by the board.

(5) Pay the fee established by the board.

SECTION 15. IC 27-10-2-4.5, AS ADDED BY P.L.147-2022, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4.5. (a) The following definitions apply throughout this section:

(1) "Charitable bail organization" means a business entity, or a nonprofit organization under:

(A) the Internal Revenue Code; or

(B) Indiana law;

that exists for the purpose of paying cash bail for another person. However, the term does not include a person who pays cash bail for three (3) or fewer defendants in any one hundred eighty (180) day period, or a person who pays bail for a relative (as defined in IC 35-42-2-1(b)).

(2) "Crime of violence" has the meaning set forth in ~~IC 35-50-1-2(a)~~: **IC 35-31.5-2-79.**

(b) The commissioner may certify a charitable bail organization if the charitable bail organization:

(1) is a business entity, or a nonprofit organization under:

(A) the Internal Revenue Code; or

(B) Indiana law;

(2) is currently registered to do business in Indiana;

(3) is located in Indiana; and

(4) exists for the purpose of depositing cash bail for an indigent defendant who:

(A) is not charged with a crime of violence; or

(B) if charged with a felony, does not have a prior conviction for a crime of violence.

(c) A person may apply for certification under this section in accordance with rules adopted under this section.

(d) The commissioner shall certify a person as a charitable bail organization if the:

(1) person pays an application fee of three hundred dollars (\$300);

(2) person meets the requirements of this section; and

(3) person, including an officer or director of the person, has not engaged in conduct that:

(A) constitutes fraud, dishonesty, or deception;

(B) constitutes malfeasance, misfeasance, or nonfeasance in dealing with money; or

(C) resulted in the suspension or revocation of a previous



1 certification.

2 (e) A charitable bail certification is valid for two (2) years from the
3 date of issuance and may be renewed upon payment of a renewal fee
4 of three hundred dollars (\$300). If a person applies for renewal before
5 the expiration of the existing certification, the existing certification
6 remains valid until the commissioner renews the certification, or until
7 five (5) days after the commissioner denies the application for renewal.
8 A person is entitled to renewal unless the commissioner denies the
9 application for renewal under subsection (f).

10 (f) The commissioner shall deny, suspend, revoke, or refuse to
11 renew certification for any of the following causes:

12 (1) Any cause for which issuance of the certification could have
13 been refused had it then existed and been known to the
14 commissioner.

15 (2) Violation of any laws of this state in the course of dealings
16 under the certification.

17 (3) Material misstatement, misrepresentation, or fraud in
18 obtaining the certification.

19 (4) Misappropriation, conversion, or unlawful withholding of
20 money belonging to donors or others and received in the conduct
21 of business under the certification.

22 (5) Fraudulent or dishonest practices in the conduct of business
23 under the certification.

24 (6) Willful failure to comply with or willful violation of any
25 proper order or rule of the commissioner.

26 (7) When, in the judgment of the commissioner, the certificate
27 holder has, in the conduct of affairs under the certification,
28 demonstrated:

29 (A) incompetency or untrustworthiness;

30 (B) conduct or practices rendering the certificate holder unfit
31 to carry on charitable bail activities or making the certificate
32 holder's continuance detrimental to the public interest; or

33 (C) that the certificate holder is no longer in good faith
34 carrying on as a charitable bail organization;

35 and for these reasons is found by the commissioner to be a source
36 of detriment, injury, or loss to the public.

37 (8) The listing of the name of the applicant or certificate holder on
38 the most recent tax warrant list supplied to the commissioner by
39 the department of state revenue.

40 (g) A charitable bail organization must comply with all of the
41 following:

42 (1) If the charitable bail organization pays, or intends to pay, bail



for more than three (3) individuals in any one hundred eighty (180) day period, the charitable bail organization must be certified by the commissioner under this section before soliciting or accepting donations for bail for another person, and before depositing money for bail for another person.

(2) A charitable bail organization may not pay bail for a defendant who:

(A) is charged with a crime of violence; or

(B) is charged with a felony and has a prior conviction for a crime of violence.

(3) A charitable bail organization may not execute a surety bond for a defendant.

(4) A charitable bail organization shall, before paying bail for an individual, execute an agreement described in IC 35-33-8-3.2 allowing the court to retain all or a part of the bail to pay publicly paid costs of representation and fines, costs, fees, and restitution that the court may order the defendant to pay if the defendant is convicted.

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

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

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

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

SECTION 16. IC 33-23-18-1, AS ADDED BY P.L.205-2023, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. The following definitions apply throughout this chapter:

(1) "Assessor" means a physician licensed under IC 25-22.5 or a psychologist licensed under IC 25-33, if the physician or psychologist is registered with the division to conduct an assessment under this chapter.

(2) "Council" means a local or regional justice reinvestment advisory council established by IC 33-38-9.5-4.

(3) "Crime of violence" has the meaning set forth in ~~IC 35-50-1-2(a)~~ **IC 35-31.5-2-79**.

(4) "Division" means the division of mental health and addiction.



(5) "Qualified adult" means an adult whom a referral program is designed to assist.

(6) "Referral program" means a program established under section 2 of this chapter designed to provide an adult an opportunity to receive voluntary community treatment addressing mental health, and other services as a condition of pretrial release. The term includes a regional referral program.

SECTION 17. IC 35-31.5-2-79, AS ADDED BY P.L.114-2012, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 79. "Crime of violence", for purposes of ~~IC 35-50-1-2~~, has the meaning set forth in ~~IC 35-50-1-2(a)~~: means the following:

- (1) Murder (IC 35-42-1-1).
- (2) Attempted murder (IC 35-41-5-1).
- (3) Voluntary manslaughter (IC 35-42-1-3).
- (4) Involuntary manslaughter (IC 35-42-1-4).
- (5) Reckless homicide (IC 35-42-1-5).
- (6) Battery (IC 35-42-2-1) as a felony.
- (7) Domestic battery (IC 35-42-2-1.3) as a felony.
- (8) Aggravated battery (IC 35-42-2-1.5).
- (9) Strangulation (IC 35-42-2-9) as a Level 5 felony.
- (10) Kidnapping (IC 35-42-3-2).
- (11) Rape (IC 35-42-4-1).
- (12) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
- (13) Child molesting (IC 35-42-4-3).
- (14) Child exploitation as a Level 5 felony under IC 35-42-4-4(b) or a Level 4 felony under IC 35-42-4-4(c).
- (15) Sexual misconduct with a minor as a:
 - (A) Class A felony under IC 35-42-4-9(a)(2) (for a crime committed before July 1, 2014);
 - (B) Class B felony under IC 35-42-4-9(b)(2) (for a crime committed before July 1, 2014);
 - (C) Level 1 felony under IC 35-42-4-9(a)(2) (for a crime committed after June 30, 2014); or
 - (D) Level 2 felony under IC 35-42-4-9(b)(2) (for a crime committed after June 30, 2014).
- (16) Robbery as a:
 - (A) Class A felony or Class B felony under IC 35-42-5-1 (for a crime committed before July 1, 2014); or
 - (B) Level 2 felony or Level 3 felony under IC 35-42-5-1 (for a crime committed after June 30, 2014).



1 **(17) Arson as a:**

2 **(A) Class A felony or Class B felony under IC 35-43-1-1**
 3 **(for a crime committed before July 1, 2014); or**

4 **(B) Level 2 felony, Level 3 felony, or Level 4 felony under**
 5 **IC 35-43-1-1 (for a crime committed after June 30, 2014).**

6 **(18) Burglary as a:**

7 **(A) Class A felony or Class B felony under IC 35-43-2-1**
 8 **(for a crime committed before July 1, 2014); or**

9 **(B) Level 1 felony, Level 2 felony, Level 3 felony, or Level**
 10 **4 felony under IC 35-43-2-1 (for a crime committed after**
 11 **June 30, 2014).**

12 **(19) Escape (IC 35-44.1-3-4) as a Level 5 or higher felony.**

13 **(20) Criminal stalking (IC 35-45-10-5) as a Level 5 or higher**
 14 **felony.**

15 **(21) Offenses relating to regulated explosives (IC 35-47.5-5).**

16 **(22) Operating a vehicle while intoxicated causing death or**
 17 **catastrophic injury (IC 9-30-5-5).**

18 **(23) Operating a vehicle while intoxicated causing serious**
 19 **bodily injury to another person (IC 9-30-5-4).**

20 **(24) Resisting law enforcement as a felony (IC 35-44.1-3-1).**

21 **(25) Unlawful possession of a firearm by a serious violent**
 22 **felon (IC 35-47-4-5).**

23 **(26) Dangerous possession of a firearm (IC 35-47-10-5), if:**

24 **(A) the child has at least two (2) unrelated prior**
 25 **convictions under IC 35-47-10-5 or IC 35-47-2-1.5**
 26 **(unlawful carrying of a handgun);**

27 **(B) the child has at least two (2) unrelated prior**
 28 **delinquency adjudications for an act that would be an**
 29 **offense under IC 35-47-10-5 or IC 35-47-2-1.5 (unlawful**
 30 **carrying of a handgun); or**

31 **(C) the child has at least one (1) unrelated prior:**

32 **(i) conviction under IC 35-47-10-5 or IC 35-47-2-1.5**
 33 **(unlawful carrying of a handgun); and**

34 **(ii) delinquency adjudication for an act that would be an**
 35 **offense under IC 35-47-10-5 or IC 35-47-2-1.5 (unlawful**
 36 **carrying of a handgun).**

37 **(27) Unlawful carrying of a handgun (IC 35-47-2-1.5), if:**

38 **(A) the person has two (2) unrelated prior convictions**
 39 **under IC 35-47-2-1.5 or IC 35-47-10-5 (dangerous**
 40 **possession of a firearm);**

41 **(B) the person has at least two (2) unrelated prior**
 42 **delinquency adjudications for an act that would be an**



offense under IC 35-47-2-1.5 or IC 35-47-10-5 (dangerous possession of a firearm); or

(C) the person has at least one (1) unrelated prior:

(i) conviction under IC 35-47-2-1.5 or IC 35-47-10-5 (dangerous possession of a firearm); and

(ii) delinquency adjudication for an act that would be an offense under IC 35-47-2-1.5 or IC 35-47-10-5 (dangerous possession of a firearm).

SECTION 18. IC 35-31.5-2-352, AS AMENDED BY P.L.240-2019, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 352. "Violent offender" means a person who is:

(1) convicted of an offense or attempted offense ~~under IC 35-50-1-2(a), IC 35-42-2-1, IC 35-42-2-1.3, IC 35-43-1-1, IC 35-44-1-3-4, IC 35-45-10-5, IC 35-47-5-1 (repealed), or IC 35-47.5-5;~~ that is a crime of violence (as defined in section 79 of this chapter);

(2) charged with an offense or attempted offense ~~listed in IC 35-50-1-2(a), IC 35-42-2-1, IC 35-42-2-1.3, IC 35-42-4, IC 35-43-1-1, IC 35-44-1-3-4, IC 35-45-10-5, IC 35-46-1-3, IC 35-47-5-1 (repealed); or IC 35-47.5-5;~~ that is a crime of violence (as defined in section 79 of this chapter); or

(3) a security risk as defined by section 290 of this chapter.

SECTION 19. 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) As used in this section, "violent arrestee" means a person arrested for or charged with a crime of violence (as defined in IC 35-31.5-2-79), that is a Level 1 felony, Level 2 felony, Level 3 felony, Level 4 felony, or Level 5 felony.

(c) A violent arrestee ~~or a repeat violent arrestee~~ may only be released on bail set individually by the court following a hearing held in open court. Before releasing a violent arrestee ~~or a repeat violent arrestee~~ on bail the court must:



(1) review the probable cause affidavit or arrest warrant; and

(2) impose money bail payable by surety bond or cash deposit.

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

SECTION 20. IC 35-38-1-7.1, AS AMENDED BY P.L.218-2025, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 7.1. (a) In determining what sentence to impose for a crime, the court may consider the following aggravating circumstances:

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

(A) significant; and

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

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

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

(4) The person:

(A) committed a crime of violence (~~IC 35-50-1-2~~); **(IC 35-31.5-2-79)**; and

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

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

(ii) is not the victim of the offense.

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

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

(7) The victim of the offense was:

(A) a person with a disability (as defined in IC 27-7-6-12), and the defendant knew or should have known that the victim was a person with a disability; or

(B) mentally or physically infirm.

(8) The person was in a position having care, custody, or control of the victim of the offense.



(9) The injury to or death of the victim of the offense was the result of shaken baby syndrome (as defined in IC 16-41-40-2) or abusive head trauma.

(10) The person threatened to harm the victim of the offense or a witness if the victim or witness told anyone about the offense.

(11) The person:

(A) committed trafficking with an inmate under IC 35-44.1-3-5; and

(B) is an employee of the penal facility.

(12) The person committed the offense with bias due to the victim's or the group's real or perceived characteristic, trait, belief, practice, association, or other attribute the court chooses to consider, including but not limited to an attribute described in IC 10-13-3-1.

(13) The person is or has been an alien (as defined by 8 U.S.C. 1101(a)) unlawfully present in the United States. A determination by the United States Department of Homeland Security that an alien has come to, entered, or remained in the United States in violation of law is evidence that the alien is or has been unlawfully present in the United States.

(14) The offense involved dealing in a controlled substance under IC 35-48-4 and the person distributed the controlled substance to at least three (3) different individuals in a one hundred eighty (180) day period.

(b) The court may consider the following factors as mitigating circumstances or as favoring suspending the sentence and imposing probation:

(1) The crime neither caused nor threatened serious harm to persons or property, or the person did not contemplate that it would do so.

(2) The crime was the result of circumstances unlikely to recur.

(3) The victim of the crime induced or facilitated the offense.

(4) There are substantial grounds tending to excuse or justify the crime, though failing to establish a defense.

(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 offense, but before sentencing.

(c) The criteria listed in subsections (a) and (b) do not limit the matters that the court may consider in determining the sentence.

(d) A court may impose any sentence that is:

(1) authorized by statute; and

(2) permissible under the Constitution of the State of Indiana; regardless of the presence or absence of aggravating circumstances or



mitigating circumstances.

(e) If a court suspends a sentence and orders probation for a person described in subsection (b)(13), the court may require the person to receive treatment for the person's injuries.

SECTION 21. IC 35-38-1-17, AS AMENDED BY P.L.148-2024, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 17. (a) Notwithstanding IC 1-1-5.5-21, this section applies to a person who:

(1) commits an offense; or
(2) is sentenced;
before July 1, 2014.

(b) This section does not apply to a credit restricted felon.

(c) Except as provided in subsections (k) and (m), this section does not apply to a violent criminal.

(d) As used in this section, "violent criminal" means a person convicted of **a crime of violence (as defined in IC 35-31.5-2-79)**. ~~any~~ of the following offenses:

~~(1) Murder (IC 35-42-1-1);~~

~~(2) Attempted murder (IC 35-41-5-1);~~

~~(3) Voluntary manslaughter (IC 35-42-1-3);~~

~~(4) Involuntary manslaughter (IC 35-42-1-4);~~

~~(5) Reckless homicide (IC 35-42-1-5);~~

~~(6) Aggravated battery (IC 35-42-2-1.5);~~

~~(7) Kidnapping (IC 35-42-3-2);~~

~~(8) Rape (IC 35-42-4-1);~~

~~(9) Criminal deviate conduct (IC 35-42-4-2) (before its repeal);~~

~~(10) Child molesting (IC 35-42-4-3);~~

~~(11) Sexual misconduct with a minor as a Class A felony under IC 35-42-4-9(a)(2) or a Class B felony under IC 35-42-4-9(b)(2) (for a crime committed before July 1, 2014) or sexual misconduct with a minor as a Level 1 felony under IC 35-42-4-9(a)(2) or a Level 2 felony under IC 35-42-4-9(b)(2) (for a crime committed after June 30, 2014);~~

~~(12) Robbery as a Class A felony or a Class B felony (IC 35-42-5-1) (for a crime committed before July 1, 2014) or robbery as a Level 2 felony or a Level 3 felony (IC 35-42-5-1) (for a crime committed after June 30, 2014);~~

~~(13) Burglary as Class A felony or a Class B felony (IC 35-43-2-1) (for a crime committed before July 1, 2014) or burglary as a Level 1 felony, Level 2 felony, Level 3 felony, or Level 4 felony (IC 35-43-2-1) (for a crime committed after June 30, 2014);~~



1 ~~(14) Unlawful possession of a firearm by a serious violent felon~~
 2 ~~(IC 35-47-4-5).~~

3 (e) At any time after:

4 (1) a convicted person begins serving the person's sentence; and

5 (2) the court obtains a report from the department of correction
 6 concerning the convicted person's conduct while imprisoned;

7 the court may reduce or suspend the sentence and impose a sentence
 8 that the court was authorized to impose at the time of sentencing.

9 However, if the convicted person was sentenced under the terms of a
 10 plea agreement, the court may not, without the consent of the
 11 prosecuting attorney, reduce or suspend the sentence and impose a
 12 sentence not authorized by the plea agreement. The court must
 13 incorporate its reasons in the record.

14 (f) If the court sets a hearing on a petition under this section, the
 15 court must give notice to the prosecuting attorney and the prosecuting
 16 attorney must give notice to the victim (as defined in IC 35-31.5-2-348)
 17 of the crime for which the convicted person is serving the sentence.

18 (g) The court may suspend a sentence for a felony under this section
 19 only if suspension is permitted under IC 35-50-2-2.2, or, if applicable,
 20 IC 35-50-2-2 (repealed).

21 (h) The court may deny a request to suspend or reduce a sentence
 22 under this section without making written findings and conclusions.

23 (i) The court is not required to conduct a hearing before reducing or
 24 suspending a sentence under this section if:

25 (1) the prosecuting attorney has filed with the court an agreement
 26 of the reduction or suspension of the sentence; and

27 (2) the convicted person has filed with the court a waiver of the
 28 right to be present when the order to reduce or suspend the
 29 sentence is considered.

30 (j) This subsection applies only to a convicted person who is not a
 31 violent criminal. A convicted person who is not a violent criminal may
 32 file a petition for sentence modification under this section:

33 (1) not more than one (1) time in any three hundred sixty-five
 34 (365) day period; and

35 (2) a maximum of two (2) times during any consecutive period of
 36 incarceration;

37 without the consent of the prosecuting attorney.

38 (k) This subsection applies to a convicted person who is a violent
 39 criminal. Except as provided in subsection (n), a convicted person who
 40 is a violent criminal may, not later than three hundred sixty-five (365)
 41 days from the date of sentencing, file one (1) petition for sentence
 42 modification under this section without the consent of the prosecuting



attorney. After the elapse of the three hundred sixty-five (365) day period, a violent criminal may not file a petition for sentence modification without the consent of the prosecuting attorney.

(l) A person may not waive the right to sentence modification under this section as part of a plea agreement. Any purported waiver of the right to sentence modification under this section in a plea agreement is invalid and unenforceable as against public policy. This subsection does not prohibit the finding of a waiver of the right to:

- (1) have a court modify a sentence and impose a sentence not authorized by the plea agreement, as described under subsection (e); or
- (2) sentence modification for any other reason, including failure to comply with the provisions of this section.

(m) Notwithstanding subsection (k), a person who commits an offense after June 30, 2014, and before May 15, 2015, may file one (1) petition for sentence modification without the consent of the prosecuting attorney, even if the person has previously filed a petition for sentence modification.

(n) A person sentenced in a criminal court having jurisdiction over an offense committed when the person was less than eighteen (18) years of age may file an additional petition for sentence modification under this section without the consent of the prosecuting attorney if the person has served at least:

- (1) fifteen (15) years of the person's sentence, if the person is not serving a sentence for murder; or
- (2) twenty (20) years of the person's sentence, if the person is serving a sentence for murder.

The time periods described in this subsection are computed on the basis of time actually served and do not include any reduction applied for good time credit or educational credit time.

SECTION 22. IC 35-38-2.7-2, AS AMENDED BY P.L.22-2025, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) A supervising agency must do the following:

- (1) Except as provided in subdivision (2), an employee or contract employee of a supervising agency must provide notification to the supervising agency as soon as possible, but not later than twelve (12) hours, after:
 - (A) the monitoring device of a tracked individual suffers an unexplained or undocumented loss of communication with the employee, and the employee is unable to verify the tracked individual's presence at an approved location by using a



- 1 backup verification method, if applicable;
- 2 (B) a tracked individual enters a prohibited exclusion zone; or
- 3 (C) a tracked individual removes, disables, or otherwise
- 4 interferes with a monitoring device.
- 5 (2) An employee or contract employee of a supervising agency
- 6 who is required to provide a notification to the supervising agency
- 7 under subdivision (1) with respect to a tracked individual who is
- 8 placed on electronic monitoring due to being charged with or
- 9 convicted of:
- 10 (A) a crime of violence (as defined in ~~IC 35-50-1-2(a))~~;
- 11 **IC 35-31.5-2-79**); or
- 12 (B) a crime of domestic or sexual violence (as defined in
- 13 IC 16-18-2-88.5);
- 14 shall provide the notification as soon as possible, but not later
- 15 than fifteen (15) minutes, after the occurrence of an event
- 16 described in subdivision (1)(A) through (1)(C). In addition, if the
- 17 tracked individual has committed or is alleged to have committed
- 18 a crime against a vulnerable victim, the supervising agency shall
- 19 notify the vulnerable victim and request local law enforcement to
- 20 conduct a welfare check on the vulnerable victim in accordance
- 21 with the protocol developed by the supervising agency under
- 22 subdivision (5).
- 23 (3) Verify in person the location of each tracked individual placed
- 24 on electronic monitoring due to being charged with or convicted
- 25 of:
- 26 (A) a crime of violence (as defined in ~~IC 35-50-1-2(a))~~;
- 27 **IC 35-31.5-2-79**); or
- 28 (B) a crime of domestic or sexual violence (as defined in
- 29 IC 16-18-2-88.5);
- 30 by making one (1) scheduled in person contact and one (1)
- 31 unannounced in person contact with the individual in every thirty
- 32 (30) day period.
- 33 (4) Establish conditions relating to approved and unapproved
- 34 locations for each tracked individual under the supervising
- 35 agency's supervision.
- 36 (5) Develop and establish a protocol for the supervising agency to
- 37 use in contacting a vulnerable victim and local law enforcement
- 38 with respect to a violation by a tracked individual.
- 39 (6) Develop and publish a policy prohibiting certain relationships
- 40 between a tracked individual and a supervising agency and
- 41 employees of a supervising agency, including:
- 42 (A) personal associations and relationships; and



- 1 (B) business relationships.
- 2 (7) Develop or approve detailed contingency plans for the
- 3 supervising agency's operation in case of natural disaster, power
- 4 outage, loss of telephone service, fire, flood, equipment
- 5 malfunction, death, incapacitation, or personal emergency of an
- 6 employee of a supervising agency, and, in the case of a
- 7 supervising agency's contract with a third party contractor, the
- 8 financial insolvency of the third party contractor.
- 9 (8) Specify a backup verification method for a tracked individual
- 10 if there is reason to believe that the tracked individual's
- 11 monitoring device may lose communication with the supervising
- 12 agency at an approved location. However, a supervising agency
- 13 has the discretion to establish a backup verification method for
- 14 any tracked individual regardless of whether the supervising
- 15 agency has reason to believe that the monitoring device may lose
- 16 communication at an approved location.
- 17 (b) Beginning January 1, 2023, a supervising agency must transmit
- 18 a quarterly report to the local justice reinvestment advisory council
- 19 (established by IC 33-38-9.5-4) that includes information concerning:
- 20 (1) the total number of tracked individuals under supervision
- 21 during the quarter, whether they are under pretrial, or
- 22 postdisposition, supervision, and the highest level of offense they
- 23 are facing or have been convicted of;
- 24 (2) the number of tracked individuals on active supervision at the
- 25 end of the quarter and the number of supervision staff at the end
- 26 of the quarter;
- 27 (3) the total costs and fees levied and collected;
- 28 (4) the number of tracked individuals under supervision whose
- 29 supervision has been terminated and the reason for termination;
- 30 and
- 31 (5) the number of device malfunctions in the case of each tracked
- 32 individual under supervision.
- 33 The report must be submitted to the local justice reinvestment advisory
- 34 council not later than fifteen (15) calendar days after the close of each
- 35 quarter. In addition, the division of parole services shall report directly
- 36 to the statewide justice reinvestment advisory council each quarter. The
- 37 local justice reinvestment advisory council shall transmit each report
- 38 electronically to the statewide justice reinvestment advisory council
- 39 (established by IC 33-38-9.5-2) as directed, which shall publish a
- 40 report quarterly. The statewide justice reinvestment advisory council
- 41 shall compile the quarterly reports published under this subsection and
- 42 electronically transmit an annual report to the legislative council and



1 to the judicial conference of Indiana not later than May 1 of each year.
 2 The report to the legislative council must be in an electronic format
 3 under IC 5-14-6.

4 SECTION 23. IC 35-38-2.7-4, AS ADDED BY P.L.84-2022,
 5 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2026]: Sec. 4. (a) This subsection applies to a tracked
 7 individual who is charged with or convicted of a crime of violence (as
 8 defined in ~~IC 35-50-1-2(a)~~ **IC 35-31.5-2-79**) or a crime of domestic or
 9 sexual violence (as defined in IC 16-18-2-88.5). As soon as possible,
 10 but not later than:

11 (1) fifteen (15) minutes after a warrant has been issued for a
 12 tracked individual to whom this subsection applies, a local law
 13 enforcement agency shall transmit details of the warrant to all
 14 active units; and

15 (2) sixty (60) minutes after a warrant has been issued for a tracked
 16 individual to whom this subsection applies, a local law
 17 enforcement agency shall dispatch a law enforcement officer to
 18 apprehend the tracked individual.

19 (b) This subsection applies to a tracked individual who is not
 20 charged with or convicted of a crime of violence (as defined in
 21 ~~IC 35-50-1-2(a)~~ **IC 35-31.5-2-79**) or a crime of domestic or sexual
 22 violence (as defined in IC 16-18-2-88.5). As soon as possible, but not
 23 later than:

24 (1) sixty (60) minutes after a warrant has been issued for a tracked
 25 individual to whom this subsection applies, a local law
 26 enforcement agency shall transmit details of the warrant to all
 27 active units; and

28 (2) forty-eight (48) hours after a warrant has been issued for a
 29 tracked individual to whom this subsection applies, a local law
 30 enforcement agency shall dispatch a law enforcement officer to
 31 apprehend the tracked individual.

32 (c) The local law enforcement agency shall keep a record of each
 33 dispatch made under this section.

34 SECTION 24. IC 35-40-5-12, AS ADDED BY P.L.40-2019,
 35 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2026]: Sec. 12. (a) The following shall be identified by means
 37 of a designation omitting the victim's name, such as "Victim 1", in
 38 court documents open to the public:

39 (1) A victim of a sex crime under IC 35-42-4.

40 (2) A child victim of a crime of violence (as defined in
 41 ~~IC 35-50-1-2~~ **IC 35-31.5-2-79**).

42 (b) The state shall provide to the court a confidential document



identifying the victims named in the court documents.

SECTION 25. IC 35-50-1-2, AS AMENDED BY P.L.218-2025, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) As used in this section, "crime of violence" means the following: **has the meaning set forth in IC 35-31.5-2-79.**

(1) Murder (IC 35-42-1-1);

(2) Attempted murder (IC 35-41-5-1);

(3) Voluntary manslaughter (IC 35-42-1-3);

(4) Involuntary manslaughter (IC 35-42-1-4);

(5) Reckless homicide (IC 35-42-1-5);

(6) Battery (IC 35-42-2-1) as a:

(A) Level 2 felony;

(B) Level 3 felony;

(C) Level 4 felony; or

(D) Level 5 felony;

(7) Domestic battery (IC 35-42-2-1.3) as a:

(A) Level 2 felony;

(B) Level 3 felony;

(C) Level 4 felony; or

(D) Level 5 felony;

(8) Aggravated battery (IC 35-42-2-1.5);

(9) Kidnapping (IC 35-42-3-2);

(10) Rape (IC 35-42-4-1);

(11) Criminal deviate conduct (IC 35-42-4-2) (before its repeal);

(12) Child molesting (IC 35-42-4-3);

(13) Sexual misconduct with a minor as a Level 1 felony under

IC 35-42-4-9(a)(2) or a Level 2 felony under IC 35-42-4-9(b)(2);

(14) Robbery as a Level 2 felony or a Level 3 felony

(IC 35-42-5-1);

(15) Burglary as a Level 1 felony, Level 2 felony, Level 3 felony;

or Level 4 felony (IC 35-43-2-1);

(16) Operating a vehicle while intoxicated causing death or

catastrophic injury (IC 9-30-5-5);

(17) Operating a vehicle while intoxicated causing serious bodily

injury to another person (IC 9-30-5-4);

(18) Child exploitation as a Level 5 felony under IC 35-42-4-4(b)

or a Level 4 felony under IC 35-42-4-4(c);

(19) Resisting law enforcement as a felony (IC 35-44.1-3-1);

(20) Unlawful possession of a firearm by a serious violent felon

(IC 35-47-4-5);

(21) Strangulation (IC 35-42-2-9) as a Level 5 felony;

(b) As used in this section, "episode of criminal conduct" means



1 offenses or a connected series of offenses that are closely related in
2 time, place, and circumstance.

3 (c) Except as provided in subsection (e) or (f) the court shall
4 determine whether terms of imprisonment shall be served concurrently
5 or consecutively. The court may consider the:

- 6 (1) aggravating circumstances in IC 35-38-1-7.1(a); and
- 7 (2) mitigating circumstances in IC 35-38-1-7.1(b);

8 in making a determination under this subsection. The court may order
9 terms of imprisonment to be served consecutively even if the sentences
10 are not imposed at the same time. However, except for crimes of
11 violence, the total of the consecutive terms of imprisonment, exclusive
12 of terms of imprisonment under IC 35-50-2-8 and IC 35-50-2-10
13 (before its repeal) to which the defendant is sentenced for felony or
14 misdemeanor convictions arising out of an episode of criminal conduct
15 shall not exceed the period described in subsection (d).

16 (d) Except as provided in subsection (c), the total of the consecutive
17 terms of imprisonment to which the defendant is sentenced for
18 convictions arising out of an episode of criminal conduct may not
19 exceed the following:

- 20 (1) If the most serious crime for which the defendant is sentenced
21 is a Class C misdemeanor, the total of the consecutive terms of
22 imprisonment may not exceed one (1) year.
- 23 (2) If the most serious crime for which the defendant is sentenced
24 is a Class B misdemeanor, the total of the consecutive terms of
25 imprisonment may not exceed two (2) years.
- 26 (3) If the most serious crime for which the defendant is sentenced
27 is a Class A misdemeanor, the total of the consecutive terms of
28 imprisonment may not exceed three (3) years.
- 29 (4) If the most serious crime for which the defendant is sentenced
30 is a Level 6 felony, the total of the consecutive terms of
31 imprisonment may not exceed four (4) years.
- 32 (5) If the most serious crime for which the defendant is sentenced
33 is a Level 5 felony, the total of the consecutive terms of
34 imprisonment may not exceed seven (7) years.
- 35 (6) If the most serious crime for which the defendant is sentenced
36 is a Level 4 felony, the total of the consecutive terms of
37 imprisonment may not exceed fifteen (15) years.
- 38 (7) If the most serious crime for which the defendant is sentenced
39 is a Level 3 felony, the total of the consecutive terms of
40 imprisonment may not exceed twenty (20) years.
- 41 (8) If the most serious crime for which the defendant is sentenced
42 is a Level 2 felony, the total of the consecutive terms of



imprisonment may not exceed thirty-two (32) years.

(9) If the most serious crime for which the defendant is sentenced is a Level 1 felony, the total of the consecutive terms of imprisonment may not exceed forty-two (42) years.

(e) If, after being arrested for one (1) crime, a person commits another crime:

(1) before the date the person is discharged from probation, parole, or a term of imprisonment imposed for the first crime; or

(2) while the person is released:

(A) upon the person's own recognizance; or

(B) on bond;

the terms of imprisonment for the crimes shall be served consecutively, regardless of the order in which the crimes are tried and sentences are imposed.

(f) If the factfinder determines under IC 35-50-2-11 that a person used a firearm in the commission of the offense for which the person was convicted, the term of imprisonment for the underlying offense and the additional term of imprisonment imposed under IC 35-50-2-11 must be served consecutively.

SECTION 26. IC 35-50-2-1.3, AS AMENDED BY P.L.109-2015, SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1.3. (a) For purposes of this chapter, "advisory sentence" means a guideline sentence that the court may voluntarily consider when imposing a sentence.

(b) Except as provided in subsection (c), a court is not required to use an advisory sentence.

(c) In imposing:

(1) consecutive sentences for felony convictions that are not crimes of violence (as defined in ~~IC 35-50-1-2(a)~~ **IC 35-31.5-2-79**) arising out of an episode of criminal conduct, in accordance with IC 35-50-1-2; or

(2) an additional fixed term to a repeat sexual offender under section 14 of this chapter;

a court is required to use the appropriate advisory sentence in imposing a consecutive sentence or an additional fixed term. However, the court is not required to use the advisory sentence in imposing the sentence for the underlying offense.

(d) This section does not require a court to use an advisory sentence in imposing consecutive sentences for felony convictions that do not arise out of an episode of criminal conduct.

SECTION 27. IC 35-50-6-1, AS AMENDED BY P.L.20-2023, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2026]: Sec. 1. (a) Except as provided in subsection (d) or (e), when a person imprisoned for a felony completes the person's term of imprisonment, less the credit time the person has earned with respect to that term, the person shall be:

(1) released on parole for not more than twenty-four (24) months, as determined by the parole board, unless:

(A) the person is being placed on parole for the first time;

(B) the person is not being placed on parole following a term of imprisonment that includes a sentence imposed for a crime of violence (as defined in ~~IC 35-50-1-2~~; **IC 35-31.5-2-79**);

(C) the person is not a sex offender (as defined in IC 11-8-8-4.5); and

(D) in the six (6) months before being placed on parole, the person has not violated a rule of the department of correction or a rule of the penal facility in which the person is imprisoned;

(2) discharged upon a finding by the committing court that the person was assigned to a community transition program and may be discharged without the requirement of parole; or

(3) released to the committing court if the sentence included a period of probation.

A person described in subdivision (1) shall be released on parole for not more than twelve (12) months, as determined by the parole board.

(b) This subsection does not apply to a person described in subsection (d), (e), or (f). A person released on parole remains on parole from the date of release until the person's fixed term expires, unless the person's parole is revoked or the person is discharged from that term by the parole board. In any event, if the person's parole is not revoked, the parole board shall discharge the person after the period set under subsection (a) or the expiration of the person's fixed term, whichever is shorter.

(c) A person whose parole is revoked shall be imprisoned for all or part of the remainder of the person's fixed term. However, the person shall again be released on parole when the person completes that remainder, less the credit time the person has earned since the revocation. The parole board may reinstate the person on parole at any time after the revocation.

(d) This subsection does not apply to a person who is a sexually violent predator under IC 35-38-1-7.5. When a sex offender (as defined in IC 11-8-8-4.5) completes the sex offender's fixed term of imprisonment, less credit time earned with respect to that term, the sex offender shall be placed on parole for not more than ten (10) years.



(e) This subsection applies to a person who:

- (1) is a sexually violent predator under IC 35-38-1-7.5;
- (2) has been convicted of murder (IC 35-42-1-1); or
- (3) has been convicted of voluntary manslaughter (IC 35-42-1-3).

When a person described in this subsection completes the person's fixed term of imprisonment, less credit time earned with respect to that term, the person shall be placed on parole for the remainder of the person's life.

(f) This subsection applies to a parolee in another jurisdiction who is a person described in subsection (e) and whose parole supervision is transferred to Indiana from another jurisdiction. In accordance with IC 11-13-4-1(2) (Interstate Compact for Out-of-State Probationers and Parolees) and rules adopted under Article VII (d)(8) of the Interstate Compact for Adult Offender Supervision (IC 11-13-4.5), a parolee who is a person described in subsection (e) and whose parole supervision is transferred to Indiana is subject to the same conditions of parole as a person described in subsection (e) who was convicted in Indiana, including:

- (1) lifetime parole (as described in subsection (e)); and
- (2) the requirement that the person wear a monitoring device (as described in IC 35-38-2.5-3) that can transmit information twenty-four (24) hours each day regarding a person's precise location, if applicable.

(g) If a person being supervised on lifetime parole as described in subsection (e) is also required to be supervised by a court, a probation department, a community corrections program, a community transition program, or another similar program upon the person's release from imprisonment, the parole board may:

- (1) supervise the person while the person is being supervised by the other supervising agency; or
 - (2) permit the other supervising agency to exercise all or part of the parole board's supervisory responsibility during the period in which the other supervising agency is required to supervise the person, if supervision by the other supervising agency will be, in the opinion of the parole board:
 - (A) at least as stringent; and
 - (B) at least as effective;
- as supervision by the parole board.

(h) The parole board is not required to supervise a person on lifetime parole during any period in which the person is imprisoned. However, upon the person's release from imprisonment, the parole board shall recommence its supervision of a person on lifetime parole.



(i) If a court orders the parole board to place a sexually violent predator whose sentence does not include a commitment to the department of correction on lifetime parole under IC 35-38-1-29, the parole board shall place the sexually violent predator on lifetime parole and supervise the person in the same manner in which the parole board supervises a sexually violent predator on lifetime parole whose sentence includes a commitment to the department of correction.

(j) Time served while confined to a jail or prison does not count toward time served on parole.

SECTION 28. IC 36-1-26-4, AS ADDED BY P.L.182-2018, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) Not later than November 1, 2018, a unit shall revise its licensing requirements to the extent necessary to explicitly list the crimes that will disqualify an individual from receiving a license required by the unit. The unit may not:

- (1) use nonspecific terms, such as moral turpitude or good character, as a licensing requirement; or
- (2) consider an arrest that does not result in a conviction.

(b) A unit's use of an individual's conviction of a crime as a disqualifying criminal conviction is limited to a crime that is specifically and directly related to the duties and responsibilities of the occupation or profession for which the individual is applying for or holds a license.

(c) If an applicant has a disqualifying criminal history, the unit shall consider the following in determining whether to deny a license to the applicant, based on a clear and convincing showing:

- (1) The nature and seriousness of the crime for which the individual was convicted.
- (2) The passage of time since the commission of the crime.
- (3) The relationship of the crime to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the occupation.
- (4) Evidence of rehabilitation or treatment undertaken by the individual that might mitigate against a direct relation to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the occupation.

(d) If an individual has a disqualifying criminal conviction, the period of disqualification may not exceed five (5) years after the date of the conviction or release from incarceration, whichever is later, unless the individual:

- (1) was convicted of a crime of violence (as defined by ~~IC 35-50-1-2(a))~~; IC 35-31.5-2-79);



- (2) was convicted of an offense relating to a criminal sexual act (as defined by IC 35-31.5-2-216); or
- (3) is convicted of a second or subsequent crime during the disqualification period.

SECTION 29. IC 36-8-26-6, AS ADDED BY P.L.103-2022, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. Before November 1, 2023, and before November 1 of every year thereafter, the board shall send a report of its activities to the legislative council. The report must be in an electronic format under IC 5-14-6 and include the following information:

- (1) A copy of every interoperability agreement entered into or renewed in the past year.
- (2) A list of all:
 - (A) Part One crimes (based on the reporting methodology of the Federal Bureau of Investigation); and
 - (B) crimes of violence (as defined in ~~IC 35-50-1-2(a)~~; **IC 35-31.5-2-79**);
 committed in the downtown district within the previous five (5) years.
- (3) The crime clearance rates for each crime described in subdivision (2).
- (4) A list of every major event that took place in the downtown district within the previous year.
- (5) The number of times a law enforcement agency made a referral to, or requested assistance from, a social worker or mental health services provider (including a provider who specializes in addiction services).
- (6) A completed crime perception survey for the previous year (based on the survey prepared by Downtown Indy, Inc.).



COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1258, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1258 as introduced.)

MCNAMARA

Committee Vote: Yeas 13, Nays 0

HOUSE MOTION

Mr. Speaker: I move that House Bill 1258 be amended to read as follows:

Page 22, line 18, delete "(IC 35-42-2-1)." and insert "**(IC 35-42-2-1) as a felony.**".

Page 22, line 19, delete "(IC 35-42-2-1.3)." and insert "**(IC 35-42-2-1.3) as a felony.**".

Page 23, line 12, delete "(IC 35-44.1-3-4)." and insert "**(IC 35-44.1-3-4) as a Level 5 or higher felony.**".

Page 23, line 13, delete "(IC 35-45-10-5)." and insert "**(IC 35-45-10-5) as a Level 5 or higher felony.**".

(Reference is to HB 1258 as printed January 14, 2026.)

JETER

COMMITTEE REPORT

Mr. President: The Senate Committee on Corrections and Criminal Law, to which was referred House Bill No. 1258, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 23, between lines 22 and 23, begin a new line block indented and insert:

"(26) Dangerous possession of a firearm by a child (IC 35-47-10-5), if:

(A) the child has at least two (2) unrelated prior

EH 1258—LS 6822/DI 151



convictions under IC 35-47-10-5 or IC 35-47-2-1.5 (unlawful carrying of a handgun);

(B) the child has at least two (2) unrelated prior delinquency adjudications for an act that would be an offense under IC 35-47-10-5 or IC 35-47-2-1.5 (unlawful carrying of a handgun); or

(C) the child has at least one (1) unrelated prior:

(i) conviction under IC 35-47-10-5 or IC 35-47-2-1.5 (unlawful carrying of a handgun); and

(ii) delinquency adjudication for an act that would be an offense under IC 35-47-10-5 or IC 35-47-2-1.5 (unlawful carrying of a handgun).

(27) Unlawful carrying of a handgun (IC 35-47-2-1.5), if:

(A) the person has two (2) unrelated prior convictions under IC 35-47-2-1.5 or IC 35-47-10-5 (dangerous possession of a firearm by a child);

(B) the person has at least two (2) unrelated prior delinquency adjudications for an act that would be an offense under IC 35-47-2-1.5 or IC 35-47-10-5 (dangerous possession of a firearm by a child); or

(C) the person has at least one (1) unrelated prior:

(i) conviction under IC 35-47-2-1.5 or IC 35-47-10-5 (dangerous possession of a firearm by a child); and

(ii) delinquency adjudication for an act that would be an offense under IC 35-47-2-1.5 or IC 35-47-10-5 (dangerous possession of a firearm by a child)."

Page 23, line 29, after "in" insert "section 79 of this chapter);".

Page 23, delete line 30.

Page 23, line 35, delete "IC 35-31.5-2-79);" and insert "section 79 of this chapter);".

and when so amended that said bill do pass.

(Reference is to HB 1258 as reprinted January 23, 2026.)

FREEMAN, Chairperson

Committee Vote: Yeas 6, Nays 2.



SENATE MOTION

Mr. President: I move that Engrossed House Bill 1258 be amended to read as follows:

Page 23, line 23, delete "by a child".

Page 23, line 41, delete "firearm by a child);" and insert "**firearm**);".

Page 24, line 3, delete "firearm by a child);" and insert "**firearm**);".

Page 24, line 6, delete "firearm by a child);" and insert "**firearm**);".

Page 24, line 9, delete "firearm by a child)." and insert "**firearm**).".

(Reference is to EHB 1258 as printed February 13, 2026.)

FREEMAN

