



SENATE MOTION

MR. PRESIDENT:

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

- 1 Page 3, between lines 1 and 2, begin a new paragraph and insert:
2 "SECTION 2. IC 1-1-4-5, AS AMENDED BY P.L.238-2025,
3 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2026]: Sec. 5. (a) The following definitions apply to the
5 construction of all Indiana statutes, unless the construction is plainly
6 repugnant to the intent of the general assembly or of the context of the
7 statute:
8 (1) "Adult", "of full age", and "person in his majority" mean a
9 person at least eighteen (18) years of age.
10 (2) "Attorney" includes a counselor or other person authorized to
11 appear and represent a party in an action or special proceeding.
12 (3) "Autism" means a neurological condition as described in the
13 most recent edition of the Diagnostic and Statistical Manual of
14 Mental Disorders of the American Psychiatric Association.
15 (4) "Bond" does not necessarily imply a seal.
16 (5) "Clerk" means the clerk of the court or a person authorized to
17 perform the clerk's duties.
18 **(6) "Female", when referencing the human species, means an**
19 **individual who naturally has, had, will have, or would have,**
20 **but for a congenital anomaly, an intentional disruption, or an**
21 **unintentional disruption, the reproductive system that at some**
22 **point produces, transports, and utilizes eggs for fertilization.**
23 **(7) "Gender" is a synonym for sex and has the meaning set**
24 **forth in subdivision (25).**
25 ~~(8)~~ **(8)** "Health record", "hospital record", or "medical record"
26 means written or printed information possessed by a provider (as
27 defined in IC 16-18-2-295) concerning any diagnosis, treatment,

- 1 or prognosis of the patient, unless otherwise defined. Except as
 2 otherwise provided, the terms include mental health records and
 3 drug and alcohol abuse records.
- 4 ~~(7)~~ **(9)** "Highway" includes county bridges and state and county
 5 roads, unless otherwise expressly provided.
- 6 ~~(8)~~ **(10)** "Infant" or "minor" means a person less than eighteen
 7 (18) years of age.
- 8 ~~(9)~~ **(11)** "Inhabitant" may be construed to mean a resident in any
 9 place.
- 10 ~~(10)~~ **(12)** "Judgment" means all final orders, decrees, and
 11 determinations in an action and all orders upon which executions
 12 may issue.
- 13 ~~(11)~~ **(13)** "Land", "real estate", and "real property" include lands,
 14 tenements, and hereditaments.
- 15 **(14) "Male", when referencing the human species, means an**
 16 **individual who naturally has, had, will have, or would have,**
 17 **but for a congenital anomaly, an intentional disruption, or an**
 18 **unintentional disruption, the reproductive system that at some**
 19 **point produces, transports, and utilizes sperm for fertilization.**
- 20 ~~(12)~~ **(15)** "Mentally incompetent" means of unsound mind.
- 21 ~~(13)~~ **(16)** "Money demands on contract", when used in reference
 22 to an action, means an action arising out of contract when the
 23 relief demanded is a recovery of money.
- 24 ~~(14)~~ **(17)** "Month" means a calendar month, unless otherwise
 25 expressed.
- 26 ~~(15)~~ **(18)** "Noncode statute" means a statute that is not codified as
 27 part of the Indiana Code.
- 28 ~~(16)~~ **(19)** "Oath" includes "affirmation", and "to swear" includes
 29 to "affirm".
- 30 ~~(17)~~ **(20)** "Person" extends to bodies politic and corporate.
- 31 ~~(18)~~ **(21)** "Personal property" includes goods, chattels, evidences
 32 of debt, and things in action.
- 33 ~~(19)~~ **(22)** "Population" has the meaning set forth in IC 1-1-3.5-3.
- 34 ~~(20)~~ **(23)** "Preceding" and "following", referring to sections in
 35 statutes, mean the sections next preceding or next following that
 36 in which the words occur, unless some other section is designated.
- 37 ~~(21)~~ **(24)** "Property" includes personal and real property.
- 38 **(25) "Sex" refers to the two (2) sexes, female and male, in the**
 39 **human species with the organization of anatomy, hormones,**
 40 **and gametes oriented toward fertilization without regard to**
 41 **the individual's psychological, behavioral, social, chosen, or**
 42 **subjective experience of gender.**
- 43 ~~(22)~~ **(26)** "Sheriff" means the sheriff of the county or another
 44 person authorized to perform sheriff's duties.
- 45 ~~(23)~~ **(27)** "State", applied to any one (1) of the United States,
 46 includes the District of Columbia and the commonwealths,

- 1 possessions, states in free association with the United States, and
- 2 the territories. "United States" includes the District of Columbia
- 3 and the commonwealths, possessions, states in free association
- 4 with the United States, and the territories.
- 5 ~~(24)~~ **(28)** "Under legal disabilities" includes persons less than
- 6 eighteen (18) years of age, mentally incompetent, or out of the
- 7 United States.
- 8 ~~(25)~~ **(29)** "Verified", when applied to pleadings, means supported
- 9 by oath or affirmation in writing.
- 10 ~~(26)~~ **(30)** "Will" includes a testament and codicil.
- 11 ~~(27)~~ **(31)** "Without relief" in any judgment, contract, execution,
- 12 or other instrument of writing or record, means without the
- 13 benefit of valuation laws.
- 14 ~~(28)~~ **(32)** "Written" and "in writing" include printing,
- 15 lithographing, or other mode of representing words and letters. If
- 16 the written signature of a person is required, the terms mean the
- 17 proper handwriting of the person or the person's mark.
- 18 ~~(29)~~ **(33)** "Year" means a calendar year, unless otherwise
- 19 expressed.
- 20 ~~(30)~~ **(34)** The definitions in IC 35-31.5 apply to all statutes
- 21 relating to penal offenses.

22 (b) This subsection applies to the definitions of "Hoosier veteran"
 23 and "veteran" when used in reference to state programs for veterans.
 24 The term "veteran" includes "Hoosier veteran", and applies to the
 25 construction of all Indiana statutes, unless the construction is expressly
 26 excluded by the terms of the statute, is plainly repugnant to the intent
 27 of the general assembly or of the context of the statute, or is
 28 inconsistent with federal law. "Hoosier veteran" means an individual
 29 who meets the following criteria:

- 30 (1) The individual is a resident of Indiana.
- 31 (2) The individual served in an active or reserve component of the
- 32 armed forces of the United States or the Indiana National Guard.
- 33 (3) The individual completed any required military occupational
- 34 specialty training and was not discharged or separated from the
- 35 armed forces or the Indiana National Guard under conditions
- 36 other than conditions set forth in IC 10-17-12-7.5(2).

37 The definitions set forth in this subsection may not be construed to
 38 affect a Hoosier veteran's eligibility for any state program that is based
 39 upon a particular aspect of the Hoosier veteran's service such as a
 40 disability or a wartime service requirement."

41 Page 3, between lines 9 and 10, begin a new paragraph and insert:
 42 "SECTION 4. IC 11-10-1-3 IS AMENDED TO READ AS
 43 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) Upon completion
 44 of the evaluation prescribed in section 2 of this chapter and before
 45 assigning **him an offender** to a facility or program, the department
 46 shall determine the appropriate degree of security (maximum, medium,

1 or minimum) for each offender as described in IC 35-38-3-6. In making
 2 that determination the department shall, in addition to other relevant
 3 information, consider:

- 4 (1) the results of the evaluation prescribed in section 2 of this
- 5 chapter;
- 6 (2) the recommendations of the sentencing court; and
- 7 (3) the degree and kind of custodial control necessary for the
- 8 protection of the public, staff, other confined persons, and the
- 9 individual being considered.

10 (b) After determining the offender's security classification, the
 11 department shall assign ~~him~~ **the offender** to a facility or program;
 12 make an initial employment, education, training, or other assignment
 13 within that facility or program; and order medical, psychiatric,
 14 psychological, or other services. In making the assignment, the
 15 department shall, in addition to other relevant information, consider:

- 16 (1) the results of the evaluation prescribed in section 2 of this
- 17 chapter;
- 18 (2) the offender's security classification;
- 19 (3) the offender's need for special therapy or programs, including
- 20 employment, education, or training available only in specific
- 21 facilities or programs;
- 22 (4) the likelihood of the offender's reintegration into the
- 23 community in which the facility or program is located;
- 24 (5) the desirability of keeping the offender in a facility or program
- 25 near the area in which ~~he~~ **the offender** resided before
- 26 commitment;
- 27 (6) the desires of the offender;
- 28 (7) the current population levels of the facilities or programs
- 29 considered appropriate for the offender; and
- 30 (8) the length of the offender's sentence.

31 (c) If the department determines that a committed offender is
 32 mentally or physically incapacitated to such an extent that proper
 33 custody, care, and control cannot be provided by the department, it
 34 shall make arrangements for placement outside the department.

35 (d) Before assigning an offender to a facility or program, the
 36 department shall give ~~him~~ **the offender** an opportunity to present
 37 pertinent information; discuss with ~~him~~ **the offender** all aspects of the
 38 evaluation, classification, and assignment process; and work with ~~him~~
 39 **the offender** to determine a fair and appropriate assignment.

40 **(e) The department shall assign an offender convicted of a crime**
 41 **of violence (as defined by IC 35-31.5-2-79) to a facility or program**
 42 **that is based on the offender's sex, as defined by IC 1-1-4-5(a)(25),**
 43 **at birth.**

44 ~~(e)~~ **(f)** If an offender is sentenced to a term of imprisonment of one
 45 (1) year or less, the department may make an assignment under this
 46 section without making the evaluation prescribed in section 2 of this

1 chapter. In determining the length of an offender's term, consecutive
2 terms of imprisonment shall be added together.

3 ~~(f)~~ (g) This section does not prohibit the temporary assignment of
4 an offender pending evaluation and classification.

5 SECTION 5. IC 11-10-2-5 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. (a) Upon completion
7 of the evaluation prescribed in section 4 of this chapter, the department
8 shall assign the offender to a facility or program; make an initial
9 education, training, employment, or other assignment within that
10 facility or program; and order medical, psychiatric, psychological, or
11 other services it considers appropriate. In making the assignment, the
12 department shall, among other relevant information, consider:

13 (1) the results of the evaluation prescribed in section 4 of this
14 chapter;

15 (2) the recommendations of the committing court;

16 (3) the offender's need for special therapy or programs, including
17 education, training, or employment available only in specific
18 facilities or programs;

19 (4) the degree and type of custodial control necessary for the
20 protection of the public, staff, other committed offenders, and the
21 individual being considered;

22 (5) the likelihood of the offender's reintegration into the
23 community in which the facility or program is located;

24 (6) the desirability of keeping the offender in a facility or program
25 near the area in which ~~he~~ **the offender** resided before
26 commitment;

27 (7) the desires of the offender and ~~his~~ **the offender's** parents,
28 guardian, or custodian;

29 (8) the current population levels of the facilities or programs
30 considered appropriate for the offender; and

31 (9) the probable length of commitment.

32 (b) If the department determines that a committed offender is
33 mentally or physically incapacitated to such an extent that proper
34 custody, care, and control cannot be provided by the department, it
35 shall make arrangements for placement outside the department.

36 (c) If an offender is found to be pregnant, the department may return
37 her to the committing court for further disposition.

38 (d) Before assigning an offender to a facility or program, the
39 department shall give ~~him~~ **the offender** an opportunity to present
40 pertinent information, discuss with ~~him~~ **the offender** all aspects of the
41 evaluation and assignment process, and work with ~~him~~ **the offender** to
42 determine a fair and appropriate assignment.

43 **(e) The department shall assign an offender convicted of a crime**
44 **of violence (as defined by IC 35-31.5-2-79) to a facility or program**
45 **that is based on the offender's sex, as defined by IC 1-1-4-5(a)(25),**
46 **at birth.**

- 1 ~~(e)~~ **(f)** The department shall, by certified mail, return receipt
- 2 requested, notify the parent, guardian, custodian, or nearest relative of
- 3 any committed offender of ~~his~~ **the offender's** physical location and any
- 4 change in that location.
- 5 ~~(f)~~ **(g)** This section does not preclude the temporary assignment of
- 6 an offender pending evaluation."
- 7 Page 12, between lines 17 and 18, begin a new paragraph and insert:
- 8 "SECTION 10. IC 24-15-2-14, AS ADDED BY P.L.94-2023,
- 9 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 10 JULY 1, 2026]: Sec. 14. "Health record" has the meaning set forth in
- 11 ~~IC 1-1-4-5(a)(6): IC 1-1-4-5(a)(8).~~"
- 12 Renummer all SECTIONS consecutively.
- (Reference is to EHB 1258 as printed February 13, 2026.)

Senator BROWN L