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# HOUSE BILL No. 1258

AM125801 has been incorporated into January 23, 2026 printing.

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**Synopsis:** Crimes of violence.

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Reprinted  
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Second Regular Session of the 124th General Assembly (2026)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2025 Regular Session of the General Assembly.

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## 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).

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

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

9 (1) convicted of the prior crime, if the defendant was not  
10 sentenced to a term of incarceration or probation;

11 (2) adjudicated to have committed the infraction; or

12 (3) released from a term of incarceration, probation, or parole  
13 (whichever occurs later) imposed for the prior conviction;

14 whichever occurred last.

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

19 (1) convicted of one (1) of the prior crimes, if the person was not  
20 sentenced to a term of incarceration or probation;

21 (2) adjudicated to have committed one (1) of the infractions; or

22 (3) released from a term of incarceration, probation, or parole  
23 (whichever occurs later) imposed for one (1) of the prior  
24 convictions;

25 whichever occurred last.

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

28 (1) A crime of violence (as defined by ~~IC 35-50-1-2~~;  
29 **IC 35-31.5-2-79**).

30 (2) A crime that results in bodily injury or death to a victim.

31 (3) A sex offense (as defined by IC 11-8-8-5.2).

32 (4) Domestic battery (IC 35-42-2-1.3).

33 (5) Strangulation (IC 35-42-2-9).

34 (6) Operating while intoxicated with a prior conviction for  
35 operating while intoxicated that resulted in death, serious bodily  
36 injury, or catastrophic injury (IC 9-30-5-3(b)).

37 (7) Dealing in cocaine or a narcotic drug (IC 35-48-4-1).

38 (8) Dealing in methamphetamine (IC 35-48-4-1.1).

39 (9) Manufacturing methamphetamine (IC 35-48-4-1.2).

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

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

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1 another provision of the Indiana Code, this section controls.  
 2 SECTION 2. IC 2-8.2-2-5.5, AS ADDED BY P.L.41-2025,  
 3 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 4 JULY 1, 2026]: Sec. 5.5. "Crime of moral turpitude" means the  
 5 following:  
 6 (1) A crime of violence as defined in ~~IC 35-50-1-2.~~  
 7 **IC 35-31.5-2-79.**  
 8 (2) A sex offense as defined in IC 11-8-8-5.2.  
 9 (3) A crime involving fraud or a false statement.  
 10 SECTION 3. IC 11-13-3-3, AS AMENDED BY P.L.55-2017,  
 11 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 12 JULY 1, 2026]: Sec. 3. (a) A person sentenced under IC 35-50 shall be  
 13 released on parole or discharged from the person's term of  
 14 imprisonment under IC 35-50 without a parole release hearing.  
 15 (b) A person sentenced for an offense under laws other than  
 16 IC 35-50 who is eligible for release on parole, or a person whose parole  
 17 is revoked and is eligible for reinstatement on parole under rules  
 18 adopted by the parole board shall, before the date of the person's parole  
 19 eligibility, be granted a parole release hearing to determine whether  
 20 parole will be granted or denied. The hearing shall be conducted by one  
 21 (1) or more of the parole board members. If one (1) or more of the  
 22 members conduct the hearing on behalf of the parole board, the final  
 23 decision shall be rendered by the full parole board based upon the  
 24 record of the proceeding and the hearing conductor's findings. Before  
 25 the hearing, the parole board shall order an investigation to include the  
 26 collection and consideration of:  
 27 (1) reports regarding the person's medical, psychological,  
 28 educational, vocational, employment, economic, and social  
 29 condition and history;  
 30 (2) official reports of the person's history of criminality;  
 31 (3) reports of earlier parole or probation experiences;  
 32 (4) reports concerning the person's present commitment that are  
 33 relevant to the parole release determination;  
 34 (5) any relevant information submitted by or on behalf of the  
 35 person being considered; and  
 36 (6) such other relevant information concerning the person as may  
 37 be reasonably available.  
 38 (c) Unless the victim has requested in writing not to be notified,  
 39 the department shall notify a victim of a felony (or the next of kin of the  
 40 victim if the felony resulted in the death of the victim) or any witness  
 41 involved in the prosecution of an offender imprisoned for the  
 42 commission of a felony when the offender is:

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- 1 (1) to be discharged from imprisonment;  
 2 (2) to be released on parole under IC 35-50-6-1;  
 3 (3) to have a parole release hearing under this chapter;  
 4 (4) to have a parole violation hearing;  
 5 (5) an escaped committed offender; or  
 6 (6) to be released from departmental custody under any  
 7 temporary release program administered by the department,  
 8 including the following:  
 9 (A) Placement on minimum security assignment to a  
 10 program authorized by IC 11-10-1-3 or IC 35-38-3-6 and  
 11 requiring periodic reporting to a designated official,  
 12 including a regulated community assignment program.  
 13 (B) Assignment to a minimum security work release  
 14 program.  
 15 (d) The department shall make the notification required under  
 16 subsection (c):  
 17 (1) not later than twenty-four (24) hours after the escape of a  
 18 committed offender;  
 19 (2) at least forty (40) days before:  
 20 (A) the discharge or release of a committed offender; or  
 21 (B) the date of a hearing concerning a committed offender's  
 22 possible discharge or release; and  
 23 (3) if the date of a committed offender's discharge or release as  
 24 referred to in subdivision (2)(A) is changed during the forty (40)  
 25 day notification period referred to in subdivision (2), as soon as  
 26 possible but not more than forty-eight (48) hours after the  
 27 change in the discharge or release date.  
 28 The department shall supply the information to a victim (or a next of  
 29 kin of a victim in the appropriate case) and a witness at the address  
 30 supplied to the department by the victim (or next of kin) or witness. A  
 31 victim (or next of kin) is responsible for supplying the department with  
 32 any change of address or telephone number of the victim (or next of  
 33 kin).  
 34 (e) The probation officer conducting the presentence investigation  
 35 shall inform the victim and witness described in subsection (c), at the  
 36 time of the interview with the victim or witness, of the right of the  
 37 victim or witness to receive notification from the department under  
 38 subsection (c). The probation department for the sentencing court shall  
 39 forward the most recent list of the addresses or telephone numbers, or  
 40 both, of victims to the department of correction. The probation  
 41 department shall supply the department with the information required  
 42 by this section as soon as possible but not later than five (5) days from

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

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

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

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

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

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

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

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

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- 1 (5) a record of the proceeding, to include the results of the parole  
 2 board's investigation, notice of the hearing, and evidence  
 3 adduced at the hearing, shall be made and preserved.
- 4 (j) If parole is denied, the parole board shall give the person  
 5 written notice of the denial and the reasons for the denial. The parole  
 6 board may not parole a person if it determines that there is substantial  
 7 reason to believe that the person:
- 8 (1) will engage in further specified criminal activity; or  
 9 (2) will not conform to appropriate specified conditions of  
 10 parole.
- 11 (k) If parole is denied, the parole board shall conduct another  
 12 parole release hearing not earlier than five (5) years after the date of the  
 13 hearing at which parole was denied. However, the board may conduct  
 14 a hearing earlier than five (5) years after denial of parole if the board:
- 15 (1) finds that special circumstances exist for the holding of a  
 16 hearing; and  
 17 (2) gives reasonable notice to the person being considered for  
 18 parole.
- 19 (l) The parole board may parole a person who is outside Indiana  
 20 on a record made by the appropriate authorities of the jurisdiction in  
 21 which that person is imprisoned.
- 22 (m) If the board is considering the release on parole of an offender  
 23 who is serving a sentence of life in prison, a determinate term of  
 24 imprisonment of at least ten (10) years, or an indeterminate term of  
 25 imprisonment with a minimum term of at least ten (10) years, in  
 26 addition to the investigation required under subsection (b), except as  
 27 provided in subsection (n), the board may order and consider a  
 28 community investigation, which may include an investigation and  
 29 report that substantially reflects the attitudes and opinions of:
- 30 (1) the community in which the crime committed by the offender  
 31 occurred;  
 32 (2) law enforcement officers who have jurisdiction in the  
 33 community in which the crime occurred;  
 34 (3) the victim of the crime committed by the offender, or if the  
 35 victim is deceased or incompetent for any reason, the victim's  
 36 relatives or friends; and  
 37 (4) friends or relatives of the offender.
- 38 If the board reconsiders for release on parole an offender who was  
 39 previously released on parole and whose parole was revoked under  
 40 section 10 of this chapter, the board may use a community investigation  
 41 prepared for an earlier parole hearing to comply with this subsection.  
 42 However, the board shall accept and consider any supplements or

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1 amendments to any previous statements from the victim or the victim's  
2 relatives or friends.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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- 1 years; or  
 2 (ii) misdemeanor conviction that occurred less than  
 3 five (5) years;  
 4 before the person's employment application date.  
 5 (E) Identity deception (IC 35-43-5-3.5), if the conviction is  
 6 a:  
 7 (i) felony conviction that occurred less than ten (10)  
 8 years; or  
 9 (ii) misdemeanor conviction that occurred less than  
 10 five (5) years;  
 11 before the person's employment application date.  
 12 (F) Fraud (IC 35-43-5-4), if the conviction is a:  
 13 (i) felony conviction that occurred less than ten (10)  
 14 years; or  
 15 (ii) misdemeanor conviction that occurred less than  
 16 five (5) years;  
 17 before the person's employment application date.  
 18 (G) Murder (IC 35-42-1-1).  
 19 (H) Voluntary manslaughter (IC 35-42-1-3).  
 20 (I) Except as provided in this section, a crime of violence  
 21 (as defined in ~~IC 35-50-1-2~~, **IC 35-31.5-2-79**), if the  
 22 person's conviction occurred less than ten (10) years before  
 23 the person's employment application date.  
 24 (J) Felony battery within the previous five (5) years.  
 25 (K) A felony offense relating to controlled substances  
 26 within the previous five (5) years.  
 27 (2) The person:  
 28 (A) has abused, neglected, or mistreated a patient or  
 29 misappropriated a patient's property; and  
 30 (B) had a finding entered into the state nurse aide registry.  
 31 (b) A person who knowingly or intentionally applies for a job as  
 32 a home health aide or other unlicensed employee at:  
 33 (1) a home health agency;  
 34 (2) a health care facility; or  
 35 (3) an entity in the business of contracting to provide home  
 36 health aides or other unlicensed employees for a health care  
 37 facility;  
 38 after a conviction of one (1) or more of the offenses listed in subsection  
 39 (a)(1) commits a Class A infraction.  
 40 (c) A home health agency or personal services agency may not  
 41 employ a person to provide services in a patient's or client's temporary  
 42 or permanent residence for more than twenty-one (21) calendar days

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1 without receipt of that person's national criminal history background  
 2 check or expanded criminal history check required by section 4 of this  
 3 chapter, unless the state police department, the Federal Bureau of  
 4 Investigation under IC 10-13-3-39, or the private agency providing the  
 5 expanded criminal history check is responsible for failing to provide  
 6 the person's national criminal history background check or expanded  
 7 criminal history check to the home health agency or personal services  
 8 agency within the time required under this subsection.

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

12 (1) has a misdemeanor conviction under subsection (a)(1)(D)(ii)  
 13 or (a)(1)(E)(ii); and

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

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

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

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

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

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

30 (D) A felony offense relating to theft, conversion, or  
 31 receiving stolen property (IC 35-43-4), if the person's  
 32 conviction for theft, conversion, or receiving stolen property  
 33 occurred less than five (5) years before the individual's  
 34 employment application date.

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

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

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

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

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- 1 (I) Except as otherwise specified in this section, a crime of
- 2 violence (as defined in ~~IC 35-50-1-2~~, **IC 35-31.5-2-79**), if
- 3 the person's conviction occurred less than ten (10) years
- 4 before the person's employment application date.
- 5 (J) Felony battery within the previous five (5) years.
- 6 (K) A felony offense relating to controlled substances
- 7 within the previous five (5) years, unless:
- 8 (i) the person is certified as a peer recovery coach
- 9 through a credential recognized by the division of
- 10 mental health and addiction;
- 11 (ii) the person has not been convicted of a felony
- 12 offense relating to controlled substances after the
- 13 issuance of a peer recovery coach credential; and
- 14 (iii) there are no felony charges relating to controlled
- 15 substances pending against the person.
- 16 (2) The person:
- 17 (A) has abused, neglected, or mistreated a patient or
- 18 misappropriated a patient's property; and
- 19 (B) had a finding entered into the state nurse aide registry.
- 20 ~~under IC 25-23-2.~~
- 21 (b) A person who knowingly or intentionally applies for a job as
- 22 a nurse aide or other unlicensed employee at:
- 23 (1) a health care facility; or
- 24 (2) an entity in the business of contracting to provide nurse aides
- 25 or other unlicensed employees for a health care facility;
- 26 after a conviction of one (1) or more of the offenses listed in subsection
- 27 (a)(1) commits a Class A infraction.
- 28 SECTION 8. IC 16-31-3-14.5, AS AMENDED BY P.L.186-2025,
- 29 SECTION 110, IS AMENDED TO READ AS FOLLOWS
- 30 [EFFECTIVE JULY 1, 2026]: Sec. 14.5. The department of homeland
- 31 security may issue an order under IC 4-21.5-3-6 to deny an applicant's
- 32 request for certification or licensure or permanently revoke a certificate
- 33 or license under procedures provided by section 14 of this chapter if the
- 34 individual who holds the certificate or license issued under this title is
- 35 convicted of any of the following:
- 36 (1) Dealing in a controlled substance resulting in death under
- 37 IC 35-42-1-1.5.
- 38 (2) Dealing in or manufacturing cocaine or a narcotic drug under
- 39 IC 35-48-4-1.
- 40 (3) Dealing in methamphetamine under IC 35-48-4-1.1.
- 41 (4) Manufacturing methamphetamine under IC 35-48-4-1.2.
- 42 (5) Dealing in a schedule I, II, or III controlled substance under

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- 1 IC 35-48-4-2.
- 2 (6) Dealing in a schedule IV controlled substance under
- 3 IC 35-48-4-3.
- 4 (7) Dealing in a schedule V controlled substance under
- 5 IC 35-48-4-4.
- 6 (8) Dealing in a substance represented to be a controlled
- 7 substance under IC 35-48-4-4.5 (repealed).
- 8 (9) Knowingly or intentionally manufacturing, advertising,
- 9 distributing, or possessing with intent to manufacture, advertise,
- 10 or distribute a substance represented to be a controlled substance
- 11 under IC 35-48-4-4.6.
- 12 (10) Dealing in a counterfeit substance under IC 35-48-4-5.
- 13 (11) Dealing in marijuana, hash oil, hashish, or salvia as a felony
- 14 under IC 35-48-4-10.
- 15 (12) An offense under IC 35-48-4 involving the manufacture or
- 16 sale of a synthetic drug (as defined in IC 35-31.5-2-321), a
- 17 synthetic drug lookalike substance (as defined in
- 18 IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under
- 19 IC 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled
- 20 substance analog (as defined in IC 35-48-1.1-8), or a substance
- 21 represented to be a controlled substance (as described in
- 22 IC 35-48-4-4.6).
- 23 (13) A crime of violence (as defined in ~~IC 35-50-1-2(a)~~;
- 24 **IC 35-31.5-2-79**).
- 25 SECTION 9. IC 25-1-1.1-6, AS AMENDED BY P.L.93-2024,
- 26 SECTION 177, IS AMENDED TO READ AS FOLLOWS
- 27 [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) This section applies to a
- 28 license or certificate under this title that is in effect on July 1, 2018, or
- 29 created on or established after that date.
- 30 (b) As used in this section, "crime" has the meaning set forth in
- 31 IC 33-23-1-4.
- 32 (c) As used in this section, "criminal history information" has the
- 33 meaning set forth in IC 5-2-4-1.
- 34 (d) Not later than November 1, 2018, a board, commission, or
- 35 committee shall revise its licensing or certification requirements to the
- 36 extent necessary to explicitly list the crimes that may disqualify an
- 37 individual from receiving a license or certificate under this title. The
- 38 board, commission, or committee may not:
- 39 (1) use nonspecific terms, such as moral turpitude or good
- 40 character, as a licensing or certification requirement; or
- 41 (2) consider an arrest that does not result in a conviction.
- 42 (e) A board's, commission's, or committee's use of an individual's

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1 conviction of a crime as a conviction of concern is limited to a crime  
 2 directly related to the duties and responsibilities of the occupation or  
 3 profession for which the individual is applying for or holds a license or  
 4 certification.

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

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

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

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

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

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

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

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

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

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

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

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

39 (i) If a board, commission, or committee determines an  
 40 individual's conviction of concern disqualifies the individual from  
 41 receiving a license or certification solely or in part because of the  
 42 individual's criminal history, the board, commission, or committee shall

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- 1 notify the individual in writing of the following:
- 2 (1) The grounds and reasons for the denial or disqualification.
- 3 (2) The individual has the right to a hearing to challenge the
- 4 licensing authority's decision.
- 5 (3) The earliest date the individual may reapply for a license or
- 6 certification or the earliest date the individual can petition the
- 7 board, commission, or committee for a review.
- 8 (4) Evidence of rehabilitation may be considered upon
- 9 reapplication.
- 10 (5) Findings for each of the factors specified in subdivisions (1)
- 11 through (4).

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

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

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

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

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

- 41 (1) gathering information through structured interview screens
- 42 using routine protocols;

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- 1 (2) reviewing assessment findings to assist in the development
- 2 of a plan individualized for treatment services and to coordinate
- 3 services;
- 4 (3) referring for assessment, diagnosis, evaluation, and mental
- 5 health therapy;
- 6 (4) providing client and family education related to addictions;
- 7 (5) providing information on social networks and community
- 8 systems for referrals and discharge planning;
- 9 (6) participating in multidisciplinary treatment team meetings or
- 10 consulting with clinical addiction professionals;
- 11 (7) counseling, through individual and group counseling, as well
- 12 as group and family education, to treat addiction and substance
- 13 abuse in a variety of settings, including:
- 14 (A) mental and physical health facilities; and
- 15 (B) child and family service agencies; and
- 16 (8) maintaining the highest level of professionalism and ethical
- 17 responsibility.
- 18 (b) The term does not include the use of psychotherapy or
- 19 diagnosis (as defined in IC 25-22.5-1-1.1(c) or as defined as the
- 20 practice of psychology under IC 25-33-1-2(a)).
- 21 (c) For an individual who obtains a license as an addiction
- 22 counselor by:
- 23 (1) holding a valid:
- 24 (A) level II or higher certification or the equivalent
- 25 certification from a credentialing agency approved by the
- 26 division of mental health and addiction; or
- 27 (B) certification as an addiction counselor or addiction
- 28 therapist from a credentialing agency that is approved by
- 29 the board;
- 30 (2) having at least ten (10) years of experience in addiction
- 31 counseling;
- 32 (3) furnishing satisfactory evidence to the board that the
- 33 individual does not have:
- 34 (A) a conviction for a crime of violence (as defined in
- 35 ~~IC 35-50-1-2~~; **IC 35-31.5-2-79**); or
- 36 (B) a conviction in the previous two (2) years that has a
- 37 direct bearing on the individual's ability to practice
- 38 competently; and
- 39 (4) filing an initial application with the board before July 1,
- 40 2010;
- 41 the term includes the provision of addiction counseling services in
- 42 private practice in consultation with other licensed professionals as

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1 required by the client's individualized treatment plan.

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

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

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

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

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

18 (B) completed the educational requirements under section  
19 5 of this chapter; and

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

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

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

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

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

33 (4) Pass an examination established by the board.

34 (5) Pay the fee established by the board.

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

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

42 (A) received a baccalaureate or higher degree in addiction

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

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- 1 (1) Furnish satisfactory evidence to the board that the individual
- 2 has:
- 3 (A) received a master's or doctor's degree in addiction
- 4 counseling, addiction therapy, or a related area as
- 5 determined by the board from an eligible postsecondary
- 6 educational institution that meets the requirements under
- 7 section 4(a)(1) of this chapter or from a foreign school that
- 8 has a program of study that meets the requirements under
- 9 section 4(a)(2) or 4(a)(3) of this chapter;
- 10 (B) completed the educational requirements under section
- 11 6 of this chapter; and
- 12 (C) completed the experience requirements under section 8
- 13 of this chapter.
- 14 (2) Furnish satisfactory evidence to the board that the individual
- 15 does not have a:
- 16 (A) conviction for a crime of violence (as defined in
- 17 ~~IC 35-50-1-2~~; **IC 35-31.5-2-79**); or
- 18 (B) conviction in the previous two (2) years that has a direct
- 19 bearing on the individual's ability to practice competently.
- 20 (3) Furnish satisfactory evidence to the board that the individual
- 21 has not been the subject of a disciplinary action by a licensing or
- 22 certification agency of another state or jurisdiction on the
- 23 grounds that the individual was not able to practice as a clinical
- 24 addiction counselor without endangering the public.
- 25 (4) Pass an examination established by the board.
- 26 (5) Pay the fee established by the board.

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

- 32 (1) Furnish satisfactory evidence to the board that the individual
- 33 has:
- 34 (A) received a master's or doctor's degree in addiction
- 35 counseling, or in a related area as determined by the board
- 36 from:
- 37 (i) an eligible postsecondary educational institution
- 38 that meets the requirements under section 4(a)(1) of
- 39 this chapter; or
- 40 (ii) a foreign school that has a program of study that
- 41 meets the requirements under section 4(a)(2) or 4(a)(3)
- 42 of this chapter; and

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- 1 (B) completed the education requirements under section 6  
2 of this chapter.
- 3 (2) Furnish satisfactory evidence to the board that the individual  
4 does not have a:
- 5 (A) conviction for a crime of violence (as defined in  
6 ~~IC 35-50-1-2~~; **IC 35-31.5-2-79**); or
- 7 (B) conviction in the previous two (2) years that has a direct  
8 bearing on the individual's ability to practice competently.
- 9 (3) Furnish satisfactory evidence to the board that the individual  
10 has not been the subject of a disciplinary action by a licensing or  
11 certification agency of another state or jurisdiction on the  
12 grounds that the individual was not able to practice as a clinical  
13 addiction counselor associate without endangering the public.
- 14 (4) Pass an examination established by the board.
- 15 (5) Pay the fee established by the board.
- 16 SECTION 15. IC 27-10-2-4.5, AS ADDED BY P.L.147-2022,  
17 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
18 JULY 1, 2026]: Sec. 4.5. (a) The following definitions apply  
19 throughout this section:
- 20 (1) "Charitable bail organization" means a business entity, or a  
21 nonprofit organization under:
- 22 (A) the Internal Revenue Code; or  
23 (B) Indiana law;  
24 that exists for the purpose of paying cash bail for another person.  
25 However, the term does not include a person who pays cash bail  
26 for three (3) or fewer defendants in any one hundred eighty (180)  
27 day period, or a person who pays bail for a relative (as defined  
28 in IC 35-42-2-1(b)).
- 29 (2) "Crime of violence" has the meaning set forth in  
30 ~~IC 35-50-1-2(a)~~. **IC 35-31.5-2-79**.
- 31 (b) The commissioner may certify a charitable bail organization if  
32 the charitable bail organization:
- 33 (1) is a business entity, or a nonprofit organization under:  
34 (A) the Internal Revenue Code; or  
35 (B) Indiana law;  
36 (2) is currently registered to do business in Indiana;  
37 (3) is located in Indiana; and  
38 (4) exists for the purpose of depositing cash bail for an indigent  
39 defendant who:  
40 (A) is not charged with a crime of violence; or  
41 (B) if charged with a felony, does not have a prior  
42 conviction for a crime of violence.

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- 1 (c) A person may apply for certification under this section in
- 2 accordance with rules adopted under this section.
- 3 (d) The commissioner shall certify a person as a charitable bail
- 4 organization if the:
- 5 (1) person pays an application fee of three hundred dollars
- 6 (\$300);
- 7 (2) person meets the requirements of this section; and
- 8 (3) person, including an officer or director of the person, has not
- 9 engaged in conduct that:
- 10 (A) constitutes fraud, dishonesty, or deception;
- 11 (B) constitutes malfeasance, misfeasance, or nonfeasance in
- 12 dealing with money; or
- 13 (C) resulted in the suspension or revocation of a previous
- 14 certification.
- 15 (e) A charitable bail certification is valid for two (2) years from the
- 16 date of issuance and may be renewed upon payment of a renewal fee
- 17 of three hundred dollars (\$300). If a person applies for renewal before
- 18 the expiration of the existing certification, the existing certification
- 19 remains valid until the commissioner renews the certification, or until
- 20 five (5) days after the commissioner denies the application for renewal.
- 21 A person is entitled to renewal unless the commissioner denies the
- 22 application for renewal under subsection (f).
- 23 (f) The commissioner shall deny, suspend, revoke, or refuse to
- 24 renew certification for any of the following causes:
- 25 (1) Any cause for which issuance of the certification could have
- 26 been refused had it then existed and been known to the
- 27 commissioner.
- 28 (2) Violation of any laws of this state in the course of dealings
- 29 under the certification.
- 30 (3) Material misstatement, misrepresentation, or fraud in
- 31 obtaining the certification.
- 32 (4) Misappropriation, conversion, or unlawful withholding of
- 33 money belonging to donors or others and received in the conduct
- 34 of business under the certification.
- 35 (5) Fraudulent or dishonest practices in the conduct of business
- 36 under the certification.
- 37 (6) Willful failure to comply with or willful violation of any
- 38 proper order or rule of the commissioner.
- 39 (7) When, in the judgment of the commissioner, the certificate
- 40 holder has, in the conduct of affairs under the certification,
- 41 demonstrated:
- 42 (A) incompetency or untrustworthiness;

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- 1 (B) conduct or practices rendering the certificate holder
- 2 unfit to carry on charitable bail activities or making the
- 3 certificate holder's continuance detrimental to the public
- 4 interest; or
- 5 (C) that the certificate holder is no longer in good faith
- 6 carrying on as a charitable bail organization;
- 7 and for these reasons is found by the commissioner to be a
- 8 source of detriment, injury, or loss to the public.
- 9 (8) The listing of the name of the applicant or certificate holder
- 10 on the most recent tax warrant list supplied to the commissioner
- 11 by the department of state revenue.
- 12 (g) A charitable bail organization must comply with all of the
- 13 following:
- 14 (1) If the charitable bail organization pays, or intends to pay, bail
- 15 for more than three (3) individuals in any one hundred eighty
- 16 (180) day period, the charitable bail organization must be
- 17 certified by the commissioner under this section before soliciting
- 18 or accepting donations for bail for another person, and before
- 19 depositing money for bail for another person.
- 20 (2) A charitable bail organization may not pay bail for a
- 21 defendant who:
- 22 (A) is charged with a crime of violence; or
- 23 (B) is charged with a felony and has a prior conviction for
- 24 a crime of violence.
- 25 (3) A charitable bail organization may not execute a surety bond
- 26 for a defendant.
- 27 (4) A charitable bail organization shall, before paying bail for an
- 28 individual, execute an agreement described in IC 35-33-8-3.2
- 29 allowing the court to retain all or a part of the bail to pay
- 30 publicly paid costs of representation and fines, costs, fees, and
- 31 restitution that the court may order the defendant to pay if the
- 32 defendant is convicted.
- 33 (5) A charitable bail organization may not charge a premium or
- 34 receive any consideration for acting as a charitable bail
- 35 organization.
- 36 (h) All fees collected under this section must be deposited in the
- 37 bail bond enforcement and administration fund created by
- 38 IC 27-10-5-1.
- 39 (i) Any authorized employee of a charitable bail organization may
- 40 only deposit cash bail to the court.
- 41 (j) If an individual fails to appear, the bail shall be forfeited in the
- 42 manner described in IC 35-33-8-7 and the court shall take the steps

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1 described in IC 35-33-8-8.

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

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

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

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

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

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

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

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

27 (1) **Murder (IC 35-42-1-1).**

28 (2) **Attempted murder (IC 35-41-5-1).**

29 (3) **Voluntary manslaughter (IC 35-42-1-3).**

30 (4) **Involuntary manslaughter (IC 35-42-1-4).**

31 (5) **Reckless homicide (IC 35-42-1-5).**

32 (6) **Battery (IC 35-42-2-1) as a felony.**

33 (7) **Domestic battery (IC 35-42-2-1.3) as a felony.**

34 (8) **Aggravated battery (IC 35-42-2-1.5).**

35 (9) **Strangulation (IC 35-42-2-9) as a Level 5 felony.**

36 (10) **Kidnapping (IC 35-42-3-2).**

37 (11) **Rape (IC 35-42-4-1).**

38 (12) **Criminal deviate conduct (IC 35-42-4-2) (before its**  
39 **repeal).**

40 (13) **Child molesting (IC 35-42-4-3).**

41 (14) **Child exploitation as a Level 5 felony under**  
42 **IC 35-42-4-4(b) or a Level 4 felony under IC 35-42-4-4(c).**



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- 1           **(15) Sexual misconduct with a minor as a:**  
 2               **(A) Class A felony under IC 35-42-4-9(a)(2) (for a crime**  
 3               **committed before July 1, 2014);**  
 4               **(B) Class B felony under IC 35-42-4-9(b)(2) (for a crime**  
 5               **committed before July 1, 2014);**  
 6               **(C) Level 1 felony under IC 35-42-4-9(a)(2) (for a crime**  
 7               **committed after June 30, 2014); or**  
 8               **(D) Level 2 felony under IC 35-42-4-9(b)(2) (for a crime**  
 9               **committed after June 30, 2014).**
- 10           **(16) Robbery as a:**  
 11               **(A) Class A felony or Class B felony under IC 35-42-5-1**  
 12               **(for a crime committed before July 1, 2014); or**  
 13               **(B) Level 2 felony or Level 3 felony under IC 35-42-5-1**  
 14               **(for a crime committed after June 30, 2014).**
- 15           **(17) Arson as a:**  
 16               **(A) Class A felony or Class B felony under IC 35-43-1-1**  
 17               **(for a crime committed before July 1, 2014); or**  
 18               **(B) Level 2 felony, Level 3 felony, or Level 4 felony**  
 19               **under IC 35-43-1-1 (for a crime committed after June**  
 20               **30, 2014).**
- 21           **(18) Burglary as a:**  
 22               **(A) Class A felony or Class B felony under IC 35-43-2-1**  
 23               **(for a crime committed before July 1, 2014); or**  
 24               **(B) Level 1 felony, Level 2 felony, Level 3 felony, or**  
 25               **Level 4 felony under IC 35-43-2-1 (for a crime**  
 26               **committed after June 30, 2014).**
- 27           **(19) Escape (IC 35-44.1-3-4) as a Level 5 or higher felony.**  
 28           **(20) Criminal stalking (IC 35-45-10-5) as a Level 5 or higher**  
 29           **felony.**  
 30           **(21) Offenses relating to regulated explosives (IC 35-47.5-5).**  
 31           **(22) Operating a vehicle while intoxicated causing death or**  
 32           **catastrophic injury (IC 9-30-5-5).**  
 33           **(23) Operating a vehicle while intoxicated causing serious**  
 34           **bodily injury to another person (IC 9-30-5-4).**  
 35           **(24) Resisting law enforcement as a felony (IC 35-44.1-3-1).**  
 36           **(25) Unlawful possession of a firearm by a serious violent**  
 37           **felon (IC 35-47-4-5).**  
 38           **(26) Dangerous possession of a firearm by a child**  
 39           **(IC 35-47-10-5), if:**  
 40               **(A) the child has at least two (2) unrelated prior**  
 41               **convictions under IC 35-47-10-5 or IC 35-47-2-1.5**  
 42               **(unlawful carrying of a handgun);**

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- 1 (B) the child has at least two (2) unrelated prior
- 2 delinquency adjudications for an act that would be an
- 3 offense under IC 35-47-10-5 or IC 35-47-2-1.5 (unlawful
- 4 carrying of a handgun); or
- 5 (C) the child has at least one (1) unrelated prior:
- 6 (i) conviction under IC 35-47-10-5 or IC 35-47-2-1.5
- 7 (unlawful carrying of a handgun); and
- 8 (ii) delinquency adjudication for an act that would
- 9 be an offense under IC 35-47-10-5 or IC 35-47-2-1.5
- 10 (unlawful carrying of a handgun).
- 11 (27) Unlawful carrying of a handgun (IC 35-47-2-1.5), if:
- 12 (A) the person has two (2) unrelated prior convictions
- 13 under IC 35-47-2-1.5 or IC 35-47-10-5 (dangerous
- 14 possession of a firearm by a child);
- 15 (B) the person has at least two (2) unrelated prior
- 16 delinquency adjudications for an act that would be an
- 17 offense under IC 35-47-2-1.5 or IC 35-47-10-5
- 18 (dangerous possession of a firearm by a child); or
- 19 (C) the person has at least one (1) unrelated prior:
- 20 (i) conviction under IC 35-47-2-1.5 or IC 35-47-10-5
- 21 (dangerous possession of a firearm by a child); and
- 22 (ii) delinquency adjudication for an act that would
- 23 be an offense under IC 35-47-2-1.5 or IC 35-47-10-5
- 24 (dangerous possession of a firearm by a child).

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

- 29 (1) convicted of an offense or attempted offense under
- 30 ~~IC 35-50-1-2(a); IC 35-42-2-1; IC 35-42-2-1.3; IC 35-43-1-1;~~
- 31 ~~IC 35-44.1-3-4; IC 35-45-10-5; IC 35-47-5-1 (repeated); or~~
- 32 ~~IC 35-47.5-5; that is a crime of violence (as defined in section~~
- 33 ~~79 of this chapter);~~
- 34 (2) charged with an offense or attempted offense listed in
- 35 ~~IC 35-50-1-2(a); IC 35-42-2-1; IC 35-42-2-1.3; IC 35-42-4;~~
- 36 ~~IC 35-43-1-1; IC 35-44.1-3-4; IC 35-45-10-5; IC 35-46-1-3;~~
- 37 ~~IC 35-47-5-1 (repeated); or IC 35-47.5-5; that is a crime of~~
- 38 ~~violence (as defined in section 79 of this chapter); or~~
- 39 (3) a security risk as defined by section 290 of this chapter.

40 SECTION 19. IC 35-33-8-3.4, AS ADDED BY P.L.197-2025,  
 41 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 42 JULY 1, 2026]: Sec. 3.4. (a) This section applies only to a violent

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1 arrestee. or a repeat violent arrestee.

2 (b) The following definitions apply throughout this section:

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

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

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

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

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

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

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

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

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

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

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

30 (A) significant; and

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

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

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

37 (4) The person:

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

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

42 (i) was less than eighteen (18) years of age at the time

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- 1 the person committed the offense; and
- 2 (ii) is not the victim of the offense.
- 3 (5) The person violated a protective order issued against the
- 4 person under IC 34-26-5 (or IC 31-1-11.5, IC 34-26-2, or
- 5 IC 34-4-5.1 before their repeal), a workplace violence restraining
- 6 order issued against the person under IC 34-26-6, or a no contact
- 7 order issued against the person.
- 8 (6) The person has recently violated the conditions of any
- 9 probation, parole, pardon, community corrections placement, or
- 10 pretrial release granted to the person.
- 11 (7) The victim of the offense was:
- 12 (A) a person with a disability (as defined in IC 27-7-6-12),
- 13 and the defendant knew or should have known that the
- 14 victim was a person with a disability; or
- 15 (B) mentally or physically infirm.
- 16 (8) The person was in a position having care, custody, or control
- 17 of the victim of the offense.
- 18 (9) The injury to or death of the victim of the offense was the
- 19 result of shaken baby syndrome (as defined in IC 16-41-40-2) or
- 20 abusive head trauma.
- 21 (10) The person threatened to harm the victim of the offense or
- 22 a witness if the victim or witness told anyone about the offense.
- 23 (11) The person:
- 24 (A) committed trafficking with an inmate under
- 25 IC 35-44.1-3-5; and
- 26 (B) is an employee of the penal facility.
- 27 (12) The person committed the offense with bias due to the
- 28 victim's or the group's real or perceived characteristic, trait,
- 29 belief, practice, association, or other attribute the court chooses
- 30 to consider, including but not limited to an attribute described in
- 31 IC 10-13-3-1.
- 32 (13) The person is or has been an alien (as defined by 8 U.S.C.
- 33 1101(a)) unlawfully present in the United States. A
- 34 determination by the United States Department of Homeland
- 35 Security that an alien has come to, entered, or remained in the
- 36 United States in violation of law is evidence that the alien is or
- 37 has been unlawfully present in the United States.
- 38 (14) The offense involved dealing in a controlled substance
- 39 under IC 35-48-4 and the person distributed the controlled
- 40 substance to at least three (3) different individuals in a one
- 41 hundred eighty (180) day period.
- 42 (b) The court may consider the following factors as mitigating

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1 circumstances or as favoring suspending the sentence and imposing  
2 probation:

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

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

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

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

10 (5) The person acted under strong provocation.

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

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

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

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

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

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

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

31 (A) requested emergency medical assistance; or

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

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

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

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

42 (15) The offense involved a controlled substance under

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1 IC 35-48-4 and the person:  
 2 (A) sought treatment:  
 3 (i) in the three hundred sixty-five (365) day period  
 4 preceding the date of the commission of the offense; or  
 5 (ii) on or after the date on which the person committed  
 6 the offense, but before sentencing; and  
 7 (B) successfully completed treatment:  
 8 (i) in the three hundred sixty-five (365) day period  
 9 preceding the date of the commission of the offense; or  
 10 (ii) on or after the date on which the person committed  
 11 the offense, but before sentencing.  
 12 (c) The criteria listed in subsections (a) and (b) do not limit the  
 13 matters that the court may consider in determining the sentence.  
 14 (d) A court may impose any sentence that is:  
 15 (1) authorized by statute; and  
 16 (2) permissible under the Constitution of the State of Indiana;  
 17 regardless of the presence or absence of aggravating circumstances or  
 18 mitigating circumstances.  
 19 (e) If a court suspends a sentence and orders probation for a person  
 20 described in subsection (b)(13), the court may require the person to  
 21 receive treatment for the person's injuries.  
 22 SECTION 21. IC 35-38-1-17, AS AMENDED BY P.L.148-2024,  
 23 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 24 JULY 1, 2026]: Sec. 17. (a) Notwithstanding IC 1-1-5.5-21, this section  
 25 applies to a person who:  
 26 (1) commits an offense; or  
 27 (2) is sentenced;  
 28 before July 1, 2014.  
 29 (b) This section does not apply to a credit restricted felon.  
 30 (c) Except as provided in subsections (k) and (m), this section does  
 31 not apply to a violent criminal.  
 32 (d) As used in this section, "violent criminal" means a person  
 33 convicted of a **crime of violence (as defined in IC 35-31.5-2-79)**. any  
 34 of the following offenses:  
 35 (1) ~~Murder (IC 35-42-1-1)~~.  
 36 (2) ~~Attempted murder (IC 35-41-5-1)~~.  
 37 (3) ~~Voluntary manslaughter (IC 35-42-1-3)~~.  
 38 (4) ~~Involuntary manslaughter (IC 35-42-1-4)~~.  
 39 (5) ~~Reckless homicide (IC 35-42-1-5)~~.  
 40 (6) ~~Aggravated battery (IC 35-42-2-1.5)~~.  
 41 (7) ~~Kidnapping (IC 35-42-3-2)~~.  
 42 (8) ~~Rape (IC 35-42-4-1)~~.

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- 1           (9) Criminal deviate conduct (IC 35-42-4-2) (before its repeal);  
 2           (10) Child molesting (IC 35-42-4-3);  
 3           (11) Sexual misconduct with a minor as a Class A felony under  
 4           IC 35-42-4-9(a)(2) or a Class B felony under IC 35-42-4-9(b)(2)  
 5           (for a crime committed before July 1, 2014) or sexual  
 6           misconduct with a minor as a Level 1 felony under  
 7           IC 35-42-4-9(a)(2) or a Level 2 felony under IC 35-42-4-9(b)(2)  
 8           (for a crime committed after June 30, 2014);  
 9           (12) Robbery as a Class A felony or a Class B felony  
 10           (IC 35-42-5-1) (for a crime committed before July 1, 2014) or  
 11           robbery as a Level 2 felony or a Level 3 felony (IC 35-42-5-1)  
 12           (for a crime committed after June 30, 2014);  
 13           (13) Burglary as Class A felony or a Class B felony  
 14           (IC 35-43-2-1) (for a crime committed before July 1, 2014) or  
 15           burglary as a Level 1 felony; Level 2 felony; Level 3 felony; or  
 16           Level 4 felony (IC 35-43-2-1) (for a crime committed after June  
 17           30, 2014);  
 18           (14) Unlawful possession of a firearm by a serious violent felon  
 19           (IC 35-47-4-5);  
 20           (e) At any time after:  
 21                (1) a convicted person begins serving the person's sentence; and  
 22                (2) the court obtains a report from the department of correction  
 23                concerning the convicted person's conduct while imprisoned;  
 24           the court may reduce or suspend the sentence and impose a sentence  
 25           that the court was authorized to impose at the time of sentencing.  
 26           However, if the convicted person was sentenced under the terms of a  
 27           plea agreement, the court may not, without the consent of the  
 28           prosecuting attorney, reduce or suspend the sentence and impose a  
 29           sentence not authorized by the plea agreement. The court must  
 30           incorporate its reasons in the record.  
 31           (f) If the court sets a hearing on a petition under this section, the  
 32           court must give notice to the prosecuting attorney and the prosecuting  
 33           attorney must give notice to the victim (as defined in IC 35-31.5-2-348)  
 34           of the crime for which the convicted person is serving the sentence.  
 35           (g) The court may suspend a sentence for a felony under this  
 36           section only if suspension is permitted under IC 35-50-2-2.2, or, if  
 37           applicable, IC 35-50-2-2 (repealed).  
 38           (h) The court may deny a request to suspend or reduce a sentence  
 39           under this section without making written findings and conclusions.  
 40           (i) The court is not required to conduct a hearing before reducing  
 41           or suspending a sentence under this section if:  
 42                (1) the prosecuting attorney has filed with the court an

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- 1 agreement of the reduction or suspension of the sentence; and  
 2 (2) the convicted person has filed with the court a waiver of the  
 3 right to be present when the order to reduce or suspend the  
 4 sentence is considered.
- 5 (j) This subsection applies only to a convicted person who is not  
 6 a violent criminal. A convicted person who is not a violent criminal  
 7 may file a petition for sentence modification under this section:  
 8 (1) not more than one (1) time in any three hundred sixty-five  
 9 (365) day period; and  
 10 (2) a maximum of two (2) times during any consecutive period  
 11 of incarceration;  
 12 without the consent of the prosecuting attorney.
- 13 (k) This subsection applies to a convicted person who is a violent  
 14 criminal. Except as provided in subsection (n), a convicted person who  
 15 is a violent criminal may, not later than three hundred sixty-five (365)  
 16 days from the date of sentencing, file one (1) petition for sentence  
 17 modification under this section without the consent of the prosecuting  
 18 attorney. After the elapse of the three hundred sixty-five (365) day  
 19 period, a violent criminal may not file a petition for sentence  
 20 modification without the consent of the prosecuting attorney.
- 21 (l) A person may not waive the right to sentence modification  
 22 under this section as part of a plea agreement. Any purported waiver of  
 23 the right to sentence modification under this section in a plea  
 24 agreement is invalid and unenforceable as against public policy. This  
 25 subsection does not prohibit the finding of a waiver of the right to:  
 26 (1) have a court modify a sentence and impose a sentence not  
 27 authorized by the plea agreement, as described under subsection  
 28 (e); or  
 29 (2) sentence modification for any other reason, including failure  
 30 to comply with the provisions of this section.
- 31 (m) Notwithstanding subsection (k), a person who commits an  
 32 offense after June 30, 2014, and before May 15, 2015, may file one (1)  
 33 petition for sentence modification without the consent of the  
 34 prosecuting attorney, even if the person has previously filed a petition  
 35 for sentence modification.
- 36 (n) A person sentenced in a criminal court having jurisdiction over  
 37 an offense committed when the person was less than eighteen (18)  
 38 years of age may file an additional petition for sentence modification  
 39 under this section without the consent of the prosecuting attorney if the  
 40 person has served at least:  
 41 (1) fifteen (15) years of the person's sentence, if the person is not  
 42 serving a sentence for murder; or

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1 (2) twenty (20) years of the person's sentence, if the person is  
 2 serving a sentence for murder.  
 3 The time periods described in this subsection are computed on the  
 4 basis of time actually served and do not include any reduction applied  
 5 for good time credit or educational credit time.  
 6 SECTION 22. IC 35-38-2.7-2, AS AMENDED BY P.L.22-2025,  
 7 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 8 JULY 1, 2026]: Sec. 2. (a) A supervising agency must do the  
 9 following:  
 10 (1) Except as provided in subdivision (2), an employee or  
 11 contract employee of a supervising agency must provide  
 12 notification to the supervising agency as soon as possible, but  
 13 not later than twelve (12) hours, after:  
 14 (A) the monitoring device of a tracked individual suffers an  
 15 unexplained or undocumented loss of communication with  
 16 the employee, and the employee is unable to verify the  
 17 tracked individual's presence at an approved location by  
 18 using a backup verification method, if applicable;  
 19 (B) a tracked individual enters a prohibited exclusion zone;  
 20 or  
 21 (C) a tracked individual removes, disables, or otherwise  
 22 interferes with a monitoring device.  
 23 (2) An employee or contract employee of a supervising agency  
 24 who is required to provide a notification to the supervising  
 25 agency under subdivision (1) with respect to a tracked individual  
 26 who is placed on electronic monitoring due to being charged  
 27 with or convicted of:  
 28 (A) a crime of violence (as defined in ~~IC 35-50-1-2(a)~~;  
 29 **IC 35-31.5-2-79**); or  
 30 (B) a crime of domestic or sexual violence (as defined in  
 31 IC 16-18-2-88.5);  
 32 shall provide the notification as soon as possible, but not later  
 33 than fifteen (15) minutes, after the occurrence of an event  
 34 described in subdivision (1)(A) through (1)(C). In addition, if the  
 35 tracked individual has committed or is alleged to have  
 36 committed a crime against a vulnerable victim, the supervising  
 37 agency shall notify the vulnerable victim and request local law  
 38 enforcement to conduct a welfare check on the vulnerable victim  
 39 in accordance with the protocol developed by the supervising  
 40 agency under subdivision (5).  
 41 (3) Verify in person the location of each tracked individual  
 42 placed on electronic monitoring due to being charged with or

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1 convicted of:

2 (A) a crime of violence (as defined in ~~IC 35-50-1-2(a)~~;

3 **IC 35-31.5-2-79**); or

4 (B) a crime of domestic or sexual violence (as defined in

5 IC 16-18-2-88.5);

6 by making one (1) scheduled in person contact and one (1)

7 unannounced in person contact with the individual in every thirty

8 (30) day period.

9 (4) Establish conditions relating to approved and unapproved

10 locations for each tracked individual under the supervising

11 agency's supervision.

12 (5) Develop and establish a protocol for the supervising agency

13 to use in contacting a vulnerable victim and local law

14 enforcement with respect to a violation by a tracked individual.

15 (6) Develop and publish a policy prohibiting certain

16 relationships between a tracked individual and a supervising

17 agency and employees of a supervising agency, including:

18 (A) personal associations and relationships; and

19 (B) business relationships.

20 (7) Develop or approve detailed contingency plans for the

21 supervising agency's operation in case of natural disaster, power

22 outage, loss of telephone service, fire, flood, equipment

23 malfunction, death, incapacitation, or personal emergency of an

24 employee of a supervising agency, and, in the case of a

25 supervising agency's contract with a third party contractor, the

26 financial insolvency of the third party contractor.

27 (8) Specify a backup verification method for a tracked individual

28 if there is reason to believe that the tracked individual's

29 monitoring device may lose communication with the supervising

30 agency at an approved location. However, a supervising agency

31 has the discretion to establish a backup verification method for

32 any tracked individual regardless of whether the supervising

33 agency has reason to believe that the monitoring device may lose

34 communication at an approved location.

35 (b) Beginning January 1, 2023, a supervising agency must transmit

36 a quarterly report to the local justice reinvestment advisory council

37 (established by IC 33-38-9.5-4) that includes information concerning:

38 (1) the total number of tracked individuals under supervision

39 during the quarter, whether they are under pretrial, or

40 postdisposition, supervision, and the highest level of offense they

41 are facing or have been convicted of;

42 (2) the number of tracked individuals on active supervision at

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- 1 the end of the quarter and the number of supervision staff at the  
 2 end of the quarter;  
 3 (3) the total costs and fees levied and collected;  
 4 (4) the number of tracked individuals under supervision whose  
 5 supervision has been terminated and the reason for termination;  
 6 and  
 7 (5) the number of device malfunctions in the case of each  
 8 tracked individual under supervision.

9 The report must be submitted to the local justice reinvestment advisory  
 10 council not later than fifteen (15) calendar days after the close of each  
 11 quarter. In addition, the division of parole services shall report directly  
 12 to the statewide justice reinvestment advisory council each quarter. The  
 13 local justice reinvestment advisory council shall transmit each report  
 14 electronically to the statewide justice reinvestment advisory council  
 15 (established by IC 33-38-9.5-2) as directed, which shall publish a  
 16 report quarterly. The statewide justice reinvestment advisory council  
 17 shall compile the quarterly reports published under this subsection and  
 18 electronically transmit an annual report to the legislative council and  
 19 to the judicial conference of Indiana not later than May 1 of each year.  
 20 The report to the legislative council must be in an electronic format  
 21 under IC 5-14-6.

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

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

33 (2) sixty (60) minutes after a warrant has been issued for a  
 34 tracked individual to whom this subsection applies, a local law  
 35 enforcement agency shall dispatch a law enforcement officer to  
 36 apprehend the tracked individual.

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

42 (1) sixty (60) minutes after a warrant has been issued for a

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1 tracked individual to whom this subsection applies, a local law  
2 enforcement agency shall transmit details of the warrant to all  
3 active units; and

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

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

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

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

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

18 (b) The state shall provide to the court a confidential document  
19 identifying the victims named in the court documents.

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

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

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

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

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

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

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

30 (A) ~~Level 2 felony;~~

31 (B) ~~Level 3 felony;~~

32 (C) ~~Level 4 felony; or~~

33 (D) ~~Level 5 felony;~~

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

35 (A) ~~Level 2 felony;~~

36 (B) ~~Level 3 felony;~~

37 (C) ~~Level 4 felony; or~~

38 (D) ~~Level 5 felony;~~

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

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

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

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

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- 1 (12) Child molesting (IC 35-42-4-3).  
 2 (13) Sexual misconduct with a minor as a Level 1 felony under  
 3 IC 35-42-4-9(a)(2) or a Level 2 felony under IC 35-42-4-9(b)(2).  
 4 (14) Robbery as a Level 2 felony or a Level 3 felony  
 5 (IC 35-42-5-1).  
 6 (15) Burglary as a Level 1 felony, Level 2 felony, Level 3 felony,  
 7 or Level 4 felony (IC 35-43-2-1).  
 8 (16) Operating a vehicle while intoxicated causing death or  
 9 catastrophic injury (IC 9-30-5-5).  
 10 (17) Operating a vehicle while intoxicated causing serious bodily  
 11 injury to another person (IC 9-30-5-4).  
 12 (18) Child exploitation as a Level 5 felony under  
 13 IC 35-42-4-4(b) or a Level 4 felony under IC 35-42-4-4(c).  
 14 (19) Resisting law enforcement as a felony (IC 35-44.1-3-1).  
 15 (20) Unlawful possession of a firearm by a serious violent felon  
 16 (IC 35-47-4-5).  
 17 (21) Strangulation (IC 35-42-2-9) as a Level 5 felony.  
 18 (b) As used in this section, "episode of criminal conduct" means  
 19 offenses or a connected series of offenses that are closely related in  
 20 time, place, and circumstance.  
 21 (c) Except as provided in subsection (e) or (f) the court shall  
 22 determine whether terms of imprisonment shall be served concurrently  
 23 or consecutively. The court may consider the:  
 24 (1) aggravating circumstances in IC 35-38-1-7.1(a); and  
 25 (2) mitigating circumstances in IC 35-38-1-7.1(b);  
 26 in making a determination under this subsection. The court may order  
 27 terms of imprisonment to be served consecutively even if the sentences  
 28 are not imposed at the same time. However, except for crimes of  
 29 violence, the total of the consecutive terms of imprisonment, exclusive  
 30 of terms of imprisonment under IC 35-50-2-8 and IC 35-50-2-10  
 31 (before its repeal) to which the defendant is sentenced for felony or  
 32 misdemeanor convictions arising out of an episode of criminal conduct  
 33 shall not exceed the period described in subsection (d).  
 34 (d) Except as provided in subsection (c), the total of the  
 35 consecutive terms of imprisonment to which the defendant is sentenced  
 36 for convictions arising out of an episode of criminal conduct may not  
 37 exceed the following:  
 38 (1) If the most serious crime for which the defendant is  
 39 sentenced is a Class C misdemeanor, the total of the consecutive  
 40 terms of imprisonment may not exceed one (1) year.  
 41 (2) If the most serious crime for which the defendant is  
 42 sentenced is a Class B misdemeanor, the total of the consecutive

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1 terms of imprisonment may not exceed two (2) years.  
 2 (3) If the most serious crime for which the defendant is  
 3 sentenced is a Class A misdemeanor, the total of the consecutive  
 4 terms of imprisonment may not exceed three (3) years.  
 5 (4) If the most serious crime for which the defendant is  
 6 sentenced is a Level 6 felony, the total of the consecutive terms  
 7 of imprisonment may not exceed four (4) years.  
 8 (5) If the most serious crime for which the defendant is  
 9 sentenced is a Level 5 felony, the total of the consecutive terms  
 10 of imprisonment may not exceed seven (7) years.  
 11 (6) If the most serious crime for which the defendant is  
 12 sentenced is a Level 4 felony, the total of the consecutive terms  
 13 of imprisonment may not exceed fifteen (15) years.  
 14 (7) If the most serious crime for which the defendant is  
 15 sentenced is a Level 3 felony, the total of the consecutive terms  
 16 of imprisonment may not exceed twenty (20) years.  
 17 (8) If the most serious crime for which the defendant is  
 18 sentenced is a Level 2 felony, the total of the consecutive terms  
 19 of imprisonment may not exceed thirty-two (32) years.  
 20 (9) If the most serious crime for which the defendant is  
 21 sentenced is a Level 1 felony, the total of the consecutive terms  
 22 of imprisonment may not exceed forty-two (42) years.  
 23 (e) If, after being arrested for one (1) crime, a person commits  
 24 another crime:  
 25 (1) before the date the person is discharged from probation,  
 26 parole, or a term of imprisonment imposed for the first crime; or  
 27 (2) while the person is released:  
 28 (A) upon the person's own recognizance; or  
 29 (B) on bond;  
 30 the terms of imprisonment for the crimes shall be served consecutively,  
 31 regardless of the order in which the crimes are tried and sentences are  
 32 imposed.  
 33 (f) If the factfinder determines under IC 35-50-2-11 that a person  
 34 used a firearm in the commission of the offense for which the person  
 35 was convicted, the term of imprisonment for the underlying offense and  
 36 the additional term of imprisonment imposed under IC 35-50-2-11  
 37 must be served consecutively.  
 38 SECTION 26. IC 35-50-2-1.3, AS AMENDED BY P.L.109-2015,  
 39 SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 40 JULY 1, 2026]: Sec. 1.3. (a) For purposes of this chapter, "advisory  
 41 sentence" means a guideline sentence that the court may voluntarily  
 42 consider when imposing a sentence.

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

3 (c) In imposing:

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

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

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

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

17 SECTION 27. IC 35-50-6-1, AS AMENDED BY P.L.20-2023,  
18 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
19 JULY 1, 2026]: Sec. 1. (a) Except as provided in subsection (d) or (e),  
20 when a person imprisoned for a felony completes the person's term of  
21 imprisonment, less the credit time the person has earned with respect  
22 to that term, the person shall be:

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

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

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

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

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

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

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

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

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

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

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

20 (e) This subsection applies to a person who:

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

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

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

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

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1 location, if applicable.

2 (g) If a person being supervised on lifetime parole as described in

3 subsection (e) is also required to be supervised by a court, a probation

4 department, a community corrections program, a community transition

5 program, or another similar program upon the person's release from

6 imprisonment, the parole board may:

7 (1) supervise the person while the person is being supervised by

8 the other supervising agency; or

9 (2) permit the other supervising agency to exercise all or part of

10 the parole board's supervisory responsibility during the period in

11 which the other supervising agency is required to supervise the

12 person, if supervision by the other supervising agency will be, in

13 the opinion of the parole board:

14 (A) at least as stringent; and

15 (B) at least as effective;

16 as supervision by the parole board.

17 (h) The parole board is not required to supervise a person on

18 lifetime parole during any period in which the person is imprisoned.

19 However, upon the person's release from imprisonment, the parole

20 board shall recommence its supervision of a person on lifetime parole.

21 (i) If a court orders the parole board to place a sexually violent

22 predator whose sentence does not include a commitment to the

23 department of correction on lifetime parole under IC 35-38-1-29, the

24 parole board shall place the sexually violent predator on lifetime parole

25 and supervise the person in the same manner in which the parole board

26 supervises a sexually violent predator on lifetime parole whose

27 sentence includes a commitment to the department of correction.

28 (j) Time served while confined to a jail or prison does not count

29 toward time served on parole.

30 SECTION 28. IC 36-1-26-4, AS ADDED BY P.L.182-2018,

31 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

32 JULY 1, 2026]: Sec. 4. (a) Not later than November 1, 2018, a unit

33 shall revise its licensing requirements to the extent necessary to

34 explicitly list the crimes that will disqualify an individual from

35 receiving a license required by the unit. The unit may not:

36 (1) use nonspecific terms, such as moral turpitude or good

37 character, as a licensing requirement; or

38 (2) consider an arrest that does not result in a conviction.

39 (b) A unit's use of an individual's conviction of a crime as a

40 disqualifying criminal conviction is limited to a crime that is

41 specifically and directly related to the duties and responsibilities of the

42 occupation or profession for which the individual is applying for or

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1 holds a license.

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

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

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

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

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

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

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

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

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

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

31 (1) A copy of every interoperability agreement entered into or  
32 renewed in the past year.

33 (2) A list of all:

34 (A) Part One crimes (based on the reporting methodology  
35 of the Federal Bureau of Investigation); and

36 (B) crimes of violence (as defined in ~~IC 35-50-1-2(a)~~;  
37 **IC 35-31.5-2-79**);

38 committed in the downtown district within the previous five (5)  
39 years.

40 (3) The crime clearance rates for each crime described in  
41 subdivision (2).

42 (4) A list of every major event that took place in the downtown

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- 1 district within the previous year.
- 2 (5) The number of times a law enforcement agency made a
- 3 referral to, or requested assistance from, a social worker or
- 4 mental health services provider (including a provider who
- 5 specializes in addiction services).
- 6 (6) A completed crime perception survey for the previous year
- 7 (based on the survey prepared by Downtown Indy, Inc.).

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