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# HOUSE BILL No. 1258

Proposed Changes to January 23, 2026 printing by AM125801

## DIGEST OF PROPOSED AMENDMENT

Firearms. Adds: (1) dangerous possession of a firearm by a child with two priors; and (2) unlawful carrying of a handgun with two priors; to the crimes of violence list. Makes a technical correction.

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).
- 18 (c) This section does not apply to a crime that contains a specific
- 19 lookback period for a prior conviction or judgment for an infraction.
- 20 (d) Subject to subsection (e), and except as provided in subsection

HB 1258—LS 6822/DI 151



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1 (f), a prior conviction or a prior judgment for an infraction increases the  
 2 class or level of the crime, the penalty for the crime from a  
 3 misdemeanor to a felony, or the penalty for an infraction to a  
 4 misdemeanor or felony only if the current crime was committed not  
 5 later than twelve (12) years from the date the defendant was:

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

11 whichever occurred last.

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

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

22 whichever occurred last.

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

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

39 (g) If there is a conflict between a provision in this section and  
 40 another provision of the Indiana Code, this section controls.

41 SECTION 2. IC 2-8.2-2-5.5, AS ADDED BY P.L.41-2025,  
 42 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

HB 1258—LS 6822/DI 151



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1 JULY 1, 2026]: Sec. 5.5. "Crime of moral turpitude" means the  
2 following:

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

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

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

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

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

- 40 (1) to be discharged from imprisonment;
- 41 (2) to be released on parole under IC 35-50-6-1;
- 42 (3) to have a parole release hearing under this chapter;

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HB 1258—LS 6822/DI 151



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

HB 1258—LS 6822/DI 151



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

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

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

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

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

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

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

HB 1258—LS 6822/DI 151



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

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

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

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

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

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

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

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

42 (n) The board shall conduct the community investigation described

**HB 1258—LS 6822/DI 151**



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- 1 in subsection (m) if:
- 2 (1) the person was convicted of a crime of violence (as defined
- 3 in ~~IC 35-50-1-2~~; IC 35-31.5-2-79); or
- 4 (2) the person is a sex offender (as defined in IC 11-8-8-4.5).
- 5 (o) As used in this section, "victim" means a person who has
- 6 suffered direct harm as a result of a violent crime (as defined in
- 7 IC 5-2-6.1-8).
- 8 SECTION 4. IC 11-13-9-1, AS ADDED BY P.L.119-2008,
- 9 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 10 JULY 1, 2026]: Sec. 1. This chapter does not apply to the following:
- 11 (1) An inmate who receives a sentence of death or life without
- 12 parole under IC 35-50-2.
- 13 (2) An inmate who has committed an offense described in
- 14 IC 11-8-8-4.5.
- 15 (3) A person convicted of a crime of violence (as defined in
- 16 ~~IC 35-50-1-2~~; IC 35-31.5-2-79).
- 17 SECTION 5. IC 16-27-2-3, AS AMENDED BY P.L.171-2025,
- 18 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 19 JULY 1, 2026]: Sec. 3. (a) Except as provided in subsection (c), a
- 20 person may not operate a home health agency or a personal services
- 21 agency if the person has been convicted of any of the following:
- 22 (1) A sex crime (IC 35-42-4).
- 23 (2) Exploitation of an endangered adult (IC 35-46-1-12).
- 24 (3) Failure to report battery, neglect, or exploitation of an
- 25 endangered adult (IC 35-46-1-13).
- 26 (4) Theft, conversion, or receiving stolen property (IC 35-43-4),
- 27 if the conviction is a:
- 28 (A) felony conviction that occurred less than ten (10) years;
- 29 or
- 30 (B) misdemeanor conviction that occurred less than five (5)
- 31 years;
- 32 before the date of submission by the person of an application for
- 33 licensure as a home health agency under IC 16-27-1 or as a
- 34 personal services agency under IC 16-27-4.
- 35 (5) Identity deception (IC 35-43-5-3.5), if the conviction is a:
- 36 (A) felony conviction that occurred less than ten (10) years;
- 37 or
- 38 (B) misdemeanor conviction that occurred less than five (5)
- 39 years;
- 40 before the person's employment application date.
- 41 (6) Fraud (IC 35-43-5-4), if the conviction is a:
- 42 (A) felony conviction that occurred less than ten (10) years;

HB 1258—LS 6822/DI 151



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

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HB 1258—LS 6822/DI 151



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- 1 before the person's employment application date.
- 2 (E) Identity deception (IC 35-43-5-3.5), if the conviction is
- 3 a:
- 4 (i) felony conviction that occurred less than ten (10)
- 5 years; or
- 6 (ii) misdemeanor conviction that occurred less than
- 7 five (5) years;
- 8 before the person's employment application date.
- 9 (F) Fraud (IC 35-43-5-4), if the conviction is a:
- 10 (i) felony conviction that occurred less than ten (10)
- 11 years; or
- 12 (ii) misdemeanor conviction that occurred less than
- 13 five (5) years;
- 14 before the person's employment application date.
- 15 (G) Murder (IC 35-42-1-1).
- 16 (H) Voluntary manslaughter (IC 35-42-1-3).
- 17 (I) Except as provided in this section, a crime of violence
- 18 (as defined in ~~IC 35-50-1-2~~, IC 35-31.5-2-79), if the
- 19 person's conviction occurred less than ten (10) years before
- 20 the person's employment application date.
- 21 (J) Felony battery within the previous five (5) years.
- 22 (K) A felony offense relating to controlled substances
- 23 within the previous five (5) years.
- 24 (2) The person:
- 25 (A) has abused, neglected, or mistreated a patient or
- 26 misappropriated a patient's property; and
- 27 (B) had a finding entered into the state nurse aide registry.
- 28 (b) A person who knowingly or intentionally applies for a job as
- 29 a home health aide or other unlicensed employee at:
- 30 (1) a home health agency;
- 31 (2) a health care facility; or
- 32 (3) an entity in the business of contracting to provide home
- 33 health aides or other unlicensed employees for a health care
- 34 facility;
- 35 after a conviction of one (1) or more of the offenses listed in subsection
- 36 (a)(1) commits a Class A infraction.
- 37 (c) A home health agency or personal services agency may not
- 38 employ a person to provide services in a patient's or client's temporary
- 39 or permanent residence for more than twenty-one (21) calendar days
- 40 without receipt of that person's national criminal history background
- 41 check or expanded criminal history check required by section 4 of this
- 42 chapter, unless the state police department, the Federal Bureau of

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HB 1258—LS 6822/DI 151



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1 Investigation under IC 10-13-3-39, or the private agency providing the  
2 expanded criminal history check is responsible for failing to provide  
3 the person's national criminal history background check or expanded  
4 criminal history check to the home health agency or personal services  
5 agency within the time required under this subsection.

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

9 (1) has a misdemeanor conviction under subsection (a)(1)(D)(ii)  
10 or (a)(1)(E)(ii); and

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

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

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

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

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

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

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

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

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

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

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

40 (I) Except as otherwise specified in this section, a crime of  
41 violence (as defined in ~~IC 35-50-1-2~~; IC 35-31.5-2-79), if  
42 the person's conviction occurred less than ten (10) years

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HB 1258—LS 6822/DI 151



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

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HB 1258—LS 6822/DI 151



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

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HB 1258—LS 6822/DI 151



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- 1 certification.
- 2 (f) If an individual has a conviction of concern, the period of
- 3 disqualification may not exceed five (5) years after the date of the
- 4 conviction, unless the individual:
  - 5 (1) was convicted of a crime of violence (as defined by
  - 6 ~~IC 35-50-1-2(a)~~; IC 35-31.5-2-79);
  - 7 (2) was convicted of an offense relating to a criminal sexual act
  - 8 (as defined by IC 35-31.5-2-216); or
  - 9 (3) is convicted of a second or subsequent crime during the
  - 10 disqualification period.
- 11 (g) An individual having a conviction of concern may at any time
- 12 petition a board, commission, or committee requiring a license or
- 13 certificate for a determination as to whether the individual's conviction
- 14 of concern will disqualify the individual from receiving the license or
- 15 certification. An individual filing a petition under this subsection shall
- 16 submit the following:
  - 17 (1) At no expense to the state, a national criminal background
  - 18 check by the Federal Bureau of Investigation.
  - 19 (2) Any additional information requested by the board,
  - 20 commission, or committee to assist the board, commission, or
  - 21 committee in its review of the individual's petition.
- 22 (h) If an individual has a conviction of concern, the board,
- 23 commission, or committee shall consider the following in determining
- 24 whether to deny a license or certification to the individual based on the
- 25 following factors:
  - 26 (1) The nature and seriousness of the crime for which the
  - 27 individual was convicted.
  - 28 (2) The passage of time since the commission of the crime.
  - 29 (3) The relationship of the crime to the ability, capacity, and
  - 30 fitness required to perform the duties and discharge the
  - 31 responsibilities of the occupation.
  - 32 (4) Evidence of rehabilitation or treatment undertaken by the
  - 33 individual that might mitigate against a direct relation to the
  - 34 ability, capacity, and fitness required to perform the duties and
  - 35 discharge the responsibilities of the occupation.
- 36 (i) If a board, commission, or committee determines an
- 37 individual's conviction of concern disqualifies the individual from
- 38 receiving a license or certification solely or in part because of the
- 39 individual's criminal history, the board, commission, or committee shall
- 40 notify the individual in writing of the following:
  - 41 (1) The grounds and reasons for the denial or disqualification.
  - 42 (2) The individual has the right to a hearing to challenge the

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HB 1258—LS 6822/DI 151



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- 1 licensing authority's decision.
- 2 (3) The earliest date the individual may reapply for a license or
- 3 certification or the earliest date the individual can petition the
- 4 board, commission, or committee for a review.
- 5 (4) Evidence of rehabilitation may be considered upon
- 6 reapplication.
- 7 (5) Findings for each of the factors specified in subdivisions (1)
- 8 through (4).

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

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

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

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

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

- 37 The term includes:
- 38 (1) gathering information through structured interview screens
  - 39 using routine protocols;
  - 40 (2) reviewing assessment findings to assist in the development
  - 41 of a plan individualized for treatment services and to coordinate
  - 42 services;

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- 1 (3) referring for assessment, diagnosis, evaluation, and mental
- 2 health therapy;
- 3 (4) providing client and family education related to addictions;
- 4 (5) providing information on social networks and community
- 5 systems for referrals and discharge planning;
- 6 (6) participating in multidisciplinary treatment team meetings or
- 7 consulting with clinical addiction professionals;
- 8 (7) counseling, through individual and group counseling, as well
- 9 as group and family education, to treat addiction and substance
- 10 abuse in a variety of settings, including:
- 11 (A) mental and physical health facilities; and
- 12 (B) child and family service agencies; and
- 13 (8) maintaining the highest level of professionalism and ethical
- 14 responsibility.
- 15 (b) The term does not include the use of psychotherapy or
- 16 diagnosis (as defined in IC 25-22.5-1-1.1(c) or as defined as the
- 17 practice of psychology under IC 25-33-1-2(a)).
- 18 (c) For an individual who obtains a license as an addiction
- 19 counselor by:
- 20 (1) holding a valid:
- 21 (A) level II or higher certification or the equivalent
- 22 certification from a credentialing agency approved by the
- 23 division of mental health and addiction; or
- 24 (B) certification as an addiction counselor or addiction
- 25 therapist from a credentialing agency that is approved by
- 26 the board;
- 27 (2) having at least ten (10) years of experience in addiction
- 28 counseling;
- 29 (3) furnishing satisfactory evidence to the board that the
- 30 individual does not have:
- 31 (A) a conviction for a crime of violence (as defined in
- 32 ~~IC 35-50-1-2~~; IC 35-31.5-2-79); or
- 33 (B) a conviction in the previous two (2) years that has a
- 34 direct bearing on the individual's ability to practice
- 35 competently; and
- 36 (4) filing an initial application with the board before July 1,
- 37 2010;
- 38 the term includes the provision of addiction counseling services in
- 39 private practice in consultation with other licensed professionals as
- 40 required by the client's individualized treatment plan.
- 41 SECTION 11. IC 25-23.6-10.5-1, AS AMENDED BY
- 42 P.L.142-2020, SECTION 28, IS AMENDED TO READ AS

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HB 1258—LS 6822/DI 151



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1 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. An individual who  
2 applies for a license as an addiction counselor must meet the following  
3 requirements:

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

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

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

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

15 (B) completed the educational requirements under section  
16 5 of this chapter; and

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

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

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

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

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

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

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

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

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

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

42 (i) an eligible postsecondary educational institution

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HB 1258—LS 6822/DI 151



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

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HB 1258—LS 6822/DI 151



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1 counseling, addiction therapy, or a related area as  
 2 determined by the board from an eligible postsecondary  
 3 educational institution that meets the requirements under  
 4 section 4(a)(1) of this chapter or from a foreign school that  
 5 has a program of study that meets the requirements under  
 6 section 4(a)(2) or 4(a)(3) of this chapter;  
 7 (B) completed the educational requirements under section  
 8 6 of this chapter; and  
 9 (C) completed the experience requirements under section 8  
 10 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 a clinical  
 21 addiction counselor without endangering the public.

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

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

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

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

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

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

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

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

42 (2) Furnish satisfactory evidence to the board that the individual

HB 1258—LS 6822/DI 151



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- 1 does not have a:
- 2 (A) conviction for a crime of violence (as defined in
- 3 ~~IC 35-50-1-2~~; IC 35-31.5-2-79); or
- 4 (B) conviction in the previous two (2) years that has a direct
- 5 bearing on the individual's ability to practice competently.
- 6 (3) Furnish satisfactory evidence to the board that the individual
- 7 has not been the subject of a disciplinary action by a licensing or
- 8 certification agency of another state or jurisdiction on the
- 9 grounds that the individual was not able to practice as a clinical
- 10 addiction counselor associate without endangering the public.
- 11 (4) Pass an examination established by the board.
- 12 (5) Pay the fee established by the board.

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

- 17 (1) "Charitable bail organization" means a business entity, or a  
 18 nonprofit organization under:
- 19 (A) the Internal Revenue Code; or
- 20 (B) Indiana law;
- 21 that exists for the purpose of paying cash bail for another person.  
 22 However, the term does not include a person who pays cash bail  
 23 for three (3) or fewer defendants in any one hundred eighty (180)  
 24 day period, or a person who pays bail for a relative (as defined  
 25 in IC 35-42-2-1(b)).
- 26 (2) "Crime of violence" has the meaning set forth in  
 27 ~~IC 35-50-1-2(a)~~; IC 35-31.5-2-79.
- 28 (b) The commissioner may certify a charitable bail organization if  
 29 the charitable bail organization:
- 30 (1) is a business entity, or a nonprofit organization under:
- 31 (A) the Internal Revenue Code; or
- 32 (B) Indiana law;
- 33 (2) is currently registered to do business in Indiana;
- 34 (3) is located in Indiana; and
- 35 (4) exists for the purpose of depositing cash bail for an indigent  
 36 defendant who:
- 37 (A) is not charged with a crime of violence; or
- 38 (B) if charged with a felony, does not have a prior  
 39 conviction for a crime of violence.
- 40 (c) A person may apply for certification under this section in  
 41 accordance with rules adopted under this section.
- 42 (d) The commissioner shall certify a person as a charitable bail

HB 1258—LS 6822/DI 151



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

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

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HB 1258—LS 6822/DI 151



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1 interest; or  
 2 (C) that the certificate holder is no longer in good faith  
 3 carrying on as a charitable bail organization;  
 4 and for these reasons is found by the commissioner to be a  
 5 source of detriment, injury, or loss to the public.  
 6 (8) The listing of the name of the applicant or certificate holder  
 7 on the most recent tax warrant list supplied to the commissioner  
 8 by the department of state revenue.  
 9 (g) A charitable bail organization must comply with all of the  
 10 following:  
 11 (1) If the charitable bail organization pays, or intends to pay, bail  
 12 for more than three (3) individuals in any one hundred eighty  
 13 (180) day period, the charitable bail organization must be  
 14 certified by the commissioner under this section before soliciting  
 15 or accepting donations for bail for another person, and before  
 16 depositing money for bail for another person.  
 17 (2) A charitable bail organization may not pay bail for a  
 18 defendant who:  
 19 (A) is charged with a crime of violence; or  
 20 (B) is charged with a felony and has a prior conviction for  
 21 a crime of violence.  
 22 (3) A charitable bail organization may not execute a surety bond  
 23 for a defendant.  
 24 (4) A charitable bail organization shall, before paying bail for an  
 25 individual, execute an agreement described in IC 35-33-8-3.2  
 26 allowing the court to retain all or a part of the bail to pay  
 27 publicly paid costs of representation and fines, costs, fees, and  
 28 restitution that the court may order the defendant to pay if the  
 29 defendant is convicted.  
 30 (5) A charitable bail organization may not charge a premium or  
 31 receive any consideration for acting as a charitable bail  
 32 organization.  
 33 (h) All fees collected under this section must be deposited in the  
 34 bail bond enforcement and administration fund created by  
 35 IC 27-10-5-1.  
 36 (i) Any authorized employee of a charitable bail organization may  
 37 only deposit cash bail to the court.  
 38 (j) If an individual fails to appear, the bail shall be forfeited in the  
 39 manner described in IC 35-33-8-7 and the court shall take the steps  
 40 described in IC 35-33-8-8.  
 41 SECTION 16, IC 33-23-18-1, AS ADDED BY P.L.205-2023,  
 42 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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HB 1258—LS 6822/DI 151



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1 JULY 1, 2026]: Sec. 1. The following definitions apply throughout this  
2 chapter:

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

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

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

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

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

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

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

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 felony.**

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

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

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

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

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

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

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

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

40 (15) **Sexual misconduct with a minor as a:**

41 (A) **Class A felony under IC 35-42-4-9(a)(2) (for a crime**  
42 **committed before July 1, 2014);**

HB 1258—LS 6822/DI 151



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

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- carrying of a handgun); or
- (C) the child has at least one (1) unrelated prior:
  - (i) conviction under IC 35-47-10-5 or IC 35-47-2-1.5 (unlawful carrying of a handgun); and
  - (ii) delinquency adjudication for an act that would be an offense under IC 35-47-10-5 or IC 35-47-2-1.5 (unlawful carrying of a handgun).
- (27) Unlawful carrying of a handgun (IC 35-47-2-1.5), if:
  - (A) the person has two (2) unrelated prior convictions under IC 35-47-2-1.5 or IC 35-47-10-5 (dangerous possession of a firearm by a child);
  - (B) the person has at least two (2) unrelated prior delinquency adjudications for an act that would be an offense under IC 35-47-2-1.5 or IC 35-47-10-5 (dangerous possession of a firearm by a child); or
  - (C) the person has at least one (1) unrelated prior:
    - (i) conviction under IC 35-47-2-1.5 or IC 35-47-10-5 (dangerous possession of a firearm by a child); and
    - (ii) delinquency adjudication for an act that would be an offense under IC 35-47-2-1.5 or IC 35-47-10-5 (dangerous possession of a firearm by a child).

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

- (1) convicted of an offense or attempted offense under ~~IC 35-50-1-2(a), IC 35-42-2-1, IC 35-42-2-1.3, IC 35-43-1-1, IC 35-44.1-3-4, IC 35-45-10-5, IC 35-47-5-1 (repealed), or IC 35-47.5-5;~~ that is a crime of violence (as defined in ~~IC 35-31.5-2-79~~ [section 79 of this chapter]);
- (2) charged with an offense or attempted offense listed in ~~IC 35-50-1-2(a), IC 35-42-2-1, IC 35-42-2-1.3, IC 35-42-4, IC 35-43-1-1, IC 35-44.1-3-4, IC 35-45-10-5, IC 35-46-1-3, IC 35-47-5-1 (repealed), or IC 35-47.5-5;~~ that is a crime of violence (as defined in ~~IC 35-31.5-2-79~~ [section 79 of this chapter]); or
- (3) a security risk as defined by section 290 of this chapter.

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

(b) The following definitions apply throughout this section:

HB 1258—LS 6822/DI 151



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- 1 (1) "Crime of violence" means an offense:  
 2 (A) described in IC 35-50-1-2(a); and  
 3 (B) that is a Level 1, Level 2, Level 3, Level 4, or Level 5  
 4 felony.
- 5 (2) "Repeat violent arrestee" means a person arrested for or  
 6 charged with a crime of violence who has a prior conviction for  
 7 a crime of violence.
- 8 (3) **As used in this section, "violent arrestee" means a person**  
 9 **arrested for or charged with a crime of violence (as defined in**  
 10 **IC 35-31.5-2-79), that is a Level 1 felony, Level 2 felony,**  
 11 **Level 3 felony, Level 4 felony, or Level 5 felony.**
- 12 (c) A violent arrestee ~~or a repeat violent arrestee~~ may only be  
 13 released on bail set individually by the court following a hearing held  
 14 in open court. Before releasing a violent arrestee ~~or a repeat violent~~  
 15 ~~arrestee~~ on bail the court must:
- 16 (1) review the probable cause affidavit or arrest warrant; and  
 17 (2) impose money bail payable by surety bond or cash deposit.
- 18 (d) In accordance with IC 27-10-2-4.5(g)(2), a charitable bail  
 19 organization may not pay money bail imposed under this section on  
 20 behalf of a violent arrestee. ~~or a repeat violent arrestee.~~
- 21 SECTION 20. IC 35-38-1-7.1, AS AMENDED BY P.L.218-2025,  
 22 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 23 JULY 1, 2026]: Sec. 7.1. (a) In determining what sentence to impose  
 24 for a crime, the court may consider the following aggravating  
 25 circumstances:
- 26 (1) The harm, injury, loss, or damage suffered by the victim of  
 27 an offense was:
- 28 (A) significant; and  
 29 (B) greater than the elements necessary to prove the  
 30 commission of the offense.
- 31 (2) The person has a history of criminal or delinquent behavior.
- 32 (3) The victim of the offense was less than twelve (12) years of  
 33 age or at least sixty-five (65) years of age at the time the person  
 34 committed the offense.
- 35 (4) The person:
- 36 (A) committed a crime of violence (~~IC 35-50-1-2~~);  
 37 **(IC 35-31.5-2-79)**; and  
 38 (B) knowingly committed the offense in the presence or  
 39 within hearing of an individual who:
- 40 (i) was less than eighteen (18) years of age at the time  
 41 the person committed the offense; and  
 42 (ii) is not the victim of the offense.

HB 1258—LS 6822/DI 151



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

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HB 1258—LS 6822/DI 151



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- 1 (1) The crime neither caused nor threatened serious harm to
- 2 persons or property, or the person did not contemplate that it
- 3 would do so.
- 4 (2) The crime was the result of circumstances unlikely to recur.
- 5 (3) The victim of the crime induced or facilitated the offense.
- 6 (4) There are substantial grounds tending to excuse or justify the
- 7 crime, though failing to establish a defense.
- 8 (5) The person acted under strong provocation.
- 9 (6) The person has no history of delinquency or criminal activity,
- 10 or the person has led a law-abiding life for a substantial period
- 11 before commission of the crime.
- 12 (7) The person is likely to respond affirmatively to probation or
- 13 short term imprisonment.
- 14 (8) The character and attitudes of the person indicate that the
- 15 person is unlikely to commit another crime.
- 16 (9) The person has made or will make restitution to the victim of
- 17 the crime for the injury, damage, or loss sustained.
- 18 (10) Imprisonment of the person will result in undue hardship to
- 19 the person or the dependents of the person.
- 20 (11) The person was convicted of a crime involving the use of
- 21 force against a person who had repeatedly inflicted physical or
- 22 sexual abuse upon the convicted person and evidence shows that
- 23 the convicted person suffered from the effects of battery as a
- 24 result of the past course of conduct of the individual who is the
- 25 victim of the crime for which the person was convicted.
- 26 (12) The person was convicted of a crime relating to a controlled
- 27 substance and the person's arrest or prosecution was facilitated
- 28 in part because the person:
- 29 (A) requested emergency medical assistance; or
- 30 (B) acted in concert with another person who requested
- 31 emergency medical assistance;
- 32 for an individual who reasonably appeared to be in need of
- 33 medical assistance due to the use of alcohol or a controlled
- 34 substance.
- 35 (13) The person has posttraumatic stress disorder, traumatic
- 36 brain injury, or a postconcussive brain injury.
- 37 (14) The person is a person described in IC 31-30-1-4(d) who
- 38 committed the offense while the person was a child but is now
- 39 at least twenty-one (21) years of age.
- 40 (15) The offense involved a controlled substance under
- 41 IC 35-48-4 and the person:
- 42 (A) sought treatment:

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HB 1258—LS 6822/DI 151



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

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HB 1258—LS 6822/DI 151



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

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HB 1258—LS 6822/DI 151



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1 right to be present when the order to reduce or suspend the  
 2 sentence is considered.

3 (j) This subsection applies only to a convicted person who is not  
 4 a violent criminal. A convicted person who is not a violent criminal  
 5 may file a petition for sentence modification under this section:  
 6 (1) not more than one (1) time in any three hundred sixty-five  
 7 (365) day period; and  
 8 (2) a maximum of two (2) times during any consecutive period  
 9 of incarceration;  
 10 without the consent of the prosecuting attorney.

11 (k) This subsection applies to a convicted person who is a violent  
 12 criminal. Except as provided in subsection (n), a convicted person who  
 13 is a violent criminal may, not later than three hundred sixty-five (365)  
 14 days from the date of sentencing, file one (1) petition for sentence  
 15 modification under this section without the consent of the prosecuting  
 16 attorney. After the elapse of the three hundred sixty-five (365) day  
 17 period, a violent criminal may not file a petition for sentence  
 18 modification without the consent of the prosecuting attorney.

19 (l) A person may not waive the right to sentence modification  
 20 under this section as part of a plea agreement. Any purported waiver of  
 21 the right to sentence modification under this section in a plea  
 22 agreement is invalid and unenforceable as against public policy. This  
 23 subsection does not prohibit the finding of a waiver of the right to:  
 24 (1) have a court modify a sentence and impose a sentence not  
 25 authorized by the plea agreement, as described under subsection  
 26 (e); or  
 27 (2) sentence modification for any other reason, including failure  
 28 to comply with the provisions of this section.

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

34 (n) A person sentenced in a criminal court having jurisdiction over  
 35 an offense committed when the person was less than eighteen (18)  
 36 years of age may file an additional petition for sentence modification  
 37 under this section without the consent of the prosecuting attorney if the  
 38 person has served at least:  
 39 (1) fifteen (15) years of the person's sentence, if the person is not  
 40 serving a sentence for murder; or  
 41 (2) twenty (20) years of the person's sentence, if the person is  
 42 serving a sentence for murder.

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HB 1258—LS 6822/DI 151



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

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

8 (1) Except as provided in subdivision (2), an employee or  
9 contract employee of a supervising agency must provide  
10 notification to the supervising agency as soon as possible, but  
11 not later than twelve (12) hours, after:

12 (A) the monitoring device of a tracked individual suffers an  
13 unexplained or undocumented loss of communication with  
14 the employee, and the employee is unable to verify the  
15 tracked individual's presence at an approved location by  
16 using a backup verification method, if applicable;

17 (B) a tracked individual enters a prohibited exclusion zone;  
18 or

19 (C) a tracked individual removes, disables, or otherwise  
20 interferes with a monitoring device.

21 (2) An employee or contract employee of a supervising agency  
22 who is required to provide a notification to the supervising  
23 agency under subdivision (1) with respect to a tracked individual  
24 who is placed on electronic monitoring due to being charged  
25 with or convicted of:

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

28 (B) a crime of domestic or sexual violence (as defined in  
29 IC 16-18-2-88.5);

30 shall provide the notification as soon as possible, but not later  
31 than fifteen (15) minutes, after the occurrence of an event  
32 described in subdivision (1)(A) through (1)(C). In addition, if the  
33 tracked individual has committed or is alleged to have  
34 committed a crime against a vulnerable victim, the supervising  
35 agency shall notify the vulnerable victim and request local law  
36 enforcement to conduct a welfare check on the vulnerable victim  
37 in accordance with the protocol developed by the supervising  
38 agency under subdivision (5).

39 (3) Verify in person the location of each tracked individual  
40 placed on electronic monitoring due to being charged with or  
41 convicted of:

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

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1 IC 35-31.5-2-79); or  
 2 (B) a crime of domestic or sexual violence (as defined in  
 3 IC 16-18-2-88.5);  
 4 by making one (1) scheduled in person contact and one (1)  
 5 unannounced in person contact with the individual in every thirty  
 6 (30) day period.  
 7 (4) Establish conditions relating to approved and unapproved  
 8 locations for each tracked individual under the supervising  
 9 agency's supervision.  
 10 (5) Develop and establish a protocol for the supervising agency  
 11 to use in contacting a vulnerable victim and local law  
 12 enforcement with respect to a violation by a tracked individual.  
 13 (6) Develop and publish a policy prohibiting certain  
 14 relationships between a tracked individual and a supervising  
 15 agency and employees of a supervising agency, including:  
 16 (A) personal associations and relationships; and  
 17 (B) business relationships.  
 18 (7) Develop or approve detailed contingency plans for the  
 19 supervising agency's operation in case of natural disaster, power  
 20 outage, loss of telephone service, fire, flood, equipment  
 21 malfunction, death, incapacitation, or personal emergency of an  
 22 employee of a supervising agency, and, in the case of a  
 23 supervising agency's contract with a third party contractor, the  
 24 financial insolvency of the third party contractor.  
 25 (8) Specify a backup verification method for a tracked individual  
 26 if there is reason to believe that the tracked individual's  
 27 monitoring device may lose communication with the supervising  
 28 agency at an approved location. However, a supervising agency  
 29 has the discretion to establish a backup verification method for  
 30 any tracked individual regardless of whether the supervising  
 31 agency has reason to believe that the monitoring device may lose  
 32 communication at an approved location.  
 33 (b) Beginning January 1, 2023, a supervising agency must transmit  
 34 a quarterly report to the local justice reinvestment advisory council  
 35 (established by IC 33-38-9.5-4) that includes information concerning:  
 36 (1) the total number of tracked individuals under supervision  
 37 during the quarter, whether they are under pretrial, or  
 38 postdisposition, supervision, and the highest level of offense they  
 39 are facing or have been convicted of;  
 40 (2) the number of tracked individuals on active supervision at  
 41 the end of the quarter and the number of supervision staff at the  
 42 end of the quarter;

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HB 1258—LS 6822/DI 151



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

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

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

- 27 (1) fifteen (15) minutes after a warrant has been issued for a
- 28 tracked individual to whom this subsection applies, a local law
- 29 enforcement agency shall transmit details of the warrant to all
- 30 active units; and
- 31 (2) sixty (60) minutes after a warrant has been issued for a
- 32 tracked individual to whom this subsection applies, a local law
- 33 enforcement agency shall dispatch a law enforcement officer to
- 34 apprehend the tracked individual.

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

- 40 (1) sixty (60) minutes after a warrant has been issued for a
- 41 tracked individual to whom this subsection applies, a local law
- 42 enforcement agency shall transmit details of the warrant to all

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HB 1258—LS 6822/DI 151



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

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

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

13 (1) A victim of a sex crime under IC 35-42-4.  
 14 (2) A child victim of a crime of violence (as defined in  
 15 ~~IC 35-50-1-2~~; IC 35-31.5-2-79).

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

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

22 (1) ~~Murder (IC 35-42-1-1);~~  
 23 (2) ~~Attempted murder (IC 35-41-5-1);~~  
 24 (3) ~~Voluntary manslaughter (IC 35-42-1-3);~~  
 25 (4) ~~Involuntary manslaughter (IC 35-42-1-4);~~  
 26 (5) ~~Reckless homicide (IC 35-42-1-5);~~  
 27 (6) ~~Battery (IC 35-42-2-1) as a:~~  
 28 (A) ~~Level 2 felony;~~  
 29 (B) ~~Level 3 felony;~~  
 30 (C) ~~Level 4 felony; or~~  
 31 (D) ~~Level 5 felony;~~  
 32 (7) ~~Domestic battery (IC 35-42-2-1.3) as a:~~  
 33 (A) ~~Level 2 felony;~~  
 34 (B) ~~Level 3 felony;~~  
 35 (C) ~~Level 4 felony; or~~  
 36 (D) ~~Level 5 felony;~~  
 37 (8) ~~Aggravated battery (IC 35-42-2-1.5);~~  
 38 (9) ~~Kidnapping (IC 35-42-3-2);~~  
 39 (10) ~~Rape (IC 35-42-4-1);~~  
 40 (11) ~~Criminal deviate conduct (IC 35-42-4-2) (before its repeal);~~  
 41 (12) ~~Child molesting (IC 35-42-4-3);~~  
 42 (13) ~~Sexual misconduct with a minor as a Level 1 felony under~~

HB 1258—LS 6822/DI 151



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

HB 1258—LS 6822/DI 151



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

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HB 1258—LS 6822/DI 151



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1 (c) In imposing:  
 2 (1) consecutive sentences for felony convictions that are not  
 3 crimes of violence (as defined in ~~IC 35-50-1-2(a)~~  
 4 IC 35-31.5-2-79) arising out of an episode of criminal conduct,  
 5 in accordance with IC 35-50-1-2; or  
 6 (2) an additional fixed term to a repeat sexual offender under  
 7 section 14 of this chapter;  
 8 a court is required to use the appropriate advisory sentence in imposing  
 9 a consecutive sentence or an additional fixed term. However, the court  
 10 is not required to use the advisory sentence in imposing the sentence  
 11 for the underlying offense.

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

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

- 21 (1) released on parole for not more than twenty-four (24)  
 22 months, as determined by the parole board, unless:  
 23 (A) the person is being placed on parole for the first time;  
 24 (B) the person is not being placed on parole following a  
 25 term of imprisonment that includes a sentence imposed for  
 26 a crime of violence (as defined in ~~IC 35-50-1-2~~;  
 27 IC 35-31.5-2-79);  
 28 (C) the person is not a sex offender (as defined in  
 29 IC 11-8-8-4.5); and  
 30 (D) in the six (6) months before being placed on parole, the  
 31 person has not violated a rule of the department of  
 32 correction or a rule of the penal facility in which the person  
 33 is imprisoned;  
 34 (2) discharged upon a finding by the committing court that the  
 35 person was assigned to a community transition program and may  
 36 be discharged without the requirement of parole; or  
 37 (3) released to the committing court if the sentence included a  
 38 period of probation.

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

41 (b) This subsection does not apply to a person described in  
 42 subsection (d), (e), or (f). A person released on parole remains on

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HB 1258—LS 6822/DI 151



1 parole from the date of release until the person's fixed term expires,  
 2 unless the person's parole is revoked or the person is discharged from  
 3 that term by the parole board. In any event, if the person's parole is not  
 4 revoked, the parole board shall discharge the person after the period set  
 5 under subsection (a) or the expiration of the person's fixed term,  
 6 whichever is shorter.

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

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

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

19 (1) is a sexually violent predator under IC 35-38-1-7.5;

20 (2) has been convicted of murder (IC 35-42-1-1); or

21 (3) has been convicted of voluntary manslaughter  
 22 (IC 35-42-1-3).

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

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

37 (1) lifetime parole (as described in subsection (e)); and

38 (2) the requirement that the person wear a monitoring device (as  
 39 described in IC 35-38-2.5-3) that can transmit information  
 40 twenty-four (24) hours each day regarding a person's precise  
 41 location, if applicable.

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

HB 1258—LS 6822/DI 151



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1 subsection (e) is also required to be supervised by a court, a probation  
 2 department, a community corrections program, a community transition  
 3 program, or another similar program upon the person's release from  
 4 imprisonment, the parole board may:

5 (1) supervise the person while the person is being supervised by  
 6 the other supervising agency; or

7 (2) permit the other supervising agency to exercise all or part of  
 8 the parole board's supervisory responsibility during the period in  
 9 which the other supervising agency is required to supervise the  
 10 person, if supervision by the other supervising agency will be, in  
 11 the opinion of the parole board:

12 (A) at least as stringent; and

13 (B) at least as effective;

14 as supervision by the parole board.

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

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

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

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

34 (1) use nonspecific terms, such as moral turpitude or good  
 35 character, as a licensing requirement; or

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

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

42 (c) If an applicant has a disqualifying criminal history, the unit

HB 1258—LS 6822/DI 151



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1 shall consider the following in determining whether to deny a license  
2 to the applicant, based on a clear and convincing showing:

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

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

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

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

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

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

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

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

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

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

31 (2) A list of all:

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

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

36 committed in the downtown district within the previous five (5)  
37 years.

38 (3) The crime clearance rates for each crime described in  
39 subdivision (2).

40 (4) A list of every major event that took place in the downtown  
41 district within the previous year.

42 (5) The number of times a law enforcement agency made a

HB 1258—LS 6822/DI 151



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1 referral to, or requested assistance from, a social worker or  
2 mental health services provider (including a provider who  
3 specializes in addiction services).

4 (6) A completed crime perception survey for the previous year  
5 (based on the survey prepared by Downtown Indy, Inc.).  
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HB 1258—LS 6822/DI 151



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