



February 13, 2026

ENGROSSED

HOUSE BILL No. 1303

DIGEST OF HB 1303 (Updated February 10, 2026 12:21 pm - DI 106)

Citations Affected: IC 4-13; IC 10-13; IC 11-8; IC 11-13; IC 22-5; IC 31-9; IC 31-14; IC 31-17; IC 33-37; IC 33-39; IC 35-31.5; IC 35-36; IC 35-38; IC 35-42; IC 35-49; IC 35-50.

Synopsis: Sex crimes and child safety. Specifies the sex offender reporting requirements for persons who are sex offenders or required to register in other jurisdictions. Adds "high risk missing person" to the definition of "missing child". Removes provisions concerning possession of child sex abuse material (CSAM) from the statute containing the offense of child exploitation, and makes a new section for CSAM offenses. Creates a new crime for distribution of CSAM, and generally conforms the sentencing enhancements for possession of CSAM, distribution of CSAM, and child exploitation. Specifies that certain restrictions on CSAM in discovery also apply in civil proceedings (under current law, they only apply in criminal proceedings). Provides a defense in specified circumstances. Removes certain duplicative provisions and makes conforming amendments and technical corrections.

Effective: July 1, 2026.

McNamara, Karickhoff, Meltzer, Pressel

(SENATE SPONSORS — CLARK, CARRASCO, BROWN L)

January 6, 2026, read first time and referred to Committee on Courts and Criminal Code.
January 14, 2026, amended, reported — Do Pass.
January 20, 2026, read second time, amended, ordered engrossed.
January 21, 2026, engrossed.
January 22, 2026, read third time, passed. Yeas 89, nays 0.

SENATE ACTION

January 27, 2026, read first time and referred to Committee on Corrections and Criminal Law.
February 12, 2026, amended, reported favorably — Do Pass; reassigned to Committee on Appropriations.

EH 1303—LS 6764/DI 106



February 13, 2026

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

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

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

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

ENGROSSED HOUSE BILL No. 1303

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 4-13-2-14.7, AS AMENDED BY P.L.13-2016,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2026]: Sec. 14.7. A person employed, appointed, or under
4 contract with a state agency, who works with or around children, shall
5 be dismissed (after the appropriate pre-deprivation procedure has
6 occurred) if that person is, or has ever been, convicted of any of the
7 following:
8 (1) Rape (IC 35-42-4-1), if the victim is less than eighteen (18)
9 years of age.
10 (2) Criminal deviate conduct (IC 35-42-4-2) (before its repeal), if
11 the victim is less than eighteen (18) years of age.
12 (3) Child molesting (IC 35-42-4-3).
13 (4) Child exploitation (~~IC 35-42-4-4(b) or IC 35-42-4-4(c)~~).
14 **(IC 35-42-4-4).**
15 (5) Vicarious sexual gratification (IC 35-42-4-5).
16 (6) Child solicitation (IC 35-42-4-6).
17 (7) Child seduction (IC 35-42-4-7).

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1 (8) Sexual misconduct with a minor (IC 35-42-4-9) as a Class A
2 or Class B felony (for a crime committed before July 1, 2014) or
3 a Level 1, Level 2, or Level 4 felony (for a crime committed after
4 June 30, 2014).

5 (9) Incest (IC 35-46-1-3), if the victim is less than eighteen (18)
6 years of age.

7 SECTION 2. IC 10-13-3-27, AS AMENDED BY P.L.218-2025,
8 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2026]: Sec. 27. (a) Except as provided in subsection (b), on
10 request, a law enforcement agency shall release a limited criminal
11 history to or allow inspection of a limited criminal history by
12 noncriminal justice organizations or individuals only if the subject of
13 the request:

14 (1) has applied for employment with a noncriminal justice
15 organization or individual;

16 (2) has:

17 (A) applied for a license or is maintaining a license; and

18 (B) provided criminal history data as required by law to be
19 provided in connection with the license;

20 (3) is a candidate for public office or a public official;

21 (4) is in the process of being apprehended by a law enforcement
22 agency;

23 (5) is placed under arrest for the alleged commission of a crime;

24 (6) has charged that the subject's rights have been abused
25 repeatedly by criminal justice agencies;

26 (7) is the subject of a judicial decision or determination with
27 respect to the setting of bond, plea bargaining, sentencing, or
28 probation;

29 (8) has volunteered services that involve contact with, care of, or
30 supervision over a child who is being placed, matched, or
31 monitored by a social services agency or a nonprofit corporation;

32 (9) is currently residing in a location designated by the
33 department of child services (established by IC 31-25-1-1) or by
34 a juvenile court as the out-of-home placement for a child at the
35 time the child will reside in the location;

36 (10) has volunteered services at a public school (as defined in
37 IC 20-18-2-15) or nonpublic school (as defined in IC 20-18-2-12)
38 that involve contact with, care of, or supervision over a student
39 enrolled in the school;

40 (11) is being investigated for welfare fraud by an investigator of
41 the division of family resources or a county office of the division
42 of family resources;



- 1 (12) is being sought by the parent locator service of the child
 2 support bureau of the department of child services;
 3 (13) is or was required to register as a sex or violent offender
 4 under IC 11-8-8;
 5 (14) has been convicted of any of the following:
 6 (A) Rape (IC 35-42-4-1), if the victim is less than eighteen
 7 (18) years of age.
 8 (B) Criminal deviate conduct (IC 35-42-4-2) (repealed), if the
 9 victim is less than eighteen (18) years of age.
 10 (C) Child molesting (IC 35-42-4-3).
 11 (D) Child exploitation (~~IC 35-42-4-4(b) or IC 35-42-4-4(c)~~);
 12 **(IC 35-42-4-4).**
 13 (E) Possession of child sex abuse material (IC 35-42-4-4(d) or
 14 IC 35-42-4-4(e)) **(before July 1, 2026), or a child sex abuse**
 15 **material offense described in IC 35-42-4-4.5 (after June 30,**
 16 **2026).**
 17 (F) Vicarious sexual gratification (IC 35-42-4-5).
 18 (G) Child solicitation (IC 35-42-4-6).
 19 (H) Child seduction (IC 35-42-4-7).
 20 (I) Sexual misconduct with a minor as a felony (IC 35-42-4-9).
 21 (J) Incest (IC 35-46-1-3), if the victim is less than eighteen
 22 (18) years of age;
 23 (15) is identified as a possible perpetrator of child abuse or
 24 neglect in an assessment conducted by the department of child
 25 services under IC 31-33-8; or
 26 (16) is:
 27 (A) a parent, guardian, or custodian of a child; or
 28 (B) an individual who is at least eighteen (18) years of age and
 29 resides in the home of the parent, guardian, or custodian;
 30 with whom the department of child services or a county probation
 31 department has a case plan, dispositional decree, or permanency
 32 plan approved under IC 31-34 or IC 31-37 that provides for
 33 reunification following an out-of-home placement.
 34 However, limited criminal history information obtained from the
 35 National Crime Information Center may not be released under this
 36 section except to the extent permitted by the Attorney General of the
 37 United States.
 38 (b) A law enforcement agency shall allow inspection of a limited
 39 criminal history by and release a limited criminal history to the
 40 following noncriminal justice organizations:
 41 (1) Federally chartered or insured banking institutions.
 42 (2) Officials of state and local government for any of the



1 following purposes:

2 (A) Employment with a state or local governmental entity.

3 (B) Licensing.

4 (3) Segments of the securities industry identified under 15 U.S.C.
5 78q(f)(2).

6 (c) Any person who knowingly or intentionally uses limited criminal
7 history for any purpose not specified under this section commits a
8 Class C infraction. However, the violation is a Class A misdemeanor
9 if the person has a prior unrelated adjudication or conviction for a
10 violation of this section within the previous five (5) years.

11 SECTION 3. IC 10-13-5-4 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. As used in this
13 chapter, "missing child" means a person less than eighteen (18) years
14 of age who:

15 (1) is, or is believed to be:

16 (A) a temporary or permanent resident of Indiana;

17 (B) at a location that cannot be determined by the person's
18 parent or legal custodian; and

19 (C) reported missing to a law enforcement agency; ~~or~~

20 (2) is, or is believed to be:

21 (A) a temporary or permanent resident of Indiana; and

22 (B) a victim of the offense of criminal confinement
23 (IC 35-42-3-3) or interference with custody (IC 35-42-3-4); **or**

24 **(3) is, or is believed to be, a high risk missing person (as**
25 **defined by IC 5-2-17-1).**

26 SECTION 4. IC 11-8-8-4.5, AS AMENDED BY P.L.218-2025,
27 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2026]: Sec. 4.5. (a) Except as provided in section 22 of this
29 chapter, as used in this chapter, "sex offender" means a person
30 convicted of any of the following offenses:

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

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

33 (3) Child molesting (IC 35-42-4-3).

34 (4) Child exploitation (~~IC 35-42-4-4(b) or IC 35-42-4-4(c)~~);
35 **(IC 35-42-4-4).**

36 (5) Vicarious sexual gratification (including performing sexual
37 conduct in the presence of a minor) (IC 35-42-4-5).

38 (6) Child solicitation (IC 35-42-4-6).

39 (7) Child seduction (IC 35-42-4-7).

40 (8) Sexual misconduct with a minor (IC 35-42-4-9) as a Class A,
41 Class B, or Class C felony (for a crime committed before July 1,
42 2014) or a Level 1, Level 2, Level 4, or Level 5 felony (for a



- 1 crime committed after June 30, 2014), unless:
- 2 (A) the person is convicted of sexual misconduct with a minor
- 3 as a Class C felony (for a crime committed before July 1,
- 4 2014) or a Level 5 felony (for a crime committed after June
- 5 30, 2014);
- 6 (B) the person is not more than:
- 7 (i) four (4) years older than the victim if the offense was
- 8 committed after June 30, 2007; or
- 9 (ii) five (5) years older than the victim if the offense was
- 10 committed before July 1, 2007; and
- 11 (C) the sentencing court finds that the person should not be
- 12 required to register as a sex offender.
- 13 (9) Incest (IC 35-46-1-3).
- 14 (10) Sexual battery (IC 35-42-4-8).
- 15 (11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen
- 16 (18) years of age, and the person who kidnapped the victim is not
- 17 the victim's parent or guardian.
- 18 (12) Criminal confinement (IC 35-42-3-3), if the victim is less
- 19 than eighteen (18) years of age, and the person who confined or
- 20 removed the victim is not the victim's parent or guardian.
- 21 (13) Possession of child sex abuse material (IC 35-42-4-4(d) or
- 22 IC 35-42-4-4(e)) **(before July 1, 2026), or a child sex abuse**
- 23 **material offense under IC 35-42-4-4.5 (after June 30, 2026).**
- 24 (14) Promoting prostitution (IC 35-45-4-4) as a Class B felony
- 25 (for a crime committed before July 1, 2014) or a Level 4 felony
- 26 (for a crime committed after June 30, 2014).
- 27 (15) Promotion of human sexual trafficking under
- 28 IC 35-42-3.5-1.1.
- 29 (16) Promotion of child sexual trafficking under
- 30 IC 35-42-3.5-1.2(a).
- 31 (17) Promotion of sexual trafficking of a younger child
- 32 (IC 35-42-3.5-1.2(c)).
- 33 (18) Child sexual trafficking (IC 35-42-3.5-1.3).
- 34 (19) Human trafficking under IC 35-42-3.5-1.4 if the victim is
- 35 less than eighteen (18) years of age.
- 36 (20) Sexual misconduct by a service provider with a detained or
- 37 supervised child (IC 35-44.1-3-10(c)).
- 38 (b) The term includes:
- 39 (1) a person who is required to register as a sex offender in any
- 40 jurisdiction; ~~and~~
- 41 **(2) a person who has been designated:**
- 42 **(A) a sex offender;**



- 1 **(B) a sexually violent predator; or**
 2 **(C) with a substantially equivalent designation;**
 3 **in another jurisdiction and who was or would be subjected to**
 4 **the sex offender registration reporting requirements in the**
 5 **other jurisdiction if the person resided, worked, volunteered,**
 6 **attended school, or owned real property in that jurisdiction,**
 7 **as determined by the department;**
 8 **(3) a person who has been convicted of failure to register as a**
 9 **sex offender in any jurisdiction; and**
 10 ~~(2)~~ **(4) a child who has committed a delinquent act, or a person**
 11 **prosecuted under IC 31-30-1-4(d) for an offense described in**
 12 **subsection (a) committed when the person was less than eighteen**
 13 **(18) years of age, but who was at least twenty-one (21) years of**
 14 **age when the charge was filed, and who:**
 15 (A) is at least fourteen (14) years of age;
 16 (B) is on probation, is on parole, is discharged from a facility
 17 by the department of correction, is discharged from a secure
 18 private facility (as defined in IC 31-9-2-115), or is discharged
 19 from a juvenile detention facility as a result of an adjudication
 20 as a delinquent child for an act that would be an offense
 21 described in subsection (a) if committed by an adult; and
 22 (C) is found by a court by clear and convincing evidence to be
 23 likely to repeat an act that would be an offense described in
 24 subsection (a) if committed by an adult.
 25 (c) In making a determination under subsection ~~(b)(2)(C)~~; **(b)(4)(C)**,
 26 the court shall consider expert testimony concerning whether a child is
 27 likely to repeat an act that would be an offense described in subsection
 28 (a) if committed by an adult.
 29 (d) A person ordered to register under subsection ~~(b)(2)~~ **(b)(4)** may
 30 petition the court to reconsider the order at any time after completing
 31 court ordered sex offender treatment. The court shall consider expert
 32 testimony concerning whether a child or person is likely to repeat an
 33 offense described in subsection (a) or an act that would be an offense
 34 described in subsection (a) if committed by an adult.
 35 SECTION 5. IC 11-8-8-5, AS AMENDED BY P.L.218-2025,
 36 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2026]: Sec. 5. (a) Except as provided in section 22 of this
 38 chapter, as used in this chapter, "sex or violent offender" means a
 39 person convicted of any of the following offenses:
 40 (1) Rape (IC 35-42-4-1).
 41 (2) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
 42 (3) Child molesting (IC 35-42-4-3).



- 1 (4) Child exploitation (~~IC 35-42-4-4(b) or IC 35-42-4-4(c)~~):
 2 **(IC 35-42-4-4).**
- 3 (5) Vicarious sexual gratification (including performing sexual
 4 conduct in the presence of a minor) (IC 35-42-4-5).
- 5 (6) Child solicitation (IC 35-42-4-6).
- 6 (7) Child seduction (IC 35-42-4-7).
- 7 (8) Sexual misconduct with a minor (IC 35-42-4-9) as a Class A,
 8 Class B, or Class C felony (for a crime committed before July 1,
 9 2014) or a Level 1, Level 2, Level 4, or Level 5 felony (for a
 10 crime committed after June 30, 2014), unless:
- 11 (A) the person is convicted of sexual misconduct with a minor
 12 as a Class C felony (for a crime committed before July 1,
 13 2014) or a Level 5 felony (for a crime committed after June
 14 30, 2014);
- 15 (B) the person is not more than:
- 16 (i) four (4) years older than the victim if the offense was
 17 committed after June 30, 2007; or
- 18 (ii) five (5) years older than the victim if the offense was
 19 committed before July 1, 2007; and
- 20 (C) the sentencing court finds that the person should not be
 21 required to register as a sex offender.
- 22 (9) Incest (IC 35-46-1-3).
- 23 (10) Sexual battery (IC 35-42-4-8).
- 24 (11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen
 25 (18) years of age, and the person who kidnapped the victim is not
 26 the victim's parent or guardian.
- 27 (12) Criminal confinement (IC 35-42-3-3), if the victim is less
 28 than eighteen (18) years of age, and the person who confined or
 29 removed the victim is not the victim's parent or guardian.
- 30 (13) Possession of child sex abuse material (IC 35-42-4-4(d) or
 31 IC 35-42-4-4(e)) **(before July 1, 2026), or a child sex abuse**
 32 **material offense under IC 35-42-4-4.5 (after June 30, 2026).**
- 33 (14) Promoting prostitution (IC 35-45-4-4) as a Class B felony
 34 (for a crime committed before July 1, 2014) or a Level 4 felony
 35 (for a crime committed after June 30, 2014).
- 36 (15) Promotion of human sexual trafficking under
 37 IC 35-42-3.5-1.1.
- 38 (16) Promotion of child sexual trafficking under
 39 IC 35-42-3.5-1.2(a).
- 40 (17) Promotion of sexual trafficking of a younger child
 41 (IC 35-42-3.5-1.2(c)).
- 42 (18) Child sexual trafficking (IC 35-42-3.5-1.3).



- 1 (19) Human trafficking under IC 35-42-3.5-1.4 if the victim is
 2 less than eighteen (18) years of age.
 3 (20) Murder (IC 35-42-1-1).
 4 (21) Voluntary manslaughter (IC 35-42-1-3).
 5 (22) Sexual misconduct by a service provider with a detained or
 6 supervised child (IC 35-44.1-3-10(c)).
 7 (b) The term includes:
 8 (1) a person who is required to register as a sex or violent
 9 offender in any jurisdiction; ~~and~~
 10 **(2) a person who has been designated:**
 11 **(A) a sex offender;**
 12 **(B) a sexually violent predator; or**
 13 **(C) with a substantially equivalent designation;**
 14 **in another jurisdiction, and who was or would be subjected to**
 15 **the sex offender registration reporting requirements in the**
 16 **other jurisdiction if the person resided, worked, volunteered,**
 17 **attended school, or owned real property in that jurisdiction,**
 18 **as determined by the department;**
 19 **(3) a person who has been convicted of failure to register as a**
 20 **sex offender in any jurisdiction; and**
 21 ~~(2)~~ **(4) a child who has committed a delinquent act, or a person**
 22 **prosecuted under IC 31-30-1-4(d) for an offense described in**
 23 **subsection (a) committed when the person was less than eighteen**
 24 **(18) years of age, but who was at least twenty-one (21) years of**
 25 **age when the charge was filed, and who:**
 26 **(A) is at least fourteen (14) years of age;**
 27 **(B) is on probation, is on parole, is discharged from a facility**
 28 **by the department of correction, is discharged from a secure**
 29 **private facility (as defined in IC 31-9-2-115), or is discharged**
 30 **from a juvenile detention facility as a result of an adjudication**
 31 **as a delinquent child for an act that would be an offense**
 32 **described in subsection (a) if committed by an adult; and**
 33 **(C) is found by a court by clear and convincing evidence to be**
 34 **likely to repeat an act that would be an offense described in**
 35 **subsection (a) if committed by an adult.**
 36 **(c) In making a determination under subsection ~~(b)(2)(C); (b)(4)(C),~~**
 37 **the court shall consider expert testimony concerning whether a child is**
 38 **likely to repeat an act that would be an offense described in subsection**
 39 **(a) if committed by an adult.**
 40 **(d) A person ordered to register under subsection ~~(b)(2) (b)(4)~~ may**
 41 **petition the court to reconsider the order at any time after completing**
 42 **court ordered sex offender treatment. The court shall consider expert**



1 testimony concerning whether a child or person is likely to repeat an
 2 offense described in subsection (a) or an act that would be an offense
 3 described in subsection (a) if committed by an adult.

4 SECTION 6. IC 11-8-8-7.5 IS ADDED TO THE INDIANA CODE
 5 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 6 1, 2026]: **Sec. 7.5. (a) This section applies to a person required to
 7 register as a:**

- 8 (1) sex offender under section 4.5(b)(2) of this chapter; or
 9 (2) sex or violent offender under section 5(b)(2) of this
 10 chapter.

11 (b) A person may request that the department reconsider its
 12 determination that the person is required to register under section
 13 4.5(b)(2) or 5(b)(2) of this chapter by filing a written request for
 14 reconsideration with the department. The request for
 15 reconsideration must:

- 16 (1) be verified; and
 17 (2) include a concise explanation of why the person is entitled
 18 to relief.

19 The person may include any relevant evidence to establish that the
 20 person is not required to register under section 4.5(b)(2) or 5(b)(2)
 21 of this chapter.

22 (c) The department shall issue a written ruling not later than
 23 thirty (30) days after receipt of the request.

24 (d) If the person establishes by a preponderance of the evidence
 25 that the person is not required to register under section 4.5(b)(2)
 26 or 5(b)(2) of this chapter, the department shall grant appropriate
 27 relief.

28 SECTION 7. IC 11-8-8-19, AS AMENDED BY P.L.1-2025,
 29 SECTION 158, IS AMENDED TO READ AS FOLLOWS
 30 [EFFECTIVE JULY 1, 2026]: **Sec. 19. (a) Except as provided in
 31 subsections (b) through (f), a sex or violent offender is required to
 32 register under this chapter until the expiration of ten (10) years after the
 33 date the sex or violent offender:**

- 34 (1) is released from a penal facility (as defined in
 35 IC 35-31.5-2-232) or a secure juvenile detention facility of a state
 36 or another jurisdiction;
 37 (2) is placed in a community transition program;
 38 (3) is placed in a community corrections program;
 39 (4) is placed on parole; or
 40 (5) is placed on probation;

41 for the sex or violent offense requiring registration, whichever occurs
 42 last. The registration period is tolled during any period that the sex or



1 violent offender is incarcerated. The registration period does not restart
 2 if the offender is convicted of a subsequent offense. However, if the
 3 subsequent offense is a sex or violent offense, or an offense under
 4 section 17 of this chapter, a new registration period may be imposed in
 5 accordance with this chapter. The department shall ensure that an
 6 offender who is no longer required to register as a sex or violent
 7 offender is notified that the obligation to register has expired, and shall
 8 ensure that the offender's information is no longer published to the
 9 public portal of the sex and violent offender registry website
 10 established under IC 36-2-13-5.5.

11 (b) A sex or violent offender who is a sexually violent predator is
 12 required to register for life.

13 (c) A sex or violent offender who is convicted of at least one (1)
 14 offense under section 5(a) of this chapter that the sex or violent
 15 offender committed:

- 16 (1) when the person was at least eighteen (18) years of age; and
- 17 (2) against a victim who was less than twelve (12) years of age at
 18 the time of the crime;

19 is required to register for life.

20 (d) A sex or violent offender who is convicted of at least one (1)
 21 offense under section 5(a) of this chapter in which the sex offender:

- 22 (1) proximately caused serious bodily injury or death to the
 23 victim;
- 24 (2) used force or the threat of force against the victim or a
 25 member of the victim's family, unless the offense is sexual battery
 26 as a Class D felony (for an offense committed before July 1,
 27 2014) or a Level 6 felony (for a crime committed after June 30,
 28 2014); or

- 29 (3) rendered the victim unconscious or otherwise incapable of
 30 giving voluntary consent;

31 is required to register for life.

32 (e) A sex or violent offender who is convicted of at least two (2)
 33 unrelated offenses under section 5(a) of this chapter is required to
 34 register for life.

35 (f) A person who is required to register as a sex or violent offender
 36 in any jurisdiction a:

37 (1) sex offender under section 4.5 of this chapter; or

38 (2) sex or violent offender under section 5 of this chapter;

39 shall register for the period required by the other another jurisdiction
 40 or the period described in this section, whichever is longer.

41 SECTION 8. IC 11-13-3-11, AS AMENDED BY P.L.218-2025,
 42 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2026]: Sec. 11. (a) As used in this section, "Internet crime
2 against a child" means a conviction for a violation of:

3 (1) ~~IC 35-42-4-4(b)~~ or ~~IC 35-42-4-4(e)~~ **IC 35-42-4-4** (child
4 exploitation);

5 (2) IC 35-42-4-4(d) or IC 35-42-4-4(e) (possession of child sex
6 abuse material) **(before July 1, 2026), or a child sex abuse**
7 **material offense under IC 35-42-4-4.5 (after June 30, 2026);**

8 or

9 (3) IC 35-42-4-6 (child solicitation).

10 (b) When a person is placed on lifetime parole, the department shall
11 provide the parolee with a written statement of the conditions of
12 lifetime parole. The parolee shall sign the statement, retain a copy, and
13 provide a copy to the department. The department shall place the
14 signed statement in the parolee's master file.

15 (c) As a condition of lifetime parole, the parole board shall:

16 (1) require a parolee who is a sexually violent predator (as defined
17 in IC 35-38-1-7.5) to:

18 (A) inform the parolee's parole agent of any changes to the
19 parolee's residence, employment, or contact information not
20 later than seventy-two (72) hours after the change;

21 (B) report to the parole agent as instructed;

22 (C) avoid contact with any person who is less than sixteen (16)
23 years of age, unless the parolee receives written authorization
24 from the parole board; and

25 (D) avoid contact with the victim of any sex crime committed
26 by that parolee, unless the parolee receives written
27 authorization from the parole board;

28 (2) prohibit a parolee who is a sexually violent predator convicted
29 of an Internet crime against a child from:

30 (A) accessing or using certain websites, chat rooms, or instant
31 messaging programs frequented by children; and

32 (B) deleting, erasing, or tampering with data on the parolee's
33 personal computer;

34 (3) prohibit a parolee who is a sexually violent predator from
35 owning, operating, managing, being employed by, or volunteering
36 at an attraction designed to be primarily enjoyed by a child less
37 than sixteen (16) years of age; and

38 (4) require a parolee to allow the parolee's supervising parole
39 agent or another person authorized by the parole board to visit the
40 parolee's residence, real property, or place of employment.

41 (d) As a condition of lifetime parole, the parole board may require
42 a sexually violent predator to participate in a sex offender treatment



1 program approved by the parole board.

2 (e) As a condition of lifetime parole, the parole board may require
3 a parolee who is:

4 (1) a sexually violent predator; or

5 (2) required to register as a sex or violent offender under
6 IC 11-8-8-5 due to a conviction for murder (IC 35-42-1-1) or
7 voluntary manslaughter (IC 35-42-1-3);

8 to wear a monitoring device (as described in IC 35-38-2.5-3) that can
9 transmit information twenty-four (24) hours each day regarding a
10 person's precise location, subject to a validated sex offender risk
11 assessment or appropriate violent offender risk assessment, and subject
12 to the amount appropriated to the department for a monitoring program
13 as a condition of lifetime parole.

14 (f) When an offender is placed on lifetime parole, the parole board
15 shall inform the sheriff and the prosecuting attorney of the offender's
16 current county of residence:

17 (1) that the offender has been placed on lifetime parole; and

18 (2) whether the offender is required to wear a monitoring device
19 as described in subsection (e).

20 (g) The parole board may adopt rules under IC 4-22-2 to impose
21 additional conditions of lifetime parole and to implement this section.

22 SECTION 9. IC 22-5-5-1, AS AMENDED BY P.L.13-2016,
23 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 JULY 1, 2026]: Sec. 1. The employment contract of a person who:

25 (1) works with children; and

26 (2) is convicted of:

27 (A) rape (IC 35-42-4-1), if the victim is less than eighteen (18)
28 years of age;

29 (B) criminal deviate conduct (IC 35-42-4-2) (repealed), if the
30 victim is less than eighteen (18) years of age;

31 (C) child molesting (IC 35-42-4-3);

32 (D) child exploitation (~~IC 35-42-4-4(b) or IC 35-42-4-4(c)~~);

33 **(IC 35-42-4-4);**

34 (E) vicarious sexual gratification (IC 35-42-4-5);

35 (F) child solicitation (IC 35-42-4-6);

36 (G) child seduction (IC 35-42-4-7); or

37 (H) incest (IC 35-46-1-3), if the victim is less than eighteen
38 (18) years of age;

39 may be canceled by the person's employer.

40 SECTION 10. IC 31-9-2-133.1, AS AMENDED BY P.L.172-2022,
41 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JULY 1, 2026]: Sec. 133.1. "Victim of human or sexual trafficking",



1 for purposes of IC 31-34-1-3.5, refers to a child who is recruited,
2 harbored, transported, or engaged in:

- 3 (1) forced labor;
4 (2) involuntary servitude;
5 (3) prostitution;
6 (4) juvenile prostitution, as defined in IC 35-31.5-2-178.5;
7 (5) child exploitation ~~as defined in IC 35-42-4-4(b);~~ **under**
8 **IC 35-42-4-4;**
9 (6) marriage, unless authorized by a court under IC 31-11-1-7;
10 (7) trafficking for the purpose of prostitution, juvenile
11 prostitution, or participation in sexual conduct as defined in
12 IC 35-42-4-4(a); or
13 (8) human trafficking as defined in IC 35-42-3.5-0.5.

14 SECTION 11. IC 31-14-14-1, AS AMENDED BY P.L.223-2019,
15 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2026]: Sec. 1. (a) A noncustodial parent is entitled to
17 reasonable parenting time rights unless the court finds, after a hearing,
18 that parenting time might:

- 19 (1) endanger the child's physical health and well-being; or
20 (2) significantly impair the child's emotional development.

21 (b) The court may interview the child in chambers to assist the court
22 in determining the child's perception of whether parenting time by the
23 noncustodial parent might endanger the child's physical health or
24 significantly impair the child's emotional development.

25 (c) In a hearing under subsection (a), there is a rebuttable
26 presumption that a person who has been convicted of:

- 27 (1) child molesting (IC 35-42-4-3); or
28 (2) child exploitation (~~IC 35-42-4-4(b) or IC 35-42-4-4(c);~~
29 **IC 35-42-4-4;**)

30 might endanger the child's physical health and well-being or
31 significantly impair the child's emotional development.

32 (d) Except as provided in subsection (e), if a court grants parenting
33 time rights to a person who has been convicted of:

- 34 (1) child molesting (IC 35-42-4-3); or
35 (2) child exploitation (~~IC 35-42-4-4(b) or IC 35-42-4-4(c);~~
36 **IC 35-42-4-4;**)

37 there is a rebuttable presumption that the parenting time with the child
38 must be supervised.

39 (e) If a court grants parenting time rights to a person who has been
40 convicted of:

- 41 (1) child molesting (IC 35-42-4-3); or
42 (2) child exploitation (~~IC 35-42-4-4(b) or IC 35-42-4-4(c);~~



1 **(IC 35-42-4-4);**
 2 within the previous five (5) years, the court shall order that the
 3 parenting time with the child must be supervised.
 4 (f) The court may permit counsel to be present at the interview. If
 5 counsel is present:
 6 (1) a record may be made of the interview; and
 7 (2) the interview may be made part of the record for purposes of
 8 appeal.
 9 SECTION 12. IC 31-17-4-1, AS AMENDED BY P.L.146-2021,
 10 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2026]: Sec. 1. (a) Subject to subsections (d) and (e) and
 12 subject to section 1.1 of this chapter, a parent not granted custody of
 13 the child is entitled to reasonable parenting time rights unless the court
 14 finds, after a hearing, that parenting time by the noncustodial parent
 15 might endanger the child's physical health or significantly impair the
 16 child's emotional development.
 17 (b) The court may interview the child in chambers to assist the court
 18 in determining the child's perception of whether parenting time by the
 19 noncustodial parent might endanger the child's physical health or
 20 significantly impair the child's emotional development.
 21 (c) The court may permit counsel to be present at the interview. If
 22 counsel is present:
 23 (1) a record may be made of the interview; and
 24 (2) the interview may be made part of the record for purposes of
 25 appeal.
 26 (d) Except as provided in subsection (e), if a court grants parenting
 27 time rights to a person who has been convicted of:
 28 (1) child molesting (IC 35-42-4-3); or
 29 (2) child exploitation (~~IC 35-42-4-4(b) or IC 35-42-4-4(c)~~);
 30 **(IC 35-42-4-4);**
 31 there is a rebuttable presumption that the parenting time with the child
 32 must be supervised.
 33 (e) If a court grants parenting time rights to a person who has been
 34 convicted of:
 35 (1) child molesting (IC 35-42-4-3); or
 36 (2) child exploitation (~~IC 35-42-4-4(b) or IC 35-42-4-4(c)~~);
 37 **(IC 35-42-4-4);**
 38 within the previous five (5) years, the court shall order that the
 39 parenting time with the child must be supervised.
 40 SECTION 13. IC 33-37-5-23, AS AMENDED BY P.L.144-2018,
 41 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2026]: Sec. 23. (a) This section applies to criminal actions.



1 (b) The court shall assess a sexual assault victims assistance fee of
 2 at least five hundred dollars (\$500) and not more than five thousand
 3 dollars (\$5,000) against an individual convicted in Indiana of any of the
 4 following offenses:

- 5 (1) Rape (IC 35-42-4-1).
 6 (2) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
 7 (3) Child molesting (IC 35-42-4-3).
 8 (4) Child exploitation (~~IC 35-42-4-4(b) or IC 35-42-4-4(c)~~).
 9 **(IC 35-42-4-4).**
 10 (5) Vicarious sexual gratification (IC 35-42-4-5).
 11 (6) Child solicitation (IC 35-42-4-6).
 12 (7) Child seduction (IC 35-42-4-7).
 13 (8) Sexual battery (IC 35-42-4-8).
 14 (9) Sexual misconduct with a minor as a Class A or Class B
 15 felony (for a crime committed before July 1, 2014) or a Level 1
 16 felony or Level 4 felony (for a crime committed after June 30,
 17 2014) (IC 35-42-4-9).
 18 (10) Incest (IC 35-46-1-3).
 19 (11) Promotion of human labor trafficking (IC 35-42-3.5-1).
 20 (12) Promotion of human sexual trafficking (IC 35-42-3.5-1.1).
 21 (13) Promotion of child sexual trafficking (IC 35-42-3.5-1.2(a)).
 22 (14) Promotion of sexual trafficking of a younger child
 23 (IC 35-42-3.5-1.2(c)).
 24 (15) Child sexual trafficking (IC 35-42-3.5-1.3).
 25 (16) Human trafficking (IC 35-42-3.5-1.4).

26 SECTION 14. IC 33-39-1-9, AS AMENDED BY P.L.13-2016,
 27 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2026]: Sec. 9. A prosecuting attorney who charges a person
 29 with committing any of the following shall inform the person's
 30 employer of the charge, unless the prosecuting attorney determines that
 31 the person charged does not work with children:

- 32 (1) Rape (IC 35-42-4-1), if the victim is less than eighteen (18)
 33 years of age.
 34 (2) Criminal deviate conduct (IC 35-42-4-2) (repealed), if the
 35 victim is less than eighteen (18) years of age.
 36 (3) Child molesting (IC 35-42-4-3).
 37 (4) Child exploitation (~~IC 35-42-4-4(b) or IC 35-42-4-4(c)~~).
 38 **(IC 35-42-4-4).**
 39 (5) Vicarious sexual gratification (IC 35-42-4-5).
 40 (6) Child solicitation (IC 35-42-4-6).
 41 (7) Child seduction (IC 35-42-4-7).
 42 (8) Incest (IC 35-46-1-3), if the victim is less than eighteen (18)



- 1 years of age.
- 2 SECTION 15. IC 35-31.5-2-98 IS REPEALED [EFFECTIVE JULY
3 1, 2026]. Sec. 98. "Disseminate", for purposes of IC 35-42-4-4, has the
4 meaning set forth in IC 35-42-4-4(a).
- 5 SECTION 16. IC 35-31.5-2-196, AS ADDED BY P.L.114-2012,
6 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2026]: Sec. 196. (a) "Matter", for purposes of IC 35-42-4-4,
8 has the meaning set forth in IC 35-42-4-4(a).
- 9 (b) "Matter", for purposes of IC 35-49, has the meaning set forth in
10 IC 35-49-1-3.
- 11 SECTION 17. IC 35-31.5-2-233, AS ADDED BY P.L.114-2012,
12 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2026]: Sec. 233. (a) "Performance", for purposes of
14 IC 35-42-4-4, has the meaning set forth in IC 35-42-4-4(a).
- 15 (b) "Performance", for purposes of IC 35-49, has the meaning set
16 forth in IC 35-49-1-7.
- 17 SECTION 18. IC 35-31.5-2-300, AS AMENDED BY P.L.144-2018,
18 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JULY 1, 2026]: Sec. 300. (a) "Sexual conduct", for purposes of
20 IC 35-42-3.5-0.5 and IC 35-42-4-4, has the meaning set forth in
21 IC 35-42-4-4(a). **IC 35-42-4-4.**
- 22 (b) "Sexual conduct", for purposes of IC 35-49, has the meaning set
23 forth in IC 35-49-1-9.
- 24 SECTION 19. IC 35-36-10-1, AS ADDED BY P.L.148-2011,
25 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JULY 1, 2026]: Sec. 1. This chapter applies ~~only~~ in a criminal **or civil**
27 proceeding.
- 28 SECTION 20. IC 35-36-10-2, AS AMENDED BY P.L.218-2025,
29 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 JULY 1, 2026]: Sec. 2. As used in this chapter, "child sex abuse
31 material" includes:
- 32 (1) material described in ~~IC 35-42-4-4(d)~~; **IC 35-42-4-4.5**; and
33 (2) material defined in 18 U.S.C. 2256(8).
- 34 SECTION 21. IC 35-36-10-3, AS AMENDED BY P.L.218-2025,
35 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JULY 1, 2026]: Sec. 3. In any criminal proceeding **or civil proceeding**,
37 material constituting child sex abuse material must remain in the
38 custody of the state or the court.
- 39 SECTION 22. IC 35-36-10-4, AS AMENDED BY P.L.218-2025,
40 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 JULY 1, 2026]: Sec. 4. A court shall deny any request by the defendant
42 in a criminal proceeding, **or any party in a civil proceeding**, to copy,



1 photograph, duplicate, or otherwise reproduce any material that
 2 constitutes child sex abuse material if the state **(in a criminal**
 3 **proceeding), or the court (in a civil proceeding)**, provides ample
 4 opportunity for inspection, viewing, and examination of the material
 5 by:

- 6 (1) the defendant **(in a criminal proceeding)**;
 7 (2) the defendant's attorney **(in a criminal proceeding)**; ~~and~~
 8 (3) any individual the defendant seeks to qualify as an expert **(in**
 9 **a criminal proceeding)**;
 10 **(4) any party and the party's attorney (in a civil proceeding)**;
 11 **and**
 12 **(5) any individual a party seeks to qualify as an expert (in a**
 13 **civil proceeding)**;

14 at a state or local court or law enforcement facility as provided in
 15 section 5 of this chapter.

16 SECTION 23. IC 35-38-1-7.5, AS AMENDED BY P.L.186-2025,
 17 SECTION 229, IS AMENDED TO READ AS FOLLOWS
 18 [EFFECTIVE JULY 1, 2026]: Sec. 7.5. (a) As used in this section,
 19 "sexually violent predator" means a person who suffers from a mental
 20 abnormality or personality disorder that makes the individual likely to
 21 repeatedly commit a sex offense (as defined in IC 11-8-8-5.2). The
 22 term includes a person convicted in another jurisdiction who is
 23 identified as a sexually violent predator under IC 11-8-8-20. The term
 24 does not include a person no longer considered a sexually violent
 25 predator under subsection (g).

26 (b) A person who:

- 27 (1) being at least eighteen (18) years of age, commits an offense
 28 described in:
 29 (A) IC 35-42-4-1;
 30 (B) IC 35-42-4-2 (before its repeal);
 31 (C) IC 35-42-4-3 as a Class A or Class B felony (for a crime
 32 committed before July 1, 2014) or a Level 1, Level 2, Level 3,
 33 or Level 4 felony (for a crime committed after June 30, 2014);
 34 (D) IC 35-42-4-5(a)(1);
 35 (E) IC 35-42-4-5(a)(2);
 36 (F) IC 35-42-4-5(a)(3) (before that provision was redesignated
 37 by P.L.158-2013, SECTION 441);
 38 (G) IC 35-42-4-5(b)(1) as a Class A or Class B felony (for a
 39 crime committed before July 1, 2014) or Level 2, Level 3, or
 40 Level 4 felony (for a crime committed after June 30, 2014);
 41 (H) IC 35-42-4-5(b)(2); or
 42 (I) IC 35-42-4-5(b)(3) as a Class A or Class B felony (for a



- 1 crime committed before July 1, 2014) or a Level 2, Level 3, or
 2 Level 4 felony (for a crime committed after June 30, 2014);
 3 (2) commits a sex offense (as defined in IC 11-8-8-5.2) while
 4 having a previous unrelated conviction for a sex offense for which
 5 the person is required to register as a sex or violent offender under
 6 IC 11-8-8;
 7 (3) commits a sex offense (as defined in IC 11-8-8-5.2) while
 8 having had a previous unrelated adjudication as a delinquent child
 9 for an act that would be a sex offense if committed by an adult, if,
 10 after considering expert testimony, a court finds by clear and
 11 convincing evidence that the person is likely to commit an
 12 additional sex offense; or
 13 (4) commits a sex offense (as defined in IC 11-8-8-5.2) while
 14 having had a previous unrelated adjudication as a delinquent child
 15 for an act that would be a sex offense if committed by an adult, if
 16 the person was required to register as a sex or violent offender
 17 under ~~IC 11-8-8-5(b)(2)~~; **IC 11-8-8-5(b)(4)**;
 18 is a sexually violent predator. Except as provided in subsection (g) or
 19 (h), a person is a sexually violent predator by operation of law if an
 20 offense committed by the person satisfies the conditions set forth in
 21 subdivision (1) or (2) and the person was released from incarceration,
 22 secure detention, probation, or parole for the offense after June 30,
 23 1994.
 24 (c) This section applies whenever a court sentences a person or a
 25 juvenile court issues a dispositional decree for a sex offense (as defined
 26 in IC 11-8-8-5.2) for which the person is required to register with the
 27 local law enforcement authority under IC 11-8-8.
 28 (d) At the sentencing hearing, the court shall indicate on the record
 29 whether the person has been convicted of an offense that makes the
 30 person a sexually violent predator under subsection (b).
 31 (e) If a person is not a sexually violent predator under subsection
 32 (b), the prosecuting attorney may request the court to conduct a hearing
 33 to determine whether the person (including a child adjudicated to be a
 34 delinquent child) is a sexually violent predator under subsection (a). If
 35 the court grants the motion, the court shall appoint two (2)
 36 psychologists or psychiatrists who have expertise in criminal
 37 behavioral disorders to evaluate the person and testify at the hearing.
 38 After conducting the hearing and considering the testimony of the two
 39 (2) psychologists or psychiatrists, the court shall determine whether the
 40 person is a sexually violent predator under subsection (a). A hearing
 41 conducted under this subsection may be combined with the person's
 42 sentencing hearing.



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

2 (1) the person is required to register with the local law
3 enforcement authority as provided in IC 11-8-8; and

4 (2) the court shall send notice to the department of correction.

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

12 (1) the sentencing court or juvenile court makes its determination
13 under subsection (e); or

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

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

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

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

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

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

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



1 following:

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

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

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

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

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

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

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

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

21 SECTION 24. IC 35-38-2-2.5, AS AMENDED BY P.L.13-2016,
22 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2026]: Sec. 2.5. (a) As used in this section, "offender" means
24 an individual convicted of a sex offense.

25 (b) As used in this section, "sex offense" **has the meaning set forth**
26 **in IC 11-8-8-5.2. means any of the following:**

27 ~~(1) Rape (IC 35-42-4-1).~~

28 ~~(2) Criminal deviate conduct (IC 35-42-4-2) (repealed).~~

29 ~~(3) Child molesting (IC 35-42-4-3).~~

30 ~~(4) Child exploitation (IC 35-42-4-4(b) or IC 35-42-4-4(c)).~~

31 ~~(5) Vicarious sexual gratification (IC 35-42-4-5).~~

32 ~~(6) Child solicitation (IC 35-42-4-6).~~

33 ~~(7) Child seduction (IC 35-42-4-7).~~

34 ~~(8) Sexual battery (IC 35-42-4-8).~~

35 ~~(9) Sexual misconduct with a minor as a felony (IC 35-42-4-9).~~

36 ~~(10) Incest (IC 35-46-1-3).~~

37 (c) A condition of remaining on probation or parole after conviction
38 for a sex offense is that the offender not reside within one (1) mile of
39 the residence of the victim of the offender's sex offense.

40 (d) An offender:

41 (1) who will be placed on probation shall provide the sentencing
42 court and the probation department with the address where the



1 offender intends to reside during the period of probation:

2 (A) at the time of sentencing if the offender will be placed on
3 probation without first being incarcerated; or

4 (B) before the offender's release from incarceration if the
5 offender will be placed on probation after completing a term
6 of incarceration; or

7 (2) who will be placed on parole shall provide the parole board
8 with the address where the offender intends to reside during the
9 period of parole.

10 (e) An offender, while on probation or parole, may not establish a
11 new residence within one (1) mile of the residence of the victim of the
12 offender's sex offense unless the offender first obtains a waiver from
13 the:

14 (1) court, if the offender is placed on probation; or

15 (2) parole board, if the offender is placed on parole;
16 for the change of address under subsection (f).

17 (f) The court or parole board may waive the requirement set forth in
18 subsection (c) only if the court or parole board, at a hearing at which
19 the offender is present and of which the prosecuting attorney has been
20 notified, determines that:

21 (1) the offender has successfully completed a sex offender
22 treatment program during the period of probation or parole;

23 (2) the offender is in compliance with all terms of the offender's
24 probation or parole; and

25 (3) good cause exists to allow the offender to reside within one (1)
26 mile of the residence of the victim of the offender's sex offense.

27 However, the court or parole board may not grant a waiver under this
28 subsection if the offender is a sexually violent predator under
29 IC 35-38-1-7.5 or if the offender is an offender against children under
30 IC 35-42-4-11.

31 (g) If the court or parole board grants a waiver under subsection (f),
32 the court or parole board shall state in writing the reasons for granting
33 the waiver. The court's written statement of its reasons shall be
34 incorporated into the record.

35 (h) The address of the victim of the offender's sex offense is
36 confidential even if the court or parole board grants a waiver under
37 subsection (f).

38 SECTION 25. IC 35-42-3.5-1.2, AS AMENDED BY P.L.186-2025,
39 SECTION 233, IS AMENDED TO READ AS FOLLOWS
40 [EFFECTIVE JULY 1, 2026]: Sec. 1.2. (a) A person who knowingly or
41 intentionally recruits, entices, harbors, or transports a child less than
42 eighteen (18) years of age with the intent of causing the child to engage



- 1 in:
- 2 (1) prostitution or juvenile prostitution; or
- 3 (2) a performance or incident that includes sexual conduct in
- 4 violation of ~~IC 35-42-4-4(b)~~ or ~~IC 35-42-4-4(c)~~ **IC 35-42-4-4**
- 5 (child exploitation);
- 6 commits promotion of child sexual trafficking, a Level 3 felony.
- 7 (b) It is not a defense to a prosecution under this section that the:
- 8 (1) child consented to engage in prostitution or juvenile
- 9 prostitution or to participate in sexual conduct; or
- 10 (2) intended victim of the offense is a law enforcement officer.
- 11 (c) A person who knowingly or intentionally recruits, entices,
- 12 harbors, or transports a child less than sixteen (16) years of age with
- 13 the intent of inducing or causing the child to participate in sexual
- 14 conduct commits promotion of sexual trafficking of a younger child, a
- 15 Level 3 felony. It is a defense to a prosecution under this subsection if:
- 16 (1) the child is at least fourteen (14) years of age but less than
- 17 sixteen (16) years of age and the person is less than eighteen (18)
- 18 years of age; or
- 19 (2) all the following apply:
- 20 (A) The person is not more than four (4) years older than the
- 21 victim.
- 22 (B) The relationship between the person and the victim was a
- 23 dating relationship or an ongoing personal relationship. The
- 24 term "ongoing personal relationship" does not include a family
- 25 relationship.
- 26 (C) The crime:
- 27 (i) was not committed by a person who is at least twenty-one
- 28 (21) years of age;
- 29 (ii) was not committed by using or threatening the use of
- 30 deadly force;
- 31 (iii) was not committed while armed with a deadly weapon;
- 32 (iv) did not result in serious bodily injury;
- 33 (v) was not facilitated by furnishing the victim, without the
- 34 victim's knowledge, with a drug (as defined in
- 35 IC 16-42-19-2(1)) or a controlled substance (as defined in
- 36 IC 35-48-1.1-7) or knowing that the victim was furnished
- 37 with the drug or controlled substance without the victim's
- 38 knowledge; and
- 39 (vi) was not committed by a person having a position of
- 40 authority or substantial influence over the victim.
- 41 (D) The person has not committed another sex offense (as
- 42 defined in IC 11-8-8-5.2), including a delinquent act that



- 1 would be a sex offense if committed by an adult, against any
 2 other person.
- 3 (E) The person is not promoting prostitution (as defined in
 4 IC 35-45-4-4) with respect to the victim even though the
 5 person has not been charged with or convicted of the offense.
- 6 SECTION 26. IC 35-42-4-4, AS AMENDED BY P.L.218-2025,
 7 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2026]: Sec. 4. (a) The following definitions apply throughout
 9 this section:
- 10 (†) "Disseminate" means to transfer possession for free or for a
 11 consideration.
- 12 (‡) (1) "Image" means the following: **any visual representation.**
- 13 (A) A picture.
- 14 (B) A drawing.
- 15 (C) A photograph.
- 16 (D) A negative image.
- 17 (E) An undeveloped film.
- 18 (F) A motion picture.
- 19 (G) A videotape.
- 20 (H) A digitized image.
- 21 (I) A computer generated image.
- 22 (J) Any pictorial representation.
- 23 (3) "Matter" has the same meaning as in IC 35-49-1-3.
- 24 (4) "Performance" has the same meaning as in IC 35-49-1-7.
- 25 (5) (2) "Sexual conduct" means:
- 26 (A) sexual intercourse;
- 27 (B) other sexual conduct (as defined in IC 35-31.5-2-221.5);
- 28 (C) exhibition of the:
- 29 (i) uncovered genitals; or
- 30 (ii) female breast with less than a fully opaque covering of
- 31 any part of the nipple;
- 32 intended to satisfy or arouse the sexual desires of any person;
- 33 (D) sadomasochistic abuse;
- 34 (E) sexual intercourse or other sexual conduct (as defined in
- 35 IC 35-31.5-2-221.5) with an animal; or
- 36 (F) any fondling or touching of a child by another person or of
- 37 another person by a child intended to arouse or satisfy the
- 38 sexual desires of either the child or the other person.
- 39 (b) A person who:
- 40 (†) knowingly or intentionally manages, produces, sponsors,
- 41 presents, exhibits, photographs, films, videotapes, or creates a
- 42 digitized image of any performance or incident that includes



1 sexual conduct by a child under eighteen (18) years of age;
 2 (2) knowingly or intentionally disseminates; exhibits to another
 3 person; offers to disseminate or exhibit to another person; or
 4 sends or brings into Indiana for dissemination or exhibition matter
 5 that depicts or describes sexual conduct by a child under eighteen
 6 (18) years of age;
 7 (3) knowingly or intentionally makes available to another person
 8 a computer; knowing that the computer's fixed drive or peripheral
 9 device contains matter that depicts or describes sexual conduct by
 10 a child less than eighteen (18) years of age;
 11 (4) with the intent to satisfy or arouse the sexual desires of any
 12 person:
 13 (A) knowingly or intentionally:
 14 (i) manages;
 15 (ii) produces;
 16 (iii) sponsors;
 17 (iv) presents;
 18 (v) exhibits;
 19 (vi) photographs;
 20 (vii) films;
 21 (viii) videotapes; or
 22 (ix) creates a digitized image of;
 23 any performance or incident that includes the uncovered
 24 genitals of a child less than eighteen (18) years of age or the
 25 exhibition of the female breast with less than a fully opaque
 26 covering of any part of the nipple by a child less than eighteen
 27 (18) years of age;
 28 (B) knowingly or intentionally:
 29 (i) disseminates to another person;
 30 (ii) exhibits to another person;
 31 (iii) offers to disseminate or exhibit to another person; or
 32 (iv) sends or brings into Indiana for dissemination or
 33 exhibition;
 34 matter that depicts the uncovered genitals of a child less than
 35 eighteen (18) years of age or the exhibition of the female
 36 breast with less than a fully opaque covering of any part of the
 37 nipple by a child less than eighteen (18) years of age; or
 38 (C) makes available to another person a computer; knowing
 39 that the computer's fixed drive or peripheral device contains
 40 matter that depicts the uncovered genitals of a child less than
 41 eighteen (18) years of age or the exhibition of the female
 42 breast with less than a fully opaque covering of any part of the



1 nipple by a child less than eighteen (18) years of age; or
 2 (5) knowingly or intentionally produces, disseminates, or
 3 possesses with intent to disseminate an image that depicts or
 4 describes sexual conduct:

5 (A) by a child who the person knows is less than eighteen (18)
 6 years of age;

7 (B) by a child less than eighteen (18) years of age; or by a
 8 person who appears to be a child less than eighteen (18) years
 9 of age, if the image is obscene (as described in IC 35-49-2-1);
 10 or

11 (C) that is simulated sexual conduct involving a representation
 12 that appears to be a child less than eighteen (18) years of age;
 13 if the representation of the image is obscene (as described in
 14 IC 35-49-2-1);

15 (1) induces, causes, or coerces a child less than eighteen (18)
 16 years of age to engage in sexual conduct with the intent to
 17 produce or transmit an image of the sexual conduct;

18 (2) induces, causes, or coerces a child less than eighteen (18)
 19 years of age to assist another person in engaging in sexual
 20 conduct, with the intent of aiding any person in the
 21 production or transmission of an image of the sexual conduct;

22 (3) being the parent, guardian, or custodian of a child less
 23 than eighteen (18) years of age, permits the child to:

24 (A) engage in sexual conduct; or

25 (B) assist another person in engaging in sexual conduct;
 26 with the intent to aid another person in the production or
 27 transmission of an image of the sexual conduct;

28 (4) solicits a child less than eighteen (18) years of age, or who
 29 the person believes to be a child less than eighteen (18) years
 30 of age, to:

31 (A) engage in sexual conduct; or

32 (B) assist another person in engaging in sexual conduct;
 33 with the intent to produce or transmit an image of the sexual
 34 conduct; or

35 (5) produces or creates an image containing sexual conduct by
 36 a child less than eighteen (18) years of age, or who appears to
 37 be a child less than eighteen (18) years of age;

38 commits child exploitation, a ~~Level 5 felony~~, **Level 4 felony**, except as
 39 otherwise provided in this section. It is not a required element of an
 40 offense under subdivision (5)(C) that the child depicted actually exists.

41 (e) However, the offense of child exploitation described in
 42 subsection (b) is a ~~Level 4 felony~~ if:



- 1 (1) the sexual conduct, matter, performance, or incident depicts
 2 or describes a child less than eighteen (18) years of age who:
 3 (A) engages in bestiality (as described in IC 35-46-3-14);
 4 (B) is mentally disabled or deficient;
 5 (C) participates in the sexual conduct, matter, performance, or
 6 incident by use of force or the threat of force;
 7 (D) physically or verbally resists participating in the sexual
 8 conduct, matter, performance, or incident;
 9 (E) receives a bodily injury while participating in the sexual
 10 conduct, matter, performance, or incident; or
 11 (F) is less than twelve (12) years of age; or
 12 (2) the child less than eighteen (18) years of age:
 13 (A) engages in bestiality (as described in IC 35-46-3-14);
 14 (B) is mentally disabled or deficient;
 15 (C) participates in the sexual conduct, matter, performance, or
 16 incident by use of force or the threat of force;
 17 (D) physically or verbally resists participating in the sexual
 18 conduct, matter, performance, or incident;
 19 (E) receives a bodily injury while participating in the sexual
 20 conduct, matter, performance, or incident; or
 21 (F) is less than twelve (12) years of age.
- 22 **(c) The offense described in subsection (b) is a Level 3 felony if:**
 23 **(1) the person has a prior unrelated conviction for a sex**
 24 **offense (as defined in IC 11-8-8-5.2); or**
 25 **(2) the conduct depicted in the image involves:**
 26 **(A) bestiality (as described in IC 35-46-3-14);**
 27 **(B) a child less than twelve (12) years of age, or who**
 28 **appears to be a child less than twelve (12) years of age;**
 29 **(C) violence or a depiction of violence against a child,**
 30 **including sado-masochistic abuse (as defined in**
 31 **IC 35-49-1-8);**
 32 **(D) child molesting;**
 33 **(E) pecuniary gain by the person; or**
 34 **(F) distributing the visual depiction to a child less than**
 35 **eighteen (18) years of age with the intent of inducing,**
 36 **causing, or coercing the child to commit a criminal offense.**
- 37 **(d) The offense described in subsection (b) is a Level 2 felony if**
 38 **the offense is committed by force or threat of force.**
 39 **(d) A person who, with intent to view the image, knowingly or**
 40 **intentionally possesses or accesses an image that depicts or describes**
 41 **sexual conduct:**
 42 **(1) by a child who the person knows is less than eighteen (18)**



- 1 years of age;
 2 (2) by a child less than eighteen (18) years of age; or by a person
 3 who appears to be a child less than eighteen (18) years of age; if
 4 the representation of the image is obscene (as described in
 5 IC 35-49-2-1); or
 6 (3) that is simulated sexual conduct involving a representation
 7 that appears to be a child less than eighteen (18) years of age; if
 8 the representation of the image is obscene (as described in
 9 IC 35-49-2-1);
 10 commits possession of child sex abuse material; a Level 6 felony. It is
 11 not a required element of an offense under subdivision (3) that the
 12 child depicted actually exists.
 13 (e) However, the offense of possession of child sex abuse material
 14 described in subsection (d) is a Level 5 felony if:
 15 (1) the sexual conduct, matter, performance, or incident depicts
 16 or describes a child who the person knows is less than eighteen
 17 (18) years of age; or who appears to be less than eighteen (18)
 18 years of age, who:
 19 (A) engages in bestiality (as described in IC 35-46-3-14);
 20 (B) is mentally disabled or deficient;
 21 (C) participates in the sexual conduct, matter, performance, or
 22 incident by use of force or the threat of force;
 23 (D) physically or verbally resists participating in the sexual
 24 conduct, matter, performance, or incident;
 25 (E) receives a bodily injury while participating in the sexual
 26 conduct, matter, performance, or incident; or
 27 (F) is less than twelve (12) years of age; or
 28 (2) the child less than eighteen (18) years of age:
 29 (A) engages in bestiality (as described in IC 35-46-3-14);
 30 (B) is mentally disabled or deficient;
 31 (C) participates in the sexual conduct, matter, performance, or
 32 incident by use of force or the threat of force;
 33 (D) physically or verbally resists participating in the sexual
 34 conduct, matter, performance, or incident;
 35 (E) receives a bodily injury while participating in the sexual
 36 conduct, matter, performance, or incident; or
 37 (F) is less than twelve (12) years of age.
 38 (f) (e) Subsections (b), (c), (d), and (e) do **This section does** not
 39 apply to a bona fide school, museum, or public library that qualifies for
 40 certain property tax exemptions under IC 6-1.1-10, or to an employee
 41 of such a school, museum, or public library acting within the scope of
 42 the employee's employment when the possession of the listed materials



1 is for legitimate scientific or educational purposes.

2 ~~(g)~~ **(f)** It is a defense to a prosecution under this section that:

3 (1) the person is a school employee, a department of child
4 services employee, or an attorney acting in the attorney's capacity
5 as legal counsel for a client; and

6 (2) the acts constituting the elements of the offense were
7 performed solely within the scope of the person's employment as
8 a school employee, a department of child services employee, or
9 an attorney acting in the attorney's capacity as legal counsel for a
10 client.

11 ~~(h)~~ **(g)** Except as provided in subsection ~~(f)~~; **(h)**, it is a defense to a
12 prosecution under ~~subsection (b); (c); (d); or (e) this section~~ if all of the
13 following apply:

14 (1) A cellular telephone, another wireless or cellular
15 communications device, or a social networking website was used
16 to possess, produce, or ~~disseminate~~ **distribute** the image.

17 (2) The defendant is not more than four (4) years older or younger
18 than the person who is depicted in the image or who received the
19 image.

20 (3) The relationship between the defendant and the person who
21 received the image or who is depicted in the image was a dating
22 relationship or an ongoing personal relationship. For purposes of
23 this subdivision, the term "ongoing personal relationship" does
24 not include a family relationship.

25 (4) The crime was committed by a person less than twenty-two
26 (22) years of age.

27 (5) The person receiving the image or who is depicted in the
28 image acquiesced in the defendant's conduct.

29 ~~(i)~~ **(h)** The defense to a prosecution described in subsection ~~(h)~~ **(g)**
30 does not apply if:

31 (1) the person who receives the image ~~disseminates~~ **distributes**
32 it to a person other than the person:

33 (A) who sent the image; or

34 (B) who is depicted in the image;

35 (2) the image is of a person other than the person who sent the
36 image or received the image; or

37 (3) the ~~dissemination~~ **distribution** of the image violates:

38 (A) a protective order to prevent domestic or family violence
39 or harassment issued under IC 34-26-5 (or, if the order
40 involved a family or household member, under IC 34-26-2 or
41 IC 34-4-5.1-5 before their repeal);

42 (B) an ex parte protective order issued under IC 34-26-5 (or,



- 1 if the order involved a family or household member, an
 2 emergency order issued under IC 34-26-2 or IC 34-4-5.1
 3 before their repeal);
 4 (C) a workplace violence restraining order issued under
 5 IC 34-26-6;
 6 (D) a no contact order in a dispositional decree issued under
 7 IC 31-34-20-1, IC 31-37-19-1, or IC 31-37-5-6 (or
 8 IC 31-6-4-15.4 or IC 31-6-4-15.9 before their repeal) or an
 9 order issued under IC 31-32-13 (or IC 31-6-7-14 before its
 10 repeal) that orders the person to refrain from direct or indirect
 11 contact with a child in need of services or a delinquent child;
 12 (E) a no contact order issued as a condition of pretrial release,
 13 including release on bail or personal recognizance, or pretrial
 14 diversion, and including a no contact order issued under
 15 IC 35-33-8-3.6;
 16 (F) a no contact order issued as a condition of probation;
 17 (G) a protective order to prevent domestic or family violence
 18 issued under IC 31-15-5 (or IC 31-16-5 or IC 31-1-11.5-8.2
 19 before their repeal);
 20 (H) a protective order to prevent domestic or family violence
 21 issued under IC 31-14-16-1 in a paternity action;
 22 (I) a no contact order issued under IC 31-34-25 in a child in
 23 need of services proceeding or under IC 31-37-25 in a juvenile
 24 delinquency proceeding;
 25 (J) an order issued in another state that is substantially similar
 26 to an order described in clauses (A) through (I);
 27 (K) an order that is substantially similar to an order described
 28 in clauses (A) through (I) and is issued by an Indian:
 29 (i) tribe;
 30 (ii) band;
 31 (iii) pueblo;
 32 (iv) nation; or
 33 (v) organized group or community, including an Alaska
 34 Native village or regional or village corporation as defined
 35 in or established under the Alaska Native Claims Settlement
 36 Act (43 U.S.C. 1601 et seq.);
 37 that is recognized as eligible for the special programs and
 38 services provided by the United States to Indians because of
 39 their special status as Indians;
 40 (L) an order issued under IC 35-33-8-3.2; or
 41 (M) an order issued under IC 35-38-1-30.
 42 (j) (i) It is a defense to a prosecution under this section that:



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

3 (2) the circumstances described in IC 35-45-4-6(a)(2) through
4 IC 35-45-4-6(a)(4) apply.

5 ~~(k)~~ (j) A person is entitled to present the defense described in
6 subsection ~~(j)~~ (i) in a pretrial hearing. If a person proves by a
7 preponderance of the evidence in a pretrial hearing that the defense
8 described in subsection ~~(j)~~ (i) applies, the court shall dismiss the
9 charges under this section with prejudice.

10 SECTION 27. IC 35-42-4-4.5 IS ADDED TO THE INDIANA
11 CODE AS A NEW SECTION TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2026]: **Sec. 4.5. (a) The following definitions**
13 **apply throughout this section:**

14 (1) "Image" has the meaning set forth in section 4 of this
15 chapter.

16 (2) "Sexual conduct" has the meaning set forth in section 4 of
17 this chapter.

18 (b) A person who, with intent to view the image, knowingly or
19 intentionally possesses or accesses an image that depicts or
20 describes sexual conduct:

21 (1) by a child who the person knows is less than eighteen (18)
22 years of age;

23 (2) by a child less than eighteen (18) years of age, or by a
24 person who appears to be a child less than eighteen (18) years
25 of age, if the representation of the image is obscene (as
26 described in IC 35-49-2-1); or

27 (3) that is simulated sexual conduct involving a representation
28 that appears to be a child less than eighteen (18) years of age,
29 if the representation of the image is obscene (as described in
30 IC 35-49-2-1);

31 commits possession of child sex abuse material, a Level 6 felony,
32 except as otherwise provided in this section. It is not a required
33 element of an offense under subdivision (3) that the child depicted
34 actually exists.

35 (c) The offense described in subsection (b) is a Level 4 felony if:

36 (1) the person has a prior unrelated conviction for a sex
37 offense (as defined in IC 11-8-8-5.2); or

38 (2) the conduct depicted in the image involves:

39 (A) bestiality (as described in IC 35-46-3-14);

40 (B) a child less than twelve (12) years of age, or who
41 appears to be a child less than twelve (12) years of age;

42 (C) violence or a depiction of violence against a child,



- 1 including sado-masochistic abuse (as defined in
 2 IC 35-49-1-8); or
 3 (D) child molesting.
- 4 (d) A person who knowingly or intentionally distributes an
 5 image that depicts or describes sexual conduct:
 6 (1) by a child who the person knows is less than eighteen (18)
 7 years of age;
 8 (2) by a child less than eighteen (18) years of age, or by a
 9 person who appears to be a child less than eighteen (18) years
 10 of age, if the image is obscene (as described in IC 35-49-2-1);
 11 or
 12 (3) that is simulated sexual conduct involving a representation
 13 that appears to be a child less than eighteen (18) years of age,
 14 if the representation of the image is obscene (as described in
 15 IC 35-49-2-1);
- 16 commits distribution of child sex abuse material, a Level 5 felony,
 17 except as otherwise provided in this section. It is not a required
 18 element of an offense under subdivision (3) that the child depicted
 19 actually exists.
- 20 (e) The offense described in subsection (d) is a Level 3 felony if:
 21 (1) the person has a prior unrelated conviction for a sex
 22 offense (as defined in IC 11-8-8-5.2); or
 23 (2) the conduct depicted in the image involves:
 24 (A) bestiality (as described in IC 35-46-3-14);
 25 (B) a child less than twelve (12) years of age, or who
 26 appears to be a child less than twelve (12) years of age;
 27 (C) violence or a depiction of violence against a child,
 28 including sado-masochistic abuse (as defined in
 29 IC 35-49-1-8);
 30 (D) child molesting;
 31 (E) pecuniary gain by the person; or
 32 (F) distributing the visual depiction to a child less than
 33 eighteen (18) years of age with the intent of inducing,
 34 causing, or coercing the child to commit a criminal offense.
- 35 (f) This section does not apply to a bona fide school, museum, or
 36 public library that qualifies for certain property tax exemptions
 37 under IC 6-1.1-10, or to an employee of such a school, museum, or
 38 public library acting within the scope of the employee's
 39 employment when the possession of the listed materials is for
 40 legitimate scientific or educational purposes.
- 41 (g) It is a defense to a prosecution under this section that:
 42 (1) the person is a school employee, a department of child



1 services employee, or an attorney acting in the attorney's
2 capacity as legal counsel for a client; and

3 (2) the acts constituting the elements of the offense were
4 performed solely within the scope of the person's employment
5 as a school employee, a department of child services
6 employee, or an attorney acting in the attorney's capacity as
7 legal counsel for a client.

8 (h) Except as provided in subsection (g), it is a defense to a
9 prosecution under this section if all of the following apply:

10 (1) A cellular telephone, another wireless or cellular
11 communications device, or a social networking website was
12 used to possess, produce, or distribute the image.

13 (2) The defendant is not more than four (4) years older or
14 younger than the person who is depicted in the image or who
15 received the image.

16 (3) The relationship between the defendant and the person
17 who received the image or who is depicted in the image was a
18 dating relationship or an ongoing personal relationship. For
19 purposes of this subdivision, the term "ongoing personal
20 relationship" does not include a family relationship.

21 (4) The crime was committed by a person less than
22 twenty-two (22) years of age.

23 (5) The person receiving the image or who is depicted in the
24 image acquiesced in the defendant's conduct.

25 (i) The defense to a prosecution described in subsection (h) does
26 not apply if:

27 (1) the person who receives the image distributes it to a
28 person other than the person:

29 (A) who sent the image; or

30 (B) who is depicted in the image;

31 (2) the image is of a person other than the person who sent the
32 image or received the image; or

33 (3) the distribution of the image violates:

34 (A) a protective order to prevent domestic or family
35 violence or harassment issued under IC 34-26-5 (or, if the
36 order involved a family or household member, under
37 IC 34-26-2 or IC 34-4-5.1-5 before their repeal);

38 (B) an ex parte protective order issued under IC 34-26-5
39 (or, if the order involved a family or household member,
40 an emergency order issued under IC 34-26-2 or IC 34-4-5.1
41 before their repeal);

42 (C) a workplace violence restraining order issued under



- 1 **IC 34-26-6;**
 2 **(D) a no contact order in a dispositional decree issued**
 3 **under IC 31-34-20-1, IC 31-37-19-1, or IC 31-37-19-6 (or**
 4 **IC 31-6-4-15.4 or IC 31-6-4-15.9 before their repeal) or an**
 5 **order issued under IC 31-32-13 (or IC 31-6-7-14 before its**
 6 **repeal) that orders the person to refrain from direct or**
 7 **indirect contact with a child in need of services or a**
 8 **delinquent child;**
 9 **(E) a no contact order issued as a condition of pretrial**
 10 **release, including release on bail or personal recognizance,**
 11 **or pretrial diversion, and including a no contact order**
 12 **issued under IC 35-33-8-3.6;**
 13 **(F) a no contact order issued as a condition of probation;**
 14 **(G) a protective order to prevent domestic or family**
 15 **violence issued under IC 31-15-5 (or IC 31-16-5 or**
 16 **IC 31-1-11.5-8.2 before their repeal);**
 17 **(H) a protective order to prevent domestic or family**
 18 **violence issued under IC 31-14-16-1 in a paternity action;**
 19 **(I) a no contact order issued under IC 31-34-25 in a child**
 20 **in need of services proceeding or under IC 31-37-25 in a**
 21 **juvenile delinquency proceeding;**
 22 **(J) an order issued in another state that is substantially**
 23 **similar to an order described in clauses (A) through (I);**
 24 **(K) an order that is substantially similar to an order**
 25 **described in clauses (A) through (I) and is issued by an**
 26 **Indian:**
 27 **(i) tribe;**
 28 **(ii) band;**
 29 **(iii) pueblo;**
 30 **(iv) nation; or**
 31 **(v) organized group or community, including an Alaska**
 32 **Native village or regional or village corporation as**
 33 **defined in or established under the Alaska Native Claims**
 34 **Settlement Act (43 U.S.C. 1601 et seq.);**
 35 **that is recognized as eligible for the special programs and**
 36 **services provided by the United States to Indians because**
 37 **of their special status as Indians;**
 38 **(L) an order issued under IC 35-33-8-3.2; or**
 39 **(M) an order issued under IC 35-38-1-30.**
 40 **(j) It is a defense to a prosecution under this section that:**
 41 **(1) the person was less than eighteen (18) years of age at the**
 42 **time the alleged offense was committed; and**



1 (2) the circumstances described in IC 35-45-4-6(a)(2) through
2 IC 35-45-4-6(a)(4) apply.

3 (k) A person is entitled to present the defense described in
4 subsection (j) in a pretrial hearing. If a person proves by a
5 preponderance of the evidence in a pretrial hearing that the
6 defense described in subsection (j) applies, the court shall dismiss
7 the charges under this section with prejudice.

8 (l) It is a defense to a prosecution under this section that the
9 person:

10 (1) possessed less than three (3) images prohibited by this
11 section; and

12 (2) promptly and in good faith, and without retaining or
13 allowing any person, other than a law enforcement agency, to
14 access a prohibited image or a copy of a prohibited image:

15 (A) took reasonable steps to destroy each prohibited
16 image; or

17 (B) reported the matter to a law enforcement agency and
18 afforded that agency access to each prohibited image.

19 SECTION 28. IC 35-42-4-11, AS AMENDED BY P.L.142-2020,
20 SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 JULY 1, 2026]: Sec. 11. (a) As used in this section, and except as
22 provided in subsection (d), "offender against children" means a person
23 required to register as a sex or violent offender under IC 11-8-8 who
24 has been:

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

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

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

29 (B) Child exploitation (~~IC 35-42-4-4(b) or IC 35-42-4-4(c)~~);
30 **(IC 35-42-4-4).**

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

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

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

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

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

40 (3) nights in:

41 (1) a residence; or

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



- 1 location;
 2 in any thirty (30) day period.
 3 (c) An offender against children who knowingly or intentionally:
 4 (1) resides within one thousand (1,000) feet of:
 5 (A) school property, not including property of an institution
 6 providing post-secondary education;
 7 (B) a youth program center;
 8 (C) a public park; or
 9 (D) a day care center licensed under IC 12-17.2;
 10 (2) establishes a residence within one (1) mile of the residence of
 11 the victim of the offender's sex offense; or
 12 (3) resides in a residence where a child care provider (as defined
 13 by IC 31-33-26-1) provides child care services;
 14 commits a sex offender residency offense, a Level 6 felony.
 15 (d) This subsection does not apply to an offender against children
 16 who has two (2) or more unrelated convictions for an offense described
 17 in subsection (a). A person who is an offender against children may
 18 petition the court to consider whether the person should no longer be
 19 considered an offender against children. The person may file a petition
 20 under this subsection not earlier than ten (10) years after the person is
 21 released from incarceration or parole, whichever occurs last (or, if the
 22 person is not incarcerated, not earlier than ten (10) years after the
 23 person is released from probation). A person may file a petition under
 24 this subsection not more than one (1) time per year. A court may
 25 dismiss a petition filed under this subsection or conduct a hearing to
 26 determine if the person should no longer be considered an offender
 27 against children. If the court conducts a hearing, the court shall appoint
 28 two (2) psychologists or psychiatrists who have expertise in criminal
 29 behavioral disorders to evaluate the person and testify at the hearing.
 30 After conducting the hearing and considering the testimony of the two
 31 (2) psychologists or psychiatrists, the court shall determine whether the
 32 person should no longer be considered an offender against children. If
 33 a court finds that the person should no longer be considered an offender
 34 against children, the court shall send notice to the department of
 35 correction that the person is no longer considered an offender against
 36 children.
 37 SECTION 29. IC 35-42-4-14, AS AMENDED BY P.L.218-2025,
 38 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2026]: Sec. 14. (a) As used in this section, "serious sex
 40 offender" means a person required to register as a sex offender under
 41 IC 11-8-8 who is:
 42 (1) found to be a sexually violent predator under IC 35-38-1-7.5;



- 1 or
- 2 (2) convicted of one (1) or more of the following offenses:
- 3 (A) Child molesting (IC 35-42-4-3).
- 4 (B) Child exploitation (~~IC 35-42-4-4(b) or IC 35-42-4-4(c)~~);
- 5 **(IC 35-42-4-4).**
- 6 (C) Possession of child sex abuse material (IC 35-42-4-4(d) or
- 7 IC 35-42-4-4(e)) **(before July 1, 2026), or a child sex abuse**
- 8 **material offense under IC 35-42-4-4.5 (after June 30,**
- 9 **2026).**
- 10 (D) Vicarious sexual gratification (IC 35-42-4-5(a) and
- 11 IC 35-42-4-5(b)).
- 12 (E) Performing sexual conduct in the presence of a minor
- 13 (IC 35-42-4-5(c)).
- 14 (F) Child solicitation (IC 35-42-4-6).
- 15 (G) Child seduction (IC 35-42-4-7).
- 16 (H) Sexual misconduct with a minor (IC 35-42-4-9).
- 17 (b) A serious sex offender who knowingly or intentionally enters
- 18 school property commits unlawful entry by a serious sex offender, a
- 19 Level 6 felony.
- 20 (c) It is a defense to a prosecution under subsection (b) that:
- 21 (1) a religious institution or house of worship is located on the
- 22 school property; and
- 23 (2) the person:
- 24 (A) enters the school property or other entity described in
- 25 IC 35-31.5-2-285(1)(A) through IC 35-31.5-2-285(1)(D) when
- 26 classes, extracurricular activities, or any other school activities
- 27 are not being held:
- 28 (i) for the sole purpose of attending worship services or
- 29 receiving religious instruction; and
- 30 (ii) not earlier than thirty (30) minutes before the beginning
- 31 of the worship services or religious instruction; and
- 32 (B) leaves the school property not later than thirty (30)
- 33 minutes after the conclusion of the worship services or
- 34 religious instruction.
- 35 SECTION 30. IC 35-49-3-3, AS AMENDED BY P.L.218-2025,
- 36 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 37 JULY 1, 2026]: Sec. 3. (a) Except as provided in subsection (b) and
- 38 section 4 of this chapter, a person who knowingly or intentionally:
- 39 (1) disseminates matter to minors that is harmful to minors (as
- 40 described in IC 35-49-2);
- 41 (2) displays matter that is harmful to minors in an area to which
- 42 minors have visual, auditory, or physical access, unless each



1 minor is accompanied by the minor's parent or guardian;
 2 (3) sells, rents, or displays for sale or rent to any person matter
 3 that is harmful to minors within five hundred (500) feet of the
 4 nearest property line of a school or church;
 5 (4) engages in or conducts a performance before minors that is
 6 harmful to minors;
 7 (5) engages in or conducts a performance that is harmful to
 8 minors in an area to which minors have visual, auditory, or
 9 physical access, unless each minor is accompanied by the minor's
 10 parent or guardian;
 11 (6) misrepresents the minor's age for the purpose of obtaining
 12 admission to an area from which minors are restricted because of
 13 the display of matter or a performance that is harmful to minors;
 14 or
 15 (7) misrepresents that the person is a parent or guardian of a
 16 minor for the purpose of obtaining admission of the minor to an
 17 area where minors are being restricted because of display of
 18 matter or performance that is harmful to minors;

19 commits a Level 6 felony.

20 (b) This section does not apply if a person disseminates, displays,
 21 or makes available the matter described in subsection (a) through the
 22 Internet, computer electronic transfer, or a computer network unless:

- 23 (1) the matter is obscene under IC 35-49-2-1;
 24 (2) the matter is child sex abuse material under ~~IC 35-42-4-4;~~
 25 **IC 35-42-4-4.5;** or
 26 (3) the person distributes the matter to a child less than eighteen
 27 (18) years of age believing or intending that the recipient is a
 28 child less than eighteen (18) years of age.

29 SECTION 31. IC 35-50-1-2, AS AMENDED BY P.L.218-2025,
 30 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2026]: Sec. 2. (a) As used in this section, "crime of violence"
 32 means the following:

- 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) Battery (IC 35-42-2-1) as a:
 39 (A) Level 2 felony;
 40 (B) Level 3 felony;
 41 (C) Level 4 felony; or
 42 (D) Level 5 felony.



- 1 (7) Domestic battery (IC 35-42-2-1.3) as a:
 2 (A) Level 2 felony;
 3 (B) Level 3 felony;
 4 (C) Level 4 felony; or
 5 (D) Level 5 felony.
 6 (8) Aggravated battery (IC 35-42-2-1.5).
 7 (9) Kidnapping (IC 35-42-3-2).
 8 (10) Rape (IC 35-42-4-1).
 9 (11) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
 10 (12) Child molesting (IC 35-42-4-3).
 11 (13) Sexual misconduct with a minor as a Level 1 felony under
 12 IC 35-42-4-9(a)(2) or a Level 2 felony under IC 35-42-4-9(b)(2).
 13 (14) Robbery as a Level 2 felony or a Level 3 felony
 14 (IC 35-42-5-1).
 15 (15) Burglary as a Level 1 felony, Level 2 felony, Level 3 felony,
 16 or Level 4 felony (IC 35-43-2-1).
 17 (16) Operating a vehicle while intoxicated causing death or
 18 catastrophic injury (IC 9-30-5-5).
 19 (17) Operating a vehicle while intoxicated causing serious bodily
 20 injury to another person (IC 9-30-5-4).
 21 (18) Child exploitation (**IC 35-42-4-4**), as a Level 5 felony under
 22 ~~IC 35-42-4-4(b)~~ or a Level 4 felony under ~~IC 35-42-4-4(c)~~.
 23 (19) Resisting law enforcement as a felony (IC 35-44.1-3-1).
 24 (20) Unlawful possession of a firearm by a serious violent felon
 25 (IC 35-47-4-5).
 26 (21) Strangulation (IC 35-42-2-9) as a Level 5 felony.
 27 **(22) A child sexual abuse material offense (IC 35-42-4-5).**
 28 (b) As used in this section, "episode of criminal conduct" means
 29 offenses or a connected series of offenses that are closely related in
 30 time, place, and circumstance.
 31 (c) Except as provided in subsection (e) or (f) the court shall
 32 determine whether terms of imprisonment shall be served concurrently
 33 or consecutively. The court may consider the:
 34 (1) aggravating circumstances in IC 35-38-1-7.1(a); and
 35 (2) mitigating circumstances in IC 35-38-1-7.1(b);
 36 in making a determination under this subsection. The court may order
 37 terms of imprisonment to be served consecutively even if the sentences
 38 are not imposed at the same time. However, except for crimes of
 39 violence, the total of the consecutive terms of imprisonment, exclusive
 40 of terms of imprisonment under IC 35-50-2-8 and IC 35-50-2-10
 41 (before its repeal) to which the defendant is sentenced for felony or
 42 misdemeanor convictions arising out of an episode of criminal conduct



- 1 shall not exceed the period described in subsection (d).
 2 (d) Except as provided in subsection (c), the total of the consecutive
 3 terms of imprisonment to which the defendant is sentenced for
 4 convictions arising out of an episode of criminal conduct may not
 5 exceed the following:
 6 (1) If the most serious crime for which the defendant is sentenced
 7 is a Class C misdemeanor, the total of the consecutive terms of
 8 imprisonment may not exceed one (1) year.
 9 (2) If the most serious crime for which the defendant is sentenced
 10 is a Class B misdemeanor, the total of the consecutive terms of
 11 imprisonment may not exceed two (2) years.
 12 (3) If the most serious crime for which the defendant is sentenced
 13 is a Class A misdemeanor, the total of the consecutive terms of
 14 imprisonment may not exceed three (3) years.
 15 (4) If the most serious crime for which the defendant is sentenced
 16 is a Level 6 felony, the total of the consecutive terms of
 17 imprisonment may not exceed four (4) years.
 18 (5) If the most serious crime for which the defendant is sentenced
 19 is a Level 5 felony, the total of the consecutive terms of
 20 imprisonment may not exceed seven (7) years.
 21 (6) If the most serious crime for which the defendant is sentenced
 22 is a Level 4 felony, the total of the consecutive terms of
 23 imprisonment may not exceed fifteen (15) years.
 24 (7) If the most serious crime for which the defendant is sentenced
 25 is a Level 3 felony, the total of the consecutive terms of
 26 imprisonment may not exceed twenty (20) years.
 27 (8) If the most serious crime for which the defendant is sentenced
 28 is a Level 2 felony, the total of the consecutive terms of
 29 imprisonment may not exceed thirty-two (32) years.
 30 (9) If the most serious crime for which the defendant is sentenced
 31 is a Level 1 felony, the total of the consecutive terms of
 32 imprisonment may not exceed forty-two (42) years.
 33 (e) If, after being arrested for one (1) crime, a person commits
 34 another crime:
 35 (1) before the date the person is discharged from probation,
 36 parole, or a term of imprisonment imposed for the first crime; or
 37 (2) while the person is released:
 38 (A) upon the person's own recognizance; or
 39 (B) on bond;
 40 the terms of imprisonment for the crimes shall be served consecutively,
 41 regardless of the order in which the crimes are tried and sentences are
 42 imposed.



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

6 SECTION 32. IC 35-50-2-7, AS AMENDED BY P.L.218-2025,
 7 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2026]: Sec. 7. (a) A person who commits a Class D felony (for
 9 a crime committed before July 1, 2014) shall be imprisoned for a fixed
 10 term of between six (6) months and three (3) years, with the advisory
 11 sentence being one and one-half (1 1/2) years. In addition, the person
 12 may be fined not more than ten thousand dollars (\$10,000).

13 (b) A person who commits a Level 6 felony (for a crime committed
 14 after June 30, 2014) shall be imprisoned for a fixed term of between six
 15 (6) months and two and one-half (2 1/2) years, with the advisory
 16 sentence being one (1) year. In addition, the person may be fined not
 17 more than ten thousand dollars (\$10,000).

18 (c) Notwithstanding subsections (a) and (b), if a person has
 19 committed a Class D felony (for a crime committed before July 1,
 20 2014) or a Level 6 felony (for a crime committed after June 30, 2014),
 21 the court may enter judgment of conviction of a Class A misdemeanor
 22 and sentence accordingly. However, the court shall enter a judgment of
 23 conviction of a Class D felony (for a crime committed before July 1,
 24 2014) or a Level 6 felony (for a crime committed after June 30, 2014)
 25 if:

26 (1) the court finds that:

27 (A) the person has committed a prior, unrelated felony for
 28 which judgment was entered as a conviction of a Class A
 29 misdemeanor; and

30 (B) the prior felony was committed less than three (3) years
 31 before the second felony was committed;

32 (2) the offense is domestic battery as a Class D felony (for a crime
 33 committed before July 1, 2014) or a Level 6 felony (for a crime
 34 committed after June 30, 2014) under IC 35-42-2-1.3; or

35 (3) the offense is possession of child sex abuse material
 36 (IC 35-42-4-4(d)) **(before July 1, 2026) or a child sex abuse**
 37 **material offense under IC 35-42-4-4.5 (after June 30, 2026).**

38 The court shall enter in the record, in detail, the reason for its action
 39 whenever it exercises the power to enter judgment of conviction of a
 40 Class A misdemeanor granted in this subsection.

41 (d) Notwithstanding subsections (a) and (b), the sentencing court
 42 may convert a Class D felony conviction (for a crime committed before



1 July 1, 2014) or a Level 6 felony conviction (for a crime committed
 2 after June 30, 2014) to a Class A misdemeanor conviction if, after
 3 receiving a verified petition as described in subsection (e) and after
 4 conducting a hearing of which the prosecuting attorney has been
 5 notified, the court makes the following findings:

6 (1) The person is not a sex or violent offender (as defined in
 7 IC 11-8-8-5).

8 (2) The person was not convicted of a Class D felony (for a crime
 9 committed before July 1, 2014) or a Level 6 felony (for a crime
 10 committed after June 30, 2014) that resulted in bodily injury to
 11 another person.

12 (3) The person has not been convicted of perjury under
 13 IC 35-44.1-2-1 (or IC 35-44-2-1 before its repeal) or official
 14 misconduct under IC 35-44.1-1-1 (or IC 35-44-1-2 before its
 15 repeal).

16 (4) The person has not been convicted of domestic battery as a
 17 Class D felony (for a crime committed before July 1, 2014) or a
 18 Level 6 felony (for a crime committed after June 30, 2014) under
 19 IC 35-42-2-1.3 in the fifteen (15) year period immediately
 20 preceding the commission of the current offense.

21 (5) At least three (3) years have passed since the person:

22 (A) completed the person's sentence; and

23 (B) satisfied any other obligation imposed on the person as
 24 part of the sentence;

25 for the Class D or Level 6 felony.

26 (6) The person has not been convicted of a felony since the
 27 person:

28 (A) completed the person's sentence; and

29 (B) satisfied any other obligation imposed on the person as
 30 part of the sentence;

31 for the Class D or Level 6 felony.

32 (7) No criminal charges are pending against the person.

33 (e) A petition filed under subsection (d) or (f) must be verified and
 34 set forth:

35 (1) the crime the person has been convicted of;

36 (2) the date of the conviction;

37 (3) the date the person completed the person's sentence;

38 (4) any obligations imposed on the person as part of the sentence;

39 (5) the date the obligations were satisfied; and

40 (6) a verified statement that there are no criminal charges pending
 41 against the person.

42 (f) If a person whose Class D or Level 6 felony conviction has been



1 converted to a Class A misdemeanor conviction under subsection (d)
 2 is convicted of a felony not later than five (5) years after the conversion
 3 under subsection (d), a prosecuting attorney may petition a court to
 4 convert the person's Class A misdemeanor conviction back to a Class
 5 D felony conviction (for a crime committed before July 1, 2014) or a
 6 Level 6 felony conviction (for a crime committed after June 30, 2014).

7 SECTION 33. IC 35-50-6-3.3, AS AMENDED BY THE
 8 TECHNICAL CORRECTIONS BILL OF THE 2026 GENERAL
 9 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2026]: Sec. 3.3. (a) In addition to any educational credit a
 11 person earns under subsection (b), or good time credit a person earns
 12 under section 3 or 3.1 of this chapter, a person earns educational credit
 13 if the person:

- 14 (1) is in credit Class I, Class A, or Class B;
 15 (2) has demonstrated a pattern consistent with rehabilitation; and
 16 (3) successfully completes requirements to obtain one (1) of the
 17 following:

18 (A) A general educational development (GED) diploma under
 19 IC 20-20-6 (before its repeal) or IC 22-4.1-18, if the person
 20 has not previously obtained a high school diploma.

21 (B) Except as provided in subsection (o), a high school
 22 diploma, if the person has not previously obtained a general
 23 educational development (GED) diploma.

24 (C) An associate degree from an approved postsecondary
 25 educational institution (as defined under IC 21-7-13-6(a))
 26 earned during the person's incarceration.

27 (D) A ~~bachelor~~ **bachelor's** degree from an approved
 28 postsecondary educational institution (as defined under
 29 IC 21-7-13-6(a)) earned during the person's incarceration.

30 (b) In addition to any educational credit that a person earns under
 31 subsection (a), or good time credit a person earns under section 3 or 3.1
 32 of this chapter, a person may earn educational credit if, while confined
 33 by the department of correction, the person:

- 34 (1) is in credit Class I, Class A, or Class B;
 35 (2) demonstrates a pattern consistent with rehabilitation; and
 36 (3) successfully completes requirements for at least one (1) of the
 37 following:

38 (A) To obtain a certificate of completion of a career and
 39 technical or vocational education program approved by the
 40 department of correction.

41 (B) To obtain a certificate of completion of a substance abuse
 42 program approved by the department of correction.



- 1 (C) To obtain a certificate of completion of a literacy and basic
 2 life skills program approved by the department of correction.
 3 (D) To obtain a certificate of completion of a reformatory
 4 program approved by the department of correction.
 5 (E) An individualized case management plan approved by the
 6 department of correction.
- 7 (c) The department of correction shall establish admissions criteria
 8 and other requirements for programs available for earning educational
 9 credit under subsection (b). A person may not earn educational credit
 10 under this section for the same program of study. The department of
 11 correction, in consultation with the department of workforce
 12 development, shall approve a program only if the program is likely to
 13 lead to an employable occupation.
- 14 (d) The amount of educational credit a person may earn under this
 15 section is the following:
- 16 (1) Six (6) months for completion of a state of Indiana general
 17 educational development (GED) diploma under IC 20-20-6
 18 (before its repeal) or IC 22-4.1-18.
 19 (2) One (1) year for graduation from high school.
 20 (3) Not more than one (1) year for completion of an associate
 21 degree.
 22 (4) Not more than two (2) years for completion of a ~~bachelor~~
 23 **bachelor's** degree.
 24 (5) Not more than a total of one (1) year, as determined by the
 25 department of correction, for the completion of one (1) or more
 26 career and technical or vocational education programs approved
 27 by the department of correction.
 28 (6) Not more than a total of six (6) months, as determined by the
 29 department of correction, for the completion of one (1) or more
 30 substance abuse programs approved by the department of
 31 correction.
 32 (7) Not more than a total of six (6) months, as determined by the
 33 department of correction, for the completion of one (1) or more
 34 literacy and basic life skills programs approved by the department
 35 of correction.
 36 (8) Not more than a total of six (6) months, as determined by the
 37 department of correction, for completion of one (1) or more
 38 reformatory programs approved by the department of correction.
 39 However, a person who is serving a sentence for an offense listed
 40 under IC 11-8-8-4.5 may not earn educational credit under this
 41 subdivision.
 42 (9) An amount determined by the department of correction under



- 1 a policy adopted by the department of correction concerning the
 2 individualized case management plan, not to exceed the
 3 maximum amount described in subsection (j).
 4 However, a person who does not have a substance abuse problem that
 5 qualifies the person to earn educational credit in a substance abuse
 6 program may earn not more than a total of twelve (12) months of
 7 educational credit, as determined by the department of correction, for
 8 the completion of one (1) or more career and technical or vocational
 9 education programs approved by the department of correction. If a
 10 person earns more than six (6) months of educational credit for the
 11 completion of one (1) or more career and technical or vocational
 12 education programs, the person is ineligible to earn educational credit
 13 for the completion of one (1) or more substance abuse programs.
- 14 (e) Educational credit earned under this section must be directly
 15 proportional to the time served and course work completed while
 16 incarcerated. The department of correction shall adopt rules under
 17 IC 4-22-2 necessary to implement this subsection.
- 18 (f) Educational credit earned by a person under this section is
 19 subtracted from the release date that would otherwise apply to the
 20 person by the sentencing court after subtracting all other credit time
 21 earned by the person.
- 22 (g) A person does not earn educational credit under subsection (a)
 23 unless the person completes at least a portion of the degree
 24 requirements after June 30, 1993.
- 25 (h) A person does not earn educational credit under subsection (b)
 26 unless the person completes at least a portion of the program
 27 requirements after June 30, 1999.
- 28 (i) Educational credit earned by a person under subsection (a) for a
 29 diploma or degree completed before July 1, 1999, shall be subtracted
 30 from:
- 31 (1) the release date that would otherwise apply to the person after
 32 subtracting all other credit time earned by the person, if the
 33 person has not been convicted of an offense described in
 34 subdivision (2); or
 35 (2) the period of imprisonment imposed on the person by the
 36 sentencing court, if the person has been convicted of one (1) of
 37 the following crimes:
- 38 (A) Rape (IC 35-42-4-1).
 39 (B) Criminal deviate conduct (IC 35-42-4-2) (before its
 40 repeal).
 41 (C) Child molesting (IC 35-42-4-3).
 42 (D) Child exploitation (~~IC 35-42-4-4(b) or IC 35-42-4-4(c)~~).



- 1 **(IC 35-42-4-4).**
 2 (E) Vicarious sexual gratification (IC 35-42-4-5).
 3 (F) Child solicitation (IC 35-42-4-6).
 4 (G) Child seduction (IC 35-42-4-7).
 5 (H) Sexual misconduct with a minor (IC 35-42-4-9) as a:
 6 (i) Class A felony, Class B felony, or Class C felony for a
 7 crime committed before July 1, 2014; or
 8 (ii) Level 1, Level 2, or Level 4 felony, for a crime
 9 committed after June 30, 2014.
 10 (I) Incest (IC 35-46-1-3).
 11 (J) Sexual battery (IC 35-42-4-8).
 12 (K) Kidnapping (IC 35-42-3-2), if the victim is less than
 13 eighteen (18) years of age.
 14 (L) Criminal confinement (IC 35-42-3-3), if the victim is less
 15 than eighteen (18) years of age.
 16 (j) The maximum amount of educational credit a person may earn
 17 under this section is the lesser of:
 18 (1) two (2) years; or
 19 (2) one-third (1/3) of the person's total applicable credit time.
 20 (k) Educational credit earned under this section by an offender
 21 serving a sentence for stalking (IC 35-45-10-5), a felony against a
 22 person under IC 35-42, or for a crime listed in IC 11-8-8-5, shall be
 23 reduced to the extent that application of the educational credit would
 24 otherwise result in:
 25 (1) postconviction release (as defined in IC 35-40-4-6); or
 26 (2) assignment of the person to a community transition program;
 27 in less than forty-five (45) days after the person earns the educational
 28 credit.
 29 (l) A person may earn educational credit for multiple degrees at the
 30 same education level under subsection (d) only in accordance with
 31 guidelines approved by the department of correction. The department
 32 of correction may approve guidelines for proper sequence of education
 33 degrees under subsection (d).
 34 (m) A person may not earn educational credit:
 35 (1) for a general educational development (GED) diploma if the
 36 person has previously earned a high school diploma; or
 37 (2) for a high school diploma if the person has previously earned
 38 a general educational development (GED) diploma.
 39 (n) A person may not earn educational credit under this section if
 40 the person:
 41 (1) commits an offense listed in IC 11-8-8-4.5 while the person is
 42 required to register as a sex or violent offender under IC 11-8-8-7;



- 1 and
2 (2) is committed to the department of correction after being
3 convicted of the offense listed in IC 11-8-8-4.5.
- 4 (o) For a person to earn educational credit under subsection
5 (a)(3)(B) for successfully completing the requirements for a high
6 school diploma through correspondence courses, each correspondence
7 course must be approved by the department before the person begins
8 the correspondence course. The department may approve a
9 correspondence course only if the entity administering the course is
10 recognized and accredited by the department of education in the state
11 where the entity is located.
- 12

~~(p) The department of correction shall, before May 1, 2023, submit
13 a report to the legislative council, in an electronic format under
14 IC 5-14-6, concerning the implementation of the individualized case
15 management plan. The report must include the following:~~

16 (1) ~~The ratio of case management staff to offenders participating
17 in the individualized case management plan as of January 1, 2023.~~
18 (2) ~~The average number of days awarded to offenders
19 participating in the individualized case management plan from
20 January 1, 2022, through December 31, 2022.~~
21 (3) ~~The percentage of the prison population currently participating
22 in an individualized case management plan as of January 1, 2023.~~
23 (4) ~~Any other data points or information related to the status of
24 the implementation of the individualized case management plan.~~
25 ~~This subsection expires June 30, 2023.~~



COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1303, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 19, line 32, delete "or".

Page 19, line 39, after "conduct;" insert "**or**

(5) produces or creates an image containing sexual conduct by a child less than eighteen (18) years of age, or who appears to be a child less than eighteen (18) years of age;".

Page 19, line 40, strike "Level 5 felony," and insert "**Level 4 felony,**".

Page 20, line 24, delete "Level 4 felony" and insert "**Level 3 felony**".

Page 20, line 29, delete "age;" and insert "**age, or who appears to be a child less than twelve (12) years of age;**".

Page 20, line 38, delete "Level 3 felony" and insert "**Level 2 felony**".

Page 22, line 17, strike "disseminate" and insert "**distribute**".

Page 22, line 32, strike "disseminates" and insert "**distributes**".

Page 22, line 38, strike "dissemination" and insert "**distribution**".

Page 24, line 36, delete "Level 5 felony" and insert "**Level 4 felony**".

Page 24, line 41, delete "age;" and insert "**age, or who appears to be a child less than twelve (12) years of age;**".

Page 25, line 20, delete "Level 4 felony" and insert "**Level 3 felony**".

Page 25, line 25, delete "age;" and insert "**age, or who appears to be a child less than twelve (12) years of age;**".

Page 26, line 11, delete "disseminate" and insert "**distribute**".

Page 26, line 26, delete "disseminates" and insert "**distributes**".

Page 26, line 32, delete "dissemination" and insert "**distribution**".

and when so amended that said bill do pass.

(Reference is to HB 1303 as introduced.)

MCNAMARA

Committee Vote: yeas 13, nays 0.

EH 1303—LS 6764/DI 106



HOUSE MOTION

Mr. Speaker: I move that House Bill 1303 be amended to read as follows:

Page 28, between lines 12 and 13, begin a new paragraph and insert:

"(1) It is a defense to a prosecution under this section that the person:

(1) possessed less than three (3) images prohibited by this section; and

(2) promptly and in good faith, and without retaining or allowing any person, other than a law enforcement agency, to access a prohibited image or a copy of a prohibited image:

(A) took reasonable steps to destroy each prohibited image; or

(B) reported the matter to a law enforcement agency and afforded that agency access to each prohibited image."

(Reference is to HB 1303 as printed January 14, 2026.)

BASCOM

HOUSE MOTION

Mr. Speaker: I move that House Bill 1303 be amended to read as follows:

Page 32, between lines 20 and 21, begin a new line block indented and insert:

"(22) A child sexual abuse material offense (IC 35-42-4-4.5)."

(Reference is to HB 1303 as printed January 14, 2026.)

ZIMMERMAN

COMMITTEE REPORT

Mr. President: The Senate Committee on Corrections and Criminal Law, to which was referred House Bill No. 1303, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 4, delete lines 11 through 42, begin a new paragraph and insert:

EH 1303—LS 6764/DI 106



"SECTION 3. IC 10-13-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. As used in this chapter, "missing child" means a person less than eighteen (18) years of age who:

- (1) is, or is believed to be:
 - (A) a temporary or permanent resident of Indiana;
 - (B) at a location that cannot be determined by the person's parent or legal custodian; and
 - (C) reported missing to a law enforcement agency; ~~or~~
- (2) is, or is believed to be:
 - (A) a temporary or permanent resident of Indiana; and
 - (B) a victim of the offense of criminal confinement (IC 35-42-3-3) or interference with custody (IC 35-42-3-4); **or**
 - (3) is, or is believed to be, a high risk missing person (as defined by IC 5-2-17-1).**

SECTION 4. IC 11-8-8-4.5, AS AMENDED BY P.L.218-2025, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4.5. (a) Except as provided in section 22 of this chapter, as used in this chapter, "sex offender" means a person convicted of any of the following offenses:

- (1) Rape (IC 35-42-4-1).
- (2) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
- (3) Child molesting (IC 35-42-4-3).
- (4) Child exploitation (~~IC 35-42-4-4(b) or IC 35-42-4-4(c)~~): **(IC 35-42-4-4).**
- (5) Vicarious sexual gratification (including performing sexual conduct in the presence of a minor) (IC 35-42-4-5).
- (6) Child solicitation (IC 35-42-4-6).
- (7) Child seduction (IC 35-42-4-7).
- (8) Sexual misconduct with a minor (IC 35-42-4-9) as a Class A, Class B, or Class C felony (for a crime committed before July 1, 2014) or a Level 1, Level 2, Level 4, or Level 5 felony (for a crime committed after June 30, 2014), unless:
 - (A) the person is convicted of sexual misconduct with a minor as a Class C felony (for a crime committed before July 1, 2014) or a Level 5 felony (for a crime committed after June 30, 2014);
 - (B) the person is not more than:
 - (i) four (4) years older than the victim if the offense was committed after June 30, 2007; or
 - (ii) five (5) years older than the victim if the offense was committed before July 1, 2007; and



- (C) the sentencing court finds that the person should not be required to register as a sex offender.
- (9) Incest (IC 35-46-1-3).
- (10) Sexual battery (IC 35-42-4-8).
- (11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age, and the person who kidnapped the victim is not the victim's parent or guardian.
- (12) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age, and the person who confined or removed the victim is not the victim's parent or guardian.
- (13) Possession of child sex abuse material (IC 35-42-4-4(d) or IC 35-42-4-4(e)) **(before July 1, 2026), or a child sex abuse material offense under IC 35-42-4-4.5 (after June 30, 2026).**
- (14) Promoting prostitution (IC 35-45-4-4) as a Class B felony (for a crime committed before July 1, 2014) or a Level 4 felony (for a crime committed after June 30, 2014).
- (15) Promotion of human sexual trafficking under IC 35-42-3.5-1.1.
- (16) Promotion of child sexual trafficking under IC 35-42-3.5-1.2(a).
- (17) Promotion of sexual trafficking of a younger child (IC 35-42-3.5-1.2(c)).
- (18) Child sexual trafficking (IC 35-42-3.5-1.3).
- (19) Human trafficking under IC 35-42-3.5-1.4 if the victim is less than eighteen (18) years of age.
- (20) Sexual misconduct by a service provider with a detained or supervised child (IC 35-44.1-3-10(c)).
- (b) The term includes:
- (1) a person who is required to register as a sex offender in any jurisdiction; ~~and~~
- (2) a person who has been designated:**
- (A) a sex offender;**
- (B) a sexually violent predator; or**
- (C) with a substantially equivalent designation;**
- in another jurisdiction and who was or would be subjected to the sex offender registration reporting requirements in the other jurisdiction if the person resided, worked, volunteered, attended school, or owned real property in that jurisdiction, as determined by the department;**
- (3) a person who has been convicted of failure to register as a sex offender in any jurisdiction; and**
- ~~(4)~~ **(4) a child who has committed a delinquent act, or a person**



prosecuted under IC 31-30-1-4(d) for an offense described in subsection (a) committed when the person was less than eighteen (18) years of age, but who was at least twenty-one (21) years of age when the charge was filed, and who:

- (A) is at least fourteen (14) years of age;
- (B) is on probation, is on parole, is discharged from a facility by the department of correction, is discharged from a secure private facility (as defined in IC 31-9-2-115), or is discharged from a juvenile detention facility as a result of an adjudication as a delinquent child for an act that would be an offense described in subsection (a) if committed by an adult; and
- (C) is found by a court by clear and convincing evidence to be likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

(c) In making a determination under subsection ~~(b)(2)(C)~~; **(b)(4)(C)**, the court shall consider expert testimony concerning whether a child is likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

(d) A person ordered to register under subsection ~~(b)(2)~~ **(b)(4)** may petition the court to reconsider the order at any time after completing court ordered sex offender treatment. The court shall consider expert testimony concerning whether a child or person is likely to repeat an offense described in subsection (a) or an act that would be an offense described in subsection (a) if committed by an adult.

SECTION 5. IC 11-8-8-5, AS AMENDED BY P.L.218-2025, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. (a) Except as provided in section 22 of this chapter, as used in this chapter, "sex or violent offender" means a person convicted of any of the following offenses:

- (1) Rape (IC 35-42-4-1).
- (2) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
- (3) Child molesting (IC 35-42-4-3).
- (4) Child exploitation ~~(IC 35-42-4-4(b) or IC 35-42-4-4(c))~~; **(IC 35-42-4-4)**.
- (5) Vicarious sexual gratification (including performing sexual conduct in the presence of a minor) (IC 35-42-4-5).
- (6) Child solicitation (IC 35-42-4-6).
- (7) Child seduction (IC 35-42-4-7).
- (8) Sexual misconduct with a minor (IC 35-42-4-9) as a Class A, Class B, or Class C felony (for a crime committed before July 1, 2014) or a Level 1, Level 2, Level 4, or Level 5 felony (for a crime committed after June 30, 2014), unless:



- (A) the person is convicted of sexual misconduct with a minor as a Class C felony (for a crime committed before July 1, 2014) or a Level 5 felony (for a crime committed after June 30, 2014);
 - (B) the person is not more than:
 - (i) four (4) years older than the victim if the offense was committed after June 30, 2007; or
 - (ii) five (5) years older than the victim if the offense was committed before July 1, 2007; and
 - (C) the sentencing court finds that the person should not be required to register as a sex offender.
- (9) Incest (IC 35-46-1-3).
 - (10) Sexual battery (IC 35-42-4-8).
 - (11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age, and the person who kidnapped the victim is not the victim's parent or guardian.
 - (12) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age, and the person who confined or removed the victim is not the victim's parent or guardian.
 - (13) Possession of child sex abuse material (IC 35-42-4-4(d) or IC 35-42-4-4(e)) **(before July 1, 2026), or a child sex abuse material offense under IC 35-42-4-4.5 (after June 30, 2026).**
 - (14) Promoting prostitution (IC 35-45-4-4) as a Class B felony (for a crime committed before July 1, 2014) or a Level 4 felony (for a crime committed after June 30, 2014).
 - (15) Promotion of human sexual trafficking under IC 35-42-3.5-1.1.
 - (16) Promotion of child sexual trafficking under IC 35-42-3.5-1.2(a).
 - (17) Promotion of sexual trafficking of a younger child (IC 35-42-3.5-1.2(c)).
 - (18) Child sexual trafficking (IC 35-42-3.5-1.3).
 - (19) Human trafficking under IC 35-42-3.5-1.4 if the victim is less than eighteen (18) years of age.
 - (20) Murder (IC 35-42-1-1).
 - (21) Voluntary manslaughter (IC 35-42-1-3).
 - (22) Sexual misconduct by a service provider with a detained or supervised child (IC 35-44.1-3-10(c)).
- (b) The term includes:
 - (1) a person who is required to register as a sex or violent offender in any jurisdiction; ~~and~~
 - (2) a person who has been designated:**



(A) a sex offender;
 (B) a sexually violent predator; or
 (C) with a substantially equivalent designation;
in another jurisdiction, and who was or would be subjected to the sex offender registration reporting requirements in the other jurisdiction if the person resided, worked, volunteered, attended school, or owned real property in that jurisdiction, as determined by the department;
(3) a person who has been convicted of failure to register as a sex offender in any jurisdiction; and
~~(2)~~ **(4) a child who has committed a delinquent act, or a person prosecuted under IC 31-30-1-4(d) for an offense described in subsection (a) committed when the person was less than eighteen (18) years of age, but who was at least twenty-one (21) years of age when the charge was filed, and who:**

(A) is at least fourteen (14) years of age;
 (B) is on probation, is on parole, is discharged from a facility by the department of correction, is discharged from a secure private facility (as defined in IC 31-9-2-115), or is discharged from a juvenile detention facility as a result of an adjudication as a delinquent child for an act that would be an offense described in subsection (a) if committed by an adult; and
 (C) is found by a court by clear and convincing evidence to be likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

(c) In making a determination under subsection ~~(b)(2)(C)~~; **(b)(4)(C)**, the court shall consider expert testimony concerning whether a child is likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

(d) A person ordered to register under subsection ~~(b)(2)~~ **(b)(4)** may petition the court to reconsider the order at any time after completing court ordered sex offender treatment. The court shall consider expert testimony concerning whether a child or person is likely to repeat an offense described in subsection (a) or an act that would be an offense described in subsection (a) if committed by an adult.

SECTION 6. IC 11-8-8-7.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 7.5. (a) This section applies to a person required to register as a:**

(1) sex offender under section 4.5(b)(2) of this chapter; or
(2) sex or violent offender under section 5(b)(2) of this chapter.



(b) A person may request that the department reconsider its determination that the person is required to register under section 4.5(b)(2) or 5(b)(2) of this chapter by filing a written request for reconsideration with the department. The request for reconsideration must:

- (1) be verified; and**
- (2) include a concise explanation of why the person is entitled to relief.**

The person may include any relevant evidence to establish that the person is not required to register under section 4.5(b)(2) or 5(b)(2) of this chapter.

(c) The department shall issue a written ruling not later than thirty (30) days after receipt of the request.

(d) If the person establishes by a preponderance of the evidence that the person is not required to register under section 4.5(b)(2) or 5(b)(2) of this chapter, the department shall grant appropriate relief.

SECTION 7. IC 11-8-8-19, AS AMENDED BY P.L.1-2025, SECTION 158, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 19. (a) Except as provided in subsections (b) through (f), a sex or violent offender is required to register under this chapter until the expiration of ten (10) years after the date the sex or violent offender:

- (1) is released from a penal facility (as defined in IC 35-31.5-2-232) or a secure juvenile detention facility of a state or another jurisdiction;
- (2) is placed in a community transition program;
- (3) is placed in a community corrections program;
- (4) is placed on parole; or
- (5) is placed on probation;

for the sex or violent offense requiring registration, whichever occurs last. The registration period is tolled during any period that the sex or violent offender is incarcerated. The registration period does not restart if the offender is convicted of a subsequent offense. However, if the subsequent offense is a sex or violent offense, or an offense under section 17 of this chapter, a new registration period may be imposed in accordance with this chapter. The department shall ensure that an offender who is no longer required to register as a sex or violent offender is notified that the obligation to register has expired, and shall ensure that the offender's information is no longer published to the public portal of the sex and violent offender registry website established under IC 36-2-13-5.5.



(b) A sex or violent offender who is a sexually violent predator is required to register for life.

(c) A sex or violent offender who is convicted of at least one (1) offense under section 5(a) of this chapter that the sex or violent offender committed:

- (1) when the person was at least eighteen (18) years of age; and
- (2) against a victim who was less than twelve (12) years of age at the time of the crime;

is required to register for life.

(d) A sex or violent offender who is convicted of at least one (1) offense under section 5(a) of this chapter in which the sex offender:

- (1) proximately caused serious bodily injury or death to the victim;
- (2) used force or the threat of force against the victim or a member of the victim's family, unless the offense is sexual battery as a Class D felony (for an offense committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014); or
- (3) rendered the victim unconscious or otherwise incapable of giving voluntary consent;

is required to register for life.

(e) A sex or violent offender who is convicted of at least two (2) unrelated offenses under section 5(a) of this chapter is required to register for life.

(f) A person who is **required to register as a sex or violent offender in any jurisdiction a:**

- (1) sex offender under section 4.5 of this chapter; or**
- (2) sex or violent offender under section 5 of this chapter;**

shall register for the period required by ~~the other another~~ jurisdiction or the period described in this section, whichever is longer."

Delete pages 5 through 7.

Page 8, delete lines 1 through 8.

Page 14, between lines 25 and 26, begin a new paragraph and insert:

"SECTION 24. IC 35-38-1-7.5, AS AMENDED BY P.L.186-2025, SECTION 229, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 7.5. (a) As used in this section, "sexually violent predator" means a person who suffers from a mental abnormality or personality disorder that makes the individual likely to repeatedly commit a sex offense (as defined in IC 11-8-8-5.2). The term includes a person convicted in another jurisdiction who is identified as a sexually violent predator under IC 11-8-8-20. The term does not include a person no longer considered a sexually violent



predator under subsection (g).

(b) A person who:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) This section applies whenever a court sentences a person or a



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

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

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

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

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

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

- (1) the sentencing court or juvenile court makes its determination under subsection (e); or
- (2) the person is released from incarceration or secure detention.

A person may file a petition under this subsection not more than one (1) time per year. A court may dismiss a petition filed under this subsection or conduct a hearing to determine if the person should no longer be considered a sexually violent predator. If the court conducts a hearing, the court shall appoint two (2) psychologists or psychiatrists who have expertise in criminal behavioral disorders to evaluate the person and testify at the hearing. After conducting the hearing and considering the testimony of the two (2) psychologists or psychiatrists, the court shall determine whether the person should no longer be considered a sexually violent predator under subsection (a). If a court



finds that the person should no longer be considered a sexually violent predator, the court shall send notice to the department of correction that the person is no longer considered a sexually violent predator or an offender against children. Notwithstanding any other law, a condition imposed on a person due to the person's status as a sexually violent predator, including lifetime parole or GPS monitoring, does not apply to a person no longer considered a sexually violent predator.

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

- (1) The victim was not less than twelve (12) years of age at the time the offense was committed.
- (2) The person is not more than four (4) years older than the victim.
- (3) The relationship between the person and the victim was a dating relationship or an ongoing personal relationship. The term "ongoing personal relationship" does not include a family relationship.
- (4) The offense committed by the person was not any of the following:
 - (A) Rape (IC 35-42-4-1).
 - (B) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
 - (C) An offense committed by using or threatening the use of deadly force or while armed with a deadly weapon.
 - (D) An offense that results in serious bodily injury.
 - (E) An offense that is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1.1-7) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.
- (5) The person has not committed another sex offense (as defined in IC 11-8-8-5.2) (including a delinquent act that would be a sex offense if committed by an adult) against any other person.
- (6) The person did not have a position of authority or substantial influence over the victim.
- (7) The court finds that the person should not be considered a sexually violent predator."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

EH 1303—LS 6764/DI 106



(Reference is to HB 1303 as reprinted January 21, 2026.)

FREEMAN, Chairperson

Committee Vote: Yeas 9, Nays 0.

