



February 20, 2026

ENGROSSED HOUSE BILL No. 1303

DIGEST OF HB 1303 (Updated February 19, 2026 12:17 pm - DI 120)

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". Specifies that the amber alert program
(Continued next page)

Effective: Upon passage; July 1, 2026.

McNamara, Karickhoff, Meltzer, Pressel

(SENATE SPONSORS — CLARK, CARRASCO, BROWN L,
RANDOLPH LONNIE M, QADDOURA)

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.
February 19, 2026, amended, reported favorably — Do Pass.

EH 1303—LS 6764/DI 106



Digest Continued

applies to missing as well as abducted children. 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.

EH 1303—LS 6764/DI 106



February 20, 2026

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

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

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

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

ENGROSSED HOUSE BILL No. 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).

EH 1303—LS 6764/DI 106



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 10-13-5-1 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. As used in this
13 chapter, "Amber alert program" means a program under which the
14 clearinghouse transmits information about a **missing child, including**
15 **a recently abducted child to broadcasters who:**

16 (1) have agreed to participate in the program; and

17 (2) immediately and repeatedly broadcast the information to the
18 general public.

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

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

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

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

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

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

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

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

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

34 SECTION 5. IC 10-13-5-8, AS AMENDED BY P.L.40-2024,
35 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 UPON PASSAGE]: Sec. 8. (a) The clearinghouse shall operate an
37 Amber alert program, a green alert program, and a silver alert program.

38 (b) Upon the establishment of the Amber alert program, the green
39 alert program, and the silver alert program, the clearinghouse may enter
40 into an agreement with one (1) or more broadcasters to operate the
41 Amber alert program, the green alert program, and the silver alert
42 program under this chapter.



1 (c) The superintendent shall designate staff responsible for the
2 operation of the Amber alert program, the green alert program, and the
3 silver alert program.

4 (d) The department shall adopt guidelines governing the
5 clearinghouse's operation of the Amber alert program, the green alert
6 program, and the silver alert program. The department's guidelines may
7 require that staff, upon receiving a report of **a missing child** or that a
8 child has been abducted, or an endangered child, veteran at risk, or
9 endangered adult is missing, immediately send electronically or by
10 other means of communication a description of the **missing child**,
11 abducted child or missing endangered child, missing veteran at risk, or
12 missing endangered adult to one (1) or more broadcasters participating
13 in the Amber alert program, the green alert program, or the silver alert
14 program. The guidelines must include criteria that the clearinghouse
15 shall use in determining whether to issue a silver alert or green alert
16 and the geographic area or region in which to issue the silver alert or
17 green alert.

18 (e) A broadcaster participating in the Amber alert program, the
19 green alert program, or the silver alert program shall immediately
20 broadcast:

21 (1) a description of the **missing or** abducted child, missing
22 endangered child, missing veteran at risk, or missing endangered
23 adult; and

24 (2) other information that will assist in locating the **missing or**
25 abducted child, missing endangered child, missing veteran at risk,
26 or missing endangered adult;

27 to the general public in accordance with the Amber alert plan
28 agreement, green alert plan agreement, or silver alert plan agreement
29 between the clearinghouse and the broadcaster.

30 (f) The department shall adopt guidelines governing the voluntary
31 Amber alert program agreement, voluntary green alert program
32 agreement, or voluntary silver alert program agreement between the
33 clearinghouse and a broadcaster. The voluntary agreements between
34 the clearinghouse and the broadcaster may include the following
35 provisions:

36 (1) Upon receiving a notification as part of the Amber alert
37 program, green alert program, or silver alert program, the
38 broadcaster shall broadcast the information contained on the
39 notice on an intermittent basis for a period of time as provided in
40 the agreements between the clearinghouse and the broadcaster.

41 (2) The broadcaster shall treat the Amber alert notification, green
42 alert notification, or silver alert notification as an emergency.



1 (3) The broadcaster shall ensure that the form of communication
 2 used to receive an Amber alert notification, a green alert
 3 notification, or a silver alert notification is:

4 (A) generally available to receive an Amber alert notification,
 5 a green alert notification, or a silver alert notification; and

6 (B) located such that the broadcaster will immediately become
 7 aware of an incoming Amber alert notification, green alert
 8 notification, or silver alert notification.

9 SECTION 6. IC 10-13-5-8.1, AS AMENDED BY P.L.40-2024,
 10 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 UPON PASSAGE]: Sec. 8.1. (a) In addition to an agreement with a
 12 broadcaster under section 8 of this chapter, the clearinghouse may enter
 13 into an agreement with one (1) or more electronic billboard operators
 14 to display Amber alerts, green alerts, or silver alerts under this section.
 15 An agreement under this section may include a limitation on the days
 16 and times that the electronic billboard operator is required to have staff
 17 present to receive an Amber alert, a green alert, or a silver alert
 18 notification.

19 (b) The department's guidelines adopted under section 8 of this
 20 chapter may require staff, upon receiving a report **of a missing child**
 21 **or** that a child has been abducted, an endangered child is missing, a
 22 veteran at risk is missing, or an endangered adult is missing, to
 23 immediately send electronically or by other means of communication
 24 a description of the **missing or** abducted child, missing endangered
 25 child, missing veteran at risk, or missing endangered adult to one (1)
 26 or more electronic billboard operators participating in the Amber alert
 27 program, green alert program, or silver alert program if the Amber
 28 alert, green alert, or silver alert occurs during a period when the
 29 electronic billboard operator has agreed to have staff present to receive
 30 an Amber alert notification, a green alert notification, or a silver alert
 31 notification.

32 (c) An electronic billboard operator participating in the Amber alert
 33 program, green alert program, or silver alert program shall immediately
 34 display:

35 (1) a description of the **missing or** abducted child, missing
 36 endangered child, missing veteran at risk, or missing endangered
 37 adult; and

38 (2) other information that will assist in locating the **missing or**
 39 abducted child, missing endangered child, missing veteran at risk,
 40 or missing endangered adult;

41 to the general public in accordance with the Amber alert plan
 42 agreement, green alert plan agreement, or silver alert plan agreement



1 between the clearinghouse and the electronic billboard operator.

2 (d) The department shall adopt guidelines governing the voluntary
3 Amber alert program agreement, voluntary green alert program
4 agreement, or voluntary silver alert program agreement between the
5 clearinghouse and an electronic billboard operator. The voluntary
6 agreements between the clearinghouse and the electronic billboard
7 operator may include the following provisions:

8 (1) Upon receiving a notification as part of the Amber alert
9 program, the green alert program, or the silver alert program, the
10 electronic billboard operator shall display the information
11 contained in the notice on an intermittent basis for a period of
12 time as provided in the agreements between the clearinghouse and
13 the electronic billboard operator.

14 (2) The electronic billboard operator shall treat the Amber alert
15 notification, the green alert notification, or the silver alert
16 notification as an emergency.

17 (3) The electronic billboard operator shall ensure that the form of
18 communication used to receive an Amber alert notification, a
19 green alert notification, or a silver alert notification is:

20 (A) generally available to receive an Amber alert notification,
21 a green alert notification, or a silver alert notification; and

22 (B) located such that the electronic billboard operator will
23 immediately become aware of an incoming Amber alert
24 notification, a green alert notification, or a silver alert
25 notification received during days and times when staff is
26 present to receive an Amber alert notification, a green alert
27 notification, or a silver alert notification.

28 SECTION 7. IC 10-13-5-8.5, AS AMENDED BY P.L.40-2024,
29 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 UPON PASSAGE]: Sec. 8.5. (a) A broadcaster or electronic billboard
31 operator that has agreed to participate in the Amber alert program,
32 green alert program, or silver alert program and that:

33 (1) receives an Amber alert notification, a green alert notification,
34 or a silver alert notification from the department; and

35 (2) broadcasts or displays:

36 (A) a description of the **missing or** abducted child, missing
37 endangered child, missing veteran at risk, or missing
38 endangered adult contained in the notification; and

39 (B) other information contained in the notification that will
40 assist in locating the child, missing veteran at risk, or missing
41 endangered adult;

42 is immune from civil liability based on the broadcast or display of the



1 information received from the department.

2 (b) If:

3 (1) a person enters into an agreement with the department to
4 establish or maintain an Amber alert website, a green alert
5 website, or a silver alert website; and

6 (2) the agreement provides that only the department has the
7 ability to place information on the website;

8 the person is immune from civil liability for the information placed on
9 the website by the department. However, this subsection does not affect
10 the applicability of IC 34-13-3 to the department.

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

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

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

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

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

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

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

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

25 (8) Sexual misconduct with a minor (IC 35-42-4-9) as a Class A,
26 Class B, or Class C felony (for a crime committed before July 1,
27 2014) or a Level 1, Level 2, Level 4, or Level 5 felony (for a
28 crime committed after June 30, 2014), unless:

29 (A) the person is convicted of sexual misconduct with a minor
30 as a Class C felony (for a crime committed before July 1,
31 2014) or a Level 5 felony (for a crime committed after June
32 30, 2014);

33 (B) the person is not more than:

34 (i) four (4) years older than the victim if the offense was
35 committed after June 30, 2007; or

36 (ii) five (5) years older than the victim if the offense was
37 committed before July 1, 2007; and

38 (C) the sentencing court finds that the person should not be
39 required to register as a sex offender.

40 (9) Incest (IC 35-46-1-3).

41 (10) Sexual battery (IC 35-42-4-8).

42 (11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen



- 1 (18) years of age, and the person who kidnapped the victim is not
 2 the victim's parent or guardian.
- 3 (12) Criminal confinement (IC 35-42-3-3), if the victim is less
 4 than eighteen (18) years of age, and the person who confined or
 5 removed the victim is not the victim's parent or guardian.
- 6 (13) 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, 2026).**
- 9 (14) Promoting prostitution (IC 35-45-4-4) as a Class B felony
 10 (for a crime committed before July 1, 2014) or a Level 4 felony
 11 (for a crime committed after June 30, 2014).
- 12 (15) Promotion of human sexual trafficking under
 13 IC 35-42-3.5-1.1.
- 14 (16) Promotion of child sexual trafficking under
 15 IC 35-42-3.5-1.2(a).
- 16 (17) Promotion of sexual trafficking of a younger child
 17 (IC 35-42-3.5-1.2(c)).
- 18 (18) Child sexual trafficking (IC 35-42-3.5-1.3).
- 19 (19) Human trafficking under IC 35-42-3.5-1.4 if the victim is
 20 less than eighteen (18) years of age.
- 21 (20) Sexual misconduct by a service provider with a detained or
 22 supervised child (IC 35-44.1-3-10(c)).
- 23 (b) The term includes:
- 24 (1) a person who is required to register as a sex offender in any
 25 jurisdiction; ~~and~~
- 26 **(2) a person who has been designated:**
- 27 **(A) a sex offender;**
- 28 **(B) a sexually violent predator; or**
- 29 **(C) with a substantially equivalent designation;**
- 30 **in another jurisdiction and who was or would be subjected to**
 31 **the sex offender registration reporting requirements in the**
 32 **other jurisdiction if the person resided, worked, volunteered,**
 33 **attended school, or owned real property in that jurisdiction,**
 34 **as determined by the department;**
- 35 **(3) a person who has been convicted of failure to register as a**
 36 **sex offender in any jurisdiction; and**
- 37 ~~(2)~~ **(4) a child who has committed a delinquent act, or a person**
 38 **prosecuted under IC 31-30-1-4(d) for an offense described in**
 39 **subsection (a) committed when the person was less than eighteen**
 40 **(18) years of age, but who was at least twenty-one (21) years of**
 41 **age when the charge was filed, and who:**
- 42 **(A) is at least fourteen (14) years of age;**



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

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

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

20 SECTION 9. IC 11-8-8-5, AS AMENDED BY P.L.218-2025,
 21 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2026]: Sec. 5. (a) Except as provided in section 22 of this
 23 chapter, as used in this chapter, "sex or violent offender" means a
 24 person convicted of any of the following offenses:

- 25 (1) Rape (IC 35-42-4-1).
- 26 (2) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
- 27 (3) Child molesting (IC 35-42-4-3).
- 28 (4) Child exploitation ~~(IC 35-42-4-4(b) or IC 35-42-4-4(c))~~;
 29 **(IC 35-42-4-4)**.
- 30 (5) Vicarious sexual gratification (including performing sexual
 31 conduct in the presence of a minor) (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 misconduct with a minor (IC 35-42-4-9) as a Class A,
 35 Class B, or Class C felony (for a crime committed before July 1,
 36 2014) or a Level 1, Level 2, Level 4, or Level 5 felony (for a
 37 crime committed after June 30, 2014), unless:
- 38 (A) the person is convicted of sexual misconduct with a minor
 39 as a Class C felony (for a crime committed before July 1,
 40 2014) or a Level 5 felony (for a crime committed after June
 41 30, 2014);
- 42 (B) the person is not more than:



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



1 **other jurisdiction if the person resided, worked, volunteered,**
 2 **attended school, or owned real property in that jurisdiction,**
 3 **as determined by the department;**

4 **(3) a person who has been convicted of failure to register as a**
 5 **sex offender in any jurisdiction; and**

6 ~~(2)~~ **(4) a child who has committed a delinquent act, or a person**
 7 **prosecuted under IC 31-30-1-4(d) for an offense described in**
 8 **subsection (a) committed when the person was less than eighteen**
 9 **(18) years of age, but who was at least twenty-one (21) years of**
 10 **age when the charge was filed, and who:**

11 (A) is at least fourteen (14) years of age;

12 (B) is on probation, is on parole, is discharged from a facility
 13 by the department of correction, is discharged from a secure
 14 private facility (as defined in IC 31-9-2-115), or is discharged
 15 from a juvenile detention facility as a result of an adjudication
 16 as a delinquent child for an act that would be an offense
 17 described in subsection (a) if committed by an adult; and

18 (C) is found by a court by clear and convincing evidence to be
 19 likely to repeat an act that would be an offense described in
 20 subsection (a) if committed by an adult.

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

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

31 SECTION 10. IC 11-8-8-7.5 IS ADDED TO THE INDIANA CODE
 32 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 33 1, 2026]: **Sec. 7.5. (a) This section applies to a person required to**
 34 **register as a:**

35 **(1) sex offender under section 4.5(b)(2) of this chapter; or**

36 **(2) sex or violent offender under section 5(b)(2) of this**
 37 **chapter.**

38 **(b) A person may request that the department reconsider its**
 39 **determination that the person is required to register under section**
 40 **4.5(b)(2) or 5(b)(2) of this chapter by filing a written request for**
 41 **reconsideration with the department. The request for**
 42 **reconsideration must:**



1 **(1) be verified; and**
 2 **(2) include a concise explanation of why the person is entitled**
 3 **to relief.**
 4 **The person may include any relevant evidence to establish that the**
 5 **person is not required to register under section 4.5(b)(2) or 5(b)(2)**
 6 **of this chapter.**
 7 **(c) The department shall issue a written ruling not later than**
 8 **thirty (30) days after receipt of the request.**
 9 **(d) If the person establishes by a preponderance of the evidence**
 10 **that the person is not required to register under section 4.5(b)(2)**
 11 **or 5(b)(2) of this chapter, the department shall grant appropriate**
 12 **relief.**
 13 SECTION 11. IC 11-8-8-19, AS AMENDED BY P.L.1-2025,
 14 SECTION 158, IS AMENDED TO READ AS FOLLOWS
 15 [EFFECTIVE JULY 1, 2026]: Sec. 19. (a) Except as provided in
 16 subsections (b) through (f), a sex or violent offender is required to
 17 register under this chapter until the expiration of ten (10) years after the
 18 date the sex or violent offender:
 19 (1) is released from a penal facility (as defined in
 20 IC 35-31.5-2-232) or a secure juvenile detention facility of a state
 21 or another jurisdiction;
 22 (2) is placed in a community transition program;
 23 (3) is placed in a community corrections program;
 24 (4) is placed on parole; or
 25 (5) is placed on probation;
 26 for the sex or violent offense requiring registration, whichever occurs
 27 last. The registration period is tolled during any period that the sex or
 28 violent offender is incarcerated. The registration period does not restart
 29 if the offender is convicted of a subsequent offense. However, if the
 30 subsequent offense is a sex or violent offense, or an offense under
 31 section 17 of this chapter, a new registration period may be imposed in
 32 accordance with this chapter. The department shall ensure that an
 33 offender who is no longer required to register as a sex or violent
 34 offender is notified that the obligation to register has expired, and shall
 35 ensure that the offender's information is no longer published to the
 36 public portal of the sex and violent offender registry website
 37 established under IC 36-2-13-5.5.
 38 (b) A sex or violent offender who is a sexually violent predator is
 39 required to register for life.
 40 (c) A sex or violent offender who is convicted of at least one (1)
 41 offense under section 5(a) of this chapter that the sex or violent
 42 offender committed:



- 1 (1) when the person was at least eighteen (18) years of age; and
- 2 (2) against a victim who was less than twelve (12) years of age at
- 3 the time of the crime;
- 4 is required to register for life.
- 5 (d) A sex or violent offender who is convicted of at least one (1)
- 6 offense under section 5(a) of this chapter in which the sex offender:
- 7 (1) proximately caused serious bodily injury or death to the
- 8 victim;
- 9 (2) used force or the threat of force against the victim or a
- 10 member of the victim's family, unless the offense is sexual battery
- 11 as a Class D felony (for an offense committed before July 1,
- 12 2014) or a Level 6 felony (for a crime committed after June 30,
- 13 2014); or
- 14 (3) rendered the victim unconscious or otherwise incapable of
- 15 giving voluntary consent;
- 16 is required to register for life.
- 17 (e) A sex or violent offender who is convicted of at least two (2)
- 18 unrelated offenses under section 5(a) of this chapter is required to
- 19 register for life.
- 20 (f) A person who is ~~required to register as a sex or violent offender~~
- 21 ~~in any jurisdiction a:~~
- 22 **(1) sex offender under section 4.5 of this chapter; or**
- 23 **(2) sex or violent offender under section 5 of this chapter;**
- 24 shall register for the period required by ~~the other another~~ jurisdiction
- 25 or the period described in this section, whichever is longer.
- 26 SECTION 12. IC 11-13-3-11, AS AMENDED BY P.L.218-2025,
- 27 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 28 JULY 1, 2026]: Sec. 11. (a) As used in this section, "Internet crime
- 29 against a child" means a conviction for a violation of:
- 30 (1) ~~IC 35-42-4-4(b) or IC 35-42-4-4(c)~~ **IC 35-42-4-4** (child
- 31 exploitation);
- 32 (2) IC 35-42-4-4(d) or IC 35-42-4-4(e) (possession of child sex
- 33 abuse material) **(before July 1, 2026), or a child sex abuse**
- 34 **material offense under IC 35-42-4-4.5 (after June 30, 2026);**
- 35 or
- 36 (3) IC 35-42-4-6 (child solicitation).
- 37 (b) When a person is placed on lifetime parole, the department shall
- 38 provide the parolee with a written statement of the conditions of
- 39 lifetime parole. The parolee shall sign the statement, retain a copy, and
- 40 provide a copy to the department. The department shall place the
- 41 signed statement in the parolee's master file.
- 42 (c) As a condition of lifetime parole, the parole board shall:



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

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

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

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

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

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

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

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

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

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

26 (d) As a condition of lifetime parole, the parole board may require
27 a sexually violent predator to participate in a sex offender treatment
28 program approved by the parole board.

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

31 (1) a sexually violent predator; or

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

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

41 (f) When an offender is placed on lifetime parole, the parole board
42 shall inform the sheriff and the prosecuting attorney of the offender's



1 current county of residence:
 2 (1) that the offender has been placed on lifetime parole; and
 3 (2) whether the offender is required to wear a monitoring device
 4 as described in subsection (e).
 5 (g) The parole board may adopt rules under IC 4-22-2 to impose
 6 additional conditions of lifetime parole and to implement this section.
 7 SECTION 13. IC 22-5-5-1, AS AMENDED BY P.L.13-2016,
 8 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2026]: Sec. 1. The employment contract of a person who:
 10 (1) works with children; and
 11 (2) is convicted of:
 12 (A) rape (IC 35-42-4-1), if the victim is less than eighteen (18)
 13 years of age;
 14 (B) criminal deviate conduct (IC 35-42-4-2) (repealed), if the
 15 victim is less than eighteen (18) years of age;
 16 (C) child molesting (IC 35-42-4-3);
 17 (D) child exploitation (~~IC 35-42-4-4(b) or IC 35-42-4-4(c)~~);
 18 **(IC 35-42-4-4);**
 19 (E) vicarious sexual gratification (IC 35-42-4-5);
 20 (F) child solicitation (IC 35-42-4-6);
 21 (G) child seduction (IC 35-42-4-7); or
 22 (H) incest (IC 35-46-1-3), if the victim is less than eighteen
 23 (18) years of age;
 24 may be canceled by the person's employer.
 25 SECTION 14. IC 31-9-2-133.1, AS AMENDED BY P.L.172-2022,
 26 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2026]: Sec. 133.1. "Victim of human or sexual trafficking",
 28 for purposes of IC 31-34-1-3.5, refers to a child who is recruited,
 29 harbored, transported, or engaged in:
 30 (1) forced labor;
 31 (2) involuntary servitude;
 32 (3) prostitution;
 33 (4) juvenile prostitution, as defined in IC 35-31.5-2-178.5;
 34 (5) child exploitation as defined in ~~IC 35-42-4-4(b)~~; **under**
 35 **IC 35-42-4-4;**
 36 (6) marriage, unless authorized by a court under IC 31-11-1-7;
 37 (7) trafficking for the purpose of prostitution, juvenile
 38 prostitution, or participation in sexual conduct as defined in
 39 IC 35-42-4-4(a); or
 40 (8) human trafficking as defined in IC 35-42-3.5-0.5.
 41 SECTION 15. IC 31-14-14-1, AS AMENDED BY P.L.223-2019,
 42 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2026]: Sec. 1. (a) A noncustodial parent is entitled to
 2 reasonable parenting time rights unless the court finds, after a hearing,
 3 that parenting time might:

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

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

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

- 12 (1) child molesting (IC 35-42-4-3); or
 13 (2) child exploitation (~~IC 35-42-4-4(b) or IC 35-42-4-4(c)~~);
 14 **(IC 35-42-4-4)**;

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

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

- 19 (1) child molesting (IC 35-42-4-3); or
 20 (2) child exploitation (~~IC 35-42-4-4(b) or IC 35-42-4-4(c)~~);
 21 **(IC 35-42-4-4)**;

22 there is a rebuttable presumption that the parenting time with the child
 23 must be supervised.

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

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

29 within the previous five (5) years, the court shall order that the
 30 parenting time with the child must be supervised.

31 (f) The court may permit counsel to be present at the interview. If
 32 counsel is present:

- 33 (1) a record may be made of the interview; and
 34 (2) the interview may be made part of the record for purposes of
 35 appeal.

36 SECTION 16. IC 31-17-4-1, AS AMENDED BY P.L.146-2021,
 37 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2026]: Sec. 1. (a) Subject to subsections (d) and (e) and
 39 subject to section 1.1 of this chapter, a parent not granted custody of
 40 the child is entitled to reasonable parenting time rights unless the court
 41 finds, after a hearing, that parenting time by the noncustodial parent
 42 might endanger the child's physical health or significantly impair the



- 1 child's emotional development.
- 2 (b) The court may interview the child in chambers to assist the court
3 in determining the child's perception of whether parenting time by the
4 noncustodial parent might endanger the child's physical health or
5 significantly impair the child's emotional development.
- 6 (c) The court may permit counsel to be present at the interview. If
7 counsel is present:
- 8 (1) a record may be made of the interview; and
9 (2) the interview may be made part of the record for purposes of
10 appeal.
- 11 (d) Except as provided in subsection (e), if a court grants parenting
12 time rights to a person who has been convicted of:
- 13 (1) child molesting (IC 35-42-4-3); or
14 (2) child exploitation (~~IC 35-42-4-4(b) or IC 35-42-4-4(c)~~);
15 **(IC 35-42-4-4)**;
- 16 there is a rebuttable presumption that the parenting time with the child
17 must be supervised.
- 18 (e) If a court grants parenting time rights to a person who has been
19 convicted of:
- 20 (1) child molesting (IC 35-42-4-3); or
21 (2) child exploitation (~~IC 35-42-4-4(b) or IC 35-42-4-4(c)~~);
22 **(IC 35-42-4-4)**;
- 23 within the previous five (5) years, the court shall order that the
24 parenting time with the child must be supervised.
- 25 SECTION 17. IC 33-37-5-23, AS AMENDED BY P.L.144-2018,
26 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 JULY 1, 2026]: Sec. 23. (a) This section applies to criminal actions.
- 28 (b) The court shall assess a sexual assault victims assistance fee of
29 at least five hundred dollars (\$500) and not more than five thousand
30 dollars (\$5,000) against an individual convicted in Indiana of any of the
31 following offenses:
- 32 (1) Rape (IC 35-42-4-1).
33 (2) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
34 (3) Child molesting (IC 35-42-4-3).
35 (4) Child exploitation (~~IC 35-42-4-4(b) or IC 35-42-4-4(c)~~);
36 **(IC 35-42-4-4)**.
37 (5) Vicarious sexual gratification (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 battery (IC 35-42-4-8).
41 (9) Sexual misconduct with a minor as a Class A or Class B
42 felony (for a crime committed before July 1, 2014) or a Level 1



- 1 felony or Level 4 felony (for a crime committed after June 30,
 2 2014) (IC 35-42-4-9).
 3 (10) Incest (IC 35-46-1-3).
 4 (11) Promotion of human labor trafficking (IC 35-42-3.5-1).
 5 (12) Promotion of human sexual trafficking (IC 35-42-3.5-1.1).
 6 (13) Promotion of child sexual trafficking (IC 35-42-3.5-1.2(a)).
 7 (14) Promotion of sexual trafficking of a younger child
 8 (IC 35-42-3.5-1.2(c)).
 9 (15) Child sexual trafficking (IC 35-42-3.5-1.3).
 10 (16) Human trafficking (IC 35-42-3.5-1.4).
- 11 SECTION 18. IC 33-39-1-9, AS AMENDED BY P.L.13-2016,
 12 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2026]: Sec. 9. A prosecuting attorney who charges a person
 14 with committing any of the following shall inform the person's
 15 employer of the charge, unless the prosecuting attorney determines that
 16 the person charged does not work with children:
- 17 (1) Rape (IC 35-42-4-1), if the victim is less than eighteen (18)
 18 years of age.
 - 19 (2) Criminal deviate conduct (IC 35-42-4-2) (repealed), if the
 20 victim is less than eighteen (18) years of age.
 - 21 (3) Child molesting (IC 35-42-4-3).
 - 22 (4) Child exploitation (~~IC 35-42-4-4(b) or IC 35-42-4-4(c)~~);
 23 **(IC 35-42-4-4)**.
 - 24 (5) Vicarious sexual gratification (IC 35-42-4-5).
 - 25 (6) Child solicitation (IC 35-42-4-6).
 - 26 (7) Child seduction (IC 35-42-4-7).
 - 27 (8) Incest (IC 35-46-1-3), if the victim is less than eighteen (18)
 28 years of age.
- 29 SECTION 19. IC 35-31.5-2-98 IS REPEALED [EFFECTIVE JULY
 30 1, 2026]. Sec. 98: "Disseminate", for purposes of ~~IC 35-42-4-4~~, has the
 31 meaning set forth in ~~IC 35-42-4-4(a)~~.
- 32 SECTION 20. IC 35-31.5-2-196, AS ADDED BY P.L.114-2012,
 33 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2026]: Sec. 196. (a) "Matter", for purposes of ~~IC 35-42-4-4~~,
 35 has the meaning set forth in ~~IC 35-42-4-4(a)~~.
 36 (b) "Matter", for purposes of IC 35-49, has the meaning set forth in
 37 IC 35-49-1-3.
- 38 SECTION 21. IC 35-31.5-2-233, AS ADDED BY P.L.114-2012,
 39 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2026]: Sec. 233. (a) "Performance", for purposes of
 41 ~~IC 35-42-4-4~~, has the meaning set forth in ~~IC 35-42-4-4(a)~~.
 42 (b) "Performance", for purposes of IC 35-49, has the meaning set



1 forth in IC 35-49-1-7.

2 SECTION 22. IC 35-31.5-2-300, AS AMENDED BY P.L.144-2018,
3 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2026]: Sec. 300. (a) "Sexual conduct", for purposes of
5 IC 35-42-3.5-0.5 and IC 35-42-4-4, has the meaning set forth in
6 ~~IC 35-42-4-4(a)~~. **IC 35-42-4-4.**

7 (b) "Sexual conduct", for purposes of IC 35-49, has the meaning set
8 forth in IC 35-49-1-9.

9 SECTION 23. IC 35-36-10-1, AS ADDED BY P.L.148-2011,
10 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2026]: Sec. 1. This chapter applies ~~only~~ in a criminal **or civil**
12 proceeding.

13 SECTION 24. IC 35-36-10-2, AS AMENDED BY P.L.218-2025,
14 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2026]: Sec. 2. As used in this chapter, "child sex abuse
16 material" includes:

- 17 (1) material described in ~~IC 35-42-4-4(d)~~; **IC 35-42-4-4.5**; and
18 (2) material defined in 18 U.S.C. 2256(8).

19 SECTION 25. IC 35-36-10-3, AS AMENDED BY P.L.218-2025,
20 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 JULY 1, 2026]: Sec. 3. In any criminal proceeding **or civil proceeding**,
22 material constituting child sex abuse material must remain in the
23 custody of the state or the court.

24 SECTION 26. IC 35-36-10-4, AS AMENDED BY P.L.218-2025,
25 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JULY 1, 2026]: Sec. 4. A court shall deny any request by the defendant
27 in a criminal proceeding, **or any party in a civil proceeding**, to copy,
28 photograph, duplicate, or otherwise reproduce any material that
29 constitutes child sex abuse material if the state **(in a criminal**
30 **proceeding), or the court (in a civil proceeding)**, provides ample
31 opportunity for inspection, viewing, and examination of the material
32 by:

- 33 (1) the defendant **(in a criminal proceeding)**;
34 (2) the defendant's attorney **(in a criminal proceeding)**; **and**
35 (3) any individual the defendant seeks to qualify as an expert **(in**
36 **a criminal proceeding)**;
37 (4) **any party and the party's attorney (in a civil proceeding)**;
38 **and**
39 (5) **any individual a party seeks to qualify as an expert (in a**
40 **civil proceeding)**;

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



1 SECTION 27. IC 35-38-1-7.5, AS AMENDED BY P.L.186-2025,
 2 SECTION 229, IS AMENDED TO READ AS FOLLOWS
 3 [EFFECTIVE JULY 1, 2026]: Sec. 7.5. (a) As used in this section,
 4 "sexually violent predator" means a person who suffers from a mental
 5 abnormality or personality disorder that makes the individual likely to
 6 repeatedly commit a sex offense (as defined in IC 11-8-8-5.2). The
 7 term includes a person convicted in another jurisdiction who is
 8 identified as a sexually violent predator under IC 11-8-8-20. The term
 9 does not include a person no longer considered a sexually violent
 10 predator under subsection (g).

11 (b) A person who:

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

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

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

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

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

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

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

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

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

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

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

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

40 (4) commits a sex offense (as defined in IC 11-8-8-5.2) while
 41 having had a previous unrelated adjudication as a delinquent child
 42 for an act that would be a sex offense if committed by an adult, if



1 the person was required to register as a sex or violent offender
 2 under ~~IC 11-8-8-5(b)(2)~~; **IC 11-8-8-5(b)(4)**;
 3 is a sexually violent predator. Except as provided in subsection (g) or
 4 (h), a person is a sexually violent predator by operation of law if an
 5 offense committed by the person satisfies the conditions set forth in
 6 subdivision (1) or (2) and the person was released from incarceration,
 7 secure detention, probation, or parole for the offense after June 30,
 8 1994.

9 (c) This section applies whenever a court sentences a person or a
 10 juvenile court issues a dispositional decree for a sex offense (as defined
 11 in IC 11-8-8-5.2) for which the person is required to register with the
 12 local law enforcement authority under IC 11-8-8.

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

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

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

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

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

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

39 (1) the sentencing court or juvenile court makes its determination
 40 under subsection (e); or

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

42 A person may file a petition under this subsection not more than one



1 (1) time per year. A court may dismiss a petition filed under this
 2 subsection or conduct a hearing to determine if the person should no
 3 longer be considered a sexually violent predator. If the court conducts
 4 a hearing, the court shall appoint two (2) psychologists or psychiatrists
 5 who have expertise in criminal behavioral disorders to evaluate the
 6 person and testify at the hearing. After conducting the hearing and
 7 considering the testimony of the two (2) psychologists or psychiatrists,
 8 the court shall determine whether the person should no longer be
 9 considered a sexually violent predator under subsection (a). If a court
 10 finds that the person should no longer be considered a sexually violent
 11 predator, the court shall send notice to the department of correction that
 12 the person is no longer considered a sexually violent predator or an
 13 offender against children. Notwithstanding any other law, a condition
 14 imposed on a person due to the person's status as a sexually violent
 15 predator, including lifetime parole or GPS monitoring, does not apply
 16 to a person no longer considered a sexually violent predator.

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

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

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

23 (3) The relationship between the person and the victim was a
 24 dating relationship or an ongoing personal relationship. The term
 25 "ongoing personal relationship" does not include a family
 26 relationship.

27 (4) The offense committed by the person was not any of the
 28 following:

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

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

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

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

35 (E) An offense that is facilitated by furnishing the victim,
 36 without the victim's knowledge, with a drug (as defined in
 37 IC 16-42-19-2(1)) or a controlled substance (as defined in
 38 IC 35-48-1.1-7) or knowing that the victim was furnished with
 39 the drug or controlled substance without the victim's
 40 knowledge.

41 (5) The person has not committed another sex offense (as defined
 42 in IC 11-8-8-5.2) (including a delinquent act that would be a sex



1 offense if committed by an adult) against any other person.

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

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

6 SECTION 28. IC 35-38-2-2.5, AS AMENDED BY P.L.13-2016,
7 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2026]: Sec. 2.5. (a) As used in this section, "offender" means
9 an individual convicted of a sex offense.

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

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

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

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

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

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

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

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

19 (8) Sexual battery (IC 35-42-4-8).

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

21 (10) Incest (IC 35-46-1-3).

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

25 (d) An offender:

26 (1) who will be placed on probation shall provide the sentencing
27 court and the probation department with the address where the
28 offender intends to reside during the period of probation:

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

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

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

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

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

42 (2) parole board, if the offender is placed on parole;



1 for the change of address under subsection (f).

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

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

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

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

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

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

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

23 SECTION 29. IC 35-42-3.5-1.2, AS AMENDED BY P.L.186-2025,
24 SECTION 233, IS AMENDED TO READ AS FOLLOWS
25 [EFFECTIVE JULY 1, 2026]: Sec. 1.2. (a) A person who knowingly or
26 intentionally recruits, entices, harbors, or transports a child less than
27 eighteen (18) years of age with the intent of causing the child to engage
28 in:

29 (1) prostitution or juvenile prostitution; or

30 (2) a performance or incident that includes sexual conduct in
31 violation of ~~IC 35-42-4-4(b)~~ or ~~IC 35-42-4-4(c)~~ **IC 35-42-4-4**
32 (child exploitation);

33 commits promotion of child sexual trafficking, a Level 3 felony.

34 (b) It is not a defense to a prosecution under this section that the:

35 (1) child consented to engage in prostitution or juvenile
36 prostitution or to participate in sexual conduct; or

37 (2) intended victim of the offense is a law enforcement officer.

38 (c) A person who knowingly or intentionally recruits, entices,
39 harbors, or transports a child less than sixteen (16) years of age with
40 the intent of inducing or causing the child to participate in sexual
41 conduct commits promotion of sexual trafficking of a younger child, a
42 Level 3 felony. It is a defense to a prosecution under this subsection if:



- 1 (1) the child is at least fourteen (14) years of age but less than
- 2 sixteen (16) years of age and the person is less than eighteen (18)
- 3 years of age; or
- 4 (2) all the following apply:
- 5 (A) The person is not more than four (4) years older than the
- 6 victim.
- 7 (B) The relationship between the person and the victim was a
- 8 dating relationship or an ongoing personal relationship. The
- 9 term "ongoing personal relationship" does not include a family
- 10 relationship.
- 11 (C) The crime:
- 12 (i) was not committed by a person who is at least twenty-one
- 13 (21) years of age;
- 14 (ii) was not committed by using or threatening the use of
- 15 deadly force;
- 16 (iii) was not committed while armed with a deadly weapon;
- 17 (iv) did not result in serious bodily injury;
- 18 (v) was not facilitated by furnishing the victim, without the
- 19 victim's knowledge, with a drug (as defined in
- 20 IC 16-42-19-2(1)) or a controlled substance (as defined in
- 21 IC 35-48-1.1-7) or knowing that the victim was furnished
- 22 with the drug or controlled substance without the victim's
- 23 knowledge; and
- 24 (vi) was not committed by a person having a position of
- 25 authority or substantial influence over the victim.
- 26 (D) The person has not committed another sex offense (as
- 27 defined in IC 11-8-8-5.2), including a delinquent act that
- 28 would be a sex offense if committed by an adult, against any
- 29 other person.
- 30 (E) The person is not promoting prostitution (as defined in
- 31 IC 35-45-4-4) with respect to the victim even though the
- 32 person has not been charged with or convicted of the offense.

33 SECTION 30. IC 35-42-4-4, AS AMENDED BY P.L.218-2025,
 34 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2026]: Sec. 4. (a) The following definitions apply throughout
 36 this section:

- 37 (1) "Disseminate" means to transfer possession for free or for a
- 38 consideration.
- 39 (2) (1) "Image" means the following: **any visual representation.**
- 40 (A) A picture.
- 41 (B) A drawing.
- 42 (C) A photograph.



- 1 (D) A negative image.
 2 (E) An undeveloped film.
 3 (F) A motion picture.
 4 (G) A videotape.
 5 (H) A digitized image.
 6 (I) A computer generated image.
 7 (J) Any pictorial representation.
 8 (3) "Matter" has the same meaning as in IC 35-49-1-3.
 9 (4) "Performance" has the same meaning as in IC 35-49-1-7.
 10 (5) (2) "Sexual conduct" means:
 11 (A) sexual intercourse;
 12 (B) other sexual conduct (as defined in IC 35-31.5-2-221.5);
 13 (C) exhibition of the:
 14 (i) uncovered genitals; or
 15 (ii) female breast with less than a fully opaque covering of
 16 any part of the nipple;
 17 intended to satisfy or arouse the sexual desires of any person;
 18 (D) sadomasochistic abuse;
 19 (E) sexual intercourse or other sexual conduct (as defined in
 20 IC 35-31.5-2-221.5) with an animal; or
 21 (F) any fondling or touching of a child by another person or of
 22 another person by a child intended to arouse or satisfy the
 23 sexual desires of either the child or the other person.
 24 (b) A person who:
 25 (1) knowingly or intentionally manages, produces, sponsors,
 26 presents, exhibits, photographs, films, videotapes, or creates a
 27 digitized image of any performance or incident that includes
 28 sexual conduct by a child under eighteen (18) years of age;
 29 (2) knowingly or intentionally disseminates, exhibits to another
 30 person, offers to disseminate or exhibit to another person, or
 31 sends or brings into Indiana for dissemination or exhibition matter
 32 that depicts or describes sexual conduct by a child under eighteen
 33 (18) years of age;
 34 (3) knowingly or intentionally makes available to another person
 35 a computer, knowing that the computer's fixed drive or peripheral
 36 device contains matter that depicts or describes sexual conduct by
 37 a child less than eighteen (18) years of age;
 38 (4) with the intent to satisfy or arouse the sexual desires of any
 39 person:
 40 (A) knowingly or intentionally:
 41 (i) manages;
 42 (ii) produces;



- 1 (iii) sponsors;
 2 (iv) presents;
 3 (v) exhibits;
 4 (vi) photographs;
 5 (vii) films;
 6 (viii) videotapes; or
 7 (ix) creates a digitized image of;
 8 any performance or incident that includes the uncovered
 9 genitals of a child less than eighteen (18) years of age or the
 10 exhibition of the female breast with less than a fully opaque
 11 covering of any part of the nipple by a child less than eighteen
 12 (18) years of age;
 13 (B) knowingly or intentionally:
 14 (i) disseminates to another person;
 15 (ii) exhibits to another person;
 16 (iii) offers to disseminate or exhibit to another person; or
 17 (iv) sends or brings into Indiana for dissemination or
 18 exhibition;
 19 matter that depicts the uncovered genitals of a child less than
 20 eighteen (18) years of age or the exhibition of the female
 21 breast with less than a fully opaque covering of any part of the
 22 nipple by a child less than eighteen (18) years of age; or
 23 (C) makes available to another person a computer, knowing
 24 that the computer's fixed drive or peripheral device contains
 25 matter that depicts the uncovered genitals of a child less than
 26 eighteen (18) years of age or the exhibition of the female
 27 breast with less than a fully opaque covering of any part of the
 28 nipple by a child less than eighteen (18) years of age; or
 29 (5) knowingly or intentionally produces, disseminates, or
 30 possesses with intent to disseminate an image that depicts or
 31 describes sexual conduct:
 32 (A) by a child who the person knows is less than eighteen (18)
 33 years of age;
 34 (B) by a child less than eighteen (18) years of age; or by a
 35 person who appears to be a child less than eighteen (18) years
 36 of age, if the image is obscene (as described in IC 35-49-2-1);
 37 or
 38 (C) that is simulated sexual conduct involving a representation
 39 that appears to be a child less than eighteen (18) years of age;
 40 if the representation of the image is obscene (as described in
 41 IC 35-49-2-1);
 42 (1) induces, causes, or coerces a child less than eighteen (18)



1 years of age to engage in sexual conduct with the intent to
2 produce or transmit an image of the sexual conduct;

3 (2) induces, causes, or coerces a child less than eighteen (18)
4 years of age to assist another person in engaging in sexual
5 conduct, with the intent of aiding any person in the
6 production or transmission of an image of the sexual conduct;
7 (3) being the parent, guardian, or custodian of a child less
8 than eighteen (18) years of age, permits the child to:

9 (A) engage in sexual conduct; or

10 (B) assist another person in engaging in sexual conduct;
11 with the intent to aid another person in the production or
12 transmission of an image of the sexual conduct;

13 (4) solicits a child less than eighteen (18) years of age, or who
14 the person believes to be a child less than eighteen (18) years
15 of age, to:

16 (A) engage in sexual conduct; or

17 (B) assist another person in engaging in sexual conduct;
18 with the intent to produce or transmit an image of the sexual
19 conduct; or

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

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

26 (c) However, the offense of child exploitation described in
27 subsection (b) is a Level 4 felony if:

28 (1) the sexual conduct, matter, performance, or incident depicts
29 or describes a child less than eighteen (18) years of age who:

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

31 (B) is mentally disabled or deficient;

32 (C) participates in the sexual conduct, matter, performance, or
33 incident by use of force or the threat of force;

34 (D) physically or verbally resists participating in the sexual
35 conduct, matter, performance, or incident;

36 (E) receives a bodily injury while participating in the sexual
37 conduct, matter, performance, or incident; or

38 (F) is less than twelve (12) years of age; or

39 (2) the child less than eighteen (18) years of age:

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

41 (B) is mentally disabled or deficient;

42 (C) participates in the sexual conduct, matter, performance, or



- 1 incident by use of force or the threat of force;
 2 (D) physically or verbally resists participating in the sexual
 3 conduct, matter, performance, or incident;
 4 (E) receives a bodily injury while participating in the sexual
 5 conduct, matter, performance, or incident; or
 6 (F) is less than twelve (12) years of age.
- 7 **(c) The offense described in subsection (b) is a Level 3 felony if:**
 8 **(1) the person has a prior unrelated conviction for a sex**
 9 **offense (as defined in IC 11-8-8-5.2); or**
 10 **(2) the conduct depicted in the image involves:**
 11 **(A) bestiality (as described in IC 35-46-3-14);**
 12 **(B) a child less than twelve (12) years of age, or who**
 13 **appears to be a child less than twelve (12) years of age;**
 14 **(C) violence or a depiction of violence against a child,**
 15 **including sado-masochistic abuse (as defined in**
 16 **IC 35-49-1-8);**
 17 **(D) child molesting;**
 18 **(E) pecuniary gain by the person; or**
 19 **(F) distributing the visual depiction to a child less than**
 20 **eighteen (18) years of age with the intent of inducing,**
 21 **causing, or coercing the child to commit a criminal offense.**
- 22 **(d) The offense described in subsection (b) is a Level 2 felony if**
 23 **the offense is committed by force or threat of force.**
 24 **(d) A person who, with intent to view the image, knowingly or**
 25 **intentionally possesses or accesses an image that depicts or describes**
 26 **sexual conduct:**
 27 **(1) by a child who the person knows is less than eighteen (18)**
 28 **years of age;**
 29 **(2) by a child less than eighteen (18) years of age, or by a person**
 30 **who appears to be a child less than eighteen (18) years of age, if**
 31 **the representation of the image is obscene (as described in**
 32 **IC 35-49-2-1); or**
 33 **(3) that is simulated sexual conduct involving a representation**
 34 **that appears to be a child less than eighteen (18) years of age, if**
 35 **the representation of the image is obscene (as described in**
 36 **IC 35-49-2-1);**
 37 **commits possession of child sex abuse material, a Level 6 felony. It is**
 38 **not a required element of an offense under subdivision (3) that the**
 39 **child depicted actually exists:**
 40 **(e) However, the offense of possession of child sex abuse material**
 41 **described in subsection (d) is a Level 5 felony if:**
 42 **(1) the sexual conduct, matter, performance, or incident depicts**



1 or describes a child who the person knows is less than eighteen
 2 (18) years of age; or who appears to be less than eighteen (18)
 3 years of age; who:

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

5 (B) is mentally disabled or deficient;

6 (C) participates in the sexual conduct, matter, performance; or
 7 incident by use of force or the threat of force;

8 (D) physically or verbally resists participating in the sexual
 9 conduct, matter, performance; or incident;

10 (E) receives a bodily injury while participating in the sexual
 11 conduct, matter, performance; or incident; or

12 (F) is less than twelve (12) years of age; or

13 (2) the child less than eighteen (18) years of age:

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

15 (B) is mentally disabled or deficient;

16 (C) participates in the sexual conduct, matter, performance; or
 17 incident by use of force or the threat of force;

18 (D) physically or verbally resists participating in the sexual
 19 conduct, matter, performance; or incident;

20 (E) receives a bodily injury while participating in the sexual
 21 conduct, matter, performance; or incident; or

22 (F) is less than twelve (12) years of age.

23 (f) (e) Subsections (b); (c); (d); and (e) do **This section does not**
 24 apply to a bona fide school, museum, or public library that qualifies for
 25 certain property tax exemptions under IC 6-1.1-10, or to an employee
 26 of such a school, museum, or public library acting within the scope of
 27 the employee's employment when the possession of the listed materials
 28 is for legitimate scientific or educational purposes.

29 (g) (f) It is a defense to a prosecution under this section that:

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

33 (2) the acts constituting the elements of the offense were
 34 performed solely within the scope of the person's employment as
 35 a school employee, a department of child services employee, or
 36 an attorney acting in the attorney's capacity as legal counsel for a
 37 client.

38 (h) (g) Except as provided in subsection (i); (h), it is a defense to a
 39 prosecution under ~~subsection (b); (c); (d); or (e) this section~~ if all of the
 40 following apply:

41 (1) A cellular telephone, another wireless or cellular
 42 communications device, or a social networking website was used



- 1 to possess, produce, or ~~disseminate~~ **distribute** the image.
- 2 (2) The defendant is not more than four (4) years older or younger
- 3 than the person who is depicted in the image or who received the
- 4 image.
- 5 (3) The relationship between the defendant and the person who
- 6 received the image or who is depicted in the image was a dating
- 7 relationship or an ongoing personal relationship. For purposes of
- 8 this subdivision, the term "ongoing personal relationship" does
- 9 not include a family relationship.
- 10 (4) The crime was committed by a person less than twenty-two
- 11 (22) years of age.
- 12 (5) The person receiving the image or who is depicted in the
- 13 image acquiesced in the defendant's conduct.
- 14 (†) **(h)** The defense to a prosecution described in subsection ~~(†)~~ **(g)**
- 15 does not apply if:
- 16 (1) the person who receives the image ~~disseminates~~ **distributes**
- 17 it to a person other than the person:
- 18 (A) who sent the image; or
- 19 (B) who is depicted in the image;
- 20 (2) the image is of a person other than the person who sent the
- 21 image or received the image; or
- 22 (3) the ~~dissemination~~ **distribution** of the image violates:
- 23 (A) a protective order to prevent domestic or family violence
- 24 or harassment issued under IC 34-26-5 (or, if the order
- 25 involved a family or household member, under IC 34-26-2 or
- 26 IC 34-4-5.1-5 before their repeal);
- 27 (B) an ex parte protective order issued under IC 34-26-5 (or,
- 28 if the order involved a family or household member, an
- 29 emergency order issued under IC 34-26-2 or IC 34-4-5.1
- 30 before their repeal);
- 31 (C) a workplace violence restraining order issued under
- 32 IC 34-26-6;
- 33 (D) a no contact order in a dispositional decree issued under
- 34 IC 31-34-20-1, IC 31-37-19-1, or IC 31-37-5-6 (or
- 35 IC 31-6-4-15.4 or IC 31-6-4-15.9 before their repeal) or an
- 36 order issued under IC 31-32-13 (or IC 31-6-7-14 before its
- 37 repeal) that orders the person to refrain from direct or indirect
- 38 contact with a child in need of services or a delinquent child;
- 39 (E) a no contact order issued as a condition of pretrial release,
- 40 including release on bail or personal recognizance, or pretrial
- 41 diversion, and including a no contact order issued under
- 42 IC 35-33-8-3.6;



- 1 (F) a no contact order issued as a condition of probation;
 2 (G) a protective order to prevent domestic or family violence
 3 issued under IC 31-15-5 (or IC 31-16-5 or IC 31-1-11.5-8.2
 4 before their repeal);
 5 (H) a protective order to prevent domestic or family violence
 6 issued under IC 31-14-16-1 in a paternity action;
 7 (I) a no contact order issued under IC 31-34-25 in a child in
 8 need of services proceeding or under IC 31-37-25 in a juvenile
 9 delinquency proceeding;
 10 (J) an order issued in another state that is substantially similar
 11 to an order described in clauses (A) through (I);
 12 (K) an order that is substantially similar to an order described
 13 in clauses (A) through (I) and is issued by an Indian:
 14 (i) tribe;
 15 (ii) band;
 16 (iii) pueblo;
 17 (iv) nation; or
 18 (v) organized group or community, including an Alaska
 19 Native village or regional or village corporation as defined
 20 in or established under the Alaska Native Claims Settlement
 21 Act (43 U.S.C. 1601 et seq.);
 22 that is recognized as eligible for the special programs and
 23 services provided by the United States to Indians because of
 24 their special status as Indians;
 25 (L) an order issued under IC 35-33-8-3.2; or
 26 (M) an order issued under IC 35-38-1-30.
- 27 ~~(k)~~ **(i)** It is a defense to a prosecution under this section that:
 28 (1) the person was less than eighteen (18) years of age at the time
 29 the alleged offense was committed; and
 30 (2) the circumstances described in IC 35-45-4-6(a)(2) through
 31 IC 35-45-4-6(a)(4) apply.
- 32 ~~(k)~~ **(j)** A person is entitled to present the defense described in
 33 subsection ~~(k)~~ **(i)** in a pretrial hearing. If a person proves by a
 34 preponderance of the evidence in a pretrial hearing that the defense
 35 described in subsection ~~(k)~~ **(i)** applies, the court shall dismiss the
 36 charges under this section with prejudice.
- 37 SECTION 31. IC 35-42-4-4.5 IS ADDED TO THE INDIANA
 38 CODE AS A NEW SECTION TO READ AS FOLLOWS
 39 [EFFECTIVE JULY 1, 2026]: **Sec. 4.5. (a) The following definitions**
 40 **apply throughout this section:**
 41 **(1) "Image" has the meaning set forth in section 4 of this**
 42 **chapter.**



- 1 (2) "Sexual conduct" has the meaning set forth in section 4 of
2 this chapter.
- 3 (b) A person who, with intent to view the image, knowingly or
4 intentionally possesses or accesses an image that depicts or
5 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 representation of the image is obscene (as
11 described in IC 35-49-2-1); 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 possession of child sex abuse material, a Level 6 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 (c) The offense described in subsection (b) is a Level 4 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); or
- 30 (D) child molesting.
- 31 (d) A person who knowingly or intentionally distributes an
32 image that depicts or describes sexual conduct:
- 33 (1) by a child who the person knows is less than eighteen (18)
34 years of age;
- 35 (2) by a child less than eighteen (18) years of age, or by a
36 person who appears to be a child less than eighteen (18) years
37 of age, if the image is obscene (as described in IC 35-49-2-1);
38 or
- 39 (3) that is simulated sexual conduct involving a representation
40 that appears to be a child less than eighteen (18) years of age,
41 if the representation of the image is obscene (as described in
42 IC 35-49-2-1);



1 commits distribution of child sex abuse material, a Level 5 felony,
2 except as otherwise provided in this section. It is not a required
3 element of an offense under subdivision (3) that the child depicted
4 actually exists.

5 (e) The offense described in subsection (d) is a Level 3 felony if:

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

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

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

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

12 (C) violence or a depiction of violence against a child,
13 including sado-masochistic abuse (as defined in
14 IC 35-49-1-8);

15 (D) child molesting;

16 (E) pecuniary gain by the person; or

17 (F) distributing the visual depiction to a child less than
18 eighteen (18) years of age with the intent of inducing,
19 causing, or coercing the child to commit a criminal offense.

20 (f) This section does not apply to a bona fide school, museum, or
21 public library that qualifies for certain property tax exemptions
22 under IC 6-1.1-10, or to an employee of such a school, museum, or
23 public library acting within the scope of the employee's
24 employment when the possession of the listed materials is for
25 legitimate scientific or educational purposes.

26 (g) It is a defense to a prosecution under this section that:

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

30 (2) the acts constituting the elements of the offense were
31 performed solely within the scope of the person's employment
32 as a school employee, a department of child services
33 employee, or an attorney acting in the attorney's capacity as
34 legal counsel for a client.

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

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

40 (2) The defendant is not more than four (4) years older or
41 younger than the person who is depicted in the image or who
42 received the image.



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

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

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

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

12 (1) the person who receives the image distributes it to a
 13 person other than the person:

14 (A) who sent the image; or

15 (B) who is depicted in the image;

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

18 (3) the distribution of the image violates:

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

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

27 (C) a workplace violence restraining order issued under
 28 IC 34-26-6;

29 (D) a no contact order in a dispositional decree issued
 30 under IC 31-34-20-1, IC 31-37-19-1, or IC 31-37-19-6 (or
 31 IC 31-6-4-15.4 or IC 31-6-4-15.9 before their repeal) or an
 32 order issued under IC 31-32-13 (or IC 31-6-7-14 before its
 33 repeal) that orders the person to refrain from direct or
 34 indirect contact with a child in need of services or a
 35 delinquent child;

36 (E) a no contact order issued as a condition of pretrial
 37 release, including release on bail or personal recognizance,
 38 or pretrial diversion, and including a no contact order
 39 issued under IC 35-33-8-3.6;

40 (F) a no contact order issued as a condition of probation;

41 (G) a protective order to prevent domestic or family
 42 violence issued under IC 31-15-5 (or IC 31-16-5 or



- 1 IC 31-1-11.5-8.2 before their repeal);
- 2 (H) a protective order to prevent domestic or family
- 3 violence issued under IC 31-14-16-1 in a paternity action;
- 4 (I) a no contact order issued under IC 31-34-25 in a child
- 5 in need of services proceeding or under IC 31-37-25 in a
- 6 juvenile delinquency proceeding;
- 7 (J) an order issued in another state that is substantially
- 8 similar to an order described in clauses (A) through (I);
- 9 (K) an order that is substantially similar to an order
- 10 described in clauses (A) through (I) and is issued by an
- 11 Indian:
- 12 (i) tribe;
- 13 (ii) band;
- 14 (iii) pueblo;
- 15 (iv) nation; or
- 16 (v) organized group or community, including an Alaska
- 17 Native village or regional or village corporation as
- 18 defined in or established under the Alaska Native Claims
- 19 Settlement Act (43 U.S.C. 1601 et seq.);
- 20 that is recognized as eligible for the special programs and
- 21 services provided by the United States to Indians because
- 22 of their special status as Indians;
- 23 (L) an order issued under IC 35-33-8-3.2; or
- 24 (M) an order issued under IC 35-38-1-30.
- 25 (j) It is a defense to a prosecution under this section that:
- 26 (1) the person was less than eighteen (18) years of age at the
- 27 time the alleged offense was committed; and
- 28 (2) the circumstances described in IC 35-45-4-6(a)(2) through
- 29 IC 35-45-4-6(a)(4) apply.
- 30 (k) A person is entitled to present the defense described in
- 31 subsection (j) in a pretrial hearing. If a person proves by a
- 32 preponderance of the evidence in a pretrial hearing that the
- 33 defense described in subsection (j) applies, the court shall dismiss
- 34 the charges under this section with prejudice.
- 35 (l) It is a defense to a prosecution under this section that the
- 36 person:
- 37 (1) possessed less than three (3) images prohibited by this
- 38 section; and
- 39 (2) promptly and in good faith, and without retaining or
- 40 allowing any person, other than a law enforcement agency, to
- 41 access a prohibited image or a copy of a prohibited image:
- 42 (A) took reasonable steps to destroy each prohibited



- 1 **image; or**
 2 **(B) reported the matter to a law enforcement agency and**
 3 **afforded that agency access to each prohibited image.**
 4 SECTION 32. IC 35-42-4-11, AS AMENDED BY P.L.142-2020,
 5 SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2026]: Sec. 11. (a) As used in this section, and except as
 7 provided in subsection (d), "offender against children" means a person
 8 required to register as a sex or violent offender under IC 11-8-8 who
 9 has been:
 10 (1) found to be a sexually violent predator under IC 35-38-1-7.5;
 11 or
 12 (2) convicted of one (1) or more of the following offenses:
 13 (A) Child molesting (IC 35-42-4-3).
 14 (B) Child exploitation (~~IC 35-42-4-4(b) or IC 35-42-4-4(c)~~);
 15 **(IC 35-42-4-4).**
 16 (C) Child solicitation (IC 35-42-4-6).
 17 (D) Child seduction (IC 35-42-4-7).
 18 (E) Kidnapping (IC 35-42-3-2), if the victim is less than
 19 eighteen (18) years of age, and the person is not the child's
 20 parent or guardian.
 21 A person is an offender against children by operation of law if the
 22 person meets the conditions described in subdivision (1) or (2) at any
 23 time.
 24 (b) As used in this section, "reside" means to spend more than three
 25 (3) nights in:
 26 (1) a residence; or
 27 (2) if the person does not reside in a residence, a particular
 28 location;
 29 in any thirty (30) day period.
 30 (c) An offender against children who knowingly or intentionally:
 31 (1) resides within one thousand (1,000) feet of:
 32 (A) school property, not including property of an institution
 33 providing post-secondary education;
 34 (B) a youth program center;
 35 (C) a public park; or
 36 (D) a day care center licensed under IC 12-17.2;
 37 (2) establishes a residence within one (1) mile of the residence of
 38 the victim of the offender's sex offense; or
 39 (3) resides in a residence where a child care provider (as defined
 40 by IC 31-33-26-1) provides child care services;
 41 commits a sex offender residency offense, a Level 6 felony.
 42 (d) This subsection does not apply to an offender against children



1 who has two (2) or more unrelated convictions for an offense described
 2 in subsection (a). A person who is an offender against children may
 3 petition the court to consider whether the person should no longer be
 4 considered an offender against children. The person may file a petition
 5 under this subsection not earlier than ten (10) years after the person is
 6 released from incarceration or parole, whichever occurs last (or, if the
 7 person is not incarcerated, not earlier than ten (10) years after the
 8 person is released from probation). A person may file a petition under
 9 this subsection not more than one (1) time per year. A court may
 10 dismiss a petition filed under this subsection or conduct a hearing to
 11 determine if the person should no longer be considered an offender
 12 against children. If the court conducts a hearing, the court shall appoint
 13 two (2) psychologists or psychiatrists who have expertise in criminal
 14 behavioral disorders to evaluate the person and testify at the hearing.
 15 After conducting the hearing and considering the testimony of the two
 16 (2) psychologists or psychiatrists, the court shall determine whether the
 17 person should no longer be considered an offender against children. If
 18 a court finds that the person should no longer be considered an offender
 19 against children, the court shall send notice to the department of
 20 correction that the person is no longer considered an offender against
 21 children.

22 SECTION 33. IC 35-42-4-14, AS AMENDED BY P.L.218-2025,
 23 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2026]: Sec. 14. (a) As used in this section, "serious sex
 25 offender" means a person required to register as a sex offender under
 26 IC 11-8-8 who is:

- 27 (1) found to be a sexually violent predator under IC 35-38-1-7.5;
 28 or
 29 (2) convicted of one (1) or more of the following offenses:
 30 (A) Child molesting (IC 35-42-4-3).
 31 (B) Child exploitation (~~IC 35-42-4-4(b) or IC 35-42-4-4(c)~~).
 32 **(IC 35-42-4-4).**
 33 (C) Possession of child sex abuse material (IC 35-42-4-4(d) or
 34 IC 35-42-4-4(e)) **(before July 1, 2026), or a child sex abuse**
 35 **material offense under IC 35-42-4-4.5 (after June 30,**
 36 **2026).**
 37 (D) Vicarious sexual gratification (IC 35-42-4-5(a) and
 38 IC 35-42-4-5(b)).
 39 (E) Performing sexual conduct in the presence of a minor
 40 (IC 35-42-4-5(c)).
 41 (F) Child solicitation (IC 35-42-4-6).
 42 (G) Child seduction (IC 35-42-4-7).



- 1 (H) Sexual misconduct with a minor (IC 35-42-4-9).
- 2 (b) A serious sex offender who knowingly or intentionally enters
- 3 school property commits unlawful entry by a serious sex offender, a
- 4 Level 6 felony.
- 5 (c) It is a defense to a prosecution under subsection (b) that:
- 6 (1) a religious institution or house of worship is located on the
- 7 school property; and
- 8 (2) the person:
- 9 (A) enters the school property or other entity described in
- 10 IC 35-31.5-2-285(1)(A) through IC 35-31.5-2-285(1)(D) when
- 11 classes, extracurricular activities, or any other school activities
- 12 are not being held:
- 13 (i) for the sole purpose of attending worship services or
- 14 receiving religious instruction; and
- 15 (ii) not earlier than thirty (30) minutes before the beginning
- 16 of the worship services or religious instruction; and
- 17 (B) leaves the school property not later than thirty (30)
- 18 minutes after the conclusion of the worship services or
- 19 religious instruction.
- 20 SECTION 34. IC 35-49-3-3, AS AMENDED BY P.L.218-2025,
- 21 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 22 JULY 1, 2026]: Sec. 3. (a) Except as provided in subsection (b) and
- 23 section 4 of this chapter, a person who knowingly or intentionally:
- 24 (1) disseminates matter to minors that is harmful to minors (as
- 25 described in IC 35-49-2);
- 26 (2) displays matter that is harmful to minors in an area to which
- 27 minors have visual, auditory, or physical access, unless each
- 28 minor is accompanied by the minor's parent or guardian;
- 29 (3) sells, rents, or displays for sale or rent to any person matter
- 30 that is harmful to minors within five hundred (500) feet of the
- 31 nearest property line of a school or church;
- 32 (4) engages in or conducts a performance before minors that is
- 33 harmful to minors;
- 34 (5) engages in or conducts a performance that is harmful to
- 35 minors in an area to which minors have visual, auditory, or
- 36 physical access, unless each minor is accompanied by the minor's
- 37 parent or guardian;
- 38 (6) misrepresents the minor's age for the purpose of obtaining
- 39 admission to an area from which minors are restricted because of
- 40 the display of matter or a performance that is harmful to minors;
- 41 or
- 42 (7) misrepresents that the person is a parent or guardian of a



1 minor for the purpose of obtaining admission of the minor to an
 2 area where minors are being restricted because of display of
 3 matter or performance that is harmful to minors;
 4 commits a Level 6 felony.

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

8 (1) the matter is obscene under IC 35-49-2-1;

9 (2) the matter is child sex abuse material under ~~IC 35-42-4-4;~~
 10 **IC 35-42-4-4.5;** or

11 (3) the person distributes the matter to a child less than eighteen
 12 (18) years of age believing or intending that the recipient is a
 13 child less than eighteen (18) years of age.

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

18 (1) Murder (IC 35-42-1-1).

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

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

21 (4) Involuntary manslaughter (IC 35-42-1-4).

22 (5) Reckless homicide (IC 35-42-1-5).

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

24 (A) Level 2 felony;

25 (B) Level 3 felony;

26 (C) Level 4 felony; or

27 (D) Level 5 felony.

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

29 (A) Level 2 felony;

30 (B) Level 3 felony;

31 (C) Level 4 felony; or

32 (D) Level 5 felony.

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

34 (9) Kidnapping (IC 35-42-3-2).

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

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

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

38 (13) Sexual misconduct with a minor as a Level 1 felony under
 39 IC 35-42-4-9(a)(2) or a Level 2 felony under IC 35-42-4-9(b)(2).

40 (14) Robbery as a Level 2 felony or a Level 3 felony
 41 (IC 35-42-5-1).

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



- 1 or Level 4 felony (IC 35-43-2-1).
- 2 (16) Operating a vehicle while intoxicated causing death or
3 catastrophic injury (IC 9-30-5-5).
- 4 (17) Operating a vehicle while intoxicated causing serious bodily
5 injury to another person (IC 9-30-5-4).
- 6 (18) Child exploitation (**IC 35-42-4-4**), as a Level 5 felony under
7 ~~IC 35-42-4-4(b)~~ or a Level 4 felony under ~~IC 35-42-4-4(c)~~.
- 8 (19) Resisting law enforcement as a felony (IC 35-44.1-3-1).
- 9 (20) Unlawful possession of a firearm by a serious violent felon
10 (IC 35-47-4-5).
- 11 (21) Strangulation (IC 35-42-2-9) as a Level 5 felony.
- 12 **(22) A child sexual abuse material offense (IC 35-42-4-4.5).**
- 13 (b) As used in this section, "episode of criminal conduct" means
14 offenses or a connected series of offenses that are closely related in
15 time, place, and circumstance.
- 16 (c) Except as provided in subsection (e) or (f) the court shall
17 determine whether terms of imprisonment shall be served concurrently
18 or consecutively. The court may consider the:
- 19 (1) aggravating circumstances in IC 35-38-1-7.1(a); and
20 (2) mitigating circumstances in IC 35-38-1-7.1(b);
- 21 in making a determination under this subsection. The court may order
22 terms of imprisonment to be served consecutively even if the sentences
23 are not imposed at the same time. However, except for crimes of
24 violence, the total of the consecutive terms of imprisonment, exclusive
25 of terms of imprisonment under IC 35-50-2-8 and IC 35-50-2-10
26 (before its repeal) to which the defendant is sentenced for felony or
27 misdemeanor convictions arising out of an episode of criminal conduct
28 shall not exceed the period described in subsection (d).
- 29 (d) Except as provided in subsection (c), the total of the consecutive
30 terms of imprisonment to which the defendant is sentenced for
31 convictions arising out of an episode of criminal conduct may not
32 exceed the following:
- 33 (1) If the most serious crime for which the defendant is sentenced
34 is a Class C misdemeanor, the total of the consecutive terms of
35 imprisonment may not exceed one (1) year.
- 36 (2) If the most serious crime for which the defendant is sentenced
37 is a Class B misdemeanor, the total of the consecutive terms of
38 imprisonment may not exceed two (2) years.
- 39 (3) If the most serious crime for which the defendant is sentenced
40 is a Class A misdemeanor, the total of the consecutive terms of
41 imprisonment may not exceed three (3) years.
- 42 (4) If the most serious crime for which the defendant is sentenced



- 1 is a Level 6 felony, the total of the consecutive terms of
 2 imprisonment may not exceed four (4) years.
- 3 (5) If the most serious crime for which the defendant is sentenced
 4 is a Level 5 felony, the total of the consecutive terms of
 5 imprisonment may not exceed seven (7) years.
- 6 (6) If the most serious crime for which the defendant is sentenced
 7 is a Level 4 felony, the total of the consecutive terms of
 8 imprisonment may not exceed fifteen (15) years.
- 9 (7) If the most serious crime for which the defendant is sentenced
 10 is a Level 3 felony, the total of the consecutive terms of
 11 imprisonment may not exceed twenty (20) years.
- 12 (8) If the most serious crime for which the defendant is sentenced
 13 is a Level 2 felony, the total of the consecutive terms of
 14 imprisonment may not exceed thirty-two (32) years.
- 15 (9) If the most serious crime for which the defendant is sentenced
 16 is a Level 1 felony, the total of the consecutive terms of
 17 imprisonment may not exceed forty-two (42) years.
- 18 (e) If, after being arrested for one (1) crime, a person commits
 19 another crime:
- 20 (1) before the date the person is discharged from probation,
 21 parole, or a term of imprisonment imposed for the first crime; or
 22 (2) while the person is released:
- 23 (A) upon the person's own recognizance; or
 24 (B) on bond;
- 25 the terms of imprisonment for the crimes shall be served consecutively,
 26 regardless of the order in which the crimes are tried and sentences are
 27 imposed.
- 28 (f) If the factfinder determines under IC 35-50-2-11 that a person
 29 used a firearm in the commission of the offense for which the person
 30 was convicted, the term of imprisonment for the underlying offense and
 31 the additional term of imprisonment imposed under IC 35-50-2-11
 32 must be served consecutively.
- 33 SECTION 36. IC 35-50-2-7, AS AMENDED BY P.L.218-2025,
 34 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2026]: Sec. 7. (a) A person who commits a Class D felony (for
 36 a crime committed before July 1, 2014) shall be imprisoned for a fixed
 37 term of between six (6) months and three (3) years, with the advisory
 38 sentence being one and one-half (1 1/2) years. In addition, the person
 39 may be fined not more than ten thousand dollars (\$10,000).
- 40 (b) A person who commits a Level 6 felony (for a crime committed
 41 after June 30, 2014) shall be imprisoned for a fixed term of between six
 42 (6) months and two and one-half (2 1/2) years, with the advisory



1 sentence being one (1) year. In addition, the person may be fined not
2 more than ten thousand dollars (\$10,000).

3 (c) Notwithstanding subsections (a) and (b), if a person has
4 committed a Class D felony (for a crime committed before July 1,
5 2014) or a Level 6 felony (for a crime committed after June 30, 2014),
6 the court may enter judgment of conviction of a Class A misdemeanor
7 and sentence accordingly. However, the court shall enter a judgment of
8 conviction of a Class D felony (for a crime committed before July 1,
9 2014) or a Level 6 felony (for a crime committed after June 30, 2014)
10 if:

11 (1) the court finds that:

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

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

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

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

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

26 (d) Notwithstanding subsections (a) and (b), the sentencing court
27 may convert a Class D felony conviction (for a crime committed before
28 July 1, 2014) or a Level 6 felony conviction (for a crime committed
29 after June 30, 2014) to a Class A misdemeanor conviction if, after
30 receiving a verified petition as described in subsection (e) and after
31 conducting a hearing of which the prosecuting attorney has been
32 notified, the court makes the following findings:

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

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

39 (3) The person has not been convicted of perjury under
40 IC 35-44.1-2-1 (or IC 35-44-2-1 before its repeal) or official
41 misconduct under IC 35-44.1-1-1 (or IC 35-44-1-2 before its
42 repeal).



- 1 (4) The person has not been convicted of domestic battery as a
 2 Class D felony (for a crime committed before July 1, 2014) or a
 3 Level 6 felony (for a crime committed after June 30, 2014) under
 4 IC 35-42-2-1.3 in the fifteen (15) year period immediately
 5 preceding the commission of the current offense.
- 6 (5) At least three (3) years have passed since the person:
 7 (A) completed the person's sentence; and
 8 (B) satisfied any other obligation imposed on the person as
 9 part of the sentence;
 10 for the Class D or Level 6 felony.
- 11 (6) The person has not been convicted of a felony since the
 12 person:
 13 (A) completed the person's sentence; and
 14 (B) satisfied any other obligation imposed on the person as
 15 part of the sentence;
 16 for the Class D or Level 6 felony.
- 17 (7) No criminal charges are pending against the person.
- 18 (e) A petition filed under subsection (d) or (f) must be verified and
 19 set forth:
 20 (1) the crime the person has been convicted of;
 21 (2) the date of the conviction;
 22 (3) the date the person completed the person's sentence;
 23 (4) any obligations imposed on the person as part of the sentence;
 24 (5) the date the obligations were satisfied; and
 25 (6) a verified statement that there are no criminal charges pending
 26 against the person.
- 27 (f) If a person whose Class D or Level 6 felony conviction has been
 28 converted to a Class A misdemeanor conviction under subsection (d)
 29 is convicted of a felony not later than five (5) years after the conversion
 30 under subsection (d), a prosecuting attorney may petition a court to
 31 convert the person's Class A misdemeanor conviction back to a Class
 32 D felony conviction (for a crime committed before July 1, 2014) or a
 33 Level 6 felony conviction (for a crime committed after June 30, 2014).
- 34 SECTION 37. IC 35-50-6-3.3, AS AMENDED BY THE
 35 TECHNICAL CORRECTIONS BILL OF THE 2026 GENERAL
 36 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2026]: Sec. 3.3. (a) In addition to any educational credit a
 38 person earns under subsection (b), or good time credit a person earns
 39 under section 3 or 3.1 of this chapter, a person earns educational credit
 40 if the person:
 41 (1) is in credit Class I, Class A, or Class B;
 42 (2) has demonstrated a pattern consistent with rehabilitation; and



- 1 (3) successfully completes requirements to obtain one (1) of the
 2 following:
- 3 (A) A general educational development (GED) diploma under
 4 IC 20-20-6 (before its repeal) or IC 22-4.1-18, if the person
 5 has not previously obtained a high school diploma.
- 6 (B) Except as provided in subsection (o), a high school
 7 diploma, if the person has not previously obtained a general
 8 educational development (GED) diploma.
- 9 (C) An associate degree from an approved postsecondary
 10 educational institution (as defined under IC 21-7-13-6(a))
 11 earned during the person's incarceration.
- 12 (D) A ~~bachelor~~ **bachelor's** degree from an approved
 13 postsecondary educational institution (as defined under
 14 IC 21-7-13-6(a)) earned during the person's incarceration.
- 15 (b) In addition to any educational credit that a person earns under
 16 subsection (a), or good time credit a person earns under section 3 or 3.1
 17 of this chapter, a person may earn educational credit if, while confined
 18 by the department of correction, the person:
- 19 (1) is in credit Class I, Class A, or Class B;
- 20 (2) demonstrates a pattern consistent with rehabilitation; and
- 21 (3) successfully completes requirements for at least one (1) of the
 22 following:
- 23 (A) To obtain a certificate of completion of a career and
 24 technical or vocational education program approved by the
 25 department of correction.
- 26 (B) To obtain a certificate of completion of a substance abuse
 27 program approved by the department of correction.
- 28 (C) To obtain a certificate of completion of a literacy and basic
 29 life skills program approved by the department of correction.
- 30 (D) To obtain a certificate of completion of a reformative
 31 program approved by the department of correction.
- 32 (E) An individualized case management plan approved by the
 33 department of correction.
- 34 (c) The department of correction shall establish admissions criteria
 35 and other requirements for programs available for earning educational
 36 credit under subsection (b). A person may not earn educational credit
 37 under this section for the same program of study. The department of
 38 correction, in consultation with the department of workforce
 39 development, shall approve a program only if the program is likely to
 40 lead to an employable occupation.
- 41 (d) The amount of educational credit a person may earn under this
 42 section is the following:



- 1 (1) Six (6) months for completion of a state of Indiana general
 2 educational development (GED) diploma under IC 20-20-6
 3 (before its repeal) or IC 22-4.1-18.
 4 (2) One (1) year for graduation from high school.
 5 (3) Not more than one (1) year for completion of an associate
 6 degree.
 7 (4) Not more than two (2) years for completion of a ~~bachelor~~
 8 **bachelor's** degree.
 9 (5) Not more than a total of one (1) year, as determined by the
 10 department of correction, for the completion of one (1) or more
 11 career and technical or vocational education programs approved
 12 by the department of correction.
 13 (6) Not more than a total of six (6) months, as determined by the
 14 department of correction, for the completion of one (1) or more
 15 substance abuse programs approved by the department of
 16 correction.
 17 (7) Not more than a total of six (6) months, as determined by the
 18 department of correction, for the completion of one (1) or more
 19 literacy and basic life skills programs approved by the department
 20 of correction.
 21 (8) Not more than a total of six (6) months, as determined by the
 22 department of correction, for completion of one (1) or more
 23 reformatory programs approved by the department of correction.
 24 However, a person who is serving a sentence for an offense listed
 25 under IC 11-8-8-4.5 may not earn educational credit under this
 26 subdivision.
 27 (9) An amount determined by the department of correction under
 28 a policy adopted by the department of correction concerning the
 29 individualized case management plan, not to exceed the
 30 maximum amount described in subsection (j).
 31 However, a person who does not have a substance abuse problem that
 32 qualifies the person to earn educational credit in a substance abuse
 33 program may earn not more than a total of twelve (12) months of
 34 educational credit, as determined by the department of correction, for
 35 the completion of one (1) or more career and technical or vocational
 36 education programs approved by the department of correction. If a
 37 person earns more than six (6) months of educational credit for the
 38 completion of one (1) or more career and technical or vocational
 39 education programs, the person is ineligible to earn educational credit
 40 for the completion of one (1) or more substance abuse programs.
 41 (e) Educational credit earned under this section must be directly
 42 proportional to the time served and course work completed while



1 incarcerated. The department of correction shall adopt rules under
2 IC 4-22-2 necessary to implement this subsection.

3 (f) Educational credit earned by a person under this section is
4 subtracted from the release date that would otherwise apply to the
5 person by the sentencing court after subtracting all other credit time
6 earned by the person.

7 (g) A person does not earn educational credit under subsection (a)
8 unless the person completes at least a portion of the degree
9 requirements after June 30, 1993.

10 (h) A person does not earn educational credit under subsection (b)
11 unless the person completes at least a portion of the program
12 requirements after June 30, 1999.

13 (i) Educational credit earned by a person under subsection (a) for a
14 diploma or degree completed before July 1, 1999, shall be subtracted
15 from:

16 (1) the release date that would otherwise apply to the person after
17 subtracting all other credit time earned by the person, if the
18 person has not been convicted of an offense described in
19 subdivision (2); or

20 (2) the period of imprisonment imposed on the person by the
21 sentencing court, if the person has been convicted of one (1) of
22 the following crimes:

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

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

26 (C) Child molesting (IC 35-42-4-3).

27 (D) Child exploitation (~~IC 35-42-4-4(b) or IC 35-42-4-4(c)~~).
28 **(IC 35-42-4-4).**

29 (E) Vicarious sexual gratification (IC 35-42-4-5).

30 (F) Child solicitation (IC 35-42-4-6).

31 (G) Child seduction (IC 35-42-4-7).

32 (H) Sexual misconduct with a minor (IC 35-42-4-9) as a:

33 (i) Class A felony, Class B felony, or Class C felony for a
34 crime committed before July 1, 2014; or

35 (ii) Level 1, Level 2, or Level 4 felony, for a crime
36 committed after June 30, 2014.

37 (I) Incest (IC 35-46-1-3).

38 (J) Sexual battery (IC 35-42-4-8).

39 (K) Kidnapping (IC 35-42-3-2), if the victim is less than
40 eighteen (18) years of age.

41 (L) Criminal confinement (IC 35-42-3-3), if the victim is less
42 than eighteen (18) years of age.



1 (j) The maximum amount of educational credit a person may earn
2 under this section is the lesser of:

3 (1) two (2) years; or

4 (2) one-third (1/3) of the person's total applicable credit time.

5 (k) Educational credit earned under this section by an offender
6 serving a sentence for stalking (IC 35-45-10-5), a felony against a
7 person under IC 35-42, or for a crime listed in IC 11-8-8-5, shall be
8 reduced to the extent that application of the educational credit would
9 otherwise result in:

10 (1) postconviction release (as defined in IC 35-40-4-6); or

11 (2) assignment of the person to a community transition program;
12 in less than forty-five (45) days after the person earns the educational
13 credit.

14 (l) A person may earn educational credit for multiple degrees at the
15 same education level under subsection (d) only in accordance with
16 guidelines approved by the department of correction. The department
17 of correction may approve guidelines for proper sequence of education
18 degrees under subsection (d).

19 (m) A person may not earn educational credit:

20 (1) for a general educational development (GED) diploma if the
21 person has previously earned a high school diploma; or

22 (2) for a high school diploma if the person has previously earned
23 a general educational development (GED) diploma.

24 (n) A person may not earn educational credit under this section if
25 the person:

26 (1) commits an offense listed in IC 11-8-8-4.5 while the person is
27 required to register as a sex or violent offender under IC 11-8-8-7;
28 and

29 (2) is committed to the department of correction after being
30 convicted of the offense listed in IC 11-8-8-4.5.

31 (o) For a person to earn educational credit under subsection
32 (a)(3)(B) for successfully completing the requirements for a high
33 school diploma through correspondence courses, each correspondence
34 course must be approved by the department before the person begins
35 the correspondence course. The department may approve a
36 correspondence course only if the entity administering the course is
37 recognized and accredited by the department of education in the state
38 where the entity is located.

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



1 (1) The ratio of case management staff to offenders participating
2 in the individualized case management plan as of January 1, 2023.
3 (2) The average number of days awarded to offenders
4 participating in the individualized case management plan from
5 January 1, 2022, through December 31, 2022.
6 (3) The percentage of the prison population currently participating
7 in an individualized case management plan as of January 1, 2023.
8 (4) Any other data points or information related to the status of
9 the implementation of the individualized case management plan.
10 This subsection expires June 30, 2023.
11 **SECTION 38. An emergency is declared for this act.**



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.

COMMITTEE REPORT

Mr. President: The Senate Committee on Appropriations, to which was referred Engrossed 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:

Replace the effective date in SECTION 3 with "[EFFECTIVE UPON PASSAGE]".

Page 4, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 3. IC 10-13-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. As used in this chapter, "Amber alert program" means a program under which the clearinghouse transmits information about a **missing child, including** a recently abducted child to broadcasters who:

- (1) have agreed to participate in the program; and
- (2) immediately and repeatedly broadcast the information to the general public."

Page 4, between lines 25 and 26, begin a new paragraph and insert:

"SECTION 5. IC 10-13-5-8, AS AMENDED BY P.L.40-2024, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) The clearinghouse shall operate an Amber alert program, a green alert program, and a silver alert program.

(b) Upon the establishment of the Amber alert program, the green alert program, and the silver alert program, the clearinghouse may enter into an agreement with one (1) or more broadcasters to operate the Amber alert program, the green alert program, and the silver alert program under this chapter.

(c) The superintendent shall designate staff responsible for the operation of the Amber alert program, the green alert program, and the silver alert program.

(d) The department shall adopt guidelines governing the clearinghouse's operation of the Amber alert program, the green alert program, and the silver alert program. The department's guidelines may require that staff, upon receiving a report **of a missing child or** that a child has been abducted, or an endangered child, veteran at risk, or



endangered adult is missing, immediately send electronically or by other means of communication a description of the **missing child**, abducted child or missing endangered child, missing veteran at risk, or missing endangered adult to one (1) or more broadcasters participating in the Amber alert program, the green alert program, or the silver alert program. The guidelines must include criteria that the clearinghouse shall use in determining whether to issue a silver alert or green alert and the geographic area or region in which to issue the silver alert or green alert.

(e) A broadcaster participating in the Amber alert program, the green alert program, or the silver alert program shall immediately broadcast:

- (1) a description of the **missing or** abducted child, missing endangered child, missing veteran at risk, or missing endangered adult; and
- (2) other information that will assist in locating the **missing or** abducted child, missing endangered child, missing veteran at risk, or missing endangered adult;

to the general public in accordance with the Amber alert plan agreement, green alert plan agreement, or silver alert plan agreement between the clearinghouse and the broadcaster.

(f) The department shall adopt guidelines governing the voluntary Amber alert program agreement, voluntary green alert program agreement, or voluntary silver alert program agreement between the clearinghouse and a broadcaster. The voluntary agreements between the clearinghouse and the broadcaster may include the following provisions:

- (1) Upon receiving a notification as part of the Amber alert program, green alert program, or silver alert program, the broadcaster shall broadcast the information contained on the notice on an intermittent basis for a period of time as provided in the agreements between the clearinghouse and the broadcaster.
- (2) The broadcaster shall treat the Amber alert notification, green alert notification, or silver alert notification as an emergency.
- (3) The broadcaster shall ensure that the form of communication used to receive an Amber alert notification, a green alert notification, or a silver alert notification is:
 - (A) generally available to receive an Amber alert notification, a green alert notification, or a silver alert notification; and
 - (B) located such that the broadcaster will immediately become aware of an incoming Amber alert notification, green alert notification, or silver alert notification.



SECTION 6. IC 10-13-5-8.1, AS AMENDED BY P.L.40-2024, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8.1. (a) In addition to an agreement with a broadcaster under section 8 of this chapter, the clearinghouse may enter into an agreement with one (1) or more electronic billboard operators to display Amber alerts, green alerts, or silver alerts under this section. An agreement under this section may include a limitation on the days and times that the electronic billboard operator is required to have staff present to receive an Amber alert, a green alert, or a silver alert notification.

(b) The department's guidelines adopted under section 8 of this chapter may require staff, upon receiving a report **of a missing child or** that a child has been abducted, an endangered child is missing, a veteran at risk is missing, or an endangered adult is missing, to immediately send electronically or by other means of communication a description of the **missing or** abducted child, missing endangered child, missing veteran at risk, or missing endangered adult to one (1) or more electronic billboard operators participating in the Amber alert program, green alert program, or silver alert program if the Amber alert, green alert, or silver alert occurs during a period when the electronic billboard operator has agreed to have staff present to receive an Amber alert notification, a green alert notification, or a silver alert notification.

(c) An electronic billboard operator participating in the Amber alert program, green alert program, or silver alert program shall immediately display:

- (1) a description of the **missing or** abducted child, missing endangered child, missing veteran at risk, or missing endangered adult; and
- (2) other information that will assist in locating the **missing or** abducted child, missing endangered child, missing veteran at risk, or missing endangered adult;

to the general public in accordance with the Amber alert plan agreement, green alert plan agreement, or silver alert plan agreement between the clearinghouse and the electronic billboard operator.

(d) The department shall adopt guidelines governing the voluntary Amber alert program agreement, voluntary green alert program agreement, or voluntary silver alert program agreement between the clearinghouse and an electronic billboard operator. The voluntary agreements between the clearinghouse and the electronic billboard operator may include the following provisions:

- (1) Upon receiving a notification as part of the Amber alert



program, the green alert program, or the silver alert program, the electronic billboard operator shall display the information contained in the notice on an intermittent basis for a period of time as provided in the agreements between the clearinghouse and the electronic billboard operator.

(2) The electronic billboard operator shall treat the Amber alert notification, the green alert notification, or the silver alert notification as an emergency.

(3) The electronic billboard operator shall ensure that the form of communication used to receive an Amber alert notification, a green alert notification, or a silver alert notification is:

(A) generally available to receive an Amber alert notification, a green alert notification, or a silver alert notification; and

(B) located such that the electronic billboard operator will immediately become aware of an incoming Amber alert notification, a green alert notification, or a silver alert notification received during days and times when staff is present to receive an Amber alert notification, a green alert notification, or a silver alert notification.

SECTION 7. IC 10-13-5-8.5, AS AMENDED BY P.L.40-2024, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8.5. (a) A broadcaster or electronic billboard operator that has agreed to participate in the Amber alert program, green alert program, or silver alert program and that:

(1) receives an Amber alert notification, a green alert notification, or a silver alert notification from the department; and

(2) broadcasts or displays:

(A) a description of the **missing or** abducted child, missing endangered child, missing veteran at risk, or missing endangered adult contained in the notification; and

(B) other information contained in the notification that will assist in locating the child, missing veteran at risk, or missing endangered adult;

is immune from civil liability based on the broadcast or display of the information received from the department.

(b) If:

(1) a person enters into an agreement with the department to establish or maintain an Amber alert website, a green alert website, or a silver alert website; and

(2) the agreement provides that only the department has the ability to place information on the website;

the person is immune from civil liability for the information placed on



the website by the department. However, this subsection does not affect the applicability of IC 34-13-3 to the department."

Page 46, after line 25, begin a new paragraph and insert:

"SECTION 38. **An emergency is declared for this act.**"

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to EHB 1303 as printed February 13, 2026.)

MISHLER, Chairperson

Committee Vote: Yeas 10, Nays 0.

