

# PROPOSED AMENDMENT

## HB 1303 # 6

### DIGEST

Other jurisdictions. Specifies the sex offender reporting requirements for persons who are sex offenders or required to register in other jurisdictions.

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- 1           Page 4, delete lines 11 through 42, begin a new paragraph and  
2 insert:  
3           "SECTION 3. IC 11-8-8-4.5, AS AMENDED BY P.L.218-2025,  
4 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 JULY 1, 2026]: Sec. 4.5. (a) Except as provided in section 22 of this  
6 chapter, as used in this chapter, "sex offender" means a person  
7 convicted of any of the following offenses:  
8           (1) Rape (IC 35-42-4-1).  
9           (2) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).  
10          (3) Child molesting (IC 35-42-4-3).  
11          (4) Child exploitation (~~IC 35-42-4-4(b) or IC 35-42-4-4(c)~~): **(IC**  
12 **35-42-4-4)**.  
13          (5) Vicarious sexual gratification (including performing sexual  
14 conduct in the presence of a minor) (IC 35-42-4-5).  
15          (6) Child solicitation (IC 35-42-4-6).  
16          (7) Child seduction (IC 35-42-4-7).  
17          (8) Sexual misconduct with a minor (IC 35-42-4-9) as a Class A,  
18 Class B, or Class C felony (for a crime committed before July 1,  
19 2014) or a Level 1, Level 2, Level 4, or Level 5 felony (for a  
20 crime committed after June 30, 2014), unless:  
21           (A) the person is convicted of sexual misconduct with a minor  
22 as a Class C felony (for a crime committed before July 1,  
23 2014) or a Level 5 felony (for a crime committed after June  
24 30, 2014);  
25           (B) the person is not more than:  
26           (i) four (4) years older than the victim if the offense was  
27 committed after June 30, 2007; or

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

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

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

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

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

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

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

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

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

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

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

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

28 SECTION 6. IC 11-8-8-19, AS AMENDED BY P.L.1-2025,  
 29 SECTION 158, IS AMENDED TO READ AS FOLLOWS  
 30 [EFFECTIVE JULY 1, 2026]: **Sec. 19. (a) Except as provided in  
 31 subsections (b) through (f), a sex or violent offender is required to  
 32 register under this chapter until the expiration of ten (10) years after the  
 33 date the sex or violent offender:**

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

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

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

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

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

21 is required to register for life.

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

- 24 (1) proximately caused serious bodily injury or death to the  
 25 victim;
- 26 (2) used force or the threat of force against the victim or a  
 27 member of the victim's family, unless the offense is sexual battery  
 28 as a Class D felony (for an offense committed before July 1,  
 29 2014) or a Level 6 felony (for a crime committed after June 30,  
 30 2014); or
- 31 (3) rendered the victim unconscious or otherwise incapable of  
 32 giving voluntary consent;

33 is required to register for life.

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

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

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

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

3 Delete pages 5 through 7.

4 Page 8, delete lines 1 through 8.

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

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

16 (b) A person who:

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

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

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

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

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

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

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

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

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

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

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

39 (3) commits a sex offense (as defined in IC 11-8-8-5.2) while  
40 having had a previous unrelated adjudication as a delinquent child

1 for an act that would be a sex offense if committed by an adult, if,  
 2 after considering expert testimony, a court finds by clear and  
 3 convincing evidence that the person is likely to commit an  
 4 additional sex offense; or

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

10 is a sexually violent predator. Except as provided in subsection (g) or  
 11 (h), a person is a sexually violent predator by operation of law if an  
 12 offense committed by the person satisfies the conditions set forth in  
 13 subdivision (1) or (2) and the person was released from incarceration,  
 14 secure detention, probation, or parole for the offense after June 30,  
 15 1994.

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

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

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

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

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

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

39 (g) This subsection does not apply to a person who has two (2) or  
 40 more unrelated convictions for an offense described in IC 11-8-8-4.5

1 for which the person is required to register under IC 11-8-8. A person  
2 who is a sexually violent predator may petition the court to consider  
3 whether the person should no longer be considered a sexually violent  
4 predator. The person may file a petition under this subsection not  
5 earlier than ten (10) years after:

6 (1) the sentencing court or juvenile court makes its determination  
7 under subsection (e); or

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

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

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

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

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

32 (3) The relationship between the person and the victim was a  
33 dating relationship or an ongoing personal relationship. The term  
34 "ongoing personal relationship" does not include a family  
35 relationship.

36 (4) The offense committed by the person was not any of the  
37 following:

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

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

- 1 (C) An offense committed by using or threatening the use of
- 2 deadly force or while armed with a deadly weapon.
- 3 (D) An offense that results in serious bodily injury.
- 4 (E) An offense that is facilitated by furnishing the victim,
- 5 without the victim's knowledge, with a drug (as defined in
- 6 IC 16-42-19-2(1)) or a controlled substance (as defined in
- 7 IC 35-48-1.1-7) or knowing that the victim was furnished with
- 8 the drug or controlled substance without the victim's
- 9 knowledge.
- 10 (5) The person has not committed another sex offense (as defined
- 11 in IC 11-8-8-5.2) (including a delinquent act that would be a sex
- 12 offense if committed by an adult) against any other person.
- 13 (6) The person did not have a position of authority or substantial
- 14 influence over the victim.
- 15 (7) The court finds that the person should not be considered a
- 16 sexually violent predator."
- 17 Renumber all SECTIONS consecutively.  
(Reference is to HB 1303 as reprinted January 21, 2026.)