

PROPOSED AMENDMENT

HB 1303 # 5

DIGEST

Notice. Conforms certain notice and procedural requirements concerning sexually violent predators, offenders against children, and sex and violent predators.

- 1 Page 14, between lines 25 and 26, begin a new paragraph and insert:
2 "SECTION 20. IC 35-38-1-7.5, AS AMENDED BY P.L.186-2025,
3 SECTION 229, IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2026]: Sec. 7.5. (a) As used in this section,
5 "sexually violent predator" means a person who suffers from a mental
6 abnormality or personality disorder that makes the individual likely to
7 repeatedly commit a sex offense (as defined in IC 11-8-8-5.2). The
8 term includes a person convicted in another jurisdiction who is
9 identified as a sexually violent predator under IC 11-8-8-20. The term
10 does not include a person no longer considered a sexually violent
11 predator under subsection (g).
12 (b) A person who:
13 (1) being at least eighteen (18) years of age, commits an offense
14 described in:
15 (A) IC 35-42-4-1;
16 (B) IC 35-42-4-2 (before its repeal);
17 (C) IC 35-42-4-3 as a Class A or Class B felony (for a crime
18 committed before July 1, 2014) or a Level 1, Level 2, Level 3,
19 or Level 4 felony (for a crime committed after June 30, 2014);
20 (D) IC 35-42-4-5(a)(1);
21 (E) IC 35-42-4-5(a)(2);
22 (F) IC 35-42-4-5(a)(3) (before that provision was redesignated
23 by P.L.158-2013, SECTION 441);
24 (G) IC 35-42-4-5(b)(1) as a Class A or Class B felony (for a
25 crime committed before July 1, 2014) or Level 2, Level 3, or
26 Level 4 felony (for a crime committed after June 30, 2014);
27 (H) IC 35-42-4-5(b)(2); or

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

1 person is a sexually violent predator under subsection (a). A hearing
2 conducted under this subsection may be combined with the person's
3 sentencing hearing.

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

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

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

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

15 (1) the sentencing court or juvenile court makes its determination
16 under subsection (e); or

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

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

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

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

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

- 1 (3) The relationship between the person and the victim was a
 2 dating relationship or an ongoing personal relationship. The term
 3 "ongoing personal relationship" does not include a family
 4 relationship.
- 5 (4) The offense committed by the person was not any of the
 6 following:
- 7 (A) Rape (IC 35-42-4-1).
 - 8 (B) Criminal deviate conduct (IC 35-42-4-2) (before its
 9 repeal).
 - 10 (C) An offense committed by using or threatening the use of
 11 deadly force or while armed with a deadly weapon.
 - 12 (D) An offense that results in serious bodily injury.
 - 13 (E) An offense that is facilitated by furnishing the victim,
 14 without the victim's knowledge, with a drug (as defined in
 15 IC 16-42-19-2(1)) or a controlled substance (as defined in
 16 IC 35-48-1.1-7) or knowing that the victim was furnished with
 17 the drug or controlled substance without the victim's
 18 knowledge.
- 19 (5) The person has not committed another sex offense (as defined
 20 in IC 11-8-8-5.2) (including a delinquent act that would be a sex
 21 offense if committed by an adult) against any other person.
- 22 (6) The person did not have a position of authority or substantial
 23 influence over the victim.
- 24 (7) The court finds that the person should not be considered a
 25 sexually violent predator.
- 26 **(i) If the court sets a hearing on a petition filed under subsection**
 27 **(g), notice must be given in the manner required under**
 28 **IC 11-8-8-22(f). A court may not issue an order under this section**
 29 **to:**
- 30 **(1) order the department to remove all information regarding**
 31 **the person from the public portal of the sex and violent**
 32 **offender registry website established under IC 36-2-13-5.5; or**
 - 33 **(2) require the person to register under less restrictive**
 34 **conditions than those required by IC 11-8-8.**
- 35 **Relief described in subdivisions (1) through (2) may only be**
 36 **granted under IC 11-8-8-22."**
- 37 Page 29, line 22, delete "A" and insert "**Subject to subsection (e),**
 38 **a"**.
- 39 Page 29, between lines 41 and 42, begin a new paragraph and insert:
 40 **"(e) If the court sets a hearing on a petition filed under**

1 subsection (d), notice must be given in the manner required under
2 IC 11-8-8-22(f). A court may not issue an order under this section
3 to:

4 (1) order the department to remove all information regarding
5 the person from the public portal of the sex and violent
6 offender registry website established under IC 36-2-13-5.5; or
7 (2) require the person to register under less restrictive
8 conditions than those required by IC 11-8-8.

9 Relief described in subdivisions (1) through (2) may only be
10 granted under IC 11-8-8-22."

11 Renumber all SECTIONS consecutively.

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