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## HOUSE BILL No. 1303

Proposed Changes to introduced printing by AM130301

### DIGEST OF PROPOSED AMENDMENT

Penalties. Increases the penalties for certain offenses.

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

2026

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

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

10 (1) has applied for employment with a noncriminal justice  
11 organization or individual;

12 (2) has:

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

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

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

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

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

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

22 (7) is the subject of a judicial decision or determination with  
23 respect to the setting of bond, plea bargaining, sentencing, or  
24 probation;

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

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

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

36 (11) is being investigated for welfare fraud by an investigator of  
37 the division of family resources or a county office of the division  
38 of family resources;

39 (12) is being sought by the parent locator service of the child  
40 support bureau of the department of child services;

41 (13) is or was required to register as a sex or violent offender  
42 under IC 11-8-8;



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(14) has been convicted of any of the following:

(A) Rape (IC [ ] 35-42-4-1), if the victim is less than eighteen (18) years of age.

(B) Criminal deviate conduct (IC [ ] 35-42-4-2) (repealed), if the victim is less than eighteen (18) years of age.

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

(D) Child exploitation (~~IC [ ] 35-42-4-4(b) or IC 35-42-4-4(e)~~): **(IC 35-42-4-4).**

(E) 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 described in IC 35-42-4-4.5 (after June 30, 2026).**

(F) Vicarious sexual gratification (IC [ ] 35-42-4-5).

(G) Child solicitation (IC [ ] 35-42-4-6).

(H) Child seduction (IC [ ] 35-42-4-7).

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

(J) Incest (IC [ ] 35-46-1-3), if the victim is less than eighteen (18) years of age;

(15) is identified as a possible perpetrator of child abuse or neglect in an assessment conducted by the department of child services under IC 31-33-8; or

(16) is:

(A) a parent, guardian, or custodian of a child; or

(B) an individual who is at least eighteen (18) years of age and resides in the home of the parent, guardian, or custodian;

with whom the department of child services or a county probation department has a case plan, dispositional decree, or permanency plan approved under IC 31-34 or IC 31-37 that provides for reunification following an out-of-home placement.

However, limited criminal history information obtained from the National Crime Information Center may not be released under this section except to the extent permitted by the Attorney General of the United States.

(b) A law enforcement agency shall allow inspection of a limited criminal history by and release a limited criminal history to the following noncriminal justice organizations:

(1) Federally chartered or insured banking institutions.

(2) Officials of state and local government for any of the following purposes:

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



(B) Licensing.

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

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

SECTION 3. 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



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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 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), 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) 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 4. 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.



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(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 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), the





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

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

10 SECTION 5. IC 11-13-3-11, AS AMENDED BY P.L.218-2025,  
 11 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 12 JULY 1, 2026]: Sec. 11. (a) As used in this section, "Internet crime  
 13 against a child" means a conviction for a violation of:

14 (1) ~~IC 35-42-4-4(b) or IC 35-42-4-4(c)~~ IC 35-42-4-4 (child  
 15 exploitation);

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

19 or

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

21 (b) When a person is placed on lifetime parole, the department  
 22 shall provide the parolee with a written statement of the conditions of  
 23 lifetime parole. The parolee shall sign the statement, retain a copy, and  
 24 provide a copy to the department. The department shall place the  
 25 signed statement in the parolee's master file.

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

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

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

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

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

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

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

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



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- 1 (B) deleting, erasing, or tampering with data on the  
 2 parolee's personal computer;
- 3 (3) prohibit a parolee who is a sexually violent predator from  
 4 owning, operating, managing, being employed by, or  
 5 volunteering at an attraction designed to be primarily enjoyed by  
 6 a child less than sixteen (16) years of age; and
- 7 (4) require a parolee to allow the parolee's supervising parole  
 8 agent or another person authorized by the parole board to visit  
 9 the parolee's residence, real property, or place of employment.
- 10 (d) As a condition of lifetime parole, the parole board may require  
 11 a sexually violent predator to participate in a sex offender treatment  
 12 program approved by the parole board.
- 13 (e) As a condition of lifetime parole, the parole board may require  
 14 a parolee who is:
- 15 (1) a sexually violent predator; or  
 16 (2) required to register as a sex or violent offender under  
 17 IC 11-8-8-5 due to a conviction for murder (IC [ ]35-42-1-1) or  
 18 voluntary manslaughter (IC [ ]35-42-1-3);
- 19 to wear a monitoring device (as described in IC 35-38-2.5-3) that can  
 20 transmit information twenty-four (24) hours each day regarding a  
 21 person's precise location, subject to a validated sex offender risk  
 22 assessment or appropriate violent offender risk assessment, and subject  
 23 to the amount appropriated to the department for a monitoring program  
 24 as a condition of lifetime parole.
- 25 (f) When an offender is placed on lifetime parole, the parole board  
 26 shall inform the sheriff and the prosecuting attorney of the offender's  
 27 current county of residence:
- 28 (1) that the offender has been placed on lifetime parole; and  
 29 (2) whether the offender is required to wear a monitoring device  
 30 as described in subsection (e).
- 31 (g) The parole board may adopt rules under IC 4-22-2 to impose  
 32 additional conditions of lifetime parole and to implement this section.
- 33 SECTION 6. IC 22-5-5-1, AS AMENDED BY P.L.13-2016,  
 34 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 35 JULY 1, 2026]: Sec. 1. The employment contract of a person who:
- 36 (1) works with children; and  
 37 (2) is convicted of:
- 38 (A) rape (IC [ ]35-42-4-1), if the victim is less than eighteen  
 39 (18) years of age;
- 40 (B) criminal deviate conduct (IC [ ]35-42-4-2) (repealed), if  
 41 the victim is less than eighteen (18) years of age;
- 42 (C) child molesting (IC [ ]35-42-4-3);



(D) child exploitation (~~IC 35-42-4-4(b)~~ or ~~IC 35-42-4-4(c)~~); **(IC 35-42-4-4)**;  
 (E) vicarious sexual gratification (IC 35-42-4-5);  
 (F) child solicitation (IC 35-42-4-6);  
 (G) child seduction (IC 35-42-4-7); or  
 (H) incest (IC 35-46-1-3), if the victim is less than  
 eighteen (18) years of age;  
 may be canceled by the person's employer.

SECTION 7. IC 31-9-2-133.1, AS AMENDED BY P.L.172-2022,  
 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 JULY 1, 2026]: Sec. 133.1. "Victim of human or sexual trafficking",  
 for purposes of IC 31-34-1-3.5, refers to a child who is recruited,  
 harbored, transported, or engaged in:

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

SECTION 8. IC 31-14-14-1, AS AMENDED BY P.L.223-2019,  
 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 JULY 1, 2026]: Sec. 1. (a) A noncustodial parent is entitled to  
 reasonable parenting time rights unless the court finds, after a hearing,  
 that parenting time might:

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

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

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

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

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



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

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

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

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

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

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

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

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

SECTION 9. IC 31-17-4-1, AS AMENDED BY P.L.146-2021, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) Subject to subsections (d) and (e) and subject to section 1.1 of this chapter, a parent not granted custody of the child is entitled to reasonable parenting time rights unless the court finds, after a hearing, that parenting time by the noncustodial parent might endanger the child's physical health or significantly impair the child's emotional development.

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

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

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

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

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

there is a rebuttable presumption that the parenting time with the child



1 must be supervised.

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

4 (1) child molesting (IC [35-42-4-3](#)); or

5 (2) child exploitation (~~IC [35-42-4-4\(b\)](#) or IC [35-42-4-4\(c\)](#)~~);

6 **(IC [35-42-4-4](#));**

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

9 SECTION 10. IC 33-37-5-23, AS AMENDED BY P.L.144-2018,  
10 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
11 JULY 1, 2026]: Sec. 23. (a) This section applies to criminal actions.

12 (b) The court shall assess a sexual assault victims assistance fee  
13 of at least five hundred dollars (\$500) and not more than five thousand  
14 dollars (\$5,000) against an individual convicted in Indiana of any of the  
15 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 (IC [35-42-4-5](#)).

22 (6) Child solicitation (IC [35-42-4-6](#)).

23 (7) Child seduction (IC [35-42-4-7](#)).

24 (8) Sexual battery (IC [35-42-4-8](#)).

25 (9) Sexual misconduct with a minor as a Class A or Class B  
26 felony (for a crime committed before July 1, 2014) or a Level 1  
27 felony or Level 4 felony (for a crime committed after June 30,  
28 2014) (IC [35-42-4-9](#)).

29 (10) Incest (IC [35-46-1-3](#)).

30 (11) Promotion of human labor trafficking (IC [35-42-3.5-1](#)).

31 (12) Promotion of human sexual trafficking (IC [35-42-3.5-1.1](#)).

32 (13) Promotion of child sexual trafficking  
33 (IC [35-42-3.5-1.2\(a\)](#)).

34 (14) Promotion of sexual trafficking of a younger child  
35 (IC [35-42-3.5-1.2\(c\)](#)).

36 (15) Child sexual trafficking (IC [35-42-3.5-1.3](#)).

37 (16) Human trafficking (IC [35-42-3.5-1.4](#)).

38 SECTION 11. IC 33-39-1-9, AS AMENDED BY P.L.13-2016,  
39 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
40 JULY 1, 2026]: Sec. 9. A prosecuting attorney who charges a person  
41 with committing any of the following shall inform the person's  
42 employer of the charge, unless the prosecuting attorney determines that



the person charged does not work with children:

- (1) Rape (IC 35-42-4-1), if the victim is less than eighteen (18) years of age.
- (2) Criminal deviate conduct (IC 35-42-4-2) (repealed), if the victim is less than eighteen (18) years of age.
- (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 (IC 35-42-4-5).
- (6) Child solicitation (IC 35-42-4-6).
- (7) Child seduction (IC 35-42-4-7).
- (8) Incest (IC 35-46-1-3), if the victim is less than eighteen (18) years of age.

SECTION 12. IC 35-31.5-2-98 IS REPEALED [EFFECTIVE JULY 1, 2026]. ~~Sec. 98. "Disseminate", for purposes of IC 35-42-4-4, has the meaning set forth in IC 35-42-4-4(a).~~

SECTION 13. IC 35-31.5-2-196, AS ADDED BY P.L.114-2012, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 196. (a) ~~"Matter", for purposes of IC 35-42-4-4, has the meaning set forth in IC 35-42-4-4(a).~~

(b) "Matter", for purposes of IC 35-49, has the meaning set forth in IC 35-49-1-3.

SECTION 14. IC 35-31.5-2-233, AS ADDED BY P.L.114-2012, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 233. (a) ~~"Performance", for purposes of IC 35-42-4-4, has the meaning set forth in IC 35-42-4-4(a).~~

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

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

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

SECTION 16. IC 35-36-10-1, AS ADDED BY P.L.148-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. This chapter applies ~~only~~ in a criminal ~~or civil~~ proceeding.

SECTION 17. IC 35-36-10-2, AS AMENDED BY P.L.218-2025, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. As used in this chapter, "child sex abuse



material" includes:

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

SECTION 18. IC 35-36-10-3, AS AMENDED BY P.L.218-2025, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. In any criminal proceeding **or civil proceeding**, material constituting child sex abuse material must remain in the custody of the state or the court.

SECTION 19. IC 35-36-10-4, AS AMENDED BY P.L.218-2025, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. A court shall deny any request by the defendant in a criminal proceeding, **or any party in a civil proceeding**, to copy, photograph, duplicate, or otherwise reproduce any material that constitutes child sex abuse material if the state **(in a criminal proceeding), or the court (in a civil proceeding)**, provides ample opportunity for inspection, viewing, and examination of the material by:

- (1) the defendant **(in a criminal proceeding)**;
- (2) the defendant's attorney **(in a criminal proceeding)**; ~~and~~
- (3) any individual the defendant seeks to qualify as an expert **(in a criminal proceeding)**;
- (4) any party and the party's attorney (in a civil proceeding);**
- and**
- (5) any individual a party seeks to qualify as an expert (in a civil proceeding);**

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

SECTION 20. IC 35-38-2-2.5, AS AMENDED BY P.L.13-2016, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2.5. (a) As used in this section, "offender" means an individual convicted of a sex offense.

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

- (1) Rape (~~IC [ ] 35-42-4-1~~);
- (2) Criminal deviate conduct (~~IC [ ] 35-42-4-2~~) (repealed);
- (3) Child molesting (~~IC [ ] 35-42-4-3~~);
- (4) Child exploitation (~~IC [ ] 35-42-4-4(b) or IC 35-42-4-4(c)~~);
- (5) Vicarious sexual gratification (~~IC [ ] 35-42-4-5~~);
- (6) Child solicitation (~~IC [ ] 35-42-4-6~~);
- (7) Child seduction (~~IC [ ] 35-42-4-7~~);
- (8) Sexual battery (~~IC [ ] 35-42-4-8~~);
- (9) Sexual misconduct with a minor as a felony (~~IC [ ] 35-42-4-9~~);



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

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

(d) An offender:

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

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

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

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

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

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

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

for the change of address under subsection (f).

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

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

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

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

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

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





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

SECTION 21. IC 35-42-3.5-1.2, AS AMENDED BY P.L.186-2025, SECTION 233, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1.2. (a) A person who knowingly or intentionally recruits, entices, harbors, or transports a child less than eighteen (18) years of age with the intent of causing the child to engage in:

- (1) prostitution or juvenile prostitution; or
- (2) a performance or incident that includes sexual conduct in violation of ~~IC 35-42-4-4(b) or IC 35-42-4-4(c)~~ IC 35-42-4-4 (child exploitation);

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

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

- (1) child consented to engage in prostitution or juvenile prostitution or to participate in sexual conduct; or
- (2) intended victim of the offense is a law enforcement officer.

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

- (1) the child is at least fourteen (14) years of age but less than sixteen (16) years of age and the person is less than eighteen (18) years of age; or
- (2) all the following apply:

(A) The person is not more than four (4) years older than the victim.

(B) 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.

(C) The crime:

- (i) was not committed by a person who is at least twenty-one (21) years of age;
- (ii) was not committed by using or threatening the use of deadly force;
- (iii) was not committed while armed with a deadly weapon;
- (iv) did not result in serious bodily injury;
- (v) was not facilitated by furnishing the victim, without



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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; and

(vi) was not committed by a person having a position of authority or substantial influence over the victim.

(D) 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.

(E) The person is not promoting prostitution (as defined in IC 35-45-4-4) with respect to the victim even though the person has not been charged with or convicted of the offense.

SECTION 22. IC 35-42-4-4, AS AMENDED BY P.L.218-2025, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) The following definitions apply throughout this section:

(1) ~~"Disseminate" means to transfer possession for free or for a consideration.~~

(2) ~~(1) "Image" means the following: any visual representation.~~

(A) ~~A picture.~~

(B) ~~A drawing.~~

(C) ~~A photograph.~~

(D) ~~A negative image.~~

(E) ~~An undeveloped film.~~

(F) ~~A motion picture.~~

(G) ~~A videotape.~~

(H) ~~A digitized image.~~

(I) ~~A computer generated image.~~

(J) ~~Any pictorial representation.~~

(3) ~~"Matter" has the same meaning as in IC 35-49-1-3.~~

(4) ~~"Performance" has the same meaning as in IC 35-49-1-7.~~

(5) (2) "Sexual conduct" means:

(A) sexual intercourse;

(B) other sexual conduct (as defined in IC 35-31.5-2-221.5);

(C) exhibition of the:

(i) uncovered genitals; or

(ii) female breast with less than a fully opaque covering of any part of the nipple;

intended to satisfy or arouse the sexual desires of any



person;  
 (D) sadomasochistic abuse;  
 (E) sexual intercourse or other sexual conduct (as defined in IC 35-31.5-2-221.5) with an animal; or  
 (F) any fondling or touching of a child by another person or of another person by a child intended to arouse or satisfy the sexual desires of either the child or the other person.

(b) A person who:

(1) knowingly or intentionally manages, produces, sponsors, presents, exhibits, photographs, films, videotapes, or creates a digitized image of any performance or incident that includes sexual conduct by a child under eighteen (18) years of age;

(2) knowingly or intentionally disseminates, exhibits to another person, offers to disseminate or exhibit to another person, or sends or brings into Indiana for dissemination or exhibition matter that depicts or describes sexual conduct by a child under eighteen (18) years of age;

(3) knowingly or intentionally makes available to another person a computer, knowing that the computer's fixed drive or peripheral device contains matter that depicts or describes sexual conduct by a child less than eighteen (18) years of age;

(4) with the intent to satisfy or arouse the sexual desires of any person:

(A) knowingly or intentionally:

(i) manages;

(ii) produces;

(iii) sponsors;

(iv) presents;

(v) exhibits;

(vi) photographs;

(vii) films;

(viii) videotapes; or

(ix) creates a digitized image of;

any performance or incident that includes the uncovered genitals of a child less than eighteen (18) years of age or the exhibition of the female breast with less than a fully opaque covering of any part of the nipple by a child less than eighteen (18) years of age;

(B) knowingly or intentionally:

(i) disseminates to another person;

(ii) exhibits to another person;

(iii) offers to disseminate or exhibit to another person;



or

(iv) sends or brings into Indiana for dissemination or exhibition;

matter that depicts the uncovered genitals of a child less than eighteen (18) years of age or the exhibition of the female breast with less than a fully opaque covering of any part of the nipple by a child less than eighteen (18) years of age; or

(C) makes available to another person a computer, knowing that the computer's fixed drive or peripheral device contains matter that depicts the uncovered genitals of a child less than eighteen (18) years of age or the exhibition of the female breast with less than a fully opaque covering of any part of the nipple by a child less than eighteen (18) years of age; or

(5) knowingly or intentionally produces, disseminates, or possesses with intent to disseminate an image that depicts or describes sexual conduct:

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

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

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

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

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

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

(A) engage in sexual conduct; or

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



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

(A) engage in sexual conduct; or

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

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

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

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

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

(B) is mentally disabled or deficient;

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

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

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

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

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

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

(B) is mentally disabled or deficient;

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

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

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

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

(c) The offense described in subsection (b) is a Level ~~4~~ 3 felony if:

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

(2) the conduct depicted in the image involves:

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

(B) a child less than twelve (12) years of age;

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



including sado-masochistic abuse (as defined in IC 35-49-1-8);

(D) child molesting;

(E) pecuniary gain by the person; or

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

(d) The offense described in subsection (b) is a Level ~~6~~ 2 felony if the offense is committed by force or threat of force.

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

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

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

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

commits possession of child sex abuse material; a Level 6 felony. It is not a required element of an offense under subdivision (3) that the child depicted actually exists.

(e) However, the offense of possession of child sex abuse material described in subsection (d) is a Level 5 felony if:

(1) the sexual conduct, matter, performance, or incident depicts or describes a child who the person knows is less than eighteen (18) years of age; or who appears to be less than eighteen (18) years of age; who:

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

(B) is mentally disabled or deficient;

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

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

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

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

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



- 1 (A) engages in bestiality (as described in IC 35-46-3-14);  
 2 (B) is mentally disabled or deficient;  
 3 (C) participates in the sexual conduct, matter, performance,  
 4 or incident by use of force or the threat of force;  
 5 (D) physically or verbally resists participating in the sexual  
 6 conduct, matter, performance, or incident;  
 7 (E) receives a bodily injury while participating in the sexual  
 8 conduct, matter, performance, or incident; or  
 9 (F) is less than twelve (12) years of age.
- 10 (f) (e) Subsections (b); (c); (d); and (e) do **This section does** not  
 11 apply to a bona fide school, museum, or public library that qualifies for  
 12 certain property tax exemptions under IC 6-1.1-10, or to an employee  
 13 of such a school, museum, or public library acting within the scope of  
 14 the employee's employment when the possession of the listed materials  
 15 is for legitimate scientific or educational purposes.
- 16 (g) (f) It is a defense to a prosecution under this section that:  
 17 (1) the person is a school employee, a department of child  
 18 services employee, or an attorney acting in the attorney's  
 19 capacity as legal counsel for a client; and  
 20 (2) the acts constituting the elements of the offense were  
 21 performed solely within the scope of the person's employment as  
 22 a school employee, a department of child services employee, or  
 23 an attorney acting in the attorney's capacity as legal counsel for  
 24 a client.
- 25 (h) (g) Except as provided in subsection (f); (h), it is a defense to  
 26 a prosecution under ~~subsection (b); (c); (d); or (e)~~ **this section** if all of  
 27 the following apply:
- 28 (1) A cellular telephone, another wireless or cellular  
 29 communications device, or a social networking website was used  
 30 to possess, produce, or disseminate the image.  
 31 (2) The defendant is not more than four (4) years older or  
 32 younger than the person who is depicted in the image or who  
 33 received the image.  
 34 (3) The relationship between the defendant and the person who  
 35 received the image or who is depicted in the image was a dating  
 36 relationship or an ongoing personal relationship. For purposes of  
 37 this subdivision, the term "ongoing personal relationship" does  
 38 not include a family relationship.  
 39 (4) The crime was committed by a person less than twenty-two  
 40 (22) years of age.  
 41 (5) The person receiving the image or who is depicted in the  
 42 image acquiesced in the defendant's conduct.



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

3           (1) the person who receives the image disseminates it to a person  
 4 other than the person:

5               (A) who sent the image; or

6               (B) who is depicted in the image;

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

9           (3) the dissemination of the image violates:

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

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

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

20               (D) a no contact order in a dispositional decree issued under  
 21 IC 31-34-20-1, IC 31-37-19-1, or IC 31-37-5-6 (or  
 22 IC 31-6-4-15.4 or IC 31-6-4-15.9 before their repeal) or an  
 23 order issued under IC 31-32-13 (or IC 31-6-7-14 before its  
 24 repeal) that orders the person to refrain from direct or  
 25 indirect contact with a child in need of services or a  
 26 delinquent child;

27               (E) a no contact order issued as a condition of pretrial  
 28 release, including release on bail or personal recognizance,  
 29 or pretrial diversion, and including a no contact order issued  
 30 under IC 35-33-8-3.6;

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

32               (G) a protective order to prevent domestic or family  
 33 violence issued under IC 31-15-5 (or IC 31-16-5 or  
 34 IC 31-1-11.5-8.2 before their repeal);

35               (H) a protective order to prevent domestic or family  
 36 violence issued under IC 31-14-16-1 in a paternity action;

37               (I) a no contact order issued under IC 31-34-25 in a child in  
 38 need of services proceeding or under IC 31-37-25 in a  
 39 juvenile delinquency proceeding;

40               (J) an order issued in another state that is substantially  
 41 similar to an order described in clauses (A) through (I);

42               (K) an order that is substantially similar to an order



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described in clauses (A) through (I) and is issued by an Indian:

- (i) tribe;
  - (ii) band;
  - (iii) pueblo;
  - (iv) nation; or
  - (v) organized group or community, including an Alaska Native village or regional or village corporation as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.);
- that is recognized as eligible for the special programs and services provided by the United States to Indians because of their special status as Indians;
- (L) an order issued under IC 35-33-8-3.2; or
  - (M) an order issued under IC 35-38-1-30.

~~(j)~~ **(i)** It is a defense to a prosecution under this section that:

- (1) the person was less than eighteen (18) years of age at the time the alleged offense was committed; and
- (2) the circumstances described in IC 35-45-4-6(a)(2) through IC 35-45-4-6(a)(4) apply.

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

SECTION 23. IC 35-42-4-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 4.5. (a) The following definitions apply throughout this section:**

- (1) "Image" has the meaning set forth in section 4 of this chapter.**
- (2) "Sexual conduct" has the meaning set forth in section 4 of this chapter.**

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

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



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(3) that is simulated sexual conduct involving a representation that appears to be a child less than eighteen (18) years of age, if the representation of the image is obscene (as described in IC 35-49-2-1); commits possession of child sex abuse material, a Level 6 felony, except as otherwise provided in this section. It is not a required element of an offense under subdivision (3) that the child depicted actually exists.

(c) The offense described in subsection (b) is a Level 5 felony if:

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

(2) the conduct depicted in the image involves:

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

(B) a child less than twelve (12) years of age;

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

(D) child molesting.

(d) A person who knowingly or intentionally distributes an image that depicts or describes sexual conduct:

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

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

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

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

(e) The offense described in subsection (d) is a Level ~~4~~<sup>3</sup> felony if:

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

(2) the conduct depicted in the image involves:

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

(B) a child less than twelve (12) years of age;



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

(D) child molesting;

(E) pecuniary gain by the person; or

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

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

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

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

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

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

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

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

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

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

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

(i) The defense to a prosecution described in subsection (h)



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- 1 does not apply if:
- 2 (1) the person who receives the image disseminates it to a
- 3 person other than the person:
- 4 (A) who sent the image; or
- 5 (B) who is depicted in the image;
- 6 (2) the image is of a person other than the person who sent
- 7 the image or received the image; or
- 8 (3) the dissemination of the image violates:
- 9 (A) a protective order to prevent domestic or family
- 10 violence or harassment issued under IC 34-26-5 (or, if
- 11 the order involved a family or household member, under
- 12 IC 34-26-2 or IC 34-4-5.1-5 before their repeal);
- 13 (B) an ex parte protective order issued under IC 34-26-5
- 14 (or, if the order involved a family or household member,
- 15 an emergency order issued under IC 34-26-2 or
- 16 IC 34-4-5.1 before their repeal);
- 17 (C) a workplace violence restraining order issued under
- 18 IC 34-26-6;
- 19 (D) a no contact order in a dispositional decree issued
- 20 under IC 31-34-20-1, IC 31-37-19-1, or IC 31-37-19-6 (or
- 21 IC 31-6-4-15.4 or IC 31-6-4-15.9 before their repeal) or
- 22 an order issued under IC 31-32-13 (or IC 31-6-7-14
- 23 before its repeal) that orders the person to refrain from
- 24 direct or indirect contact with a child in need of services
- 25 or a delinquent child;
- 26 (E) a no contact order issued as a condition of pretrial
- 27 release, including release on bail or personal
- 28 recognizance, or pretrial diversion, and including a no
- 29 contact order issued under IC 35-33-8-3.6;
- 30 (F) a no contact order issued as a condition of
- 31 probation;
- 32 (G) a protective order to prevent domestic or family
- 33 violence issued under IC 31-15-5 (or IC 31-16-5 or
- 34 IC 31-1-11.5-8.2 before their repeal);
- 35 (H) a protective order to prevent domestic or family
- 36 violence issued under IC 31-14-16-1 in a paternity
- 37 action;
- 38 (I) a no contact order issued under IC 31-34-25 in a
- 39 child in need of services proceeding or under
- 40 IC 31-37-25 in a juvenile delinquency proceeding;
- 41 (J) an order issued in another state that is substantially
- 42 similar to an order described in clauses (A) through (I);



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(K) an order that is substantially similar to an order described in clauses (A) through (I) and is issued by an Indian:

- (i) tribe;
- (ii) band;
- (iii) pueblo;
- (iv) nation; or
- (v) organized group or community, including an Alaska Native village or regional or village corporation as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.);

that is recognized as eligible for the special programs and services provided by the United States to Indians because of their special status as Indians;

(L) an order issued under IC 35-33-8-3.2; or

(M) an order issued under IC 35-38-1-30.

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

- (1) the person was less than eighteen (18) years of age at the time the alleged offense was committed; and
- (2) the circumstances described in IC 35-45-4-6(a)(2) through IC 35-45-4-6(a)(4) apply.

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

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

- (1) found to be a sexually violent predator under IC 35-38-1-7.5; or
- (2) convicted of one (1) or more of the following offenses:
  - (A) Child molesting (IC 35-42-4-3).
  - (B) Child exploitation (~~IC 35-42-4-4(b)~~ or ~~IC 35-42-4-4(c)~~). (IC 35-42-4-4).
  - (C) Child solicitation (IC 35-42-4-6).
  - (D) Child seduction (IC 35-42-4-7).
  - (E) Kidnapping (IC 35-42-3-2), if the victim is less than



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1                   eighteen (18) years of age, and the person is not the child's  
2                   parent or guardian.

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

6           (b) As used in this section, "reside" means to spend more than  
7           three (3) nights in:

8                   (1) a residence; or

9                   (2) if the person does not reside in a residence, a particular  
10           location;

11           in any thirty (30) day period.

12           (c) An offender against children who knowingly or intentionally:

13                   (1) resides within one thousand (1,000) feet of:

14                           (A) school property, not including property of an institution  
15                           providing post-secondary education;

16                           (B) a youth program center;

17                           (C) a public park; or

18                           (D) a day care center licensed under IC 12-17.2;

19                   (2) establishes a residence within one (1) mile of the residence  
20                   of the victim of the offender's sex offense; or

21                   (3) resides in a residence where a child care provider (as defined  
22                   by IC 31-33-26-1) provides child care services;

23           commits a sex offender residency offense, a Level 6 felony.

24           (d) This subsection does not apply to an offender against children  
25           who has two (2) or more unrelated convictions for an offense described  
26           in subsection (a). A person who is an offender against children may  
27           petition the court to consider whether the person should no longer be  
28           considered an offender against children. The person may file a petition  
29           under this subsection not earlier than ten (10) years after the person is  
30           released from incarceration or parole, whichever occurs last (or, if the  
31           person is not incarcerated, not earlier than ten (10) years after the  
32           person is released from probation). A person may file a petition under  
33           this subsection not more than one (1) time per year. A court may  
34           dismiss a petition filed under this subsection or conduct a hearing to  
35           determine if the person should no longer be considered an offender  
36           against children. If the court conducts a hearing, the court shall appoint  
37           two (2) 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  
41           person should no longer be considered an offender against children. If  
42           a court finds that the person should no longer be considered an offender



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1 against children, the court shall send notice to the department of  
2 correction that the person is no longer considered an offender against  
3 children.

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

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

10 or

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

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

13 (B) Child exploitation (~~IC 35-42-4-4(b) or~~  
14 ~~IC 35-42-4-4(c)~~). **(IC 35-42-4-4).**

15 (C) Possession of child sex abuse material  
16 (IC 35-42-4-4(d) or IC 35-42-4-4(e)) **(before July 1,**  
17 **2026), or a child sex abuse material offense under**  
18 **IC 35-42-4-4.5 (after June 30, 2026).**

19 (D) Vicarious sexual gratification (IC 35-42-4-5(a) and  
20 IC 35-42-4-5(b)).

21 (E) Performing sexual conduct in the presence of a minor  
22 (IC 35-42-4-5(c)).

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

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

25 (H) Sexual misconduct with a minor (IC 35-42-4-9).

26 (b) A serious sex offender who knowingly or intentionally enters  
27 school property commits unlawful entry by a serious sex offender, a  
28 Level 6 felony.

29 (c) It is a defense to a prosecution under subsection (b) that:

30 (1) a religious institution or house of worship is located on the  
31 school property; and

32 (2) the person:

33 (A) enters the school property or other entity described in  
34 IC 35-31.5-2-285(1)(A) through IC 35-31.5-2-285(1)(D)  
35 when classes, extracurricular activities, or any other school  
36 activities are not being held:

37 (i) for the sole purpose of attending worship services or  
38 receiving religious instruction; and

39 (ii) not earlier than thirty (30) minutes before the  
40 beginning of the worship services or religious  
41 instruction; and

42 (B) leaves the school property not later than thirty (30)



1 minutes after the conclusion of the worship services or  
2 religious instruction.

3 SECTION 26. IC 35-49-3-3, AS AMENDED BY P.L.218-2025,  
4 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 JULY 1, 2026]: Sec. 3. (a) Except as provided in subsection (b) and  
6 section 4 of this chapter, a person who knowingly or intentionally:

7 (1) disseminates matter to minors that is harmful to minors (as  
8 described in IC 35-49-2);

9 (2) displays matter that is harmful to minors in an area to which  
10 minors have visual, auditory, or physical access, unless each  
11 minor is accompanied by the minor's parent or guardian;

12 (3) sells, rents, or displays for sale or rent to any person matter  
13 that is harmful to minors within five hundred (500) feet of the  
14 nearest property line of a school or church;

15 (4) engages in or conducts a performance before minors that is  
16 harmful to minors;

17 (5) engages in or conducts a performance that is harmful to  
18 minors in an area to which minors have visual, auditory, or  
19 physical access, unless each minor is accompanied by the  
20 minor's parent or guardian;

21 (6) misrepresents the minor's age for the purpose of obtaining  
22 admission to an area from which minors are restricted because  
23 of the display of matter or a performance that is harmful to  
24 minors; or

25 (7) misrepresents that the person is a parent or guardian of a  
26 minor for the purpose of obtaining admission of the minor to an  
27 area where minors are being restricted because of display of  
28 matter or performance that is harmful to minors;

29 commits a Level 6 felony.

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

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

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

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

39 SECTION 27. IC 35-50-1-2, AS AMENDED BY P.L.218-2025,  
40 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
41 JULY 1, 2026]: Sec. 2. (a) As used in this section, "crime of violence"  
42 means the following:



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- 1 (1) Murder (IC[ ]35-42-1-1).
- 2 (2) Attempted murder (IC[ ]35-41-5-1).
- 3 (3) Voluntary manslaughter (IC[ ]35-42-1-3).
- 4 (4) Involuntary manslaughter (IC[ ]35-42-1-4).
- 5 (5) Reckless homicide (IC[ ]35-42-1-5).
- 6 (6) Battery (IC[ ]35-42-2-1) as a:
  - 7 (A) Level 2 felony;
  - 8 (B) Level 3 felony;
  - 9 (C) Level 4 felony; or
  - 10 (D) Level 5 felony.
- 11 (7) Domestic battery (IC[ ]35-42-2-1.3) as a:
  - 12 (A) Level 2 felony;
  - 13 (B) Level 3 felony;
  - 14 (C) Level 4 felony; or
  - 15 (D) Level 5 felony.
- 16 (8) Aggravated battery (IC[ ]35-42-2-1.5).
- 17 (9) Kidnapping (IC[ ]35-42-3-2).
- 18 (10) Rape (IC[ ]35-42-4-1).
- 19 (11) Criminal deviate conduct (IC[ ]35-42-4-2) (before its
- 20 repeal).
- 21 (12) Child molesting (IC[ ]35-42-4-3).
- 22 (13) Sexual misconduct with a minor as a Level 1 felony under
- 23 IC 35-42-4-9(a)(2) or a Level 2 felony under IC 35-42-4-9(b)(2).
- 24 (14) Robbery as a Level 2 felony or a Level 3 felony
- 25 (IC[ ]35-42-5-1).
- 26 (15) Burglary as a Level 1 felony, Level 2 felony, Level 3 felony,
- 27 or Level 4 felony (IC[ ]35-43-2-1).
- 28 (16) Operating a vehicle while intoxicated causing death or
- 29 catastrophic injury (IC[ ]9-30-5-5).
- 30 (17) Operating a vehicle while intoxicated causing serious bodily
- 31 injury to another person (IC[ ]9-30-5-4).
- 32 (18) Child exploitation (**IC[ ]35-42-4-4**). ~~as a Level 5 felony~~
- 33 ~~under IC 35-42-4-4(b) or a Level 4 felony under IC 35-42-4-4(c).~~
- 34 (19) Resisting law enforcement as a felony (IC[ ]35-44.1-3-1).
- 35 (20) Unlawful possession of a firearm by a serious violent felon
- 36 (IC[ ]35-47-4-5).
- 37 (21) Strangulation (IC[ ]35-42-2-9) as a Level 5 felony.
- 38 (b) As used in this section, "episode of criminal conduct" means
- 39 offenses or a connected series of offenses that are closely related in
- 40 time, place, and circumstance.
- 41 (c) Except as provided in subsection (e) or (f) the court shall
- 42 determine whether terms of imprisonment shall be served concurrently

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or consecutively. The court may consider the:

- (1) aggravating circumstances in IC 35-38-1-7.1(a); and
- (2) mitigating circumstances in IC 35-38-1-7.1(b);

in making a determination under this subsection. The court may order terms of imprisonment to be served consecutively even if the sentences are not imposed at the same time. However, except for crimes of violence, the total of the consecutive terms of imprisonment, exclusive of terms of imprisonment under IC 35-50-2-8 and IC 35-50-2-10 (before its repeal) to which the defendant is sentenced for felony or misdemeanor convictions arising out of an episode of criminal conduct shall not exceed the period described in subsection (d).

(d) Except as provided in subsection (c), the total of the consecutive terms of imprisonment to which the defendant is sentenced for convictions arising out of an episode of criminal conduct may not exceed the following:

- (1) If the most serious crime for which the defendant is sentenced is a Class C misdemeanor, the total of the consecutive terms of imprisonment may not exceed one (1) year.
- (2) If the most serious crime for which the defendant is sentenced is a Class B misdemeanor, the total of the consecutive terms of imprisonment may not exceed two (2) years.
- (3) If the most serious crime for which the defendant is sentenced is a Class A misdemeanor, the total of the consecutive terms of imprisonment may not exceed three (3) years.
- (4) If the most serious crime for which the defendant is sentenced is a Level 6 felony, the total of the consecutive terms of imprisonment may not exceed four (4) years.
- (5) If the most serious crime for which the defendant is sentenced is a Level 5 felony, the total of the consecutive terms of imprisonment may not exceed seven (7) years.
- (6) If the most serious crime for which the defendant is sentenced is a Level 4 felony, the total of the consecutive terms of imprisonment may not exceed fifteen (15) years.
- (7) If the most serious crime for which the defendant is sentenced is a Level 3 felony, the total of the consecutive terms of imprisonment may not exceed twenty (20) years.
- (8) If the most serious crime for which the defendant is sentenced is a Level 2 felony, the total of the consecutive terms of imprisonment may not exceed thirty-two (32) years.
- (9) If the most serious crime for which the defendant is sentenced is a Level 1 felony, the total of the consecutive terms of imprisonment may not exceed forty-two (42) years.



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(e) If, after being arrested for one (1) crime, a person commits another crime:

(1) before the date the person is discharged from probation, parole, or a term of imprisonment imposed for the first crime; or

(2) while the person is released:

(A) upon the person's own recognizance; or

(B) on bond;

the terms of imprisonment for the crimes shall be served consecutively, regardless of the order in which the crimes are tried and sentences are imposed.

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

SECTION 28. IC 35-50-2-7, AS AMENDED BY P.L.218-2025, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 7. (a) A person who commits a Class D felony (for a crime committed before July 1, 2014) shall be imprisoned for a fixed term of between six (6) months and three (3) years, with the advisory sentence being one and one-half (1 1/2) years. In addition, the person may be fined not more than ten thousand dollars (\$10,000).

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

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

(1) the court finds that:

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

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

(2) the offense is domestic battery as a Class D felony (for a



1 crime committed before July 1, 2014) or a Level 6 felony (for a  
 2 crime committed after June 30, 2014) under IC 35-42-2-1.3; or  
 3 (3) the offense is possession of child sex abuse material  
 4 (IC 35-42-4-4(d)) **(before July 1, 2026) or a child sex abuse**  
 5 **material offense under IC 35-42-4-4.5 (after June 30, 2026).**

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

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

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

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

22 (3) The person has not been convicted of perjury under  
 23 IC 35-44.1-2-1 (or IC 35-44-2-1 before its repeal) or official  
 24 misconduct under IC 35-44.1-1-1 (or IC 35-44-1-2 before its  
 25 repeal).

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

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

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

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

35 for the Class D or Level 6 felony.

36 (6) The person has not been convicted of a felony since the  
 37 person:

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

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

41 for the Class D or Level 6 felony.

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



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

- (1) the crime the person has been convicted of;
- (2) the date of the conviction;
- (3) the date the person completed the person's sentence;
- (4) any obligations imposed on the person as part of the sentence;
- (5) the date the obligations were satisfied; and
- (6) a verified statement that there are no criminal charges pending against the person.

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

SECTION 29. IC 35-50-6-3.3, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2026 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3.3. (a) In addition to any educational credit a person earns under subsection (b), or good time credit a person earns under section 3 or 3.1 of this chapter, a person earns educational credit if the person:

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

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

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

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

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

(b) In addition to any educational credit that a person earns under





subsection (a), or good time credit a person earns under section 3 or 3.1 of this chapter, a person may earn educational credit if, while confined by the department of correction, the person:

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

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

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

(C) To obtain a certificate of completion of a literacy and basic life skills program approved by the department of correction.

(D) To obtain a certificate of completion of a reformative program approved by the department of correction.

(E) An individualized case management plan approved by the department of correction.

(c) The department of correction shall establish admissions criteria and other requirements for programs available for earning educational credit under subsection (b). A person may not earn educational credit under this section for the same program of study. The department of correction, in consultation with the department of workforce development, shall approve a program only if the program is likely to lead to an employable occupation.

(d) The amount of educational credit a person may earn under this section is the following:

(1) Six (6) months for completion of a state of Indiana general educational development (GED) diploma under IC 20-20-6 (before its repeal) or IC 22-4.1-18.

(2) One (1) year for graduation from high school.

(3) Not more than one (1) year for completion of an associate degree.

(4) Not more than two (2) years for completion of a **bachelor's** degree.

(5) Not more than a total of one (1) year, as determined by the department of correction, for the completion of one (1) or more career and technical or vocational education programs approved by the department of correction.

(6) Not more than a total of six (6) months, as determined by the department of correction, for the completion of one (1) or more



- 1 substance abuse programs approved by the department of  
2 correction.
- 3 (7) Not more than a total of six (6) months, as determined by the  
4 department of correction, for the completion of one (1) or more  
5 literacy and basic life skills programs approved by the  
6 department of correction.
- 7 (8) Not more than a total of six (6) months, as determined by the  
8 department of correction, for completion of one (1) or more  
9 reformatory programs approved by the department of correction.  
10 However, a person who is serving a sentence for an offense  
11 listed under IC 11-8-8-4.5 may not earn educational credit under  
12 this subdivision.
- 13 (9) An amount determined by the department of correction under  
14 a policy adopted by the department of correction concerning the  
15 individualized case management plan, not to exceed the  
16 maximum amount described in subsection (j).
- 17 However, a person who does not have a substance abuse problem that  
18 qualifies the person to earn educational credit in a substance abuse  
19 program may earn not more than a total of twelve (12) months of  
20 educational credit, as determined by the department of correction, for  
21 the completion of one (1) or more career and technical or vocational  
22 education programs approved by the department of correction. If a  
23 person earns more than six (6) months of educational credit for the  
24 completion of one (1) or more career and technical or vocational  
25 education programs, the person is ineligible to earn educational credit  
26 for the completion of one (1) or more substance abuse programs.
- 27 (e) Educational credit earned under this section must be directly  
28 proportional to the time served and course work completed while  
29 incarcerated. The department of correction shall adopt rules under  
30 IC 4-22-2 necessary to implement this subsection.
- 31 (f) Educational credit earned by a person under this section is  
32 subtracted from the release date that would otherwise apply to the  
33 person by the sentencing court after subtracting all other credit time  
34 earned by the person.
- 35 (g) A person does not earn educational credit under subsection (a)  
36 unless the person completes at least a portion of the degree  
37 requirements after June 30, 1993.
- 38 (h) A person does not earn educational credit under subsection (b)  
39 unless the person completes at least a portion of the program  
40 requirements after June 30, 1999.
- 41 (i) Educational credit earned by a person under subsection (a) for  
42 a diploma or degree completed before July 1, 1999, shall be subtracted



from:

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

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

(A) Rape (IC [ ] 35-42-4-1).

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

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

(D) Child exploitation (~~IC [ ] 35-42-4-4(b) or IC 35-42-4-4(c)~~): (IC [ ] 35-42-4-4).

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

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

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

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

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

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

(I) Incest (IC [ ] 35-46-1-3).

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

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

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

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

(1) two (2) years; or

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

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

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

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

(l) A person may earn educational credit for multiple degrees at



the same education level under subsection (d) only in accordance with guidelines approved by the department of correction. The department of correction may approve guidelines for proper sequence of education degrees under subsection (d).

(m) A person may not earn educational credit:

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

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

- (1) commits an offense listed in IC 11-8-8-4.5 while the person is required to register as a sex or violent offender under IC 11-8-8-7; and
- (2) is committed to the department of correction after being convicted of the offense listed in IC 11-8-8-4.5.

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

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

- ~~(1) The ratio of case management staff to offenders participating in the individualized case management plan as of January 1, 2023.~~
- ~~(2) The average number of days awarded to offenders participating in the individualized case management plan from January 1, 2022, through December 31, 2022.~~
- ~~(3) The percentage of the prison population currently participating in an individualized case management plan as of January 1, 2023.~~
- ~~(4) Any other data points or information related to the status of the implementation of the individualized case management plan.~~

~~This subsection expires June 30, 2023.~~

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