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HOUSE BILL No. 1303

Proposed Changes to introduced printing by AM130302

DIGEST OF PROPOSED AMENDMENT

Simulated sexual conduct. Removes the requirement that simulated sexual conduct is a crime only if it is obscene.

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



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.



(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);



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

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

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

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

- 30 (1) endanger the child's physical health and well-being; or
 31 (2) significantly impair the child's emotional development.
 32 (b) The court may interview the child in chambers to assist the
 33 court in determining the child's perception of whether parenting time
 34 by the noncustodial parent might endanger the child's physical health
 35 or significantly impair the child's emotional development.
 36 (c) In a hearing under subsection (a), there is a rebuttable
 37 presumption that a person who has been convicted of:
 38 (1) child molesting (IC 35-42-4-3); or
 39 (2) child exploitation (~~IC 35-42-4-4(b)~~ or ~~IC 35-42-4-4(c)~~);
 40 **(IC 35-42-4-4)**;
 41 might endanger the child's physical health and well-being or
 42 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



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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



1 material" includes:

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

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

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

- 18 (1) the defendant **(in a criminal proceeding)**;
 19 (2) the defendant's attorney **(in a criminal proceeding)**; ~~and~~
 20 (3) any individual the defendant seeks to qualify as an expert **(in**
 21 **a criminal proceeding)**;
 22 **(4) any party and the party's attorney (in a civil proceeding);**
 23 **and**
 24 **(5) any individual a party seeks to qualify as an expert (in a**
 25 **civil proceeding);**

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

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

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

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



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~~(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.



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(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, **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 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



1 IC 35-49-1-8);

2 (D) child molesting;

3 (E) pecuniary gain by the person; or

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

8 (d) The offense described in subsection (b) is a Level 3 felony
9 if the offense is committed by force or threat of force.

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

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

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

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

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

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

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

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

33 (B) is mentally disabled or deficient;

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

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

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

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

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

42 (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.

(f) (e) Subsections (b), (c), (d), and (e) do **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) (f) 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) (g) Except as provided in subsection (i), (h), it is a defense to
 a prosecution under ~~subsection (b), (c), (d), or (e)~~ **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) (h) The defense to a prosecution described in subsection (h) (g)



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



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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
- (3) that is simulated sexual conduct involving a



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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 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) does not apply if:



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



1 parent or guardian.

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

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

7 (1) a residence; or

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

10 in any thirty (30) day period.

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

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

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

15 (B) a youth program center;

16 (C) a public park; or

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

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

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

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

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



correction that the person is no longer considered an offender against children.

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

(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) 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)**.

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

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

(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).

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

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

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

(2) the person:

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

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

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

(B) leaves the school property not later than thirty (30) minutes after the conclusion of the worship services or



1 religious instruction.

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

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

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

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

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

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

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

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

28 commits a Level 6 felony.

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

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

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

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

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

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



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



- 1 (1) aggravating circumstances in IC 35-38-1-7.1(a); and
 2 (2) mitigating circumstances in IC 35-38-1-7.1(b);
 3 in making a determination under this subsection. The court may order
 4 terms of imprisonment to be served consecutively even if the sentences
 5 are not imposed at the same time. However, except for crimes of
 6 violence, the total of the consecutive terms of imprisonment, exclusive
 7 of terms of imprisonment under IC 35-50-2-8 and IC 35-50-2-10
 8 (before its repeal) to which the defendant is sentenced for felony or
 9 misdemeanor convictions arising out of an episode of criminal conduct
 10 shall not exceed the period described in subsection (d).
 11 (d) Except as provided in subsection (c), the total of the
 12 consecutive terms of imprisonment to which the defendant is sentenced
 13 for convictions arising out of an episode of criminal conduct may not
 14 exceed the following:
 15 (1) If the most serious crime for which the defendant is
 16 sentenced is a Class C misdemeanor, the total of the consecutive
 17 terms of imprisonment may not exceed one (1) year.
 18 (2) If the most serious crime for which the defendant is
 19 sentenced is a Class B misdemeanor, the total of the consecutive
 20 terms of imprisonment may not exceed two (2) years.
 21 (3) If the most serious crime for which the defendant is
 22 sentenced is a Class A misdemeanor, the total of the consecutive
 23 terms of imprisonment may not exceed three (3) years.
 24 (4) If the most serious crime for which the defendant is
 25 sentenced is a Level 6 felony, the total of the consecutive terms
 26 of imprisonment may not exceed four (4) years.
 27 (5) If the most serious crime for which the defendant is
 28 sentenced is a Level 5 felony, the total of the consecutive terms
 29 of imprisonment may not exceed seven (7) years.
 30 (6) If the most serious crime for which the defendant is
 31 sentenced is a Level 4 felony, the total of the consecutive terms
 32 of imprisonment may not exceed fifteen (15) years.
 33 (7) If the most serious crime for which the defendant is
 34 sentenced is a Level 3 felony, the total of the consecutive terms
 35 of imprisonment may not exceed twenty (20) years.
 36 (8) If the most serious crime for which the defendant is
 37 sentenced is a Level 2 felony, the total of the consecutive terms
 38 of imprisonment may not exceed thirty-two (32) years.
 39 (9) If the most serious crime for which the defendant is
 40 sentenced is a Level 1 felony, the total of the consecutive terms
 41 of imprisonment may not exceed forty-two (42) years.
 42 (e) If, after being arrested for one (1) crime, a person commits



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



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

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

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

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

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

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

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

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

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

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

34 for the Class D or Level 6 felony.

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

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

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

40 for the Class D or Level 6 felony.

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

42 (e) A petition filed under subsection (d) or (f) must be verified and



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1 set forth:

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

10 (f) If a person whose Class D or Level 6 felony conviction has
 11 been converted to a Class A misdemeanor conviction under subsection
 12 (d) is convicted of a felony not later than five (5) years after the
 13 conversion under subsection (d), a prosecuting attorney may petition
 14 a court to convert the person's Class A misdemeanor conviction back
 15 to a Class D felony conviction (for a crime committed before July 1,
 16 2014) or a Level 6 felony conviction (for a crime committed after June
 17 30, 2014).

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

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

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

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

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

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

41 (b) In addition to any educational credit that a person earns under
 42 subsection (a), or good time credit a person earns under section 3 or 3.1



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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~~ **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 substance abuse programs approved by the department of



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



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(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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