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HOUSE BILL No. 1303

Proposed Changes to introduced printing by AM130304

DIGEST OF PROPOSED AMENDMENT

Dissemination. Adds to the offense of child exploitation producing or creating CSAM. Replaces "disseminate" with "distribute" for consistency. Provides that the enhancement relating to a child less than 12 years of age also applies to a child who appears to be less than 12 years of age.

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~~13~~35-42-4-1), if the victim is less than eighteen (18)
9 years of age.
10 (2) Criminal deviate conduct (IC~~13~~35-42-4-2) (before its repeal),
11 if the victim is less than eighteen (18) years of age.
12 (3) Child molesting (IC~~13~~35-42-4-3).
13 (4) Child exploitation (IC~~13~~35-42-4-4(b) or IC 35-42-4-4(c)).
14 (IC~~13~~35-42-4-4).
15 (5) Vicarious sexual gratification (IC~~13~~35-42-4-5).
16 (6) Child solicitation (IC~~13~~35-42-4-6).
17 (7) Child seduction (IC~~13~~35-42-4-7).
18 (8) Sexual misconduct with a minor (IC~~13~~35-42-4-9) as a Class
19 A or Class B felony (for a crime committed before July 1, 2014)

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

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

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

12 (1) has applied for employment with a noncriminal justice
 13 organization or individual;

14 (2) has:

15 (A) applied for a license or is maintaining a license; and
 16 (B) provided criminal history data as required by law to be
 17 provided in connection with the license;

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

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

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

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

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

27 (8) has volunteered services that involve contact with, care of, or
 28 supervision over a child who is being placed, matched, or
 29 monitored by a social services agency or a nonprofit corporation;
 30 (9) is currently residing in a location designated by the
 31 department of child services (established by IC 31-25-1-1) or by
 32 a juvenile court as the out-of-home placement for a child at the
 33 time the child will reside in the location;

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

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

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



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

3 (14) has been convicted of any of the following:
 4 (A) Rape (IC [] 35-42-4-1), if the victim is less than eighteen
 5 (18) years of age.
 6 (B) Criminal deviate conduct (IC [] 35-42-4-2) (repealed),
 7 if the victim is less than eighteen (18) years of age.
 8 (C) Child molesting (IC [] 35-42-4-3).
 9 (D) Child exploitation (IC [] 35-42-4-4(b) or
 10 IC 35-42-4-4(e)). **(IC 35-42-4-4).**
 11 (E) Possession of child sex abuse material
 12 (IC [] 35-42-4-4(d) or IC 35-42-4-4(e)) **(before July 1,**
 13 **2026), or a child sex abuse material offense described in**
 14 **IC 35-42-4-4.5 (after June 30, 2026).**
 15 (F) Vicarious sexual gratification (IC [] 35-42-4-5).
 16 (G) Child solicitation (IC [] 35-42-4-6).
 17 (H) Child seduction (IC [] 35-42-4-7).
 18 (I) Sexual misconduct with a minor as a felony
 19 (IC [] 35-42-4-9).
 20 (J) Incest (IC [] 35-46-1-3), if the victim is less than eighteen
 21 (18) years of age;

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

25 (16) is:
 26 (A) a parent, guardian, or custodian of a child; or
 27 (B) an individual who is at least eighteen (18) years of age
 28 and resides in the home of the parent, guardian, or
 29 custodian;
 30 with whom the department of child services or a county
 31 probation department has a case plan, dispositional decree, or
 32 permanency plan approved under IC 31-34 or IC 31-37 that
 33 provides for reunification following an out-of-home placement.
 34 However, limited criminal history information obtained from the
 35 National Crime Information Center may not be released under this
 36 section except to the extent permitted by the Attorney General of the
 37 United States.

38 (b) A law enforcement agency shall allow inspection of a limited
 39 criminal history by and release a limited criminal history to the
 40 following noncriminal justice organizations:
 41 (1) Federally chartered or insured banking institutions.
 42 (2) Officials of state and local government for any of the



1 following purposes:

2 (A) Employment with a state or local governmental entity.
 3 (B) Licensing.

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

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

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

17 (1) Rape (IC []35-42-4-1).
 18 (2) Criminal deviate conduct (IC []35-42-4-2) (before its repeal).
 19 (3) Child molesting (IC []35-42-4-3).
 20 (4) Child exploitation (IC []35-42-4-4(b) or IC 35-42-4-4(c)).
 21 (IC []35-42-4-4).

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

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

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

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

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

34 (B) the person is not more than:

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

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

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

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

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



4 (12) Criminal confinement (IC [L]35-42-3-3), if the victim is less
5 than eighteen (18) years of age, and the person who confined or
6 removed the victim is not the victim's parent or guardian.

7 (13) Possession of child sex abuse material (IC [] 35-42-4-4(d) or
8 IC 35-42-4-4(e)) (before July 1, 2026), or a child sex abuse
9 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).

13 (15) Promotion of human sexual trafficking under
14 IC 35-42-3.5-1.1.

15 (16) Promotion of child sexual trafficking under
16 IC 35-42-3.5-1.2(a)

(17) Promotion of sexual trafficking of a younger child
([C1]35-42-3.5-1.2(c)).

19 (18) Child sexual trafficking (IC[1]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.

22 (20) Sexual misconduct by a service provider with a detained or
23 supervised child (ICF 135-44.1-3-10(c)).

(1) a person who is required to register as a sex offender in any jurisdiction; and

26 jurisdiction, and
27 (2) a child who has committed a delinquent act, or a person
28 prosecuted under IC 31-30-1-4(d) for an offense described in
29 subsection (a) committed when the person was less than eighteen
30 (18) years of age, but who was at least twenty-one (21) years of
31 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



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

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

16 (1) Rape (IC [] 35-42-4-1).
17 (2) Criminal deviate conduct (IC [] 35-42-4-2) (before its repeal).
18 (3) Child molesting (IC [] 35-42-4-3).
19 (4) Child exploitation (IC [] 35-42-4-4(b) or IC 35-42-4-4(c)).
20 (IC [] 35-42-4-4).

21 (5) Vicarious sexual gratification (including performing sexual
22 conduct in the presence of a minor) (IC 135-42-4-5).

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

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

25 (8) Sexual misconduct with a minor (IC 135-42-4-9) as a Class
26 A, Class B, or Class C felony (for a crime committed before July
27 1, 2014) or a Level 1, Level 2, Level 4, or Level 5 felony (for a
28 crime committed after June 30, 2014), unless:

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

33 (B) the person is not more than:

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

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

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

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

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

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



3 (12) Criminal confinement (IC [] 35-42-3-3), if the victim is less
4 than eighteen (18) years of age, and the person who confined or
5 removed the victim is not the victim's parent or guardian.

6 (13) Possession of child sex abuse material (IC [] 35-42-4-4(d) or
7 IC 35-42-4-4(e)) (before July 1, 2026), or a child sex abuse
8 material offense under IC 35-42-4-4.5 (after June 30, 2026).

(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).

12 (15) Promotion of human sexual trafficking under
13 IC 35-42-3.5-1.1.

14 (16) Promotion of child sexual trafficking under
15 IC 35-42-3.5-1.2(a).

16 (17) Promotion of sexual trafficking of a yo

17 (IC [] 35-42-3.5-1.2(c)).
18 (18) Child sexual trafficking (IC [] 35-42-3.5-1.3).
19 (19) Human trafficking under IC 35-42-3.5-1.4 if the victim is
20 a child under IC 35-42-3.5-1.5.

20 less than eighteen (18) years o
21 (20) Murder (ICLU 135-42-1-1)

(20) Murder (IC []35-42-1-1).
(21) Voluntary manslaughter (IC []35-42-1-3).

23 (22) Sexual misconduct by a service provider with a detained or
24 supervised child (ICF 135-44.1-3-10(c)).

25 (b) The term includes:

26 (1) a person who is required to register as a sex or violent
27 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:

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

34 (B) is on probation, is on parole, is discharged from a
35 facility by the department of correction, is discharged from
36 a secure private facility (as defined in IC 31-9-2-115), or is
37 discharged from a juvenile detention facility as a result of
38 an adjudication as a delinquent child for an act that would
39 be an offense described in subsection (a) if committed by an
40 adult; and

41 (C) is found by a court by clear and convincing evidence to
42 be likely to repeat an act that would be an offense described

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

(1) ~~IC 35-42-4-4(b)~~ or ~~IC 35-42-4-4(e)~~ IC 35-42-4-4 (child exploitation);

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

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

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

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

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

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

(B) report to the parole agent as instructed;

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

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

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

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1 (A) accessing or using certain websites, chat rooms, or
2 instant messaging programs frequented by children; and
3 (B) deleting, erasing, or tampering with data on the
4 parolee's personal computer;

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

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

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

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

17 (1) a sexually violent predator; or

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

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

27 (f) When an offender is placed on lifetime parole, the parole board
28 shall inform the sheriff and the prosecuting attorney of the offender's
29 current county of residence:

30 (1) that the offender has been placed on lifetime parole; and
31 (2) whether the offender is required to wear a monitoring device
32 as described in subsection (e).

(g) The parole board may adopt rules under IC 4-22-2 to impose additional conditions of lifetime parole and to implement this section.

35 SECTION 6. IC 22-5-5-1, AS AMENDED BY P.L.13-2016,
36 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2026]: Sec. 1. The employment contract of a person who:

38 (1) works with children; and

39 (2) is convicted of:

40 (A) rape (IC[]35-42-4-1), if the victim is less than eighteen

41 (18) years of age;

42 (B) criminal deviate com

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1 the victim is less than eighteen (18) years of age;
2 (C) child molesting (IC [] 35-42-4-3);
3 (D) child exploitation (IC [] 35-42-4-4(b) or
4 IC 35-42-4-4(c)); (IC [] 35-42-4-4);
5 (E) vicarious sexual gratification (IC [] 35-42-4-5);
6 (F) child solicitation (IC [] 35-42-4-6);
7 (G) child seduction (IC [] 35-42-4-7); or
8 (H) incest (IC [] 35-46-1-3), if the victim is less than
9 eighteen (18) years of age;

10 may be canceled by the person's employer.

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

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

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

32 (1) endanger the child's physical health and well-being; or
33 (2) significantly impair the child's emotional development.
34 (b) The court may interview the child in chambers to assist the
35 court in determining the child's perception of whether parenting time
36 by the noncustodial parent might endanger the child's physical health
37 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:

40 (1) child molesting (IC35-42-4-3); or
41 (2) child exploitation (~~IC35-42-4-4(b) or IC 35-42-4-4(c)~~);
42 (**IC35-42-4-4**);



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

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

- 5 (1) child molesting (IC135-42-4-3); or
- 6 (2) child exploitation (~~IC135-42-4-4(b) or IC 35-42-4-4(c)~~);
- 7 (**IC135-42-4-4**);

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

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

- 12 (1) child molesting (IC135-42-4-3); or
- 13 (2) child exploitation (~~IC135-42-4-4(b) or IC 35-42-4-4(c)~~);
- 14 (**IC135-42-4-4**);

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

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

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

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

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

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

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

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

- 41 (1) child molesting (IC135-42-4-3); or
- 42 (2) child exploitation (~~IC135-42-4-4(b) or IC 35-42-4-4(c)~~);



1 with committing any of the following shall inform the person's
 2 employer of the charge, unless the prosecuting attorney determines that
 3 the person charged does not work with children:

- 4 (1) Rape (IC 35-42-4-1), if the victim is less than eighteen (18)
 5 years of age.
- 6 (2) Criminal deviate conduct (IC 35-42-4-2) (repealed), if the
 7 victim is less than eighteen (18) years of age.
- 8 (3) Child molesting (IC 35-42-4-3).
- 9 (4) Child exploitation (IC 35-42-4-4(b) or IC 35-42-4-4(c)).
 10 **(IC 35-42-4-4).**
- 11 (5) Vicarious sexual gratification (IC 35-42-4-5).
- 12 (6) Child solicitation (IC 35-42-4-6).
- 13 (7) Child seduction (IC 35-42-4-7).
- 14 (8) Incest (IC 35-46-1-3), if the victim is less than eighteen
 15 (18) years of age.

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

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

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

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

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

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

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

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

42 SECTION 17. IC 35-36-10-2, AS AMENDED BY P.L.218-2025,



1 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 2 JULY 1, 2026]: Sec. 2. As used in this chapter, "child sex abuse
 3 material" includes:

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

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

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

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

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

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

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

36 (1) Rape (~~IC []35-42-4-1~~);
 37 (2) Criminal deviate conduct (~~IC []35-42-4-2~~) (repealed);
 38 (3) Child molesting (~~IC []35-42-4-3~~);
 39 (4) Child exploitation (~~IC []35-42-4-4(b)~~ or ~~IC 35-42-4-4(c)~~);
 40 (5) Vicarious sexual gratification (~~IC []35-42-4-5~~);
 41 (6) Child solicitation (~~IC []35-42-4-6~~);
 42 (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



1 granting the waiver. The court's written statement of its reasons shall
 2 be incorporated into the record.

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

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

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

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

17 (b) It is not a defense to a prosecution under this section that the:
 18 (1) child consented to engage in prostitution or juvenile
 19 prostitution or to participate in sexual conduct; or
 20 (2) intended victim of the offense is a law enforcement officer.

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

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

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

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

36 (C) The crime:

37 (i) was not committed by a person who is at least
 38 twenty-one (21) years of age;

39 (ii) was not committed by using or threatening the use
 40 of deadly force;

41 (iii) was not committed while armed with a deadly
 42 weapon;



- (iv) did not result in serious bodily injury;
- (v) was not facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1.1-7) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge; 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

(E) A motion picture.

(F) A motion picture
(G) A videotape

(II) A digitized in-

(f) A computer generated image.

(f) 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 JC 35-31.5-2-221.5);

(C) exhibition of the:

(i) uncovered genitals; or

(ii) female breast with less than a fully opaque



1 covering of any part of the nipple;
 2 intended to satisfy or arouse the sexual desires of any
 3 person;
 4 (D) sadomasochistic abuse;
 5 (E) sexual intercourse or other sexual conduct (as defined
 6 in IC 35-31.5-2-221.5) with an animal; or
 7 (F) any fondling or touching of a child by another person or
 8 of another person by a child intended to arouse or satisfy the
 9 sexual desires of either the child or the other person.

10 (b) A person who:
 11 (1) knowingly or intentionally manages, produces, sponsors,
 12 presents, exhibits, photographs, films, videotapes, or creates a
 13 digitized image of any performance or incident that includes
 14 sexual conduct by a child under eighteen (18) years of age;
 15 (2) knowingly or intentionally disseminates, exhibits to another
 16 person, offers to disseminate or exhibit to another person, or
 17 sends or brings into Indiana for dissemination or exhibition
 18 matter that depicts or describes sexual conduct by a child under
 19 eighteen (18) years of age;
 20 (3) knowingly or intentionally makes available to another person
 21 a computer, knowing that the computer's fixed drive or
 22 peripheral device contains matter that depicts or describes sexual
 23 conduct by a child less than eighteen (18) years of age;
 24 (4) with the intent to satisfy or arouse the sexual desires of any
 25 person:

26 (A) knowingly or intentionally:
 27 (i) manages;
 28 (ii) produces;
 29 (iii) sponsors;
 30 (iv) presents;
 31 (v) exhibits;
 32 (vi) photographs;
 33 (vii) films;
 34 (viii) videotapes; or
 35 (ix) creates a digitized image of;
 36 any performance or incident that includes the uncovered
 37 genitals of a child less than eighteen (18) years of age or the
 38 exhibition of the female breast with less than a fully opaque
 39 covering of any part of the nipple by a child less than
 40 eighteen (18) years of age;

41 (B) knowingly or intentionally:
 42 (i) disseminates to another person;



(iii) exhibits to another person;
(iv) offers to disseminate or exhibit to another person; or
(v) 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;

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1 with the intent to aid another person in the production or
 2 transmission of an image of the sexual conduct; ~~or~~
 3 (4) solicits a child less than eighteen (18) years of age, or who
 4 the person believes to be a child less than eighteen (18) years
 5 of age, to:

6 (A) engage in sexual conduct; or

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

10 I (5) produces or creates an image containing sexual conduct
 11 by a child less than eighteen (18) years of age, or who
 12 appears to be a child less than eighteen (18) years of age;

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

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

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

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

21 (B) is mentally disabled or deficient;

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

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

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

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

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

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

31 (B) is mentally disabled or deficient;

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

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

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

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

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

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



(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.

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

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

38 (A) engages in bestiality (as described in IC 35-46-3-14);
39 (B) is mentally disabled or deficient;
40 (C) participates in the sexual conduct, matter, performance,
41 or incident by use of force or the threat of force;
42 (D) physically or verbally resists participating in the sexual



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



1 not include a family relationship.

2 (4) The crime was committed by a person less than twenty-two

3 (22) years of age.

4 (5) The person receiving the image or who is depicted in the

5 image acquiesced in the defendant's conduct.

6 (f) (h) The defense to a prosecution described in subsection (f) (g)

7 does not apply if:

8 (1) the person who receives the image ~~disseminates~~ distributes it to a person other than the person:

9 (A) who sent the image; or

10 (B) who is depicted in the image;

11 (2) the image is of a person other than the person who sent the

12 image or received the image; or

13 (3) the ~~dissemination~~ distribution of the image violates:

14 (A) a protective order to prevent domestic or family

15 violence or harassment issued under IC 34-26-5 (or, if the

16 order involved a family or household member, under

17 IC 34-26-2 or IC 34-4-5.1-5 before their repeal);

18 (B) an ex parte protective order issued under IC 34-26-5 (or,

19 if the order involved a family or household member, an

20 emergency order issued under IC 34-26-2 or IC 34-4-5.1

21 before their repeal);

22 (C) a workplace violence restraining order issued under

23 IC 34-26-6;

24 (D) a no contact order in a dispositional decree issued under

25 IC 31-34-20-1, IC 31-37-19-1, or IC 31-37-5-6 (or

26 IC 31-6-4-15.4 or IC 31-6-4-15.9 before their repeal) or an

27 order issued under IC 31-32-13 (or IC 31-6-7-14 before its

28 repeal) that orders the person to refrain from direct or

29 indirect contact with a child in need of services or a

30 delinquent child;

31 (E) a no contact order issued as a condition of pretrial

32 release, including release on bail or personal recognizance,

33 or pretrial diversion, and including a no contact order issued

34 under IC 35-33-8-3.6;

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

36 (G) a protective order to prevent domestic or family

37 violence issued under IC 31-15-5 (or IC 31-16-5 or

38 IC 31-1-11.5-8.2 before their repeal);

39 (H) a protective order to prevent domestic or family

40 violence issued under IC 31-14-16-1 in a paternity action;

41 (I) a no contact order issued under IC 31-34-25 in a child in

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1 need of services proceeding or under IC 31-37-25 in a
 2 juvenile delinquency proceeding;
 3 (J) an order issued in another state that is substantially
 4 similar to an order described in clauses (A) through (I);
 5 (K) an order that is substantially similar to an order
 6 described in clauses (A) through (I) and is issued by an
 7 Indian:
 8 (i) tribe;
 9 (ii) band;
 10 (iii) pueblo;
 11 (iv) nation; or
 12 (v) organized group or community, including an
 13 Alaska Native village or regional or village corporation
 14 as defined in or established under the Alaska Native
 15 Claims Settlement Act (43 U.S.C. 1601 et seq.);
 16 that is recognized as eligible for the special programs and
 17 services provided by the United States to Indians because of
 18 their special status as Indians;
 19 (L) an order issued under IC 35-33-8-3.2; or
 20 (M) an order issued under IC 35-38-1-30.
 21 (f) (i) It is a defense to a prosecution under this section that:
 22 (1) the person was less than eighteen (18) years of age at the
 23 time the alleged offense was committed; and
 24 (2) the circumstances described in IC 35-45-4-6(a)(2) through
 25 IC 35-45-4-6(a)(4) apply.
 26 (f) (j) A person is entitled to present the defense described in
 27 subsection (f) (i) in a pretrial hearing. If a person proves by a
 28 preponderance of the evidence in a pretrial hearing that the defense
 29 described in subsection (f) (i) applies, the court shall dismiss the
 30 charges under this section with prejudice.
 31 SECTION 23. IC 35-42-4-4.5 IS ADDED TO THE INDIANA
 32 CODE AS A NEW SECTION TO READ AS FOLLOWS
 33 [EFFECTIVE JULY 1, 2026]: Sec. 4.5. (a) The following definitions
 34 apply throughout this section:
 35 (1) "Image" has the meaning set forth in section 4 of this
 36 chapter.
 37 (2) "Sexual conduct" has the meaning set forth in section 4
 38 of this chapter.
 39 (b) A person who, with intent to view the image, knowingly or
 40 intentionally possesses or accesses an image that depicts or
 41 describes sexual conduct:
 42 (1) by a child who the person knows is less than eighteen (18)



1 years of age;

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

10 commits possession of child sex abuse material, a Level 6 felony,
11 except as otherwise provided in this section. It is not a required
12 element of an offense under subdivision (3) that the child depicted
13 actually exists.

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

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

20 (B) a child less than twelve (12) years of age[, or who
21 appears to be a child less than twelve (12) years of age];
22 (C) violence or a depiction of violence against a child,
23 including sado-masochistic abuse (as defined in
24 IC 35-49-1-8); or
25 (D) child molesting.

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

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

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

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

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

42 (e) The offense described in subsection (d) is a Level 4 felony



1 if:

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

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

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

6 (B) a child less than twelve (12) years of ageI, or who
 7 appears to be a child less than twelve (12) years of age;

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

11 (D) child molesting;

12 (E) pecuniary gain by the person; or

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

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

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

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

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

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

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

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

41 (3) The relationship between the defendant and the person
 42 who received the image or who is depicted in the image was



1 a dating relationship or an ongoing personal relationship.
 2 For purposes of this subdivision, the term "ongoing personal
 3 relationship" does not include a family relationship.

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

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

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

10 (1) the person who receives the image
 11 ~~disseminates~~ [distributes] it to a person other than the
 12 person:

13 (A) who sent the image; or

14 (B) who is depicted in the image;

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

17 (3) the ~~dissemination~~ [distribution] of the image violates:

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

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

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

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

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

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

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



(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.

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



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

17 (1) a residence; or

20 in any thirty (30) day period.

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

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

23 (A) school property, not including property of an ins

24 providing post-secondary education;

25 (B) a youth program center;

26 (C) a public park; or

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

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

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

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

33 (d) This subsection does not apply to an offender against children
34 who has two (2) or more unrelated convictions for an offense described
35 in subsection (a). A person who is an offender against children may
36 petition the court to consider whether the person should no longer be
37 considered an offender against children. The person may file a petition
38 under this subsection not earlier than ten (10) years after the person is
39 released from incarceration or parole, whichever occurs last (or, if the
40 person is not incarcerated, not earlier than ten (10) years after the
41 person is released from probation). A person may file a petition under
42 this subsection not more than one (1) time per year. A court may

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1 dismiss a petition filed under this subsection or conduct a hearing to
 2 determine if the person should no longer be considered an offender
 3 against children. If the court conducts a hearing, the court shall appoint
 4 two (2) psychologists or psychiatrists who have expertise in criminal
 5 behavioral disorders to evaluate the person and testify at the hearing.
 6 After conducting the hearing and considering the testimony of the two
 7 (2) psychologists or psychiatrists, the court shall determine whether the
 8 person should no longer be considered an offender against children. If
 9 a court finds that the person should no longer be considered an offender
 10 against children, the court shall send notice to the department of
 11 correction that the person is no longer considered an offender against
 12 children.

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

- 18 (1) found to be a sexually violent predator under IC 35-38-1-7.5;
 19 or
- 20 (2) convicted of one (1) or more of the following offenses:
 - 21 (A) Child molesting (IC [] 35-42-4-3).
 - 22 (B) Child exploitation (IC [] 35-42-4-4(b) or
 23 ~~IC 35-42-4-4(c)). (IC [] 35-42-4-4).~~
 - 24 (C) Possession of child sex abuse material
 25 (IC [] 35-42-4-4(d) or IC 35-42-4-4(e)) (before July 1,
 26 2026), or a child sex abuse material offense under
 27 IC 35-42-4-4.5 (after June 30, 2026).
 - 28 (D) Vicarious sexual gratification (IC [] 35-42-4-5(a) and
 29 IC 35-42-4-5(b)).
 - 30 (E) Performing sexual conduct in the presence of a minor
 31 (IC [] 35-42-4-5(c)).
 - 32 (F) Child solicitation (IC [] 35-42-4-6).
 - 33 (G) Child seduction (IC [] 35-42-4-7).
 - 34 (H) Sexual misconduct with a minor (IC [] 35-42-4-9).
- 35 (b) A serious sex offender who knowingly or intentionally enters
 36 school property commits unlawful entry by a serious sex offender, a
 37 Level 6 felony.
 - 38 (c) It is a defense to a prosecution under subsection (b) that:
 - 39 (1) a religious institution or house of worship is located on the
 40 school property; and
 - 41 (2) the person:
 - 42 (A) enters the school property or other entity described in



1 IC 35-31.5-2-285(1)(A) through IC 35-31.5-2-285(1)(D)
 2 when classes, extracurricular activities, or any other school
 3 activities are not being held:
 4 (i) for the sole purpose of attending worship services or
 5 receiving religious instruction; and
 6 (ii) not earlier than thirty (30) minutes before the
 7 beginning of the worship services or religious
 8 instruction; and
 9 (B) leaves the school property not later than thirty (30)
 10 minutes after the conclusion of the worship services or
 11 religious instruction.

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

16 (1) disseminates matter to minors that is harmful to minors (as
 17 described in IC 35-49-2);
 18 (2) displays matter that is harmful to minors in an area to which
 19 minors have visual, auditory, or physical access, unless each
 20 minor is accompanied by the minor's parent or guardian;
 21 (3) sells, rents, or displays for sale or rent to any person matter
 22 that is harmful to minors within five hundred (500) feet of the
 23 nearest property line of a school or church;
 24 (4) engages in or conducts a performance before minors that is
 25 harmful to minors;
 26 (5) engages in or conducts a performance that is harmful to
 27 minors in an area to which minors have visual, auditory, or
 28 physical access, unless each minor is accompanied by the
 29 minor's parent or guardian;
 30 (6) misrepresents the minor's age for the purpose of obtaining
 31 admission to an area from which minors are restricted because
 32 of the display of matter or a performance that is harmful to
 33 minors; or
 34 (7) misrepresents that the person is a parent or guardian of a
 35 minor for the purpose of obtaining admission of the minor to an
 36 area where minors are being restricted because of display of
 37 matter or performance that is harmful to minors;
 38 commits a Level 6 felony.

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

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



1 (19) Resisting law enforcement as a felony (IC []35-44.1-3-1).
2 (20) Unlawful possession of a firearm by a serious violent felon
3 (IC []35-47-4-5).

4 (21) Strangulation (IC 135-42-2-9) as a Level 5 felony.

5 (b) As used in this section, "episode of criminal conduct" means
6 offenses or a connected series of offenses that are closely related in
7 time, place, and circumstance.

11 (1) aggravating circumstances in IC 35-38-1-7.1(a); and

12 (2) mitigating circumstances in IC 35-38-1-7.1(b);

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

25 (1) If the most serious crime for which the defendant is
26 sentenced is a Class C misdemeanor, the total of the consecutive
27 terms of imprisonment may not exceed one (1) year.

28 (2) If the most serious crime for which the defendant is
29 sentenced is a Class B misdemeanor, the total of the consecutive
30 terms of imprisonment may not exceed two (2) years.

31 (3) If the most serious crime for which the defendant is
32 sentenced is a Class A misdemeanor, the total of the consecutive
33 terms of imprisonment may not exceed three (3) years

36 of imprisonment may not exceed four (4) years.
37 (5) If the most serious crime for which the defendant is
38 sentenced is a Level 5 felony, the total of the consecutive terms
39 of imprisonment may not exceed seven (7) years

39 of imprisonment may not exceed seven (7) years.
40 (6) If the most serious crime for which the defendant is
41 sentenced is a Level 4 felony, the total of the consecutive terms
42 of imprisonment may not exceed fifteen (15) years.

42 of imprisonment may not exceed fifteen (15) years.



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

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

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

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

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1 2014) or a Level 6 felony (for a crime committed after June 30, 2014)
 2 if:

3 (1) the court finds that:
 4 (A) the person has committed a prior, unrelated felony for
 5 which judgment was entered as a conviction of a Class A
 6 misdemeanor; and
 7 (B) the prior felony was committed less than three (3) years
 8 before the second felony was committed;
 9 (2) the offense is domestic battery as a Class D felony (for a
 10 crime committed before July 1, 2014) or a Level 6 felony (for a
 11 crime committed after June 30, 2014) under IC 35-42-2-1.3; or
 12 (3) the offense is possession of child sex abuse material
 13 (IC~~L~~35-42-4-4(d)) (**before July 1, 2026**) or a child sex abuse
 14 material offense under IC 35-42-4-4.5 (**after June 30, 2026**).

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

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

25 (1) The person is not a sex or violent offender (as defined in
 26 IC 11-8-8-5).
 27 (2) The person was not convicted of a Class D felony (for a
 28 crime committed before July 1, 2014) or a Level 6 felony (for a
 29 crime committed after June 30, 2014) that resulted in bodily
 30 injury to another person.
 31 (3) The person has not been convicted of perjury under
 32 IC 35-44.1-2-1 (or IC 35-44-2-1 before its repeal) or official
 33 misconduct under IC 35-44.1-1-1 (or IC 35-44-1-2 before its
 34 repeal).
 35 (4) The person has not been convicted of domestic battery as a
 36 Class D felony (for a crime committed before July 1, 2014) or a
 37 Level 6 felony (for a crime committed after June 30, 2014) under
 38 IC 35-42-2-1.3 in the fifteen (15) year period immediately
 39 preceding the commission of the current offense.
 40 (5) At least three (3) years have passed since the person:
 41 (A) completed the person's sentence; and
 42 (B) satisfied any other obligation imposed on the person as



part of the sentence;
for the Class D or Level 6 felony.

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

(A) completed the person's sentence; and
(B) satisfied any other obligation imposed on the person as part of the sentence;
for the Class D or Level 6 felony.

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

(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).

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

35 (1) is in credit Class I, Class A, or Class B;
36 (2) has demonstrated a pattern consistent with rehabilitation; and
37 (3) successfully completes requirements to obtain one (1) of the
38 following:
39 (A) A general educational development (GED) diploma
40 under IC 20-20-6 (before its repeal) or IC 22-4.1-18, if the
41 person has not previously obtained a high school diploma.
42 (B) Except as provided in subsection (o), a high school



1 diploma, if the person has not previously obtained a general
 2 educational development (GED) diploma.

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

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

9 (b) In addition to any educational credit that a person earns under
 10 subsection (a), or good time credit a person earns under section 3 or 3.1
 11 of this chapter, a person may earn educational credit if, while confined
 12 by the department of correction, the person:

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

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

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

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

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

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

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

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

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

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

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



1 degree.

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

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

8 (6) Not more than a total of six (6) months, as determined by the
9 department of correction, for the completion of one (1) or more
10 substance abuse programs approved by the department of
11 correction.

12 (7) Not more than a total of six (6) months, as determined by the
13 department of correction, for the completion of one (1) or more
14 literacy and basic life skills programs approved by the
15 department of correction.

16 (8) Not more than a total of six (6) months, as determined by the
17 department of correction, for completion of one (1) or more
18 reformatory programs approved by the department of correction.
19 However, a person who is serving a sentence for an offense
20 listed under IC 11-8-8-4.5 may not earn educational credit under
21 this subdivision.

22 (9) An amount determined by the department of correction under
23 a policy adopted by the department of correction concerning the
24 individualized case management plan, not to exceed the
25 maximum amount described in subsection (j).

26 However, a person who does not have a substance abuse problem that
27 qualifies the person to earn educational credit in a substance abuse
28 program may earn not more than a total of twelve (12) months of
29 educational credit, as determined by the department of correction, for
30 the completion of one (1) or more career and technical or vocational
31 education programs approved by the department of correction. If a
32 person earns more than six (6) months of educational credit for the
33 completion of one (1) or more career and technical or vocational
34 education programs, the person is ineligible to earn educational credit
35 for the completion of one (1) or more substance abuse programs.

36 (e) Educational credit earned under this section must be directly
37 proportional to the time served and course work completed while
38 incarcerated. The department of correction shall adopt rules under
39 IC 4-22-2 necessary to implement this subsection.

40 (f) Educational credit earned by a person under this section is
41 subtracted from the release date that would otherwise apply to the
42 person by the sentencing court after subtracting all other credit time



1 earned by the person.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

40 (1) two (2) years; or

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

42 (k) Educational credit earned under this section by an offender



1 serving a sentence for stalking (IC []35-45-10-5), a felony against a
 2 person under IC 35-42, or for a crime listed in IC 11-8-8-5, shall be
 3 reduced to the extent that application of the educational credit would
 4 otherwise result in:
 5 (1) postconviction release (as defined in IC 35-40-4-6); or
 6 (2) assignment of the person to a community transition program;
 7 in less than forty-five (45) days after the person earns the educational
 8 credit.
 9 (l) A person may earn educational credit for multiple degrees at
 10 the same education level under subsection (d) only in accordance with
 11 guidelines approved by the department of correction. The department
 12 of correction may approve guidelines for proper sequence of education
 13 degrees under subsection (d).
 14 (m) A person may not earn educational credit:
 15 (1) for a general educational development (GED) diploma if the
 16 person has previously earned a high school diploma; or
 17 (2) for a high school diploma if the person has previously earned
 18 a general educational development (GED) diploma.
 19 (n) A person may not earn educational credit under this section if
 20 the person:
 21 (1) commits an offense listed in IC 11-8-8-4.5 while the person
 22 is required to register as a sex or violent offender under
 23 IC 11-8-8-7; and
 24 (2) is committed to the department of correction after being
 25 convicted of the offense listed in IC 11-8-8-4.5.
 26 (o) For a person to earn educational credit under subsection
 27 (a)(3)(B) for successfully completing the requirements for a high
 28 school diploma through correspondence courses, each correspondence
 29 course must be approved by the department before the person begins
 30 the correspondence course. The department may approve a
 31 correspondence course only if the entity administering the course is
 32 recognized and accredited by the department of education in the state
 33 where the entity is located.
 34 (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:~~
 35 (1) ~~The ratio of case management staff to offenders participating in the individualized case management plan as of January 1, 2023.~~
 36 (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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