
HOUSE BILL No. 1303

AM130306 has been incorporated into January 21, 2026 printing.

Synopsis: Child sexual abuse material crimes.

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Second Regular Session of the 124th General Assembly (2026)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2025 Regular Session of the General Assembly.

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HOUSE BILL No. 1303

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).

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

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

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

14 (1) has applied for employment with a noncriminal justice
 15 organization or individual;

16 (2) has:

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

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

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

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

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

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

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

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

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

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

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

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- 1 (12) is being sought by the parent locator service of the child
 2 support bureau of the department of child services;
 3 (13) is or was required to register as a sex or violent offender
 4 under IC 11-8-8;
 5 (14) has been convicted of any of the following:
 6 (A) Rape (IC 35-42-4-1), if the victim is less than eighteen
 7 (18) years of age.
 8 (B) Criminal deviate conduct (IC 35-42-4-2) (repealed), if
 9 the victim is less than eighteen (18) years of age.
 10 (C) Child molesting (IC 35-42-4-3).
 11 (D) Child exploitation (~~IC 35-42-4-4(b) or IC 35-42-4-4(c)~~).
 12 **(IC 35-42-4-4).**
 13 (E) Possession of child sex abuse material (IC 35-42-4-4(d)
 14 or IC 35-42-4-4(e)) **(before July 1, 2026), or a child sex**
 15 **abuse material offense described in IC 35-42-4-4.5 (after**
 16 **June 30, 2026).**
 17 (F) Vicarious sexual gratification (IC 35-42-4-5).
 18 (G) Child solicitation (IC 35-42-4-6).
 19 (H) Child seduction (IC 35-42-4-7).
 20 (I) Sexual misconduct with a minor as a felony
 21 (IC 35-42-4-9).
 22 (J) Incest (IC 35-46-1-3), if the victim is less than eighteen
 23 (18) years of age;
 24 (15) is identified as a possible perpetrator of child abuse or
 25 neglect in an assessment conducted by the department of child
 26 services under IC 31-33-8; or
 27 (16) is:
 28 (A) a parent, guardian, or custodian of a child; or
 29 (B) an individual who is at least eighteen (18) years of age
 30 and resides in the home of the parent, guardian, or
 31 custodian;
 32 with whom the department of child services or a county
 33 probation department has a case plan, dispositional decree, or
 34 permanency plan approved under IC 31-34 or IC 31-37 that
 35 provides for reunification following an out-of-home placement.
 36 However, limited criminal history information obtained from the
 37 National Crime Information Center may not be released under this
 38 section except to the extent permitted by the Attorney General of the
 39 United States.
 40 (b) A law enforcement agency shall allow inspection of a limited
 41 criminal history by and release a limited criminal history to the
 42 following noncriminal justice organizations:

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- 1 (1) Federally chartered or insured banking institutions.
 2 (2) Officials of state and local government for any of the
 3 following purposes:
 4 (A) Employment with a state or local governmental entity.
 5 (B) Licensing.
 6 (3) Segments of the securities industry identified under 15
 7 U.S.C. 78q(f)(2).
 8 (c) Any person who knowingly or intentionally uses limited
 9 criminal history for any purpose not specified under this section
 10 commits a Class C infraction. However, the violation is a Class A
 11 misdemeanor if the person has a prior unrelated adjudication or
 12 conviction for a violation of this section within the previous five (5)
 13 years.
 14 SECTION 3. IC 11-8-8-4.5, AS AMENDED BY P.L.218-2025,
 15 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2026]: Sec. 4.5. (a) Except as provided in section 22 of this
 17 chapter, as used in this chapter, "sex offender" means a person
 18 convicted of any of the following offenses:
 19 (1) Rape (IC 35-42-4-1).
 20 (2) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
 21 (3) Child molesting (IC 35-42-4-3).
 22 (4) Child exploitation (~~IC 35-42-4-4(b) or IC 35-42-4-4(c)~~).
 23 **(IC 35-42-4-4).**
 24 (5) Vicarious sexual gratification (including performing sexual
 25 conduct in the presence of a minor) (IC 35-42-4-5).
 26 (6) Child solicitation (IC 35-42-4-6).
 27 (7) Child seduction (IC 35-42-4-7).
 28 (8) Sexual misconduct with a minor (IC 35-42-4-9) as a Class A,
 29 Class B, or Class C felony (for a crime committed before July 1,
 30 2014) or a Level 1, Level 2, Level 4, or Level 5 felony (for a
 31 crime committed after June 30, 2014), unless:
 32 (A) the person is convicted of sexual misconduct with a
 33 minor as a Class C felony (for a crime committed before
 34 July 1, 2014) or a Level 5 felony (for a crime committed
 35 after June 30, 2014);
 36 (B) the person is not more than:
 37 (i) four (4) years older than the victim if the offense
 38 was committed after June 30, 2007; or
 39 (ii) five (5) years older than the victim if the offense
 40 was committed before July 1, 2007; and
 41 (C) the sentencing court finds that the person should not be
 42 required to register as a sex offender.

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

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1 (18) years of age, but who was at least twenty-one (21) years of
2 age when the charge was filed, and who:

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

4 (B) is on probation, is on parole, is discharged from a
5 facility by the department of correction, is discharged from
6 a secure private facility (as defined in IC 31-9-2-115), or is
7 discharged from a juvenile detention facility as a result of
8 an adjudication as a delinquent child for an act that would
9 be an offense described in subsection (a) if committed by an
10 adult; and

11 (C) is found by a court by clear and convincing evidence to
12 be likely to repeat an act that would be an offense described
13 in subsection (a) if committed by an adult.

14 (c) In making a determination under subsection ~~(b)(2)(C)~~;
15 **(b)(4)(C)**, the court shall consider expert testimony concerning whether
16 a child is likely to repeat an act that would be an offense described in
17 subsection (a) if committed by an adult.

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

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

29 (1) Rape (IC 35-42-4-1).

30 (2) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).

31 (3) Child molesting (IC 35-42-4-3).

32 (4) Child exploitation ~~(IC 35-42-4-4(b) or IC 35-42-4-4(c))~~;
33 **(IC 35-42-4-4)**.

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

36 (6) Child solicitation (IC 35-42-4-6).

37 (7) Child seduction (IC 35-42-4-7).

38 (8) Sexual misconduct with a minor (IC 35-42-4-9) as a Class A,
39 Class B, or Class C felony (for a crime committed before July 1,
40 2014) or a Level 1, Level 2, Level 4, or Level 5 felony (for a
41 crime committed after June 30, 2014), unless:

42 (A) the person is convicted of sexual misconduct with a

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

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- 1 **(B) a sexually violent predator; or**
 2 **(C) with a substantially equivalent designation;**
 3 **in another jurisdiction, and who was or would be subjected**
 4 **to the sex offender registration reporting requirements in the**
 5 **other jurisdiction if the person resided, worked, volunteered,**
 6 **attended school, or owned real property in that jurisdiction,**
 7 **as determined by the department;**
 8 **(3) a person who has been convicted of failure to register as**
 9 **a sex offender in any jurisdiction; and**
 10 ~~(2)~~ **(4) a child who has committed a delinquent act, or a person**
 11 **prosecuted under IC 31-30-1-4(d) for an offense described in**
 12 **subsection (a) committed when the person was less than eighteen**
 13 **(18) years of age, but who was at least twenty-one (21) years of**
 14 **age when the charge was filed, and who:**
 15 (A) is at least fourteen (14) years of age;
 16 (B) is on probation, is on parole, is discharged from a
 17 facility by the department of correction, is discharged from
 18 a secure private facility (as defined in IC 31-9-2-115), or is
 19 discharged from a juvenile detention facility as a result of
 20 an adjudication as a delinquent child for an act that would
 21 be an offense described in subsection (a) if committed by an
 22 adult; and
 23 (C) is found by a court by clear and convincing evidence to
 24 be likely to repeat an act that would be an offense described
 25 in subsection (a) if committed by an adult.
 26 (c) In making a determination under subsection ~~(b)(2)(C)~~;
 27 **(b)(4)(C)**, the court shall consider expert testimony concerning whether
 28 a child is likely to repeat an act that would be an offense described in
 29 subsection (a) if committed by an adult.
 30 (d) A person ordered to register under subsection ~~(b)(2)~~ **(b)(4)** may
 31 petition the court to reconsider the order at any time after completing
 32 court ordered sex offender treatment. The court shall consider expert
 33 testimony concerning whether a child or person is likely to repeat an
 34 offense described in subsection (a) or an act that would be an offense
 35 described in subsection (a) if committed by an adult.
 36 SECTION 5. IC 11-8-8-7.5 IS ADDED TO THE INDIANA CODE
 37 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 38 1, 2026]: **Sec. 7.5. (a) This section applies to a person required to**
 39 **register as a:**
 40 **(1) sex offender under section 4.5(b)(2) of this chapter; or**
 41 **(2) sex or violent offender under section 5(b)(2) of this**
 42 **chapter.**

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1 (b) A person may request that the department reconsider its
2 determination that the person is required to register under section
3 4.5(b)(2) or 5(b)(2) of this chapter by filing a written request for
4 reconsideration with the department. The request for
5 reconsideration must:

- 6 (1) be verified; and
- 7 (2) include a concise explanation of why the person is entitled
8 to relief.

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

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

14 (d) If the person establishes by a preponderance of the
15 evidence that the person is not required to register under section
16 4.5(b)(2) or 5(b)(2) of this chapter, the department shall grant
17 appropriate relief.

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

- 24 (1) is released from a penal facility (as defined in
25 IC 35-31.5-2-232) or a secure juvenile detention facility of a
26 state or another jurisdiction;
- 27 (2) is placed in a community transition program;
- 28 (3) is placed in a community corrections program;
- 29 (4) is placed on parole; or
- 30 (5) is placed on probation;

31 for the sex or violent offense requiring registration, whichever occurs
32 last. The registration period is tolled during any period that the sex or
33 violent offender is incarcerated. The registration period does not restart
34 if the offender is convicted of a subsequent offense. However, if the
35 subsequent offense is a sex or violent offense, or an offense under
36 section 17 of this chapter, a new registration period may be imposed in
37 accordance with this chapter. The department shall ensure that an
38 offender who is no longer required to register as a sex or violent
39 offender is notified that the obligation to register has expired, and shall
40 ensure that the offender's information is no longer published to the
41 public portal of the sex and violent offender registry website
42 established under IC 36-2-13-5.5.

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- 1 (b) A sex or violent offender who is a sexually violent predator is
- 2 required to register for life.
- 3 (c) A sex or violent offender who is convicted of at least one (1)
- 4 offense under section 5(a) of this chapter that the sex or violent
- 5 offender committed:
- 6 (1) when the person was at least eighteen (18) years of age; and
- 7 (2) against a victim who was less than twelve (12) years of age
- 8 at the time of the crime;
- 9 is required to register for life.
- 10 (d) A sex or violent offender who is convicted of at least one (1)
- 11 offense under section 5(a) of this chapter in which the sex offender:
- 12 (1) proximately caused serious bodily injury or death to the
- 13 victim;
- 14 (2) used force or the threat of force against the victim or a
- 15 member of the victim's family, unless the offense is sexual
- 16 battery as a Class D felony (for an offense committed before July
- 17 1, 2014) or a Level 6 felony (for a crime committed after June
- 18 30, 2014); or
- 19 (3) rendered the victim unconscious or otherwise incapable of
- 20 giving voluntary consent;
- 21 is required to register for life.
- 22 (e) A sex or violent offender who is convicted of at least two (2)
- 23 unrelated offenses under section 5(a) of this chapter is required to
- 24 register for life.
- 25 (f) A person who is required to register as a sex or violent offender
- 26 in any jurisdiction a:
- 27 (1) sex offender under section 4.5 of this chapter; or
- 28 (2) sex or violent offender under section 5 of this chapter;
- 29 shall register for the period required by the other another jurisdiction
- 30 or the period described in this section, whichever is longer.
- 31 SECTION 7. IC 11-13-3-11, AS AMENDED BY P.L.218-2025,
- 32 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 33 JULY 1, 2026]: Sec. 11. (a) As used in this section, "Internet crime
- 34 against a child" means a conviction for a violation of:
- 35 (1) ~~IC 35-42-4-4(b)~~ or ~~IC 35-42-4-4(e)~~ **IC 35-42-4-4** (child
- 36 exploitation);
- 37 (2) IC 35-42-4-4(d) or IC 35-42-4-4(e) (possession of child sex
- 38 abuse material) **(before July 1, 2026), or a child sex abuse**
- 39 **material offense under IC 35-42-4-4.5 (after June 30, 2026);**
- 40 or
- 41 (3) IC 35-42-4-6 (child solicitation).
- 42 (b) When a person is placed on lifetime parole, the department

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1 shall provide the parolee with a written statement of the conditions of
 2 lifetime parole. The parolee shall sign the statement, retain a copy, and
 3 provide a copy to the department. The department shall place the
 4 signed statement in the parolee's master file.

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

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

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

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

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

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

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

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

22 (B) deleting, erasing, or tampering with data on the
 23 parolee's personal computer;

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

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

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

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

36 (1) a sexually violent predator; or

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

40 to wear a monitoring device (as described in IC 35-38-2.5-3) that can
 41 transmit information twenty-four (24) hours each day regarding a
 42 person's precise location, subject to a validated sex offender risk

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1 assessment or appropriate violent offender risk assessment, and subject
 2 to the amount appropriated to the department for a monitoring program
 3 as a condition of lifetime parole.

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

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

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

12 SECTION 8. IC 22-5-5-1, AS AMENDED BY P.L.13-2016,
 13 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2026]: Sec. 1. The employment contract of a person who:

- 15 (1) works with children; and
 16 (2) is convicted of:
 17 (A) rape (IC 35-42-4-1), if the victim is less than eighteen
 18 (18) years of age;
 19 (B) criminal deviate conduct (IC 35-42-4-2) (repealed), if
 20 the victim is less than eighteen (18) years of age;
 21 (C) child molesting (IC 35-42-4-3);
 22 (D) child exploitation (~~IC 35-42-4-4(b) or IC 35-42-4-4(c)~~);
 23 **(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); or
 27 (H) incest (IC 35-46-1-3), if the victim is less than eighteen
 28 (18) years of age;

29 may be canceled by the person's employer.

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

- 35 (1) forced labor;
 36 (2) involuntary servitude;
 37 (3) prostitution;
 38 (4) juvenile prostitution, as defined in IC 35-31.5-2-178.5;
 39 (5) child exploitation as defined in ~~IC 35-42-4-4(b)~~; **under**
 40 **IC 35-42-4-4**;
 41 (6) marriage, unless authorized by a court under IC 31-11-1-7;
 42 (7) trafficking for the purpose of prostitution, juvenile

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1 prostitution, or participation in sexual conduct as defined in
 2 IC 35-42-4-4(a); or

3 (8) human trafficking as defined in IC 35-42-3.5-0.5.

4 SECTION 10. IC 31-14-14-1, AS AMENDED BY P.L.223-2019,
 5 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2026]: Sec. 1. (a) A noncustodial parent is entitled to
 7 reasonable parenting time rights unless the court finds, after a hearing,
 8 that parenting time might:

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

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

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

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

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

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

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

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

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

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

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

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

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

41 SECTION 11. IC 31-17-4-1, AS AMENDED BY P.L.146-2021,
 42 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JULY 1, 2026]: Sec. 1. (a) Subject to subsections (d) and (e) and
 2 subject to section 1.1 of this chapter, a parent not granted custody of
 3 the child is entitled to reasonable parenting time rights unless the court
 4 finds, after a hearing, that parenting time by the noncustodial parent
 5 might endanger the child's physical health or significantly impair the
 6 child's emotional development.

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

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

13 (1) a record may be made of the interview; and

14 (2) the interview may be made part of the record for purposes of
 15 appeal.

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

18 (1) child molesting (IC 35-42-4-3); or

19 (2) child exploitation (~~IC 35-42-4-4(b) or IC 35-42-4-4(c)~~);
 20 **(IC 35-42-4-4)**;

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

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

25 (1) child molesting (IC 35-42-4-3); or

26 (2) child exploitation (~~IC 35-42-4-4(b) or IC 35-42-4-4(c)~~);
 27 **(IC 35-42-4-4)**;

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

30 SECTION 12. IC 33-37-5-23, AS AMENDED BY P.L.144-2018,
 31 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2026]: Sec. 23. (a) This section applies to criminal actions.

33 (b) The court shall assess a sexual assault victims assistance fee
 34 of at least five hundred dollars (\$500) and not more than five thousand
 35 dollars (\$5,000) against an individual convicted in Indiana of any of the
 36 following offenses:

37 (1) Rape (IC 35-42-4-1).

38 (2) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).

39 (3) Child molesting (IC 35-42-4-3).

40 (4) Child exploitation (~~IC 35-42-4-4(b) or IC 35-42-4-4(c)~~);
 41 **(IC 35-42-4-4)**.

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

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- 1 (6) Child solicitation (IC 35-42-4-6).
- 2 (7) Child seduction (IC 35-42-4-7).
- 3 (8) Sexual battery (IC 35-42-4-8).
- 4 (9) Sexual misconduct with a minor as a Class A or Class B
- 5 felony (for a crime committed before July 1, 2014) or a Level 1
- 6 felony or Level 4 felony (for a crime committed after June 30,
- 7 2014) (IC 35-42-4-9).
- 8 (10) Incest (IC 35-46-1-3).
- 9 (11) Promotion of human labor trafficking (IC 35-42-3.5-1).
- 10 (12) Promotion of human sexual trafficking (IC 35-42-3.5-1.1).
- 11 (13) Promotion of child sexual trafficking (IC 35-42-3.5-1.2(a)).
- 12 (14) Promotion of sexual trafficking of a younger child
- 13 (IC 35-42-3.5-1.2(c)).
- 14 (15) Child sexual trafficking (IC 35-42-3.5-1.3).
- 15 (16) Human trafficking (IC 35-42-3.5-1.4).

16 SECTION 13. IC 33-39-1-9, AS AMENDED BY P.L.13-2016,
 17 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2026]: Sec. 9. A prosecuting attorney who charges a person
 19 with committing any of the following shall inform the person's
 20 employer of the charge, unless the prosecuting attorney determines that
 21 the person charged does not work with children:

- 22 (1) Rape (IC 35-42-4-1), if the victim is less than eighteen (18)
- 23 years of age.
- 24 (2) Criminal deviate conduct (IC 35-42-4-2) (repealed), if the
- 25 victim is less than eighteen (18) years of age.
- 26 (3) Child molesting (IC 35-42-4-3).
- 27 (4) Child exploitation (~~IC 35-42-4-4(b) or IC 35-42-4-4(c)~~).
- 28 **(IC 35-42-4-4).**
- 29 (5) Vicarious sexual gratification (IC 35-42-4-5).
- 30 (6) Child solicitation (IC 35-42-4-6).
- 31 (7) Child seduction (IC 35-42-4-7).
- 32 (8) Incest (IC 35-46-1-3), if the victim is less than eighteen (18)
- 33 years of age.

34 SECTION 14. IC 35-31.5-2-98 IS REPEALED [EFFECTIVE
 35 JULY 1, 2026]. ~~Sec. 98: "Disseminate", for purposes of IC 35-42-4-4,~~
 36 ~~has the meaning set forth in IC 35-42-4-4(a).~~

37 SECTION 15. IC 35-31.5-2-196, AS ADDED BY P.L.114-2012,
 38 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2026]: Sec. 196. (a) "Matter", for purposes of IC 35-42-4-4,
 40 has the meaning set forth in IC 35-42-4-4(a).

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

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1 SECTION 16. IC 35-31.5-2-233, AS ADDED BY P.L.114-2012,
 2 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2026]: Sec. 233. (a) "Performance", for purposes of
 4 ~~IC 35-42-4-4~~, has the meaning set forth in ~~IC 35-42-4-4(a)~~.

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

7 SECTION 17. IC 35-31.5-2-300, AS AMENDED BY
 8 P.L.144-2018, SECTION 15, IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 300. (a) "Sexual
 10 conduct", for purposes of IC 35-42-3.5-0.5 and IC 35-42-4-4, has the
 11 meaning set forth in ~~IC 35-42-4-4(a)~~. **IC 35-42-4-4.**

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

14 SECTION 18. IC 35-36-10-1, AS ADDED BY P.L.148-2011,
 15 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2026]: Sec. 1. This chapter applies ~~only~~ in a criminal **or civil**
 17 proceeding.

18 SECTION 19. IC 35-36-10-2, AS AMENDED BY P.L.218-2025,
 19 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2026]: Sec. 2. As used in this chapter, "child sex abuse
 21 material" includes:

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

24 SECTION 20. IC 35-36-10-3, AS AMENDED BY P.L.218-2025,
 25 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2026]: Sec. 3. In any criminal proceeding **or civil proceeding**,
 27 material constituting child sex abuse material must remain in the
 28 custody of the state or the court.

29 SECTION 21. IC 35-36-10-4, AS AMENDED BY P.L.218-2025,
 30 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2026]: Sec. 4. A court shall deny any request by the defendant
 32 in a criminal proceeding, **or any party in a civil proceeding**, to copy,
 33 photograph, duplicate, or otherwise reproduce any material that
 34 constitutes child sex abuse material if the state **(in a criminal**
 35 **proceeding), or the court (in a civil proceeding)**, provides ample
 36 opportunity for inspection, viewing, and examination of the material
 37 by:

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

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1 **and**
 2 **(5) any individual a party seeks to qualify as an expert (in a**
 3 **civil proceeding);**

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

6 SECTION 22. IC 35-38-1-7.5, AS AMENDED BY P.L.186-2025,
 7 SECTION 229, IS AMENDED TO READ AS FOLLOWS
 8 [EFFECTIVE JULY 1, 2026]: Sec. 7.5. (a) As used in this section,
 9 "sexually violent predator" means a person who suffers from a mental
 10 abnormality or personality disorder that makes the individual likely to
 11 repeatedly commit a sex offense (as defined in IC 11-8-8-5.2). The
 12 term includes a person convicted in another jurisdiction who is
 13 identified as a sexually violent predator under IC 11-8-8-20. The term
 14 does not include a person no longer considered a sexually violent
 15 predator under subsection (g).

16 (b) A person who:
 17 (1) being at least eighteen (18) years of age, commits an offense
 18 described in:

19 (A) IC 35-42-4-1;
 20 (B) IC 35-42-4-2 (before its repeal);
 21 (C) IC 35-42-4-3 as a Class A or Class B felony (for a crime
 22 committed before July 1, 2014) or a Level 1, Level 2, Level
 23 3, or Level 4 felony (for a crime committed after June 30,
 24 2014);

25 (D) IC 35-42-4-5(a)(1);
 26 (E) IC 35-42-4-5(a)(2);
 27 (F) IC 35-42-4-5(a)(3) (before that provision was
 28 redesignated by P.L.158-2013, SECTION 441);

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

33 (H) IC 35-42-4-5(b)(2); or
 34 (I) IC 35-42-4-5(b)(3) as a Class A or Class B felony (for a
 35 crime committed before July 1, 2014) or a Level 2, Level 3,
 36 or Level 4 felony (for a crime committed after June 30,
 37 2014);

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

42 (3) commits a sex offense (as defined in IC 11-8-8-5.2) while

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- 1 having had a previous unrelated adjudication as a delinquent
 2 child for an act that would be a sex offense if committed by an
 3 adult, if, after considering expert testimony, a court finds by
 4 clear and convincing evidence that the person is likely to commit
 5 an additional sex offense; or
 6 (4) commits a sex offense (as defined in IC 11-8-8-5.2) while
 7 having had a previous unrelated adjudication as a delinquent
 8 child for an act that would be a sex offense if committed by an
 9 adult, if the person was required to register as a sex or violent
 10 offender under ~~IC 11-8-8-5(b)(2)~~; **IC 11-8-8-5(b)(4)**;
 11 is a sexually violent predator. Except as provided in subsection (g) or
 12 (h), a person is a sexually violent predator by operation of law if an
 13 offense committed by the person satisfies the conditions set forth in
 14 subdivision (1) or (2) and the person was released from incarceration,
 15 secure detention, probation, or parole for the offense after June 30,
 16 1994.
- 17 (c) This section applies whenever a court sentences a person or a
 18 juvenile court issues a dispositional decree for a sex offense (as defined
 19 in IC 11-8-8-5.2) for which the person is required to register with the
 20 local law enforcement authority under IC 11-8-8.
- 21 (d) At the sentencing hearing, the court shall indicate on the record
 22 whether the person has been convicted of an offense that makes the
 23 person a sexually violent predator under subsection (b).
- 24 (e) If a person is not a sexually violent predator under subsection
 25 (b), the prosecuting attorney may request the court to conduct a hearing
 26 to determine whether the person (including a child adjudicated to be a
 27 delinquent child) is a sexually violent predator under subsection (a). If
 28 the court grants the motion, the court shall appoint two (2)
 29 psychologists or psychiatrists who have expertise in criminal
 30 behavioral disorders to evaluate the person and testify at the hearing.
 31 After conducting the hearing and considering the testimony of the two
 32 (2) psychologists or psychiatrists, the court shall determine whether the
 33 person is a sexually violent predator under subsection (a). A hearing
 34 conducted under this subsection may be combined with the person's
 35 sentencing hearing.
- 36 (f) If a person is a sexually violent predator:
 37 (1) the person is required to register with the local law
 38 enforcement authority as provided in IC 11-8-8; and
 39 (2) the court shall send notice to the department of correction.
- 40 (g) This subsection does not apply to a person who has two (2) or
 41 more unrelated convictions for an offense described in IC 11-8-8-4.5
 42 for which the person is required to register under IC 11-8-8. A person

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1 who is a sexually violent predator may petition the court to consider
 2 whether the person should no longer be considered a sexually violent
 3 predator. The person may file a petition under this subsection not
 4 earlier than ten (10) years after:

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

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

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

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

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

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

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

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

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

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

40 (C) An offense committed by using or threatening the use
 41 of deadly force or while armed with a deadly weapon.

42 (D) An offense that results in serious bodily injury.

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1 (E) An offense that is facilitated by furnishing the victim,
2 without the victim's knowledge, with a drug (as defined in
3 IC 16-42-19-2(1)) or a controlled substance (as defined in
4 IC 35-48-1.1-7) or knowing that the victim was furnished
5 with the drug or controlled substance without the victim's
6 knowledge.

7 (5) The person has not committed another sex offense (as
8 defined in IC 11-8-8-5.2) (including a delinquent act that would
9 be a sex offense if committed by an adult) against any other
10 person.

11 (6) The person did not have a position of authority or substantial
12 influence over the victim.

13 (7) The court finds that the person should not be considered a
14 sexually violent predator.

15 SECTION 23. IC 35-38-2-2.5, AS AMENDED BY P.L.13-2016,
16 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 JULY 1, 2026]: Sec. 2.5. (a) As used in this section, "offender" means
18 an individual convicted of a sex offense.

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

- 21 (1) Rape (~~IC 35-42-4-1~~);
- 22 (2) Criminal deviate conduct (~~IC 35-42-4-2~~) (~~repealed~~);
- 23 (3) Child molesting (~~IC 35-42-4-3~~);
- 24 (4) Child exploitation (~~IC 35-42-4-4(b)~~ or ~~IC 35-42-4-4(c)~~);
- 25 (5) Vicarious sexual gratification (~~IC 35-42-4-5~~);
- 26 (6) Child solicitation (~~IC 35-42-4-6~~);
- 27 (7) Child seduction (~~IC 35-42-4-7~~);
- 28 (8) Sexual battery (~~IC 35-42-4-8~~);
- 29 (9) Sexual misconduct with a minor as a felony (~~IC 35-42-4-9~~);
- 30 (10) Incest (~~IC 35-46-1-3~~);

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

34 (d) An offender:

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

- 38 (A) at the time of sentencing if the offender will be placed
39 on probation without first being incarcerated; or
- 40 (B) before the offender's release from incarceration if the
41 offender will be placed on probation after completing a term
42 of incarceration; or

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

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

- 8 (1) court, if the offender is placed on probation; or
 - 9 (2) parole board, if the offender is placed on parole;
- 10 for the change of address under subsection (f).

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

- 15 (1) the offender has successfully completed a sex offender
16 treatment program during the period of probation or parole;
- 17 (2) the offender is in compliance with all terms of the offender's
18 probation or parole; and
- 19 (3) good cause exists to allow the offender to reside within one
20 (1) mile of the residence of the victim of the offender's sex
21 offense.

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

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

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

33 SECTION 24. IC 35-42-3.5-1.2, AS AMENDED BY
34 P.L.186-2025, SECTION 233, IS AMENDED TO READ AS
35 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1.2. (a) A person who
36 knowingly or intentionally recruits, entices, harbors, or transports a
37 child less than eighteen (18) years of age with the intent of causing the
38 child to engage in:

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

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- 1 commits promotion of child sexual trafficking, a Level 3 felony.
- 2 (b) It is not a defense to a prosecution under this section that the:
- 3 (1) child consented to engage in prostitution or juvenile
- 4 prostitution or to participate in sexual conduct; or
- 5 (2) intended victim of the offense is a law enforcement officer.
- 6 (c) A person who knowingly or intentionally recruits, entices,
- 7 harbors, or transports a child less than sixteen (16) years of age with
- 8 the intent of inducing or causing the child to participate in sexual
- 9 conduct commits promotion of sexual trafficking of a younger child, a
- 10 Level 3 felony. It is a defense to a prosecution under this subsection if:
- 11 (1) the child is at least fourteen (14) years of age but less than
- 12 sixteen (16) years of age and the person is less than eighteen (18)
- 13 years of age; or
- 14 (2) all the following apply:
- 15 (A) The person is not more than four (4) years older than
- 16 the victim.
- 17 (B) The relationship between the person and the victim was
- 18 a dating relationship or an ongoing personal relationship.
- 19 The term "ongoing personal relationship" does not include
- 20 a family relationship.
- 21 (C) The crime:
- 22 (i) was not committed by a person who is at least
- 23 twenty-one (21) years of age;
- 24 (ii) was not committed by using or threatening the use
- 25 of deadly force;
- 26 (iii) was not committed while armed with a deadly
- 27 weapon;
- 28 (iv) did not result in serious bodily injury;
- 29 (v) was not facilitated by furnishing the victim, without
- 30 the victim's knowledge, with a drug (as defined in
- 31 IC 16-42-19-2(1)) or a controlled substance (as defined
- 32 in IC 35-48-1.1-7) or knowing that the victim was
- 33 furnished with the drug or controlled substance without
- 34 the victim's knowledge; and
- 35 (vi) was not committed by a person having a position
- 36 of authority or substantial influence over the victim.
- 37 (D) The person has not committed another sex offense (as
- 38 defined in IC 11-8-8-5.2), including a delinquent act that
- 39 would be a sex offense if committed by an adult, against any
- 40 other person.
- 41 (E) The person is not promoting prostitution (as defined in
- 42 IC 35-45-4-4) with respect to the victim even though the

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1 person has not been charged with or convicted of the
2 offense.

3 SECTION 25. IC 35-42-4-4, AS AMENDED BY P.L.218-2025,
4 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2026]: Sec. 4. (a) The following definitions apply throughout
6 this section:

- 7 ~~(1)~~ "Disseminate" means to transfer possession for free or for a
8 consideration.
- 9 ~~(2)~~ **(1)** "Image" means the following: **any visual representation.**
- 10 (A) A picture.
- 11 (B) A drawing.
- 12 (C) A photograph.
- 13 (D) A negative image.
- 14 (E) An undeveloped film.
- 15 (F) A motion picture.
- 16 (G) A videotape.
- 17 (H) A digitized image.
- 18 (I) A computer generated image.
- 19 (J) Any pictorial representation.
- 20 ~~(3)~~ "Matter" has the same meaning as in IC 35-49-1-3.
- 21 ~~(4)~~ "Performance" has the same meaning as in IC 35-49-1-7.
- 22 ~~(5)~~ **(2)** "Sexual conduct" means:
- 23 (A) sexual intercourse;
- 24 (B) other sexual conduct (as defined in IC 35-31.5-2-221.5);
- 25 (C) exhibition of the:
- 26 (i) uncovered genitals; or
- 27 (ii) female breast with less than a fully opaque
- 28 covering of any part of the nipple;
- 29 intended to satisfy or arouse the sexual desires of any
- 30 person;
- 31 (D) sadomasochistic abuse;
- 32 (E) sexual intercourse or other sexual conduct (as defined
- 33 in IC 35-31.5-2-221.5) with an animal; or
- 34 (F) any fondling or touching of a child by another person or
- 35 of another person by a child intended to arouse or satisfy the
- 36 sexual desires of either the child or the other person.
- 37 (b) A person who:
- 38 ~~(1)~~ knowingly or intentionally manages, produces, sponsors,
- 39 presents, exhibits, photographs, films, videotapes, or creates a
- 40 digitized image of any performance or incident that includes
- 41 sexual conduct by a child under eighteen (18) years of age;
- 42 ~~(2)~~ knowingly or intentionally disseminates, exhibits to another

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1 person; offers to disseminate or exhibit to another person; or
 2 sends or brings into Indiana for dissemination or exhibition
 3 matter that depicts or describes sexual conduct by a child under
 4 eighteen (18) years of age;
 5 (3) knowingly or intentionally makes available to another person
 6 a computer; knowing that the computer's fixed drive or
 7 peripheral device contains matter that depicts or describes sexual
 8 conduct by a child less than eighteen (18) years of age;
 9 (4) with the intent to satisfy or arouse the sexual desires of any
 10 person:
 11 (A) knowingly or intentionally:
 12 (i) manages;
 13 (ii) produces;
 14 (iii) sponsors;
 15 (iv) presents;
 16 (v) exhibits;
 17 (vi) photographs;
 18 (vii) films;
 19 (viii) videotapes; or
 20 (ix) creates a digitized image of;
 21 any performance or incident that includes the uncovered
 22 genitals of a child less than eighteen (18) years of age or the
 23 exhibition of the female breast with less than a fully opaque
 24 covering of any part of the nipple by a child less than
 25 eighteen (18) years of age;
 26 (B) knowingly or intentionally:
 27 (i) disseminates to another person;
 28 (ii) exhibits to another person;
 29 (iii) offers to disseminate or exhibit to another person;
 30 or
 31 (iv) sends or brings into Indiana for dissemination or
 32 exhibition;
 33 matter that depicts the uncovered genitals of a child less
 34 than eighteen (18) years of age or the exhibition of the
 35 female breast with less than a fully opaque covering of any
 36 part of the nipple by a child less than eighteen (18) years of
 37 age; or
 38 (C) makes available to another person a computer; knowing
 39 that the computer's fixed drive or peripheral device contains
 40 matter that depicts the uncovered genitals of a child less
 41 than eighteen (18) years of age or the exhibition of the
 42 female breast with less than a fully opaque covering of any

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- 1 part of the nipple by a child less than eighteen (18) years of
 2 age; or
 3 (5) knowingly or intentionally produces, disseminates, or
 4 possesses with intent to disseminate an image that depicts or
 5 describes sexual conduct:
 6 (A) by a child who the person knows is less than eighteen
 7 (18) years of age;
 8 (B) by a child less than eighteen (18) years of age, or by a
 9 person who appears to be a child less than eighteen (18)
 10 years of age, if the image is obscene (as described in
 11 IC 35-49-2-1); or
 12 (C) that is simulated sexual conduct involving a
 13 representation that appears to be a child less than eighteen
 14 (18) years of age, if the representation of the image is
 15 obscene (as described in IC 35-49-2-1);
 16 (1) induces, causes, or coerces a child less than eighteen (18)
 17 years of age to engage in sexual conduct with the intent to
 18 produce or transmit an image of the sexual conduct;
 19 (2) induces, causes, or coerces a child less than eighteen (18)
 20 years of age to assist another person in engaging in sexual
 21 conduct, with the intent of aiding any person in the
 22 production or transmission of an image of the sexual
 23 conduct;
 24 (3) being the parent, guardian, or custodian of a child less
 25 than eighteen (18) years of age, permits the child to:
 26 (A) engage in sexual conduct; or
 27 (B) assist another person in engaging in sexual conduct;
 28 with the intent to aid another person in the production or
 29 transmission of an image of the sexual conduct;
 30 (4) solicits a child less than eighteen (18) years of age, or who
 31 the person believes to be a child less than eighteen (18) years
 32 of age, to:
 33 (A) engage in sexual conduct; or
 34 (B) assist another person in engaging in sexual conduct;
 35 with the intent to produce or transmit an image of the sexual
 36 conduct; or
 37 (5) produces or creates an image containing sexual conduct
 38 by a child less than eighteen (18) years of age, or who
 39 appears to be a child less than eighteen (18) years of age;
 40 commits child exploitation, a Level 5 felony; Level 4 felony, except as
 41 otherwise provided in this section. It is not a required element of an
 42 offense under subdivision (5)(C) that the child depicted actually exists.

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

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

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

6 (B) is mentally disabled or deficient;

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

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

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

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

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

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

16 (B) is mentally disabled or deficient;

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

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

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

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

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

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

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

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

30 (B) a child less than twelve (12) years of age, or who
31 appears to be a child less than twelve (12) years of age;

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

35 (D) child molesting;

36 (E) pecuniary gain by the person; or

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

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

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

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

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

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

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

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

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

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

24 (B) is mentally disabled or deficient;

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

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

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

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

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

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

34 (B) is mentally disabled or deficient;

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

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

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

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

42 (f) (e) Subsections (b); (c); (d); and (e) do **This section does not**

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1 apply to a bona fide school, museum, or public library that qualifies for
 2 certain property tax exemptions under IC 6-1.1-10, or to an employee
 3 of such a school, museum, or public library acting within the scope of
 4 the employee's employment when the possession of the listed materials
 5 is for legitimate scientific or educational purposes.

6 ~~(g)~~ **(f)** It is a defense to a prosecution under this section that:

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

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

15 ~~(h)~~ **(g)** Except as provided in subsection ~~(i)~~; **(h)**, it is a defense to
 16 a prosecution under ~~subsection (b); (c); (d); or (e)~~ **this section** if all of
 17 the following apply:

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

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

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

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

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

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

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

37 (A) who sent the image; or

38 (B) who is depicted in the image;

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

41 (3) the ~~dissemination~~ **distribution** of the image violates:

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

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- 1 violence or harassment issued under IC 34-26-5 (or, if the
- 2 order involved a family or household member, under
- 3 IC 34-26-2 or IC 34-4-5.1-5 before their repeal);
- 4 (B) an ex parte protective order issued under IC 34-26-5 (or,
- 5 if the order involved a family or household member, an
- 6 emergency order issued under IC 34-26-2 or IC 34-4-5.1
- 7 before their repeal);
- 8 (C) a workplace violence restraining order issued under
- 9 IC 34-26-6;
- 10 (D) a no contact order in a dispositional decree issued under
- 11 IC 31-34-20-1, IC 31-37-19-1, or IC 31-37-5-6 (or
- 12 IC 31-6-4-15.4 or IC 31-6-4-15.9 before their repeal) or an
- 13 order issued under IC 31-32-13 (or IC 31-6-7-14 before its
- 14 repeal) that orders the person to refrain from direct or
- 15 indirect contact with a child in need of services or a
- 16 delinquent child;
- 17 (E) a no contact order issued as a condition of pretrial
- 18 release, including release on bail or personal recognizance,
- 19 or pretrial diversion, and including a no contact order issued
- 20 under IC 35-33-8-3.6;
- 21 (F) a no contact order issued as a condition of probation;
- 22 (G) a protective order to prevent domestic or family
- 23 violence issued under IC 31-15-5 (or IC 31-16-5 or
- 24 IC 31-1-11.5-8.2 before their repeal);
- 25 (H) a protective order to prevent domestic or family
- 26 violence issued under IC 31-14-16-1 in a paternity action;
- 27 (I) a no contact order issued under IC 31-34-25 in a child in
- 28 need of services proceeding or under IC 31-37-25 in a
- 29 juvenile delinquency proceeding;
- 30 (J) an order issued in another state that is substantially
- 31 similar to an order described in clauses (A) through (I);
- 32 (K) an order that is substantially similar to an order
- 33 described in clauses (A) through (I) and is issued by an
- 34 Indian:
 - 35 (i) tribe;
 - 36 (ii) band;
 - 37 (iii) pueblo;
 - 38 (iv) nation; or
 - 39 (v) organized group or community, including an
 - 40 Alaska Native village or regional or village corporation
 - 41 as defined in or established under the Alaska Native
 - 42 Claims Settlement Act (43 U.S.C. 1601 et seq.);

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

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

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

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

7 (1) the person was less than eighteen (18) years of age at the
 8 time the alleged offense was committed; and

9 (2) the circumstances described in IC 35-45-4-6(a)(2) through
 10 IC 35-45-4-6(a)(4) apply.

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

16 SECTION 26. IC 35-42-4-4.5 IS ADDED TO THE INDIANA
 17 CODE AS A NEW SECTION TO READ AS FOLLOWS
 18 [EFFECTIVE JULY 1, 2026]: **Sec. 4.5. (a) The following definitions**
 19 **apply throughout this section:**

20 (1) "Image" has the meaning set forth in section 4 of this
 21 chapter.

22 (2) "Sexual conduct" has the meaning set forth in section 4
 23 of this chapter.

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

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

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

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

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

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

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- 1 **(1) the person has a prior unrelated conviction for a sex**
- 2 **offense (as defined in IC 11-8-8-5.2); or**
- 3 **(2) the conduct depicted in the image involves:**
 - 4 **(A) bestiality (as described in IC 35-46-3-14);**
 - 5 **(B) a child less than twelve (12) years of age, or who**
 - 6 **appears to be a child less than twelve (12) years of age;**
 - 7 **(C) violence or a depiction of violence against a child,**
 - 8 **including sado-masochistic abuse (as defined in**
 - 9 **IC 35-49-1-8); or**
 - 10 **(D) child molesting.**
- 11 **(d) A person who knowingly or intentionally distributes an**
- 12 **image that depicts or describes 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**
 - 16 **person who appears to be a child less than eighteen (18)**
 - 17 **years of age, if the image is obscene (as described in**
 - 18 **IC 35-49-2-1); or**
 - 19 **(3) that is simulated sexual conduct involving a**
 - 20 **representation that appears to be a child less than eighteen**
 - 21 **(18) years of age, if the representation of the image is**
 - 22 **obscene (as described in IC 35-49-2-1);**
- 23 **commits distribution of child sex abuse material, a Level 5 felony,**
- 24 **except as otherwise provided in this section. It is not a required**
- 25 **element of an offense under subdivision (3) that the child depicted**
- 26 **actually exists.**
- 27 **(e) The offense described in subsection (d) is a Level 3 felony**
- 28 **if:**
 - 29 **(1) the person has a prior unrelated conviction for a sex**
 - 30 **offense (as defined in IC 11-8-8-5.2); or**
 - 31 **(2) the conduct depicted in the image involves:**
 - 32 **(A) bestiality (as described in IC 35-46-3-14);**
 - 33 **(B) a child less than twelve (12) years of age, or who**
 - 34 **appears to be a child less than twelve (12) years of age;**
 - 35 **(C) violence or a depiction of violence against a child,**
 - 36 **including sado-masochistic abuse (as defined in**
 - 37 **IC 35-49-1-8);**
 - 38 **(D) child molesting;**
 - 39 **(E) pecuniary gain by the person; or**
 - 40 **(F) distributing the visual depiction to a child less than**
 - 41 **eighteen (18) years of age with the intent of inducing,**
 - 42 **causing, or coercing the child to commit a criminal**

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1 offense.

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

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

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

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

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

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

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

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

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

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

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

36 (1) the person who receives the image distributes it to a
37 person other than the person:

38 (A) who sent the image; or

39 (B) who is depicted in the image;

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

42 (3) the distribution of the image violates:

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- 1 (A) a protective order to prevent domestic or family
 2 violence or harassment issued under IC 34-26-5 (or, if
 3 the order involved a family or household member, under
 4 IC 34-26-2 or IC 34-4-5.1-5 before their repeal);
 5 (B) an ex parte protective order issued under IC 34-26-5
 6 (or, if the order involved a family or household member,
 7 an emergency order issued under IC 34-26-2 or
 8 IC 34-4-5.1 before their repeal);
 9 (C) a workplace violence restraining order issued under
 10 IC 34-26-6;
 11 (D) a no contact order in a dispositional decree issued
 12 under IC 31-34-20-1, IC 31-37-19-1, or IC 31-37-19-6 (or
 13 IC 31-6-4-15.4 or IC 31-6-4-15.9 before their repeal) or
 14 an order issued under IC 31-32-13 (or IC 31-6-7-14
 15 before its repeal) that orders the person to refrain from
 16 direct or indirect contact with a child in need of services
 17 or a delinquent child;
 18 (E) a no contact order issued as a condition of pretrial
 19 release, including release on bail or personal
 20 recognizance, or pretrial diversion, and including a no
 21 contact order issued under IC 35-33-8-3.6;
 22 (F) a no contact order issued as a condition of
 23 probation;
 24 (G) a protective order to prevent domestic or family
 25 violence issued under IC 31-15-5 (or IC 31-16-5 or
 26 IC 31-1-11.5-8.2 before their repeal);
 27 (H) a protective order to prevent domestic or family
 28 violence issued under IC 31-14-16-1 in a paternity
 29 action;
 30 (I) a no contact order issued under IC 31-34-25 in a
 31 child in need of services proceeding or under
 32 IC 31-37-25 in a juvenile delinquency proceeding;
 33 (J) an order issued in another state that is substantially
 34 similar to an order described in clauses (A) through (I);
 35 (K) an order that is substantially similar to an order
 36 described in clauses (A) through (I) and is issued by an
 37 Indian:
 38 (i) tribe;
 39 (ii) band;
 40 (iii) pueblo;
 41 (iv) nation; or
 42 (v) organized group or community, including an

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1 Alaska Native village or regional or village
2 corporation as defined in or established under the
3 Alaska Native Claims Settlement Act (43 U.S.C.
4 1601 et seq.);

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

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

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

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

11 (1) the person was less than eighteen (18) years of age at the
12 time the alleged offense was committed; and

13 (2) the circumstances described in IC 35-45-4-6(a)(2)
14 through IC 35-45-4-6(a)(4) apply.

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

20 (l) It is a defense to a prosecution under this section that the
21 person:

22 (1) possessed less than three (3) images prohibited by this
23 section; and

24 (2) promptly and in good faith, and without retaining or
25 allowing any person, other than a law enforcement agency,
26 to access a prohibited image or a copy of a prohibited image:

27 (A) took reasonable steps to destroy each prohibited
28 image; or

29 (B) reported the matter to a law enforcement agency
30 and afforded that agency access to each prohibited
31 image.

32 SECTION 27. IC 35-42-4-11, AS AMENDED BY P.L.142-2020,
33 SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
34 JULY 1, 2026]: Sec. 11. (a) As used in this section, and except as
35 provided in subsection (d), "offender against children" means a person
36 required to register as a sex or violent offender under IC 11-8-8 who
37 has been:

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

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

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

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

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- 1 **(IC 35-42-4-4).**
 2 (C) Child solicitation (IC 35-42-4-6).
 3 (D) Child seduction (IC 35-42-4-7).
 4 (E) Kidnapping (IC 35-42-3-2), if the victim is less than
 5 eighteen (18) years of age, and the person is not the child's
 6 parent or guardian.
- 7 A person is an offender against children by operation of law if the
 8 person meets the conditions described in subdivision (1) or (2) at any
 9 time.
- 10 (b) As used in this section, "reside" means to spend more than
 11 three (3) nights in:
 12 (1) a residence; or
 13 (2) if the person does not reside in a residence, a particular
 14 location;
 15 in any thirty (30) day period.
- 16 (c) An offender against children who knowingly or intentionally:
 17 (1) resides within one thousand (1,000) feet of:
 18 (A) school property, not including property of an institution
 19 providing post-secondary education;
 20 (B) a youth program center;
 21 (C) a public park; or
 22 (D) a day care center licensed under IC 12-17.2;
 23 (2) establishes a residence within one (1) mile of the residence
 24 of the victim of the offender's sex offense; or
 25 (3) resides in a residence where a child care provider (as defined
 26 by IC 31-33-26-1) provides child care services;
 27 commits a sex offender residency offense, a Level 6 felony.
- 28 (d) This subsection does not apply to an offender against children
 29 who has two (2) or more unrelated convictions for an offense described
 30 in subsection (a). A person who is an offender against children may
 31 petition the court to consider whether the person should no longer be
 32 considered an offender against children. The person may file a petition
 33 under this subsection not earlier than ten (10) years after the person is
 34 released from incarceration or parole, whichever occurs last (or, if the
 35 person is not incarcerated, not earlier than ten (10) years after the
 36 person is released from probation). A person may file a petition under
 37 this subsection not more than one (1) time per year. A court may
 38 dismiss a petition filed under this subsection or conduct a hearing to
 39 determine if the person should no longer be considered an offender
 40 against children. If the court conducts a hearing, the court shall appoint
 41 two (2) psychologists or psychiatrists who have expertise in criminal
 42 behavioral disorders to evaluate the person and testify at the hearing.

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1 After conducting the hearing and considering the testimony of the two
 2 (2) psychologists or psychiatrists, the court shall determine whether the
 3 person should no longer be considered an offender against children. If
 4 a court finds that the person should no longer be considered an offender
 5 against children, the court shall send notice to the department of
 6 correction that the person is no longer considered an offender against
 7 children.

8 SECTION 28. IC 35-42-4-14, AS AMENDED BY P.L.218-2025,
 9 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2026]: Sec. 14. (a) As used in this section, "serious sex
 11 offender" means a person required to register as a sex offender under
 12 IC 11-8-8 who is:

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

14 or

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

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

17 (B) Child exploitation (~~IC 35-42-4-4(b) or IC 35-42-4-4(c)~~);
 18 **(IC 35-42-4-4).**

19 (C) Possession of child sex abuse material (IC 35-42-4-4(d)
 20 or IC 35-42-4-4(e)) **(before July 1, 2026), or a child sex**
 21 **abuse material offense under IC 35-42-4-4.5 (after June**
 22 **30, 2026).**

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

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

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

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

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

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

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

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

36 (2) the person:

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

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



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- 1 (ii) not earlier than thirty (30) minutes before the
- 2 beginning of the worship services or religious
- 3 instruction; and
- 4 (B) leaves the school property not later than thirty (30)
- 5 minutes after the conclusion of the worship services or
- 6 religious instruction.

7 SECTION 29. IC 35-49-3-3, AS AMENDED BY P.L.218-2025,
 8 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2026]: Sec. 3. (a) Except as provided in subsection (b) and
 10 section 4 of this chapter, a person who knowingly or intentionally:

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

33 commits a Level 6 felony.

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

- 37 (1) the matter is obscene under IC 35-49-2-1;
- 38 (2) the matter is child sex abuse material under ~~IC 35-42-4-4;~~
- 39 **IC 35-42-4-4.5;** or
- 40 (3) the person distributes the matter to a child less than eighteen
- 41 (18) years of age believing or intending that the recipient is a
- 42 child less than eighteen (18) years of age.

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1 SECTION 30. IC 35-50-1-2, AS AMENDED BY P.L.218-2025,
 2 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2026]: Sec. 2. (a) As used in this section, "crime of violence"
 4 means the following:

- 5 (1) Murder (IC 35-42-1-1).
 6 (2) Attempted murder (IC 35-41-5-1).
 7 (3) Voluntary manslaughter (IC 35-42-1-3).
 8 (4) Involuntary manslaughter (IC 35-42-1-4).
 9 (5) Reckless homicide (IC 35-42-1-5).
 10 (6) Battery (IC 35-42-2-1) as a:
 11 (A) Level 2 felony;
 12 (B) Level 3 felony;
 13 (C) Level 4 felony; or
 14 (D) Level 5 felony.
 15 (7) Domestic battery (IC 35-42-2-1.3) as a:
 16 (A) Level 2 felony;
 17 (B) Level 3 felony;
 18 (C) Level 4 felony; or
 19 (D) Level 5 felony.
 20 (8) Aggravated battery (IC 35-42-2-1.5).
 21 (9) Kidnapping (IC 35-42-3-2).
 22 (10) Rape (IC 35-42-4-1).
 23 (11) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
 24 (12) Child molesting (IC 35-42-4-3).
 25 (13) Sexual misconduct with a minor as a Level 1 felony under
 26 IC 35-42-4-9(a)(2) or a Level 2 felony under IC 35-42-4-9(b)(2).
 27 (14) Robbery as a Level 2 felony or a Level 3 felony
 28 (IC 35-42-5-1).
 29 (15) Burglary as a Level 1 felony, Level 2 felony, Level 3 felony,
 30 or Level 4 felony (IC 35-43-2-1).
 31 (16) Operating a vehicle while intoxicated causing death or
 32 catastrophic injury (IC 9-30-5-5).
 33 (17) Operating a vehicle while intoxicated causing serious bodily
 34 injury to another person (IC 9-30-5-4).
 35 (18) Child exploitation (**IC 35-42-4-4**), as a Level 5 felony under
 36 ~~IC 35-42-4-4(b) or a Level 4 felony under IC 35-42-4-4(c)~~.
 37 (19) Resisting law enforcement as a felony (IC 35-44.1-3-1).
 38 (20) Unlawful possession of a firearm by a serious violent felon
 39 (IC 35-47-4-5).
 40 (21) Strangulation (IC 35-42-2-9) as a Level 5 felony.
 41 **(22) A child sexual abuse material offense (IC 35-42-4-4.5).**
 42 (b) As used in this section, "episode of criminal conduct" means

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1 offenses or a connected series of offenses that are closely related in
2 time, place, and circumstance.

3 (c) Except as provided in subsection (e) or (f) the court shall
4 determine whether terms of imprisonment shall be served concurrently
5 or consecutively. The court may consider the:

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

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

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

- 20 (1) If the most serious crime for which the defendant is
21 sentenced is a Class C misdemeanor, the total of the consecutive
22 terms of imprisonment may not exceed one (1) year.
23 (2) If the most serious crime for which the defendant is
24 sentenced is a Class B misdemeanor, the total of the consecutive
25 terms of imprisonment may not exceed two (2) years.
26 (3) If the most serious crime for which the defendant is
27 sentenced is a Class A misdemeanor, the total of the consecutive
28 terms of imprisonment may not exceed three (3) years.
29 (4) If the most serious crime for which the defendant is
30 sentenced is a Level 6 felony, the total of the consecutive terms
31 of imprisonment may not exceed four (4) years.
32 (5) If the most serious crime for which the defendant is
33 sentenced is a Level 5 felony, the total of the consecutive terms
34 of imprisonment may not exceed seven (7) years.
35 (6) If the most serious crime for which the defendant is
36 sentenced is a Level 4 felony, the total of the consecutive terms
37 of imprisonment may not exceed fifteen (15) years.
38 (7) If the most serious crime for which the defendant is
39 sentenced is a Level 3 felony, the total of the consecutive terms
40 of imprisonment may not exceed twenty (20) years.
41 (8) If the most serious crime for which the defendant is
42 sentenced is a Level 2 felony, the total of the consecutive terms

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

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- 1 misdemeanor; and
- 2 (B) the prior felony was committed less than three (3) years
- 3 before the second felony was committed;
- 4 (2) the offense is domestic battery as a Class D felony (for a
- 5 crime committed before July 1, 2014) or a Level 6 felony (for a
- 6 crime committed after June 30, 2014) under IC 35-42-2-1.3; or
- 7 (3) the offense is possession of child sex abuse material
- 8 (IC 35-42-4-4(d)) **(before July 1, 2026) or a child sex abuse**
- 9 **material offense under IC 35-42-4-4.5 (after June 30, 2026).**
- 10 The court shall enter in the record, in detail, the reason for its action
- 11 whenever it exercises the power to enter judgment of conviction of a
- 12 Class A misdemeanor granted in this subsection.
- 13 (d) Notwithstanding subsections (a) and (b), the sentencing court
- 14 may convert a Class D felony conviction (for a crime committed before
- 15 July 1, 2014) or a Level 6 felony conviction (for a crime committed
- 16 after June 30, 2014) to a Class A misdemeanor conviction if, after
- 17 receiving a verified petition as described in subsection (e) and after
- 18 conducting a hearing of which the prosecuting attorney has been
- 19 notified, the court makes the following findings:
- 20 (1) The person is not a sex or violent offender (as defined in
- 21 IC 11-8-8-5).
- 22 (2) The person was not convicted of a Class D felony (for a
- 23 crime committed before July 1, 2014) or a Level 6 felony (for a
- 24 crime committed after June 30, 2014) that resulted in bodily
- 25 injury to another person.
- 26 (3) The person has not been convicted of perjury under
- 27 IC 35-44.1-2-1 (or IC 35-44-2-1 before its repeal) or official
- 28 misconduct under IC 35-44.1-1-1 (or IC 35-44-1-2 before its
- 29 repeal).
- 30 (4) The person has not been convicted of domestic battery as a
- 31 Class D felony (for a crime committed before July 1, 2014) or a
- 32 Level 6 felony (for a crime committed after June 30, 2014) under
- 33 IC 35-42-2-1.3 in the fifteen (15) year period immediately
- 34 preceding the commission of the current offense.
- 35 (5) At least three (3) years have passed since the person:
- 36 (A) completed the person's sentence; and
- 37 (B) satisfied any other obligation imposed on the person as
- 38 part of the sentence;
- 39 for the Class D or Level 6 felony.
- 40 (6) The person has not been convicted of a felony since the
- 41 person:
- 42 (A) completed the person's sentence; and

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1 (B) satisfied any other obligation imposed on the person as
 2 part of the sentence;
 3 for the Class D or Level 6 felony.
 4 (7) No criminal charges are pending against the person.
 5 (e) A petition filed under subsection (d) or (f) must be verified and
 6 set forth:
 7 (1) the crime the person has been convicted of;
 8 (2) the date of the conviction;
 9 (3) the date the person completed the person's sentence;
 10 (4) any obligations imposed on the person as part of the
 11 sentence;
 12 (5) the date the obligations were satisfied; and
 13 (6) a verified statement that there are no criminal charges
 14 pending against the person.
 15 (f) If a person whose Class D or Level 6 felony conviction has
 16 been converted to a Class A misdemeanor conviction under subsection
 17 (d) is convicted of a felony not later than five (5) years after the
 18 conversion under subsection (d), a prosecuting attorney may petition
 19 a court to convert the person's Class A misdemeanor conviction back
 20 to a Class D felony conviction (for a crime committed before July 1,
 21 2014) or a Level 6 felony conviction (for a crime committed after June
 22 30, 2014).
 23 SECTION 32. IC 35-50-6-3.3, AS AMENDED BY THE
 24 TECHNICAL CORRECTIONS BILL OF THE 2026 GENERAL
 25 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2026]: Sec. 3.3. (a) In addition to any educational credit a
 27 person earns under subsection (b), or good time credit a person earns
 28 under section 3 or 3.1 of this chapter, a person earns educational credit
 29 if the person:
 30 (1) is in credit Class I, Class A, or Class B;
 31 (2) has demonstrated a pattern consistent with rehabilitation; and
 32 (3) successfully completes requirements to obtain one (1) of the
 33 following:
 34 (A) A general educational development (GED) diploma
 35 under IC 20-20-6 (before its repeal) or IC 22-4.1-18, if the
 36 person has not previously obtained a high school diploma.
 37 (B) Except as provided in subsection (o), a high school
 38 diploma, if the person has not previously obtained a general
 39 educational development (GED) diploma.
 40 (C) An associate degree from an approved postsecondary
 41 educational institution (as defined under IC 21-7-13-6(a))
 42 earned during the person's incarceration.

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- 1 (D) A ~~bachelor~~ **bachelor's** degree from an approved
 2 postsecondary educational institution (as defined under
 3 IC 21-7-13-6(a)) earned during the person's incarceration.
 4 (b) In addition to any educational credit that a person earns under
 5 subsection (a), or good time credit a person earns under section 3 or 3.1
 6 of this chapter, a person may earn educational credit if, while confined
 7 by the department of correction, the person:
 8 (1) is in credit Class I, Class A, or Class B;
 9 (2) demonstrates a pattern consistent with rehabilitation; and
 10 (3) successfully completes requirements for at least one (1) of
 11 the following:
 12 (A) To obtain a certificate of completion of a career and
 13 technical or vocational education program approved by the
 14 department of correction.
 15 (B) To obtain a certificate of completion of a substance
 16 abuse program approved by the department of correction.
 17 (C) To obtain a certificate of completion of a literacy and
 18 basic life skills program approved by the department of
 19 correction.
 20 (D) To obtain a certificate of completion of a reformatory
 21 program approved by the department of correction.
 22 (E) An individualized case management plan approved by
 23 the department of correction.
 24 (c) The department of correction shall establish admissions criteria
 25 and other requirements for programs available for earning educational
 26 credit under subsection (b). A person may not earn educational credit
 27 under this section for the same program of study. The department of
 28 correction, in consultation with the department of workforce
 29 development, shall approve a program only if the program is likely to
 30 lead to an employable occupation.
 31 (d) The amount of educational credit a person may earn under this
 32 section is the following:
 33 (1) Six (6) months for completion of a state of Indiana general
 34 educational development (GED) diploma under IC 20-20-6
 35 (before its repeal) or IC 22-4.1-18.
 36 (2) One (1) year for graduation from high school.
 37 (3) Not more than one (1) year for completion of an associate
 38 degree.
 39 (4) Not more than two (2) years for completion of a ~~bachelor~~
 40 **bachelor's** degree.
 41 (5) Not more than a total of one (1) year, as determined by the
 42 department of correction, for the completion of one (1) or more

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

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1 unless the person completes at least a portion of the program
2 requirements after June 30, 1999.

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

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

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

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

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

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

17 (D) Child exploitation (~~IC 35-42-4-4(b) or IC 35-42-4-4(c)~~);
18 **(IC 35-42-4-4).**

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

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

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

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

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

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

27 (I) Incest (IC 35-46-1-3).

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

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

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

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

35 (1) two (2) years; or

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

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

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

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

4 (l) A person may earn educational credit for multiple degrees at
5 the same education level under subsection (d) only in accordance with
6 guidelines approved by the department of correction. The department
7 of correction may approve guidelines for proper sequence of education
8 degrees under subsection (d).

9 (m) A person may not earn educational credit:

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

12 (2) for a high school diploma if the person has previously earned
13 a general educational development (GED) diploma.

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

16 (1) commits an offense listed in IC 11-8-8-4.5 while the person
17 is required to register as a sex or violent offender under
18 IC 11-8-8-7; and

19 (2) is committed to the department of correction after being
20 convicted of the offense listed in IC 11-8-8-4.5.

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

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

33 ~~(1) The ratio of case management staff to offenders participating~~
34 ~~in the individualized case management plan as of January 1,~~
35 ~~2023.~~

36 ~~(2) The average number of days awarded to offenders~~
37 ~~participating in the individualized case management plan from~~
38 ~~January 1, 2022, through December 31, 2022.~~

39 ~~(3) The percentage of the prison population currently~~
40 ~~participating in an individualized case management plan as of~~
41 ~~January 1, 2023.~~

42 ~~(4) Any other data points or information related to the status of~~

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1 the implementation of the individualized case management plan.
2 This subsection expires June 30, 2023.

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