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HOUSE BILL No. 1303

Proposed Changes to January 21, 2026 printing by AM130306

DIGEST OF PROPOSED AMENDMENT

Other jurisdictions. Specifies the sex offender reporting requirements for persons who are sex offenders or required to register in other jurisdictions.

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 4-13-2-14.7, AS AMENDED BY P.L.13-2016,
- 2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2026]: Sec. 14.7. A person employed, appointed, or under
- 4 contract with a state agency, who works with or around children, shall
- 5 be dismissed (after the appropriate pre-deprivation procedure has
- 6 occurred) if that person is, or has ever been, convicted of any of the
- 7 following:
- 8 (1) Rape (IC 35-42-4-1), if the victim is less than eighteen (18)
- 9 years of age.
- 10 (2) Criminal deviate conduct (IC 35-42-4-2) (before its repeal),
- 11 if the victim is less than eighteen (18) years of age.
- 12 (3) Child molesting (IC 35-42-4-3).
- 13 (4) Child exploitation (~~IC 35-42-4-4(b) or IC 35-42-4-4(c)~~);
- 14 **(IC 35-42-4-4).**
- 15 (5) Vicarious sexual gratification (IC 35-42-4-5).
- 16 (6) Child solicitation (IC 35-42-4-6).
- 17 (7) Child seduction (IC 35-42-4-7).
- 18 (8) Sexual misconduct with a minor (IC 35-42-4-9) as a Class A
- 19 or Class B felony (for a crime committed before July 1, 2014) or
- 20 a Level 1, Level 2, or Level 4 felony (for a crime committed after

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- 1 June 30, 2014).
- 2 (9) Incest (IC 35-46-1-3), if the victim is less than eighteen (18)
- 3 years of age.
- 4 SECTION 2. IC 10-13-3-27, AS AMENDED BY P.L.218-2025,
- 5 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 6 JULY 1, 2026]: Sec. 27. (a) Except as provided in subsection (b), on
- 7 request, a law enforcement agency shall release a limited criminal
- 8 history to or allow inspection of a limited criminal history by
- 9 noncriminal justice organizations or individuals only if the subject of
- 10 the request:
- 11 (1) has applied for employment with a noncriminal justice
- 12 organization or individual;
- 13 (2) has:
- 14 (A) applied for a license or is maintaining a license; and
- 15 (B) provided criminal history data as required by law to be
- 16 provided in connection with the license;
- 17 (3) is a candidate for public office or a public official;
- 18 (4) is in the process of being apprehended by a law enforcement
- 19 agency;
- 20 (5) is placed under arrest for the alleged commission of a crime;
- 21 (6) has charged that the subject's rights have been abused
- 22 repeatedly by criminal justice agencies;
- 23 (7) is the subject of a judicial decision or determination with
- 24 respect to the setting of bond, plea bargaining, sentencing, or
- 25 probation;
- 26 (8) has volunteered services that involve contact with, care of, or
- 27 supervision over a child who is being placed, matched, or
- 28 monitored by a social services agency or a nonprofit corporation;
- 29 (9) is currently residing in a location designated by the
- 30 department of child services (established by IC 31-25-1-1) or by
- 31 a juvenile court as the out-of-home placement for a child at the
- 32 time the child will reside in the location;
- 33 (10) has volunteered services at a public school (as defined in
- 34 IC 20-18-2-15) or nonpublic school (as defined in
- 35 IC 20-18-2-12) that involve contact with, care of, or supervision
- 36 over a student enrolled in the school;
- 37 (11) is being investigated for welfare fraud by an investigator of
- 38 the division of family resources or a county office of the division
- 39 of family resources;
- 40 (12) is being sought by the parent locator service of the child
- 41 support bureau of the department of child services;
- 42 (13) is or was required to register as a sex or violent offender

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

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- 1 (A) Employment with a state or local governmental entity.
 2 (B) Licensing.
 3 (3) Segments of the securities industry identified under 15
 4 U.S.C. 78q(f)(2).
 5 (c) Any person who knowingly or intentionally uses limited
 6 criminal history for any purpose not specified under this section
 7 commits a Class C infraction. However, the violation is a Class A
 8 misdemeanor if the person has a prior unrelated adjudication or
 9 conviction for a violation of this section within the previous five (5)
 10 years.
 11 SECTION 3. IC 11-8-8-4.5, AS AMENDED BY P.L.218-2025,
 12 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2026]: Sec. 4.5. (a) Except as provided in section 22 of this
 14 chapter, as used in this chapter, "sex offender" means a person
 15 convicted of any of the following offenses:
 16 (1) Rape (IC 35-42-4-1).
 17 (2) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
 18 (3) Child molesting (IC 35-42-4-3).
 19 (4) Child exploitation (~~IC 35-42-4-4(b) or IC 35-42-4-4(c)~~).
 20 **(IC 35-42-4-4).**
 21 (5) Vicarious sexual gratification (including performing sexual
 22 conduct in the presence of a minor) (IC 35-42-4-5).
 23 (6) Child solicitation (IC 35-42-4-6).
 24 (7) Child seduction (IC 35-42-4-7).
 25 (8) Sexual misconduct with a minor (IC 35-42-4-9) as a Class A,
 26 Class B, or Class C felony (for a crime committed before July 1,
 27 2014) or a Level 1, Level 2, Level 4, or Level 5 felony (for a
 28 crime committed after June 30, 2014), unless:
 29 (A) the person is convicted of sexual misconduct with a
 30 minor as a Class C felony (for a crime committed before
 31 July 1, 2014) or a Level 5 felony (for a crime committed
 32 after June 30, 2014);
 33 (B) the person is not more than:
 34 (i) four (4) years older than the victim if the offense
 35 was committed after June 30, 2007; or
 36 (ii) five (5) years older than the victim if the offense
 37 was committed before July 1, 2007; and
 38 (C) the sentencing court finds that the person should not be
 39 required to register as a sex offender.
 40 (9) Incest (IC 35-46-1-3).
 41 (10) Sexual battery (IC 35-42-4-8).
 42 (11) Kidnapping (IC 35-42-3-2), if the victim is less than

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

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- 1 (A) is at least fourteen (14) years of age;
- 2 (B) is on probation, is on parole, is discharged from a
- 3 facility by the department of correction, is discharged from
- 4 a secure private facility (as defined in IC 31-9-2-115), or is
- 5 discharged from a juvenile detention facility as a result of
- 6 an adjudication as a delinquent child for an act that would
- 7 be an offense described in subsection (a) if committed by an
- 8 adult; and
- 9 (C) is found by a court by clear and convincing evidence to
- 10 be likely to repeat an act that would be an offense described
- 11 in subsection (a) if committed by an adult.

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

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

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

- 28 (1) Rape (IC 35-42-4-1).
- 29 (2) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
- 30 (3) Child molesting (IC 35-42-4-3).
- 31 (4) Child exploitation ~~(IC 35-42-4-4(b) or IC 35-42-4-4(c))~~;
 32 **(IC 35-42-4-4).**
- 33 (5) Vicarious sexual gratification (including performing sexual
 34 conduct in the presence of a minor) (IC 35-42-4-5).
- 35 (6) Child solicitation (IC 35-42-4-6).
- 36 (7) Child seduction (IC 35-42-4-7).
- 37 (8) Sexual misconduct with a minor (IC 35-42-4-9) as a Class A,
 38 Class B, or Class C felony (for a crime committed before July 1,
 39 2014) or a Level 1, Level 2, Level 4, or Level 5 felony (for a
 40 crime committed after June 30, 2014), unless:
- 41 (A) the person is convicted of sexual misconduct with a
 42 minor as a Class C felony (for a crime committed before

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

30 (d) A person ordered to register under subsection ~~[(b)(2)]~~ [(b)(4)]
 31 may petition the court to reconsider the order at any time after
 32 completing court ordered sex offender treatment. The court shall
 33 consider expert testimony concerning whether a child or person is
 34 likely to repeat an offense described in subsection (a) or an act that
 35 would be an offense described in subsection (a) if committed by an
 36 adult.

37 [SECTION 5. IC 11-8-8-7.5 IS ADDED TO THE INDIANA CODE
 38 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 39 1, 2026]: Sec. 7.5. (a) This section applies to a person required to
 40 register as a:

41 (1) sex offender under section 4.5(b)(2) of this chapter; or

42 (2) sex or violent offender under section 5(b)(2) of this

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

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

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

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

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

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

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

for the sex or violent offense requiring registration, whichever occurs last. The registration period is tolled during any period that the sex or violent offender is incarcerated. The registration period does not restart if the offender is convicted of a subsequent offense. However, if the subsequent offense is a sex or violent offense, or an offense under section 17 of this chapter, a new registration period may be imposed in accordance with this chapter. The department shall ensure that an offender who is no longer required to register as a sex or violent offender is notified that the obligation to register has expired, and shall ensure that the offender's information is no longer published to the public portal of the sex and violent offender registry website

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1 established under IC 36-2-13-5.5.

2 (b) A sex or violent offender who is a sexually violent predator is
3 required to register for life.

4 (c) A sex or violent offender who is convicted of at least one (1)
5 offense under section 5(a) of this chapter that the sex or violent
6 offender committed:

7 (1) when the person was at least eighteen (18) years of age; and

8 (2) against a victim who was less than twelve (12) years of age
9 at the time of the crime;

10 is required to register for life.

11 (d) A sex or violent offender who is convicted of at least one (1)
12 offense under section 5(a) of this chapter in which the sex offender:

13 (1) proximately caused serious bodily injury or death to the
14 victim;

15 (2) used force or the threat of force against the victim or a
16 member of the victim's family, unless the offense is sexual
17 battery as a Class D felony (for an offense committed before July
18 1, 2014) or a Level 6 felony (for a crime committed after June
19 30, 2014); or

20 (3) rendered the victim unconscious or otherwise incapable of
21 giving voluntary consent;

22 is required to register for life.

23 (e) A sex or violent offender who is convicted of at least two (2)
24 unrelated offenses under section 5(a) of this chapter is required to
25 register for life.

26 (f) A person who is required to register as a sex or violent offender
27 in any jurisdiction a:

28 (1) sex offender under section 4.5 of this chapter; or

29 (2) sex or violent offender under section 5 of this chapter;

30 shall register for the period required by the other another jurisdiction
31 or the period described in this section, whichever is longer.

32] SECTION ~~5~~[7]. IC 11-13-3-11, AS AMENDED BY
33 P.L.218-2025, SECTION 5, IS AMENDED TO READ AS FOLLOWS
34 [EFFECTIVE JULY 1, 2026]: Sec. 11. (a) As used in this section,
35 "Internet crime against a child" means a conviction for a violation of:

36 (1) ~~IC 35-42-4-4(b)~~ or ~~IC 35-42-4-4(c)~~ ~~<>~~ [] **IC 35-42-4-4** (child
37 exploitation);

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

41 or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37 (1) a sexually violent predator; or

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

41 to wear a monitoring device (as described in IC 35-38-2.5-3) that can
42 transmit information twenty-four (24) hours each day regarding a

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1 person's precise location, subject to a validated sex offender risk
2 assessment or appropriate violent offender risk assessment, and subject
3 to the amount appropriated to the department for a monitoring program
4 as a condition of lifetime parole.

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

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

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

13 SECTION ~~6~~ [8]. IC 22-5-5-1, AS AMENDED BY P.L.13-2016,
14 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2026]: Sec. 1. The employment contract of a person who:

- 16 (1) works with children; and
- 17 (2) is convicted of:
 - 18 (A) rape (IC 35-42-4-1), if the victim is less than eighteen
 - 19 (18) years of age;
 - 20 (B) criminal deviate conduct (IC 35-42-4-2) (repealed), if
 - 21 the victim is less than eighteen (18) years of age;
 - 22 (C) child molesting (IC 35-42-4-3);
 - 23 (D) child exploitation (~~IC 35-42-4-4(b) or IC 35-42-4-4(c)~~);
 - 24 **(IC 35-42-4-4);**
 - 25 (E) vicarious sexual gratification (IC 35-42-4-5);
 - 26 (F) child solicitation (IC 35-42-4-6);
 - 27 (G) child seduction (IC 35-42-4-7); or
 - 28 (H) incest (IC 35-46-1-3), if the victim is less than eighteen
 - 29 (18) years of age;

30 may be canceled by the person's employer.

31 SECTION ~~8~~ [9]. IC 31-9-2-133.1, AS AMENDED BY
32 P.L.172-2022, SECTION 4, IS AMENDED TO READ AS FOLLOWS
33 [EFFECTIVE JULY 1, 2026]: Sec. 133.1. "Victim of human or sexual
34 trafficking", for purposes of IC 31-34-1-3.5, refers to a child who is
35 recruited, harbored, transported, or engaged in:

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

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1 (7) trafficking for the purpose of prostitution, juvenile
 2 prostitution, or participation in sexual conduct as defined in
 3 IC 35-42-4-4(a); or
 4 (8) human trafficking as defined in IC 35-42-3.5-0.5.

5 SECTION ~~8~~[10]. IC 31-14-14-1, AS AMENDED BY
 6 P.L.223-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS
 7 [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) A noncustodial parent is
 8 entitled to reasonable parenting time rights unless the court finds, after
 9 a hearing, that parenting time might:
 10 (1) endanger the child's physical health and well-being; or
 11 (2) significantly impair the child's emotional development.

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

16 (c) In a hearing under subsection (a), there is a rebuttable
 17 presumption that 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 might endanger the child's physical health and well-being or
 22 significantly impair the child's emotional development.

23 (d) Except as provided in subsection (e), if a court grants parenting
 24 time rights to a person who has been 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 there is a rebuttable presumption that the parenting time with the child
 29 must be supervised.

30 (e) If a court grants parenting time rights to a person who has been
 31 convicted of:
 32 (1) child molesting (IC 35-42-4-3); or
 33 (2) child exploitation (~~IC 35-42-4-4(b) or IC 35-42-4-4(c)~~);
 34 **(IC 35-42-4-4)**;
 35 within the previous five (5) years, the court shall order that the
 36 parenting time with the child must be supervised.

37 (f) The court may permit counsel to be present at the interview. If
 38 counsel is present:
 39 (1) a record may be made of the interview; and
 40 (2) the interview may be made part of the record for purposes of
 41 appeal.

42 SECTION ~~9~~[11]. IC 31-17-4-1, AS AMENDED BY

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

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

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

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

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

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

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

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

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

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

31 SECTION 1 ~~<0>~~ [2]. IC 33-37-5-23, AS AMENDED BY
32 P.L.144-2018, SECTION 10, IS AMENDED TO READ AS
33 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 23. (a) This section
34 applies to criminal actions.

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

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

18 SECTION 1 ~~↔~~ [3]. IC 33-39-1-9, AS AMENDED BY
 19 P.L.13-2016, SECTION 10, IS AMENDED TO READ AS FOLLOWS
 20 [EFFECTIVE JULY 1, 2026]: Sec. 9. A prosecuting attorney who
 21 charges a person with committing any of the following shall inform the
 22 person's employer of the charge, unless the prosecuting attorney
 23 determines that the person charged does not work with children:

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

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

39 SECTION 1 ~~↔~~ [5]. IC 35-31.5-2-196, AS ADDED BY
 40 P.L.114-2012, SECTION 67, IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 196. (a) "Matter", for
 42 purposes of IC 35-42-4-4, has the meaning set forth in IC 35-42-4-4(a).

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

3 SECTION 1~~4~~[6]. IC 35-31.5-2-233, AS ADDED BY
4 P.L.114-2012, SECTION 67, IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 233. (a) "~~Performance~~";
6 for purposes of ~~IC 35-42-4-4~~, has the meaning set forth in
7 ~~IC 35-42-4-4(a)~~.

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

10 SECTION 1~~5~~[7]. IC 35-31.5-2-300, AS AMENDED BY
11 P.L.144-2018, SECTION 15, IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 300. (a) "Sexual
13 conduct", for purposes of IC 35-42-3.5-0.5 and IC 35-42-4-4, has the
14 meaning set forth in ~~IC 35-42-4-4(a)~~.<[**IC 35-42-4-4**.

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

17 SECTION 1~~6~~[8]. IC 35-36-10-1, AS ADDED BY
18 P.L.148-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS
19 [EFFECTIVE JULY 1, 2026]: Sec. 1. This chapter applies ~~only~~ in a
20 criminal **or civil** proceeding.

21 SECTION 1~~7~~[9]. IC 35-36-10-2, AS AMENDED BY
22 P.L.218-2025, SECTION 12, IS AMENDED TO READ AS
23 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. As used in this
24 chapter, "child sex abuse material" includes:

- 25 (1) material described in ~~IC 35-42-4-4(d)~~; <[**IC 35-42-4-4.5**;
26 and
27 (2) material defined in 18 U.S.C. 2256(8).

28 SECTION ~~18~~[20]. IC 35-36-10-3, AS AMENDED BY
29 P.L.218-2025, SECTION 13, IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. In any criminal
31 proceeding **or civil proceeding**, material constituting child sex abuse
32 material must remain in the custody of the state or the court.

33 SECTION ~~19~~[21]. IC 35-36-10-4, AS AMENDED BY
34 P.L.218-2025, SECTION 14, IS AMENDED TO READ AS
35 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. A court shall deny
36 any request by the defendant in a criminal proceeding, **or any party in**
37 **a civil proceeding**, to copy, photograph, duplicate, or otherwise
38 reproduce any material that constitutes child sex abuse material if the
39 state **(in a criminal proceeding)**, **or the court (in a civil proceeding)**,
40 provides ample opportunity for inspection, viewing, and examination
41 of the material by:

- 42 (1) the defendant **(in a criminal proceeding)**;

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

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

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

- 20 (b) A person who:
- 21 (1) being at least eighteen (18) years of age, commits an offense
- 22 described in:
 - 23 (A) IC 35-42-4-1;
 - 24 (B) IC 35-42-4-2 (before its repeal);
 - 25 (C) IC 35-42-4-3 as a Class A or Class B felony (for a crime
 - 26 committed before July 1, 2014) or a Level 1, Level 2, Level
 - 27 3, or Level 4 felony (for a crime committed after June 30,
 - 28 2014);
 - 29 (D) IC 35-42-4-5(a)(1);
 - 30 (E) IC 35-42-4-5(a)(2);
 - 31 (F) IC 35-42-4-5(a)(3) (before that provision was
 - 32 redesignated by P.L.158-2013, SECTION 441);
 - 33 (G) IC 35-42-4-5(b)(1) as a Class A or Class B felony (for
 - 34 a crime committed before July 1, 2014) or Level 2, Level 3,
 - 35 or Level 4 felony (for a crime committed after June 30,
 - 36 2014);
 - 37 (H) IC 35-42-4-5(b)(2); or
 - 38 (I) IC 35-42-4-5(b)(3) as a Class A or Class B felony (for a
 - 39 crime committed before July 1, 2014) or a Level 2, Level 3,
 - 40 or Level 4 felony (for a crime committed after June 30,
 - 41 2014);
 - 42 (2) commits a sex offense (as defined in IC 11-8-8-5.2) while

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

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- 1 (2) the court shall send notice to the department of correction.
2 (g) This subsection does not apply to a person who has two (2) or
3 more unrelated convictions for an offense described in IC 11-8-8-4.5
4 for which the person is required to register under IC 11-8-8. A person
5 who is a sexually violent predator may petition the court to consider
6 whether the person should no longer be considered a sexually violent
7 predator. The person may file a petition under this subsection not
8 earlier than ten (10) years after:
9 (1) the sentencing court or juvenile court makes its
10 determination under subsection (e); or
11 (2) the person is released from incarceration or secure detention.
12 A person may file a petition under this subsection not more than one
13 (1) time per year. A court may dismiss a petition filed under this
14 subsection or conduct a hearing to determine if the person should no
15 longer be considered a sexually violent predator. If the court conducts
16 a hearing, the court shall appoint two (2) psychologists or psychiatrists
17 who have expertise in criminal behavioral disorders to evaluate the
18 person and testify at the hearing. After conducting the hearing and
19 considering the testimony of the two (2) psychologists or psychiatrists,
20 the court shall determine whether the person should no longer be
21 considered a sexually violent predator under subsection (a). If a court
22 finds that the person should no longer be considered a sexually violent
23 predator, the court shall send notice to the department of correction that
24 the person is no longer considered a sexually violent predator or an
25 offender against children. Notwithstanding any other law, a condition
26 imposed on a person due to the person's status as a sexually violent
27 predator, including lifetime parole or GPS monitoring, does not apply
28 to a person no longer considered a sexually violent predator.
29 (h) A person is not a sexually violent predator by operation of law
30 under subsection (b)(1) if all of the following conditions are met:
31 (1) The victim was not less than twelve (12) years of age at the
32 time the offense was committed.
33 (2) The person is not more than four (4) years older than the
34 victim.
35 (3) The relationship between the person and the victim was a
36 dating relationship or an ongoing personal relationship. The term
37 "ongoing personal relationship" does not include a family
38 relationship.
39 (4) The offense committed by the person was not any of the
40 following:
41 (A) Rape (IC 35-42-4-1).
42 (B) Criminal deviate conduct (IC 35-42-4-2) (before its

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- 1 repeal).
- 2 (C) An offense committed by using or threatening the use
- 3 of deadly force or while armed with a deadly weapon.
- 4 (D) An offense that results in serious bodily injury.
- 5 (E) An offense that is facilitated by furnishing the victim,
- 6 without the victim's knowledge, with a drug (as defined in
- 7 IC 16-42-19-2(1)) or a controlled substance (as defined in
- 8 IC 35-48-1.1-7) or knowing that the victim was furnished
- 9 with the drug or controlled substance without the victim's
- 10 knowledge.
- 11 (5) The person has not committed another sex offense (as
- 12 defined in IC 11-8-8-5.2) (including a delinquent act that would
- 13 be a sex offense if committed by an adult) against any other
- 14 person.
- 15 (6) The person did not have a position of authority or substantial
- 16 influence over the victim.
- 17 (7) The court finds that the person should not be considered a
- 18 sexually violent predator.
- 19 SECTION 23]. IC 35-38-2-2.5, AS AMENDED BY P.L.13-2016,
- 20 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 21 JULY 1, 2026]: Sec. 2.5. (a) As used in this section, "offender" means
- 22 an individual convicted of a sex offense.
- 23 (b) As used in this section, "sex offense" **has the meaning set**
- 24 **forth in IC 11-8-8-5.2.** means any of the following:
- 25 (1) Rape (IC 35-42-4-1);
- 26 (2) Criminal deviate conduct (IC 35-42-4-2) (repealed);
- 27 (3) Child molesting (IC 35-42-4-3);
- 28 (4) Child exploitation (IC 35-42-4-4(b) or IC 35-42-4-4(c));
- 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) Sexual battery (IC 35-42-4-8);
- 33 (9) Sexual misconduct with a minor as a felony (IC 35-42-4-9);
- 34 (10) Incest (IC 35-46-1-3);
- 35 (c) A condition of remaining on probation or parole after
- 36 conviction for a sex offense is that the offender not reside within one
- 37 (1) mile of the residence of the victim of the offender's sex offense.
- 38 (d) An offender:
- 39 (1) who will be placed on probation shall provide the sentencing
- 40 court and the probation department with the address where the
- 41 offender intends to reside during the period of probation:
- 42 (A) at the time of sentencing if the offender will be placed

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1 on probation without first being incarcerated; or
 2 (B) before the offender's release from incarceration if the
 3 offender will be placed on probation after completing a term
 4 of incarceration; or
 5 (2) who will be placed on parole shall provide the parole board
 6 with the address where the offender intends to reside during the
 7 period of parole.
 8 (e) An offender, while on probation or parole, may not establish
 9 a new residence within one (1) mile of the residence of the victim of
 10 the offender's sex offense unless the offender first obtains a waiver
 11 from the:
 12 (1) court, if the offender is placed on probation; or
 13 (2) parole board, if the offender is placed on parole;
 14 for the change of address under subsection (f).
 15 (f) The court or parole board may waive the requirement set forth
 16 in subsection (c) only if the court or parole board, at a hearing at which
 17 the offender is present and of which the prosecuting attorney has been
 18 notified, determines that:
 19 (1) the offender has successfully completed a sex offender
 20 treatment program during the period of probation or parole;
 21 (2) the offender is in compliance with all terms of the offender's
 22 probation or parole; and
 23 (3) good cause exists to allow the offender to reside within one
 24 (1) mile of the residence of the victim of the offender's sex
 25 offense.
 26 However, the court or parole board may not grant a waiver under this
 27 subsection if the offender is a sexually violent predator under
 28 IC 35-38-1-7.5 or if the offender is an offender against children under
 29 IC 35-42-4-11.
 30 (g) If the court or parole board grants a waiver under subsection
 31 (f), the court or parole board shall state in writing the reasons for
 32 granting the waiver. The court's written statement of its reasons shall
 33 be incorporated into the record.
 34 (h) The address of the victim of the offender's sex offense is
 35 confidential even if the court or parole board grants a waiver under
 36 subsection (f).
 37 SECTION 2 ~~4~~ [4]. IC 35-42-3.5-1.2, AS AMENDED BY
 38 P.L.186-2025, SECTION 233, IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1.2. (a) A person who
 40 knowingly or intentionally recruits, entices, harbors, or transports a
 41 child less than eighteen (18) years of age with the intent of causing the
 42 child to engage in:

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

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1 would be a sex offense if committed by an adult, against any
2 other person.

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

7 SECTION 2 ~~↔~~ [5]. IC 35-42-4-4, AS AMENDED BY
8 P.L.218-2025, SECTION 17, IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) The following
10 definitions apply throughout this section:

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

13 (2) (1) "Image" means the following: any visual representation.

14 (A) A picture.

15 (B) A drawing.

16 (C) A photograph.

17 (D) A negative image.

18 (E) An undeveloped film.

19 (F) A motion picture.

20 (G) A videotape.

21 (H) A digitized image.

22 (I) A computer generated image.

23 (J) Any pictorial representation.

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

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

26 (5) (2) "Sexual conduct" means:

27 (A) sexual intercourse;

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

29 (C) exhibition of the:

30 (i) uncovered genitals; or

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

33 intended to satisfy or arouse the sexual desires of any
34 person;

35 (D) sadomasochistic abuse;

36 (E) sexual intercourse or other sexual conduct (as defined
37 in IC 35-31.5-2-221.5) with an animal; or

38 (F) any fondling or touching of a child by another person or
39 of another person by a child intended to arouse or satisfy the
40 sexual desires of either the child or the other person.

41 (b) A person who:

42 (1) knowingly or intentionally manages, produces, sponsors;

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1 presents; exhibits; photographs; films; videotapes; or creates a
 2 digitized image of any performance or incident that includes
 3 sexual conduct by a child under eighteen (18) years of age;
 4 (2) knowingly or intentionally disseminates; exhibits to another
 5 person; offers to disseminate or exhibit to another person; or
 6 sends or brings into Indiana for dissemination or exhibition
 7 matter that depicts or describes sexual conduct by a child under
 8 eighteen (18) years of age;
 9 (3) knowingly or intentionally makes available to another person
 10 a computer; knowing that the computer's fixed drive or
 11 peripheral device contains matter that depicts or describes sexual
 12 conduct by a child less than eighteen (18) years of age;
 13 (4) with the intent to satisfy or arouse the sexual desires of any
 14 person:

15 (A) knowingly or intentionally:

- 16 (i) manages;
- 17 (ii) produces;
- 18 (iii) sponsors;
- 19 (iv) presents;
- 20 (v) exhibits;
- 21 (vi) photographs;
- 22 (vii) films;
- 23 (viii) videotapes; or
- 24 (ix) creates a digitized image of;

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

30 (B) knowingly or intentionally:

- 31 (i) disseminates to another person;
- 32 (ii) exhibits to another person;
- 33 (iii) offers to disseminate or exhibit to another person;
- 34 or
- 35 (iv) sends or brings into Indiana for dissemination or
 36 exhibition;

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

42 (C) makes available to another person a computer; knowing

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- 1 that the computer's fixed drive or peripheral device contains
 2 matter that depicts the uncovered genitals of a child less
 3 than eighteen (18) years of age or the exhibition of the
 4 female breast with less than a fully opaque covering of any
 5 part of the nipple by a child less than eighteen (18) years of
 6 age; or
 7 (5) knowingly or intentionally produces, disseminates, or
 8 possesses with intent to disseminate an image that depicts or
 9 describes sexual conduct:
 10 (A) by a child who the person knows is less than eighteen
 11 (18) years of age;
 12 (B) by a child less than eighteen (18) years of age; or by a
 13 person who appears to be a child less than eighteen (18)
 14 years of age, if the image is obscene (as described in
 15 IC 35-49-2-1); or
 16 (C) that is simulated sexual conduct involving a
 17 representation that appears to be a child less than eighteen
 18 (18) years of age, if the representation of the image is
 19 obscene (as described in IC 35-49-2-1);
 20 (1) induces, causes, or coerces a child less than eighteen (18)
 21 years of age to engage in sexual conduct with the intent to
 22 produce or transmit an image of the sexual conduct;
 23 (2) induces, causes, or coerces a child less than eighteen (18)
 24 years of age to assist another person in engaging in sexual
 25 conduct, with the intent of aiding any person in the
 26 production or transmission of an image of the sexual
 27 conduct;
 28 (3) being the parent, guardian, or custodian of a child less
 29 than eighteen (18) years of age, permits the child to:
 30 (A) engage in sexual conduct; or
 31 (B) assist another person in engaging in sexual conduct;
 32 with the intent to aid another person in the production or
 33 transmission of an image of the sexual conduct;
 34 (4) solicits a child less than eighteen (18) years of age, or who
 35 the person believes to be a child less than eighteen (18) years
 36 of age, to:
 37 (A) engage in sexual conduct; or
 38 (B) assist another person in engaging in sexual conduct;
 39 with the intent to produce or transmit an image of the sexual
 40 conduct; or
 41 (5) produces or creates an image containing sexual conduct
 42 by a child less than eighteen (18) years of age, or who

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1 **appears to be a child less than eighteen (18) years of age;**
2 **commits child exploitation, a Level 5 felony; Level 4 felony, except as**
3 **otherwise provided in this section. It is not a required element of an**
4 **offense under subdivision (5)(C) that the child depicted actually exists.**

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

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

- 9 (A) engages in bestiality (as described in IC 35-46-3-14);
- 10 (B) is mentally disabled or deficient;
- 11 (C) participates in the sexual conduct, matter, performance,
- 12 or incident by use of force or the threat of force;
- 13 (D) physically or verbally resists participating in the sexual
- 14 conduct, matter, performance, or incident;
- 15 (E) receives a bodily injury while participating in the sexual
- 16 conduct, matter, performance, or incident; or
- 17 (F) is less than twelve (12) years of age; or

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

- 19 (A) engages in bestiality (as described in IC 35-46-3-14);
- 20 (B) is mentally disabled or deficient;
- 21 (C) participates in the sexual conduct, matter, performance,
- 22 or incident by use of force or the threat of force;
- 23 (D) physically or verbally resists participating in the sexual
- 24 conduct, matter, performance, or incident;
- 25 (E) receives a bodily injury while participating in the sexual
- 26 conduct, matter, performance, or incident; or
- 27 (F) is less than twelve (12) years of age.

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

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

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

- 33 (A) bestiality (as described in IC 35-46-3-14);
- 34 (B) a child less than twelve (12) years of age, or who
- 35 appears to be a child less than twelve (12) years of age;
- 36 (C) violence or a depiction of violence against a child,
- 37 including sado-masochistic abuse (as defined in
- 38 IC 35-49-1-8);
- 39 (D) child molesting;
- 40 (E) pecuniary gain by the person; or
- 41 (F) distributing the visual depiction to a child less than
- 42 eighteen (18) years of age with the intent of inducing,

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1 causing, or coercing the child to commit a criminal
2 offense.

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

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

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

10 (2) by a child less than eighteen (18) years of age; or by a person
11 who 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); or

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

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

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

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

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

28 (B) is mentally disabled or deficient;

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

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

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

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

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

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

38 (B) is mentally disabled or deficient;

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

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

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1 (E) receives a bodily injury while participating in the sexual
2 conduct, matter, performance, or incident; or
3 (F) is less than twelve (12) years of age.

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

10 (g) (f) It is a defense to a prosecution under this section that:
11 (1) the person is a school employee, a department of child
12 services employee, or an attorney acting in the attorney's
13 capacity as legal counsel for a client; and
14 (2) the acts constituting the elements of the offense were
15 performed solely within the scope of the person's employment as
16 a school employee, a department of child services employee, or
17 an attorney acting in the attorney's capacity as legal counsel for
18 a client.

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

- 22 (1) A cellular telephone, another wireless or cellular
23 communications device, or a social networking website was used
24 to possess, produce, or ~~disseminate~~ **distribute** the image.
- 25 (2) The defendant is not more than four (4) years older or
26 younger than the person who is depicted in the image or who
27 received the image.
- 28 (3) The relationship between the defendant and the person who
29 received the image or who is depicted in the image was a dating
30 relationship or an ongoing personal relationship. For purposes of
31 this subdivision, the term "ongoing personal relationship" does
32 not include a family relationship.
- 33 (4) The crime was committed by a person less than twenty-two
34 (22) years of age.
- 35 (5) The person receiving the image or who is depicted in the
36 image acquiesced in the defendant's conduct.

37 (i) (h) The defense to a prosecution described in subsection (h) (g)
38 does not apply if:

- 39 (1) the person who receives the image ~~disseminates~~ **distributes**
40 it to a person other than the person:
41 (A) who sent the image; or
42 (B) who is depicted in the image;

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

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- 1 (v) organized group or community, including an
- 2 Alaska Native village or regional or village corporation
- 3 as defined in or established under the Alaska Native
- 4 Claims Settlement Act (43 U.S.C. 1601 et seq.);
- 5 that is recognized as eligible for the special programs and
- 6 services provided by the United States to Indians because of
- 7 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) (i) 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) through
- 14 IC 35-45-4-6(a)(4) apply.

15 (k) (j) A person is entitled to present the defense described in

16 subsection (j) (i) in a pretrial hearing. If a person proves by a

17 preponderance of the evidence in a pretrial hearing that the defense

18 described in subsection (j) (i) applies, the court shall dismiss the

19 charges under this section with prejudice.

20 SECTION 2-3-6. IC 35-42-4-4.5 IS ADDED TO THE

21 INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS

22 [EFFECTIVE JULY 1, 2026]: **Sec. 4.5. (a) The following definitions**

23 **apply throughout this section:**

24 (1) "Image" has the meaning set forth in section 4 of this

25 chapter.

26 (2) "Sexual conduct" has the meaning set forth in section 4

27 of this chapter.

28 (b) A person who, with intent to view the image, knowingly or

29 intentionally possesses or accesses an image that depicts or

30 describes sexual conduct:

31 (1) by a child who the person knows is less than eighteen (18)

32 years of age;

33 (2) by a child less than eighteen (18) years of age, or by a

34 person who appears to be a child less than eighteen (18)

35 years of age, if the representation of the image is obscene (as

36 described in IC 35-49-2-1); or

37 (3) that is simulated sexual conduct involving a

38 representation that appears to be a child less than eighteen

39 (18) years of age, if the representation of the image is

40 obscene (as described in IC 35-49-2-1);

41 commits possession of child sex abuse material, a Level 6 felony,

42 except as otherwise provided in this section. It is not a required

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1 element of an offense under subdivision (3) that the child depicted
2 actually exists.

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

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

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

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

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

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

14 (D) child molesting.

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

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

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

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

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

31 (e) The offense described in subsection (d) is a Level 3 felony
32 if:

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

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

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

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

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

42 (D) child molesting;

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

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

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

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

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

- (1) A cellular telephone, another wireless or cellular communications device, or a social networking website was used to possess, produce, or distribute the image.
- (2) The defendant is not more than four (4) years older or younger than the person who is depicted in the image or who received the image.
- (3) The relationship between the defendant and the person who received the image or who is depicted in the image was a dating relationship or an ongoing personal relationship. For purposes of this subdivision, the term "ongoing personal relationship" does not include a family relationship.
- (4) The crime was committed by a person less than twenty-two (22) years of age.
- (5) The person receiving the image or who is depicted in the image acquiesced in the defendant's conduct.

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

- (1) the person who receives the image distributes it to a person other than the person:
 - (A) who sent the image; or

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- (B) who is depicted in the image;
- (2) the image is of a person other than the person who sent the image or received the image; or
- (3) the distribution of the image violates:
 - (A) a protective order to prevent domestic or family violence or harassment issued under IC 34-26-5 (or, if the order involved a family or household member, under IC 34-26-2 or IC 34-4-5.1-5 before their repeal);
 - (B) an ex parte protective order issued under IC 34-26-5 (or, if the order involved a family or household member, an emergency order issued under IC 34-26-2 or IC 34-4-5.1 before their repeal);
 - (C) a workplace violence restraining order issued under IC 34-26-6;
 - (D) a no contact order in a dispositional decree issued under IC 31-34-20-1, IC 31-37-19-1, or IC 31-37-19-6 (or IC 31-6-4-15.4 or IC 31-6-4-15.9 before their repeal) or an order issued under IC 31-32-13 (or IC 31-6-7-14 before its repeal) that orders the person to refrain from direct or indirect contact with a child in need of services or a delinquent child;
 - (E) a no contact order issued as a condition of pretrial release, including release on bail or personal recognizance, or pretrial diversion, and including a no contact order issued under IC 35-33-8-3.6;
 - (F) a no contact order issued as a condition of probation;
 - (G) a protective order to prevent domestic or family violence issued under IC 31-15-5 (or IC 31-16-5 or IC 31-1-11.5-8.2 before their repeal);
 - (H) a protective order to prevent domestic or family violence issued under IC 31-14-16-1 in a paternity action;
 - (I) a no contact order issued under IC 31-34-25 in a child in need of services proceeding or under IC 31-37-25 in a juvenile delinquency proceeding;
 - (J) an order issued in another state that is substantially similar to an order described in clauses (A) through (I);
 - (K) an order that is substantially similar to an order described in clauses (A) through (I) and is issued by an Indian:
 - (i) tribe;

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

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

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

19 (k) A person is entitled to present the defense described in

20 subsection (j) in a pretrial hearing. If a person proves by a

21 preponderance of the evidence in a pretrial hearing that the

22 defense described in subsection (j) applies, the court shall dismiss

23 the charges under this section with prejudice.

24 (l) It is a defense to a prosecution under this section that the

25 person:

- 26 (1) possessed less than three (3) images prohibited by this
- 27 section; and
- 28 (2) promptly and in good faith, and without retaining or
- 29 allowing any person, other than a law enforcement agency,
- 30 to access a prohibited image or a copy of a prohibited image:
- 31 (A) took reasonable steps to destroy each prohibited
- 32 image; or
- 33 (B) reported the matter to a law enforcement agency
- 34 and afforded that agency access to each prohibited
- 35 image.

36 SECTION 2 ~~4~~ [7]. IC 35-42-4-11, AS AMENDED BY

37 P.L.142-2020, SECTION 66, IS AMENDED TO READ AS

38 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11. (a) As used in this

39 section, and except as provided in subsection (d), "offender against

40 children" means a person required to register as a sex or violent

41 offender under IC 11-8-8 who has been:

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

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

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

12 SECTION 2 ~~↔~~ [8]. IC 35-42-4-14, AS AMENDED BY
 13 P.L.218-2025, SECTION 18, IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 14. (a) As used in this
 15 section, "serious sex offender" means a person required to register as
 16 a sex offender under IC 11-8-8 who is:

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

18 or

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

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

21 (B) Child exploitation (~~IC 35-42-4-4~~ [IC 35-42-4-4](#) (b) or
 22 ~~IC 35-42-4-4(c)~~: **(IC 35-42-4-4)**).

23 (C) Possession of child sex abuse material (IC 35-42-4-4(d)
 24 or IC 35-42-4-4(e)) **(before July 1, 2026), or a child sex**
 25 **abuse material offense under IC 35-42-4-4.5 (after June**
 26 **30, 2026)**.

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

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

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

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

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

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

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

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

40 (2) the person:

41 (A) enters the school property or other entity described in
 42 IC 35-31.5-2-285(1)(A) through IC 35-31.5-2-285(1)(D)

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

11 SECTION 2-6-19. IC 35-49-3-3, AS AMENDED BY
 12 P.L.218-2025, SECTION 22, IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) Except as
 14 provided in subsection (b) and section 4 of this chapter, a person who
 15 knowingly or intentionally:

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

38 commits a Level 6 felony.

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

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

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- 1 (2) the matter is child sex abuse material under ~~IC 35-42-4-4~~;
- 2 ~~>~~ **IC 35-42-4-4.5**; or
- 3 (3) the person distributes the matter to a child less than eighteen
- 4 (18) years of age believing or intending that the recipient is a
- 5 child less than eighteen (18) years of age.
- 6 SECTION ~~<27>~~ **[30]**. IC 35-50-1-2, AS AMENDED BY
- 7 P.L.218-2025, SECTION 23, IS AMENDED TO READ AS
- 8 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) As used in this
- 9 section, "crime of violence" means the following:
- 10 (1) Murder (IC 35-42-1-1).
- 11 (2) Attempted murder (IC 35-41-5-1).
- 12 (3) Voluntary manslaughter (IC 35-42-1-3).
- 13 (4) Involuntary manslaughter (IC 35-42-1-4).
- 14 (5) Reckless homicide (IC 35-42-1-5).
- 15 (6) Battery (IC 35-42-2-1) as a:
- 16 (A) Level 2 felony;
- 17 (B) Level 3 felony;
- 18 (C) Level 4 felony; or
- 19 (D) Level 5 felony.
- 20 (7) Domestic battery (IC 35-42-2-1.3) as a:
- 21 (A) Level 2 felony;
- 22 (B) Level 3 felony;
- 23 (C) Level 4 felony; or
- 24 (D) Level 5 felony.
- 25 (8) Aggravated battery (IC 35-42-2-1.5).
- 26 (9) Kidnapping (IC 35-42-3-2).
- 27 (10) Rape (IC 35-42-4-1).
- 28 (11) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
- 29 (12) Child molesting (IC 35-42-4-3).
- 30 (13) Sexual misconduct with a minor as a Level 1 felony under
- 31 IC 35-42-4-9(a)(2) or a Level 2 felony under IC 35-42-4-9(b)(2).
- 32 (14) Robbery as a Level 2 felony or a Level 3 felony
- 33 (IC 35-42-5-1).
- 34 (15) Burglary as a Level 1 felony, Level 2 felony, Level 3 felony,
- 35 or Level 4 felony (IC 35-43-2-1).
- 36 (16) Operating a vehicle while intoxicated causing death or
- 37 catastrophic injury (IC 9-30-5-5).
- 38 (17) Operating a vehicle while intoxicated causing serious bodily
- 39 injury to another person (IC 9-30-5-4).
- 40 (18) Child exploitation (~~IC 35-42-4-4~~), as a Level 5 felony under
- 41 ~~IC 35-42-4-4(b)~~ or a Level 4 felony under ~~IC 35-42-4-4(c)~~.
- 42 (19) Resisting law enforcement as a felony (IC 35-44.1-3-1).

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1 (20) Unlawful possession of a firearm by a serious violent felon
 2 (IC 35-47-4-5).
 3 (21) Strangulation (IC 35-42-2-9) as a Level 5 felony.
 4 **(22) A child sexual abuse material offense (IC 35-42-4-4.5).**
 5 (b) As used in this section, "episode of criminal conduct" means
 6 offenses or a connected series of offenses that are closely related in
 7 time, place, and circumstance.
 8 (c) Except as provided in subsection (e) or (f) the court shall
 9 determine whether terms of imprisonment shall be served concurrently
 10 or consecutively. The court may consider the:
 11 (1) aggravating circumstances in IC 35-38-1-7.1(a); and
 12 (2) mitigating circumstances in IC 35-38-1-7.1(b);
 13 in making a determination under this subsection. The court may order
 14 terms of imprisonment to be served consecutively even if the sentences
 15 are not imposed at the same time. However, except for crimes of
 16 violence, the total of the consecutive terms of imprisonment, exclusive
 17 of terms of imprisonment under IC 35-50-2-8 and IC 35-50-2-10
 18 (before its repeal) to which the defendant is sentenced for felony or
 19 misdemeanor convictions arising out of an episode of criminal conduct
 20 shall not exceed the period described in subsection (d).
 21 (d) Except as provided in subsection (c), the total of the
 22 consecutive terms of imprisonment to which the defendant is sentenced
 23 for convictions arising out of an episode of criminal conduct may not
 24 exceed the following:
 25 (1) If the most serious crime for which the defendant is
 26 sentenced is a Class C misdemeanor, the total of the consecutive
 27 terms of imprisonment may not exceed one (1) year.
 28 (2) If the most serious crime for which the defendant is
 29 sentenced is a Class B misdemeanor, the total of the consecutive
 30 terms of imprisonment may not exceed two (2) years.
 31 (3) If the most serious crime for which the defendant is
 32 sentenced is a Class A misdemeanor, the total of the consecutive
 33 terms of imprisonment may not exceed three (3) years.
 34 (4) If the most serious crime for which the defendant is
 35 sentenced is a Level 6 felony, the total of the consecutive terms
 36 of imprisonment may not exceed four (4) years.
 37 (5) If the most serious crime for which the defendant is
 38 sentenced is a Level 5 felony, the total of the consecutive terms
 39 of imprisonment may not exceed seven (7) years.
 40 (6) If the most serious crime for which the defendant is
 41 sentenced is a Level 4 felony, the total of the consecutive terms
 42 of imprisonment may not exceed fifteen (15) years.

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

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1 conviction of a Class D felony (for a crime committed before July 1,
2 2014) or a Level 6 felony (for a crime committed after June 30, 2014)
3 if:

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

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

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

- 26 (1) The person is not a sex or violent offender (as defined in
- 27 IC 11-8-8-5).
- 28 (2) The person was not convicted of a Class D felony (for a
- 29 crime committed before July 1, 2014) or a Level 6 felony (for a
- 30 crime committed after June 30, 2014) that resulted in bodily
- 31 injury to another person.
- 32 (3) The person has not been convicted of perjury under
- 33 IC 35-44.1-2-1 (or IC 35-44-2-1 before its repeal) or official
- 34 misconduct under IC 35-44.1-1-1 (or IC 35-44-1-2 before its
- 35 repeal).
- 36 (4) The person has not been convicted of domestic battery as a
- 37 Class D felony (for a crime committed before July 1, 2014) or a
- 38 Level 6 felony (for a crime committed after June 30, 2014) under
- 39 IC 35-42-2-1.3 in the fifteen (15) year period immediately
- 40 preceding the commission of the current offense.
- 41 (5) At least three (3) years have passed since the 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 (6) The person has not been convicted of a felony since the
 5 person:
 6 (A) completed the person's sentence; and
 7 (B) satisfied any other obligation imposed on the person as
 8 part of the sentence;
 9 for the Class D or Level 6 felony.
 10 (7) No criminal charges are pending against the person.
 11 (e) A petition filed under subsection (d) or (f) must be verified and
 12 set forth:
 13 (1) the crime the person has been convicted of;
 14 (2) the date of the conviction;
 15 (3) the date the person completed the person's sentence;
 16 (4) any obligations imposed on the person as part of the
 17 sentence;
 18 (5) the date the obligations were satisfied; and
 19 (6) a verified statement that there are no criminal charges
 20 pending against the person.
 21 (f) If a person whose Class D or Level 6 felony conviction has
 22 been converted to a Class A misdemeanor conviction under subsection
 23 (d) is convicted of a felony not later than five (5) years after the
 24 conversion under subsection (d), a prosecuting attorney may petition
 25 a court to convert the person's Class A misdemeanor conviction back
 26 to a Class D felony conviction (for a crime committed before July 1,
 27 2014) or a Level 6 felony conviction (for a crime committed after June
 28 30, 2014).
 29 SECTION ~~29~~ [32]. IC 35-50-6-3.3, AS AMENDED BY THE
 30 TECHNICAL CORRECTIONS BILL OF THE 2026 GENERAL
 31 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2026]: Sec. 3.3. (a) In addition to any educational credit a
 33 person earns under subsection (b), or good time credit a person earns
 34 under section 3 or 3.1 of this chapter, a person earns educational credit
 35 if the person:
 36 (1) is in credit Class I, Class A, or Class B;
 37 (2) has demonstrated a pattern consistent with rehabilitation; and
 38 (3) successfully completes requirements to obtain one (1) of the
 39 following:
 40 (A) A general educational development (GED) diploma
 41 under IC 20-20-6 (before its repeal) or IC 22-4.1-18, if the
 42 person has not previously obtained a high school diploma.

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

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

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1 person by the sentencing court after subtracting all other credit time
2 earned by the person.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

41 (1) two (2) years; or

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

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

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

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

10 (l) A person may earn educational credit for multiple degrees at
 11 the same education level under subsection (d) only in accordance with
 12 guidelines approved by the department of correction. The department
 13 of correction may approve guidelines for proper sequence of education
 14 degrees under subsection (d).

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

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

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

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

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

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

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

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

39 ~~(1) The ratio of case management staff to offenders participating~~
 40 ~~in the individualized case management plan as of January 1,~~
 41 ~~2023.~~

42 ~~(2) The average number of days awarded to offenders~~

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1 participating in the individualized case management plan from
2 January 1, 2022, through December 31, 2022.
3 (3) The percentage of the prison population currently
4 participating in an individualized case management plan as of
5 January 1, 2023.
6 (4) Any other data points or information related to the status of
7 the implementation of the individualized case management plan.
8 This subsection expires June 30, 2023.

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