
HOUSE BILL No. 1303

AM130308 has been incorporated into January 21, 2026 printing.

Synopsis: Child sexual abuse material crimes.

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

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

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

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

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HOUSE BILL No. 1303

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

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

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

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

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

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

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- 1 (9) Incest (IC 35-46-1-3).
 2 (10) Sexual battery (IC 35-42-4-8).
 3 (11) Kidnapping (IC 35-42-3-2), if the victim is less than
 4 eighteen (18) years of age, and the person who kidnapped the
 5 victim is not the victim's parent or guardian.
 6 (12) Criminal confinement (IC 35-42-3-3), if the victim is less
 7 than eighteen (18) years of age, and the person who confined or
 8 removed the victim is not the victim's parent or guardian.
 9 (13) Possession of child sex abuse material (IC 35-42-4-4(d) or
 10 IC 35-42-4-4(e)) **(before July 1, 2026), or a child sex abuse**
 11 **material offense under IC 35-42-4-4.5 (after June 30, 2026).**
 12 (14) Promoting prostitution (IC 35-45-4-4) as a Class B felony
 13 (for a crime committed before July 1, 2014) or a Level 4 felony
 14 (for a crime committed after June 30, 2014).
 15 (15) Promotion of human sexual trafficking under
 16 IC 35-42-3.5-1.1.
 17 (16) Promotion of child sexual trafficking under
 18 IC 35-42-3.5-1.2(a).
 19 (17) Promotion of sexual trafficking of a younger child
 20 (IC 35-42-3.5-1.2(c)).
 21 (18) Child sexual trafficking (IC 35-42-3.5-1.3).
 22 (19) Human trafficking under IC 35-42-3.5-1.4 if the victim is
 23 less than eighteen (18) years of age.
 24 (20) Sexual misconduct by a service provider with a detained or
 25 supervised child (IC 35-44.1-3-10(c)).
 26 (b) The term includes:
 27 (1) a person who is required to register as a sex offender in any
 28 jurisdiction; and
 29 (2) a child who has committed a delinquent act, or a person
 30 prosecuted under IC 31-30-1-4(d) for an offense described in
 31 subsection (a) committed when the person was less than eighteen
 32 (18) years of age, but who was at least twenty-one (21) years of
 33 age when the charge was filed, and who:
 34 (A) is at least fourteen (14) years of age;
 35 (B) is on probation, is on parole, is discharged from a
 36 facility by the department of correction, is discharged from
 37 a secure private facility (as defined in IC 31-9-2-115), or is
 38 discharged from a juvenile detention facility as a result of
 39 an adjudication as a delinquent child for an act that would
 40 be an offense described in subsection (a) if committed by an
 41 adult; and
 42 (C) is found by a court by clear and convincing evidence to

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1 be likely to repeat an act that would be an offense described
2 in subsection (a) if committed by an adult.

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

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

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

- 18 (1) Rape (IC 35-42-4-1).
19 (2) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
20 (3) Child molesting (IC 35-42-4-3).
21 (4) Child exploitation (~~IC 35-42-4-4(b) or IC 35-42-4-4(c)~~).
22 **(IC 35-42-4-4).**
23 (5) Vicarious sexual gratification (including performing sexual
24 conduct in the presence of a minor) (IC 35-42-4-5).
25 (6) Child solicitation (IC 35-42-4-6).
26 (7) Child seduction (IC 35-42-4-7).
27 (8) Sexual misconduct with a minor (IC 35-42-4-9) as a Class A,
28 Class B, or Class C felony (for a crime committed before July 1,
29 2014) or a Level 1, Level 2, Level 4, or Level 5 felony (for a
30 crime committed after June 30, 2014), unless:
31 (A) the person is convicted of sexual misconduct with a
32 minor as a Class C felony (for a crime committed before
33 July 1, 2014) or a Level 5 felony (for a crime committed
34 after June 30, 2014);
35 (B) the person is not more than:
36 (i) four (4) years older than the victim if the offense
37 was committed after June 30, 2007; or
38 (ii) five (5) years older than the victim if the offense
39 was committed before July 1, 2007; and
40 (C) the sentencing court finds that the person should not be
41 required to register as a sex offender.
42 (9) Incest (IC 35-46-1-3).

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- 1 (10) Sexual battery (IC 35-42-4-8).
 2 (11) Kidnapping (IC 35-42-3-2), if the victim is less than
 3 eighteen (18) years of age, and the person who kidnapped the
 4 victim is not the victim's parent or guardian.
 5 (12) Criminal confinement (IC 35-42-3-3), if the victim is less
 6 than eighteen (18) years of age, and the person who confined or
 7 removed the victim is not the victim's parent or guardian.
 8 (13) Possession of child sex abuse material (IC 35-42-4-4(d) or
 9 IC 35-42-4-4(e)) **(before July 1, 2026), or a child sex abuse**
 10 **material offense under IC 35-42-4-4.5 (after June 30, 2026).**
 11 (14) Promoting prostitution (IC 35-45-4-4) as a Class B felony
 12 (for a crime committed before July 1, 2014) or a Level 4 felony
 13 (for a crime committed after June 30, 2014).
 14 (15) Promotion of human sexual trafficking under
 15 IC 35-42-3.5-1.1.
 16 (16) Promotion of child sexual trafficking under
 17 IC 35-42-3.5-1.2(a).
 18 (17) Promotion of sexual trafficking of a younger child
 19 (IC 35-42-3.5-1.2(c)).
 20 (18) Child sexual trafficking (IC 35-42-3.5-1.3).
 21 (19) Human trafficking under IC 35-42-3.5-1.4 if the victim is
 22 less than eighteen (18) years of age.
 23 (20) Murder (IC 35-42-1-1).
 24 (21) Voluntary manslaughter (IC 35-42-1-3).
 25 (22) Sexual misconduct by a service provider with a detained or
 26 supervised child (IC 35-44.1-3-10(c)).
 27 (b) The term includes:
 28 (1) a person who is required to register as a sex or violent
 29 offender in any jurisdiction; and
 30 (2) a child who has committed a delinquent act, or a person
 31 prosecuted under IC 31-30-1-4(d) for an offense described in
 32 subsection (a) committed when the person was less than eighteen
 33 (18) years of age, but who was at least twenty-one (21) years of
 34 age when the charge was filed, and who:
 35 (A) is at least fourteen (14) years of age;
 36 (B) is on probation, is on parole, is discharged from a
 37 facility by the department of correction, is discharged from
 38 a secure private facility (as defined in IC 31-9-2-115), or is
 39 discharged from a juvenile detention facility as a result of
 40 an adjudication as a delinquent child for an act that would
 41 be an offense described in subsection (a) if committed by an
 42 adult; and

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

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

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

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

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

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

23 or

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

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

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

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

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

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

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

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

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

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

12 may be canceled by the person's employer.

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

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

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

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

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1 (2) child exploitation (~~IC 35-42-4-4(b) or IC 35-42-4-4(c)~~);
 2 **(IC 35-42-4-4)**;
 3 might endanger the child's physical health and well-being or
 4 significantly impair the child's emotional development.
 5 (d) Except as provided in subsection (e), if a court grants parenting
 6 time rights to a person who has been convicted of:
 7 (1) child molesting (IC 35-42-4-3); or
 8 (2) child exploitation (~~IC 35-42-4-4(b) or IC 35-42-4-4(c)~~);
 9 **(IC 35-42-4-4)**;
 10 there is a rebuttable presumption that the parenting time with the child
 11 must be supervised.
 12 (e) If a court grants parenting time rights to a person who has been
 13 convicted of:
 14 (1) child molesting (IC 35-42-4-3); or
 15 (2) child exploitation (~~IC 35-42-4-4(b) or IC 35-42-4-4(c)~~);
 16 **(IC 35-42-4-4)**;
 17 within the previous five (5) years, the court shall order that the
 18 parenting time with the child must be supervised.
 19 (f) The court may permit counsel to be present at the interview. If
 20 counsel is present:
 21 (1) a record may be made of the interview; and
 22 (2) the interview may be made part of the record for purposes of
 23 appeal.
 24 SECTION 9. IC 31-17-4-1, AS AMENDED BY P.L.146-2021,
 25 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2026]: Sec. 1. (a) Subject to subsections (d) and (e) and
 27 subject to section 1.1 of this chapter, a parent not granted custody of
 28 the child is entitled to reasonable parenting time rights unless the court
 29 finds, after a hearing, that parenting time by the noncustodial parent
 30 might endanger the child's physical health or significantly impair the
 31 child's emotional development.
 32 (b) The court may interview the child in chambers to assist the
 33 court in determining the child's perception of whether parenting time
 34 by the noncustodial parent might endanger the child's physical health
 35 or significantly impair the child's emotional development.
 36 (c) The court may permit counsel to be present at the interview. If
 37 counsel is present:
 38 (1) a record may be made of the interview; and
 39 (2) the interview may be made part of the record for purposes of
 40 appeal.
 41 (d) Except as provided in subsection (e), if a court grants parenting
 42 time rights to a person who has been convicted of:

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

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

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

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

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

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

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

- 20 (1) Rape (IC 35-42-4-1).
- 21 (2) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
- 22 (3) Child molesting (IC 35-42-4-3).
- 23 (4) Child exploitation (~~IC 35-42-4-4(b) or IC 35-42-4-4(c)~~);
- 24 **(IC 35-42-4-4).**
- 25 (5) Vicarious sexual gratification (IC 35-42-4-5).
- 26 (6) Child solicitation (IC 35-42-4-6).
- 27 (7) Child seduction (IC 35-42-4-7).
- 28 (8) Sexual battery (IC 35-42-4-8).
- 29 (9) Sexual misconduct with a minor as a Class A or Class B
30 felony (for a crime committed before July 1, 2014) or a Level 1
31 felony or Level 4 felony (for a crime committed after June 30,
32 2014) (IC 35-42-4-9).
- 33 (10) Incest (IC 35-46-1-3).
- 34 (11) Promotion of human labor trafficking (IC 35-42-3.5-1).
- 35 (12) Promotion of human sexual trafficking (IC 35-42-3.5-1.1).
- 36 (13) Promotion of child sexual trafficking (IC 35-42-3.5-1.2(a)).
- 37 (14) Promotion of sexual trafficking of a younger child
38 (IC 35-42-3.5-1.2(c)).
- 39 (15) Child sexual trafficking (IC 35-42-3.5-1.3).
- 40 (16) Human trafficking (IC 35-42-3.5-1.4).

41 SECTION 11. IC 33-39-1-9, AS AMENDED BY P.L.13-2016,
42 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JULY 1, 2026]: Sec. 9. A prosecuting attorney who charges a person
 2 with committing any of the following shall inform the person's
 3 employer of the charge, unless the prosecuting attorney determines that
 4 the person charged does not work with children:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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- 1 ~~(7) Child seduction (IC 35-42-4-7);~~
 2 ~~(8) Sexual battery (IC 35-42-4-8);~~
 3 ~~(9) Sexual misconduct with a minor as a felony (IC 35-42-4-9);~~
 4 ~~(10) Incest (IC 35-46-1-3);~~
 5 (c) A condition of remaining on probation or parole after
 6 conviction for a sex offense is that the offender not reside within one
 7 (1) mile of the residence of the victim of the offender's sex offense.
 8 (d) An offender:
 9 (1) who will be placed on probation shall provide the sentencing
 10 court and the probation department with the address where the
 11 offender intends to reside during the period of probation:
 12 (A) at the time of sentencing if the offender will be placed
 13 on probation without first being incarcerated; or
 14 (B) before the offender's release from incarceration if the
 15 offender will be placed on probation after completing a term
 16 of incarceration; or
 17 (2) who will be placed on parole shall provide the parole board
 18 with the address where the offender intends to reside during the
 19 period of parole.
 20 (e) An offender, while on probation or parole, may not establish
 21 a new residence within one (1) mile of the residence of the victim of
 22 the offender's sex offense unless the offender first obtains a waiver
 23 from the:
 24 (1) court, if the offender is placed on probation; or
 25 (2) parole board, if the offender is placed on parole;
 26 for the change of address under subsection (f).
 27 (f) The court or parole board may waive the requirement set forth
 28 in subsection (c) only if the court or parole board, at a hearing at which
 29 the offender is present and of which the prosecuting attorney has been
 30 notified, determines that:
 31 (1) the offender has successfully completed a sex offender
 32 treatment program during the period of probation or parole;
 33 (2) the offender is in compliance with all terms of the offender's
 34 probation or parole; and
 35 (3) good cause exists to allow the offender to reside within one
 36 (1) mile of the residence of the victim of the offender's sex
 37 offense.
 38 However, the court or parole board may not grant a waiver under this
 39 subsection if the offender is a sexually violent predator under
 40 IC 35-38-1-7.5 or if the offender is an offender against children under
 41 IC 35-42-4-11.
 42 (g) If the court or parole board grants a waiver under subsection

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1 (f), the court or parole board shall state in writing the reasons for
 2 granting the waiver. The court's written statement of its reasons shall
 3 be incorporated into the record.

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

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

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

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

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

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

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

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

- 31 (A) The person is not more than four (4) years older than
 32 the victim.
- 33 (B) The relationship between the person and the victim was
 34 a dating relationship or an ongoing personal relationship.
 35 The term "ongoing personal relationship" does not include
 36 a family relationship.
- 37 (C) The crime:
 - 38 (i) was not committed by a person who is at least
 39 twenty-one (21) years of age;
 - 40 (ii) was not committed by using or threatening the use
 41 of deadly force;
 - 42 (iii) was not committed while armed with a deadly

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- 1 weapon;
- 2 (iv) did not result in serious bodily injury;
- 3 (v) was not facilitated by furnishing the victim, without
- 4 the victim's knowledge, with a drug (as defined in
- 5 IC 16-42-19-2(1)) or a controlled substance (as defined
- 6 in IC 35-48-1.1-7) or knowing that the victim was
- 7 furnished with the drug or controlled substance without
- 8 the victim's knowledge; and
- 9 (vi) was not committed by a person having a position
- 10 of authority or substantial influence over the victim.
- 11 (D) The person has not committed another sex offense (as
- 12 defined in IC 11-8-8-5.2), including a delinquent act that
- 13 would be a sex offense if committed by an adult, against any
- 14 other person.
- 15 (E) The person is not promoting prostitution (as defined in
- 16 IC 35-45-4-4) with respect to the victim even though the
- 17 person has not been charged with or convicted of the
- 18 offense.

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

- 23 (1) "~~Disseminate~~" means to transfer possession for free or for a
- 24 consideration.
- 25 (2) (1) "~~Image~~" means the following: **any visual representation.**
- 26 (A) A picture.
- 27 (B) A drawing.
- 28 (C) A photograph.
- 29 (D) A negative image.
- 30 (E) An undeveloped film.
- 31 (F) A motion picture.
- 32 (G) A videotape.
- 33 (H) A digitized image.
- 34 (I) A computer generated image.
- 35 (J) Any pictorial representation.
- 36 (3) "~~Matter~~" has the same meaning as in IC 35-49-1-3.
- 37 (4) "~~Performance~~" has the same meaning as in IC 35-49-1-7.
- 38 (5) (2) "Sexual conduct" means:
- 39 (A) sexual intercourse;
- 40 (B) other sexual conduct (as defined in IC 35-31.5-2-221.5);
- 41 (C) exhibition of the:
- 42 (i) uncovered genitals; or

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- 1 (ii) female breast with less than a fully opaque
 2 covering of any part of the nipple;
 3 intended to satisfy or arouse the sexual desires of any
 4 person;
 5 (D) sadomasochistic abuse;
 6 (E) sexual intercourse or other sexual conduct (as defined
 7 in IC 35-31.5-2-221.5) with an animal; or
 8 (F) any fondling or touching of a child by another person or
 9 of another person by a child intended to arouse or satisfy the
 10 sexual desires of either the child or the other person.
- 11 (b) A person who:
- 12 (1) knowingly or intentionally manages, produces, sponsors,
 13 presents, exhibits, photographs, films, videotapes, or creates a
 14 digitized image of any performance or incident that includes
 15 sexual conduct by a child under eighteen (18) years of age;
 16 (2) knowingly or intentionally disseminates, exhibits to another
 17 person, offers to disseminate or exhibit to another person, or
 18 sends or brings into Indiana for dissemination or exhibition
 19 matter that depicts or describes sexual conduct by a child under
 20 eighteen (18) years of age;
 21 (3) knowingly or intentionally makes available to another person
 22 a computer, knowing that the computer's fixed drive or
 23 peripheral device contains matter that depicts or describes sexual
 24 conduct by a child less than eighteen (18) years of age;
 25 (4) with the intent to satisfy or arouse the sexual desires of any
 26 person:
- 27 (A) knowingly or intentionally:
- 28 (i) manages;
 29 (ii) produces;
 30 (iii) sponsors;
 31 (iv) presents;
 32 (v) exhibits;
 33 (vi) photographs;
 34 (vii) films;
 35 (viii) videotapes; or
 36 (ix) creates a digitized image of;
 37 any performance or incident that includes the uncovered
 38 genitals of a child less than eighteen (18) years of age or the
 39 exhibition of the female breast with less than a fully opaque
 40 covering of any part of the nipple by a child less than
 41 eighteen (18) years of age;
 42 (B) knowingly or intentionally:

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

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1 **(B) assist another person in engaging in sexual conduct;**
 2 **with the intent to aid another person in the production or**
 3 **transmission of an image of the sexual conduct;**
 4 **(4) solicits a child less than eighteen (18) years of age, or who**
 5 **the person believes to be a child less than eighteen (18) years**
 6 **of age, to:**
 7 **(A) engage in sexual conduct; or**
 8 **(B) assist another person in engaging in sexual conduct;**
 9 **with the intent to produce or transmit an image of the sexual**
 10 **conduct; or**
 11 **(5) produces or creates an image containing sexual conduct**
 12 **by a child less than eighteen (18) years of age, or who**
 13 **appears to be a child less than eighteen (18) years of age;**
 14 commits child exploitation, a ~~Level 5 felony~~; **Level 4 felony, except as**
 15 **otherwise provided in this section. It is not a required element of an**
 16 **offense under subdivision (5)(C) that the child depicted actually exists.**
 17 (c) However, the offense of child exploitation described in
 18 subsection (b) is a Level 4 felony if:
 19 (1) the sexual conduct, matter, performance, or incident depicts
 20 or describes a child less than eighteen (18) years of age who:
 21 (A) engages in bestiality (as described in IC 35-46-3-14);
 22 (B) is mentally disabled or deficient;
 23 (C) participates in the sexual conduct, matter, performance,
 24 or incident by use of force or the threat of force;
 25 (D) physically or verbally resists participating in the sexual
 26 conduct, matter, performance, or incident;
 27 (E) receives a bodily injury while participating in the sexual
 28 conduct, matter, performance, or incident; or
 29 (F) is less than twelve (12) years of age; or
 30 (2) the child less than eighteen (18) years of age:
 31 (A) engages in bestiality (as described in IC 35-46-3-14);
 32 (B) is mentally disabled or deficient;
 33 (C) participates in the sexual conduct, matter, performance,
 34 or incident by use of force or the threat of force;
 35 (D) physically or verbally resists participating in the sexual
 36 conduct, matter, performance, or incident;
 37 (E) receives a bodily injury while participating in the sexual
 38 conduct, matter, performance, or incident; or
 39 (F) is less than twelve (12) years of age.
 40 (c) The offense described in subsection (b) is a Level 3 felony
 41 if:
 42 (1) the person has a prior unrelated conviction for a sex

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- 1 offense (as defined in IC 11-8-8-5.2); or
 2 (2) the conduct depicted in the image involves:
 3 (A) bestiality (as described in IC 35-46-3-14);
 4 (B) a child less than twelve (12) years of age, or who
 5 appears to be a child less than twelve (12) years of age;
 6 (C) violence or a depiction of violence against a child,
 7 including sado-masochistic abuse (as defined in
 8 IC 35-49-1-8);
 9 (D) child molesting;
 10 (E) pecuniary gain by the person; or
 11 (F) distributing the visual depiction to a child less than
 12 eighteen (18) years of age with the intent of inducing,
 13 causing, or coercing the child to commit a criminal
 14 offense.
- 15 (d) The offense described in subsection (b) is a Level 2 felony
 16 if the offense is committed by force or threat of force.
- 17 (d) A person who, with intent to view the image, knowingly or
 18 intentionally possesses or accesses an image that depicts or describes
 19 sexual conduct:
- 20 (1) by a child who the person knows is less than eighteen (18)
 21 years of age;
 22 (2) by a child less than eighteen (18) years of age, or by a person
 23 who appears to be a child less than eighteen (18) years of age, if
 24 the representation of the image is obscene (as described in
 25 IC 35-49-2-1); or
 26 (3) that is simulated sexual conduct involving a representation
 27 that appears to be a child less than eighteen (18) years of age, if
 28 the representation of the image is obscene (as described in
 29 IC 35-49-2-1);
- 30 commits possession of child sex abuse material; a Level 6 felony. It is
 31 not a required element of an offense under subdivision (3) that the
 32 child depicted actually exists.
- 33 (e) However, the offense of possession of child sex abuse material
 34 described in subsection (d) is a Level 5 felony if:
- 35 (1) the sexual conduct, matter, performance, or incident depicts
 36 or describes a child who the person knows is less than eighteen
 37 (18) years of age, or who appears to be less than eighteen (18)
 38 years of age, who:
 39 (A) engages in bestiality (as described in IC 35-46-3-14);
 40 (B) is mentally disabled or deficient;
 41 (C) participates in the sexual conduct, matter, performance,
 42 or incident by use of force or the threat of force;

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

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1 this subdivision, the term "ongoing personal relationship" does
 2 not include a family relationship.
 3 (4) The crime was committed by a person less than twenty-two
 4 (22) years of age.
 5 (5) The person receiving the image or who is depicted in the
 6 image acquiesced in the defendant's conduct.
 7 ~~(h)~~ (f) The defense to a prosecution described in subsection ~~(h)~~ (e)
 8 does not apply if:
 9 (1) the person who receives the image ~~disseminates~~ **distributes**
 10 it to a person other than the person:
 11 (A) who sent the image; or
 12 (B) who is depicted in the image;
 13 (2) the image is of a person other than the person who sent the
 14 image or received the image; or
 15 (3) the ~~dissemination~~ **distribution** of the image violates:
 16 (A) a protective order to prevent domestic or family
 17 violence or harassment issued under IC 34-26-5 (or, if the
 18 order involved a family or household member, under
 19 IC 34-26-2 or IC 34-4-5.1-5 before their repeal);
 20 (B) an ex parte protective order issued under IC 34-26-5 (or,
 21 if the order involved a family or household member, an
 22 emergency order issued under IC 34-26-2 or IC 34-4-5.1
 23 before their repeal);
 24 (C) a workplace violence restraining order issued under
 25 IC 34-26-6;
 26 (D) a no contact order in a dispositional decree issued under
 27 IC 31-34-20-1, IC 31-37-19-1, or IC 31-37-5-6 (or
 28 IC 31-6-4-15.4 or IC 31-6-4-15.9 before their repeal) or an
 29 order issued under IC 31-32-13 (or IC 31-6-7-14 before its
 30 repeal) that orders the person to refrain from direct or
 31 indirect contact with a child in need of services or a
 32 delinquent child;
 33 (E) a no contact order issued as a condition of pretrial
 34 release, including release on bail or personal recognizance,
 35 or pretrial diversion, and including a no contact order issued
 36 under IC 35-33-8-3.6;
 37 (F) a no contact order issued as a condition of probation;
 38 (G) a protective order to prevent domestic or family
 39 violence issued under IC 31-15-5 (or IC 31-16-5 or
 40 IC 31-1-11.5-8.2 before their repeal);
 41 (H) a protective order to prevent domestic or family
 42 violence issued under IC 31-14-16-1 in a paternity action;

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- 1 (I) a no contact order issued under IC 31-34-25 in a child in
- 2 need of services proceeding or under IC 31-37-25 in a
- 3 juvenile delinquency proceeding;
- 4 (J) an order issued in another state that is substantially
- 5 similar to an order described in clauses (A) through (I);
- 6 (K) an order that is substantially similar to an order
- 7 described in clauses (A) through (I) and is issued by an
- 8 Indian:
- 9 (i) tribe;
- 10 (ii) band;
- 11 (iii) pueblo;
- 12 (iv) nation; or
- 13 (v) organized group or community, including an
- 14 Alaska Native village or regional or village corporation
- 15 as defined in or established under the Alaska Native
- 16 Claims Settlement Act (43 U.S.C. 1601 et seq.);
- 17 that is recognized as eligible for the special programs and
- 18 services provided by the United States to Indians because of
- 19 their special status as Indians;
- 20 (L) an order issued under IC 35-33-8-3.2; or
- 21 (M) an order issued under IC 35-38-1-30.
- 22 ~~(j)~~ (g) It is a defense to a prosecution under this section that:
- 23 (1) the person was less than eighteen (18) years of age at the
- 24 time the alleged offense was committed; and
- 25 (2) the circumstances described in IC 35-45-4-6(a)(2) through
- 26 IC 35-45-4-6(a)(4) apply.
- 27 ~~(k)~~ (h) A person is entitled to present the defense described in
- 28 subsection ~~(j)~~ (g) in a pretrial hearing. If a person proves by a
- 29 preponderance of the evidence in a pretrial hearing that the defense
- 30 described in subsection ~~(j)~~ (g) applies, the court shall dismiss the
- 31 charges under this section with prejudice.
- 32 SECTION 23. IC 35-42-4-4.5 IS ADDED TO THE INDIANA
- 33 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 34 [EFFECTIVE JULY 1, 2026]: **Sec. 4.5. (a) The following definitions**
- 35 **apply throughout this section:**
- 36 (1) "Image" has the meaning set forth in section 4 of this
- 37 chapter.
- 38 (2) "Sexual conduct" has the meaning set forth in section 4
- 39 of this chapter.
- 40 (b) A person who, with intent to view the image, knowingly or
- 41 intentionally possesses or accesses an image that depicts or
- 42 describes sexual conduct:

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

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- 1 (e) The offense described in subsection (d) is a Level 3 felony
- 2 if:
- 3 (1) the person has a prior unrelated conviction for a sex
- 4 offense (as defined in IC 11-8-8-5.2); or
- 5 (2) the conduct depicted in the image involves:
- 6 (A) bestiality (as described in IC 35-46-3-14);
- 7 (B) a child less than twelve (12) years of age, or who
- 8 appears to be a child less than twelve (12) years of age;
- 9 (C) violence or a depiction of violence against a child,
- 10 including sado-masochistic abuse (as defined in
- 11 IC 35-49-1-8);
- 12 (D) child molesting;
- 13 (E) pecuniary gain by the person; or
- 14 (F) distributing the visual depiction to a child less than
- 15 eighteen (18) years of age with the intent of inducing,
- 16 causing, or coercing the child to commit a criminal
- 17 offense.
- 18 (f) Except as provided in subsection (e), it is a defense to a
- 19 prosecution under this section if all of the following apply:
- 20 (1) A cellular telephone, another wireless or cellular
- 21 communications device, or a social networking website was
- 22 used to possess, produce, or distribute the image.
- 23 (2) The defendant is not more than four (4) years older or
- 24 younger than the person who is depicted in the image or who
- 25 received the image.
- 26 (3) The relationship between the defendant and the person
- 27 who received the image or who is depicted in the image was
- 28 a dating relationship or an ongoing personal relationship.
- 29 For purposes of this subdivision, the term "ongoing personal
- 30 relationship" does not include a family relationship.
- 31 (4) The crime was committed by a person less than
- 32 twenty-two (22) years of age.
- 33 (5) The person receiving the image or who is depicted in the
- 34 image acquiesced in the defendant's conduct.
- 35 (g) The defense to a prosecution described in subsection (f)
- 36 does not apply if:
- 37 (1) the person who receives the image distributes it to a
- 38 person other than the person:
- 39 (A) who sent the image; or
- 40 (B) who is depicted in the image;
- 41 (2) the image is of a person other than the person who sent
- 42 the image or received the image; or

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- 1 **(3) the distribution of the image violates:**
2 **(A) a protective order to prevent domestic or family**
3 **violence or harassment issued under IC 34-26-5 (or, if**
4 **the order involved a family or household member, under**
5 **IC 34-26-2 or IC 34-4-5.1-5 before their repeal);**
6 **(B) an ex parte protective order issued under IC 34-26-5**
7 **(or, if the order involved a family or household member,**
8 **an emergency order issued under IC 34-26-2 or**
9 **IC 34-4-5.1 before their repeal);**
10 **(C) a workplace violence restraining order issued under**
11 **IC 34-26-6;**
12 **(D) a no contact order in a dispositional decree issued**
13 **under IC 31-34-20-1, IC 31-37-19-1, or IC 31-37-19-6 (or**
14 **IC 31-6-4-15.4 or IC 31-6-4-15.9 before their repeal) or**
15 **an order issued under IC 31-32-13 (or IC 31-6-7-14**
16 **before its repeal) that orders the person to refrain from**
17 **direct or indirect contact with a child in need of services**
18 **or a delinquent child;**
19 **(E) a no contact order issued as a condition of pretrial**
20 **release, including release on bail or personal**
21 **recognizance, or pretrial diversion, and including a no**
22 **contact order issued under IC 35-33-8-3.6;**
23 **(F) a no contact order issued as a condition of**
24 **probation;**
25 **(G) a protective order to prevent domestic or family**
26 **violence issued under IC 31-15-5 (or IC 31-16-5 or**
27 **IC 31-1-11.5-8.2 before their repeal);**
28 **(H) a protective order to prevent domestic or family**
29 **violence issued under IC 31-14-16-1 in a paternity**
30 **action;**
31 **(I) a no contact order issued under IC 31-34-25 in a**
32 **child in need of services proceeding or under**
33 **IC 31-37-25 in a 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
3 corporation as defined in or established under the
4 Alaska Native Claims Settlement Act (43 U.S.C.
5 1601 et seq.);

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 or

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

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

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

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

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

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

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

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

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

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

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

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

37 (2) the person:

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

42 (i) for the sole purpose of attending worship services or

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

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

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

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

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

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- 1 child less than eighteen (18) years of age.
- 2 SECTION 27. IC 35-50-1-2, AS AMENDED BY P.L.218-2025,
3 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2026]: Sec. 2. (a) As used in this section, "crime of violence"
5 means the following:
- 6 (1) Murder (IC 35-42-1-1).
 - 7 (2) Attempted murder (IC 35-41-5-1).
 - 8 (3) Voluntary manslaughter (IC 35-42-1-3).
 - 9 (4) Involuntary manslaughter (IC 35-42-1-4).
 - 10 (5) Reckless homicide (IC 35-42-1-5).
 - 11 (6) Battery (IC 35-42-2-1) as a:
 - 12 (A) Level 2 felony;
 - 13 (B) Level 3 felony;
 - 14 (C) Level 4 felony; or
 - 15 (D) Level 5 felony.
 - 16 (7) Domestic battery (IC 35-42-2-1.3) as a:
 - 17 (A) Level 2 felony;
 - 18 (B) Level 3 felony;
 - 19 (C) Level 4 felony; or
 - 20 (D) Level 5 felony.
 - 21 (8) Aggravated battery (IC 35-42-2-1.5).
 - 22 (9) Kidnapping (IC 35-42-3-2).
 - 23 (10) Rape (IC 35-42-4-1).
 - 24 (11) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
 - 25 (12) Child molesting (IC 35-42-4-3).
 - 26 (13) Sexual misconduct with a minor as a Level 1 felony under
27 IC 35-42-4-9(a)(2) or a Level 2 felony under IC 35-42-4-9(b)(2).
 - 28 (14) Robbery as a Level 2 felony or a Level 3 felony
29 (IC 35-42-5-1).
 - 30 (15) Burglary as a Level 1 felony, Level 2 felony, Level 3 felony,
31 or Level 4 felony (IC 35-43-2-1).
 - 32 (16) Operating a vehicle while intoxicated causing death or
33 catastrophic injury (IC 9-30-5-5).
 - 34 (17) Operating a vehicle while intoxicated causing serious bodily
35 injury to another person (IC 9-30-5-4).
 - 36 (18) Child exploitation (~~IC 35-42-4-4~~), as a ~~Level 5 felony under~~
37 ~~IC 35-42-4-4(b)~~ or a ~~Level 4 felony under IC 35-42-4-4(c)~~.
 - 38 (19) Resisting law enforcement as a felony (IC 35-44.1-3-1).
 - 39 (20) Unlawful possession of a firearm by a serious violent felon
40 (IC 35-47-4-5).
 - 41 (21) Strangulation (IC 35-42-2-9) as a Level 5 felony.
 - 42 (22) **A child sexual abuse material offense (IC 35-42-4-4.5).**

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

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

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

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

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

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

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

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

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

30 (4) If the most serious crime for which the defendant is
 31 sentenced is a Level 6 felony, the total of the consecutive terms
 32 of imprisonment may not exceed four (4) years.

33 (5) If the most serious crime for which the defendant is
 34 sentenced is a Level 5 felony, the total of the consecutive terms
 35 of imprisonment may not exceed seven (7) years.

36 (6) If the most serious crime for which the defendant is
 37 sentenced is a Level 4 felony, the total of the consecutive terms
 38 of imprisonment may not exceed fifteen (15) years.

39 (7) If the most serious crime for which the defendant is
 40 sentenced is a Level 3 felony, the total of the consecutive terms
 41 of imprisonment may not exceed twenty (20) years.

42 (8) If the most serious crime for which the defendant is

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

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- 1 which judgment was entered as a conviction of a Class A
 2 misdemeanor; and
 3 (B) the prior felony was committed less than three (3) years
 4 before the second felony was committed;
 5 (2) the offense is domestic battery as a Class D felony (for a
 6 crime committed before July 1, 2014) or a Level 6 felony (for a
 7 crime committed after June 30, 2014) under IC 35-42-2-1.3; or
 8 (3) the offense is possession of child sex abuse material
 9 (IC 35-42-4-4(d)) **(before July 1, 2026) or a child sex abuse**
 10 **material offense under IC 35-42-4-4.5 (after June 30, 2026).**
 11 The court shall enter in the record, in detail, the reason for its action
 12 whenever it exercises the power to enter judgment of conviction of a
 13 Class A misdemeanor granted in this subsection.
 14 (d) Notwithstanding subsections (a) and (b), the sentencing court
 15 may convert a Class D felony conviction (for a crime committed before
 16 July 1, 2014) or a Level 6 felony conviction (for a crime committed
 17 after June 30, 2014) to a Class A misdemeanor conviction if, after
 18 receiving a verified petition as described in subsection (e) and after
 19 conducting a hearing of which the prosecuting attorney has been
 20 notified, the court makes the following findings:
 21 (1) The person is not a sex or violent offender (as defined in
 22 IC 11-8-8-5).
 23 (2) The person was not convicted of a Class D felony (for a
 24 crime committed before July 1, 2014) or a Level 6 felony (for a
 25 crime committed after June 30, 2014) that resulted in bodily
 26 injury to another person.
 27 (3) The person has not been convicted of perjury under
 28 IC 35-44.1-2-1 (or IC 35-44-2-1 before its repeal) or official
 29 misconduct under IC 35-44.1-1-1 (or IC 35-44-1-2 before its
 30 repeal).
 31 (4) The person has not been convicted of domestic battery as a
 32 Class D felony (for a crime committed before July 1, 2014) or a
 33 Level 6 felony (for a crime committed after June 30, 2014) under
 34 IC 35-42-2-1.3 in the fifteen (15) year period immediately
 35 preceding the commission of the current offense.
 36 (5) At least three (3) years have passed since the person:
 37 (A) completed the person's sentence; and
 38 (B) satisfied any other obligation imposed on the person as
 39 part of the sentence;
 40 for the Class D or Level 6 felony.
 41 (6) The person has not been convicted of a felony since the
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- 1 (A) completed the person's sentence; and
- 2 (B) satisfied any other obligation imposed on the person as
- 3 part of the sentence;
- 4 for the Class D or Level 6 felony.
- 5 (7) No criminal charges are pending against the person.
- 6 (e) A petition filed under subsection (d) or (f) must be verified and
- 7 set forth:
- 8 (1) the crime the person has been convicted of;
- 9 (2) the date of the conviction;
- 10 (3) the date the person completed the person's sentence;
- 11 (4) any obligations imposed on the person as part of the
- 12 sentence;
- 13 (5) the date the obligations were satisfied; and
- 14 (6) a verified statement that there are no criminal charges
- 15 pending against the person.
- 16 (f) If a person whose Class D or Level 6 felony conviction has
- 17 been converted to a Class A misdemeanor conviction under subsection
- 18 (d) is convicted of a felony not later than five (5) years after the
- 19 conversion under subsection (d), a prosecuting attorney may petition
- 20 a court to convert the person's Class A misdemeanor conviction back
- 21 to a Class D felony conviction (for a crime committed before July 1,
- 22 2014) or a Level 6 felony conviction (for a crime committed after June
- 23 30, 2014).
- 24 SECTION 29. IC 35-50-6-3.3, AS AMENDED BY THE
- 25 TECHNICAL CORRECTIONS BILL OF THE 2026 GENERAL
- 26 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 27 JULY 1, 2026]: Sec. 3.3. (a) In addition to any educational credit a
- 28 person earns under subsection (b), or good time credit a person earns
- 29 under section 3 or 3.1 of this chapter, a person earns educational credit
- 30 if the person:
- 31 (1) is in credit Class I, Class A, or Class B;
- 32 (2) has demonstrated a pattern consistent with rehabilitation; and
- 33 (3) successfully completes requirements to obtain one (1) of the
- 34 following:
- 35 (A) A general educational development (GED) diploma
- 36 under IC 20-20-6 (before its repeal) or IC 22-4.1-18, if the
- 37 person has not previously obtained a high school diploma.
- 38 (B) Except as provided in subsection (o), a high school
- 39 diploma, if the person has not previously obtained a general
- 40 educational development (GED) diploma.
- 41 (C) An associate degree from an approved postsecondary
- 42 educational institution (as defined under IC 21-7-13-6(a))

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1 earned during the person's incarceration.

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

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

9 (1) is in credit Class I, Class A, or Class B;

10 (2) demonstrates a pattern consistent with rehabilitation; and

11 (3) successfully completes requirements for at least one (1) of
12 the following:

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

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

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

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

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

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

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

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

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

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

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

42 (5) Not more than a total of one (1) year, as determined by the

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 (1) two (2) years; or

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

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

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1 (1) postconviction release (as defined in IC 35-40-4-6); or
 2 (2) assignment of the person to a community transition program;
 3 in less than forty-five (45) days after the person earns the educational
 4 credit.

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

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

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

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

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

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

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

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

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

34 ~~(1) The ratio of case management staff to offenders participating~~
 35 ~~in the individualized case management plan as of January 1,~~
 36 ~~2023.~~

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

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

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1 (4) Any other data points or information related to the status of
2 the implementation of the individualized case management plan.
3 This subsection expires June 30, 2023.

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