
ENGROSSED
HOUSE BILL No. 1303

AM130309 has been incorporated into February 13, 2026 printing.

Synopsis: Sex crimes and child safety.

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February 13, 2026

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 a statute 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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ENGROSSED 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 10-13-5-1 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. As used in this
 16 chapter, "Amber alert program" means a program under which the
 17 clearinghouse transmits information about a **missing child, including**
 18 **a** recently abducted child to broadcasters who:

- 19 (1) have agreed to participate in the program; and
 20 (2) immediately and repeatedly broadcast the information to the
 21 general public.

22 SECTION 4. IC 10-13-5-4 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. As used in this
 24 chapter, "missing child" means a person less than eighteen (18) years
 25 of age who:

- 26 (1) is, or is believed to be:
 27 (A) a temporary or permanent resident of Indiana;
 28 (B) at a location that cannot be determined by the person's
 29 parent or legal custodian; and
 30 (C) reported missing to a law enforcement agency; **or**
 31 (2) is, or is believed to be:
 32 (A) a temporary or permanent resident of Indiana; and
 33 (B) a victim of the offense of criminal confinement
 34 (IC 35-42-3-3) or interference with custody (IC 35-42-3-4);
 35 **or**
 36 (3) **is, or is believed to be, a high risk missing person (as**
 37 **defined by IC 5-2-17-1).**

38 SECTION 5. IC 10-13-5-8, AS AMENDED BY P.L.40-2024,
 39 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 UPON PASSAGE]: Sec. 8. (a) The clearinghouse shall operate an
 41 Amber alert program, a green alert program, and a silver alert program.
 42 (b) Upon the establishment of the Amber alert program, the green

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1 alert program, and the silver alert program, the clearinghouse may enter
 2 into an agreement with one (1) or more broadcasters to operate the
 3 Amber alert program, the green alert program, and the silver alert
 4 program under this chapter.

5 (c) The superintendent shall designate staff responsible for the
 6 operation of the Amber alert program, the green alert program, and the
 7 silver alert program.

8 (d) The department shall adopt guidelines governing the
 9 clearinghouse's operation of the Amber alert program, the green alert
 10 program, and the silver alert program. The department's guidelines may
 11 require that staff, upon receiving a report **of a missing child** or that a
 12 child has been abducted, or an endangered child, veteran at risk, or
 13 endangered adult is missing, immediately send electronically or by
 14 other means of communication a description of the **missing child**,
 15 abducted child or missing endangered child, missing veteran at risk, or
 16 missing endangered adult to one (1) or more broadcasters participating
 17 in the Amber alert program, the green alert program, or the silver alert
 18 program. The guidelines must include criteria that the clearinghouse
 19 shall use in determining whether to issue a silver alert or green alert
 20 and the geographic area or region in which to issue the silver alert or
 21 green alert.

22 (e) A broadcaster participating in the Amber alert program, the
 23 green alert program, or the silver alert program shall immediately
 24 broadcast:

25 (1) a description of the **missing or** abducted child, missing
 26 endangered child, missing veteran at risk, or missing endangered
 27 adult; and

28 (2) other information that will assist in locating the **missing or**
 29 abducted child, missing endangered child, missing veteran at
 30 risk, or missing endangered adult;

31 to the general public in accordance with the Amber alert plan
 32 agreement, green alert plan agreement, or silver alert plan agreement
 33 between the clearinghouse and the broadcaster.

34 (f) The department shall adopt guidelines governing the voluntary
 35 Amber alert program agreement, voluntary green alert program
 36 agreement, or voluntary silver alert program agreement between the
 37 clearinghouse and a broadcaster. The voluntary agreements between
 38 the clearinghouse and the broadcaster may include the following
 39 provisions:

40 (1) Upon receiving a notification as part of the Amber alert
 41 program, green alert program, or silver alert program, the
 42 broadcaster shall broadcast the information contained on the

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1 notice on an intermittent basis for a period of time as provided
 2 in the agreements between the clearinghouse and the
 3 broadcaster.

4 (2) The broadcaster shall treat the Amber alert notification,
 5 green alert notification, or silver alert notification as an
 6 emergency.

7 (3) The broadcaster shall ensure that the form of communication
 8 used to receive an Amber alert notification, a green alert
 9 notification, or a silver alert notification is:

10 (A) generally available to receive an Amber alert
 11 notification, a green alert notification, or a silver alert
 12 notification; and

13 (B) located such that the broadcaster will immediately
 14 become aware of an incoming Amber alert notification,
 15 green alert notification, or silver alert notification.

16 SECTION 6. IC 10-13-5-8.1, AS AMENDED BY P.L.40-2024,
 17 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 UPON PASSAGE]: Sec. 8.1. (a) In addition to an agreement with a
 19 broadcaster under section 8 of this chapter, the clearinghouse may enter
 20 into an agreement with one (1) or more electronic billboard operators
 21 to display Amber alerts, green alerts, or silver alerts under this section.
 22 An agreement under this section may include a limitation on the days
 23 and times that the electronic billboard operator is required to have staff
 24 present to receive an Amber alert, a green alert, or a silver alert
 25 notification.

26 (b) The department's guidelines adopted under section 8 of this
 27 chapter may require staff, upon receiving a report **of a missing child**
 28 **or** that a child has been abducted, an endangered child is missing, a
 29 veteran at risk is missing, or an endangered adult is missing, to
 30 immediately send electronically or by other means of communication
 31 a description of the **missing or** abducted child, missing endangered
 32 child, missing veteran at risk, or missing endangered adult to one (1)
 33 or more electronic billboard operators participating in the Amber alert
 34 program, green alert program, or silver alert program if the Amber
 35 alert, green alert, or silver alert occurs during a period when the
 36 electronic billboard operator has agreed to have staff present to receive
 37 an Amber alert notification, a green alert notification, or a silver alert
 38 notification.

39 (c) An electronic billboard operator participating in the Amber
 40 alert program, green alert program, or silver alert program shall
 41 immediately display:

42 (1) a description of the **missing or** abducted child, missing

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1 endangered child, missing veteran at risk, or missing endangered
2 adult; and
3 (2) other information that will assist in locating the **missing or**
4 abducted child, missing endangered child, missing veteran at
5 risk, or missing endangered adult;
6 to the general public in accordance with the Amber alert plan
7 agreement, green alert plan agreement, or silver alert plan agreement
8 between the clearinghouse and the electronic billboard operator.
9 (d) The department shall adopt guidelines governing the voluntary
10 Amber alert program agreement, voluntary green alert program
11 agreement, or voluntary silver alert program agreement between the
12 clearinghouse and an electronic billboard operator. The voluntary
13 agreements between the clearinghouse and the electronic billboard
14 operator may include the following provisions:
15 (1) Upon receiving a notification as part of the Amber alert
16 program, the green alert program, or the silver alert program, the
17 electronic billboard operator shall display the information
18 contained in the notice on an intermittent basis for a period of
19 time as provided in the agreements between the clearinghouse
20 and the electronic billboard operator.
21 (2) The electronic billboard operator shall treat the Amber alert
22 notification, the green alert notification, or the silver alert
23 notification as an emergency.
24 (3) The electronic billboard operator shall ensure that the form
25 of communication used to receive an Amber alert notification, a
26 green alert notification, or a silver alert notification is:
27 (A) generally available to receive an Amber alert
28 notification, a green alert notification, or a silver alert
29 notification; and
30 (B) located such that the electronic billboard operator will
31 immediately become aware of an incoming Amber alert
32 notification, a green alert notification, or a silver alert
33 notification received during days and times when staff is
34 present to receive an Amber alert notification, a green alert
35 notification, or a silver alert notification.
36 SECTION 7. IC 10-13-5-8.5, AS AMENDED BY P.L.40-2024,
37 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 UPON PASSAGE]: Sec. 8.5. (a) A broadcaster or electronic billboard
39 operator that has agreed to participate in the Amber alert program,
40 green alert program, or silver alert program and that:
41 (1) receives an Amber alert notification, a green alert
42 notification, or a silver alert notification from the department;

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1 and
 2 (2) broadcasts or displays:
 3 (A) a description of the **missing or** abducted child, missing
 4 endangered child, missing veteran at risk, or missing
 5 endangered adult contained in the notification; and
 6 (B) other information contained in the notification that will
 7 assist in locating the child, missing veteran at risk, or
 8 missing endangered adult;
 9 is immune from civil liability based on the broadcast or display of the
 10 information received from the department.

11 (b) If:
 12 (1) a person enters into an agreement with the department to
 13 establish or maintain an Amber alert website, a green alert
 14 website, or a silver alert website; and
 15 (2) the agreement provides that only the department has the
 16 ability to place information on the website;
 17 the person is immune from civil liability for the information placed on
 18 the website by the department. However, this subsection does not affect
 19 the applicability of IC 34-13-3 to the department.

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

- 25 (1) Rape (IC 35-42-4-1).
- 26 (2) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
- 27 (3) Child molesting (IC 35-42-4-3).
- 28 (4) Child exploitation (~~IC 35-42-4-4(b) or IC 35-42-4-4(c)~~);
- 29 **(IC 35-42-4-4).**
- 30 (5) Vicarious sexual gratification (including performing sexual
- 31 conduct in the presence of a minor) (IC 35-42-4-5).
- 32 (6) Child solicitation (IC 35-42-4-6).
- 33 (7) Child seduction (IC 35-42-4-7).
- 34 (8) Sexual misconduct with a minor (IC 35-42-4-9) as a Class A,
- 35 Class B, or Class C felony (for a crime committed before July 1,
- 36 2014) or a Level 1, Level 2, Level 4, or Level 5 felony (for a
- 37 crime committed after June 30, 2014), unless:
- 38 (A) the person is convicted of sexual misconduct with a
- 39 minor as a Class C felony (for a crime committed before
- 40 July 1, 2014) or a Level 5 felony (for a crime committed
- 41 after June 30, 2014);
- 42 (B) the person is not more than:

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

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1 **as determined by the department;**
 2 **(3) a person who has been convicted of failure to register as**
 3 **a sex offender in any jurisdiction; and**
 4 ~~(2)~~ **(4) a child who has committed a delinquent act, or a person**
 5 **prosecuted under IC 31-30-1-4(d) for an offense described in**
 6 **subsection (a) committed when the person was less than eighteen**
 7 **(18) years of age, but who was at least twenty-one (21) years of**
 8 **age when the charge was filed, and who:**
 9 (A) is at least fourteen (14) years of age;
 10 (B) is on probation, is on parole, is discharged from a
 11 facility by the department of correction, is discharged from
 12 a secure private facility (as defined in IC 31-9-2-115), or is
 13 discharged from a juvenile detention facility as a result of
 14 an adjudication as a delinquent child for an act that would
 15 be an offense described in subsection (a) if committed by an
 16 adult; and
 17 (C) is found by a court by clear and convincing evidence to
 18 be likely to repeat an act that would be an offense described
 19 in subsection (a) if committed by an adult.
 20 (c) In making a determination under subsection ~~(b)(2)(C)~~;
 21 **(b)(4)(C)**, the court shall consider expert testimony concerning whether
 22 a child is likely to repeat an act that would be an offense described in
 23 subsection (a) if committed by an adult.
 24 (d) A person ordered to register under subsection ~~(b)(2)~~ **(b)(4)** may
 25 petition the court to reconsider the order at any time after completing
 26 court ordered sex offender treatment. The court shall consider expert
 27 testimony concerning whether a child or person is likely to repeat an
 28 offense described in subsection (a) or an act that would be an offense
 29 described in subsection (a) if committed by an adult.
 30 SECTION 9. IC 11-8-8-5, AS AMENDED BY P.L.218-2025,
 31 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2026]: Sec. 5. (a) Except as provided in section 22 of this
 33 chapter, as used in this chapter, "sex or violent offender" means a
 34 person convicted of any of the following offenses:
 35 (1) Rape (IC 35-42-4-1).
 36 (2) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
 37 (3) Child molesting (IC 35-42-4-3).
 38 (4) Child exploitation ~~(IC 35-42-4-4(b) or IC 35-42-4-4(c))~~;
 39 **(IC 35-42-4-4)**.
 40 (5) Vicarious sexual gratification (including performing sexual
 41 conduct in the presence of a minor) (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 misconduct with a minor (IC 35-42-4-9) as a Class A,
- 3 Class B, or Class C felony (for a crime committed before July 1,
- 4 2014) or a Level 1, Level 2, Level 4, or Level 5 felony (for a
- 5 crime committed after June 30, 2014), unless:
- 6 (A) the person is convicted of sexual misconduct with a
- 7 minor as a Class C felony (for a crime committed before
- 8 July 1, 2014) or a Level 5 felony (for a crime committed
- 9 after June 30, 2014);
- 10 (B) the person is not more than:
- 11 (i) four (4) years older than the victim if the offense
- 12 was committed after June 30, 2007; or
- 13 (ii) five (5) years older than the victim if the offense
- 14 was committed before July 1, 2007; and
- 15 (C) the sentencing court finds that the person should not be
- 16 required to register as a sex offender.
- 17 (9) Incest (IC 35-46-1-3).
- 18 (10) Sexual battery (IC 35-42-4-8).
- 19 (11) Kidnapping (IC 35-42-3-2), if the victim is less than
- 20 eighteen (18) years of age, and the person who kidnapped the
- 21 victim is not the victim's parent or guardian.
- 22 (12) Criminal confinement (IC 35-42-3-3), if the victim is less
- 23 than eighteen (18) years of age, and the person who confined or
- 24 removed the victim is not the victim's parent or guardian.
- 25 (13) Possession of child sex abuse material (IC 35-42-4-4(d) or
- 26 IC 35-42-4-4(e)) **(before July 1, 2026), or a child sex abuse**
- 27 **material offense under IC 35-42-4-4.5 (after June 30, 2026).**
- 28 (14) Promoting prostitution (IC 35-45-4-4) as a Class B felony
- 29 (for a crime committed before July 1, 2014) or a Level 4 felony
- 30 (for a crime committed after June 30, 2014).
- 31 (15) Promotion of human sexual trafficking under
- 32 IC 35-42-3.5-1.1.
- 33 (16) Promotion of child sexual trafficking under
- 34 IC 35-42-3.5-1.2(a).
- 35 (17) Promotion of sexual trafficking of a younger child
- 36 (IC 35-42-3.5-1.2(c)).
- 37 (18) Child sexual trafficking (IC 35-42-3.5-1.3).
- 38 (19) Human trafficking under IC 35-42-3.5-1.4 if the victim is
- 39 less than eighteen (18) years of age.
- 40 (20) Murder (IC 35-42-1-1).
- 41 (21) Voluntary manslaughter (IC 35-42-1-3).
- 42 (22) Sexual misconduct by a service provider with a detained or

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- 1 supervised child (IC 35-44.1-3-10(c)).
- 2 (b) The term includes:
- 3 (1) a person who is required to register as a sex or violent
- 4 offender in any jurisdiction; ~~and~~
- 5 **(2) a person who has been designated:**
- 6 **(A) a sex offender;**
- 7 **(B) a sexually violent predator; or**
- 8 **(C) with a substantially equivalent designation;**
- 9 **in another jurisdiction, and who was or would be subjected**
- 10 **to the sex offender registration reporting requirements in the**
- 11 **other jurisdiction if the person resided, worked, volunteered,**
- 12 **attended school, or owned real property in that jurisdiction,**
- 13 **as determined by the department;**
- 14 **(3) a person who has been convicted of failure to register as**
- 15 **a sex offender in any jurisdiction; and**
- 16 ~~(2)~~ **(4) a child who has committed a delinquent act, or a person**
- 17 **prosecuted under IC 31-30-1-4(d) for an offense described in**
- 18 **subsection (a) committed when the person was less than eighteen**
- 19 **(18) years of age, but who was at least twenty-one (21) years of**
- 20 **age when the charge was filed, and who:**
- 21 **(A) is at least fourteen (14) years of age;**
- 22 **(B) is on probation, is on parole, is discharged from a**
- 23 **facility by the department of correction, is discharged from**
- 24 **a secure private facility (as defined in IC 31-9-2-115), or is**
- 25 **discharged from a juvenile detention facility as a result of**
- 26 **an adjudication as a delinquent child for an act that would**
- 27 **be an offense described in subsection (a) if committed by an**
- 28 **adult; and**
- 29 **(C) is found by a court by clear and convincing evidence to**
- 30 **be likely to repeat an act that would be an offense described**
- 31 **in subsection (a) if committed by an adult.**
- 32 **(c) In making a determination under subsection ~~(b)(2)(C)~~,**
- 33 **(b)(4)(C), the court shall consider expert testimony concerning whether**
- 34 **a child is likely to repeat an act that would be an offense described in**
- 35 **subsection (a) if committed by an adult.**
- 36 **(d) A person ordered to register under subsection ~~(b)(2)~~(b)(4) may**
- 37 **petition the court to reconsider the order at any time after completing**
- 38 **court ordered sex offender treatment. The court shall consider expert**
- 39 **testimony concerning whether a child or person is likely to repeat an**
- 40 **offense described in subsection (a) or an act that would be an offense**
- 41 **described in subsection (a) if committed by an adult.**
- 42 **SECTION 10. IC 11-8-8-7.5 IS ADDED TO THE INDIANA**

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1 CODE AS A NEW SECTION TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2026]: **Sec. 7.5. (a) This section applies to a
3 person required to register as a:**

- 4 (1) sex offender under section 4.5(b)(2) of this chapter; or
- 5 (2) sex or violent offender under section 5(b)(2) of this
6 chapter.

7 (b) A person may request that the department reconsider its
8 determination that the person is required to register under section
9 4.5(b)(2) or 5(b)(2) of this chapter by filing a written request for
10 reconsideration with the department. The request for
11 reconsideration must:

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

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

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

20 (d) If the person establishes by a preponderance of the
21 evidence that the person is not required to register under section
22 4.5(b)(2) or 5(b)(2) of this chapter, the department shall grant
23 appropriate relief.

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

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

37 for the sex or violent offense requiring registration, whichever occurs
38 last. The registration period is tolled during any period that the sex or
39 violent offender is incarcerated. The registration period does not restart
40 if the offender is convicted of a subsequent offense. However, if the
41 subsequent offense is a sex or violent offense, or an offense under
42 section 17 of this chapter, a new registration period may be imposed in

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1 accordance with this chapter. The department shall ensure that an
2 offender who is no longer required to register as a sex or violent
3 offender is notified that the obligation to register has expired, and shall
4 ensure that the offender's information is no longer published to the
5 public portal of the sex and violent offender registry website
6 established under IC 36-2-13-5.5.

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

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

- 12 (1) when the person was at least eighteen (18) years of age; and
- 13 (2) against a victim who was less than twelve (12) years of age
14 at the time of the crime;

15 is required to register for life.

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

- 18 (1) proximately caused serious bodily injury or death to the
19 victim;
- 20 (2) used force or the threat of force against the victim or a
21 member of the victim's family, unless the offense is sexual
22 battery as a Class D felony (for an offense committed before July
23 1, 2014) or a Level 6 felony (for a crime committed after June
24 30, 2014); or
- 25 (3) rendered the victim unconscious or otherwise incapable of
26 giving voluntary consent;

27 is required to register for life.

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

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

- 33 (1) **sex offender under section 4.5 of this chapter; or**
- 34 (2) **sex or violent offender under section 5 of this chapter;**

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

37 SECTION 12. IC 11-13-3-11, AS AMENDED BY P.L.218-2025,
38 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 JULY 1, 2026]: Sec. 11. (a) As used in this section, "Internet crime
40 against a child" means a conviction for a violation of:

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

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- 1 (2) IC 35-42-4-4(d) or IC 35-42-4-4(e) (possession of child sex
- 2 abuse material) **(before July 1, 2026), or a child sex abuse**
- 3 **material offense under IC 35-42-4-4.5 (after June 30, 2026);**
- 4 or
- 5 (3) IC 35-42-4-6 (child solicitation).
- 6 (b) When a person is placed on lifetime parole, the department
- 7 shall provide the parolee with a written statement of the conditions of
- 8 lifetime parole. The parolee shall sign the statement, retain a copy, and
- 9 provide a copy to the department. The department shall place the
- 10 signed statement in the parolee's master file.
- 11 (c) As a condition of lifetime parole, the parole board shall:
- 12 (1) require a parolee who is a sexually violent predator (as
- 13 defined in IC 35-38-1-7.5) to:
- 14 (A) inform the parolee's parole agent of any changes to the
- 15 parolee's residence, employment, or contact information not
- 16 later than seventy-two (72) hours after the change;
- 17 (B) report to the parole agent as instructed;
- 18 (C) avoid contact with any person who is less than sixteen
- 19 (16) years of age, unless the parolee receives written
- 20 authorization from the parole board; and
- 21 (D) avoid contact with the victim of any sex crime
- 22 committed by that parolee, unless the parolee receives
- 23 written authorization from the parole board;
- 24 (2) prohibit a parolee who is a sexually violent predator
- 25 convicted of an Internet crime against a child from:
- 26 (A) accessing or using certain websites, chat rooms, or
- 27 instant messaging programs frequented by children; and
- 28 (B) deleting, erasing, or tampering with data on the
- 29 parolee's personal computer;
- 30 (3) prohibit a parolee who is a sexually violent predator from
- 31 owning, operating, managing, being employed by, or
- 32 volunteering at an attraction designed to be primarily enjoyed by
- 33 a child less than sixteen (16) years of age; and
- 34 (4) require a parolee to allow the parolee's supervising parole
- 35 agent or another person authorized by the parole board to visit
- 36 the parolee's residence, real property, or place of employment.
- 37 (d) As a condition of lifetime parole, the parole board may require
- 38 a sexually violent predator to participate in a sex offender treatment
- 39 program approved by the parole board.
- 40 (e) As a condition of lifetime parole, the parole board may require
- 41 a parolee who is:
- 42 (1) a sexually violent predator; or

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1 (2) required to register as a sex or violent offender under
 2 IC 11-8-8-5 due to a conviction for murder (IC 35-42-1-1) or
 3 voluntary manslaughter (IC 35-42-1-3);
 4 to wear a monitoring device (as described in IC 35-38-2.5-3) that can
 5 transmit information twenty-four (24) hours each day regarding a
 6 person's precise location, subject to a validated sex offender risk
 7 assessment or appropriate violent offender risk assessment, and subject
 8 to the amount appropriated to the department for a monitoring program
 9 as a condition of lifetime parole.

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

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

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

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

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

35 may be canceled by the person's employer.

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

- 41 (1) forced labor;
- 42 (2) involuntary servitude;

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- 1 (3) prostitution;
 - 2 (4) juvenile prostitution, as defined in IC 35-31.5-2-178.5;
 - 3 (5) child exploitation ~~as defined in IC 35-42-4-4(b);~~ **under**
 - 4 **IC 35-42-4-4;**
 - 5 (6) marriage, unless authorized by a court under IC 31-11-1-7;
 - 6 (7) trafficking for the purpose of prostitution, juvenile
 - 7 prostitution, or participation in sexual conduct as defined in
 - 8 IC 35-42-4-4(a); or
 - 9 (8) human trafficking as defined in IC 35-42-3.5-0.5.
- 10 SECTION 15. IC 31-14-14-1, AS AMENDED BY P.L.223-2019,
- 11 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 12 JULY 1, 2026]: Sec. 1. (a) A noncustodial parent is entitled to
- 13 reasonable parenting time rights unless the court finds, after a hearing,
- 14 that parenting time might:
- 15 (1) endanger the child's physical health and well-being; or
 - 16 (2) significantly impair the child's emotional development.
- 17 (b) The court may interview the child in chambers to assist the
- 18 court in determining the child's perception of whether parenting time
- 19 by the noncustodial parent might endanger the child's physical health
- 20 or significantly impair the child's emotional development.
- 21 (c) In a hearing under subsection (a), there is a rebuttable
- 22 presumption that a person who has been convicted of:
- 23 (1) child molesting (IC 35-42-4-3); or
 - 24 (2) child exploitation ~~(IC 35-42-4-4(b) or IC 35-42-4-4(c));~~
 - 25 **(IC 35-42-4-4);**
- 26 might endanger the child's physical health and well-being or
- 27 significantly impair the child's emotional development.
- 28 (d) Except as provided in subsection (e), if a court grants parenting
- 29 time rights to a person who has been convicted of:
- 30 (1) child molesting (IC 35-42-4-3); or
 - 31 (2) child exploitation ~~(IC 35-42-4-4(b) or IC 35-42-4-4(c));~~
 - 32 **(IC 35-42-4-4);**
- 33 there is a rebuttable presumption that the parenting time with the child
- 34 must be supervised.
- 35 (e) If a court grants parenting time rights to a person who has been
- 36 convicted of:
- 37 (1) child molesting (IC 35-42-4-3); or
 - 38 (2) child exploitation ~~(IC 35-42-4-4(b) or IC 35-42-4-4(c));~~
 - 39 **(IC 35-42-4-4);**
- 40 within the previous five (5) years, the court shall order that the
- 41 parenting time with the child must be supervised.
- 42 (f) The court may permit counsel to be present at the interview. If

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1 counsel is present:
2 (1) a record may be made of the interview; and
3 (2) the interview may be made part of the record for purposes of
4 appeal.

5 SECTION 16. IC 31-17-4-1, AS AMENDED BY P.L.146-2021,
6 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2026]: Sec. 1. (a) Subject to subsections (d) and (e) and
8 subject to section 1.1 of this chapter, a parent not granted custody of
9 the child is entitled to reasonable parenting time rights unless the court
10 finds, after a hearing, that parenting time by the noncustodial parent
11 might endanger the child's physical health or significantly impair the
12 child's emotional development.

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

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

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

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

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

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

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

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

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

36 SECTION 17. IC 33-37-5-23, AS AMENDED BY P.L.144-2018,
37 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 JULY 1, 2026]: Sec. 23. (a) This section applies to criminal actions.

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

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

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

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

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

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

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

7 SECTION 21. IC 35-31.5-2-233, AS ADDED BY P.L.114-2012,
 8 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2026]: Sec. 233. (a) ~~"Performance"~~, for purposes of
 10 IC 35-42-4-4, ~~has the meaning set forth in IC 35-42-4-4(a).~~

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

13 SECTION 22. IC 35-31.5-2-300, AS AMENDED BY
 14 P.L.144-2018, SECTION 15, IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 300. (a) "Sexual
 16 conduct", for purposes of IC 35-42-3.5-0.5 and IC 35-42-4-4, has the
 17 meaning set forth in ~~IC 35-42-4-4(a).~~ **IC 35-42-4-4.**

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

20 SECTION 23. IC 35-36-10-1, AS ADDED BY P.L.148-2011,
 21 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2026]: Sec. 1. This chapter applies ~~only~~ in a criminal **or civil**
 23 proceeding.

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

28 (1) material described in ~~IC 35-42-4-4(d).~~ **IC 35-42-4-4.5;** and

29 (2) material defined in 18 U.S.C. 2256(8).

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

35 SECTION 26. IC 35-36-10-4, AS AMENDED BY P.L.218-2025,
 36 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2026]: Sec. 4. A court shall deny any request by the defendant
 38 in a criminal proceeding, **or any party in a civil proceeding**, to copy,
 39 photograph, duplicate, or otherwise reproduce any material that
 40 constitutes child sex abuse material if the state **(in a criminal**
 41 **proceeding), or the court (in a civil proceeding)**, provides ample
 42 opportunity for inspection, viewing, and examination of the material

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1 by:
 2 (1) the defendant **(in a criminal proceeding);**
 3 (2) the defendant's attorney **(in a criminal proceeding); and**
 4 (3) any individual the defendant seeks to qualify as an expert **(in**
 5 **a criminal proceeding);**
 6 **(4) any party and the party's attorney (in a civil proceeding);**
 7 **and**
 8 **(5) any individual a party seeks to qualify as an expert (in a**
 9 **civil proceeding);**
 10 at a state or local court or law enforcement facility as provided in
 11 section 5 of this chapter.

12 SECTION 27. IC 35-38-1-7.5, AS AMENDED BY P.L.186-2025,
 13 SECTION 229, IS AMENDED TO READ AS FOLLOWS
 14 [EFFECTIVE JULY 1, 2026]: Sec. 7.5. (a) As used in this section,
 15 "sexually violent predator" means a person who suffers from a mental
 16 abnormality or personality disorder that makes the individual likely to
 17 repeatedly commit a sex offense (as defined in IC 11-8-8-5.2). The
 18 term includes a person convicted in another jurisdiction who is
 19 identified as a sexually violent predator under IC 11-8-8-20. The term
 20 does not include a person no longer considered a sexually violent
 21 predator under subsection (g).

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

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- 1 2014);
- 2 (2) commits a sex offense (as defined in IC 11-8-8-5.2) while
- 3 having a previous unrelated conviction for a sex offense for
- 4 which the person is required to register as a sex or violent
- 5 offender under IC 11-8-8;
- 6 (3) commits a sex offense (as defined in IC 11-8-8-5.2) while
- 7 having had a previous unrelated adjudication as a delinquent
- 8 child for an act that would be a sex offense if committed by an
- 9 adult, if, after considering expert testimony, a court finds by
- 10 clear and convincing evidence that the person is likely to commit
- 11 an additional sex offense; or
- 12 (4) commits a sex offense (as defined in IC 11-8-8-5.2) while
- 13 having had a previous unrelated adjudication as a delinquent
- 14 child for an act that would be a sex offense if committed by an
- 15 adult, if the person was required to register as a sex or violent
- 16 offender under ~~IC 11-8-8-5(b)(2)~~; **IC 11-8-8-5(b)(4)**;
- 17 is a sexually violent predator. Except as provided in subsection (g) or
- 18 (h), a person is a sexually violent predator by operation of law if an
- 19 offense committed by the person satisfies the conditions set forth in
- 20 subdivision (1) or (2) and the person was released from incarceration,
- 21 secure detention, probation, or parole for the offense after June 30,
- 22 1994.
- 23 (c) This section applies whenever a court sentences a person or a
- 24 juvenile court issues a dispositional decree for a sex offense (as defined
- 25 in IC 11-8-8-5.2) for which the person is required to register with the
- 26 local law enforcement authority under IC 11-8-8.
- 27 (d) At the sentencing hearing, the court shall indicate on the record
- 28 whether the person has been convicted of an offense that makes the
- 29 person a sexually violent predator under subsection (b).
- 30 (e) If a person is not a sexually violent predator under subsection
- 31 (b), the prosecuting attorney may request the court to conduct a hearing
- 32 to determine whether the person (including a child adjudicated to be a
- 33 delinquent child) is a sexually violent predator under subsection (a). If
- 34 the court grants the motion, the court shall appoint two (2)
- 35 psychologists or psychiatrists who have expertise in criminal
- 36 behavioral disorders to evaluate the person and testify at the hearing.
- 37 After conducting the hearing and considering the testimony of the two
- 38 (2) psychologists or psychiatrists, the court shall determine whether the
- 39 person is a sexually violent predator under subsection (a). A hearing
- 40 conducted under this subsection may be combined with the person's
- 41 sentencing hearing.
- 42 (f) If a person is a sexually violent predator:

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

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

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

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

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1 (D) The person has not committed another sex offense (as
2 defined in IC 11-8-8-5.2), including a delinquent act that
3 would be a sex offense if committed by an adult, against any
4 other person.

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

9 SECTION 30. IC 35-42-4-4, AS AMENDED BY P.L.218-2025,
10 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2026]: Sec. 4. (a) The following definitions apply throughout
12 this section:

13 (1) "Disseminate" means to transfer possession for free or for a
14 consideration:

15 (2) (1) "Image" means the following: any visual representation.

16 (A) A picture:

17 (B) A drawing:

18 (C) A photograph:

19 (D) A negative image:

20 (E) An undeveloped film:

21 (F) A motion picture:

22 (G) A videotape:

23 (H) A digitized image:

24 (I) A computer generated image:

25 (J) Any pictorial representation:

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

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

28 (5) (2) "Sexual conduct" means:

29 (A) sexual intercourse;

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

31 (C) exhibition of the:

32 (i) uncovered genitals; or

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

35 intended to satisfy or arouse the sexual desires of any
36 person;

37 (D) sadomasochistic abuse;

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

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

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

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

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

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

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

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

12 (B) is mentally disabled or deficient;

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

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

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

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

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

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.

30 (c) The offense described in subsection (b) is a Level 3 felony

31 if:

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

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

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

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

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

41 (D) child molesting;

42 (E) pecuniary gain by the person; or

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

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

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

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

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

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

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

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

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

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

30 (B) is mentally disabled or deficient;

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

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

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

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

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

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

3 ~~(E)~~ receives a bodily injury while participating in the sexual
4 conduct, matter, performance, or incident; or

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

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

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

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

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

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

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

27 (2) The defendant is not more than four (4) years older or
28 younger than the person who is depicted in the image or who
29 received the image.

30 (3) The relationship between the defendant and the person who
31 received the image or who is depicted in the image was a dating
32 relationship or an ongoing personal relationship. For purposes of
33 this subdivision, the term "ongoing personal relationship" does
34 not include a family relationship.

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

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

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

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

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

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

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

13 (1) the person was less than eighteen (18) years of age at the

14 time the alleged offense was committed; and

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

16 IC 35-45-4-6(a)(4) apply.

17 ~~(k)~~ **(j)** A person is entitled to present the defense described in

18 subsection ~~(j)~~ **(i)** in a pretrial hearing. If a person proves by a

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

20 described in subsection ~~(j)~~ **(i)** applies, the court shall dismiss the

21 charges under this section with prejudice.

22 SECTION 31. IC 35-42-4-4.5 IS ADDED TO THE INDIANA

23 CODE AS A NEW SECTION TO READ AS FOLLOWS

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

25 **apply throughout this section:**

- 26 (1) "Image" has the meaning set forth in section 4 of this
- 27 chapter.
- 28 (2) "Sexual conduct" has the meaning set forth in section 4
- 29 of this chapter.

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

31 **intentionally possesses or accesses an image that depicts or**

32 **describes sexual conduct:**

- 33 (1) by a child who the person knows is less than eighteen (18)
- 34 years of age;
- 35 (2) by a child less than eighteen (18) years of age, or by a
- 36 person who appears to be a child less than eighteen (18)
- 37 years of age, if the representation of the image is obscene (as
- 38 described in IC 35-49-2-1); or
- 39 (3) that is simulated sexual conduct involving a
- 40 representation that appears to be a child less than eighteen
- 41 (18) years of age, if the representation of the image is
- 42 obscene (as described in IC 35-49-2-1);

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

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

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

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

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

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

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

16 (D) child molesting.

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

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

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

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

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

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

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

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

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

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

41 (C) violence or a depiction of violence against a child,
 42 including sado-masochistic abuse (as defined in

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- 1 **IC 35-49-1-8);**
- 2 **(D) child molesting;**
- 3 **(E) pecuniary gain by the person; or**
- 4 **(F) distributing the visual depiction to a child less than**
- 5 **eighteen (18) years of age with the intent of inducing,**
- 6 **causing, or coercing the child to commit a criminal**
- 7 **offense.**

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

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

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

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

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

- 42 **(1) the person who receives the image distributes it to a**

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

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Indian:

- (i) tribe;
- (ii) band;
- (iii) pueblo;
- (iv) nation; or
- (v) organized group or community, including an Alaska Native village or regional or village corporation as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.);

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

- (L) an order issued under IC 35-33-8-3.2; or
- (M) an order issued under IC 35-38-1-30.

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

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

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

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

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

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

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- 1 has been:
- 2 (1) found to be a sexually violent predator under IC 35-38-1-7.5;
- 3 or
- 4 (2) convicted of one (1) or more of the following offenses:
- 5 (A) Child molesting (IC 35-42-4-3).
- 6 (B) Child exploitation (~~IC 35-42-4-4(b) or IC 35-42-4-4(c)~~);
- 7 **(IC 35-42-4-4).**
- 8 (C) Child solicitation (IC 35-42-4-6).
- 9 (D) Child seduction (IC 35-42-4-7).
- 10 (E) Kidnapping (IC 35-42-3-2), if the victim is less than
- 11 eighteen (18) years of age, and the person is not the child's
- 12 parent or guardian.
- 13 A person is an offender against children by operation of law if the
- 14 person meets the conditions described in subdivision (1) or (2) at any
- 15 time.
- 16 (b) As used in this section, "reside" means to spend more than
- 17 three (3) nights in:
- 18 (1) a residence; or
- 19 (2) if the person does not reside in a residence, a particular
- 20 location;
- 21 in any thirty (30) day period.
- 22 (c) An offender against children who knowingly or intentionally:
- 23 (1) resides within one thousand (1,000) feet of:
- 24 (A) school property, not including property of an institution
- 25 providing post-secondary education;
- 26 (B) a youth program center;
- 27 (C) a public park; or
- 28 (D) a day care center licensed under IC 12-17.2;
- 29 (2) establishes a residence within one (1) mile of the residence
- 30 of the victim of the offender's sex offense; or
- 31 (3) resides in a residence where a child care provider (as defined
- 32 by IC 31-33-26-1) provides child care services;
- 33 commits a sex offender residency offense, a Level 6 felony.
- 34 (d) This subsection does not apply to an offender against children
- 35 who has two (2) or more unrelated convictions for an offense described
- 36 in subsection (a). A person who is an offender against children may
- 37 petition the court to consider whether the person should no longer be
- 38 considered an offender against children. The person may file a petition
- 39 under this subsection not earlier than ten (10) years after the person is
- 40 released from incarceration or parole, whichever occurs last (or, if the
- 41 person is not incarcerated, not earlier than ten (10) years after the
- 42 person is released from probation). A person may file a petition under

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1 this subsection not more than one (1) time per year. A court may
 2 dismiss a petition filed under this subsection or conduct a hearing to
 3 determine if the person should no longer be considered an offender
 4 against children. If the court conducts a hearing, the court shall appoint
 5 two (2) psychologists or psychiatrists who have expertise in criminal
 6 behavioral disorders to evaluate the person and testify at the hearing.
 7 After conducting the hearing and considering the testimony of the two
 8 (2) psychologists or psychiatrists, the court shall determine whether the
 9 person should no longer be considered an offender against children. If
 10 a court finds that the person should no longer be considered an offender
 11 against children, the court shall send notice to the department of
 12 correction that the person is no longer considered an offender against
 13 children.

14 SECTION 33. IC 35-42-4-14, AS AMENDED BY P.L.218-2025,
 15 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2026]: Sec. 14. (a) As used in this section, "serious sex
 17 offender" means a person required to register as a sex offender under
 18 IC 11-8-8 who is:

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

20 or

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

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

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

25 (C) Possession of child sex abuse material (IC 35-42-4-4(d)
 26 or IC 35-42-4-4(e)) **(before July 1, 2026), or a child sex**
 27 **abuse material offense under IC 35-42-4-4.5 (after June**
 28 **30, 2026).**

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

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

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

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

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

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

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

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

42 (2) the person:

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

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

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

10 (B) leaves the school property not later than thirty (30)
11 minutes after the conclusion of the worship services or
12 religious instruction.

13 SECTION 34. IC 35-49-3-3, AS AMENDED BY P.L.218-2025,
14 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2026]: Sec. 3. (a) Except as provided in subsection (b) and
16 section 4 of this chapter, a person who knowingly or intentionally:

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

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

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

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

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

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

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

39 commits a Level 6 felony.

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

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- 1 (1) the matter is obscene under IC 35-49-2-1;
 2 (2) the matter is child sex abuse material under ~~IC 35-42-4-4~~;
 3 **IC 35-42-4-4.5**; or
 4 (3) the person distributes the matter to a child less than eighteen
 5 (18) years of age believing or intending that the recipient is a
 6 child less than eighteen (18) years of age.
 7 SECTION 35. IC 35-50-1-2, AS AMENDED BY P.L.218-2025,
 8 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2026]: Sec. 2. (a) As used in this section, "crime of violence"
 10 means the following:
 11 (1) Murder (IC 35-42-1-1).
 12 (2) Attempted murder (IC 35-41-5-1).
 13 (3) Voluntary manslaughter (IC 35-42-1-3).
 14 (4) Involuntary manslaughter (IC 35-42-1-4).
 15 (5) Reckless homicide (IC 35-42-1-5).
 16 (6) Battery (IC 35-42-2-1) as a:
 17 (A) Level 2 felony;
 18 (B) Level 3 felony;
 19 (C) Level 4 felony; or
 20 (D) Level 5 felony.
 21 (7) Domestic battery (IC 35-42-2-1.3) as a:
 22 (A) Level 2 felony;
 23 (B) Level 3 felony;
 24 (C) Level 4 felony; or
 25 (D) Level 5 felony.
 26 (8) Aggravated battery (IC 35-42-2-1.5).
 27 (9) Kidnapping (IC 35-42-3-2).
 28 (10) Rape (IC 35-42-4-1).
 29 (11) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
 30 (12) Child molesting (IC 35-42-4-3).
 31 (13) Sexual misconduct with a minor as a Level 1 felony under
 32 IC 35-42-4-9(a)(2) or a Level 2 felony under IC 35-42-4-9(b)(2).
 33 (14) Robbery as a Level 2 felony or a Level 3 felony
 34 (IC 35-42-5-1).
 35 (15) Burglary as a Level 1 felony, Level 2 felony, Level 3 felony,
 36 or Level 4 felony (IC 35-43-2-1).
 37 (16) Operating a vehicle while intoxicated causing death or
 38 catastrophic injury (IC 9-30-5-5).
 39 (17) Operating a vehicle while intoxicated causing serious bodily
 40 injury to another person (IC 9-30-5-4).
 41 (18) Child exploitation (**IC 35-42-4-4**), as a Level 5 felony under
 42 ~~IC 35-42-4-4(b)~~ or a Level 4 felony under ~~IC 35-42-4-4(c)~~.

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- 1 (19) Resisting law enforcement as a felony (IC 35-44.1-3-1).
- 2 (20) Unlawful possession of a firearm by a serious violent felon
- 3 (IC 35-47-4-5).
- 4 (21) Strangulation (IC 35-42-2-9) as a Level 5 felony.
- 5 **(22) A child sexual abuse material offense (IC 35-42-4-4.5).**
- 6 (b) As used in this section, "episode of criminal conduct" means
- 7 offenses or a connected series of offenses that are closely related in
- 8 time, place, and circumstance.
- 9 (c) Except as provided in subsection (e) or (f) the court shall
- 10 determine whether terms of imprisonment shall be served concurrently
- 11 or consecutively. The court may consider the:
- 12 (1) aggravating circumstances in IC 35-38-1-7.1(a); and
- 13 (2) mitigating circumstances in IC 35-38-1-7.1(b);
- 14 in making a determination under this subsection. The court may order
- 15 terms of imprisonment to be served consecutively even if the sentences
- 16 are not imposed at the same time. However, except for crimes of
- 17 violence, the total of the consecutive terms of imprisonment, exclusive
- 18 of terms of imprisonment under IC 35-50-2-8 and IC 35-50-2-10
- 19 (before its repeal) to which the defendant is sentenced for felony or
- 20 misdemeanor convictions arising out of an episode of criminal conduct
- 21 shall not exceed the period described in subsection (d).
- 22 (d) Except as provided in subsection (c), the total of the
- 23 consecutive terms of imprisonment to which the defendant is sentenced
- 24 for convictions arising out of an episode of criminal conduct may not
- 25 exceed the following:
- 26 (1) If the most serious crime for which the defendant is
- 27 sentenced is a Class C misdemeanor, the total of the consecutive
- 28 terms of imprisonment may not exceed one (1) year.
- 29 (2) If the most serious crime for which the defendant is
- 30 sentenced is a Class B misdemeanor, the total of the consecutive
- 31 terms of imprisonment may not exceed two (2) years.
- 32 (3) If the most serious crime for which the defendant is
- 33 sentenced is a Class A misdemeanor, the total of the consecutive
- 34 terms of imprisonment may not exceed three (3) years.
- 35 (4) If the most serious crime for which the defendant is
- 36 sentenced is a Level 6 felony, the total of the consecutive terms
- 37 of imprisonment may not exceed four (4) years.
- 38 (5) If the most serious crime for which the defendant is
- 39 sentenced is a Level 5 felony, the total of the consecutive terms
- 40 of imprisonment may not exceed seven (7) years.
- 41 (6) If the most serious crime for which the defendant is
- 42 sentenced is a Level 4 felony, the total of the consecutive terms

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

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

4 (1) the court finds that:

5 (A) the person has committed a prior, unrelated felony for
6 which judgment was entered as a conviction of a Class A
7 misdemeanor; and

8 (B) the prior felony was committed less than three (3) years
9 before the second felony was committed;

10 (2) the offense is domestic battery as a Class D felony (for a
11 crime committed before July 1, 2014) or a Level 6 felony (for a
12 crime committed after June 30, 2014) under IC 35-42-2-1.3; or

13 (3) the offense is possession of child sex abuse material
14 (IC 35-42-4-4(d)) **(before July 1, 2026) or a child sex abuse**
15 **material offense under IC 35-42-4-4.5 (after June 30, 2026).**

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

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

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

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

32 (3) The person has not been convicted of perjury under
33 IC 35-44.1-2-1 (or IC 35-44-2-1 before its repeal) or official
34 misconduct under IC 35-44.1-1-1 (or IC 35-44-1-2 before its
35 repeal).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

41 (1) two (2) years; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1 participating in the individualized case management plan from
2 January 1, 2022, through December 31, 2022.
3 (3) The percentage of the prison population currently
4 participating in an individualized case management plan as of
5 January 1, 2023.
6 (4) Any other data points or information related to the status of
7 the implementation of the individualized case management plan.
8 This subsection expires June 30, 2023.
9 SECTION 38. An emergency is declared for this act.

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