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# ENGROSSED HOUSE BILL No. 1303

Proposed Changes to February 13, 2026 printing by AM130309

## DIGEST OF PROPOSED AMENDMENT

Missing children. Specifies that the amber alert program applies to missing as well as abducted children.

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

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

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

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

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

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- 1 (A) Employment with a state or local governmental entity.  
 2 (B) Licensing.  
 3 (3) Segments of the securities industry identified under 15  
 4 U.S.C. 78q(f)(2).

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

11 [ SECTION 3. IC 10-13-5-1 IS AMENDED TO READ AS  
 12 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. As used in this  
 13 chapter, "Amber alert program" means a program under which the  
 14 clearinghouse transmits information about a **missing child, including**  
 15 a recently abducted child to broadcasters who:

- 16 (1) have agreed to participate in the program; and  
 17 (2) immediately and repeatedly broadcast the information to the  
 18 general public.

19 ] SECTION ~~↔~~[4]. IC 10-13-5-4 IS AMENDED TO READ AS  
 20 FOLLOWS [EFFECTIVE ~~<JULY 1, 2026>~~[UPON PASSAGE]]: Sec.  
 21 4. As used in this chapter, "missing child" means a person less than  
 22 eighteen (18) years of age who:

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

35 SECTION ~~↔~~[5. IC 10-13-5-8, AS AMENDED BY P.L.40-2024,  
 36 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 37 UPON PASSAGE]: Sec. 8. (a) The clearinghouse shall operate an  
 38 Amber alert program, a green alert program, and a silver alert program.

39 (b) Upon the establishment of the Amber alert program, the green  
 40 alert program, and the silver alert program, the clearinghouse may enter  
 41 into an agreement with one (1) or more broadcasters to operate the  
 42 Amber alert program, the green alert program, and the silver alert

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1 program under this chapter.

2 (c) The superintendent shall designate staff responsible for the  
3 operation of the Amber alert program, the green alert program, and the  
4 silver alert program.

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

19 (e) A broadcaster participating in the Amber alert program, the  
20 green alert program, or the silver alert program shall immediately  
21 broadcast:

22 (1) a description of the **missing or** abducted child, missing  
23 endangered child, missing veteran at risk, or missing endangered  
24 adult; and

25 (2) other information that will assist in locating the **missing or**  
26 abducted child, missing endangered child, missing veteran at  
27 risk, or missing endangered adult;

28 to the general public in accordance with the Amber alert plan  
29 agreement, green alert plan agreement, or silver alert plan agreement  
30 between the clearinghouse and the broadcaster.

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

37 (1) Upon receiving a notification as part of the Amber alert  
38 program, green alert program, or silver alert program, the  
39 broadcaster shall broadcast the information contained on the  
40 notice on an intermittent basis for a period of time as provided  
41 in the agreements between the clearinghouse and the  
42 broadcaster.

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- 1           (2) The broadcaster shall treat the Amber alert notification,
- 2           green alert notification, or silver alert notification as an
- 3           emergency.
- 4           (3) The broadcaster shall ensure that the form of communication
- 5           used to receive an Amber alert notification, a green alert
- 6           notification, or a silver alert notification is:
- 7                (A) generally available to receive an Amber alert
- 8                notification, a green alert notification, or a silver alert
- 9                notification; and
- 10              (B) located such that the broadcaster will immediately
- 11              become aware of an incoming Amber alert notification,
- 12              green alert notification, or silver alert notification.
- 13            SECTION 6. IC 10-13-5-8.1, AS AMENDED BY P.L.40-2024,
- 14            SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 15            UPON PASSAGE]: Sec. 8.1. (a) In addition to an agreement with a
- 16            broadcaster under section 8 of this chapter, the clearinghouse may enter
- 17            into an agreement with one (1) or more electronic billboard operators
- 18            to display Amber alerts, green alerts, or silver alerts under this section.
- 19            An agreement under this section may include a limitation on the days
- 20            and times that the electronic billboard operator is required to have staff
- 21            present to receive an Amber alert, a green alert, or a silver alert
- 22            notification.
- 23                (b) The department's guidelines adopted under section 8 of this
- 24                chapter may require staff, upon receiving a report of a **missing child**
- 25                or that a child has been abducted, an endangered child is missing, a
- 26                veteran at risk is missing, or an endangered adult is missing, to
- 27                immediately send electronically or by other means of communication
- 28                a description of the **missing or** abducted child, missing endangered
- 29                child, missing veteran at risk, or missing endangered adult to one (1)
- 30                or more electronic billboard operators participating in the Amber alert
- 31                program, green alert program, or silver alert program if the Amber
- 32                alert, green alert, or silver alert occurs during a period when the
- 33                electronic billboard operator has agreed to have staff present to receive
- 34                an Amber alert notification, a green alert notification, or a silver alert
- 35                notification.
- 36                (c) An electronic billboard operator participating in the Amber
- 37                alert program, green alert program, or silver alert program shall
- 38                immediately display:
- 39                    (1) a description of the **missing or** abducted child, missing
- 40                    endangered child, missing veteran at risk, or missing endangered
- 41                    adult; and
- 42                    (2) other information that will assist in locating the **missing or**

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1 abducted child, missing endangered child, missing veteran at  
 2 risk, or missing endangered adult;  
 3 to the general public in accordance with the Amber alert plan  
 4 agreement, green alert plan agreement, or silver alert plan agreement  
 5 between the clearinghouse and the electronic billboard operator.

6 (d) The department shall adopt guidelines governing the voluntary  
 7 Amber alert program agreement, voluntary green alert program  
 8 agreement, or voluntary silver alert program agreement between the  
 9 clearinghouse and an electronic billboard operator. The voluntary  
 10 agreements between the clearinghouse and the electronic billboard  
 11 operator may include the following provisions:

12 (1) Upon receiving a notification as part of the Amber alert  
 13 program, the green alert program, or the silver alert program, the  
 14 electronic billboard operator shall display the information  
 15 contained in the notice on an intermittent basis for a period of  
 16 time as provided in the agreements between the clearinghouse  
 17 and the electronic billboard operator.

18 (2) The electronic billboard operator shall treat the Amber alert  
 19 notification, the green alert notification, or the silver alert  
 20 notification as an emergency.

21 (3) The electronic billboard operator shall ensure that the form  
 22 of communication used to receive an Amber alert notification, a  
 23 green alert notification, or a silver alert notification is:

24 (A) generally available to receive an Amber alert  
 25 notification, a green alert notification, or a silver alert  
 26 notification; and

27 (B) located such that the electronic billboard operator will  
 28 immediately become aware of an incoming Amber alert  
 29 notification, a green alert notification, or a silver alert  
 30 notification received during days and times when staff is  
 31 present to receive an Amber alert notification, a green alert  
 32 notification, or a silver alert notification.

33 SECTION 7. IC 10-13-5-8.5, AS AMENDED BY P.L.40-2024,  
 34 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 35 UPON PASSAGE]: Sec. 8.5. (a) A broadcaster or electronic billboard  
 36 operator that has agreed to participate in the Amber alert program,  
 37 green alert program, or silver alert program and that:

38 (1) receives an Amber alert notification, a green alert  
 39 notification, or a silver alert notification from the department;  
 40 and

41 (2) broadcasts or displays:

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

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

8 (b) If:

9 (1) a person enters into an agreement with the department to  
 10 establish or maintain an Amber alert website, a green alert  
 11 website, or a silver alert website; and

12 (2) the agreement provides that only the department has the  
 13 ability to place information on the website;

14 the person is immune from civil liability for the information placed on  
 15 the website by the department. However, this subsection does not affect  
 16 the applicability of IC 34-13-3 to the department.

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

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

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

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

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

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

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

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

31 (8) Sexual misconduct with a minor (IC 35-42-4-9) as a Class A,  
 32 Class B, or Class C felony (for a crime committed before July 1,  
 33 2014) or a Level 1, Level 2, Level 4, or Level 5 felony (for a  
 34 crime committed after June 30, 2014), unless:

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

39 (B) the person is not more than:

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

42 (ii) five (5) years older than the victim if the offense

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

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1           ~~(2)~~ **(4)** a child who has committed a delinquent act, or a person  
2 prosecuted under IC 31-30-1-4(d) for an offense described in  
3 subsection (a) committed when the person was less than eighteen  
4 (18) years of age, but who was at least twenty-one (21) years of  
5 age when the charge was filed, and who:

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

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

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

27           SECTION ~~↔~~ **[9]**. IC 11-8-8-5, AS AMENDED BY  
28 P.L.218-2025, SECTION 4, IS AMENDED TO READ AS FOLLOWS  
29 [EFFECTIVE JULY 1, 2026]: Sec. 5. (a) Except as provided in section  
30 22 of this chapter, as used in this chapter, "sex or violent offender"  
31 means a person convicted of any of the following offenses:

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

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

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

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

4 (b) A person may request that the department reconsider its  
 5 determination that the person is required to register under section  
 6 4.5(b)(2) or 5(b)(2) of this chapter by filing a written request for  
 7 reconsideration with the department. The request for  
 8 reconsideration must:

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

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

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

17 (d) If the person establishes by a preponderance of the  
 18 evidence that the person is not required to register under section  
 19 4.5(b)(2) or 5(b)(2) of this chapter, the department shall grant  
 20 appropriate relief.

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

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

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

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1 ensure that the offender's information is no longer published to the  
2 public portal of the sex and violent offender registry website  
3 established under IC 36-2-13-5.5.

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

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

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

12 is required to register for life.

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

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

24 is required to register for life.

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

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

- 30 (1) sex offender under section 4.5 of this chapter; or
- 31 (2) sex or violent offender under section 5 of this chapter;

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

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

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

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

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

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

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

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

15 SECTION ~~9~~ [13]. IC 22-5-5-1, AS AMENDED BY  
16 P.L.13-2016, SECTION 7, IS AMENDED TO READ AS FOLLOWS  
17 [EFFECTIVE JULY 1, 2026]: Sec. 1. The employment contract of a  
18 person who:

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

33 may be canceled by the person's employer.

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

- 39 (1) forced labor;
- 40 (2) involuntary servitude;
- 41 (3) prostitution;
- 42 (4) juvenile prostitution, as defined in IC 35-31.5-2-178.5;

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

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

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

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

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

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

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

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

25 there is a rebuttable presumption that the parenting time with the child  
26 must be supervised.

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

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

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

34 SECTION 1 ~~↔~~ [7]. IC 33-37-5-23, AS AMENDED BY  
35 P.L.144-2018, SECTION 10, IS AMENDED TO READ AS  
36 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 23. (a) This section  
37 applies to criminal actions.

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

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

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

21 SECTION 1 ~~48~~ [8]. IC 33-39-1-9, AS AMENDED BY  
 22 P.L.13-2016, SECTION 10, IS AMENDED TO READ AS FOLLOWS  
 23 [EFFECTIVE JULY 1, 2026]: Sec. 9. A prosecuting attorney who  
 24 charges a person with committing any of the following shall inform the  
 25 person's employer of the charge, unless the prosecuting attorney  
 26 determines that the person charged does not work with children:

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

39 SECTION 1 ~~49~~ [9]. IC 35-31.5-2-98 IS REPEALED [EFFECTIVE  
 40 JULY 1, 2026]. Sec. 98: "Disseminate", for purposes of IC 35-42-4-4,  
 41 has the meaning set forth in IC 35-42-4-4(a).

42 SECTION ~~16~~ [20]. IC 35-31.5-2-196, AS ADDED BY

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

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

6 SECTION ~~<17>~~[21]. IC 35-31.5-2-233, AS ADDED BY  
 7 P.L.114-2012, SECTION 67, IS AMENDED TO READ AS  
 8 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 233. (a) "Performance",  
 9 for purposes of IC 35-42-4-4, has the meaning set forth in  
 10 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 ~~<18>~~[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 ~~<19>~~[23]. IC 35-36-10-1, AS ADDED BY  
 21 P.L.148-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS  
 22 [EFFECTIVE JULY 1, 2026]: Sec. 1. This chapter applies ~~only~~ in a  
 23 criminal **or civil** proceeding.

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

28 (1) material described in IC 35-42-4-4(d); ~~<>~~[IC 35-42-4-4.5];  
 29 and

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

31 SECTION 2~~<5>~~[5]. IC 35-36-10-3, AS AMENDED BY  
 32 P.L.218-2025, SECTION 13, IS AMENDED TO READ AS  
 33 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. In any criminal  
 34 proceeding **or civil proceeding**, material constituting child sex abuse  
 35 material must remain in the custody of the state or the court.

36 SECTION 2~~<6>~~[6]. IC 35-36-10-4, AS AMENDED BY  
 37 P.L.218-2025, SECTION 14, IS AMENDED TO READ AS  
 38 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. A court shall deny  
 39 any request by the defendant in a criminal proceeding, **or any party in**  
 40 **a civil proceeding**, to copy, photograph, duplicate, or otherwise  
 41 reproduce any material that constitutes child sex abuse material if the  
 42 state **(in a criminal proceeding), or the court (in a civil proceeding),**

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1 provides ample opportunity for inspection, viewing, and examination  
2 of the material by:

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

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

13 SECTION 2 ~~↔~~[7]. IC 35-38-1-7.5, AS AMENDED BY  
14 P.L.186-2025, SECTION 229, IS AMENDED TO READ AS  
15 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 7.5. (a) As used in this  
16 section, "sexually violent predator" means a person who suffers from  
17 a mental abnormality or personality disorder that makes the individual  
18 likely to repeatedly commit a sex offense (as defined in IC 11-8-8-5.2).  
19 The term includes a person convicted in another jurisdiction who is  
20 identified as a sexually violent predator under IC 11-8-8-20. The term  
21 does not include a person no longer considered a sexually violent  
22 predator under subsection (g).

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

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

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

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

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1 court and the probation department with the address where the  
2 offender intends to reside during the period of probation:

3 (A) at the time of sentencing if the offender will be placed  
4 on probation without first being incarcerated; or

5 (B) before the offender's release from incarceration if the  
6 offender will be placed on probation after completing a term  
7 of incarceration; or

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

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

15 (1) court, if the offender is placed on probation; or

16 (2) parole board, if the offender is placed on parole;

17 for the change of address under subsection (f).

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

22 (1) the offender has successfully completed a sex offender  
23 treatment program during the period of probation or parole;

24 (2) the offender is in compliance with all terms of the offender's  
25 probation or parole; and

26 (3) good cause exists to allow the offender to reside within one  
27 (1) mile of the residence of the victim of the offender's sex  
28 offense.

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

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

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

40 SECTION 2<5>[9]. IC 35-42-3.5-1.2, AS AMENDED BY  
41 P.L.186-2025, SECTION 233, IS AMENDED TO READ AS  
42 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1.2. (a) A person who

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

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

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

10 SECTION ~~26~~ [30]. IC 35-42-4-4, AS AMENDED BY  
 11 P.L.218-2025, SECTION 17, IS AMENDED TO READ AS  
 12 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) The following  
 13 definitions apply throughout this section:

14 (1) "Disseminate" means to transfer possession for free or for a  
 15 consideration.

16 (2) (1) "Image" means the following: any visual representation.

17 (A) A picture.

18 (B) A drawing.

19 (C) A photograph.

20 (D) A negative image.

21 (E) An undeveloped film.

22 (F) A motion picture.

23 (G) A videotape.

24 (H) A digitized image.

25 (I) A computer generated image.

26 (J) Any pictorial representation.

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

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

29 (5) (2) "Sexual conduct" means:

30 (A) sexual intercourse;

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

32 (C) exhibition of the:

33 (i) uncovered genitals; or

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

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

38 (D) sadomasochistic abuse;

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

41 (F) any fondling or touching of a child by another person or  
 42 of another person by a child intended to arouse or satisfy the

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

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

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- 1           **conduct; or**
- 2           **(5) produces or creates an image containing sexual conduct**
- 3           **by a child less than eighteen (18) years of age, or who**
- 4           **appears to be a child less than eighteen (18) years of age;**
- 5           commits child exploitation, a ~~Level 5 felony~~, **Level 4 felony, except as**
- 6           **otherwise provided in this section. It is not a required element of an**
- 7           **offense under subdivision (5)(C) that the child depicted actually exists.**
- 8           (c) However, the offense of child exploitation described in
- 9           subsection (b) is a ~~Level 4 felony~~ if:
- 10           (1) the sexual conduct, matter, performance, or incident depicts
- 11           or describes a child less than eighteen (18) years of age who:
- 12           (A) engages in bestiality (as described in IC 35-46-3-14);
- 13           (B) is mentally disabled or deficient;
- 14           (C) participates in the sexual conduct, matter, performance,
- 15           or incident by use of force or the threat of force;
- 16           (D) physically or verbally resists participating in the sexual
- 17           conduct, matter, performance, or incident;
- 18           (E) receives a bodily injury while participating in the sexual
- 19           conduct, matter, performance, or incident; or
- 20           (F) is less than twelve (12) years of age; or
- 21           (2) the child less than eighteen (18) years of age:
- 22           (A) engages in bestiality (as described in IC 35-46-3-14);
- 23           (B) is mentally disabled or deficient;
- 24           (C) participates in the sexual conduct, matter, performance,
- 25           or incident by use of force or the threat of force;
- 26           (D) physically or verbally resists participating in the sexual
- 27           conduct, matter, performance, or incident;
- 28           (E) receives a bodily injury while participating in the sexual
- 29           conduct, matter, performance, or incident; or
- 30           (F) is less than twelve (12) years of age.
- 31           (c) The offense described in subsection (b) is a Level 3 felony
- 32           if:
- 33           (1) the person has a prior unrelated conviction for a sex
- 34           offense (as defined in IC 11-8-8-5.2); or
- 35           (2) the conduct depicted in the image involves:
- 36           (A) bestiality (as described in IC 35-46-3-14);
- 37           (B) a child less than twelve (12) years of age, or who
- 38           appears to be a child less than twelve (12) years of age;
- 39           (C) violence or a depiction of violence against a child,
- 40           including sado-masochistic abuse (as defined in
- 41           IC 35-49-1-8);
- 42           (D) child molesting;

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

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

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

11 (1) by a child who the person knows is less than eighteen (18)  
 12 years of age;  
 13 (2) by a child less than eighteen (18) years of age; or by a person  
 14 who appears to be a child less than eighteen (18) years of age; if  
 15 the representation of the image is obscene (as described in  
 16 IC 35-49-2-1); or  
 17 (3) that is simulated sexual conduct involving a representation  
 18 that appears to be a child less than eighteen (18) years of age; if  
 19 the representation of the image is obscene (as described in  
 20 IC 35-49-2-1);

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

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

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

30 (A) engages in bestiality (as described in IC 35-46-3-14);  
 31 (B) is mentally disabled or deficient;  
 32 (C) participates in the sexual conduct, matter, performance,  
 33 or incident by use of force or the threat of force;  
 34 (D) physically or verbally resists participating in the sexual  
 35 conduct, matter, performance, or incident;  
 36 (E) receives a bodily injury while participating in the sexual  
 37 conduct, matter, performance, or incident; or  
 38 (F) is less than twelve (12) years of age; or  
 39 (2) the child less than eighteen (18) years of age:

40 (A) engages in bestiality (as described in IC 35-46-3-14);  
 41 (B) is mentally disabled or deficient;  
 42 (C) participates in the sexual conduct, matter, performance;

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- 1                   or incident by use of force or the threat of force;
- 2                   ~~(D)~~ physically or verbally resists participating in the sexual
- 3                   conduct, matter, performance, or incident;
- 4                   ~~(E)~~ receives a bodily injury while participating in the sexual
- 5                   conduct, matter, performance, or incident; or
- 6                   ~~(F)~~ is less than twelve ~~(12)~~ years of age.

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

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

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

- 25                  (1) A cellular telephone, another wireless or cellular
- 26                  communications device, or a social networking website was used
- 27                  to possess, produce, or ~~disseminate 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 who
- 32                  received the image or who is depicted in the image was a dating
- 33                  relationship or an ongoing personal relationship. For purposes of
- 34                  this subdivision, the term "ongoing personal relationship" does
- 35                  not include a family relationship.
- 36                  (4) The crime was committed by a person less than twenty-two
- 37                  (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)~~ ~~(h)~~ The defense to a prosecution described in subsection ~~(h)~~ ~~(g)~~  
 41                  does not apply if:

- 42                  (1) the person who receives the image ~~disseminates distributes~~

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

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

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

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

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

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

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

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

22 charges under this section with prejudice.

23 SECTION ~~27~~ [31]. IC 35-42-4-4.5 IS ADDED TO THE

24 INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS

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

26 **apply throughout this section:**

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

28 chapter.

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

30 of this chapter.

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

32 intentionally possesses or accesses an image that depicts or

33 describes sexual conduct:

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

35 years of age;

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

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

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

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

40 (3) that is simulated sexual conduct involving a

41 representation that appears to be a child less than eighteen

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

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1           obscene (as described in IC 35-49-2-1);  
 2           commits possession of child sex abuse material, a Level 6 felony,  
 3           except as otherwise provided in this section. It is not a required  
 4           element of an offense under subdivision (3) that the child depicted  
 5           actually exists.

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

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

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

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

12                           (B) a child less than twelve (12) years of age, or who

13                           appears to be a child less than twelve (12) years of age;

14                           (C) violence or a depiction of violence against a child,

15                           including sado-masochistic abuse (as defined in

16                           IC 35-49-1-8); or

17                           (D) child molesting.

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

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

22                   (2) by a child less than eighteen (18) years of age, or by a  
 23                   person who appears to be a child less than eighteen (18)

24                   years of age, if the image is obscene (as described in  
 25                   IC 35-49-2-1); or

26                   (3) that is simulated sexual conduct involving a  
 27                   representation that appears to be a child less than eighteen

28                   (18) years of age, if the representation of the image is  
 29                   obscene (as described in IC 35-49-2-1);

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

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

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

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

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

40                           (B) a child less than twelve (12) years of age, or who

41                           appears to be a child less than twelve (12) years of age;

42                           (C) violence or a depiction of violence against a child,

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1 including sado-masochistic abuse (as defined in  
2 IC 35-49-1-8);

3 (D) child molesting;

4 (E) pecuniary gain by the person; or

5 (F) distributing the visual depiction to a child less than  
6 eighteen (18) years of age with the intent of inducing,  
7 causing, or coercing the child to commit a criminal  
8 offense.

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

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

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

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

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

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

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

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

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

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

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

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

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1 described in clauses (A) through (I) and is issued by an  
2 Indian:

- 3 (i) tribe;
- 4 (ii) band;
- 5 (iii) pueblo;
- 6 (iv) nation; or
- 7 (v) organized group or community, including an
- 8 Alaska Native village or regional or village
- 9 corporation as defined in or established under the
- 10 Alaska Native Claims Settlement Act (43 U.S.C.
- 11 1601 et seq.);

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

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

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

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

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

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

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

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

29 (1) possessed less than three (3) images prohibited by this  
30 section; and

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

34 (A) took reasonable steps to destroy each prohibited  
35 image; or

36 (B) reported the matter to a law enforcement agency  
37 and afforded that agency access to each prohibited  
38 image.

39 SECTION ~~28~~[32]. IC 35-42-4-11, AS AMENDED BY  
40 P.L.142-2020, SECTION 66, IS AMENDED TO READ AS  
41 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11. (a) As used in this  
42 section, and except as provided in subsection (d), "offender against

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1 children" means a person required to register as a sex or violent  
2 offender under IC 11-8-8 who has been:

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

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

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

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

9 (C) Child solicitation (IC 35-42-4-6).

10 (D) Child seduction (IC 35-42-4-7).

11 (E) Kidnapping (IC 35-42-3-2), if the victim is less than  
12 eighteen (18) years of age, and the person is not the child's  
13 parent or guardian.

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

17 (b) As used in this section, "reside" means to spend more than  
18 three (3) nights in:

19 (1) a residence; or

20 (2) if the person does not reside in a residence, a particular  
21 location;

22 in any thirty (30) day period.

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

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

25 (A) school property, not including property of an institution  
26 providing post-secondary education;

27 (B) a youth program center;

28 (C) a public park; or

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

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

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

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

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

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

15 SECTION ~~29~~ [33]. IC 35-42-4-14, AS AMENDED BY  
 16 P.L.218-2025, SECTION 18, IS AMENDED TO READ AS  
 17 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 14. (a) As used in this  
 18 section, "serious sex offender" means a person required to register as  
 19 a sex offender under IC 11-8-8 who is:

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

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

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

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

26 (C) Possession of child sex abuse material (IC 35-42-4-4(d)  
 27 or IC 35-42-4-4(e)) **(before July 1, 2026), or a child sex**  
 28 **abuse material offense under IC 35-42-4-4.5 (after June**  
 29 **30, 2026).**

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

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

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

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

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

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

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

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

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

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

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

41 commits a Level 6 felony.

42 (b) This section does not apply if a person disseminates, displays,

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1 or makes available the matter described in subsection (a) through the  
2 Internet, computer electronic transfer, or a computer network unless:

- 3 (1) the matter is obscene under IC 35-49-2-1;  
4 (2) the matter is child sex abuse material under ~~IC 35-42-4-4;~~  
5 ~~> [ ] IC 35-42-4-4.5;~~ or  
6 (3) the person distributes the matter to a child less than eighteen  
7 (18) years of age believing or intending that the recipient is a  
8 child less than eighteen (18) years of age.

9 SECTION 3 ~~<=>~~ [5]. IC 35-50-1-2, AS AMENDED BY  
10 P.L.218-2025, SECTION 23, IS AMENDED TO READ AS  
11 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) As used in this  
12 section, "crime of violence" means the following:

- 13 (1) Murder (IC 35-42-1-1).  
14 (2) Attempted murder (IC 35-41-5-1).  
15 (3) Voluntary manslaughter (IC 35-42-1-3).  
16 (4) Involuntary manslaughter (IC 35-42-1-4).  
17 (5) Reckless homicide (IC 35-42-1-5).  
18 (6) Battery (IC 35-42-2-1) as a:  
19 (A) Level 2 felony;  
20 (B) Level 3 felony;  
21 (C) Level 4 felony; or  
22 (D) Level 5 felony.  
23 (7) Domestic battery (IC 35-42-2-1.3) as a:  
24 (A) Level 2 felony;  
25 (B) Level 3 felony;  
26 (C) Level 4 felony; or  
27 (D) Level 5 felony.  
28 (8) Aggravated battery (IC 35-42-2-1.5).  
29 (9) Kidnapping (IC 35-42-3-2).  
30 (10) Rape (IC 35-42-4-1).  
31 (11) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).  
32 (12) Child molesting (IC 35-42-4-3).  
33 (13) Sexual misconduct with a minor as a Level 1 felony under  
34 IC 35-42-4-9(a)(2) or a Level 2 felony under IC 35-42-4-9(b)(2).  
35 (14) Robbery as a Level 2 felony or a Level 3 felony  
36 (IC 35-42-5-1).  
37 (15) Burglary as a Level 1 felony, Level 2 felony, Level 3 felony,  
38 or Level 4 felony (IC 35-43-2-1).  
39 (16) Operating a vehicle while intoxicated causing death or  
40 catastrophic injury (IC 9-30-5-5).  
41 (17) Operating a vehicle while intoxicated causing serious bodily  
42 injury to another person (IC 9-30-5-4).

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

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

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1 2014) or a Level 6 felony (for a crime committed after June 30, 2014),  
 2 the court may enter judgment of conviction of a Class A misdemeanor  
 3 and sentence accordingly. However, the court shall enter a judgment of  
 4 conviction of a Class D felony (for a crime committed before July 1,  
 5 2014) or a Level 6 felony (for a crime committed after June 30, 2014)  
 6 if:

7 (1) the court finds that:

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

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

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

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

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

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

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

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

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

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

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

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

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- 1 educational development (GED) diploma under IC 20-20-6
- 2 (before its repeal) or IC 22-4.1-18.
- 3 (2) One (1) year for graduation from high school.
- 4 (3) Not more than one (1) year for completion of an associate
- 5 degree.
- 6 (4) Not more than two (2) years for completion of a ~~bachelor~~
- 7 **bachelor's** degree.
- 8 (5) Not more than a total of one (1) year, as determined by the
- 9 department of correction, for the completion of one (1) or more
- 10 career and technical or vocational education programs approved
- 11 by the department of correction.
- 12 (6) Not more than a total of six (6) months, as determined by the
- 13 department of correction, for the completion of one (1) or more
- 14 substance abuse programs approved by the department of
- 15 correction.
- 16 (7) Not more than a total of six (6) months, as determined by the
- 17 department of correction, for the completion of one (1) or more
- 18 literacy and basic life skills programs approved by the
- 19 department of correction.
- 20 (8) Not more than a total of six (6) months, as determined by the
- 21 department of correction, for completion of one (1) or more
- 22 reformatory programs approved by the department of correction.
- 23 However, a person who is serving a sentence for an offense
- 24 listed under IC 11-8-8-4.5 may not earn educational credit under
- 25 this subdivision.
- 26 (9) An amount determined by the department of correction under
- 27 a policy adopted by the department of correction concerning the
- 28 individualized case management plan, not to exceed the
- 29 maximum amount described in subsection (j).
- 30 However, a person who does not have a substance abuse problem that
- 31 qualifies the person to earn educational credit in a substance abuse
- 32 program may earn not more than a total of twelve (12) months of
- 33 educational credit, as determined by the department of correction, for
- 34 the completion of one (1) or more career and technical or vocational
- 35 education programs approved by the department of correction. If a
- 36 person earns more than six (6) months of educational credit for the
- 37 completion of one (1) or more career and technical or vocational
- 38 education programs, the person is ineligible to earn educational credit
- 39 for the completion of one (1) or more substance abuse programs.
- 40 (e) Educational credit earned under this section must be directly
- 41 proportional to the time served and course work completed while
- 42 incarcerated. The department of correction shall adopt rules under

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- 1 IC 4-22-2 necessary to implement this subsection.
- 2 (f) Educational credit earned by a person under this section is  
3 subtracted from the release date that would otherwise apply to the  
4 person by the sentencing court after subtracting all other credit time  
5 earned by the person.
- 6 (g) A person does not earn educational credit under subsection (a)  
7 unless the person completes at least a portion of the degree  
8 requirements after June 30, 1993.
- 9 (h) A person does not earn educational credit under subsection (b)  
10 unless the person completes at least a portion of the program  
11 requirements after June 30, 1999.
- 12 (i) Educational credit earned by a person under subsection (a) for  
13 a diploma or degree completed before July 1, 1999, shall be subtracted  
14 from:
- 15 (1) the release date that would otherwise apply to the person  
16 after subtracting all other credit time earned by the person, if the  
17 person has not been convicted of an offense described in  
18 subdivision (2); or
- 19 (2) the period of imprisonment imposed on the person by the  
20 sentencing court, if the person has been convicted of one (1) of  
21 the following crimes:
- 22 (A) Rape (IC 35-42-4-1).  
23 (B) Criminal deviate conduct (IC 35-42-4-2) (before its  
24 repeal).  
25 (C) Child molesting (IC 35-42-4-3).  
26 (D) Child exploitation (~~IC 35-42-4-4(b) or IC 35-42-4-4(c)~~):  
27 **(IC 35-42-4-4)**.  
28 (E) Vicarious sexual gratification (IC 35-42-4-5).  
29 (F) Child solicitation (IC 35-42-4-6).  
30 (G) Child seduction (IC 35-42-4-7).  
31 (H) Sexual misconduct with a minor (IC 35-42-4-9) as a:  
32 (i) Class A felony, Class B felony, or Class C felony  
33 for a crime committed before July 1, 2014; or  
34 (ii) Level 1, Level 2, or Level 4 felony, for a crime  
35 committed after June 30, 2014.  
36 (I) Incest (IC 35-46-1-3).  
37 (J) Sexual battery (IC 35-42-4-8).  
38 (K) Kidnapping (IC 35-42-3-2), if the victim is less than  
39 eighteen (18) years of age.  
40 (L) Criminal confinement (IC 35-42-3-3), if the victim is  
41 less than eighteen (18) years of age.
- 42 (j) The maximum amount of educational credit a person may earn

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

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

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