
HOUSE BILL No. 1432

AM143201 has been incorporated into introduced printing.

Synopsis: Death sentence and intellectual disabilities.

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2026

IN 1432—LS 7043/DI 106



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Introduced

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

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

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

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

HOUSE BILL No. 1432

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 35-36-9-2.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2026]: **Sec. 2.5. (a) After the state has filed**
4 **the charging instrument under IC 35-50-2-9(a) that seeks a death**
5 **sentence, the court shall appoint two (2) or three (3) competent**
6 **disinterested:**
7 **(1) psychiatrists;**
8 **(2) psychologists endorsed by the state psychology board as**
9 **health service providers in psychology; or**
10 **(3) physicians;**
11 **who have expertise in diagnosing and treating intellectual**
12 **disabilities. At least one (1) person appointed under this subsection**
13 **must be a psychiatrist and at least one (1) person appointed under**
14 **this subsection must be a psychologist.**
15 **(b) The persons appointed under subsection (a) shall examine**

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the defendant and each shall prepare a separate written evaluation for the purpose of providing evidence of the following:

(1) Whether the defendant has a significantly subaverage level of intellectual functioning.

(2) Whether the defendant's adaptive behavior is substantially impaired.

(3) Whether the conditions described in subdivisions (1) and (2) existed before the defendant became twenty-two (22) years of age.

(c) After all written evaluations have been completed, each person appointed under subsection (a) shall:

(1) transmit a copy their evaluation to the defendant; and

(2) notify the court that they have transmitted a copy of their evaluation to the defendant.

SECTION 2. IC 35-36-9-3, AS AMENDED BY P.L.117-2015, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) The defendant may file a petition alleging that the defendant is an individual with an intellectual disability **not later than thirty (30) days after receipt of all evaluations described in section 2.5 of this chapter.**

(b) The petition must be filed not later than twenty (20) days before the omnibus date.

(c) Whenever the defendant files a petition under this section, the court shall order an evaluation of the defendant for the purpose of providing evidence of the following:

(1) Whether the defendant has a significantly subaverage level of intellectual functioning.

(2) Whether the defendant's adaptive behavior is substantially impaired.

(3) Whether the conditions described in subdivisions (1) and (2) existed before the defendant became twenty-two (22) years of age.

(b) If the defendant elects not to file a petition alleging that the defendant is an individual with a disability, the intellectual disability evaluations and any other evidence produced as a result of the examination of the defendant are privileged and inadmissible at trial by either party for any purpose.

(c) If the defendant files a petition alleging that the defendant is an individual with a disability the court shall:

(1) order the persons who conducted the examinations of the defendant under section 2.5 of this chapter to transmit a copy of their evaluations to the court and to the appropriate

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1 **prosecuting attorney; and**
 2 **(2) set the matter for hearing.**

3 SECTION 3. IC 35-36-9-4, AS AMENDED BY P.L.117-2015,
 4 SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2026]: Sec. 4. (a) ~~The court shall conduct a~~ **The persons who**
 6 **examined the defendant under section 2.5 of this chapter shall**
 7 **testify at the hearing on the a petition filed** under this chapter

8 (b) At the hearing, the defendant must prove by clear and
 9 convincing evidence that the defendant is an individual with an
 10 intellectual disability.

11 SECTION 4. IC 35-36-9-5, AS AMENDED BY P.L.117-2015,
 12 SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2026]: Sec. 5. ~~Not later than ten (10) days before the initial~~
 14 ~~trial date;~~ The court shall determine **before trial** whether the defendant
 15 is an individual with an intellectual disability based on the evidence set
 16 forth at the hearing under section 4 of this chapter. The court shall
 17 articulate findings supporting the court's determination under this
 18 section.

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