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# HOUSE BILL No. 1432

**AM143201 has been incorporated into introduced printing.**

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

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

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

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

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

12      **(1) transmit a copy their evaluation to the defendant; and**  
 13      **(2) notify the court that they have transmitted a copy of their**  
 14      **evaluation to the defendant.**

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

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

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

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

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

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

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

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

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



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**

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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