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# SENATE BILL No. 119

Proposed Changes to January 27, 2026 printing by AM011902

## DIGEST OF PROPOSED AMENDMENT

Cell phones. Specifies what constitutes grooming activity, and provides that that "computer network" includes cellular telephones.

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 35-31.5-2-127.7 IS ADDED TO THE INDIANA  
2 CODE AS A NEW SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2026]: **Sec. 127.7. "Facility or event that**  
4 **provides entertainment or programming primarily directed**  
5 **toward a child less than eighteen (18) years of age", or "facility or**  
6 **location holding an event that provides entertainment or**  
7 **programming primarily directed toward a child less than eighteen**  
8 **(18) years of age", means a facility, location, or event for which**  
9 **admission, participation, or attendance is restricted by policy or**  
10 **practice to children less than eighteen (18) years of age, or to**  
11 **children less than eighteen (18) years of age accompanied by a**  
12 **parent, guardian, or custodian.**

13 SECTION 2. IC 35-42-4-10, AS AMENDED BY P.L.98-2025,  
14 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
15 JULY 1, 2026]: Sec. 10. (a) As used in this section, "offender against  
16 children" means a person who is an offender against children under  
17 section 11 of this chapter.

18 (b) As used in this section, "sexually violent predator" means a  
19 person who is a sexually violent predator under IC 35-38-1-7.5.

20 (c) A sexually violent predator or an offender against children who

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- 1 knowingly or intentionally works for compensation or as a volunteer:
- 2 (1) on school property;
- 3 (2) at a youth program center;
- 4 (3) at a public park;
- 5 (4) as a child care provider (as defined by IC 31-33-26-1);
- 6 (5) for a child care provider (as defined by IC 31-33-26-1);
- 7 (6) as a provider of:
- 8 (A) respite care services and other support services for
- 9 primary or family caregivers; or
- 10 (B) adult day care services; ~~or~~
- 11 (7) in any setting where the sexually violent predator or offender
- 12 against children:
- 13 (A) has more than incidental and occasional contact with a
- 14 child who is not accompanied by the child's parent,
- 15 guardian, or custodian;
- 16 (B) has supervisory or disciplinary power over a child; or
- 17 (C) is expected to touch a child on a more than incidental
- 18 and occasional basis; **or**
- 19 **(8) at a facility or event that provides entertainment or**
- 20 **programming primarily directed toward a child less than**
- 21 **eighteen (18) years of age;**
- 22 commits unlawful employment by a sexual predator, a Level 6 felony.
- 23 However, the offense is a Level 5 felony if the person has a prior
- 24 unrelated conviction under this section or based on the person's failure
- 25 to comply with any requirement imposed on an offender under
- 26 IC 11-8-8.
- 27 SECTION 3. IC 35-42-4-13, AS AMENDED BY P.L.168-2014,
- 28 SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 29 JULY 1, 2026]: Sec. 13. (a) This section does not apply to the
- 30 following:
- 31 (1) A parent, guardian, or custodian of a child.
- 32 (2) A person who acts with the permission of a child's parent,
- 33 guardian, or custodian.
- 34 (3) A person to whom a child makes a report of abuse or neglect.
- 35 (4) A person to whom a child reports medical symptoms that
- 36 relate to or may relate to sexual activity.
- 37 (b) As used in this section, "sexual activity" means sexual
- 38 intercourse, other sexual conduct (as defined in IC 35-31.5-2-221.5),
- 39 or the fondling or touching of the buttocks, genitals, or female breasts.
- 40 (c) A person at least eighteen (18) years of age who **knowingly or**
- 41 **intentionally:**
- 42 (1) ~~knowingly or intentionally~~ communicates with an individual

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1 whom the person believes to be a child less than fourteen (14)  
 2 years of age concerning sexual activity with the intent to gratify  
 3 the sexual desires of the person or the individual; **or**

4 **(2) engages in a pattern of repeated or continuous contact**  
 5 **with an individual <whom>the person believes to be<a**  
 6 **child> less than fourteen (14) years of age[,] with the intent**  
 7 **to <make>[condition] the individual [to be] less resistant to**  
 8 **future sexual conduct;**

9 [ ] commits ~~inappropriate communication with a child sexual~~  
 10 ~~grooming~~, a Class B misdemeanor. However, the offense is:

- 11 (1) a Class A misdemeanor if the person commits the offense by  
 12 using a computer network (as defined in IC 35-43-2-3(a); and  
 13 (2) a Level 6 felony if the person has a prior unrelated conviction  
 14 for a sex offense (as defined in IC 11-8-8-5.2).

15 SECTION 4. IC 35-42-4-14, AS AMENDED BY P.L.218-2025,  
 16 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 17 JULY 1, 2026]: Sec. 14. (a) As used in this section, "serious sex  
 18 offender" means a person required to register as a sex offender under  
 19 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 (C) Possession of child sex abuse material (IC 35-42-4-4(d)  
 26 or IC 35-42-4-4(e)).  
 27 (D) Vicarious sexual gratification (IC 35-42-4-5(a) and  
 28 IC 35-42-4-5(b)).  
 29 (E) Performing sexual conduct in the presence of a minor  
 30 (IC 35-42-4-5(c)).  
 31 (F) Child solicitation (IC 35-42-4-6).  
 32 (G) Child seduction (IC 35-42-4-7).  
 33 (H) Sexual misconduct with a minor (IC 35-42-4-9).

34 (b) A serious sex offender who knowingly or intentionally enters:

35 (1) school property; **or**

36 (2) **a:**

37 (A) **facility; or**

38 (B) **location holding an event;**

39 **that provides entertainment or programming primarily**  
 40 **directed toward a child less than eighteen (18) years of age;**

41 commits unlawful entry by a serious sex offender, a Level 6 felony.

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

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

16 SECTION 5. IC 35-43-2-3, AS AMENDED BY P.L.32-2019,  
 17 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 18 JULY 1, 2026]: Sec. 3. (a) As used in this section:

19 "Access" means to:

- 20 (1) approach;  
 21 (2) instruct;  
 22 (3) communicate with;  
 23 (4) store data in;  
 24 (5) retrieve data from; or  
 25 (6) make use of resources of;

26 a computer, computer system, or computer network.

27 "Computer network" means the interconnection of communication  
 28 lines or wireless telecommunications with a computer or wireless  
 29 telecommunication device through:

- 30 (1) remote terminals;  
 31 (2) a complex consisting of two (2) or more interconnected  
 32 computers; or  
 33 (3) a worldwide collection of interconnected networks operating  
 34 as the Internet.

35 **The term includes a cellular telephone or other wireless or cellular**  
 36 **communications device.**

37 "Computer system" means a set of related computer equipment,  
 38 software, or hardware.

39 "Hoarding program" means a computer program designed to  
 40 bypass or neutralize a security measure, access control system, or  
 41 similar system used by the owner of a computer network or computer  
 42 system to limit the amount of merchandise that one (1) person may

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1 purchase by means of a computer network.

2 (b) A person who knowingly or intentionally accesses:

3 (1) a computer system;

4 (2) a computer network; or

5 (3) any part of a computer system or computer network;

6 without the consent of the owner of the computer system or computer  
 7 network, or the consent of the owner's licensee, commits computer  
 8 trespass, a Class A misdemeanor.

9 (c) A person who knowingly or intentionally uses a hoarding  
 10 program to purchase merchandise by means of a computer network  
 11 commits computer merchandise hoarding, a Class C infraction. A  
 12 person commits a separate infraction for each item of merchandise  
 13 purchased. However, the violation is a Class A misdemeanor if the  
 14 person has a prior unrelated adjudication or conviction for a violation  
 15 of this section within the previous five (5) years. It is a defense to a  
 16 prosecution under this subsection that the person used the hoarding  
 17 program with the permission of the person selling the merchandise.

18 (d) A person who knowingly or intentionally sells, purchases, or  
 19 distributes a hoarding program commits unlawful distribution of a  
 20 hoarding program, a Class C infraction. A person commits a separate  
 21 infraction for each sale, purchase, or distribution of a hoarding  
 22 program. However, the violation is a Class C misdemeanor if the  
 23 person has a prior unrelated adjudication or conviction for a violation  
 24 of this section within the previous five (5) years. It is a defense to a  
 25 prosecution under this subsection that the hoarding program was sold,  
 26 purchased, or distributed for legitimate scientific or educational  
 27 purposes.

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