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SENATE BILL No. 119

Proposed Changes to January 27, 2026 printing by AM011903

DIGEST OF PROPOSED AMENDMENT

Sexual activity. Adds "sexual activity" to grooming behavior.

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
21 knowingly or intentionally works for compensation or as a volunteer:

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

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1 years of age concerning sexual activity with the intent to gratify
 2 the sexual desires of the person or the individual; **or**
 3 **(2) engages in a pattern of repeated or continuous contact**
 4 **with an individual whom the person believes to be a child less**
 5 **than fourteen (14) years of age with the intent to make the**
 6 **individual less resistant to future sexual conduct** or sexual
 7 activity;

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

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

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

- 19 (1) found to be a sexually violent predator under IC 35-38-1-7.5;
 20 or
 21 (2) convicted of one (1) or more of the following offenses:
 22 (A) Child molesting (IC 35-42-4-3).
 23 (B) Child exploitation (IC 35-42-4-4(b) or IC 35-42-4-4(c)).
 24 (C) Possession of child sex abuse material (IC 35-42-4-4(d)
 25 or IC 35-42-4-4(e)).
 26 (D) Vicarious sexual gratification (IC 35-42-4-5(a) and
 27 IC 35-42-4-5(b)).
 28 (E) Performing sexual conduct in the presence of a minor
 29 (IC 35-42-4-5(c)).
 30 (F) Child solicitation (IC 35-42-4-6).
 31 (G) Child seduction (IC 35-42-4-7).
 32 (H) Sexual misconduct with a minor (IC 35-42-4-9).

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

- 34 (1) school property; **or**
 35 (2) a:
 36 (A) facility; **or**
 37 (B) location holding an event;

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

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

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

- 42 (1) a religious institution or house of worship is located on the

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