

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.

SENATE ENROLLED ACT No. 246

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

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

SECTION 1. IC 33-41-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. (a) If requested to do so, an official reporter shall furnish to either party in a cause a transcript of all or any part of the proceedings required by the reporter to be taken or noted, including all documentary evidence.

(b) An official reporter shall furnish a typewritten or printed transcript described in subsection (a) as soon after being requested to do so as practicable.

(c) The reporter shall certify that the transcript contains all the evidence given in the cause.

(d) The reporter may require payment for a transcript, or that the payment be satisfactorily secured, before the reporter proceeds to do the required work.

(e) In a criminal action (as defined by IC 35-32-4-1), the official reporter shall comply with the requirements for redaction under IC 35-32-4.

SECTION 2. IC 35-31.5-2-72.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 72.7. "Criminal action", for purposes of IC 35-32-4, has the meaning set forth in IC 35-32-4-1.**

SECTION 3. IC 35-32-4 IS ADDED TO THE INDIANA CODE AS

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A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]:

Chapter 4. References to Child Victims and Witnesses

Sec. 1. (a) This chapter applies only to a criminal action.

(b) As used in this chapter, "criminal action" means:

- (1) an action to prosecute a misdemeanor or a felony;**
- (2) a criminal appeal or a postconviction proceeding; or**
- (3) a document, such as a probable cause affidavit:**

(A) prepared by a law enforcement officer; and

(B) submitted to a judicial officer;

as part of an investigation into the possible commission of a misdemeanor or felony, even if the investigation does not result in a prosecution.

Sec. 2. In any document filed or submitted in a criminal action, the following information must be redacted:

- (1) A reference to the name of a child victim or a child witness.**
- (2) A reference to the name of a person whose name is not required to be redacted under subdivision (1), if the reference to the name could be used to identify a child whose name is required to be redacted under subdivision (1).**
- (3) Addresses (mail or electronic mail), dates of birth, and telephone numbers of natural persons who are witnesses or victims.**

Sec. 3. The name of a person whose name is required to be redacted under this chapter must be replaced with a descriptive anonymous designator, such as "Child Witness No. 1" or "Passenger". Initials or references to familial relationships may not be used.

Sec. 4. If a reference to an unredacted name or other information is necessary for the resolution of the criminal action, any document containing the unredacted name or information shall be filed as a separate confidential document in accordance with Rule 5 of the Indiana Rules on Access to Court Records.

SECTION 4. IC 35-33-7-2, AS AMENDED BY P.L.131-2025, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) As used in this section, "affiant" means the person who submits the facts upon which an arrest has been made:

- (1) in a probable cause affidavit; or**
- (2) to a judicial officer orally, under oath.**

(b) At or before the initial hearing of a person arrested without a warrant for a crime, the facts upon which the arrest was made shall be



submitted to the judicial officer, ex parte, in a probable cause affidavit. ~~The affidavit must be prepared and filed in accordance with section 8 of this chapter.~~ In lieu of the affidavit or in addition to it, the facts may be submitted orally under oath to the judicial officer. If facts upon which the arrest was made are submitted orally, the proceeding shall be recorded by a court reporter, and, upon request of any party in the case or upon order of the court, the record of the proceeding shall be transcribed.

(c) In addition to the facts described in subsection (b), the affiant shall disclose any known personal, financial, or familial relationship with:

- (1) any party to the investigation; or
- (2) any other person involved in the offense described in the affidavit;

if the relationship could reasonably be perceived to affect the affiant's objectivity or impartiality.

(d) If the judicial officer determines that there is probable cause to believe that any crime was committed and that the arrested person committed it, the judicial officer shall order that the arrested person be held to answer in the proper court. If the facts submitted do not establish probable cause or if the prosecuting attorney informs the judicial officer on the record that no charge will be filed against the arrested person, the judicial officer shall order that the arrested person be released immediately.

SECTION 5. IC 35-33-7-8 IS REPEALED [EFFECTIVE JULY 1, 2026]. Sec. 8: A probable cause affidavit must be redacted as follows:

(1) References to the name of a child witness or victim in a case involving a sex offense allegedly committed against a child must be replaced with a descriptive anonymous designator, such as "Witness No. 1" or "Passenger". The use of initials and references to familial relationships should be avoided.

(2) References to the name of a person whose name is not required to be redacted under subdivision (1) must be redacted if the reference to the name could be used to identify a child whose name is required to be redacted under subdivision (1). The name shall be redacted in the manner described in subdivision (1).

(3) Addresses (mail or electronic mail), dates of birth, and telephone numbers of natural persons who are witnesses or victims shall be excluded from the redacted version of the probable cause affidavit.

SECTION 6. IC 35-40-5-11.5, AS AMENDED BY P.L.42-2023, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2026]: Sec. 11.5. (a) This section applies only to a criminal case involving a child less than ~~sixteen (16)~~ **seventeen (17)** years of age who is the victim or alleged victim of a sex offense.

(b) The following definitions apply throughout this section:

(1) "Accused" or "the accused" means a person charged with committing a sex offense against a child victim. The term does not include an attorney who represents the accused.

(2) "Child victim" means a child less than ~~sixteen (16)~~ **seventeen (17)** years of age who is the victim or alleged victim of a sex offense.

(3) "Defendant" means a person charged with committing a sex offense against a child victim and an attorney who represents the defendant.

(4) "Deposition" or "depose" means a deposition or taking a deposition pursuant to Indiana Trial Rule 30 or Indiana Trial Rule 31, or any other formal or informal statement or interview.

(5) "Sex offense" has the meaning set forth in IC 11-8-8-5.2.

(c) A defendant may depose a child victim only in accordance with this section.

(d) A defendant may not take the deposition of a child victim unless the defendant contacts the prosecuting attorney before contacting the child, and one (1) or more of the following apply:

(1) The prosecuting attorney agrees to the deposition. The prosecuting attorney may condition the prosecuting attorney's agreement to the deposition upon the defendant's acceptance of the manner in which the deposition shall be conducted.

(2) The court authorizes the deposition after finding, following a hearing under subsection (f), that there is a reasonable likelihood that the child victim will be unavailable for trial and the deposition is necessary to preserve the child victim's testimony.

(3) The court authorizes the deposition after finding, following a hearing under subsection (g), that the deposition is necessary:

(A) due to the existence of extraordinary circumstances; and

(B) in the interest of justice.

(e) If the prosecuting attorney does not agree to the deposition, the defendant may petition the court for authorization to depose the child victim under subsection (d)(2), (d)(3), or both subsection (d)(2) and (d)(3). Upon receipt of the petition, the court shall notify the prosecuting attorney and set a hearing to determine whether to authorize a deposition of the child victim, and, if applicable, to determine the manner in which the deposition shall be conducted.

(f) The court shall authorize the deposition of a child victim under



subsection (d)(2) if the defendant proves by a preponderance of the evidence that there is a reasonable likelihood that the child victim will be unavailable for trial and the deposition is necessary to preserve the child victim's testimony.

(g) The court may not authorize the deposition of a child victim under subsection (d)(3) unless the defendant establishes by a preponderance of the evidence that the deposition is necessary:

- (1) due to the existence of extraordinary circumstances; and
- (2) in the interest of justice.

(h) If the court authorizes the deposition of a child victim under subsection (f) or (g), the court shall determine the manner in which the deposition shall be conducted, after considering:

- (1) the age of the child;
- (2) the rights of the victim under IC 35-40-5-1; and
- (3) any other relevant factors or special considerations.

(i) If the court denies a petition to depose a child victim, the court shall issue a written order describing the reason for the denial.

(j) If the court grants a request to depose a child victim, the court shall issue a written order describing the reason for granting the petition and setting forth the manner in which the deposition shall be conducted. The order shall:

- (1) expressly prohibit the accused from deposing or being present at the deposition of the child victim unless:
 - (A) there is a reasonable likelihood that the child victim will be unavailable for trial;
 - (B) the deposition is necessary to preserve the child victim's testimony; and
 - (C) the presence of the accused is necessary to preserve the constitutional rights of the accused under the Sixth Amendment of the Constitution of the United States or Article 1, Section 13 of the Constitution of the State of Indiana;
- (2) describe the manner in which the deposition shall be conducted; and
- (3) if applicable, issue a protective order under Indiana Trial Rule 26(C).



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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