

PROPOSED AMENDMENT

SB 246 # 1

DIGEST

Affidavits. Repeals the statute requiring redaction of certain information in a probable cause affidavit and places the language in the new statute in the bill.

- 1 Page 1, line 14, delete "action," and insert "**action (as defined by**
2 **IC 35-32-4-1),**".
- 3 Page 1, between lines 15 and 16, begin a new paragraph and insert:
4 "SECTION 2. IC 35-31.5-2-72.7 IS ADDED TO THE INDIANA
5 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
6 [EFFECTIVE JULY 1, 2026]: **Sec. 72.7. "Criminal action", for**
7 **purposes of IC 35-32-4, has the meaning set forth in IC 35-32-4-1.**"
- 8 Page 1, delete lines 16 through 17, begin a new paragraph and
9 insert:
10 "SECTION 3. IC 35-32-4 IS ADDED TO THE INDIANA CODE
11 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2026]:
- 13 **Chapter 4. References to Child Victims and Witnesses**
14 **Sec. 1. (a) This chapter applies only to a criminal action.**
15 **(b) As used in this chapter, "criminal action" means:**
16 **(1) an action to prosecute a misdemeanor or a felony;**
17 **(2) a criminal appeal or a postconviction proceeding; or**
18 **(3) a document, such as a probable cause affidavit:**
19 **(A) prepared by a law enforcement officer; and**
20 **(B) submitted to a judicial officer;**
21 **as part of an investigation into the possible commission of a**
22 **misdemeanor or felony, even if the investigation does not**
23 **result in a prosecution.**
- 24 **Sec. 2. In any document filed or submitted in a criminal action,**
25 **the following information must be redacted:**
26 **(1) A reference to the name of a child victim or a child**

1 witness.

2 **(2) A reference to the name of a person whose name is not**
 3 **required to be redacted under subdivision (1), if the reference**
 4 **to the name could be used to identify a child whose name is**
 5 **required to be redacted under subdivision (1).**

6 **(3) Addresses (mail or electronic mail), dates of birth, and**
 7 **telephone numbers of natural persons who are witnesses or**
 8 **victims.**

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

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

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

23 (1) in a probable cause affidavit; or

24 (2) to a judicial officer orally, under oath.

25 (b) At or before the initial hearing of a person arrested without a
 26 warrant for a crime, the facts upon which the arrest was made shall be
 27 submitted to the judicial officer, ex parte, in a probable cause affidavit.
 28 ~~The affidavit must be prepared and filed in accordance with section 8~~
 29 ~~of this chapter.~~ In lieu of the affidavit or in addition to it, the facts may
 30 be submitted orally under oath to the judicial officer. If facts upon
 31 which the arrest was made are submitted orally, the proceeding shall be
 32 recorded by a court reporter, and, upon request of any party in the case
 33 or upon order of the court, the record of the proceeding shall be
 34 transcribed.

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

38 (1) any party to the investigation; or

39 (2) any other person involved in the offense described in the
 40 affidavit;

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

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

11 SECTION 5. IC 35-33-7-8 IS REPEALED [EFFECTIVE JULY 1,
12 2026]. Sec. 8: A probable cause affidavit must be redacted as follows:

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

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

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

27 Delete page 2.

28 Renumber all SECTIONS consecutively.

(Reference is to SB 246 as printed January 14, 2026.)