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SENATE BILL No. 246

Proposed Changes to January 14, 2026 printing by AM024601

DIGEST OF PROPOSED AMENDMENT

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.

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

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

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

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

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

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

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1 1 SECTION ~~3~~²₃ IC 35-32-4 IS ADDED TO THE INDIANA
 2 2 CODE AS A NEW CHAPTER TO READ AS FOLLOWS
 3 3 [EFFECTIVE JULY 1, 2026]:

4 4 **Chapter 4. References to Child Victims and Witnesses**

5 5 **Sec. 1. [(a)] This chapter applies only to a criminal action.**

6 6 **[(b)] As used in this chapter, "criminal action" means:**

7 7 1 **(1) an action to prosecute a misdemeanor or a felony;**

8 8 1 **(2) a criminal appeal or a postconviction proceeding; or**

9 9 1 **(3) a document, such as a probable cause affidavit:**

10 10 1 1 **(A) prepared by a law enforcement officer; and**

11 11 1 1 **(B) submitted to a judicial officer;**

12 12 1 1 **as part of an investigation into the possible commission of a**
 13 13 1 1 **misdemeanor or felony, even if the investigation does not**
 14 14 1 1 **result in a prosecution.**

15 15 1 1 **Sec. 2. In any document filed or submitted in a criminal action,**
 16 16 1 1 **the following information must be redacted:**

17 17 1 1 1 **(1) A reference to the name of a child victim or a child**
 18 18 1 1 1 **witness.**

19 19 1 1 1 **(2) A reference to the name of a person whose name is not**
 20 20 1 1 1 **required to be redacted under subdivision (1), if the**
 21 21 1 1 1 **reference to the name could be used to identify a child whose**
 22 22 1 1 1 **name is required to be redacted under subdivision (1).**

23 23 1 1 **[(3) Addresses (mail or electronic mail), dates of birth, and**
 24 24 1 1 **telephone numbers of natural persons who are witnesses or**
 25 25 1 1 **victims.**

26 26 1 1 **Sec. 3. The name of a person whose name is required to be**
 27 27 1 1 **redacted under this chapter must be replaced with a descriptive**
 28 28 1 1 **anonymous designator, such as "Child Witness No. 1" or**
 29 29 1 1 **"Passenger".**[(1)] Initials or references to familial relationships may
 30 30 1 1 **not be used.**

31 31 1 1 **Sec. 4. If a reference to an unredacted name [or other**
 32 32 1 1 **information] is necessary for the resolution of the criminal action,**
 33 33 1 1 **any document containing the unredacted name[or information]**
 34 34 1 1 **shall be filed as a separate confidential document in accordance**
 35 35 1 1 **with Rule 5 of the Indiana Rules on Access to Court Records.**[(1)]

36 36 1 1 **[(1)] SECTION 4. IC 35-33-7-2, AS AMENDED BY P.L.131-2025,**
 37 37 1 1 **SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE**
 38 38 1 1 **JULY 1, 2026]:** Sec. 2. (a) As used in this section, "affiant" means the
 39 39 1 1 **person who submits the facts upon which an arrest has been made:**

40 40 1 1 1 **(1) in a probable cause affidavit; or**

41 41 1 1 1 **(2) to a judicial officer orally, under oath.**

42 42 1 1 1 **(b) At or before the initial hearing of a person arrested without a**

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

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

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

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

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

26 SECTION 5, IC 35-33-7-8 IS REPEALED [EFFECTIVE JULY 1,
 27 2026]. Sec. 8. A probable cause affidavit must be redacted as follows:

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

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

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

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