



January 14, 2026

SENATE BILL No. 251

DIGEST OF SB 251 (Updated January 13, 2026 11:49 am - DI 106)

Citations Affected: IC 7-1-1; IC 9-13; IC 9-30; IC 12-23; IC 14-15; IC 31-9; IC 31-19; IC 31-34; IC 31-37; IC 35-31.5; IC 35-33; IC 35-46.

Synopsis: Penalties for prior OWI convictions. Provides that if a person has one prior OWI conviction, the court shall order that the person be imprisoned for at least 10 days or perform community service, and if a person has two prior OWI convictions, the court shall order that the person be imprisoned for at least 20 days or perform community service. Provides that a person does receive good time credit while serving a sentence imposed under this statute. Provides that this statute does not increase the maximum sentence for the offense as provided by either IC 35-50-2 or IC 35-50-3. Specifies that "vehicle", for purposes of the crime of operating while intoxicated, includes a watercraft, and repeals the separate crime of operating a motorboat while intoxicated. Provides that an initial hearing may be waived and allows a person to apply for a specialized driving privilege after an initial hearing. Adds operating while intoxicated due to use of a controlled substance to the habitual traffic violator statute. Authorizes the use of a roadside chemical test under certain circumstances. Specifies that ignition interlock devices may only be used when the underlying offense is operating while intoxicated resulting from the use of alcohol. Removes provisions concerning pretrial administrative suspension of driving privileges. Makes conforming amendments.

Effective: July 1, 2026.

Freeman, Carrasco

January 8, 2026, read first time and referred to Committee on Corrections and Criminal Law.

January 13, 2026, amended, reported favorably — Do Pass; reassigned to Committee on Appropriations.



SB 251—LS 7114/DI 151

January 14, 2026

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 BILL No. 251

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 7.1-1-3-13.5, AS AMENDED BY P.L.142-2020,
2 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2026]: Sec. 13.5. "Conviction for operating while intoxicated"
4 means a conviction (as defined in IC 9-13-2-38) for a crime under
5 IC 9-30-5-1 through IC 9-30-5-9, IC 35-46-9-6 (**before its repeal**), or
6 IC 14-15-8 (before its repeal).
7 SECTION 2. IC 9-13-2-130, AS AMENDED BY P.L.142-2020,
8 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2026]: Sec. 130. "Previous conviction of operating while
10 intoxicated" means a previous conviction for:
11 (1) an alcohol related or drug related crime under Acts 1939, c.48,
12 s.52, as amended, IC 9-4-1-54 (repealed September 1, 1983), or
13 IC 9-11-2 (repealed July 1, 1991); ~~or~~
14 (2) a crime under IC 9-30-5-1 through IC 9-30-5-9; **or**
15 (3) **a crime under IC 35-46-9 (before its repeal), IC 14-1-5**
16 **(before its repeal), or IC 14-15-8-8 (before its repeal).**
17 SECTION 3. IC 9-13-2-196, AS AMENDED BY P.L.164-2020,

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SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 196. (a) "Vehicle" means, except as otherwise provided in this section, a device in, upon, or by which a person or property is, or may be, transported or drawn upon a highway. The term does not include the following:

- (1) A device moved by human power.
- (2) A device that runs only on rails or tracks.
- (3) A wheelchair.
- (4) An electric foot scooter.

(b) For purposes of IC 9-17, the term includes the following:

- (1) Off-road vehicles.
- (2) Manufactured homes or mobile homes that are:
 - (A) personal property not held for resale; and
 - (B) not attached to real estate by a permanent foundation.
- (3) Watercraft.

(c) For purposes of IC 9-22 (except IC 9-22-6) and IC 9-32, the term refers to a vehicle or watercraft of a type that must be registered under IC 9-18-2 (before its expiration) or IC 9-18.1, other than an off-road vehicle or a snowmobile under IC 9-18-2.5 (before its expiration) or IC 9-18.1-14.

(d) For purposes of IC 9-30-5, IC 9-30-6, IC 9-30-8, and IC 9-30-9, the term means a device for transportation by land, ~~or~~ air, ~~or~~ water. The term does not include an electric personal assistive mobility device.

SECTION 4. IC 9-30-5-15, AS AMENDED BY P.L.217-2017, SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 15. (a) ~~In addition to any criminal penalty imposed for an offense under this chapter, the court shall:~~ **If a person has one (1) previous conviction of operating while intoxicated, the court shall:**

- (1) order:
 - (A) that the person be imprisoned for at least ~~five (5)~~ **ten (10)** days; or
 - (B) the person to perform at least two hundred forty (240) hours of community restitution or service; and
- (2) order the person to receive an assessment of the person's degree of alcohol and drug abuse and, if appropriate, to successfully complete an alcohol or drug abuse treatment program, including an alcohol deterrent program if the person suffers from alcohol abuse.

~~if the person has one (1) previous conviction of operating while intoxicated:~~



(b) ~~In addition to any criminal penalty imposed for an offense under this chapter, the court shall:~~ **If a person has at least two (2) previous convictions of operating while intoxicated, the court shall:**

(1) order:

(A) that the person be imprisoned for at least ~~ten (10)~~ **twenty (20)** days; or

(B) the person to perform at least four hundred eighty (480) hours of community restitution or service; and

(2) order the person to receive an assessment of the person's degree of alcohol and drug abuse and, if appropriate, to successfully complete an alcohol or drug abuse treatment program, including an alcohol deterrent program if the person suffers from alcohol abuse.

~~if the person has at least two (2) previous convictions of operating while intoxicated.~~

(c) Notwithstanding IC 35-50-2-2.2 and IC 35-50-3-1, a sentence imposed under this section may not be suspended. The court may require that the person serve the term of imprisonment in an appropriate facility at whatever time or intervals (consecutive or intermittent) determined appropriate by the court. However:

(1) at least forty-eight (48) hours of the sentence must be served consecutively; and

(2) the entire sentence must be served within six (6) months after the date of sentencing.

~~(d) Notwithstanding IC 35-50-6,~~ A person does ~~not~~ earn good time credit (as defined in IC 35-50-6-0.5) while serving a sentence imposed under this section.

(e) This section does not increase the maximum sentence for the offense as provided by either IC 35-50-2 or IC 35-50-3.

SECTION 5. IC 9-30-6-6, AS AMENDED BY P.L.174-2021, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) A physician, a person trained in retrieving contraband or obtaining bodily substance samples and acting under the direction of or under a protocol prepared by a physician, or a licensed health care professional acting within the professional's scope of practice and under the direction of or under a protocol prepared by a physician, who:

(1) obtains a blood, urine, or other bodily substance sample from a person, regardless of whether the sample is taken for diagnostic purposes or at the request of a law enforcement officer under this section;

(2) performs a chemical test on blood, urine, or other bodily



1 substance obtained from a person; or

2 (3) searches for or retrieves contraband from the body cavity of an
3 individual;

4 shall deliver the sample or contraband or disclose the results of the test
5 to a law enforcement officer who requests the sample, contraband, or
6 results as a part of a criminal investigation. Samples, contraband, and
7 test results shall be provided to a law enforcement officer even if the
8 person has not consented to or otherwise authorized their release.

9 (b) A physician, a licensed health care professional, a hospital, or an
10 agent of a physician or hospital is not civilly or criminally liable for any
11 of the following:

12 (1) Disclosing test results in accordance with this section.

13 (2) Delivering contraband, or a blood, urine, or other bodily
14 substance sample in accordance with this section.

15 (3) Searching for or retrieving contraband or obtaining a blood,
16 urine, or other bodily substance sample in accordance with this
17 section.

18 (4) Disclosing to the prosecuting attorney or the deputy
19 prosecuting attorney for use at or testifying at the criminal trial of
20 the person as to facts observed or opinions formed.

21 (5) Failing to treat a person from whom contraband is retrieved or
22 a blood, urine, or other bodily substance sample is obtained at the
23 request of a law enforcement officer if the person declines
24 treatment.

25 (6) Injury to a person arising from the performance of duties in
26 good faith under this section. However, immunity does not apply
27 if the physician, licensed health care professional, hospital, or
28 agent of a physician or hospital acts with gross negligence or
29 willful or wanton misconduct.

30 (c) For the purposes of a criminal proceeding:

31 (1) the privileges arising from a patient-physician relationship do
32 not apply to the contraband, samples, test results, or testimony
33 described in this section; and

34 (2) contraband, samples, test results, and testimony may be
35 admitted in a proceeding in accordance with the applicable rules
36 of evidence.

37 (d) The exceptions to the patient-physician relationship specified in
38 subsection (c) do not affect those relationships in a proceeding that is
39 not a criminal proceeding.

40 (e) The contraband, test results, and samples obtained by a law
41 enforcement officer under subsection (a) may be disclosed only to a
42 prosecuting attorney or a deputy prosecuting attorney for use as



evidence in a criminal proceeding.

(f) This section does not require a physician or a person under the direction of a physician to perform a chemical test or to retrieve contraband.

(g) If the person:

(1) from whom the contraband is to be retrieved or the bodily substance sample is to be obtained under this section does not consent; and

(2) resists the retrieval of the contraband or the taking of a sample;

the law enforcement officer may use reasonable force to assist an individual, who must be authorized under this section to retrieve contraband or obtain a sample, in the retrieval of the contraband or the taking of the sample.

(h) The person authorized under this section to retrieve contraband or obtain a bodily substance sample shall take the sample or retrieve the contraband in a medically accepted manner.

(i) This subsection does not apply to contraband retrieved or a bodily substance sample taken at a licensed hospital (as defined in IC 16-18-2-179(a) and IC 16-18-2-179(b)). A law enforcement officer may transport the person to a place where the contraband may be retrieved or the sample may be obtained by any of the following persons who are trained in retrieving contraband or obtaining bodily substance samples and who have been engaged to retrieve contraband or obtain samples under this section:

(1) A physician holding an unlimited license to practice medicine or osteopathy.

(2) A registered nurse.

(3) A licensed practical nurse.

(4) An advanced emergency medical technician (as defined in IC 16-18-2-6.5).

(5) A paramedic (as defined in IC 16-18-2-266).

(6) Except as provided in subsections (j) through (k), any other person qualified through training, experience, or education to retrieve contraband or obtain a bodily substance sample.

(j) A law enforcement officer may not retrieve contraband or obtain a bodily substance sample under this section if the contraband is to be retrieved or the sample is to be obtained from another law enforcement officer as a result of the other law enforcement officer's involvement in an accident or alleged crime.

(k) A law enforcement officer who is otherwise qualified to obtain a bodily substance sample under this section may obtain a bodily



substance sample from a person involved in an accident or alleged crime who is not a law enforcement officer only if:

(1) the officer obtained a bodily substance sample from an individual as part of the officer's official duties as a law enforcement officer; and

(2) the:

(A) person consents to the officer obtaining a bodily substance sample; or

(B) obtaining of the bodily substance sample is authorized by a search warrant.

(l) A physician or a person trained in obtaining bodily samples who is acting under the direction of or under a protocol prepared by a physician shall obtain a blood sample if the following conditions are satisfied:

(1) A law enforcement officer requests that the sample be obtained.

(2) The law enforcement officer has certified in writing the following:

(A) That the officer has probable cause to believe the person from whom the sample is to be obtained has violated IC 9-30-5-4, IC 9-30-5-5, IC 35-46-9-6(b)(2) **(before its repeal)**, or IC 35-46-9-6(c) **(before its repeal)**.

(B) That the offense resulting in a criminal investigation described in subsection (a) occurred not more than three (3) hours before the time the sample is requested.

(C) That exigent circumstances exist that create pressing health, safety, or law enforcement needs that would take priority over a warrant application.

(3) Not more than the use of reasonable force is necessary to obtain the sample.

SECTION 6. IC 9-30-6-8, AS AMENDED BY P.L.111-2021, SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 8. (a) Except as provided in IC 9-30-16-1(g), whenever a judicial officer has determined that there was probable cause to believe that a person has violated IC 9-30-5, IC 35-46-9 **(before its repeal)**, or IC 14-15-8 (before its repeal), the clerk of the court shall forward, in a form and manner prescribed by the bureau:

(1) a paper copy of the affidavit, or an electronic substitute; or

(2) a bureau certificate as described in section 16 of this chapter; to the bureau at the conclusion of the initial hearing **held** under ~~subsection (c): IC 35-33-7-1, or if the initial hearing was waived, upon notice of waiver of the initial hearing.~~



(b) The probable cause affidavit required under section 7(b)(2) of this chapter must do the following:

(1) Set forth the grounds for the arresting officer's belief that there was probable cause that the arrested person was operating a vehicle in violation of IC 9-30-5 or a motorboat in violation of IC 35-46-9 **(before its repeal)** or IC 14-15-8 (before its repeal).

(2) State that the person was arrested for a violation of IC 9-30-5 or operating a motorboat in violation of IC 35-46-9 **(before its repeal)** or IC 14-15-8 (before its repeal).

(3) State whether the person:

(A) refused to submit to a chemical test when offered; or

(B) submitted to a chemical test that resulted in prima facie evidence that the person was intoxicated.

(4) Be sworn to by the arresting officer.

~~(c)~~ Except as provided in subsection (d), if it is determined under subsection (a) that there was probable cause to believe that a person has violated IC 9-30-5, IC 35-46-9, or IC 14-15-8 (before its repeal), at the initial hearing of the matter held under IC 35-33-7-1 the court shall recommend immediate suspension of the person's driving privileges to take effect on the date the order is entered, and forward to the bureau a copy of the order recommending immediate suspension of driving privileges.

~~(d)~~ (c) If it is determined under subsection (a) that there is probable cause to believe that a person violated ~~IC 9-30-5~~ **IC 9-30-5-1(a) or IC 9-30-5-1(b)**, the court may as an alternative to any suspension of the person's driving privileges under subsection (c), issue an order recommending that the person be prohibited from operating a motor vehicle unless the motor vehicle is equipped with a functioning certified ignition interlock device under IC 9-30-8. This subsection applies even if the probable cause affidavit in subsection (b) states that the person:

(1) refused to submit to a chemical test; ~~or~~

(2) submitted to a chemical test that resulted in prima facie evidence that the person was intoxicated; ~~or~~

(3) was also charged under 9-30-5-2.

The order remains in effect until the bureau is notified by a court that the criminal charges against the person have been resolved. When the court issues an order under this subsection, no administrative suspension is imposed by the bureau and no suspension is noted on the person's driving record.

~~(e)~~ (d) A person commits a Class B infraction if the person:

(1) operates a motor vehicle without a functioning certified



1 ignition interlock device; and

2 (2) is prohibited from operating a motor vehicle unless the motor
3 vehicle is equipped with a functioning certified ignition interlock
4 device under subsection ~~(d)~~: **(c)**.

5 ~~(f)~~ **(e)** A person commits a Class B misdemeanor if the person:

6 (1) operates a motor vehicle without a functioning certified
7 ignition interlock device; and

8 (2) knows the person is prohibited from operating a motor vehicle
9 unless the motor vehicle is equipped with a functioning certified
10 ignition interlock device under subsection ~~(d)~~: **(c)**.

11 SECTION 7. IC 9-30-6-8.5, AS AMENDED BY P.L.141-2024,
12 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2026]: Sec. 8.5. If the bureau receives an order recommending
14 use of an ignition interlock device under section ~~8(d)~~ **8(c)** of this
15 chapter, the bureau shall immediately do the following:

16 (1) Mail notice to the person's address contained in the records of
17 the bureau, or send notice electronically if the person has
18 indicated a preference for receiving notices from the bureau
19 electronically, stating that the person may not operate a motor
20 vehicle unless the motor vehicle is equipped with a functioning
21 certified ignition interlock device under IC 9-30-8 commencing:

22 (A) five (5) days after the date of the notice; or

23 (B) on the date the court enters an order recommending use of
24 an ignition interlock device;

25 whichever occurs first.

26 (2) Notify the person of the right to a judicial review under
27 section 10 of this chapter.

28 SECTION 8. IC 9-30-6-9, AS AMENDED BY P.L.141-2024,
29 SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 JULY 1, 2026]: Sec. 9. (a) This section does not apply if an ignition
31 interlock device order is issued under section 8(d) of this chapter.

32 (b) If the affidavit under section 8(b) of this chapter states that a
33 person refused to submit to a chemical test, the bureau shall suspend
34 the driving privileges of the person:

35 (1) for:

36 (A) one (1) year; or

37 (B) if the person has at least one (1) previous conviction for
38 operating while intoxicated, two (2) years; or

39 (2) until the suspension is ordered terminated under IC 9-30-5.

40 ~~(c) If the affidavit under section 8(b) of this chapter states that a~~
41 ~~chemical test resulted in prima facie evidence that a person was~~
42 ~~intoxicated; the bureau shall suspend the driving privileges of the~~



1 person:

2 (1) for one hundred eighty (180) days; or

3 (2) until the bureau is notified by a court that the charges have
4 been disposed of;

5 whichever occurs first.

6 ~~(d)~~ (c) Whenever the bureau is required to suspend a person's
7 driving privileges under this section, the bureau shall immediately do
8 the following:

9 (1) Mail notice to the person's address contained in the records of
10 the bureau, or send the notice electronically if the person has
11 indicated a preference for receiving notices from the bureau
12 electronically, stating that the person's driving privileges will be
13 suspended for a specified period, commencing:

14 (A) seven (7) days after the date of the notice; or

15 (B) on the date the court enters an order recommending
16 suspension of the person's driving privileges under section 8(c)
17 of this chapter;

18 whichever occurs first.

19 (2) Notify the person of the right to a judicial review under
20 section 10 of this chapter.

21 SECTION 9. IC 9-30-6-12, AS AMENDED BY P.L.149-2015,
22 SECTION 105, IS AMENDED TO READ AS FOLLOWS
23 [EFFECTIVE JULY 1, 2026]: Sec. 12. (a) If a court recommends
24 suspension of driving privileges under this chapter, IC 9-30-5, or
25 IC 9-30-9, the bureau shall fix the period of suspension in accordance
26 with the recommendation of the court. If the court fails to recommend
27 a fixed period of suspension, or recommends a fixed term that is less
28 than the minimum term required by statute, the bureau shall impose the
29 minimum period of suspension required by statute.

30 (b) Except as provided in subsection (c), during the three (3) years
31 following the termination of the suspension the person's driving
32 privileges remain suspended until the person provides proof of future
33 financial responsibility in force under IC 9-25.

34 (c) If a court recommends suspension of a person's driving
35 privileges for a conviction under IC 9-30-5, during the three (3) years
36 following the termination of the suspension the person's driving
37 privileges remain suspended until the person provides proof of future
38 financial responsibility in force under IC 9-25. ~~However, if a court~~
39 ~~recommends suspension of the driving privileges under IC 9-30-5 of a~~
40 ~~person who is arrested for or charged with an offense committed under~~
41 ~~IC 9-30-5, the person is not required to provide proof of future~~
42 ~~financial responsibility under IC 9-25 unless and until the person is~~



1 ~~convicted under IC 9-30-5.~~

2 (d) If at any time during the three (3) years following the
3 termination of the suspension imposed under subsection (a) a person
4 who has provided proof of future financial responsibility under IC 9-25
5 fails to maintain the proof, the bureau shall suspend the person's
6 driving privileges until the person again provides proof of future
7 financial responsibility under IC 9-25.

8 SECTION 10. IC 9-30-6-13.5, AS AMENDED BY P.L.110-2020,
9 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2026]: Sec. 13.5. If:

11 (1) a case filed under IC 9-30-5 is terminated in favor of the
12 defendant; and

13 (2) the defendant's driving privileges were suspended under (A)
14 section 9(b) of this chapter; or

15 ~~(B) section 9(c) of this chapter;~~

16 the bureau shall remove any record of the suspension, including the
17 reason for suspension, from the defendant's official driving record.

18 SECTION 11. IC 9-30-6-18, AS AMENDED BY P.L.2-2005,
19 SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 JULY 1, 2026]: Sec. 18. (a) A person against whom an ignition
21 interlock device order has been issued under section 8.5 of this chapter
22 ~~or whose driving privileges have been suspended under section 9(c) of~~
23 ~~this chapter~~ is entitled to rescission of the ignition interlock device
24 requirement ~~or reinstatement of driving privileges~~ if the following
25 occur:

26 (1) After a request for an early trial is made by the person at the
27 initial hearing on the charges, a trial or other disposition of the
28 charges for which the person was arrested under IC 9-30-5 is not
29 held within ninety (90) days after the date of the person's initial
30 hearing on the charges.

31 (2) The delay in trial or disposition of the charges is not due to the
32 person arrested under IC 9-30-5.

33 (b) A person who desires rescission of the ignition interlock device
34 requirement ~~or reinstatement of driving privileges~~ under this section
35 must file a verified petition in the court where the charges against the
36 petitioner are pending. The petition must allege the following:

37 (1) The date of the petitioner's arrest under IC 9-30-5.

38 (2) The date of the petitioner's initial hearing on the charges filed
39 against the petitioner under IC 9-30-5.

40 (3) The date set for trial or other disposition of the matter.

41 (4) A statement averring the following:

42 (A) That the petitioner requested an early trial of the matter at



the petitioner's initial hearing on the charges filed against the petitioner under IC 9-30-5.

(B) The trial or disposition date set by the court is at least ninety (90) days after the date of the petitioner's initial hearing on the charges filed against the petitioner under IC 9-30-5.

(C) The delay in the trial or disposition is not due to the petitioner.

(c) Upon the filing of a petition under this section, the court shall immediately examine the record of the court to determine whether the allegations in the petition are true.

(d) If the court finds the allegations of a petition filed under this section are true, the court shall order rescission of the ignition interlock device requirement ~~or reinstatement of the petitioner's driving privileges~~ under section 11 of this chapter. ~~The reinstatement must not take effect until ninety (90) days after the date of the petitioner's initial hearing.~~

SECTION 12. IC 9-30-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) As used in this chapter, "portable breath test" means a hand held apparatus that measures the alcohol concentration in a breath sample delivered by a person into the mouthpiece of the apparatus.

(b) As used in this chapter, "fatal accident" means an accident, a collision, or other occurrence that involves at least one (1) vehicle and that results in:

(1) death; or

(2) bodily injury that gives a law enforcement officer reason to believe that the death of at least one (1) person is imminent.

(c) As used in this chapter, "roadside chemical test" means a portable chemical test that can be administered by the side of a road.

SECTION 13. IC 9-30-7-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. A person who operates a vehicle impliedly consents to submit to the portable breath test, **roadside chemical test**, or chemical test under this chapter as a condition of operating a vehicle in Indiana. A person must submit to each portable breath test, **roadside chemical test**, or chemical test offered by a law enforcement officer under this chapter to comply with this chapter.

SECTION 14. IC 9-30-7-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) A law enforcement officer shall offer a portable breath test, **roadside chemical test**, or chemical test to any person who the officer has



reason to believe operated a vehicle that was involved in a fatal accident or an accident involving serious bodily injury. If:

- (1) the results of a portable breath test indicate the presence of alcohol;
- (2) the results of a portable breath test do not indicate the presence of alcohol but the law enforcement officer has probable cause to believe the person is under the influence of a controlled substance or another drug; ~~or~~
- (3) the person refuses to submit to a portable breath test; **or**
- (4) the roadside chemical test indicates the presence of a controlled substance;**

the law enforcement officer shall offer a chemical test to the person.

(b) A law enforcement officer may offer a person more than one (1) portable breath test, **roadside chemical test**, or chemical test under this section. However, all chemical tests must be administered within three (3) hours after the fatal accident or the accident involving serious bodily injury.

(c) It is not necessary for a law enforcement officer to offer a portable breath test, **roadside chemical test**, or chemical test to an unconscious person.

(d) If a roadside chemical test is not available under subsection (a), the officer may offer a chemical test.

SECTION 15. IC 9-30-8-8, AS ADDED BY P.L.71-2016, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 8. The bureau and the Indiana criminal justice institute shall enter into a memorandum of understanding to administer this chapter and ~~IC 9-30-6-8(d).~~ **IC 9-30-6-8(c).**

SECTION 16. IC 9-30-9-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. (a) If the court enters an order conditionally deferring charges under section 3 of this chapter, the court may ~~do the following:~~

- ~~(1) Suspend the person's driving privileges for at least two (2) years but not more than four (4) years;~~
- ~~(2) impose other appropriate conditions, including the payment of fees imposed under section 8 of this chapter.~~

~~(b) Notwithstanding IC 9-30-6-9, the defendant may be granted probationary driving privileges only after the defendant's license has been suspended for at least one (1) year.~~

~~(c) (b) The court may as an alternative to a license suspension under subsection (a)(1), issue an order prohibiting the defendant from operating a motor vehicle unless the motor vehicle is equipped with a functioning certified ignition interlock device under IC 9-30-8. An~~



1 order requiring an ignition interlock device must remain in effect for
2 at least two (2) years but not more than four (4) years.

3 SECTION 17. IC 9-30-9-7 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 7. (a) If the court refers
5 a defendant to the program under section 6 of this chapter, the court
6 may do the following:

7 (1) Suspend the defendant's driving privileges for at least ninety
8 (90) days but not more than four (4) years.

9 (2) Impose other appropriate conditions.

10 ~~(b) The defendant may be granted probationary driving privileges~~
11 ~~only after the defendant's license has been suspended for at least thirty~~
12 ~~(30) days under IC 9-30-6-9.~~

13 ~~(c)~~ (b) The court may, as an alternative to a license suspension
14 under subsection (a)(1), issue an order prohibiting the defendant from
15 operating a motor vehicle unless the motor vehicle is equipped with a
16 functioning certified ignition interlock device under IC 9-30-8. An
17 order requiring an ignition interlock device must remain in effect for
18 at least two (2) years but not more than four (4) years.

19 SECTION 18. IC 9-30-9-7.5, AS AMENDED BY P.L.2-2005,
20 SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 JULY 1, 2026]: Sec. 7.5. (a) A person commits a Class B infraction if
22 the person:

23 (1) operates a motor vehicle without a functioning certified
24 ignition interlock device; and

25 (2) is prohibited from operating a motor vehicle unless the motor
26 vehicle is equipped with a functioning certified ignition interlock
27 device under section ~~5(c)~~ **5(b)** or ~~7(c)~~ **7(b)** of this chapter.

28 (b) A person commits a Class B misdemeanor if the person:

29 (1) operates a motor vehicle without a functioning certified
30 ignition interlock device; and

31 (2) knows the person is prohibited from operating a motor vehicle
32 unless the motor vehicle is equipped with a functioning certified
33 ignition interlock device under section ~~5(c)~~ **5(b)** or ~~7(c)~~ **7(b)** of
34 this chapter.

35 SECTION 19. IC 9-30-10-4, AS AMENDED BY P.L.218-2025,
36 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2026]: Sec. 4. (a) A person who has accumulated at least two
38 (2) judgments within a ten (10) year period for any of the following
39 violations, singularly or in combination, and not arising out of the same
40 incident, is a habitual violator:

41 (1) Reckless homicide resulting from the operation of a motor
42 vehicle.



(2) Voluntary or involuntary manslaughter resulting from the operation of a motor vehicle.

(3) Failure of the operator of a motor vehicle involved in an accident resulting in death or injury to any person to stop at the scene of the accident and give the required information and assistance.

(4) Operation of a vehicle while intoxicated resulting in death.

(5) Before July 1, 1997, operation of a vehicle with at least ten-hundredths percent (0.10%) alcohol in the blood resulting in death.

(6) After June 30, 1997, and before July 1, 2001, operation of a vehicle with an alcohol concentration equivalent to at least ten-hundredths (0.10) gram of alcohol per:

(A) one hundred (100) milliliters of the blood; or

(B) two hundred ten (210) liters of the breath;
resulting in death.

(7) After June 30, 2001, operation of a vehicle with an alcohol concentration equivalent to at least eight-hundredths (0.08) gram of alcohol per:

(A) one hundred (100) milliliters of the blood; or

(B) two hundred ten (210) liters of the breath;
resulting in death.

(8) After June 30, 2001, operation of a motor vehicle with a schedule I or schedule II controlled substance in the blood resulting in death.

(b) A person who has accumulated at least three (3) judgments within a ten (10) year period for any of the following violations, singularly or in combination, and not arising out of the same incident, is a habitual violator:

(1) Operation of a vehicle while intoxicated.

(2) Before July 1, 1997, operation of a vehicle with at least ten-hundredths percent (0.10%) alcohol in the blood.

(3) After June 30, 1997, and before July 1, 2001, operation of a vehicle with an alcohol concentration equivalent to at least ten-hundredths (0.10) gram of alcohol per:

(A) one hundred (100) milliliters of the blood; or

(B) two hundred ten (210) liters of the breath.

(4) After June 30, 2001, operation of a vehicle with an alcohol concentration equivalent to at least eight-hundredths (0.08) gram of alcohol per:

(A) one hundred (100) milliliters of the blood; or

(B) two hundred ten (210) liters of the breath.



(5) Reckless driving.

(6) Criminal recklessness as a felony involving the operation of a motor vehicle.

(7) Drag racing or engaging in a speed contest in violation of law.

(8) Violating IC 9-4-1-40 (repealed July 1, 1991), IC 9-4-1-46 (repealed July 1, 1991), IC 9-26-1-1(1) (repealed January 1, 2015), IC 9-26-1-1(2) (repealed January 1, 2015), IC 9-26-1-2(1) (repealed January 1, 2015), IC 9-26-1-2(2) (repealed January 1, 2015), IC 9-26-1-3 (repealed January 1, 2015), IC 9-26-1-4 (repealed January 1, 2015), or IC 9-26-1-1.1.

(9) Resisting law enforcement with a vehicle under:

(A) IC 35-44.1-3-1(c)(1);

(B) IC 35-44.1-3-1(c)(2)(C);

(C) IC 35-44.1-3-1(c)(3);

(D) IC 35-44.1-3-1(c)(4); or

(E) IC 35-44.1-3-1(c)(5).

(10) Any felony under this title or any felony in which the operation of a motor vehicle is an element of the offense.

(11) After June 30, 2001, operation of a motor vehicle with a schedule I or schedule II controlled substance in the blood.

A judgment for a violation enumerated in subsection (a) shall be added to the violations described in this subsection for the purposes of this subsection.

(c) A person who has accumulated at least ten (10) judgments within a ten (10) year period for any traffic violation, except a parking or an equipment violation, of the type required to be reported to the bureau, singularly or in combination, and not arising out of the same incident, is a habitual violator. However, at least one (1) of the judgments must be for:

(1) a violation enumerated in subsection (a);

(2) a violation enumerated in subsection (b);

(3) operating a motor vehicle while the person's license to do so has been suspended or revoked as a result of the person's conviction of an offense under IC 9-1-4-52 (repealed July 1, 1991), IC 9-24-18-5(b) (repealed July 1, 2000), IC 9-24-19-2, or IC 9-24-19-3; or

(4) operating a motor vehicle without ever having obtained a license to do so.

A judgment for a violation enumerated in subsection (a) or (b) shall be added to the judgments described in this subsection for the purposes of this subsection.

(d) For purposes of this section, a judgment includes a judgment in



any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of the offenses described in subsections (a), (b), and (c).

(e) For purposes of this section, the offense date is used when determining the number of judgments accumulated within a ten (10) year period.

SECTION 20. IC 9-30-16-1, AS AMENDED BY P.L.111-2021, SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) Except as provided in subsection (b), the following are ineligible for specialized driving privileges under this chapter:

(1) A person who has never been an Indiana resident.

(2) A person seeking specialized driving privileges with respect to a suspension based on the person's refusal to submit to a chemical test offered under IC 9-30-6 or IC 9-30-7. However, a court may grant this person driving privileges under IC 9-30-6-8(d).

(3) A person whose driving privileges have been suspended or revoked under IC 9-24-10-7(b)(2)(A).

(4) A person whose driving privileges have been suspended under IC 9-21-8-52(e) or IC 9-21-12-1(b).

(b) This chapter applies to the following:

(1) A person who held a driver's license (issued under IC 9-24-3), or a commercial driver's, a public passenger chauffeur's, or a chauffeur's license at the time of:

(A) the criminal conviction for which the operation of a motor vehicle is an element of the offense;

(B) any criminal conviction for an offense under IC 9-30-5, IC 35-46-9 (**before its repeal**), or IC 14-15-8 (before its repeal); or

(C) committing the infraction of exceeding a worksite speed limit for the second time in one (1) year under IC 9-21-5-11(f).

(2) A person who:

(A) has never held a valid Indiana driver's license or does not currently hold a valid Indiana learner's permit; and

(B) was an Indiana resident when the driving privileges for which the person is seeking specialized driving privileges were suspended.

(c) Except as specifically provided in this chapter, a court may suspend the driving privileges of a person convicted of any of the following offenses for a period up to the maximum allowable period of incarceration under the penalty for the offense:



(1) Any criminal conviction in which the operation of a motor vehicle is an element of the offense.

(2) Any criminal conviction for an offense under IC 9-30-5, IC 35-46-9 (**before its repeal**), or IC 14-15-8 (before its repeal).

(3) Any offense under IC 35-42-1, IC 35-42-2, or IC 35-44.1-3-1 that involves the use of a vehicle.

(d) Except as provided in section 3.5 of this chapter, a suspension of driving privileges under this chapter may begin before the conviction. Multiple suspensions of driving privileges ordered by a court that are part of the same episode of criminal conduct shall be served concurrently. A court may grant credit time for any suspension that began before the conviction except as prohibited by section ~~6(a)(2)~~ **6(a)** of this chapter.

(e) If a person has had an ignition interlock device installed as a condition of specialized driving privileges or under ~~IC 9-30-6-8(d)~~, **IC 9-30-6-8(c)**, the period of the installation shall be credited as part of the suspension of driving privileges.

(f) This subsection applies to a person described in subsection (b)(2). A court shall, as a condition of granting specialized driving privileges to the person, require the person to apply for and obtain an Indiana driver's license.

(g) If a person indicates to the court at an initial hearing (as described in IC 35-33-7) that the person intends to file a petition for a specialized driving privileges hearing with that court under section 3 or 4 of this chapter, the following apply:

(1) The court shall:

(A) stay the suspension of the person's driving privileges at the initial hearing and shall not submit the probable cause affidavit related to the person's offense to the bureau; and

(B) set the matter for a specialized driving privileges hearing not later than thirty (30) days after the initial hearing.

(2) If the person does not file a petition for a specialized driving privileges hearing not later than ten (10) days after the date of the initial hearing, the court shall lift the stay of the suspension of the person's driving privileges and shall submit the probable cause affidavit related to the person's offense to the bureau for automatic suspension.

(3) If the person files a petition for a specialized driving privileges hearing not later than ten (10) days after the initial hearing, the stay of the suspension of the person's driving privileges continues until the matter is heard and a determination is made by the court at the specialized driving privileges hearing.



(4) If the specialized driving privileges hearing is continued due to:

(A) a congestion of the court calendar;

(B) the prosecuting attorney's motion for a continuance; or

(C) the person's motion for a continuance with no objection by the prosecuting attorney;

the stay of the suspension of the person's driving privileges continues until addressed at the next hearing.

(5) If the person moves for a continuance of the specialized driving privileges hearing and the court grants the continuance over the prosecuting attorney's objection, the court shall lift the stay of the suspension of the person's driving privileges and shall submit the probable cause affidavit related to the person's offense to the bureau for automatic suspension.

Nothing in this subsection prevents an otherwise eligible individual from applying for a specialized driving privilege after the initial hearing.

SECTION 21. IC 9-30-16-3, AS AMENDED BY P.L.29-2020, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) This section does not apply to specialized driving privileges granted in accordance with section 3.5 of this chapter. If a court orders a suspension of driving privileges under this chapter, ~~or imposes a suspension of driving privileges under IC 9-30-6-9(c);~~ the court may stay the suspension and grant a specialized driving privilege as set forth in this section.

(b) An individual who seeks specialized driving privileges must file a petition for specialized driving privileges in each court that has ordered or imposed a suspension of the individual's driving privileges. Each petition must:

(1) be verified by the petitioner;

(2) state the petitioner's age, date of birth, and address;

(3) state the grounds for relief and the relief sought;

(4) be filed in the court case that resulted in the order of suspension; and

(5) be served on the bureau and the prosecuting attorney.

A prosecuting attorney shall appear on behalf of the bureau to respond to a petition filed under this subsection.

(c) Except as provided in subsection (h), regardless of the underlying offense, specialized driving privileges granted under this section shall be granted for a period of time as determined by the court. A court, at its discretion, may set periodic review hearings to review an individual's specialized driving privileges.



(d) The terms of specialized driving privileges must be determined by a court.

(e) A stay of a suspension and specialized driving privileges may not be granted to an individual who:

(1) has previously been granted specialized driving privileges; and

(2) has more than one (1) conviction under section 5 of this chapter.

(f) An individual who has been granted specialized driving privileges shall:

(1) maintain proof of future financial responsibility insurance during the period of specialized driving privileges;

(2) carry a copy of the order granting specialized driving privileges or have the order in the vehicle being operated by the individual;

(3) produce the copy of the order granting specialized driving privileges upon the request of a police officer; and

(4) carry a validly issued state identification card or driver's license.

(g) An individual who holds a commercial driver's license and has been granted specialized driving privileges under this chapter may not, for the duration of the suspension for which the specialized driving privileges are sought, operate any vehicle that requires the individual to hold a commercial driver's license to operate the vehicle.

(h) Whenever a suspension of an individual's driving privileges under this chapter is terminated because:

(1) the underlying conviction, judgment, or finding that forms the basis of the suspension is reversed, vacated, or dismissed; or

(2) the individual is acquitted of, found not liable for, or otherwise found not to have committed the underlying act or offense that forms the basis of the suspension;

the individual's specialized driving privileges expire at the time the suspension of the individual's driving privileges is terminated.

(i) The court shall inform the bureau of a termination of a suspension and expiration of specialized driving privileges as described under subsection (h) in a format designated by the bureau.

SECTION 22. IC 9-30-16-6, AS AMENDED BY P.L.110-2020, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) A person whose driving privileges are suspended under section 1(c) of this chapter ~~(1) is entitled to credit for any days during which the license was suspended under IC 9-30-6-9(c); and (2) may not receive any credit for days during which the person's~~



1 driving privileges were suspended under IC 9-30-6-9(b).

2 (b) A period of suspension of driving privileges imposed under
3 section 1(c) of this chapter must be consecutive to any period of
4 suspension imposed under IC 9-30-6-9(b). However, if the state and
5 defendant agree pursuant to a term in an accepted plea agreement, or
6 if the court finds at sentencing that it is in the best interest of society,
7 the court shall terminate all or any part of the remaining suspension
8 under IC 9-30-6-9(b) and shall enter this finding in its sentencing
9 order.

10 (c) The bureau shall designate a period of suspension of driving
11 privileges imposed under section 1(c) of this chapter as consecutive to
12 any period of suspension imposed under IC 9-30-6-9(b) unless the
13 sentencing order of the court under subsection (b) terminates all or part
14 of the remaining suspension under IC 9-30-6-9(b).

15 SECTION 23. IC 12-23-5-5 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. (a) ~~Subject to~~
17 ~~subsection (b); if~~ If a court enters an order conditionally deferring
18 charges that involve a violation of IC 9-30-5, the court shall do the
19 following:

- 20 (1) Suspend the defendant's driving privileges for at least ninety
21 (90) days but not more than two (2) years.
22 (2) Impose other appropriate conditions.

23 ~~(b) A defendant may be granted probationary driving privileges only~~
24 ~~after the defendant's license has been suspended for at least thirty (30)~~
25 ~~days under IC 9-30-6-9.~~

26 ~~(c) If a defendant has at least one (1) conviction for an offense under~~
27 ~~IC 9-30-5, the order granting probationary driving privileges under~~
28 ~~subsection (b) must, in a county that provides for the installation of an~~
29 ~~ignition interlock device under IC 9-30-8, prohibit the defendant from~~
30 ~~operating a motor vehicle unless the motor vehicle is equipped with a~~
31 ~~functioning certified ignition interlock device under IC 9-30-8.~~

32 ~~(d) (b)~~ If a defendant does not have a prior conviction for an offense
33 under IC 9-30-5, the court may, as an alternative to a license
34 suspension under subsection (a)(1), issue an order prohibiting the
35 defendant from operating a motor vehicle unless the motor vehicle is
36 equipped with a functioning certified ignition interlock device under
37 IC 9-30-8. An order requiring an ignition interlock device must remain
38 in effect for at least two (2) years but not more than four (4) years.

39 SECTION 24. IC 12-23-5-5.5 IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5.5. (a) A person
41 commits a Class B infraction if the person:

- 42 (1) operates a motor vehicle without a functioning certified



1 ignition interlock device; and

2 (2) is prohibited from operating a motor vehicle unless the motor
3 vehicle is equipped with a functioning certified ignition interlock
4 device under section ~~5(d)~~ **5(b)** of this chapter.

5 (b) A person commits a Class B misdemeanor if the person:

6 (1) operates a motor vehicle without a functioning certified
7 ignition interlock device; and

8 (2) knows the person is prohibited from operating a motor vehicle
9 unless the motor vehicle is equipped with a functioning certified
10 ignition interlock device under section ~~5(d)~~ **5(c)** of this chapter.

11 SECTION 25. IC 14-15-4-4, AS AMENDED BY P.L.195-2014,
12 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2026]: Sec. 4. A person who knowingly or intentionally
14 violates section 1, 2, or 3 of this chapter commits a Class C
15 misdemeanor. However, the offense is:

16 (1) a Class A misdemeanor if the accident or collision results in
17 an injury to a person;

18 (2) a Level 6 felony if:

19 (A) the accident or collision results in serious bodily injury to
20 a person; or

21 (B) within the five (5) years preceding the commission of the
22 offense, the person had a previous conviction of any of the
23 offenses listed in IC 9-30-10-4(a), IC 35-46-9-6 (**before its**
24 **repeal**), or IC 14-15-8-8 (before its repeal); or

25 (3) a Level 5 felony if the accident or collision results in the death
26 of a person.

27 SECTION 26. IC 14-15-11-14, AS AMENDED BY P.L.217-2014,
28 SECTION 182, IS AMENDED TO READ AS FOLLOWS
29 [EFFECTIVE JULY 1, 2026]: Sec. 14. (a) A court may suspend or
30 revoke the driver's license of a person upon the conviction of the
31 person of a crime based on a violation of IC 14-15-3, IC 14-15-8
32 (before its repeal), IC 35-46-9 (**before its repeal**), or IC 14-15-12.

33 (b) In suspending or revoking a driver's license under this section,
34 the court shall notify the bureau of the driver's license suspension or
35 revocation, and the bureau shall follow the procedure set forth in
36 IC 9-30-4.

37 SECTION 27. IC 14-15-11-15, AS AMENDED BY P.L.40-2012,
38 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 JULY 1, 2026]: Sec. 15. (a) A court in which an individual is convicted
40 of a crime based on a violation of IC 14-15-3, IC 35-46-9 (**before its**
41 **repeal**), IC 14-15-8 (before its repeal), or IC 14-15-12 relating to the
42 operation of a motorboat shall forward a certified abstract of the record



1 of the conviction to the bureau.

2 (b) If, in the opinion of the court, an individual referred to in
3 subsection (a) should be deprived of the privilege of operating a
4 vehicle or motorboat, the court shall recommend the suspension of the
5 Indiana driver's license issued to the individual for a fixed period. The
6 period of the suspension shall be established by the court but may not
7 exceed one (1) year.

8 (c) Upon receiving the recommendation of the court under
9 subsection (b), the bureau shall suspend the individual's license for the
10 period recommended by the court.

11 (d) A certified abstract forwarded to the bureau under subsection
12 (a):

13 (1) must be in the form prescribed by the bureau; and

14 (2) shall be accepted by an administrative agency or a court as
15 prima facie evidence of the conviction and all other action stated
16 in the abstract.

17 SECTION 28. IC 14-15-11-17, AS AMENDED BY P.L.40-2012,
18 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JULY 1, 2026]: Sec. 17. (a) For purposes of the point system for
20 Indiana traffic convictions operated by the bureau under 140 IAC 1-4.5,
21 the bureau shall assess points against a person who commits a crime by
22 operating a motorboat in violation of:

23 (1) IC 14-15-3;

24 (2) IC 35-46-9 **(before its repeal)** ~~(or or IC 14-15-8 before~~
25 **(before its repeal)**; or

26 (3) IC 14-15-12.

27 (b) The bureau shall assess points against a person under this
28 section for each crime referred to in subsection (a) that is committed by
29 the person.

30 (c) The point study committee appointed by the commissioner under
31 140 IAC 1-4.5-3, in consultation with the department, shall determine
32 the number of points assessed under subsection (a) for each type of
33 criminal violation of IC 14-15-3, IC 14-15-8 (before its repeal),
34 IC 35-46-9 **(before its repeal)**, or IC 14-15-12 based on the evaluation
35 by the committee of the danger to human life, human physical safety,
36 and property posed by the violation.

37 SECTION 29. IC 14-15-12-5, AS AMENDED BY P.L.40-2012,
38 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 JULY 1, 2026]: Sec. 5. The requirements and prohibitions set forth in
40 this chapter concerning personal watercraft are in addition to the
41 requirements and prohibitions set forth in IC 14-15-3, IC 35-46-9
42 **(before its repeal)**, and IC 14-15-8 (before its repeal).



1 SECTION 30. IC 14-15-13-2, AS AMENDED BY P.L.40-2012,
 2 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2026]: Sec. 2. The requirements and prohibitions set forth in
 4 this chapter are in addition to the requirements and prohibitions set
 5 forth in IC 14-15-2, IC 14-15-3, IC 14-15-4, 14-15-8 (before its repeal),
 6 IC 35-46-9 (**before its repeal**), and IC 14-15-12.

7 SECTION 31. IC 31-9-2-84.8, AS AMENDED BY P.L.142-2020,
 8 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2026]: Sec. 84.8. "Nonwaivable offense", for purposes of this
 10 title, means a conviction of any of the following felonies:

- 11 (1) Murder (IC 35-42-1-1).
- 12 (2) Causing suicide (IC 35-42-1-2).
- 13 (3) Assisting suicide (IC 35-42-1-2.5).
- 14 (4) Voluntary manslaughter (IC 35-42-1-3).
- 15 (5) Involuntary manslaughter (IC 35-42-1-4).
- 16 (6) Reckless homicide (IC 35-42-1-5).
- 17 (7) Feticide (IC 35-42-1-6).
- 18 (8) Battery (IC 35-42-2-1) within the past five (5) years.
- 19 (9) Domestic battery (IC 35-42-2-1.3).
- 20 (10) Aggravated battery (IC 35-42-2-1.5).
- 21 (11) Criminal recklessness (IC 35-42-2-2) within the past five (5)
- 22 years.
- 23 (12) Strangulation (IC 35-42-2-9).
- 24 (13) Kidnapping (IC 35-42-3-2).
- 25 (14) Criminal confinement (IC 35-42-3-3) within the past five (5)
- 26 years.
- 27 (15) Human and sexual trafficking (IC 35-42-3.5).
- 28 (16) A felony sex offense under IC 35-42-4.
- 29 (17) Arson (IC 35-43-1-1) within the past five (5) years.
- 30 (18) Incest (IC 35-46-1-3).
- 31 (19) Neglect of a dependent (IC 35-46-1-4(a) and
- 32 IC 35-46-1-4(b)).
- 33 (20) Child selling (IC 35-46-1-4(d)).
- 34 (21) Reckless supervision (IC 35-46-1-4.1).
- 35 (22) Nonsupport of a dependent child (IC 35-46-1-5) within the
- 36 past five (5) years.
- 37 (23) Operating a motorboat while intoxicated (IC 35-46-9-6)
- 38 (**before its repeal**) within the past five (5) years.
- 39 (24) A felony involving a weapon under IC 35-47 within the past
- 40 five (5) years.
- 41 (25) A felony relating to controlled substances under IC 35-48-4
- 42 within the past five (5) years.



(26) An offense relating to material or a performance that is harmful to minors or obscene under IC 35-49-3.

(27) A felony under IC 9-30-5 within the past five (5) years.

(28) A felony related to the health or safety of a child (as defined in IC 31-9-2-13(h)) or an endangered adult (as defined in IC 12-10-3-2).

SECTION 32. IC 31-19-11-1, AS AMENDED BY P.L.56-2023, SECTION 282, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) Whenever the court has heard the evidence and finds that:

(1) the adoption requested is in the best interest of the child;

(2) the petitioner or petitioners for adoption are of sufficient ability to rear the child and furnish suitable support and education;

(3) the report of the investigation and recommendation under IC 31-19-8-5 has been filed;

(4) the attorney or agency arranging an adoption has filed with the court an affidavit prepared by the Indiana department of health under IC 31-19-5-16 indicating whether a man is entitled to notice of the adoption because the man has registered with the putative father registry in accordance with IC 31-19-5;

(5) proper notice arising under subdivision (4), if notice is necessary, of the adoption has been given;

(6) the attorney or agency has filed with the court an affidavit prepared by the Indiana department of health under:

(A) IC 31-19-6 indicating whether a record of a paternity determination; or

(B) IC 16-37-2-2(g) indicating whether a paternity affidavit executed under IC 16-37-2-2.1;

has been filed in relation to the child;

(7) proper consent, if consent is necessary, to the adoption has been given;

(8) the petitioner for adoption is not prohibited from adopting the child as the result of an inappropriate criminal history described in subsection (c) or (d); and

(9) the person, licensed child placing agency, or local office that has placed the child for adoption has provided the documents and other information required under IC 31-19-17 to the prospective adoptive parents;

the court shall grant the petition for adoption and enter an adoption decree.

(b) A court may not grant an adoption unless the Indiana department



1 of health's affidavit under IC 31-19-5-16 is filed with the court as
2 provided under subsection (a)(4).

3 (c) A juvenile adjudication for an act listed in IC 31-9-2-84.8 that
4 would be a felony if committed by an adult, a conviction of a
5 misdemeanor related to the health and safety of a child, or a conviction
6 of a felony not listed in IC 31-9-2-84.8 by a petitioner for adoption or
7 household member is a permissible basis for the court to deny the
8 petition for adoption. In addition, the court may not grant an adoption
9 if a petitioner for adoption has been convicted of a nonwaivable offense
10 under IC 31-9-2-84.8. However, the court is not prohibited from
11 granting an adoption based upon a felony conviction for:

- 12 (1) a felony under IC 9-30-5;
- 13 (2) battery (IC 35-42-2-1);
- 14 (3) criminal recklessness (IC 35-42-2-2) as a felony;
- 15 (4) criminal confinement (IC 35-42-3-3);
- 16 (5) arson (IC 35-43-1-1);
- 17 (6) nonsupport of a dependent child (IC 35-46-1-5);
- 18 (7) operating a motorboat while intoxicated (IC 35-46-9-6)
- 19 **(before its repeal)** as a felony;
- 20 (8) a felony involving a weapon under IC 35-47; or
- 21 (9) a felony relating to controlled substances under IC 35-48-4;
- 22 if the date of the conviction did not occur within the immediately
- 23 preceding five (5) year period.

24 (d) A court may not grant an adoption if the petitioner is a sex or
25 violent offender (as defined in IC 11-8-8-5) or a sexually violent
26 predator (as defined in IC 35-38-1-7.5).

27 (e) In addition to this section, section 1.1 of this chapter applies
28 when one (1) or more petitioners is a person with a disability.

29 SECTION 33. IC 31-34-4-2, AS AMENDED BY P.L.186-2025,
30 SECTION 159, IS AMENDED TO READ AS FOLLOWS
31 [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) If a child alleged to be a child
32 in need of services is taken into custody under an order of the court
33 under this chapter and the court orders out-of-home placement, the
34 department is responsible for that placement and care and must
35 consider placing the child with a:

- 36 (1) suitable and willing relative; or
- 37 (2) de facto custodian;

38 before considering any other out-of-home placement.

39 (b) The department shall consider placing a child described in
40 subsection (a) with a relative related by blood, marriage, or adoption
41 before considering any other placement of the child.

42 (c) Before the department places a child in need of services with a



relative or a de facto custodian, the department shall complete an evaluation based on a home visit of the relative's home.

(d) Except as provided in subsection (f), before placing a child in need of services in an out-of-home placement, the department shall conduct a criminal history check of each person who is currently residing in the location designated as the out-of-home placement.

(e) Except as provided in subsection (g), the department may not make an out-of-home placement if a person described in subsection (d) has:

(1) committed an act resulting in a substantiated report of child abuse or neglect; or

(2) been convicted of a nonwaivable offense, as defined in IC 31-9-2-84.8 or had a juvenile adjudication for an act that would be a nonwaivable offense, as defined in IC 31-9-2-84.8 if committed by an adult.

(f) The department is not required to conduct a criminal history check under subsection (d) if the department makes an out-of-home placement to an entity or a facility that is not a residence (as defined in IC 3-5-2.1-90) or that is licensed by the state.

(g) A court may order or the department may approve an out-of-home placement if:

(1) a person described in subsection (d) has:

(A) committed an act resulting in a substantiated report of child abuse or neglect;

(B) been convicted of:

(i) battery (IC 35-42-2-1);

(ii) criminal recklessness (IC 35-42-2-2) as a felony;

(iii) criminal confinement (IC 35-42-3-3) as a felony;

(iv) arson (IC 35-43-1-1) as a felony;

(v) nonsupport of a dependent child (IC 35-46-1-5);

(vi) operating a motorboat while intoxicated (IC 35-46-9-6)

(before its repeal) as a felony;

(vii) a felony involving a weapon under IC 35-47;

(viii) a felony relating to controlled substances under IC 35-48-4; or

(ix) a felony under IC 9-30-5;

if the conviction did not occur within the past five (5) years; or

(C) had a juvenile adjudication for a nonwaivable offense, as defined in IC 31-9-2-84.8 that, if committed by an adult, would be a felony; and

(2) the person's commission of the offense, delinquent act, or act of abuse or neglect described in subdivision (1) is not relevant to



the person's present ability to care for a child, and the placement is in the best interest of the child.

However, a court or the department shall not make an out-of-home placement if the person has been convicted of a nonwaivable offense, as defined in IC 31-9-2-84.8 that is not specifically excluded under subdivision (1)(B).

(h) In considering the placement under subsection (g), the court or the department shall consider the following:

(1) The length of time since the person committed the offense, delinquent act, or abuse or neglect.

(2) The severity of the offense, delinquent act, or abuse or neglect.

(3) Evidence of the person's rehabilitation, including the person's cooperation with a treatment plan, if applicable.

SECTION 34. IC 31-34-20-1.5, AS AMENDED BY P.L.186-2025, SECTION 161, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1.5. (a) Except as provided in subsection (d), the juvenile court may not enter a dispositional decree approving or ordering placement of a child in another home under section 1(a)(3) of this chapter or awarding wardship to the department that will place the child in another home under section 1(a)(4) of this chapter if a person who is currently residing in the home in which the child would be placed under section 1(a)(3) or 1(a)(4) of this chapter has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a nonwaivable offense, as defined in IC 31-9-2-84.8 if committed by an adult, or has a conviction for a nonwaivable offense, as defined in IC 31-9-2-84.8.

(b) The department or caseworker who prepared the predispositional report shall conduct a criminal history check (as defined in IC 31-9-2-22.5) to determine if a person described in subsection (a) has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a nonwaivable offense, as defined in IC 31-9-2-84.8 if committed by an adult, or has a conviction for a nonwaivable offense, as defined in IC 31-9-2-84.8. However, the department or caseworker is not required to conduct a criminal history check under this section if criminal history information under IC 31-34-4-2 or IC 31-34-18-6.1 establishes whether a person described in subsection (a) has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a nonwaivable offense, as defined in IC 31-9-2-84.8 if committed by an adult, or has a conviction for a nonwaivable offense, as defined in IC 31-9-2-84.8.



(c) The department or caseworker is not required to conduct a criminal history check under this section if:

(1) the department or caseworker is considering only an out-of-home placement to an entity or a facility that:

(A) is not a residence (as defined in IC 3-5-2.1-90); or

(B) is licensed by the state; or

(2) placement under this section is undetermined at the time the predispositional report is prepared.

(d) A juvenile court may enter a dispositional decree that approves placement of a child in another home or award wardship to the department that will place the child in a home with a person described in subsection (a) if:

(1) the person described in subsection (a) has:

(A) committed an act resulting in a substantiated report of child abuse or neglect;

(B) been convicted of:

(i) battery (IC 35-42-2-1);

(ii) criminal recklessness (IC 35-42-2-2) as a felony;

(iii) criminal confinement (IC 35-42-3-3) as a felony;

(iv) arson (IC 35-43-1-1) as a felony;

(v) nonsupport of a dependent child (IC 35-46-1-5);

(vi) operating a motorboat while intoxicated (IC 35-46-9-6)

(before its repeal) as a felony;

(vii) a felony involving a weapon under IC 35-47;

(viii) a felony relating to controlled substances under IC 35-48-4; or

(ix) a felony under IC 9-30-5;

if the conviction did not occur within the past five (5) years; or

(C) had a juvenile adjudication for a nonwaivable offense, as defined in IC 31-9-2-84.8 that, if committed by an adult, would be a felony; and

(2) the person's commission of the offense, delinquent act, or act of abuse or neglect described in subdivision (1) is not relevant to the person's present ability to care for a child, and placing a child in another home or awarding wardship to the department is in the best interest of the child.

However, a court may not enter a dispositional decree that approves placement of a child in another home or awards wardship to the department if the person has been convicted of a nonwaivable offense, as defined in IC 31-9-2-84.8 that is not specifically excluded under subdivision (1)(B).

(e) In considering the placement under subsection (d), the court



1 shall consider the following:

- 2 (1) The length of time since the person committed the offense,
- 3 delinquent act, or act that resulted in the substantiated report of
- 4 abuse or neglect.
- 5 (2) The severity of the offense, delinquent act, or abuse or neglect.
- 6 (3) Evidence of the person's rehabilitation, including the person's
- 7 cooperation with a treatment plan, if applicable.

8 SECTION 35. IC 31-34-21-7.5, AS AMENDED BY P.L.156-2020,
 9 SECTION 119, IS AMENDED TO READ AS FOLLOWS
 10 [EFFECTIVE JULY 1, 2026]: Sec. 7.5. (a) Except as provided in
 11 subsection (d), the juvenile court may not approve a permanency plan
 12 under subsection (c)(1)(C), (c)(1)(D), or (c)(1)(E) if a person who is
 13 currently residing with a person described in subsection (c)(1)(C) or
 14 (c)(1)(D) or in a residence in which the child would be placed under
 15 subsection (c)(1)(E) has committed an act resulting in a substantiated
 16 report of child abuse or neglect, has a juvenile adjudication for an act
 17 that would be a nonwaivable offense, as defined in IC 31-9-2-84.8 if
 18 committed by an adult, or has a conviction for a nonwaivable offense,
 19 as defined in IC 31-9-2-84.8.

20 (b) Before requesting juvenile court approval of a permanency plan,
 21 the department shall conduct a criminal history check (as defined in
 22 IC 31-9-2-22.5) to determine if a person described in subsection (a) has
 23 committed an act resulting in a substantiated report of child abuse or
 24 neglect, has a juvenile adjudication for an act that would be a
 25 nonwaivable offense, as defined in IC 31-9-2-84.8 if committed by an
 26 adult, or has a conviction for a nonwaivable offense, as defined in
 27 IC 31-9-2-84.8. However, the department is not required to conduct a
 28 criminal history check under this section if criminal history information
 29 under IC 31-34-4-2, IC 31-34-18-6.1, or IC 31-34-20-1.5 establishes
 30 whether a person described in subsection (a) has committed an act
 31 resulting in a substantiated report of child abuse or neglect, has a
 32 juvenile adjudication for an act that would be a nonwaivable offense,
 33 as defined in IC 31-9-2-84.8 if committed by an adult, or has a
 34 conviction for a nonwaivable offense, as defined in IC 31-9-2-84.8.

35 (c) A permanency plan, or plans, if concurrent planning, under this
 36 chapter includes the following:

- 37 (1) The intended permanent or long term arrangements for care
- 38 and custody of the child that may include any one (1), or two (2),
- 39 if concurrent planning, of the following arrangements that the
- 40 department or the court considers most appropriate and consistent
- 41 with the best interests of the child:

- 42 (A) Return to or continuation of existing custodial care within



- 1 the home of the child's parent, guardian, or custodian or
 2 placement of the child with the child's noncustodial parent.
 3 (B) Placement of the child for adoption.
 4 (C) Placement of the child with a responsible person,
 5 including:
 6 (i) an adult sibling;
 7 (ii) a grandparent;
 8 (iii) an aunt;
 9 (iv) an uncle;
 10 (v) a custodial parent of a sibling of the child; or
 11 (vi) another relative;
 12 who is able and willing to act as the child's permanent
 13 custodian and carry out the responsibilities required by the
 14 permanency plan.
 15 (D) Appointment of a legal guardian. The legal guardian
 16 appointed under this section is a caretaker in a judicially
 17 created relationship between the child and caretaker that is
 18 intended to be permanent and self-sustaining as evidenced by
 19 the transfer to the caretaker of the following parental rights
 20 with respect to the child:
 21 (i) Care, custody, and control of the child.
 22 (ii) Decision making concerning the child's upbringing.
 23 (E) A supervised independent living arrangement or foster
 24 care for the child with a permanency plan of another planned,
 25 permanent living arrangement. However, a child less than
 26 sixteen (16) years of age may not have another planned,
 27 permanent living arrangement as the child's permanency plan.
 28 (2) A time schedule for implementing the applicable provisions
 29 of the permanency plan.
 30 (3) Provisions for temporary or interim arrangements for care and
 31 custody of the child, pending completion of implementation of the
 32 permanency plan.
 33 (4) Other items required to be included in a case plan under
 34 IC 31-34-15 or federal law, consistent with the permanent or long
 35 term arrangements described by the permanency plan.
 36 (d) A juvenile court may approve a permanency plan if:
 37 (1) a person described in subsection (a) has:
 38 (A) committed an act resulting in a substantiated report of
 39 child abuse or neglect;
 40 (B) been convicted of:
 41 (i) battery (IC 35-42-2-1);
 42 (ii) criminal recklessness (IC 35-42-2-2) as a felony;



- 1 (iii) criminal confinement (IC 35-42-3-3) as a felony;
- 2 (iv) arson (IC 35-43-1-1) as a felony;
- 3 (v) nonsupport of a dependent child (IC 35-46-1-5);
- 4 (vi) operating a motorboat while intoxicated (IC 35-46-9-6)
- 5 **(before its repeal)** as a felony;
- 6 (vii) a felony involving a weapon under IC 35-47;
- 7 (viii) a felony relating to controlled substances under
- 8 IC 35-48-4; or
- 9 (ix) a felony under IC 9-30-5;
- 10 if the conviction did not occur within the past five (5) years; or
- 11 (C) had a juvenile adjudication for a nonwaivable offense, as
- 12 defined in IC 31-9-2-84.8 that, if committed by an adult,
- 13 would be a felony; and
- 14 (2) the person's commission of the offense, delinquent act, or act
- 15 of abuse or neglect described in subdivision (1) is not relevant to
- 16 the person's present ability to care for a child, and that approval
- 17 of the permanency plan is in the best interest of the child.
- 18 However, a court may not approve a permanency plan if the person has
- 19 been convicted of a nonwaivable offense, as defined in IC 31-9-2-84.8
- 20 that is not specifically excluded under subdivision (1)(B), or has a
- 21 juvenile adjudication for an act that would be a nonwaivable offense,
- 22 as defined in IC 31-9-2-84.8 if committed by an adult that is not
- 23 specifically excluded under subdivision (1)(B).
- 24 (e) In making its written finding under subsection (d), the court shall
- 25 consider the following:
- 26 (1) The length of time since the person committed the offense,
- 27 delinquent act, or act that resulted in the substantiated report of
- 28 abuse or neglect.
- 29 (2) The severity of the offense, delinquent act, or abuse or neglect.
- 30 (3) Evidence of the person's rehabilitation, including the person's
- 31 cooperation with a treatment plan, if applicable.
- 32 SECTION 36. IC 31-37-19-6.5, AS AMENDED BY P.L.186-2025,
- 33 SECTION 163, IS AMENDED TO READ AS FOLLOWS
- 34 [EFFECTIVE JULY 1, 2026]: Sec. 6.5. (a) Except as provided in
- 35 subsection (d), the juvenile court may not enter a dispositional decree
- 36 approving placement of a child in another home under section 1(a)(3)
- 37 or 6(b)(2)(D) of this chapter or awarding wardship to a person or
- 38 facility that results in a placement with a person under section 1(a)(4)
- 39 or 6(b)(2)(E) of this chapter if a person who is currently residing in the
- 40 home in which the child would be placed under section 1(a)(3), 1(a)(4),
- 41 6(b)(2)(D), or 6(b)(2)(E) of this chapter has committed an act resulting
- 42 in a substantiated report of child abuse or neglect, has a juvenile



1 adjudication for an act that would be a nonwaivable offense, as defined
 2 in IC 31-9-2-84.8 if committed by an adult, or has a conviction for a
 3 nonwaivable offense, as defined in IC 31-9-2-84.8.

4 (b) The juvenile probation officer who prepared the predispositional
 5 report shall conduct a criminal history check (as defined in
 6 IC 31-9-2-22.5) to determine if a person described in subsection (a) has
 7 committed an act resulting in a substantiated report of child abuse or
 8 neglect, has a juvenile adjudication for an act that would be a
 9 nonwaivable offense, as defined in IC 31-9-2-84.8 if committed by an
 10 adult, or has a conviction for a nonwaivable offense, as defined in
 11 IC 31-9-2-84.8. However, the probation officer is not required to
 12 conduct a criminal history check under this section if criminal history
 13 information obtained under IC 31-37-17-6.1 establishes whether a
 14 person described in subsection (a) has committed an act resulting in a
 15 substantiated report of child abuse or neglect, has a juvenile
 16 adjudication for an act that would be a nonwaivable offense, as defined
 17 in IC 31-9-2-84.8 if committed by an adult, or has a conviction for a
 18 nonwaivable offense, as defined in IC 31-9-2-84.8.

19 (c) The juvenile probation officer is not required to conduct a
 20 criminal history check under this section if:

21 (1) the probation officer is considering only an out-of-home
 22 placement to an entity or a facility that:

23 (A) is not a residence (as defined in IC 3-5-2.1-90); or

24 (B) is licensed by the state; or

25 (2) placement under this section is undetermined at the time the
 26 predispositional report is prepared.

27 (d) The juvenile court may enter a dispositional decree approving
 28 placement of a child in another home under section 1(a)(3) or
 29 6(b)(2)(D) of this chapter or awarding wardship to a person or facility
 30 that results in a placement with a person under section 1(a)(4) or
 31 6(b)(2)(E) of this chapter if:

32 (1) a person described in subsection (a) has:

33 (A) committed an act resulting in a substantiated report of
 34 child abuse or neglect;

35 (B) been convicted of:

36 (i) a felony under IC 9-30-5;

37 (ii) battery (IC 35-42-2-1);

38 (iii) criminal recklessness (IC 35-42-2-2) as a felony;

39 (iv) criminal confinement (IC 35-42-3-3) as a felony;

40 (v) arson (IC 35-43-1-1) as a felony;

41 (vi) nonsupport of a dependent child (IC 35-46-1-5);

42 (vii) operating a motorboat while intoxicated (IC 35-46-9-6)



(before its repeal) as a felony;

(viii) a felony involving a weapon under IC 35-47; or

(ix) a felony relating to controlled substances under IC 35-48-4;

if the conviction did not occur within the past five (5) years; or

(C) had a juvenile adjudication for a nonwaivable offense, as defined in IC 31-9-2-84.8 that, if committed by an adult, would be a felony; and

(2) the person's commission of the offense, delinquent act, or act of abuse or neglect described in subdivision (1) is not relevant to the person's present ability to care for a child, and placing the child in another home is in the best interest of the child.

However, a court may not enter a dispositional decree placing a child in another home under section 1(a)(3) or 6(b)(2)(D) of this chapter or awarding wardship to a person or facility under this subsection if a person with whom the child is or will be placed has been convicted of a nonwaivable offense, as defined in IC 31-9-2-84.8 that is not specifically excluded under subdivision (1)(B).

(e) In considering the placement under subsection (d), the court shall consider the following:

(1) The length of time since the person committed the offense, delinquent act, or act that resulted in the substantiated report of abuse or neglect.

(2) The severity of the offense, delinquent act, or abuse or neglect.

(3) Evidence of the person's rehabilitation, including the person's cooperation with a treatment plan, if applicable.

SECTION 37. IC 35-31.5-2-37.5 IS REPEALED [EFFECTIVE JULY 1, 2026]. Sec. 37.5: "Chemical test", for purposes of IC 35-46-9, has the meaning set forth in IC 35-46-9-1.

SECTION 38. IC 35-31.5-2-177.5 IS REPEALED [EFFECTIVE JULY 1, 2026]. Sec. 177.5: "Intoxicated", for purposes of IC 35-46-9, has the meaning set forth in IC 35-46-9-2.

SECTION 39. IC 35-31.5-2-206.5 IS REPEALED [EFFECTIVE JULY 1, 2026]. Sec. 206.5: "Motorboat", for purposes of IC 35-46-9, has the meaning set forth in IC 35-46-9-3.

SECTION 40. IC 35-31.5-2-244.5 IS REPEALED [EFFECTIVE JULY 1, 2026]. Sec. 244.5: "Prima facie evidence of intoxication", for purposes of IC 35-46-9, has the meaning set forth in IC 35-46-9-4.

SECTION 41. IC 35-31.5-2-273.5 IS REPEALED [EFFECTIVE JULY 1, 2026]. Sec. 273.5: "Relevant evidence", for purposes of IC 35-46-9, has the meaning set forth in IC 35-46-9-5.

SECTION 42. IC 35-33-7-4.5 IS ADDED TO THE INDIANA



CODE AS A NEW SECTION TO READ AS FOLLOWS
 [EFFECTIVE JULY 1, 2026]: **Sec. 4.5. A person charged with a misdemeanor under IC 9-30-5-1 or IC 9-30-5-2 may waive the person's initial hearing.**

SECTION 43. IC 35-33-7-5, AS AMENDED BY P.L.166-2024, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. (a) At the initial hearing of a person, the judicial officer shall inform the person orally or in writing:

(1) that the person has a right to retain counsel and if the person intends to retain counsel the person must do so within:

(A) twenty (20) days if the person is charged with a felony; or

(B) ten (10) days if the person is charged only with one (1) or more misdemeanors;

after this initial hearing because there are deadlines for filing motions and raising defenses, and if those deadlines are missed, the legal issues and defenses that could have been raised will be waived;

(2) that the person has a right to assigned counsel at no expense to the person if the person is indigent;

(3) that the person has a right to a speedy trial;

(4) of the amount and conditions of bail;

(5) of the person's privilege against self-incrimination;

(6) of the nature of the charge against the person;

(7) that a preliminary plea of not guilty is being entered for the person and the preliminary plea of not guilty will become a formal plea of not guilty:

(A) twenty (20) days after the completion of the initial hearing; or

(B) ten (10) days after the completion of the initial hearing if the person is charged only with one (1) or more misdemeanors;

unless the defendant enters a different plea; and

(8) that the person may request to petition for a specialized driving privileges hearing if the person is charged with:

(A) any offense in which the operation of a motor vehicle is an element of the offense;

(B) any offense under IC 9-30-5, IC 35-46-9 (**before its repeal**), or IC 14-15-8 (before its repeal); or

(C) any offense under IC 35-42-1, IC 35-42-2, or IC 35-44.1-3-1 that involves the use of a vehicle.

In addition, the judge shall direct the prosecuting attorney to give the defendant or the defendant's attorney a copy of any formal felony



1 charges filed or ready to be filed. The judge shall, upon request of the
2 defendant, direct the prosecuting attorney to give the defendant or the
3 defendant's attorney a copy of any formal misdemeanor charges filed
4 or ready to be filed.

5 (b) This subsection applies to a pregnant woman charged with a
6 drug crime. If the woman is otherwise qualified, including meeting any
7 requirements under IC 33-23-16-13(3)(A), if applicable, the judge may,
8 after consulting with the prosecuting attorney, refer the woman to the
9 forensic diversion program (IC 11-12-3.7) or a drug court
10 (IC 33-23-16).

11 SECTION 44. IC 35-46-9 IS REPEALED [EFFECTIVE JULY 1,
12 2026]. (Operating a Motorboat While Intoxicated).



COMMITTEE REPORT

Mr. President: The Senate Committee on Corrections and Criminal Law, to which was referred Senate Bill No. 251, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 6, delete lines 31 through 42.

Page 7, delete lines 1 through 2.

Page 7, line 15, reset in roman "7(b)(2)".

Page 7, line 15, delete "7(2)".

Page 8, delete line 42, begin a new paragraph and insert:

"SECTION 9. IC 9-30-6-9, AS AMENDED BY P.L.141-2024, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 9. (a) This section does not apply if an ignition interlock device order is issued under section 8(d) of this chapter.

(b) If the affidavit under section 8(b) of this chapter states that a person refused to submit to a chemical test, the bureau shall suspend the driving privileges of the person:

(1) for:

(A) one (1) year; or

(B) if the person has at least one (1) previous conviction for operating while intoxicated, two (2) years; or

(2) until the suspension is ordered terminated under IC 9-30-5.

~~(c) If the affidavit under section 8(b) of this chapter states that a chemical test resulted in prima facie evidence that a person was intoxicated, the bureau shall suspend the driving privileges of the person:~~

~~(1) for one hundred eighty (180) days; or~~

~~(2) until the bureau is notified by a court that the charges have been disposed of;~~

~~whichever occurs first.~~

~~(d)~~ (c) Whenever the bureau is required to suspend a person's driving privileges under this section, the bureau shall immediately do the following:

(1) Mail notice to the person's address contained in the records of the bureau, or send the notice electronically if the person has indicated a preference for receiving notices from the bureau electronically, stating that the person's driving privileges will be suspended for a specified period, commencing:

(A) seven (7) days after the date of the notice; or

(B) on the date the court enters an order recommending



suspension of the person's driving privileges under section 8(c) of this chapter;

whichever occurs first.

(2) Notify the person of the right to a judicial review under section 10 of this chapter."

Delete pages 9 through 10.

Page 11, delete lines 1 through 10.

Page 11, line 14, reset in roman "this chapter,".

Page 11, line 14, after "IC 9-30-5" insert ",".

Page 11, delete lines 40 through 42.

Page 12, delete lines 1 through 16, begin a new paragraph and insert:

"SECTION 14. IC 9-30-6-13.5, AS AMENDED BY P.L.110-2020, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 13.5. If:

(1) a case filed under IC 9-30-5 is terminated in favor of the defendant; and

(2) the defendant's driving privileges were suspended under ~~(A)~~ section 9(b) of this chapter; ~~or~~

~~(B) section 9(c) of this chapter;~~

the bureau shall remove any record of the suspension, including the reason for suspension, from the defendant's official driving record."

Page 18, reset in roman lines 12 through 16.

Page 18, line 17, reset in roman "(3)".

Page 18, line 17, delete "(2)".

Page 18, line 19, reset in roman "(4)".

Page 18, line 19, delete "(3)".

Page 19, line 11, delete "conviction." and insert "conviction".

Page 19, line 11, reset in roman "except as prohibited by section".

Page 19, line 12, after "6(a)(2)" insert "**6(a)**".

Page 19, line 12, reset in roman "of this chapter."

Page 21, delete lines 36 through 42, begin a new paragraph and insert:

"SECTION 26. IC 9-30-16-6, AS AMENDED BY P.L.110-2020, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) A person whose driving privileges are suspended under section 1(c) of this chapter ~~(1) is entitled to credit for any days during which the license was suspended under IC 9-30-6-9(c); and~~ (2) may not receive any credit for days during which the person's driving privileges were suspended under IC 9-30-6-9(b).

(b) A period of suspension of driving privileges imposed under section 1(c) of this chapter must be consecutive to any period of



suspension imposed under IC 9-30-6-9(b). However, if the state and defendant agree pursuant to a term in an accepted plea agreement, or if the court finds at sentencing that it is in the best interest of society, the court shall terminate all or any part of the remaining suspension under IC 9-30-6-9(b) and shall enter this finding in its sentencing order.

(c) The bureau shall designate a period of suspension of driving privileges imposed under section 1(c) of this chapter as consecutive to any period of suspension imposed under IC 9-30-6-9(b) unless the sentencing order of the court under subsection (b) terminates all or part of the remaining suspension under IC 9-30-6-9(b).".

Page 22, delete lines 1 through 22.

Page 22, line 24, strike "Subject to".

Page 22, line 25, strike "subsection (b), if" and insert "**If**".

Page 22, line 33, delete "(b)".

Page 22, line 33, strike "If a defendant has at least one (1) conviction for an offense".

Page 22, strike lines 34 through 38.

Page 22, line 39, delete "(c)" and insert "**(b)**".

Page 23, line 11, delete "5(c)" and insert "**5(b)**".

Page 33, delete lines 39 through 42.

Page 34, delete lines 1 through 32.

Page 36, delete lines 28 through 42.

Page 37, delete lines 1 through 39.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

(Reference is to SB 251 as introduced.)

FREEMAN, Chairperson

Committee Vote: Yeas 7, Nays 2.

