



January 14, 2026

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## SENATE BILL No. 251

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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.

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## Freeman, Carrasco

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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.

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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

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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,

SB 251—LS 7114/DI 151



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

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

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

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

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

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

25 SECTION 4. IC 9-30-5-15, AS AMENDED BY P.L.217-2017,  
26 SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
27 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:~~

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

41 ~~if the person has one (1) previous conviction of operating while  
42 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.

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:

(1) the privileges arising from a patient-physician relationship do not apply to the contraband, samples, test results, or testimony 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.



1 evidence in a criminal proceeding.

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

5 (g) If the person:

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

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

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

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

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

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

28 (2) A registered nurse.

29 (3) A licensed practical nurse.

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

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

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

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

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



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

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

6 (2) the:

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

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

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

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

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

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

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

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

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

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

38 (1) a paper copy of the affidavit, or an electronic substitute; or  
39 (2) a bureau certificate as described in section 16 of this chapter;  
40 to the bureau at the conclusion of the initial hearing **held** under  
41 subsection **(e)**. **IC 35-33-7-1, or if the initial hearing was waived,**  
42 **upon notice of waiver of the initial hearing.**



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

10 (3) State whether the person:

(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.

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

32 (1) refused to submit to a chemical test; **or**  
33 (2) submitted to a chemical test that resulted in *prima facie*  
34 evidence that the person was intoxicated; **or**

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

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

41 (e) (d) A person commits a Class B infraction if the person:  
42 (1) operates a motor vehicle without a functioning certified



ignition interlock device; and  
(2) is prohibited from operating a motor vehicle unless the motor vehicle is equipped with a functioning certified ignition interlock device under subsection (d). (c).

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

- (1) operates a motor vehicle without a functioning certified ignition interlock device; and
- (2) knows the person is prohibited from operating a motor vehicle unless the motor vehicle is equipped with a functioning certified ignition interlock device under subsection (d). (c).

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

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

- (A) five (5) days after the date of the notice; or
- (B) on the date the court enters an order recommending use of an ignition interlock device;

whichever occurs first.

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

SECTION 8. 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 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



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



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

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

SECTION 10. 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(e) 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(e) 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:

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

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

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

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

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

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

(4) A statement averring the following:

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



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

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

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

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

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

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

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

25 (1) death; or

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

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

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

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



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

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

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

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

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

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

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

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

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

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

39 (c) (b) The court may as an alternative to a license suspension under  
40 subsection (a)(1), issue an order prohibiting the defendant from  
41 operating a motor vehicle unless the motor vehicle is equipped with a  
42 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(e) 5(b) or 7(e) 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(e) 5(b) or 7(e) 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



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

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

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

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

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

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

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

22 (b) This chapter applies to the following:

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

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

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

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

33 (2) A person who:

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

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

39 (c) Except as specifically provided in this chapter, a court may  
40 suspend the driving privileges of a person convicted of any of the  
41 following offenses for a period up to the maximum allowable period of  
42 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.



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

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

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

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

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

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

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

25 (h) Whenever a suspension of an individual's driving privileges  
26 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

(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;

32 the individual's specialized driving privileges expire at the time the  
33 suspension of the individual's driving privileges is terminated.  
34

(1) 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.

37 SECTION 22. IC 9-30-16-6, AS AMENDED BY P.L.110-2020,  
38 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
39 JULY 1, 2026]: Sec. 6. (a) A person whose driving privileges are  
40 suspended under section 1(c) of this chapter (1) is entitled to credit for  
41 any days during which the license was suspended under IC 9-30-6-9(e);  
42 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~~ subsection (b); if  
 17 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~~(b)~~ **5(b)** of this chapter.

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

- (1) operates a motor vehicle without a functioning certified ignition interlock device; and
- (2) knows the person is prohibited from operating a motor vehicle unless the motor vehicle is equipped with a functioning certified ignition interlock device under section 5641.5(c) of this chapter.

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

- (A) the accident or collision results in serious bodily injury to a person; or
- (B) within the five (5) years preceding the commission of the offense, the person had a previous conviction of any of the offenses listed in IC 9-30-10-4(a), IC 35-46-9-6 (**before its repeal**), or IC 14-15-8-8 (before its repeal); or

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.

(b) In suspending or revoking a driver's license under this section, the court shall notify the bureau of the driver's license suspension or revocation, and the bureau shall follow the procedure set forth in 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) ~~for 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



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

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

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

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

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

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

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

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

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

25       (B) been convicted of:

26       (i) battery (IC 35-42-2-1);

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

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

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

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

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

32       **(before its repeal)** as a felony;

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

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

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

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

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

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



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

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

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

- 9                   (1) The length of time since the person committed the offense,  
 10                   delinquent act, or abuse or neglect.
- 11                   (2) The severity of the offense, delinquent act, or abuse or neglect.
- 12                   (3) Evidence of the person's rehabilitation, including the person's  
 13                   cooperation with a treatment plan, if applicable.

14                   SECTION 34. IC 31-34-20-1.5, AS AMENDED BY P.L.186-2025,  
 15                   SECTION 161, IS AMENDED TO READ AS FOLLOWS  
 16                   [EFFECTIVE JULY 1, 2026]: Sec. 1.5. (a) Except as provided in  
 17                   subsection (d), the juvenile court may not enter a dispositional decree  
 18                   approving or ordering placement of a child in another home under  
 19                   section 1(a)(3) of this chapter or awarding wardship to the department  
 20                   that will place the child in another home under section 1(a)(4) of this  
 21                   chapter if a person who is currently residing in the home in which the  
 22                   child would be placed under section 1(a)(3) or 1(a)(4) of this chapter  
 23                   has committed an act resulting in a substantiated report of child abuse  
 24                   or 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.

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



5 (A) is not a residence (as defined in IC 3-5-2.1-90); or  
6 (B) is licensed by the state; or

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

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

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

14 (A) committed an act resulting in a substantiated report of  
15 child abuse or neglect;  
16 (B) been convicted of:

(B) been convicted of:  
(i) battery (JC 35-42)

(i) battery (IC 35-42-2-1),  
(ii) criminal recklessness (

(ii) criminal recklessness (JC 35-42-2-2) as a felony;  
(iii) criminal confinement (JC 35-42-3-3) as a felony;

(iii) criminal confinement (JC 35-42-5-3) as a felony;  
(iv) arson (JC 35-43-1-1) as a felony;

(iv) arson (IC 35-45-1-1) as a felony;  
(v) nonsupport of a dependent child (IC 35-45-1-2) as a felony;

(v) nonsupport of a dependent child (IC 35-46-1-5);  
(vi) operating a motorboat while intoxicated (IC 35-46-1-5).

(VI) operating a motorboat while intoxicated (IC 55-46-9-6)  
**(before its repeal)** as a felony;

23 (before its repeal) as a felony,  
24 (vii) a felony involving a weapon

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

(viii) a felony relating to controlled substance

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

26 IC 55-48-4, or  
27 (ix) a felony un-

(ix) a felony under IC 3-30-3, if the conviction did not occur within

If the conviction did not occur within the past 11½ (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

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

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

42 (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;



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).

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)



21 (1) The length of time since the person committed the offense,  
22 delinquent act, or act that resulted in the substantiated report of  
23 abuse or neglect.  
24 (2) The severity of the offense, delinquent act, or abuse or neglect.  
25 (3) Evidence of the person's rehabilitation, including the person's  
26 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.~~

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

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

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

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

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



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

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

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

11               (A) twenty (20) days if the person is charged with a felony; or  
 12               (B) ten (10) days if the person is charged only with one (1) or  
 13                  more misdemeanors;

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

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

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

21               (4) of the amount and conditions of bail;

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

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

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

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

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

32                  unless the defendant enters a different plea; and

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

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

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

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

41       In addition, the judge shall direct the prosecuting attorney to give the  
 42          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.

