



January 23, 2026

SENATE BILL No. 251

DIGEST OF SB 251 (Updated January 22, 2026 1:26 pm - DI 129)

Citations Affected: IC 4-12; 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

(Continued next page)

Effective: Upon passage; July 1, 2026.

Freeman, Carrasco, Charbonneau

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.

January 22, 2026, amended, reported favorably — Do Pass.

SB 251—LS 7114/DI 151



Digest Continued

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. Provides that the budget director shall review and determine before December 31, 2026, whether federal highway administration funding to the state will or will not be reduced due to the removal of provisions concerning administrative suspension of driving privileges. Requires the budget director to notify the budget committee of the determination and those provisions may not be implemented until after budget committee review. Makes conforming amendments.

SB 251—LS 7114/DI 151



January 23, 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 4-12-1-23 IS ADDED TO THE INDIANA CODE
2 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**
3 **UPON PASSAGE]: Sec. 23. (a) This section applies notwithstanding**
4 **any other law.**

5 **(b) Subject to subsection (c), the budget director shall review**
6 **and determine before December 31, 2026, whether the application**
7 **of the amendments made to the following statutes during the 2026**
8 **regular session of the general assembly by SEA 251-2026 with**
9 **respect to administrative suspensions of driving privileges will or**
10 **will not result in a reduction of federal highway administration**
11 **funding to the state:**

12 (1) IC 9-30-6-8.
13 (2) IC 9-30-6-8.5.
14 (3) IC 9-30-6-9.
15 (4) IC 9-30-6-12.
16 (5) IC 9-30-6-13.5.
17 (6) IC 9-30-6-18.

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- (7) IC 9-30-8-8.
- (8) IC 9-30-9-5.
- (9) IC 9-30-9-7.
- (10) IC 9-30-9-7-5.
- (11) IC 9-30-16-1.
- (12) IC 9-30-16-3.
- (13) IC 9-30-16-6.
- (14) IC 12-23-5-5.
- (15) IC 12-23-5-5-5.

(c) The budget director must notify the budget committee of the determination and the provisions under subsection (b) may not be implemented until after budget committee review.

SECTION 2. IC 7.1-1-3-13.5, AS AMENDED BY P.L.142-2020, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 13.5. "Conviction for operating while intoxicated" means a conviction (as defined in IC 9-13-2-38) for a crime under IC 9-30-5-1 through IC 9-30-5-9, IC 35-46-9-6 (**before its repeal**), or IC 14-15-8 (before its repeal).

SECTION 3. IC 9-13-2-130, AS AMENDED BY P.L.142-2020, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 130. "Previous conviction of operating while intoxicated" means a previous conviction for:

- (1) an alcohol related or drug related crime under Acts 1939, c.48, s.52, as amended, IC 9-4-1-54 (repealed September 1, 1983), or IC 9-11-2 (repealed July 1, 1991); or
- (2) a crime under IC 9-30-5-1 through IC 9-30-5-9; or
- (3) a crime under IC 35-46-9 (before its repeal), IC 14-1-5 (before its repeal), or IC 14-15-8-8 (before its repeal).**

SECTION 4. IC 9-13-2-196, AS AMENDED BY P.L.164-2020, 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



1 (B) not attached to real estate by a permanent foundation

2 (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.

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

18 (1) order:

21 (B) the person to perform at least two hundred forty (240)
22 hours of community restitution or service; and

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

28 if the person has one (1) previous conviction of operating while
29 intoxicated.

33 (1) order:

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

36 (B) the person to perform at least four hundred eighty (480)
37 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.



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

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

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

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

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

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

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

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

29 (2) performs a chemical test on blood, urine, or other bodily
30 substance obtained from a person; or

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

33 shall deliver the sample or contraband or disclose the results of the test
34 to a law enforcement officer who requests the sample, contraband, or
35 results as a part of a criminal investigation. Samples, contraband, and
36 test results shall be provided to a law enforcement officer even if the
37 person has not consented to or otherwise authorized their release.

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

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

42 (2) Delivering contraband, or a blood, urine, or other bodily



substance sample in accordance with this section.

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

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

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

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

(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

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

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

(e) The contraband, test results, and samples obtained by a law enforcement officer under subsection (a) may be disclosed only to a 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



1 taking of the sample.

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

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

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

15 (2) A registered nurse.

16 (3) A licensed practical nurse.

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

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

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

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

28 (k) A law enforcement officer who is otherwise qualified to obtain
29 a bodily substance sample under this section may obtain a bodily
30 substance sample from a person involved in an accident or alleged
31 crime who is not a law enforcement officer only if:

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

35 (2) the:

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

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

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



1 satisfied:

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

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

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

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

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

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

18 SECTION 7. IC 9-30-6-8, AS AMENDED BY P.L.111-2021,
19 SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 JULY 1, 2026]: Sec. 8. (a) Except as provided in IC 9-30-16-1(g),
21 whenever a judicial officer has determined that there was probable
22 cause to believe that a person has violated IC 9-30-5, IC 35-46-9
23 **(before its repeal)**, or IC 14-15-8 (before its repeal), the clerk of the
24 court shall forward, in a form and manner prescribed by the bureau:

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

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

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

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

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

39 (3) State whether the person:

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

41 (B) submitted to a chemical test that resulted in prima facie
42 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 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 (4)(c).

SECTION 8. 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



1 use of an ignition interlock device under section 8~~(d)~~ 8(c) of this
2 chapter, the bureau shall immediately do the following:

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

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

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

12 whichever occurs first.

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

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

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

22 (1) for:

23 (A) one (1) year; or

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

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

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

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

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

34 whichever occurs first.

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

38 (1) Mail notice to the person's address contained in the records of
39 the bureau, or send the notice electronically if the person has
40 indicated a preference for receiving notices from the bureau
41 electronically, stating that the person's driving privileges will be
42 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.

SECTION 10. IC 9-30-6-12, AS AMENDED BY P.L.149-2015, SECTION 105, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 12. (a) If a court recommends suspension of driving privileges under this chapter, IC 9-30-5, or IC 9-30-9, the bureau shall fix the period of suspension in accordance with the recommendation of the court. If the court fails to recommend a fixed period of suspension, or recommends a fixed term that is less than the minimum term required by statute, the bureau shall impose the minimum period of suspension required by statute.

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

(c) If a court recommends suspension of a person's driving privileges for a conviction under IC 9-30-5, during the three (3) years following the termination of the suspension the person's driving privileges remain suspended until the person provides proof of future financial responsibility in force under IC 9-25. However, if a court recommends suspension of the driving privileges under IC 9-30-5 of a person who is arrested for or charged with an offense committed under IC 9-30-5, the person is not required to provide proof of future 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 11. 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)



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

5 SECTION 12. IC 9-30-6-18, AS AMENDED BY P.L.2-2005,
6 SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2026]: Sec. 18. (a) A person against whom an ignition
8 interlock device order has been issued under section 8.5 of this chapter
9 ~~or whose driving privileges have been suspended under section 9(e) of~~
10 ~~this chapter~~ is entitled to rescission of the ignition interlock device
11 requirement ~~or reinstatement of driving privileges~~ if the following
12 occur:

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

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

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

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

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

28 (4) A statement averring the following:

29 (A) That the petitioner requested an early trial of the matter at
30 the petitioner's initial hearing on the charges filed against the
31 petitioner under IC 9-30-5.

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

37 (c) Upon the filing of a petition under this section, the court shall
38 immediately examine the record of the court to determine whether the
39 allegations in the petition are true.
40 (d) If the court finds the allegations of a petition filed under this
41 section are true, the court shall order rescission of the ignition interlock
42 device requirement or reinstatement of the petitioner's driving



1 privileges under section 11 of this chapter. The reinstatement must not
2 take effect until ninety (90) days after the date of the petitioner's initial
3 hearing.

4 SECTION 13. IC 9-30-7-1 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) As used in this
6 chapter, "portable breath test" means a hand held apparatus that
7 measures the alcohol concentration in a breath sample delivered by a
8 person into the mouthpiece of the apparatus.

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

12 (1) death; or

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

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

18 SECTION 14. IC 9-30-7-2 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. A person who
20 operates a vehicle impliedly consents to submit to the portable breath
21 test, **roadside chemical test**, or chemical test under this chapter as a
22 condition of operating a vehicle in Indiana. A person must submit to
23 each portable breath test, **roadside chemical test**, or chemical test
24 offered by a law enforcement officer under this chapter to comply with
25 this chapter.

26 SECTION 15. IC 9-30-7-3 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) A law
28 enforcement officer shall offer a portable breath test, **roadside**
29 **chemical test**, or chemical test to any person who the officer has
30 reason to believe operated a vehicle that was involved in a fatal
31 accident or an accident involving serious bodily injury. If:

32 (1) the results of a portable breath test indicate the presence of
33 alcohol;

34 (2) the results of a portable breath test do not indicate the
35 presence of alcohol but the law enforcement officer has probable
36 cause to believe the person is under the influence of a controlled
37 substance or another drug; **or**

38 (3) the person refuses to submit to a portable breath test; **or**

39 **(4) the roadside chemical test indicates the presence of a**
40 **controlled substance;**

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

42 (b) A law enforcement officer may offer a person more than one (1)



1 portable breath test, **roadside chemical test**, or chemical test under this
 2 section. However, all chemical tests must be administered within three
 3 (3) hours after the fatal accident or the accident involving serious
 4 bodily injury.

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

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

10 SECTION 16. IC 9-30-8-8, AS ADDED BY P.L.71-2016,
 11 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2026]: Sec. 8. The bureau and the Indiana criminal justice
 13 institute shall enter into a memorandum of understanding to administer
 14 this chapter and IC 9-30-6-8(d). **IC 9-30-6-8(c).**

15 SECTION 17. IC 9-30-9-5 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. (a) If the court enters
 17 an order conditionally deferring charges under section 3 of this chapter,
 18 the court may do the following:

19 (1) Suspend the person's driving privileges for at least two (2)
 20 years but not more than four (4) years.

21 (2) impose other appropriate conditions, including the payment of
 22 fees imposed under section 8 of this chapter.

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

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

32 SECTION 18. IC 9-30-9-7 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 7. (a) If the court refers
 34 a defendant to the program under section 6 of this chapter, the court
 35 may do the following:

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

38 (2) Impose other appropriate conditions.

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

42 (c) (b) The court may, as an alternative to a license suspension



1 under subsection (a)(1), issue an order prohibiting the defendant from
2 operating a motor vehicle unless the motor vehicle is equipped with a
3 functioning certified ignition interlock device under IC 9-30-8. An
4 order requiring an ignition interlock device must remain in effect for
5 at least two (2) years but not more than four (4) years.

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

10 (1) operates a motor vehicle without a functioning certified
11 ignition interlock device; and

12 (2) is prohibited from operating a motor vehicle unless the motor
13 vehicle is equipped with a functioning certified ignition interlock
14 device under section ~~5(e)~~ **5(b)** or ~~7(e)~~ **7(b)** of this chapter.

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

16 (1) operates a motor vehicle without a functioning certified
17 ignition interlock device; and

18 (2) knows the person is prohibited from operating a motor vehicle
19 unless the motor vehicle is equipped with a functioning certified
20 ignition interlock device under section ~~5(e)~~ **5(b)** or ~~7(e)~~ **7(b)** of
21 this chapter.

22 SECTION 20. IC 9-30-10-4, AS AMENDED BY P.L.218-2025,
23 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 JULY 1, 2026]: Sec. 4. (a) A person who has accumulated at least two
25 (2) judgments within a ten (10) year period for any of the following
26 violations, singularly or in combination, and not arising out of the same
27 incident, is a habitual violator:

28 (1) Reckless homicide resulting from the operation of a motor
29 vehicle.

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

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

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

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

40 (6) After June 30, 1997, and before July 1, 2001, operation of a
41 vehicle with an alcohol concentration equivalent to at least
42 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 21. 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



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

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

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

9 (b) This chapter applies to the following:

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

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

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

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

20 (2) A person who:

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

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

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

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

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

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

36 (d) Except as provided in section 3.5 of this chapter, a suspension
37 of driving privileges under this chapter may begin before the
38 conviction. Multiple suspensions of driving privileges ordered by a
39 court that are part of the same episode of criminal conduct shall be
40 served concurrently. A court may grant credit time for any suspension
41 that began before the conviction except as prohibited by section 6(a)(2)
42 6(a) of this chapter.



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

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

13 (1) The court shall:

14 (A) stay the suspension of the person's driving privileges at the
15 initial hearing and shall not submit the probable cause
16 affidavit related to the person's offense to the bureau; and
17 (B) set the matter for a specialized driving privileges hearing
18 not later than thirty (30) days after the initial hearing.

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

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

32 (A) a congestion of the court calendar;
33 (B) the prosecuting attorney's motion for a continuance; or
34 (C) the person's motion for a continuance with no objection by
35 the prosecuting attorney;

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

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



1 to the bureau for automatic suspension.

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

5 SECTION 22. IC 9-30-16-3, AS AMENDED BY P.L.29-2020,
 6 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2026]: Sec. 3. (a) This section does not apply to specialized
 8 driving privileges granted in accordance with section 3.5 of this
 9 chapter. If a court orders a suspension of driving privileges under this
 10 chapter, ~~or imposes a suspension of driving privileges under~~
 11 ~~IC 9-30-6-9(e)~~, the court may stay the suspension and grant a
 12 specialized driving privilege as set forth in this section.

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

17 (1) be verified by the petitioner;
 18 (2) state the petitioner's age, date of birth, and address;
 19 (3) state the grounds for relief and the relief sought;
 20 (4) be filed in the court case that resulted in the order of
 21 suspension; and
 22 (5) be served on the bureau and the prosecuting attorney.

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

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

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

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

34 (1) has previously been granted specialized driving privileges;
 35 and
 36 (2) has more than one (1) conviction under section 5 of this
 37 chapter.

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

40 (1) maintain proof of future financial responsibility insurance
 41 during the period of specialized driving privileges;
 42 (2) carry a copy of the order granting specialized driving



1 privileges or have the order in the vehicle being operated by the
2 individual;

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

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

14 (1) the underlying conviction, judgment, or finding that forms the
15 basis of the suspension is reversed, vacated, or dismissed; or
16 (2) the individual is acquitted of, found not liable for, or otherwise
17 found not to have committed the underlying act or offense that
18 forms the basis of the suspension;

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

24 SECTION 23. IC 9-30-16-6, AS AMENDED BY P.L.110-2020,
25 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JULY 1, 2026]: Sec. 6. (a) A person whose driving privileges are
27 suspended under section 1(c) of this chapter (1) is entitled to credit for
28 any days during which the license was suspended under IC 9-30-6-9(c);
29 and (2) may not receive any credit for days during which the person's
30 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.

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



1 of the remaining suspension under IC 9-30-6-9(b).

2 SECTION 24. IC 12-23-5-5 IS AMENDED TO READ AS
 3 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. (a) ~~Subject to~~ subsection (b); if If a court enters an order conditionally deferring
 4 charges that involve a violation of IC 9-30-5, the court shall do the
 5 following:

6 (1) Suspend the defendant's driving privileges for at least ninety
 7 (90) days but not more than two (2) years.

8 (2) Impose other appropriate conditions.

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

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

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

25 SECTION 25. IC 12-23-5-5.5 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5.5. (a) A person
 27 commits a Class B infraction if the person:

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

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

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

34 (1) operates a motor vehicle without a functioning certified
 35 ignition interlock device; and

36 (2) knows the person is prohibited from operating a motor vehicle
 37 unless the motor vehicle is equipped with a functioning certified
 38 ignition interlock device under section 5(d) 5(c) of this chapter.

39 SECTION 26. IC 14-15-4-4, AS AMENDED BY P.L.195-2014,
 40 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2026]: Sec. 4. A person who knowingly or intentionally



1 violates section 1, 2, or 3 of this chapter commits a Class C
2 misdemeanor. However, the offense is:

3 (1) a Class A misdemeanor if the accident or collision results in
4 an injury to a person;
5 (2) a Level 6 felony if:
6 (A) the accident or collision results in serious bodily injury to
7 a person; or
8 (B) within the five (5) years preceding the commission of the
9 offense, the person had a previous conviction of any of the
10 offenses listed in IC 9-30-10-4(a), IC 35-46-9-6 (**before its**
11 **repeal**), or IC 14-15-8-8 (before its repeal); or
12 (3) a Level 5 felony if the accident or collision results in the death
13 of a person.

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

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

24 SECTION 28. IC 14-15-11-15, AS AMENDED BY P.L.40-2012,
25 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JULY 1, 2026]: Sec. 15. (a) A court in which an individual is convicted
27 of a crime based on a violation of IC 14-15-3, IC 35-46-9 (**before its**
28 **repeal**), IC 14-15-8 (before its repeal), or IC 14-15-12 relating to the
29 operation of a motorboat shall forward a certified abstract of the record
30 of the conviction to the bureau.

31 (b) If, in the opinion of the court, an individual referred to in
32 subsection (a) should be deprived of the privilege of operating a
33 vehicle or motorboat, the court shall recommend the suspension of the
34 Indiana driver's license issued to the individual for a fixed period. The
35 period of the suspension shall be established by the court but may not
36 exceed one (1) year.

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

40 (d) A certified abstract forwarded to the bureau under subsection
41 (a):
42 (1) must be in the form prescribed by the bureau; and



4 SECTION 29. IC 14-15-11-17, AS AMENDED BY P.L.40-2012,
5 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2026]: Sec. 17. (a) For purposes of the point system for
7 Indiana traffic convictions operated by the bureau under 140 IAC 1-4.5,
8 the bureau shall assess points against a person who commits a crime by
9 operating a motorboat in violation of:

10 (1) IC 14-15-3;
11 (2) IC 35-46-9 **(before its repeal)** ~~or or~~ IC 14-15-8 **before**
12 **(before its repeal)**; or
13 (3) IC 14-15-12.

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

24 SECTION 30. IC 14-15-12-5, AS AMENDED BY P.L.40-2012,
25 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JULY 1, 2026]: Sec. 5. The requirements and prohibitions set forth in
27 this chapter concerning personal watercraft are in addition to the
28 requirements and prohibitions set forth in IC 14-15-3, IC 35-46-9
29 (**before its repeal**), and IC 14-15-8 (before its repeal).

30 SECTION 31. IC 14-15-13-2, AS AMENDED BY P.L.40-2012,
31 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
32 JULY 1, 2026]: Sec. 2. The requirements and prohibitions set forth in
33 this chapter are in addition to the requirements and prohibitions set
34 forth in IC 14-15-2, IC 14-15-3, IC 14-15-4, 14-15-8 (before its repeal),
35 IC 35-46-9 (**before its repeal**), and IC 14-15-12.

36 SECTION 32. IC 31-9-2-84.8, AS AMENDED BY P.L.142-2020,
37 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 JULY 1, 2026]: Sec. 84.8. "Nonwaivable offense", for purposes of this
39 title, means a conviction of any of the following felonies:



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



1 education;

2 (3) the report of the investigation and recommendation under

3 IC 31-19-8-5 has been filed;

4 (4) the attorney or agency arranging an adoption has filed with the

5 court an affidavit prepared by the Indiana department of health

6 under IC 31-19-5-16 indicating whether a man is entitled to notice

7 of the adoption because the man has registered with the putative

8 father registry in accordance with IC 31-19-5;

9 (5) proper notice arising under subdivision (4), if notice is

10 necessary, of the adoption has been given;

11 (6) the attorney or agency has filed with the court an affidavit

12 prepared by the Indiana department of health under:

13 (A) IC 31-19-6 indicating whether a record of a paternity

14 determination; or

15 (B) IC 16-37-2-2(g) indicating whether a paternity affidavit

16 executed under IC 16-37-2-2.1;

17 has been filed in relation to the child;

18 (7) proper consent, if consent is necessary, to the adoption has

19 been given;

20 (8) the petitioner for adoption is not prohibited from adopting the

21 child as the result of an inappropriate criminal history described

22 in subsection (c) or (d); and

23 (9) the person, licensed child placing agency, or local office that

24 has placed the child for adoption has provided the documents and

25 other information required under IC 31-19-17 to the prospective

26 adoptive parents;

27 the court shall grant the petition for adoption and enter an adoption

28 decree.

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

30 of health's affidavit under IC 31-19-5-16 is filed with the court as

31 provided under subsection (a)(4).

32 (c) A juvenile adjudication for an act listed in IC 31-9-2-84.8 that

33 would be a felony if committed by an adult, a conviction of a

34 misdemeanor related to the health and safety of a child, or a conviction

35 of a felony not listed in IC 31-9-2-84.8 by a petitioner for adoption or

36 household member is a permissible basis for the court to deny the

37 petition for adoption. In addition, the court may not grant an adoption

38 if a petitioner for adoption has been convicted of a nonwaivable offense

39 under IC 31-9-2-84.8. However, the court is not prohibited from

40 granting an adoption based upon a felony conviction for:

41 (1) a felony under IC 9-30-5;

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



10 preceding five (5) year period.

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

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

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

23 (1) suitable and willing relative; or
24 (2) de facto custodian;

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

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

29 (c) Before the department places a child in need of services with a
30 relative or a de facto custodian, the department shall complete an
31 evaluation based on a home visit of the relative's home.

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

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

39 (1) committed an act resulting in a substantiated report of child
40 abuse or neglect; or
41 (2) been convicted of a nonwaivable offense, as defined in
42 IC 31-9-2-84.8 or had a juvenile adjudication for an act that



1 would be a nonwaivable offense, as defined in IC 31-9-2-84.8 if
 2 committed by an adult.

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

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

9 (1) a person described in subsection (d) has:
 10 (A) committed an act resulting in a substantiated report of
 11 child abuse or neglect;
 12 (B) been convicted of:

13 (i) battery (IC 35-42-2-1);
 14 (ii) criminal recklessness (IC 35-42-2-2) as a felony;
 15 (iii) criminal confinement (IC 35-42-3-3) as a felony;
 16 (iv) arson (IC 35-43-1-1) as a felony;
 17 (v) nonsupport of a dependent child (IC 35-46-1-5);
 18 (vi) operating a motorboat while intoxicated (IC 35-46-9-6)
 19 **(before its repeal)** as a felony;
 20 (vii) a felony involving a weapon under IC 35-47;
 21 (viii) a felony relating to controlled substances under
 22 IC 35-48-4; or
 23 (ix) a felony under IC 9-30-5;

24 if the conviction did not occur within the past five (5) years; or
 25 (C) had a juvenile adjudication for a nonwaivable offense, as
 26 defined in IC 31-9-2-84.8 that, if committed by an adult,
 27 would be a felony; and

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

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

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

38 (1) The length of time since the person committed the offense,
 39 delinquent act, or abuse or neglect.
 40 (2) The severity of the offense, delinquent act, or abuse or neglect.
 41 (3) Evidence of the person's rehabilitation, including the person's
 42 cooperation with a treatment plan, if applicable.



1 SECTION 35. IC 31-34-20-1.5, AS AMENDED BY P.L.186-2025,
2 SECTION 161, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2026]: Sec. 1.5. (a) Except as provided in
4 subsection (d), the juvenile court may not enter a dispositional decree
5 approving or ordering placement of a child in another home under
6 section 1(a)(3) of this chapter or awarding wardship to the department
7 that will place the child in another home under section 1(a)(4) of this
8 chapter if a person who is currently residing in the home in which the
9 child would be placed under section 1(a)(3) or 1(a)(4) of this chapter
10 has committed an act resulting in a substantiated report of child abuse
11 or neglect, has a juvenile adjudication for an act that would be a
12 nonwaivable offense, as defined in IC 31-9-2-84.8 if committed by an
13 adult, or has a conviction for a nonwaivable offense, as defined in
14 IC 31-9-2-84.8.

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

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

32 (1) the department or caseworker is considering only an
33 out-of-home placement to an entity or a facility that:
34 (A) is not a residence (as defined in IC 3-5-2.1-90); or
35 (B) is licensed by the state; or
36 (2) placement under this section is undetermined at the time the
37 predispositional report is prepared.

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

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



1 (A) committed an act resulting in a substantiated report of
2 child abuse or neglect;
3 (B) been convicted of:
4 (i) battery (IC 35-42-2-1);
5 (ii) criminal recklessness (IC 35-42-2-2) as a felony;
6 (iii) criminal confinement (IC 35-42-3-3) as a felony;
7 (iv) arson (IC 35-43-1-1) as a felony;
8 (v) nonsupport of a dependent child (IC 35-46-1-5);
9 (vi) operating a motorboat while intoxicated (IC 35-46-9-6)
10 **(before its repeal)** as a felony;
11 (vii) a felony involving a weapon under IC 35-47;
12 (viii) a felony relating to controlled substances under
13 IC 35-48-4; or
14 (ix) a felony under IC 9-30-5;
15 if the conviction did not occur within the past five (5) years; or
16 (C) had a juvenile adjudication for a nonwaivable offense, as
17 defined in IC 31-9-2-84.8 that, if committed by an adult,
18 would be a felony; and
19 (2) the person's commission of the offense, delinquent act, or act
20 of abuse or neglect described in subdivision (1) is not relevant to
21 the person's present ability to care for a child, and placing a child
22 in another home or awarding wardship to the department is in the
23 best interest of the child.

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

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

36 cooperation with a treatment plan, if applicable.
37 SECTION 36. IC 31-34-21-7.5, AS AMENDED BY P.L.156-2020,
38 SECTION 119, IS AMENDED TO READ AS FOLLOWS
39 [EFFECTIVE JULY 1, 2026]: Sec. 7.5. (a) Except as provided in
40 subsection (d), the juvenile court may not approve a permanency plan
41 under subsection (c)(1)(C), (c)(1)(D), or (c)(1)(E) if a person who is
42 currently residing with a person described in subsection (c)(1)(C) or



1 (c)(1)(D) or in a residence in which the child would be placed under
2 subsection (c)(1)(E) has committed an act resulting in a substantiated
3 report of child abuse or neglect, has a juvenile adjudication for an act
4 that would be a nonwaivable offense, as defined in IC 31-9-2-84.8 if
5 committed by an adult, or has a conviction for a nonwaivable offense,
6 as defined in IC 31-9-2-84.8.

7 (b) Before requesting juvenile court approval of a permanency plan,
8 the department shall conduct a criminal history check (as defined in
9 IC 31-9-2-22.5) to determine if a person described in subsection (a) has
10 committed an act resulting in a substantiated report of child abuse or
11 neglect, has a juvenile adjudication for an act that would be a
12 nonwaivable offense, as defined in IC 31-9-2-84.8 if committed by an
13 adult, or has a conviction for a nonwaivable offense, as defined in
14 IC 31-9-2-84.8. However, the department is not required to conduct a
15 criminal history check under this section if criminal history information
16 under IC 31-34-4-2, IC 31-34-18-6.1, or IC 31-34-20-1.5 establishes
17 whether a person described in subsection (a) has committed an act
18 resulting in a substantiated report of child abuse or neglect, has a
19 juvenile adjudication for an act that would be a nonwaivable offense,
20 as defined in IC 31-9-2-84.8 if committed by an adult, or has a
21 conviction for a nonwaivable offense, as defined in IC 31-9-2-84.8.

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

24 (1) The intended permanent or long term arrangements for care
25 and custody of the child that may include any one (1), or two (2),
26 if concurrent planning, of the following arrangements that the
27 department or the court considers most appropriate and consistent
28 with the best interests of the child:

29 (A) Return to or continuation of existing custodial care within
30 the home of the child's parent, guardian, or custodian or
31 placement of the child with the child's noncustodial parent.

32 (B) Placement of the child for adoption.

33 (C) Placement of the child with a responsible person,
34 including:

35 (i) an adult sibling;

36 (ii) a grandparent;

37 (iii) an aunt;

38 (iv) an uncle;

39 (v) a custodial parent of a sibling of the child; or

40 (vi) another relative;

41 who is able and willing to act as the child's permanent
42 custodian and carry out the responsibilities required by the



1 permanency plan.
2

3 (D) Appointment of a legal guardian. The legal guardian
4 appointed under this section is a caretaker in a judicially
5 created relationship between the child and caretaker that is
6 intended to be permanent and self-sustaining as evidenced by
7 the transfer to the caretaker of the following parental rights
with respect to the child:

8 (i) Care, custody, and control of the child.

9 (ii) Decision making concerning the child's upbringing.

10 (E) A supervised independent living arrangement or foster
11 care for the child with a permanency plan of another planned,
12 permanent living arrangement. However, a child less than
13 sixteen (16) years of age may not have another planned,
14 permanent living arrangement as the child's permanency plan.

15 (2) A time schedule for implementing the applicable provisions
16 of the permanency plan.

17 (3) Provisions for temporary or interim arrangements for care and
18 custody of the child, pending completion of implementation of the
19 permanency plan.

20 (4) Other items required to be included in a case plan under
21 IC 31-34-15 or federal law, consistent with the permanent or long
22 term arrangements described by the permanency plan.

23 (d) A juvenile court may approve a permanency plan if:

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

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

27 (B) been convicted of:

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

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

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

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

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

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

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

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

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

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

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

40 (C) had a juvenile adjudication for a nonwaivable offense, as
41 defined in IC 31-9-2-84.8 that, if committed by an adult,
42 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 that approval of the permanency plan is in the best interest of the child.

5 However, a court may not approve a permanency plan if the person has
6 been convicted of a nonwaivable offense, as defined in IC 31-9-2-84.8
7 that is not specifically excluded under subdivision (1)(B), or has a
8 juvenile adjudication for an act that would be a nonwaivable offense,
9 as defined in IC 31-9-2-84.8 if committed by an adult that is not
10 specifically excluded under subdivision (1)(B).

19 SECTION 37. IC 31-37-19-6.5, AS AMENDED BY P.L.186-2025.

SECTION 163, IS AMENDED TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2026]: Sec. 6.5. (a) Except as provided in subsection (d), the juvenile court may not enter a dispositional decree approving placement of 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 that results in a placement with a person under section 1(a)(4) or 6(b)(2)(E) 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), 1(a)(4), 6(b)(2)(D), or 6(b)(2)(E) 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 juvenile probation officer 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 probation officer is not required to conduct a criminal history check under this section if criminal history information obtained under IC 31-37-17-6.1 establishes whether a



1 person described in subsection (a) has committed an act resulting in a
2 substantiated report of child abuse or neglect, has a juvenile
3 adjudication for an act that would be a nonwaivable offense, as defined
4 in IC 31-9-2-84.8 if committed by an adult, or has a conviction for a
5 nonwaivable offense, as defined in IC 31-9-2-84.8.

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

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

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

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

14 (d) The juvenile court may enter a dispositional decree approving
15 placement of a child in another home under section 1(a)(3) or
16 6(b)(2)(D) of this chapter or awarding wardship to a person or facility
17 that results in a placement with a person under section 1(a)(4) or
18 6(b)(2)(E) of this chapter if:

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

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

22 (B) been convicted of:

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

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

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

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

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

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

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

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

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

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

34 if the conviction did not occur within the past five (5) years; or
35 (C) had a juvenile adjudication for a nonwaivable offense, as
36 defined in IC 31-9-2-84.8 that, if committed by an adult,
37 would be a felony; and

38 (2) the person's commission of the offense, delinquent act, or act
39 of abuse or neglect described in subdivision (1) is not relevant to
40 the person's present ability to care for a child, and placing the
41 child in another home is in the best interest of the child.
42 However, a court may not enter a dispositional decree placing a child



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

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

- 8 (1) The length of time since the person committed the offense,
 9 delinquent act, or act that resulted in the substantiated report of
 10 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 38. IC 35-31.5-2-37.5 IS REPEALED [EFFECTIVE
 15 JULY 1, 2026]. ~~See: 37.5. "Chemical test", for purposes of IC 35-46-9,
 16 has the meaning set forth in IC 35-46-9-1.~~

17 SECTION 39. IC 35-31.5-2-177.5 IS REPEALED [EFFECTIVE
 18 JULY 1, 2026]. ~~See: 177.5. "Intoxicated", for purposes of IC 35-46-9,
 19 has the meaning set forth in IC 35-46-9-2.~~

20 SECTION 40. IC 35-31.5-2-206.5 IS REPEALED [EFFECTIVE
 21 JULY 1, 2026]. ~~See: 206.5. "Motorboat", for purposes of IC 35-46-9,
 22 has the meaning set forth in IC 35-46-9-3.~~

23 SECTION 41. IC 35-31.5-2-244.5 IS REPEALED [EFFECTIVE
 24 JULY 1, 2026]. ~~See: 244.5. "Prima facie evidence of intoxication", for
 25 purposes of IC 35-46-9, has the meaning set forth in IC 35-46-9-4.~~

26 SECTION 42. IC 35-31.5-2-273.5 IS REPEALED [EFFECTIVE
 27 JULY 1, 2026]. ~~See: 273.5. "Relevant evidence", for purposes of
 28 IC 35-46-9, has the meaning set forth in IC 35-46-9-5.~~

29 SECTION 43. IC 35-33-7-4.5 IS ADDED TO THE INDIANA
 30 CODE AS A NEW SECTION TO READ AS FOLLOWS
 31 [EFFECTIVE JULY 1, 2026]: **Sec. 4.5. A person charged with a
 32 misdemeanor under IC 9-30-5-1 or IC 9-30-5-2 may waive the
 33 person's initial hearing.**

34 SECTION 44. IC 35-33-7-5, AS AMENDED BY P.L.166-2024,
 35 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2026]: Sec. 5. (a) At the initial hearing of a person, the
 37 judicial officer shall inform the person orally or in writing:

- 38 (1) that the person has a right to retain counsel and if the person
 39 intends to retain counsel the person must do so within:
 - 40 (A) twenty (20) days if the person is charged with a felony; or
 - 41 (B) ten (10) days if the person is charged only with one (1) or
 42 more misdemeanors;



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

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

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

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

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

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

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

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

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

19 unless the defendant enters a different plea; and

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

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

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

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

28 In addition, the judge shall direct the prosecuting attorney to give the
29 defendant or the defendant's attorney a copy of any formal felony
30 charges filed or ready to be filed. The judge shall, upon request of the
31 defendant, direct the prosecuting attorney to give the defendant or the
32 defendant's attorney a copy of any formal misdemeanor charges filed
33 or ready to be filed.

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

40 SECTION 45. IC 35-46-9 IS REPEALED [EFFECTIVE JULY 1,
41 2026]. (Operating a Motorboat While Intoxicated).

42 SECTION 46. **An emergency is declared for this act.**



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.

COMMITTEE REPORT

Mr. President: The Senate Committee on Appropriations, 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:

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Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-12-1-23 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 23. (a) This section applies notwithstanding any other law.

(b) Subject to subsection (c), the budget director shall review and determine before December 31, 2026, whether the application of the amendments made to the following statutes during the 2026 regular session of the general assembly by SEA 251-2026 with respect to administrative suspensions of driving privileges will or will not result in a reduction of federal highway administration funding to the state:

- (1) IC 9-30-6-8.
- (2) IC 9-30-6-8.5.
- (3) IC 9-30-6-9.
- (4) IC 9-30-6-12.
- (5) IC 9-30-6-13.5.
- (6) IC 9-30-6-18.
- (7) IC 9-30-8-8.
- (8) IC 9-30-9-5.
- (9) IC 9-30-9-7.
- (10) IC 9-30-9-7.5.
- (11) IC 9-30-16-1.
- (12) IC 9-30-16-3.
- (13) IC 9-30-16-6.
- (14) IC 12-23-5-5.
- (15) IC 12-23-5-5.5.

(c) The budget director must notify the budget committee of the determination and the provisions under subsection (b) may not be implemented until after budget committee review."

Page 35, after line 12, begin a new paragraph and insert:

"SECTION 45. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 251 as printed January 14, 2026.)

GARTEN, Chairperson

Committee Vote: Yeas 11, Nays 1.

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