



February 12, 2026

ENGROSSED SENATE BILL No. 251

DIGEST OF SB 251 (Updated February 11, 2026 3:03 pm - DI 106)

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: OWI penalties. 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 receives good time credit while serving a sentence imposed under this statute (under current law, a person does not receive good time credit). 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
(Continued next page)

Effective: Upon passage; July 1, 2026.

Freeman, Carrasco, Charbonneau

(HOUSE SPONSORS — JETER, OLTHOFF)

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.

January 26, 2026, read second time, ordered engrossed. Engrossed.

January 28, 2026, read third time, passed. Yeas 47, nays 1.

HOUSE ACTION

February 2, 2026, read first time and referred to Committee on Courts and Criminal Code.
February 12, 2026, amended, reported — Do Pass. Referred to Committee on Ways and Means pursuant to Rule 126.3.

ES 251—LS 7114/DI 151



Digest Continued

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. Makes certain provisions concerning pretrial administrative suspension of driving privileges discretionary with the court. 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 amendment 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.



February 12, 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.

ENGROSSED 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 9-30-16-1.**
14 **(3) IC 12-23-5-5.**
15 **(c) The budget director must notify the budget committee of the**
16 **determination and the provisions under subsection (b) may not be**
17 **implemented until after budget committee review.**

ES 251—LS 7114/DI 151



1 SECTION 2. 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 3. 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 4. IC 9-13-2-196, AS AMENDED BY P.L.164-2020,
 18 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2026]: Sec. 196. (a) "Vehicle" means, except as otherwise
 20 provided in this section, a device in, upon, or by which a person or
 21 property is, or may be, transported or drawn upon a highway. The term
 22 does not include the following:

- 23 (1) A device moved by human power.
 24 (2) A device that runs only on rails or tracks.
 25 (3) A wheelchair.
 26 (4) An electric foot scooter.
 27 (b) For purposes of IC 9-17, the term includes the following:
 28 (1) Off-road vehicles.
 29 (2) Manufactured homes or mobile homes that are:
 30 (A) personal property not held for resale; and
 31 (B) not attached to real estate by a permanent foundation.
 32 (3) Watercraft.

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

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

42 SECTION 5. IC 9-30-5-15, AS AMENDED BY P.L.217-2017,



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

6 (1) order:

7 (A) that the person be imprisoned for at least ~~five (5)~~ **ten (10)**
8 days; or

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

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

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

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

21 (1) order:

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

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

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

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

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

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

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

42 (d) ~~Notwithstanding IC 35-50-6,~~ A person does not earn good time



1 credit (as defined in IC 35-50-6-0.5) while serving a sentence imposed
2 under this section.

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

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

- 13 (1) obtains a blood, urine, or other bodily substance sample from
14 a person, regardless of whether the sample is taken for diagnostic
15 purposes or at the request of a law enforcement officer under this
16 section;
- 17 (2) performs a chemical test on blood, urine, or other bodily
18 substance obtained from a person; or
- 19 (3) searches for or retrieves contraband from the body cavity of an
20 individual;

21 shall deliver the sample or contraband or disclose the results of the test
22 to a law enforcement officer who requests the sample, contraband, or
23 results as a part of a criminal investigation. Samples, contraband, and
24 test results shall be provided to a law enforcement officer even if the
25 person has not consented to or otherwise authorized their release.

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

- 29 (1) Disclosing test results in accordance with this section.
- 30 (2) Delivering contraband, or a blood, urine, or other bodily
31 substance sample in accordance with this section.
- 32 (3) Searching for or retrieving contraband or obtaining a blood,
33 urine, or other bodily substance sample in accordance with this
34 section.
- 35 (4) Disclosing to the prosecuting attorney or the deputy
36 prosecuting attorney for use at or testifying at the criminal trial of
37 the person as to facts observed or opinions formed.
- 38 (5) Failing to treat a person from whom contraband is retrieved or
39 a blood, urine, or other bodily substance sample is obtained at the
40 request of a law enforcement officer if the person declines
41 treatment.
- 42 (6) Injury to a person arising from the performance of duties in



1 good faith under this section. However, immunity does not apply
2 if the physician, licensed health care professional, hospital, or
3 agent of a physician or hospital acts with gross negligence or
4 willful or wanton misconduct.

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

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

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

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

15 (e) The contraband, test results, and samples obtained by a law
16 enforcement officer under subsection (a) may be disclosed only to a
17 prosecuting attorney or a deputy prosecuting attorney for use as
18 evidence in a criminal proceeding.

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

22 (g) If the person:

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

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

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

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

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



- 1 (1) A physician holding an unlimited license to practice medicine
 2 or osteopathy.
 3 (2) A registered nurse.
 4 (3) A licensed practical nurse.
 5 (4) An advanced emergency medical technician (as defined in
 6 IC 16-18-2-6.5).
 7 (5) A paramedic (as defined in IC 16-18-2-266).
 8 (6) Except as provided in subsections (j) through (k), any other
 9 person qualified through training, experience, or education to
 10 retrieve contraband or obtain a bodily substance sample.
- 11 (j) A law enforcement officer may not retrieve contraband or obtain
 12 a bodily substance sample under this section if the contraband is to be
 13 retrieved or the sample is to be obtained from another law enforcement
 14 officer as a result of the other law enforcement officer's involvement in
 15 an accident or alleged crime.
- 16 (k) A law enforcement officer who is otherwise qualified to obtain
 17 a bodily substance sample under this section may obtain a bodily
 18 substance sample from a person involved in an accident or alleged
 19 crime who is not a law enforcement officer only if:
- 20 (1) the officer obtained a bodily substance sample from a
 21 individual as part of the officer's official duties as a law
 22 enforcement officer; and
 23 (2) the:
- 24 (A) person consents to the officer obtaining a bodily substance
 25 sample; or
 26 (B) obtaining of the bodily substance sample is authorized by
 27 a search warrant.
- 28 (l) A physician or a person trained in obtaining bodily samples who
 29 is acting under the direction of or under a protocol prepared by a
 30 physician shall obtain a blood sample if the following conditions are
 31 satisfied:
- 32 (1) A law enforcement officer requests that the sample be
 33 obtained.
 34 (2) The law enforcement officer has certified in writing the
 35 following:
- 36 (A) That the officer has probable cause to believe the person
 37 from whom the sample is to be obtained has violated
 38 IC 9-30-5-4, IC 9-30-5-5, IC 35-46-9-6(b)(2) (**before its**
 39 **repeal**), or IC 35-46-9-6(c) (**before its repeal**).
 40 (B) That the offense resulting in a criminal investigation
 41 described in subsection (a) occurred not more than three (3)
 42 hours before the time the sample is requested.



- 1 (C) That exigent circumstances exist that create pressing
 2 health, safety, or law enforcement needs that would take
 3 priority over a warrant application.
- 4 (3) Not more than the use of reasonable force is necessary to
 5 obtain the sample.
- 6 SECTION 7. IC 9-30-6-8, AS AMENDED BY P.L.111-2021,
 7 SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2026]: Sec. 8. (a) Except as provided in IC 9-30-16-1(g),
 9 whenever a judicial officer has determined that there was probable
 10 cause to believe that a person has violated IC 9-30-5, IC 35-46-9
 11 **(before its repeal)**, or IC 14-15-8 (before its repeal), the clerk of the
 12 court shall forward, in a form and manner prescribed by the bureau:
 13 (1) a paper copy of the affidavit, or an electronic substitute; or
 14 (2) a bureau certificate as described in section 16 of this chapter;
 15 to the bureau at the conclusion of the initial hearing **held** under
 16 subsection (c), **IC 35-33-7-1, or if the initial hearing was waived,**
 17 **upon notice of waiver of the initial hearing.**
- 18 (b) The probable cause affidavit required under section 7(b)(2) of
 19 this chapter must do the following:
 20 (1) Set forth the grounds for the arresting officer's belief that there
 21 was probable cause that the arrested person was operating a
 22 vehicle in violation of IC 9-30-5 or a motorboat in violation of
 23 IC 35-46-9 **(before its repeal)** or IC 14-15-8 (before its repeal).
 24 (2) State that the person was arrested for a violation of IC 9-30-5
 25 or operating a motorboat in violation of IC 35-46-9 **(before its**
 26 **repeal)** or IC 14-15-8 (before its repeal).
 27 (3) State whether the person:
 28 (A) refused to submit to a chemical test when offered; or
 29 (B) submitted to a chemical test that resulted in prima facie
 30 evidence that the person was intoxicated.
 31 (4) Be sworn to by the arresting officer.
- 32 (c) Except as provided in subsection (d), if it is determined under
 33 subsection (a) that there was probable cause to believe that a person
 34 has violated IC 9-30-5, IC 35-46-9, or IC 14-15-8 (before its repeal), at
 35 the initial hearing of the matter held under IC 35-33-7-1 the court ~~shall~~
 36 **may** recommend immediate suspension of the person's driving
 37 privileges to take effect on the date the order is entered, and forward to
 38 the bureau a copy of the order recommending immediate suspension of
 39 driving privileges.
- 40 (d) If it is determined under subsection (a) that there is probable
 41 cause to believe that a person violated ~~IC 9-30-5~~ **IC 9-30-5-1(a) or**
 42 **IC 9-30-5-1(b)**, the court may as an alternative to any suspension of the



1 person's driving privileges under subsection (c), issue an order
 2 recommending that the person be prohibited from operating a motor
 3 vehicle unless the motor vehicle is equipped with a functioning
 4 certified ignition interlock device under IC 9-30-8. This subsection
 5 applies even if the probable cause affidavit in subsection (b) states that
 6 the person:

- 7 (1) refused to submit to a chemical test; ~~or~~
 8 (2) submitted to a chemical test that resulted in prima facie
 9 evidence that the person was intoxicated; **or**
 10 **(3) was also charged under IC 9-30-5-2.**

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

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

- 17 (1) operates a motor vehicle without a functioning certified
 18 ignition interlock device; and
 19 (2) is prohibited from operating a motor vehicle unless the motor
 20 vehicle is equipped with a functioning certified ignition interlock
 21 device under subsection (d).

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

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

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

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

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

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

42 SECTION 9. IC 9-30-7-2 IS AMENDED TO READ AS FOLLOWS



1 [EFFECTIVE JULY 1, 2026]: Sec. 2. A person who operates a vehicle
 2 impliedly consents to submit to the portable breath test, **roadside**
 3 **chemical test**, or chemical test under this chapter as a condition of
 4 operating a vehicle in Indiana. A person must submit to each portable
 5 breath test, **roadside chemical test**, or chemical test offered by a law
 6 enforcement officer under this chapter to comply with this chapter.

7 SECTION 10. IC 9-30-7-3 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) A law
 9 enforcement officer shall offer a portable breath test, **roadside**
 10 **chemical test**, or chemical test to any person who the officer has
 11 reason to believe operated a vehicle that was involved in a fatal
 12 accident or an accident involving serious bodily injury. If:

13 (1) the results of a portable breath test indicate the presence of
 14 alcohol;

15 (2) the results of a portable breath test do not indicate the
 16 presence of alcohol but the law enforcement officer has probable
 17 cause to believe the person is under the influence of a controlled
 18 substance or another drug; ~~or~~

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

20 **(4) the roadside chemical test indicates the presence of a**
 21 **controlled substance;**

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

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

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

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

33 SECTION 11. IC 9-30-10-4, AS AMENDED BY P.L.218-2025,
 34 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2026]: Sec. 4. (a) A person who has accumulated at least two
 36 (2) judgments within a ten (10) year period for any of the following
 37 violations, singularly or in combination, and not arising out of the same
 38 incident, is a habitual violator:

39 (1) Reckless homicide resulting from the operation of a motor
 40 vehicle.

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



- 1 (3) Failure of the operator of a motor vehicle involved in an
 2 accident resulting in death or injury to any person to stop at the
 3 scene of the accident and give the required information and
 4 assistance.
 5 (4) Operation of a vehicle while intoxicated resulting in death.
 6 (5) Before July 1, 1997, operation of a vehicle with at least
 7 ten-hundredths percent (0.10%) alcohol in the blood resulting in
 8 death.
 9 (6) After June 30, 1997, and before July 1, 2001, operation of a
 10 vehicle with an alcohol concentration equivalent to at least
 11 ten-hundredths (0.10) gram of alcohol per:
 12 (A) one hundred (100) milliliters of the blood; or
 13 (B) two hundred ten (210) liters of the breath;
 14 resulting in death.
 15 (7) After June 30, 2001, operation of a vehicle with an alcohol
 16 concentration equivalent to at least eight-hundredths (0.08) gram
 17 of alcohol per:
 18 (A) one hundred (100) milliliters of the blood; or
 19 (B) two hundred ten (210) liters of the breath;
 20 resulting in death.
 21 **(8) After June 30, 2001, operation of a motor vehicle with a**
 22 **schedule I or schedule II controlled substance in the blood**
 23 **resulting in death.**
 24 (b) A person who has accumulated at least three (3) judgments
 25 within a ten (10) year period for any of the following violations,
 26 singularly or in combination, and not arising out of the same incident,
 27 is a habitual violator:
 28 (1) Operation of a vehicle while intoxicated.
 29 (2) Before July 1, 1997, operation of a vehicle with at least
 30 ten-hundredths percent (0.10%) alcohol in the blood.
 31 (3) After June 30, 1997, and before July 1, 2001, operation of a
 32 vehicle with an alcohol concentration equivalent to at least
 33 ten-hundredths (0.10) gram of alcohol per:
 34 (A) one hundred (100) milliliters of the blood; or
 35 (B) two hundred ten (210) liters of the breath.
 36 (4) After June 30, 2001, operation of a vehicle with an alcohol
 37 concentration equivalent to at least eight-hundredths (0.08) gram
 38 of alcohol per:
 39 (A) one hundred (100) milliliters of the blood; or
 40 (B) two hundred ten (210) liters of the breath.
 41 (5) Reckless driving.
 42 (6) Criminal recklessness as a felony involving the operation of



- 1 a motor vehicle.
- 2 (7) Drag racing or engaging in a speed contest in violation of law.
- 3 (8) Violating IC 9-4-1-40 (repealed July 1, 1991), IC 9-4-1-46
- 4 (repealed July 1, 1991), IC 9-26-1-1(1) (repealed January 1,
- 5 2015), IC 9-26-1-1(2) (repealed January 1, 2015), IC 9-26-1-2(1)
- 6 (repealed January 1, 2015), IC 9-26-1-2(2) (repealed January 1,
- 7 2015), IC 9-26-1-3 (repealed January 1, 2015), IC 9-26-1-4
- 8 (repealed January 1, 2015), or IC 9-26-1-1.1.
- 9 (9) Resisting law enforcement with a vehicle under:
- 10 (A) IC 35-44.1-3-1(c)(1);
- 11 (B) IC 35-44.1-3-1(c)(2)(C);
- 12 (C) IC 35-44.1-3-1(c)(3);
- 13 (D) IC 35-44.1-3-1(c)(4); or
- 14 (E) IC 35-44.1-3-1(c)(5).
- 15 (10) Any felony under this title or any felony in which the
- 16 operation of a motor vehicle is an element of the offense.
- 17 **(11) After June 30, 2001, operation of a motor vehicle with a**
- 18 **schedule I or schedule II controlled substance in the blood.**
- 19 A judgment for a violation enumerated in subsection (a) shall be added
- 20 to the violations described in this subsection for the purposes of this
- 21 subsection.
- 22 (c) A person who has accumulated at least ten (10) judgments
- 23 within a ten (10) year period for any traffic violation, except a parking
- 24 or an equipment violation, of the type required to be reported to the
- 25 bureau, singularly or in combination, and not arising out of the same
- 26 incident, is a habitual violator. However, at least one (1) of the
- 27 judgments must be for:
- 28 (1) a violation enumerated in subsection (a);
- 29 (2) a violation enumerated in subsection (b);
- 30 (3) operating a motor vehicle while the person's license to do so
- 31 has been suspended or revoked as a result of the person's
- 32 conviction of an offense under IC 9-1-4-52 (repealed July 1,
- 33 1991), IC 9-24-18-5(b) (repealed July 1, 2000), IC 9-24-19-2, or
- 34 IC 9-24-19-3; or
- 35 (4) operating a motor vehicle without ever having obtained a
- 36 license to do so.
- 37 A judgment for a violation enumerated in subsection (a) or (b) shall be
- 38 added to the judgments described in this subsection for the purposes of
- 39 this subsection.
- 40 (d) For purposes of this section, a judgment includes a judgment in
- 41 any other jurisdiction in which the elements of the offense for which
- 42 the conviction was entered are substantially similar to the elements of



1 the offenses described in subsections (a), (b), and (c).

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

5 SECTION 12. IC 9-30-16-1, AS AMENDED BY P.L.111-2021,
6 SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2026]: Sec. 1. (a) Except as provided in subsection (b), the
8 following are ineligible for specialized driving privileges under this
9 chapter:

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

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

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

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

20 (b) This chapter applies to the following:

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

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

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

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

31 (2) A person who:

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

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

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

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



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

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

5 (d) Except as provided in section 3.5 of this chapter, a suspension
6 of driving privileges under this chapter may begin before the
7 conviction. Multiple suspensions of driving privileges ordered by a
8 court that are part of the same episode of criminal conduct shall be
9 served concurrently. A court may grant credit time for any suspension
10 that began before the conviction, except as prohibited by section
11 ~~6(a)(2)~~ **6(a)** of this chapter.

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

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

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

24 (1) The court shall:

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

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

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

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

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



- 1 (A) a congestion of the court calendar;
- 2 (B) the prosecuting attorney's motion for a continuance; or
- 3 (C) the person's motion for a continuance with no objection by
- 4 the prosecuting attorney;
- 5 the stay of the suspension of the person's driving privileges
- 6 continues until addressed at the next hearing.
- 7 (5) If the person moves for a continuance of the specialized
- 8 driving privileges hearing and the court grants the continuance
- 9 over the prosecuting attorney's objection, the court shall lift the
- 10 stay of the suspension of the person's driving privileges and shall
- 11 submit the probable cause affidavit related to the person's offense
- 12 to the bureau for automatic suspension.

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

16 SECTION 13. IC 12-23-5-5 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. (a) Subject to
 18 subsection (b), if a court enters an order conditionally deferring charges
 19 that involve a violation of IC 9-30-5, the court ~~shall~~ **may** do the
 20 following:

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

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

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

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

40 SECTION 14. IC 14-15-4-4, AS AMENDED BY P.L.195-2014,
 41 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 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 15. 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 16. 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



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

4 SECTION 17. 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.

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

17 (c) The point study committee appointed by the commissioner under
 18 140 IAC 1-4.5-3, in consultation with the department, shall determine
 19 the number of points assessed under subsection (a) for each type of
 20 criminal violation of IC 14-15-3, IC 14-15-8 (before its repeal),
 21 IC 35-46-9 (**before its repeal**), or IC 14-15-12 based on the evaluation
 22 by the committee of the danger to human life, human physical safety,
 23 and property posed by the violation.

24 SECTION 18. 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 19. 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 20. 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:

40 (1) Murder (IC 35-42-1-1).

41 (2) Causing suicide (IC 35-42-1-2).

42 (3) Assisting suicide (IC 35-42-1-2.5).



- 1 (4) Voluntary manslaughter (IC 35-42-1-3).
- 2 (5) Involuntary manslaughter (IC 35-42-1-4).
- 3 (6) Reckless homicide (IC 35-42-1-5).
- 4 (7) Feticide (IC 35-42-1-6).
- 5 (8) Battery (IC 35-42-2-1) within the past five (5) years.
- 6 (9) Domestic battery (IC 35-42-2-1.3).
- 7 (10) Aggravated battery (IC 35-42-2-1.5).
- 8 (11) Criminal recklessness (IC 35-42-2-2) within the past five (5)
- 9 years.
- 10 (12) Strangulation (IC 35-42-2-9).
- 11 (13) Kidnapping (IC 35-42-3-2).
- 12 (14) Criminal confinement (IC 35-42-3-3) within the past five (5)
- 13 years.
- 14 (15) Human and sexual trafficking (IC 35-42-3.5).
- 15 (16) A felony sex offense under IC 35-42-4.
- 16 (17) Arson (IC 35-43-1-1) within the past five (5) years.
- 17 (18) Incest (IC 35-46-1-3).
- 18 (19) Neglect of a dependent (IC 35-46-1-4(a) and
- 19 IC 35-46-1-4(b)).
- 20 (20) Child selling (IC 35-46-1-4(d)).
- 21 (21) Reckless supervision (IC 35-46-1-4.1).
- 22 (22) Nonsupport of a dependent child (IC 35-46-1-5) within the
- 23 past five (5) years.
- 24 (23) Operating a motorboat while intoxicated (IC 35-46-9-6)
- 25 **(before its repeal)** within the past five (5) years.
- 26 (24) A felony involving a weapon under IC 35-47 within the past
- 27 five (5) years.
- 28 (25) A felony relating to controlled substances under IC 35-48-4
- 29 within the past five (5) years.
- 30 (26) An offense relating to material or a performance that is
- 31 harmful to minors or obscene under IC 35-49-3.
- 32 (27) A felony under IC 9-30-5 within the past five (5) years.
- 33 (28) A felony related to the health or safety of a child (as defined
- 34 in IC 31-9-2-13(h)) or an endangered adult (as defined in
- 35 IC 12-10-3-2).
- 36 SECTION 21. IC 31-19-11-1, AS AMENDED BY P.L.56-2023,
- 37 SECTION 282, IS AMENDED TO READ AS FOLLOWS
- 38 [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) Whenever the court has heard
- 39 the evidence and finds that:
- 40 (1) the adoption requested is in the best interest of the child;
- 41 (2) the petitioner or petitioners for adoption are of sufficient
- 42 ability to rear the child and furnish suitable support and



- 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);



1 (3) criminal recklessness (IC 35-42-2-2) as a felony;
 2 (4) criminal confinement (IC 35-42-3-3);
 3 (5) arson (IC 35-43-1-1);
 4 (6) nonsupport of a dependent child (IC 35-46-1-5);
 5 (7) operating a motorboat while intoxicated (IC 35-46-9-6)
 6 **(before its repeal)** as a felony;
 7 (8) a felony involving a weapon under IC 35-47; or
 8 (9) a felony relating to controlled substances under IC 35-48-4;
 9 if the date of the conviction did not occur within the immediately
 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).

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

16 SECTION 22. 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 23. 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:

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

37 SECTION 24. 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 (D) Appointment of a legal guardian. The legal guardian
- 3 appointed under this section is a caretaker in a judicially
- 4 created relationship between the child and caretaker that is
- 5 intended to be permanent and self-sustaining as evidenced by
- 6 the transfer to the caretaker of the following parental rights
- 7 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



1 (2) the person's commission of the offense, delinquent act, or act
 2 of abuse or neglect described in subdivision (1) is not relevant to
 3 the person's present ability to care for a child, and that approval
 4 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).

11 (e) In making its written finding under subsection (d), the court shall
 12 consider the following:

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

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

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

19 SECTION 25. IC 31-37-19-6.5, AS AMENDED BY P.L.186-2025,
 20 SECTION 163, IS AMENDED TO READ AS FOLLOWS
 21 [EFFECTIVE JULY 1, 2026]: Sec. 6.5. (a) Except as provided in
 22 subsection (d), the juvenile court may not enter a dispositional decree
 23 approving placement of a child in another home under section 1(a)(3)
 24 or 6(b)(2)(D) of this chapter or awarding wardship to a person or
 25 facility that results in a placement with a person under section 1(a)(4)
 26 or 6(b)(2)(E) of this chapter if a person who is currently residing in the
 27 home in which the child would be placed under section 1(a)(3), 1(a)(4),
 28 6(b)(2)(D), or 6(b)(2)(E) of this chapter has committed an act resulting
 29 in a substantiated report of child abuse or neglect, has a juvenile
 30 adjudication for an act that would be a nonwaivable offense, as defined
 31 in IC 31-9-2-84.8 if committed by an adult, or has a conviction for a
 32 nonwaivable offense, as defined in IC 31-9-2-84.8.

33 (b) The juvenile probation officer who prepared the predispositional
 34 report shall conduct a criminal history check (as defined in
 35 IC 31-9-2-22.5) to determine if a person described in subsection (a) has
 36 committed an act resulting in a substantiated report of child abuse or
 37 neglect, has a juvenile adjudication for an act that would be a
 38 nonwaivable offense, as defined in IC 31-9-2-84.8 if committed by an
 39 adult, or has a conviction for a nonwaivable offense, as defined in
 40 IC 31-9-2-84.8. However, the probation officer is not required to
 41 conduct a criminal history check under this section if criminal history
 42 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 26. IC 35-31.5-2-37.5 IS REPEALED [EFFECTIVE
 15 JULY 1, 2026]. Sec. 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 27. IC 35-31.5-2-177.5 IS REPEALED [EFFECTIVE
 18 JULY 1, 2026]. Sec. 177.5: "~~Intoxicated~~", for purposes of IC 35-46-9;
 19 has the meaning set forth in IC 35-46-9-2.

20 SECTION 28. IC 35-31.5-2-206.5 IS REPEALED [EFFECTIVE
 21 JULY 1, 2026]. Sec. 206.5: "~~Motorboat~~", for purposes of IC 35-46-9;
 22 has the meaning set forth in IC 35-46-9-3.

23 SECTION 29. IC 35-31.5-2-244.5 IS REPEALED [EFFECTIVE
 24 JULY 1, 2026]. Sec. 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 30. IC 35-31.5-2-273.5 IS REPEALED [EFFECTIVE
 27 JULY 1, 2026]. Sec. 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 31. 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 32. 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 33. IC 35-46-9 IS REPEALED [EFFECTIVE JULY 1,
 41 2026]. (Operating a Motorboat While Intoxicated).

42 SECTION 34. **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.~~

~~(c)~~ (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:

ES 251—LS 7114/DI 151



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.

ES 251—LS 7114/DI 151



COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 251, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 10, delete "federal highway administration" and insert "**Federal Highway Administration**".

Page 1, delete lines 13 through 17, begin a new line block indented and insert:

"(2) **IC 9-30-16-1.**

(3) **IC 12-23-5-5.**"

Page 2, delete lines 1 through 9.

Page 7, delete lines 18 through 42, begin a new paragraph and insert:

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

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

(2) a bureau certificate as described in section 16 of this chapter;

to the bureau at the conclusion of the initial hearing **held** under subsection (c), **IC 35-33-7-1, or if the initial hearing was waived, upon notice of waiver of the initial hearing.**

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

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

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

(3) State whether the person:

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

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

(4) Be sworn to by the arresting officer.

(c) Except as provided in subsection (d), if it is determined under



subsection (a) that there was probable cause to believe that a person has violated IC 9-30-5, IC 35-46-9, or IC 14-15-8 (before its repeal), at the initial hearing of the matter held under IC 35-33-7-1 the court ~~shall~~ **may** 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) 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 IC 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) 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).

(f) 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)."

Delete pages 8 through 11.

Page 12, delete lines 1 through 3.

Page 13, delete lines 10 through 42.

Page 14, delete lines 1 through 21.

Page 17, line 41, after "conviction" insert ",."



Page 18, line 2, reset in roman "IC 9-30-6-8(d)",

Page 18, line 3, delete "IC 9-30-6-8(c)",

Page 19, delete lines 5 through 42.

Delete page 20.

Page 21, delete lines 1 through 39, begin a new paragraph and insert:

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

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

(2) Impose other appropriate conditions.

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

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

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

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 251 as printed January 23, 2026.)

MCNAMARA

Committee Vote: yeas 13, nays 0.

