
SENATE BILL No. 251

AM025102 has been incorporated into introduced printing.

Synopsis: Penalties for prior OWI convictions.

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2026

IN 251—LS 7114/DI 151



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Introduced

Second Regular Session of the 124th General Assembly (2026)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2025 Regular Session of the General Assembly.

SENATE BILL No. 251

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

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12 c.48, s.52, as amended, IC 9-4-1-54 (repealed September 1,
13 1983), or IC 9-11-2 (repealed July 1, 1991); **or**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

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(before its repeal), or IC 14-15-8-8 (before its repeal).

SECTION 3. 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
 - (B) not attached to real estate by a permanent foundation.
- (3) Watercraft.

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

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

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

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



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suffers from alcohol abuse.
 if the person has one (1) previous conviction of operating while
 intoxicated.

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

(1) order:

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

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

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

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

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

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

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

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

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

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

(1) obtains a blood, urine, or other bodily substance sample from



a person, regardless of whether the sample is taken for diagnostic purposes or at the request of a law enforcement officer under this section;

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

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

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

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

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

(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

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1 in subsection (c) do not affect those relationships in a proceeding that
2 is not a criminal proceeding.

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

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

10 (g) If the person:

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

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

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

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

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

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

33 (2) A registered nurse.

34 (3) A licensed practical nurse.

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

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

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

41 (j) A law enforcement officer may not retrieve contraband or

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1 obtain a bodily substance sample under this section if the contraband
 2 is to be retrieved or the sample is to be obtained from another law
 3 enforcement officer as a result of the other law enforcement officer's
 4 involvement in an accident or alleged crime.

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

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

12 (2) the:

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

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

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

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

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

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

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

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

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

37 SECTION 6. IC 9-30-6-8, AS AMENDED BY P.L.111-2021,
 38 SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2026]: Sec. 8. (a) Except as provided in IC 9-30-16-1(g),
 40 whenever a judicial officer has determined that there was probable
 41 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 (e)~~. **IC 35-33-7-1, or if the initial hearing was waived, upon notice of waiver of the initial hearing.**

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

- (1) Set forth the grounds for the arresting officer's belief that there was probable cause that the arrested person was operating a vehicle in violation of IC 9-30-5 or a motorboat in violation of IC 35-46-9 **(before its repeal)** or IC 14-15-8 (before its repeal).
- (2) State that the person was arrested for a violation of IC 9-30-5 or operating a motorboat in violation of IC 35-46-9 **(before its repeal)** or IC 14-15-8 (before its repeal).
- (3) State whether the person:
 - (A) refused to submit to a chemical test when offered; or
 - (B) submitted to a chemical test that resulted in prima facie evidence that the person was intoxicated.

(4) Be sworn to by the arresting officer.

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

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

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



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

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

~~(c)~~ **(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)**.

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

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

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

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

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

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

whichever occurs first.

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

SECTION 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.~~

SECTION 8. 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

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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 9. 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.

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

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

(2) The delay in trial or disposition of the charges is not due to



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the person arrested under IC 9-30-5.

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

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

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

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

(4) A statement averring the following:

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

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

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

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

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

SECTION 11. IC 9-30-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) As used in this chapter, "portable breath test" means a hand held apparatus that measures the alcohol concentration in a breath sample delivered by a person into the mouthpiece of the apparatus.

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

(1) death; or

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

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

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1 **road.**

2 SECTION 12. IC 9-30-7-2 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. A person who
4 operates a vehicle impliedly consents to submit to the portable breath
5 test, **roadside chemical test**, or chemical test under this chapter as a
6 condition of operating a vehicle in Indiana. A person must submit to
7 each portable breath test, **roadside chemical test**, or chemical test
8 offered by a law enforcement officer under this chapter to comply with
9 this chapter.

10 SECTION 13. IC 9-30-7-3 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) A law
12 enforcement officer shall offer a portable breath test, **roadside**
13 **chemical test**, or chemical test to any person who the officer has
14 reason to believe operated a vehicle that was involved in a fatal
15 accident or an accident involving serious bodily injury. If:

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

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

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

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

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

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

41 SECTION 15. IC 9-30-9-5 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. (a) If the court enters
 2 an order conditionally deferring charges under section 3 of this chapter,
 3 the court may ~~do the following~~:

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

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

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

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

17 SECTION 16. IC 9-30-9-7 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 7. (a) If the court refers
 19 a defendant to the program under section 6 of this chapter, the court
 20 may do the following:

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

23 (2) Impose other appropriate conditions.

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

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

33 SECTION 17. IC 9-30-9-7.5, AS AMENDED BY P.L.2-2005,
 34 SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2026]: Sec. 7.5. (a) A person commits a Class B infraction if
 36 the person:

37 (1) operates a motor vehicle without a functioning certified
 38 ignition interlock device; and

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

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

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

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

SECTION 18. IC 9-30-10-4, AS AMENDED BY P.L.218-2025, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) A person who has accumulated at least two (2) 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) Reckless homicide resulting from the operation of a motor vehicle.

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

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

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

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

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

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

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

resulting in death.

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

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

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

resulting in death.

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

(b) A person who has accumulated at least three (3) judgments

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1 within a ten (10) year period for any of the following violations,
 2 singularly or in combination, and not arising out of the same incident,
 3 is a habitual violator:

4 (1) Operation of a vehicle while intoxicated.

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

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

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

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

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

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

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

17 (5) Reckless driving.

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

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

22 (8) Violating IC 9-4-1-40 (repealed July 1, 1991), IC 9-4-1-46
 23 (repealed July 1, 1991), IC 9-26-1-1(1) (repealed January 1,
 24 2015), IC 9-26-1-1(2) (repealed January 1, 2015), IC 9-26-1-2(1)
 25 (repealed January 1, 2015), IC 9-26-1-2(2) (repealed January 1,
 26 2015), IC 9-26-1-3 (repealed January 1, 2015), IC 9-26-1-4
 27 (repealed January 1, 2015), or IC 9-26-1-1.1.

28 (9) Resisting law enforcement with a vehicle under:

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

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

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

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

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

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

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

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

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

- (1) A person who has never been an Indiana resident.
- (2) A person seeking specialized driving privileges with respect to a suspension based on the person's refusal to submit to a chemical test offered under IC 9-30-6 or IC 9-30-7. However, a court may grant this person driving privileges under IC 9-30-6-8(d).
- (3) A person whose driving privileges have been suspended or revoked under IC 9-24-10-7(b)(2)(A).
- (4) A person whose driving privileges have been suspended under IC 9-21-8-52(e) or IC 9-21-12-1(b).

(b) This chapter applies to the following:

- (1) A person who held a driver's license (issued under



IC 9-24-3), or a commercial driver's, a public passenger chauffeur's, or a chauffeur's license at the time of:

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

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

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

(2) A person who:

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

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

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

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

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

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

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

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

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

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

(1) The court shall:

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

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

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

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

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

(A) a congestion of the court calendar;

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

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

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

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

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

SECTION 20. IC 9-30-16-3, AS AMENDED BY P.L.29-2020, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2026]: Sec. 3. (a) This section does not apply to specialized driving privileges granted in accordance with section 3.5 of this chapter. If a court orders a suspension of driving privileges under this chapter, ~~or imposes a suspension of driving privileges under~~ ~~IC 9-30-6-9(c)~~; the court may stay the suspension and grant a specialized driving privilege as set forth in this section.

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

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

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

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

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

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

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

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

- (1) maintain proof of future financial responsibility insurance during the period of specialized driving privileges;
- (2) carry a copy of the order granting specialized driving privileges or have the order in the vehicle being operated by the individual;
- (3) produce the copy of the order granting specialized driving privileges upon the request of a police officer; and
- (4) carry a validly issued state identification card or driver's



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1 license.

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

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

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

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

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

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

19 SECTION 21. IC 9-30-16-6, AS AMENDED BY P.L.110-2020,
20 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 JULY 1, 2026]: Sec. 6. (a) A person whose driving privileges are
22 suspended under section 1(c) of this chapter ~~(1) is entitled to credit for~~
23 ~~any days during which the license was suspended under IC 9-30-6-9(c);~~
24 ~~and (2) may not receive any credit for days during which the person's~~
25 ~~driving privileges were suspended under IC 9-30-6-9(b).~~

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

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

39 SECTION 22. IC 12-23-5-5 IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. (a) ~~Subject to~~
41 ~~subsection (b); if~~ **If** a court enters an order conditionally deferring

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charges that involve a violation of IC 9-30-5, the court shall 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)~~ (b) 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.

SECTION 23. IC 12-23-5-5.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5.5. (a) 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 section ~~5(d)~~ **5(b)** of this chapter.

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

- (1) operates a motor vehicle without a functioning certified ignition interlock device; and
- (2) knows the person is prohibited from operating a motor vehicle unless the motor vehicle is equipped with a functioning certified ignition interlock device under section ~~5(d)~~ **5(c)** of this chapter.

SECTION 24. IC 14-15-4-4, AS AMENDED BY P.L.195-2014, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. A person who knowingly or intentionally violates section 1, 2, or 3 of this chapter commits a Class C misdemeanor. However, the offense is:

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

(2) a Level 6 felony if:

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

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

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

SECTION 25. IC 14-15-11-14, AS AMENDED BY P.L.217-2014, SECTION 182, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 14. (a) A court may suspend or revoke the driver's license of a person upon the conviction of the person of a crime based on a violation of IC 14-15-3, IC 14-15-8 (before its repeal), IC 35-46-9 (**before its repeal**), or IC 14-15-12.

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

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

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

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

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

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

(2) shall be accepted by an administrative agency or a court as

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1 prima facie evidence of the conviction and all other action stated
2 in the abstract.

3 SECTION 27. IC 14-15-11-17, AS AMENDED BY P.L.40-2012,
4 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2026]: Sec. 17. (a) For purposes of the point system for
6 Indiana traffic convictions operated by the bureau under 140 IAC 1-4.5,
7 the bureau shall assess points against a person who commits a crime by
8 operating a motorboat in violation of:

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

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

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

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

29 SECTION 29. IC 14-15-13-2, AS AMENDED BY P.L.40-2012,
30 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
31 JULY 1, 2026]: Sec. 2. The requirements and prohibitions set forth in
32 this chapter are in addition to the requirements and prohibitions set
33 forth in IC 14-15-2, IC 14-15-3, IC 14-15-4, 14-15-8 (before its repeal),
34 IC 35-46-9 **(before its repeal)**, and IC 14-15-12.

35 SECTION 30. IC 31-9-2-84.8, AS AMENDED BY P.L.142-2020,
36 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2026]: Sec. 84.8. "Nonwaivable offense", for purposes of this
38 title, means a conviction of any of the following felonies:

- 39 (1) Murder (IC 35-42-1-1).
40 (2) Causing suicide (IC 35-42-1-2).
41 (3) Assisting suicide (IC 35-42-1-2.5).

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- 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
- 9 (5) 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
- 13 (5) 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 31. 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

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1 ability to rear the child and furnish suitable support and
2 education;

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

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

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

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

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

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

18 has been filed in relation to the child;

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

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

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

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

30 (b) A court may not grant an adoption unless the Indiana
31 department of health's affidavit under IC 31-19-5-16 is filed with the
32 court as provided under subsection (a)(4).

33 (c) A juvenile adjudication for an act listed in IC 31-9-2-84.8 that
34 would be a felony if committed by an adult, a conviction of a
35 misdemeanor related to the health and safety of a child, or a conviction
36 of a felony not listed in IC 31-9-2-84.8 by a petitioner for adoption or
37 household member is a permissible basis for the court to deny the
38 petition for adoption. In addition, the court may not grant an adoption
39 if a petitioner for adoption has been convicted of a nonwaivable offense
40 under IC 31-9-2-84.8. However, the court is not prohibited from
41 granting an adoption based upon a felony conviction for:

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

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

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

- (1) suitable and willing relative; or
 - (2) de facto custodian;
- before considering any other out-of-home placement.

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

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

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

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

- (1) committed an act resulting in a substantiated report of child

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1 abuse or neglect; or

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

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

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

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

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

15 (B) been convicted of:

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

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

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

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

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

21 (vi) operating a motorboat while intoxicated
22 (IC 35-46-9-6) **(before its repeal)** as a felony;

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

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

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

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

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

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

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

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

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

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

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

SECTION 33. IC 31-34-20-1.5, AS AMENDED BY P.L.186-2025, SECTION 161, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1.5. (a) Except as provided in subsection (d), the juvenile court may not enter a dispositional decree approving or ordering placement of a child in another home under section 1(a)(3) of this chapter or awarding wardship to the department that will place the child in another home under section 1(a)(4) of this chapter if a person who is currently residing in the home in which the child would be placed under section 1(a)(3) or 1(a)(4) of this chapter has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a nonwaivable offense, as defined in IC 31-9-2-84.8 if committed by an adult, or has a conviction for a nonwaivable offense, as defined in IC 31-9-2-84.8.

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

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

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

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

(B) is licensed by the state; or



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

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

- 7 (1) the person described in subsection (a) has:
8 (A) committed an act resulting in a substantiated report of
9 child abuse or neglect;
10 (B) been convicted of:
11 (i) battery (IC 35-42-2-1);
12 (ii) criminal recklessness (IC 35-42-2-2) as a felony;
13 (iii) criminal confinement (IC 35-42-3-3) as a felony;
14 (iv) arson (IC 35-43-1-1) as a felony;
15 (v) nonsupport of a dependent child (IC 35-46-1-5);
16 (vi) operating a motorboat while intoxicated
17 (IC 35-46-9-6) (**before its repeal**) as a felony;
18 (vii) a felony involving a weapon under IC 35-47;
19 (viii) a felony relating to controlled substances under
20 IC 35-48-4; or
21 (ix) a felony under IC 9-30-5;

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

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

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

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

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

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

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

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

SECTION 34. IC 31-34-21-7.5, AS AMENDED BY P.L.156-2020, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 7.5. (a) Except as provided in subsection (d), the juvenile court may not approve a permanency plan under subsection (c)(1)(C), (c)(1)(D), or (c)(1)(E) if a person who is currently residing with a person described in subsection (c)(1)(C) or (c)(1)(D) or in a residence in which the child would be placed under subsection (c)(1)(E) 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) Before requesting juvenile court approval of a permanency plan, the department shall conduct a criminal history check (as defined in IC 31-9-2-22.5) to determine if a person described in subsection (a) has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a nonwaivable offense, as defined in IC 31-9-2-84.8 if committed by an adult, or has a conviction for a nonwaivable offense, as defined in IC 31-9-2-84.8. However, the department is not required to conduct a criminal history check under this section if criminal history information under IC 31-34-4-2, IC 31-34-18-6.1, or IC 31-34-20-1.5 establishes whether a person described in subsection (a) has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a nonwaivable offense, as defined in IC 31-9-2-84.8 if committed by an adult, or has a conviction for a nonwaivable offense, as defined in IC 31-9-2-84.8.

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

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

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

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

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

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

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

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

36 SECTION 35. IC 31-37-19-6.5, AS AMENDED BY
 37 P.L.186-2025, SECTION 163, IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6.5. (a) Except as
 39 provided in subsection (d), the juvenile court may not enter a
 40 dispositional decree approving placement of a child in another home
 41 under section 1(a)(3) or 6(b)(2)(D) of this chapter or awarding

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

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

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

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

(B) is licensed by the state; or

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

(d) The juvenile court may 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:

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

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

(B) been convicted of:

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- 1 (i) a felony under IC 9-30-5;
 2 (ii) battery (IC 35-42-2-1);
 3 (iii) criminal recklessness (IC 35-42-2-2) as a felony;
 4 (iv) criminal confinement (IC 35-42-3-3) as a felony;
 5 (v) arson (IC 35-43-1-1) as a felony;
 6 (vi) nonsupport of a dependent child (IC 35-46-1-5);
 7 (vii) operating a motorboat while intoxicated
 8 (IC 35-46-9-6) **(before its repeal)** as a felony;
 9 (viii) a felony involving a weapon under IC 35-47; or
 10 (ix) a felony relating to controlled substances under
 11 IC 35-48-4;
 12 if the conviction did not occur within the past five (5) years;
 13 or
 14 (C) had a juvenile adjudication for a nonwaivable offense,
 15 as defined in IC 31-9-2-84.8 that, if committed by an adult,
 16 would be a felony; and
 17 (2) the person's commission of the offense, delinquent act, or act
 18 of abuse or neglect described in subdivision (1) is not relevant
 19 to the person's present ability to care for a child, and placing the
 20 child in another home is in the best interest of the child.
 21 However, a court may not enter a dispositional decree placing a child
 22 in another home under section 1(a)(3) or 6(b)(2)(D) of this chapter or
 23 awarding wardship to a person or facility under this subsection if a
 24 person with whom the child is or will be placed has been convicted of
 25 a nonwaivable offense, as defined in IC 31-9-2-84.8 that is not
 26 specifically excluded under subdivision (1)(B).
 27 (e) In considering the placement under subsection (d), the court
 28 shall consider the following:
 29 (1) The length of time since the person committed the offense,
 30 delinquent act, or act that resulted in the substantiated report of
 31 abuse or neglect.
 32 (2) The severity of the offense, delinquent act, or abuse or
 33 neglect.
 34 (3) Evidence of the person's rehabilitation, including the person's
 35 cooperation with a treatment plan, if applicable.
 36 SECTION 36. IC 35-31.5-2-37.5 IS REPEALED [EFFECTIVE
 37 JULY 1, 2026]. ~~Sec. 37.5: "Chemical test", for purposes of IC 35-46-9;~~
 38 ~~has the meaning set forth in IC 35-46-9-1.~~
 39 SECTION 37. IC 35-31.5-2-177.5 IS REPEALED [EFFECTIVE
 40 JULY 1, 2026]. ~~Sec. 177.5: "Intoxicated", for purposes of IC 35-46-9;~~
 41 ~~has the meaning set forth in IC 35-46-9-2.~~

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1 SECTION 38. IC 35-31.5-2-206.5 IS REPEALED [EFFECTIVE
2 JULY 1, 2026]. ~~Sec. 206.5: "Motorboat", for purposes of IC 35-46-9,~~
3 ~~has the meaning set forth in IC 35-46-9-3.~~

4 SECTION 39. IC 35-31.5-2-244.5 IS REPEALED [EFFECTIVE
5 JULY 1, 2026]. ~~Sec. 244.5: "Prima facie evidence of intoxication", for~~
6 ~~purposes of IC 35-46-9, has the meaning set forth in IC 35-46-9-4.~~

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

10 SECTION 41. IC 35-33-7-4.5 IS ADDED TO THE INDIANA
11 CODE AS A NEW SECTION TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2026]: **Sec. 4.5. A person charged with a**
13 **misdemeanor under IC 9-30-5-1 or IC 9-30-5-2 may waive the**
14 **person's initial hearing.**

15 SECTION 42. IC 35-33-7-5, AS AMENDED BY P.L.166-2024,
16 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 JULY 1, 2026]: Sec. 5. (a) At the initial hearing of a person, the
18 judicial officer shall inform the person orally or in writing:

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

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

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

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

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

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

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

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

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

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

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

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



1 misdemeanors;
 2 unless the defendant enters a different plea; and
 3 (8) that the person may request to petition for a specialized
 4 driving privileges hearing if the person is charged with:
 5 (A) any offense in which the operation of a motor vehicle is
 6 an element of the offense;
 7 (B) any offense under IC 9-30-5, IC 35-46-9 **(before its**
 8 **repeal)**, or IC 14-15-8 (before its repeal); or
 9 (C) any offense under IC 35-42-1, IC 35-42-2, or
 10 IC 35-44.1-3-1 that involves the use of a vehicle.
 11 In addition, the judge shall direct the prosecuting attorney to give the
 12 defendant or the defendant's attorney a copy of any formal felony
 13 charges filed or ready to be filed. The judge shall, upon request of the
 14 defendant, direct the prosecuting attorney to give the defendant or the
 15 defendant's attorney a copy of any formal misdemeanor charges filed
 16 or ready to be filed.
 17 (b) This subsection applies to a pregnant woman charged with a
 18 drug crime. If the woman is otherwise qualified, including meeting any
 19 requirements under IC 33-23-16-13(3)(A), if applicable, the judge may,
 20 after consulting with the prosecuting attorney, refer the woman to the
 21 forensic diversion program (IC 11-12-3.7) or a drug court
 22 (IC 33-23-16).
 23 SECTION 43. IC 35-46-9 IS REPEALED [EFFECTIVE JULY 1,
 24 2026]. (Operating a Motorboat While Intoxicated).

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