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## SENATE BILL No. 251

AM025102 has been incorporated into introduced printing.

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**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12 c.48, s.52, as amended, IC 9-4-1-54 (repealed September 1,  
13 1983), or IC 9-11-2 (repealed July 1, 1991); **or**  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**

2026

IN 251—LS 7114/DI 151



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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~~ **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

2026

IN 251—LS 7114/DI 151



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1 suffers from alcohol abuse.

2 if the person has one (1) previous conviction of operating while  
3 intoxicated.

7 (1) order:

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

10 (B) the person to perform at least four hundred eighty (480)  
11 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.

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

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

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

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

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

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

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

2026

IN 251—LS 7114/DI 151



**DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

41 (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



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



1       **(before its repeal)**, or IC 14-15-8 (before its repeal), the clerk of the  
 2       court shall forward, in a form and manner prescribed by the bureau:

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

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

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

17              (3) State whether the person:

18                    (A) refused to submit to a chemical test when offered; or  
 19                    (B) submitted to a chemical test that resulted in prima facie  
 20       evidence that the person was intoxicated.

21              (4) Be sworn to by the arresting officer.

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

30       (t) (c) If it is determined under subsection (a) that there is  
 31       probable cause to believe that a person violated **IC 9-30-5**  
 32       **IC 9-30-5-1(a) or IC 9-30-5-1(b)**, the court may **as an alternative to**  
 33       **any suspension of the person's driving privileges under subsection (e)**,  
 34       issue an order recommending that the person be prohibited from  
 35       operating a motor vehicle unless the motor vehicle is equipped with a  
 36       functioning certified ignition interlock device under IC 9-30-8. This  
 37       subsection applies even if the probable cause affidavit in subsection (b)  
 38       states that the person:

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

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



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

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

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

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

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

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

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

which ever occurs first

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

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

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

2026

IN 251—LS 7114/DI 151



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1       the driving privileges of the person:  
 2       (1) for:  
 3           (A) one (1) year; or  
 4           (B) if the person has at least one (1) previous conviction for  
 5           operating while intoxicated, two (2) years; or  
 6           (2) until the suspension is ordered terminated under IC 9-30-5.  
 7       ~~(c) If the affidavit under section 8(b) of this chapter states that a~~  
 8       chemical test resulted in ~~prima facie~~ evidence that a person was  
 9       intoxicated, the bureau shall suspend the driving privileges of the  
 10      person:  
 11           (1) for one hundred eighty (180) days; or  
 12           (2) until the bureau is notified by a court that the charges have  
 13           been disposed of,  
 14           whichever occurs first.  
 15       ~~(d) (c) Whenever the bureau is required to suspend a person's~~  
 16       driving privileges under this section, the bureau shall immediately do  
 17       the following:  
 18           (1) Mail notice to the person's address contained in the records  
 19           of the bureau, or send the notice electronically if the person has  
 20           indicated a preference for receiving notices from the bureau  
 21           electronically, stating that the person's driving privileges will be  
 22           suspended for a specified period, commencing:  
 23               (A) seven (7) days after the date of the notice; or  
 24               (B) on the date the court enters an order recommending  
 25               suspension of the person's driving privileges under section  
 26               8(c) of this chapter;  
 27           whichever occurs first.  
 28           (2) Notify the person of the right to a judicial review under  
 29           section 10 of this chapter.  
 30       SECTION 8. IC 9-30-6-12, AS AMENDED BY P.L.149-2015,  
 31       SECTION 105, IS AMENDED TO READ AS FOLLOWS  
 32       [EFFECTIVE JULY 1, 2026]: Sec. 12. (a) If a court recommends  
 33       suspension of driving privileges under this chapter, IC 9-30-5, or  
 34       IC 9-30-9, the bureau shall fix the period of suspension in accordance  
 35       with the recommendation of the court. If the court fails to recommend  
 36       a fixed period of suspension, or recommends a fixed term that is less  
 37       than the minimum term required by statute, the bureau shall impose the  
 38       minimum period of suspension required by statute.  
 39       (b) Except as provided in subsection (c), during the three (3) years  
 40       following the termination of the suspension the person's driving  
 41       privileges remain suspended until the person provides proof of future



1 financial responsibility in force under IC 9-25.

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

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

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

21 (1) a case filed under IC 9-30-5 is terminated in favor of the  
 22 defendant; and  
 23 (2) the defendant's driving privileges were suspended under (A)  
 24 section 9(b) of this chapter; or  
 25 (B) section 9(c) of this chapter;

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

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

36 (1) After a request for an early trial is made by the person at the  
 37 initial hearing on the charges, a trial or other disposition of the  
 38 charges for which the person was arrested under IC 9-30-5 is not  
 39 held within ninety (90) days after the date of the person's initial  
 40 hearing on the charges.  
 41 (2) The delay in trial or disposition of the charges is not due to



1 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:

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

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

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

10 (4) A statement averring the following:

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

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

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

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

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

36 that results in:

2026

IN 251—LS 7114/DI 151



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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(e) 5(b) or 7(e) 7(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(e) 5(b) or 7(e) 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



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



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

- 6           (1) a violation enumerated in subsection (a);  
 7           (2) a violation enumerated in subsection (b);  
 8           (3) operating a motor vehicle while the person's license to do so  
 9       has been suspended or revoked as a result of the person's  
 10      conviction of an offense under IC 9-1-4-52 (repealed July 1,  
 11      1991), IC 9-24-18-5(b) (repealed July 1, 2000), IC 9-24-19-2, or  
 12      IC 9-24-19-3; or  
 13           (4) operating a motor vehicle without ever having obtained a  
 14       license to do so.

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

18      (d) For purposes of this section, a judgment includes a judgment  
 19      in any other jurisdiction in which the elements of the offense for which  
 20      the conviction was entered are substantially similar to the elements of  
 21      the offenses described in subsections (a), (b), and (c).

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

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

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

- 40           (b) This chapter applies to the following:  
 41           (1) A person who held a driver's license (issued under



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

- 3           (A) the criminal conviction for which the operation of a  
           4           motor vehicle is an element of the offense;
- 5           (B) any criminal conviction for an offense under IC 9-30-5,  
           6           IC 35-46-9 (**before its repeal**), or IC 14-15-8 (before its  
           7           repeal); or
- 8           (C) committing the infraction of exceeding a worksite speed  
           9           limit for the second time in one (1) year under  
 10           IC 9-21-5-11(f).

11           (2) A person who:

- 12           (A) has never held a valid Indiana driver's license or does  
           13           not currently hold a valid Indiana learner's permit; and
- 14           (B) was an Indiana resident when the driving privileges for  
           15           which the person is seeking specialized driving privileges  
           16           were suspended.

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

- 21           (1) Any criminal conviction in which the operation of a motor  
           22           vehicle is an element of the offense.
- 23           (2) Any criminal conviction for an offense under IC 9-30-5,  
           24           IC 35-46-9 (**before its repeal**), or IC 14-15-8 (before its repeal).
- 25           (3) Any offense under IC 35-42-1, IC 35-42-2, or IC 35-44.1-3-1  
           26           that involves the use of a vehicle.

27           (d) Except as provided in section 3.5 of this chapter, a suspension  
 28           of driving privileges under this chapter may begin before the  
 29           conviction. Multiple suspensions of driving privileges ordered by a  
 30           court that are part of the same episode of criminal conduct shall be  
 31           served concurrently. A court may grant credit time for any suspension  
 32           that began before the conviction except as prohibited by section 6(a)(2)  
 33           6(a) of this chapter.

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

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



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

5 (1) The court shall:

6 (A) stay the suspension of the person's driving privileges at  
7 the initial hearing and shall not submit the probable cause  
8 affidavit related to the person's offense to the bureau; and  
9 (B) set the matter for a specialized driving privileges  
10 hearing not later than thirty (30) days after the initial  
11 hearing.

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

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

22 is made by the court at the specialized driving privileges hearing.  
23 (4) If the specialized driving privileges hearing is continued due  
24 to:

25 (A) a congestion of the court calendar;  
26 (B) the prosecuting attorney's motion for a continuance; or  
27 (C) the person's motion for a continuance with no objection  
28 by the prosecuting attorney;

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

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

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

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

2026

IN 251—LS 7114/DI 151



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

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

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

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

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

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

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

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

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

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



1 license.

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;

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

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.

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

2026

IN 251—LS 7114/DI 151



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1 charges that involve a violation of IC 9-30-5, the court shall do the  
2 following:

3 (1) Suspend the defendant's driving privileges for at least ninety  
4 (90) days but not more than two (2) years.  
5 (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.

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

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

25 (1) operates a motor vehicle without a functioning certified  
26 ignition interlock device; and  
27 (2) is prohibited from operating a motor vehicle unless the motor  
28 vehicle is equipped with a functioning certified ignition interlock  
29 device under section ~~5641~~ 5(b) of this chapter.

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

2026

IN 251—LS 7114/DI 151



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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:

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).

2026

IN 251—LS 7114/DI 151



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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

2026

JN 251—LS 7114/DI 151



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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:

2026

IN 251—LS 7114/DI 151



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

25 (1) suitable and willing relative; or  
26 (2) de facto custodian;

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

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

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

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



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:



(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 1.186-2025, 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 positional decree approving or ordering placement of a child in another home under section 1(a)(3) of this chapter or awarding guardianship 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



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

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 un

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,

would be a felony; and

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

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

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



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

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

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

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

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



parent.

(B) Placement of the child for adoption.

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

- (i) an adult sibling;
- (ii) a grandparent;
- (iii) an aunt;
- (iv) an uncle;
- (v) a custodial parent of a sibling of the child; or
- (vi) another relative;

who is able and willing to act as the child's permanent custodian and carry out the responsibilities required by the permanency plan.

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

- (i) Care, custody, and control of the child.
- (ii) Decision making concerning the child's upbringing.

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

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

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

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

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

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

2026

IN 251—LS 7114/DI 151



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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).

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



1       wardship to a person or facility that results in a placement with a  
 2       person under section 1(a)(4) or 6(b)(2)(E) of this chapter if a person  
 3       who is currently residing in the home in which the child would be  
 4       placed under section 1(a)(3), 1(a)(4), 6(b)(2)(D), or 6(b)(2)(E) of this  
 5       chapter has committed an act resulting in a substantiated report of child  
 6       abuse or neglect, has a juvenile adjudication for an act that would be  
 7       a nonwaivable offense, as defined in IC 31-9-2-84.8 if committed by an  
 8       adult, or has a conviction for a nonwaivable offense, as defined in  
 9       IC 31-9-2-84.8.

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

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

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

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

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

33      (d) The juvenile court may enter a dispositional decree approving  
 34     placement of a child in another home under section 1(a)(3) or  
 35     6(b)(2)(D) of this chapter or awarding wardship to a person or facility  
 36     that results in a placement with a person under section 1(a)(4) or  
 37     6(b)(2)(E) of this chapter if:

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

39           (A) committed an act resulting in a substantiated report of  
 40           child abuse or neglect;  
 41           (B) been convicted of:



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

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

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.



1 SECTION 38. IC 35-31.5-2-206.5 IS REPEALED [EFFECTIVE  
 2 JULY 1, 2026]. See: 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]. See: 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]. See: 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



2026

IN 251—LS 7114/DI 151



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