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SENATE BILL No. 251

Proposed Changes to introduced printing by AM025102

DIGEST OF PROPOSED AMENDMENT

Refusal. Reinstates language permitting license suspension for refusal to take a chemical test.

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12 c.48, s.52, as amended, IC 9-4-1-54 (repealed September 1,
13 1983), or IC 9-11-2 (repealed July 1, 1991); ~~or~~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**
16 **(before its repeal), or IC 14-15-8-8 (before its repeal).**
17 SECTION 3. IC 9-13-2-196, AS AMENDED BY P.L.164-2020,
18 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JULY 1, 2026]: Sec. 196. (a) "Vehicle" means, except as otherwise
20 provided in this section, a device in, upon, or by which a person or
21 property is, or may be, transported or drawn upon a highway. The term

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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 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:



- 1 (A) that the person be imprisoned for at least ~~ten (10)~~
 2 **twenty (20)** days; or
 3 (B) the person to perform at least four hundred eighty (480)
 4 hours of community restitution or service; and
 5 (2) order the person to receive an assessment of the person's
 6 degree of alcohol and drug abuse and, if appropriate, to
 7 successfully complete an alcohol or drug abuse treatment
 8 program, including an alcohol deterrent program if the person
 9 suffers from alcohol abuse.
 10 ~~if the person has at least two (2) previous convictions of operating~~
 11 ~~while intoxicated.~~
 12 (c) Notwithstanding IC 35-50-2-2.2 and IC 35-50-3-1, a sentence
 13 imposed under this section may not be suspended. The court may
 14 require that the person serve the term of imprisonment in an
 15 appropriate facility at whatever time or intervals (consecutive or
 16 intermittent) determined appropriate by the court. However:
 17 (1) at least forty-eight (48) hours of the sentence must be served
 18 consecutively; and
 19 (2) the entire sentence must be served within six (6) months after
 20 the date of sentencing.
 21 (d) ~~Notwithstanding IC 35-50-6,~~ A person does ~~not~~ earn good time
 22 credit (as defined in IC 35-50-6-0.5) while serving a sentence imposed
 23 under this section.
 24 **(e) This section does not increase the maximum sentence for**
 25 **the offense as provided by either IC 35-50-2 or IC 35-50-3.**
 26 SECTION 5. IC 9-30-6-6, AS AMENDED BY P.L.174-2021,
 27 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2026]: Sec. 6. (a) A physician, a person trained in retrieving
 29 contraband or obtaining bodily substance samples and acting under the
 30 direction of or under a protocol prepared by a physician, or a licensed
 31 health care professional acting within the professional's scope of
 32 practice and under the direction of or under a protocol prepared by a
 33 physician, who:
 34 (1) obtains a blood, urine, or other bodily substance sample from
 35 a person, regardless of whether the sample is taken for diagnostic
 36 purposes or at the request of a law enforcement officer under this
 37 section;
 38 (2) performs a chemical test on blood, urine, or other bodily
 39 substance obtained from a person; or
 40 (3) searches for or retrieves contraband from the body cavity of
 41 an individual;
 42 shall deliver the sample or contraband or disclose the results of the test



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

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

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

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

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

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

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

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

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

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

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

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

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

40 (f) This section does not require a physician or a person under the
41 direction of a physician to perform a chemical test or to retrieve
42 contraband.



(g) If the person:

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

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

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

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

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

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

(2) A registered nurse.

(3) A licensed practical nurse.

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

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

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

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

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

(1) the officer obtained a bodily substance sample from an individual as part of the officer's official duties as a law



enforcement officer; and

(2) the:

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

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

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

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

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

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

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

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

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

~~< SECTION 6. IC 9-30-6-7, AS AMENDED BY P.L.85-2013, SECTION 93, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 7. (a) If a person refuses to submit to a chemical test, the arresting officer shall inform the person that refusal will result in the suspension of the person's driving privileges.~~

~~— (b) If a person refuses to submit to a chemical test after having been advised that the refusal will result in the suspension of driving privileges or submits to a chemical test that results in prima facie evidence of intoxication, the arresting officer shall do the following:~~

~~— (1) Obtain the person's driver's license or permit if the person is in possession of the document and issue a receipt valid until the initial hearing of the matter held under IC 35-33-7-1.~~

~~— (2) Submit a probable cause affidavit to the prosecuting attorney of the county in which the alleged offense occurred.~~

> SECTION ~~<7>~~^[6]. IC 9-30-6-8, AS AMENDED BY P.L.111-2021, SECTION 88, IS AMENDED TO READ AS



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

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

(b) The probable cause affidavit required under section ~~7(b)(2)~~ **7(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 ~~8~~ **[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 ~~REPEALED~~ [AMENDED TO READ AS FOLLOWS] [EFFECTIVE JULY 1, 2026] ~~↔~~ [:] Sec. ~~9~~ **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~~ [\[IC 9-30-5 \]](#).

(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 10. IC 9-30-6-10, AS AMENDED BY P.L.2-2005,~~
~~SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE~~
~~JULY 1, 2026]: Sec. 10. (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 of this chapter is entitled to a prompt judicial hearing. The person may file a petition that requests a hearing:

— (1) in the court where the charges with respect to [notice] to the person's ~~operation of a vehicle are pending; or~~

— (2) if charges with respect to the person's operation of a vehicle have not been filed, in any court of the county where the alleged offense or refusal occurred that has jurisdiction over crimes committed in violation of IC 9-30-5.

— (b) The petition for review must:

— (1) be in writing;

— (2) be verified by the person seeking review; and

— (3) allege specific facts that contradict the facts alleged in the probable cause affidavit.

— (c) The hearing under this section shall be limited to the following issues:

— (1) Whether the arresting law enforcement officer had probable cause to believe [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 was operating a vehicle in violation of IC 9-30-5.~~

— (2) Whether the person refused to submit to a chemical test offered by a law enforcement officer.

— (d) If the court finds

— (1) that there was no probable cause or

— (2) that the person's driving privileges were suspended under section 9(b) of this chapter and that the person did not refuse to submit to a chemical test;

the court shall order the bureau to rescind the ignition interlock device requirement, or reinstate the person's driving privileges.

— (e) The prosecuting attorney of the county in which a petition has been filed under this chapter shall represent the state on relation of the bureau with respect to the petition.

— (f) The petitioner has the burden of proof by a preponderance of the evidence.

— (g) The court's order is a final judgment appealable in the manner of civil actions by either party. The attorney general shall represent the state on relation of the bureau with respect to the appeal.

— SECTION 11. IC 9-30-6-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11. (a) Notwithstanding any other provision [person's driving privileges will be suspended for



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1 a specified period, commencing:

2 (A) seven (7) days after the date of the notice; or

3 (B) on the date the court enters an order recommending
 4 suspension of the person's driving privileges under section
 5 8(c)] of this chapter~~IC 9-30-5, or IC 9-30-9, the court~~
 6 ~~shall order the bureau to rescind an ignition interlock device~~
 7 ~~requirement or reinstate the driving privileges of a person~~
 8 ~~if:~~

9 ~~— (1) all of the charges under IC 9-30-5 have been dismissed and~~
 10 ~~the prosecuting attorney states on the record that no charges will~~
 11 ~~be refiled against the person;~~

12 ~~— (2) the court finds the allegations in a petition filed by a~~
 13 ~~defendant];~~
 14 whichever occurs first.

15 (2) Notify the person of the right to a judicial review] under
 16 section 1 ~~<8>~~[0] of this chapter~~<are true; or~~

17 ~~— (3) the person:~~

18 ~~— (A) did not refuse to submit to a chemical test offered as a~~
 19 ~~result of a law enforcement officer having probable cause to~~
 20 ~~believe the person committed the offense charged; and~~

21 ~~— (B) has been found not guilty of all charges by a court or by~~
 22 ~~a jury.~~

23 ~~— (b) The court's order must contain findings of fact establishing that~~
 24 ~~the requirements for reinstatement described in subsection (a) have~~
 25 ~~been met.~~

26 ~~— (c) A person whose driving privileges are reinstated under this~~
 27 ~~section is not required to pay a reinstatement fee.~~

28 ~~— SECTION 12>~~[.

29 SECTION 8]. IC 9-30-6-12, AS AMENDED BY P.L.149-2015,
 30 SECTION 105, IS AMENDED TO READ AS FOLLOWS
 31 [EFFECTIVE JULY 1, 2026]: Sec. 12. (a) If a court recommends
 32 suspension of driving privileges under ~~<this <chapter, IC 9-30-5[.]~~
 33 or IC 9-30-9, the bureau shall fix the period of suspension in
 34 accordance with the recommendation of the court. If the court fails to
 35 recommend a fixed period of suspension, or recommends a fixed term
 36 that is less than the minimum term required by statute, the bureau shall
 37 impose the minimum period of suspension required by statute.

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

42 (c) If a court recommends suspension of a person's driving



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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 ~~<13>~~[9]. IC 9-30-6-13[.5], AS AMENDED BY P.L. ~~<125-2012>~~[110-2020], SECTION ~~<347>~~[5], IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 13. ~~<If a court orders the bureau to rescind an ignition interlock device requirement or reinstate a person's driving privileges under this article, the bureau shall comply with the order. Unless the order for reinstatement is issued under section 11(a)(2) of this chapter, The bureau shall also do the following:~~

~~— (1) remove any record of the ignition interlock device requirement or suspension from the official driving record of the person.~~

~~— (2) Reinstate the privileges without cost to the person.~~

~~— SECTION 14. IC 9-30-6-13.5 IS REPEALED [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; > [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 1~~<5>~~[0]. 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
 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 1 ~~6~~ 1. IC 9-30-7-1 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) As used in this
 2 chapter, "portable breath test" means a hand held apparatus that
 3 measures the alcohol concentration in a breath sample delivered by a
 4 person into the mouthpiece of the apparatus.

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

8 (1) death; or

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

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

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

22 SECTION 1 ~~2~~ [3]. IC 9-30-7-3 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) A law
 24 enforcement officer shall offer a portable breath test, **roadside**
 25 **chemical test**, or chemical test to any person who the officer has
 26 reason to believe operated a vehicle that was involved in a fatal
 27 accident or an accident involving serious bodily injury. If:

28 (1) the results of a portable breath test indicate the presence of
 29 alcohol;

30 (2) the results of a portable breath test do not indicate the
 31 presence of alcohol but the law enforcement officer has probable
 32 cause to believe the person is under the influence of a controlled
 33 substance or another drug; or

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

35 (4) the roadside chemical test indicates the presence of a
 36 controlled substance;

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

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



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

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

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

SECTION ~~20~~ **[15]**. IC 9-30-9-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. (a) If the court enters an order conditionally deferring charges under section 3 of this chapter, the court may ~~do the following~~:

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

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

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

(c) ~~(b)~~ 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 ~~21~~ **[16]**. IC 9-30-9-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 7. (a) If the court refers a defendant to the program under section 6 of this chapter, the court may do the following:

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

(2) Impose other appropriate conditions.

(b) ~~The 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) ~~(b)~~ 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 ~~22~~ 17. IC 9-30-9-7.5, AS AMENDED BY P.L.2-2005, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 7.5. (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(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 ~~23~~ 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



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concentration equivalent to at least eight-hundredths (0.08) gram of alcohol per:

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

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

resulting in death.

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

(b) A person who has accumulated at least three (3) judgments within a ten (10) year period for any of the following violations, singularly or in combination, and not arising out of the same incident, is a habitual violator:

(1) Operation of a vehicle while intoxicated.

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

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

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

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

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

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

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

(5) Reckless driving.

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

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

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

(9) Resisting law enforcement with a vehicle under:

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

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

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

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

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



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

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

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

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

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

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

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

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

SECTION ~~24~~ [\[19\]](#). 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~~ [\[IC 9-30-6\]](#)



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- 1 ~~or~~~~IC 9-30-7~~ [IC 9-30-7]. ~~However, a court may~~
 2 ~~grant this person driving privileges under~~
 3 ~~IC 9-30-6-8~~ [IC 9-30-6-8](d).
 4 ~~(3)~~~~(2)~~ A person whose driving privileges have been
 5 suspended or revoked under IC 9-24-10-7(b)(2)(A).
 6 ~~(4)~~~~(3)~~ A person whose driving privileges have been
 7 suspended under IC 9-21-8-52(e) or IC 9-21-12-1(b).
 8 (b) This chapter applies to the following:
 9 (1) A person who held a driver's license (issued under
 10 IC 9-24-3), or a commercial driver's, a public passenger
 11 chauffeur's, or a chauffeur's license at the time of:
 12 (A) the criminal conviction for which the operation of a
 13 motor vehicle is an element of the offense;
 14 (B) any criminal conviction for an offense under IC 9-30-5,
 15 IC 35-46-9 (**before its repeal**), or IC 14-15-8 (before its
 16 repeal); or
 17 (C) committing the infraction of exceeding a worksite speed
 18 limit for the second time in one (1) year under
 19 IC 9-21-5-11(f).
 20 (2) A person who:
 21 (A) has never held a valid Indiana driver's license or does
 22 not currently hold a valid Indiana learner's permit; and
 23 (B) was an Indiana resident when the driving privileges for
 24 which the person is seeking specialized driving privileges
 25 were suspended.
 26 (c) Except as specifically provided in this chapter, a court may
 27 suspend the driving privileges of a person convicted of any of the
 28 following offenses for a period up to the maximum allowable period of
 29 incarceration under the penalty for the offense:
 30 (1) Any criminal conviction in which the operation of a motor
 31 vehicle is an element of the offense.
 32 (2) Any criminal conviction for an offense under IC 9-30-5,
 33 IC 35-46-9 (**before its repeal**), or IC 14-15-8 (before its repeal).
 34 (3) Any offense under IC 35-42-1, IC 35-42-2, or IC 35-44.1-3-1
 35 that involves the use of a vehicle.
 36 (d) Except as provided in section 3.5 of this chapter, a suspension
 37 of driving privileges under this chapter may begin before the
 38 conviction. Multiple suspensions of driving privileges ordered by a
 39 court that are part of the same episode of criminal conduct shall be
 40 served concurrently. A court may grant credit time for any suspension
 41 that began before the conviction ~~except as prohibited by~~
 42 ~~section~~~~6(a)(2)~~ [6(a)] of this chapter.



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

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

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

(1) The court shall:

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

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

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

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

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

(A) a congestion of the court calendar;

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

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

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

(5) If the person moves for a continuance of the specialized driving privileges hearing and the court grants the continuance over the prosecuting attorney's objection, the court shall lift the stay of the suspension of the person's driving privileges and shall



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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 2 ~~9-30-6-9~~ ^[0]. IC 9-30-16-3, AS AMENDED BY P.L.29-2020, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) This section does not apply to specialized driving privileges granted in accordance with section 3.5 of this chapter. If a court orders a suspension of driving privileges under this chapter, ~~or imposes a suspension of driving privileges under IC 9-30-6-9(c)~~, the court may stay the suspension and grant a specialized driving privilege as set forth in this section.

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

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

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

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

(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;



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(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 license.

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

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

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

(2) the individual is acquitted of, found not liable for, or otherwise found not to have committed the underlying act or 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.

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

SECTION ~~<26. IC 9-30-16-6 IS REPEALED>~~ [21. IC 9-30-16-6, AS AMENDED BY P.L.110-2020, SECTION 7, IS AMENDED TO READ AS FOLLOWS] [EFFECTIVE JULY 1, 2026] ~~<[:]Sec. <6.~~

~~<(a) <A <person <whose <driving <privileges <are <suspended <under <section <1(c) <of <this <chapter<~~

~~<—> [](1) is entitled to credit for any days during which the license was suspended under IC 9-30-6-9(c); and<~~

~~<—> [](2) <may <not <receive <any <credit <for <days <during <which <the <person's <driving <privileges <were <suspended <under<IC 9-30-6-9> [IC 9-30-6-9](b).~~

~~<(b) <A <period <of <suspension <of <driving <privileges <imposed <under <section <1(c) <of <this <chapter <must <be <consecutive <to <any <period <of <suspension <imposed <under<IC 9-30-6-9> [IC 9-30-6-9](b).~~

~~<However, <if <the <state <and <defendant <agree <pursuant <to <a <term <in <an <accepted <plea <agreement, <or <if <the <court <finds <at <sentencing <that <it <is <in <the <best <interest <of <society,<the~~



1 court shall terminate all or any part of the remaining suspension under
2 IC 9-30-6-9(b) and shall enter this finding in its sentencing order.

3 — (c) The bureau shall designate a period of suspension of driving
4 privileges imposed under section 1(c) of this chapter as consecutive to
5 any period of suspension imposed under IC 9-30-6-9(b) unless the
6 sentencing order of the court under subsection (b) terminates all or part
7 of the remaining suspension under IC 9-30-6-9(b);

8 — SECTION 27. IC 9-30-16-6.5, AS ADDED BY P.L.110-2020,
9 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2026]: Sec. 6.5. A court and the bureau, if applicable, > [the
11 court] shall terminate all or any part of the remaining suspension <of
12 a person's license suspension> [under IC 9-30-6-9(b) and shall enter
13 this finding in its sentencing order.

14 (c) The bureau shall designate a period of suspension of driving
15 privileges imposed] under section 1(c) of this chapter <or under
16 IC 9-30-6-9 if:

- 17 (1) the charges against the person are dismissed;
- 18 (2) the person is acquitted; or
- 19 (3) the person's conviction is vacated or reversed on appeal.

20 SECTION 28>[as consecutive to any period of suspension
21 imposed under IC 9-30-6-9(b) unless the sentencing order of the court
22 under subsection (b) terminates all or part of the remaining suspension
23 under IC 9-30-6-9(b).

24 SECTION 22]. IC 12-23-5-5 IS AMENDED TO READ AS
25 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. (a) [Subject] [to]
26 [subsection] [b),] [if] [If] a court enters an order conditionally
27 deferring charges that involve a violation of IC 9-30-5, the court shall
28 do the following:

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

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

35 (c) <(b)> [If] [a] [defendant] [has] [at] [least] [one]
36 [1] [conviction] [for] [an] [offense] [under] <IC 9-30-5> []
37 IC 9-30-5], [the] [order] [granting] [probationary] [driving]
38 [privileges] [under] [subsection] [b)] [must], [in] [a]
39 [county] [that] [provides] [for] [the] [installation] [of] [an]
40 [ignition] [interlock] [device] [under] <IC 9-30-8> [IC 9-30-8], []
41 [prohibit] [the] [defendant] [from] [operating] [a] [motor]
42 [vehicle] [unless] [the] [motor] [vehicle] [is] [equipped]



1 with a functioning certified ignition interlock
 2 device under ~~IC 9-30-8~~ IC 9-30-8;

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

10 SECTION 2 ~~9~~ 3. IC 12-23-5-5.5 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5.5. (a) A person
 12 commits a Class B infraction if the person:

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

15 (2) is prohibited from operating a motor vehicle unless the motor
 16 vehicle is equipped with a functioning certified ignition interlock
 17 device under section 5 ~~(d)~~ 5 ~~(c)~~ (b) of this chapter.

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

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

21 (2) knows the person is prohibited from operating a motor
 22 vehicle unless the motor vehicle is equipped with a functioning
 23 certified ignition interlock device under section 5 ~~(d)~~ 5 ~~(c)~~ of this
 24 chapter.

25 SECTION ~~30~~ 24. IC 14-15-4-4, AS AMENDED BY
 26 P.L.195-2014, SECTION 6, IS AMENDED TO READ AS FOLLOWS
 27 [EFFECTIVE JULY 1, 2026]: Sec. 4. A person who knowingly or
 28 intentionally violates section 1, 2, or 3 of this chapter commits a Class
 29 C misdemeanor. However, the offense is:

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

32 (2) a Level 6 felony if:

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

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

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

41 SECTION ~~31~~ 25. IC 14-15-11-14, AS AMENDED BY
 42 P.L.217-2014, SECTION 182, IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 14. (a) A court may
 2 suspend or revoke the driver's license of a person upon the conviction
 3 of the person of a crime based on a violation of IC 14-15-3, IC 14-15-8
 4 (before its repeal), IC 35-46-9 (**before its repeal**), or IC 14-15-12.

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

9 SECTION ~~32~~[26]. IC 14-15-11-15, AS AMENDED BY
 10 P.L.40-2012, SECTION 16, IS AMENDED TO READ AS FOLLOWS
 11 [EFFECTIVE JULY 1, 2026]: Sec. 15. (a) A court in which an
 12 individual is convicted of a crime based on a violation of IC 14-15-3,
 13 IC 35-46-9 (**before its repeal**), IC 14-15-8 (before its repeal), or
 14 IC 14-15-12 relating to the operation of a motorboat shall forward a
 15 certified abstract of the record of the conviction to the bureau.

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

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

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

- 27 (1) must be in the form prescribed by the bureau; and
- 28 (2) shall be accepted by an administrative agency or a court as
- 29 prima facie evidence of the conviction and all other action stated
- 30 in the abstract.

31 SECTION ~~33~~[27]. IC 14-15-11-17, AS AMENDED BY
 32 P.L.40-2012, SECTION 17, IS AMENDED TO READ AS FOLLOWS
 33 [EFFECTIVE JULY 1, 2026]: Sec. 17. (a) For purposes of the point
 34 system for Indiana traffic convictions operated by the bureau under 140
 35 IAC 1-4.5, the bureau shall assess points against a person who commits
 36 a crime by operating a motorboat in violation of:

- 37 (1) IC 14-15-3;
- 38 (2) IC 35-46-9 (**before its repeal**) (~~or or~~ IC 14-15-8 ~~before~~
- 39 (**before** its repeal); or
- 40 (3) IC 14-15-12.

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



the person.

(c) The point study committee appointed by the commissioner under 140 IAC 1-4.5-3, in consultation with the department, shall determine the number of points assessed under subsection (a) for each type of criminal 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 based on the evaluation by the committee of the danger to human life, human physical safety, and property posed by the violation.

SECTION ~~34~~ [28]. IC 14-15-12-5, AS AMENDED BY P.L.40-2012, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. The requirements and prohibitions set forth in this chapter concerning personal watercraft are in addition to the requirements and prohibitions set forth in IC 14-15-3, IC 35-46-9 (**before its repeal**), and IC 14-15-8 (before its repeal).

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

SECTION 3 ~~6~~ [0]. IC 31-9-2-84.8, AS AMENDED BY P.L.142-2020, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 84.8. "Nonwaivable offense", for purposes of this title, means a conviction of any of the following felonies:

- (1) Murder (IC [] 35-42-1-1).
- (2) Causing suicide (IC [] 35-42-1-2).
- (3) Assisting suicide (IC [] 35-42-1-2.5).
- (4) Voluntary manslaughter (IC [] 35-42-1-3).
- (5) Involuntary manslaughter (IC [] 35-42-1-4).
- (6) Reckless homicide (IC [] 35-42-1-5).
- (7) Feticide (IC [] 35-42-1-6).
- (8) Battery (IC [] 35-42-2-1) within the past five (5) years.
- (9) Domestic battery (IC [] 35-42-2-1.3).
- (10) Aggravated battery (IC [] 35-42-2-1.5).
- (11) Criminal recklessness (IC [] 35-42-2-2) within the past five (5) years.
- (12) Strangulation (IC [] 35-42-2-9).
- (13) Kidnapping (IC [] 35-42-3-2).
- (14) Criminal confinement (IC [] 35-42-3-3) within the past five (5) years.



- 1 (15) Human and sexual trafficking (IC [] 35-42-3.5).
- 2 (16) A felony sex offense under IC 35-42-4.
- 3 (17) Arson (IC [] 35-43-1-1) within the past five (5) years.
- 4 (18) Incest (IC [] 35-46-1-3).
- 5 (19) Neglect of a dependent (IC [] 35-46-1-4(a) and
- 6 IC 35-46-1-4(b)).
- 7 (20) Child selling (IC [] 35-46-1-4(d)).
- 8 (21) Reckless supervision (IC [] 35-46-1-4.1).
- 9 (22) Nonsupport of a dependent child (IC [] 35-46-1-5) within the
- 10 past five (5) years.
- 11 (23) Operating a motorboat while intoxicated (IC [] 35-46-9-6)
- 12 **(before its repeal)** within the past five (5) years.
- 13 (24) A felony involving a weapon under IC 35-47 within the past
- 14 five (5) years.
- 15 (25) A felony relating to controlled substances under IC 35-48-4
- 16 within the past five (5) years.
- 17 (26) An offense relating to material or a performance that is
- 18 harmful to minors or obscene under IC 35-49-3.
- 19 (27) A felony under IC 9-30-5 within the past five (5) years.
- 20 (28) A felony related to the health or safety of a child (as defined
- 21 in IC 31-9-2-13(h)) or an endangered adult (as defined in
- 22 IC 12-10-3-2).
- 23 SECTION 3 ~~3~~ [1]. IC 31-19-11-1, AS AMENDED BY
- 24 P.L.56-2023, SECTION 282, IS AMENDED TO READ AS
- 25 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) Whenever the
- 26 court has heard the evidence and finds that:
- 27 (1) the adoption requested is in the best interest of the child;
- 28 (2) the petitioner or petitioners for adoption are of sufficient
- 29 ability to rear the child and furnish suitable support and
- 30 education;
- 31 (3) the report of the investigation and recommendation under
- 32 IC 31-19-8-5 has been filed;
- 33 (4) the attorney or agency arranging an adoption has filed with
- 34 the court an affidavit prepared by the Indiana department of
- 35 health under IC 31-19-5-16 indicating whether a man is entitled
- 36 to notice of the adoption because the man has registered with the
- 37 putative father registry in accordance with IC 31-19-5;
- 38 (5) proper notice arising under subdivision (4), if notice is
- 39 necessary, of the adoption has been given;
- 40 (6) the attorney or agency has filed with the court an affidavit
- 41 prepared by the Indiana department of health under:
- 42 (A) IC 31-19-6 indicating whether a record of a paternity



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- 1 determination; or
 2 (B) IC 16-37-2-2(g) indicating whether a paternity affidavit
 3 executed under IC 16-37-2-2.1;
 4 has been filed in relation to the child;
 5 (7) proper consent, if consent is necessary, to the adoption has
 6 been given;
 7 (8) the petitioner for adoption is not prohibited from adopting the
 8 child as the result of an inappropriate criminal history described
 9 in subsection (c) or (d); and
 10 (9) the person, licensed child placing agency, or local office that
 11 has placed the child for adoption has provided the documents
 12 and other information required under IC 31-19-17 to the
 13 prospective adoptive parents;
 14 the court shall grant the petition for adoption and enter an adoption
 15 decree.
 16 (b) A court may not grant an adoption unless the Indiana
 17 department of health's affidavit under IC 31-19-5-16 is filed with the
 18 court as provided under subsection (a)(4).
 19 (c) A juvenile adjudication for an act listed in IC 31-9-2-84.8 that
 20 would be a felony if committed by an adult, a conviction of a
 21 misdemeanor related to the health and safety of a child, or a conviction
 22 of a felony not listed in IC 31-9-2-84.8 by a petitioner for adoption or
 23 household member is a permissible basis for the court to deny the
 24 petition for adoption. In addition, the court may not grant an adoption
 25 if a petitioner for adoption has been convicted of a nonwaivable offense
 26 under IC 31-9-2-84.8. However, the court is not prohibited from
 27 granting an adoption based upon a felony conviction for:
 28 (1) a felony under IC 9-30-5;
 29 (2) battery (IC [] 35-42-2-1);
 30 (3) criminal recklessness (IC [] 35-42-2-2) as a felony;
 31 (4) criminal confinement (IC [] 35-42-3-3);
 32 (5) arson (IC [] 35-43-1-1);
 33 (6) nonsupport of a dependent child (IC [] 35-46-1-5);
 34 (7) operating a motorboat while intoxicated (IC [] 35-46-9-6)
 35 **(before its repeal)** as a felony;
 36 (8) a felony involving a weapon under IC 35-47; or
 37 (9) a felony relating to controlled substances under IC 35-48-4;
 38 if the date of the conviction did not occur within the immediately
 39 preceding five (5) year period.
 40 (d) A court may not grant an adoption if the petitioner is a sex or
 41 violent offender (as defined in IC 11-8-8-5) or a sexually violent
 42 predator (as defined in IC 35-38-1-7.5).



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(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 3-~~4~~². 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 abuse or neglect; or

(2) been convicted of a nonwaivable offense, as defined in IC 31-9-2-84.8 or had 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.

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

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

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

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

(B) been convicted of:

(i) battery (IC²35-42-2-1);



- 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 the
 19 placement is in the best interest of the child.
 20 However, a court or the department shall not make an out-of-home
 21 placement if the person has been convicted of a nonwaivable offense,
 22 as defined in IC 31-9-2-84.8 that is not specifically excluded under
 23 subdivision (1)(B).
 24 (h) In considering the placement under subsection (g), the court or
 25 the department shall consider the following:
 26 (1) The length of time since the person committed the offense,
 27 delinquent act, or abuse or neglect.
 28 (2) The severity of the offense, delinquent act, or abuse or
 29 neglect.
 30 (3) Evidence of the person's rehabilitation, including the person's
 31 cooperation with a treatment plan, if applicable.
 32 SECTION 3 ~~9~~ [3](#). IC 31-34-20-1.5, AS AMENDED BY
 33 P.L.186-2025, SECTION 161, IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1.5. (a) Except as
 35 provided in subsection (d), the juvenile court may not enter a
 36 dispositional decree approving or ordering placement of a child in
 37 another home under section 1(a)(3) of this chapter or awarding
 38 wardship to the department that will place the child in another home
 39 under section 1(a)(4) of this chapter if a person who is currently
 40 residing in the home in which the child would be placed under section
 41 1(a)(3) or 1(a)(4) of this chapter has committed an act resulting in a
 42 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

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

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

(1) the 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);

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

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

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

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

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

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



- 1 (viii) a felony relating to controlled substances under
 2 IC 35-48-4; or
 3 (ix) a felony under IC 9-30-5;
 4 if the conviction did not occur within the past five (5) years;
 5 or
 6 (C) had a juvenile adjudication for a nonwaivable offense,
 7 as defined in IC 31-9-2-84.8 that, if committed by an adult,
 8 would be a felony; and
 9 (2) the person's commission of the offense, delinquent act, or act
 10 of abuse or neglect described in subdivision (1) is not relevant
 11 to the person's present ability to care for a child, and placing a
 12 child in another home or awarding wardship to the department
 13 is in the best interest of the child.

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

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

- 21 (1) The length of time since the person committed the offense,
 22 delinquent act, or act that resulted in the substantiated report of
 23 abuse or neglect.
 24 (2) The severity of the offense, delinquent act, or abuse or
 25 neglect.
 26 (3) Evidence of the person's rehabilitation, including the person's
 27 cooperation with a treatment plan, if applicable.

28 SECTION ~~<40>~~ [34]. IC 31-34-21-7.5, AS AMENDED BY
 29 P.L.156-2020, SECTION 119, IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 7.5. (a) Except as
 31 provided in subsection (d), the juvenile court may not approve a
 32 permanency plan under subsection (c)(1)(C), (c)(1)(D), or (c)(1)(E) if
 33 a person who is currently residing with a person described in
 34 subsection (c)(1)(C) or (c)(1)(D) or in a residence in which the child
 35 would be placed under subsection (c)(1)(E) has committed an act
 36 resulting in a substantiated report of child abuse or neglect, has a
 37 juvenile adjudication for an act that would be a nonwaivable offense,
 38 as defined in IC 31-9-2-84.8 if committed by an adult, or has a
 39 conviction for a nonwaivable offense, as defined in IC 31-9-2-84.8.

40 (b) Before requesting juvenile court approval of a permanency
 41 plan, the department shall conduct a criminal history check (as defined
 42 in IC 31-9-2-22.5) to determine if a person described in subsection (a)



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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 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.



- 1 (ii) Decision making concerning the child's upbringing.
 2 (E) A supervised independent living arrangement or foster
 3 care for the child with a permanency plan of another
 4 planned, permanent living arrangement. However, a child
 5 less than sixteen (16) years of age may not have another
 6 planned, permanent living arrangement as the child's
 7 permanency plan.
 8 (2) A time schedule for implementing the applicable provisions
 9 of the permanency plan.
 10 (3) Provisions for temporary or interim arrangements for care
 11 and custody of the child, pending completion of implementation
 12 of the permanency plan.
 13 (4) Other items required to be included in a case plan under
 14 IC 31-34-15 or federal law, consistent with the permanent or
 15 long term arrangements described by the permanency plan.
 16 (d) A juvenile court may approve a permanency plan if:
 17 (1) a person described in subsection (a) has:
 18 (A) committed an act resulting in a substantiated report of
 19 child abuse or neglect;
 20 (B) been convicted of:
 21 (i) battery (IC [] 35-42-2-1);
 22 (ii) criminal recklessness (IC [] 35-42-2-2) as a felony;
 23 (iii) criminal confinement (IC [] 35-42-3-3) as a felony;
 24 (iv) arson (IC [] 35-43-1-1) as a felony;
 25 (v) nonsupport of a dependent child (IC [] 35-46-1-5);
 26 (vi) operating a motorboat while intoxicated
 27 (IC [] 35-46-9-6) (**before its repeal**) as a felony;
 28 (vii) a felony involving a weapon under IC 35-47;
 29 (viii) a felony relating to controlled substances under
 30 IC 35-48-4; or
 31 (ix) a felony under IC 9-30-5;
 32 if the conviction did not occur within the past five (5) years;
 33 or
 34 (C) had a juvenile adjudication for a nonwaivable offense,
 35 as defined in IC 31-9-2-84.8 that, if committed by an adult,
 36 would be a felony; and
 37 (2) the person's commission of the offense, delinquent act, or act
 38 of abuse or neglect described in subdivision (1) is not relevant
 39 to the person's present ability to care for a child, and that
 40 approval of the permanency plan is in the best interest of the
 41 child.
 42 However, a court may not approve a permanency plan if the person has



1 been convicted of a nonwaivable offense, as defined in IC 31-9-2-84.8
 2 that is not specifically excluded under subdivision (1)(B), or has a
 3 juvenile adjudication for an act that would be a nonwaivable offense,
 4 as defined in IC 31-9-2-84.8 if committed by an adult that is not
 5 specifically excluded under subdivision (1)(B).

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

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

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

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

15 ~~SECTION 41. IC 31-37-5-7, AS AMENDED BY P.L.217-2014;~~
 16 ~~SECTION 183, IS AMENDED TO READ AS FOLLOWS~~
 17 ~~[EFFECTIVE JULY 1, 2026]: Sec. 7. (a) If a child is alleged to have~~
 18 ~~committed an act that would be an offense under IC 9-30-5 if~~
 19 ~~committed by an adult, a juvenile court shall recommend the~~
 20 ~~immediate suspension of the child's driving privileges as provided in~~
 21 ~~IC 9-30-5. If a court recommends suspension of a child's driving~~
 22 ~~privileges under this section, the bureau of motor vehicles shall comply~~
 23 ~~with the recommendation of suspension as provided in IC 9-30-6-12.~~

24 ~~— (b) If a court recommends suspension of a child's driving~~
 25 ~~privileges under this section, the court may order the bureau of motor~~
 26 ~~vehicles to reinstate the child's driving privileges as provided in~~
 27 ~~IC 9-30-6-11.~~

28 ~~— (c) If a juvenile court orders the bureau of motor vehicles to~~
 29 ~~reinstate a child's driving privileges under subsection (b), the bureau~~
 30 ~~shall comply with the order. Unless the order for reinstatement is~~
 31 ~~issued as provided under IC 9-30-6-11(a)(2) because of a violation of~~
 32 ~~the speedy trial provisions applicable to the juvenile court, the bureau~~
 33 ~~shall also do the following:~~

34 ~~— (1) Remove any record of the suspension from the bureau's~~
 35 ~~record keeping system.~~

36 ~~— (2) Reinstate the privileges without cost to the person.~~

37 ~~— (d) If a juvenile court orders a suspension under this section and~~
 38 ~~the child did not refuse to submit to a chemical test offered under~~
 39 ~~IC 9-30-6-2 during the investigation of the delinquent act that would~~
 40 ~~have been an offense under IC 9-30-5 if committed by an adult, the~~
 41 ~~juvenile court may grant the child specialized driving privileges in~~
 42 ~~conformity with the procedures in IC 9-30-16.~~



~~—(c) If a proceeding described in this section is terminated in favor of the child and the child did not refuse to submit to a chemical test offered as provided under IC 9-30-6-2 during the investigation of the delinquent act that would be an offense under IC 9-30-5 if committed by an adult, the bureau shall remove any record of the suspension, including the reasons for the suspension, from the child's official driving record.~~

~~—(f) The bureau of motor vehicles may adopt rules under IC 4-22-2 to carry out this section.~~

> SECTION ~~<42>~~ [35]. IC 31-37-19-6.5, AS AMENDED BY P.L.186-2025, SECTION 163, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6.5. (a) Except as provided in subsection (d), the juvenile court may not enter a dispositional decree approving placement of a child in another home under section 1(a)(3) or 6(b)(2)(D) of this chapter or awarding wardship to a person or facility that results in a placement with a person under section 1(a)(4) or 6(b)(2)(E) of this chapter if a person who is currently residing in the home in which the child would be placed under section 1(a)(3), 1(a)(4), 6(b)(2)(D), or 6(b)(2)(E) of this chapter has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a nonwaivable offense, as defined in IC 31-9-2-84.8 if committed by an adult, or has a conviction for a nonwaivable offense, as defined in IC 31-9-2-84.8.

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



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- 1 placement to an entity or a facility that:
- 2 (A) is not a residence (as defined in IC 3-5-2.1-90); or
- 3 (B) is licensed by the state; or
- 4 (2) placement under this section is undetermined at the time the
- 5 predispositional report is prepared.
- 6 (d) The juvenile court may enter a dispositional decree approving
- 7 placement of a child in another home under section 1(a)(3) or
- 8 6(b)(2)(D) of this chapter or awarding wardship to a person or facility
- 9 that results in a placement with a person under section 1(a)(4) or
- 10 6(b)(2)(E) of this chapter if:
- 11 (1) a person described in subsection (a) has:
- 12 (A) committed an act resulting in a substantiated report of
- 13 child abuse or neglect;
- 14 (B) been convicted of:
- 15 (i) a felony under IC 9-30-5;
- 16 (ii) battery (IC 35-42-2-1);
- 17 (iii) criminal recklessness (IC 35-42-2-2) as a felony;
- 18 (iv) criminal confinement (IC 35-42-3-3) as a felony;
- 19 (v) arson (IC 35-43-1-1) as a felony;
- 20 (vi) nonsupport of a dependent child (IC 35-46-1-5);
- 21 (vii) operating a motorboat while intoxicated
- 22 (IC 35-46-9-6) (**before its repeal**) as a felony;
- 23 (viii) a felony involving a weapon under IC 35-47; or
- 24 (ix) a felony relating to controlled substances under
- 25 IC 35-48-4;
- 26 if the conviction did not occur within the past five (5) years;
- 27 or
- 28 (C) had a juvenile adjudication for a nonwaivable offense,
- 29 as defined in IC 31-9-2-84.8 that, if committed by an adult,
- 30 would be a felony; and
- 31 (2) the person's commission of the offense, delinquent act, or act
- 32 of abuse or neglect described in subdivision (1) is not relevant
- 33 to the person's present ability to care for a child, and placing the
- 34 child in another home is in the best interest of the child.
- 35 However, a court may not enter a dispositional decree placing a child
- 36 in another home under section 1(a)(3) or 6(b)(2)(D) of this chapter or
- 37 awarding wardship to a person or facility under this subsection if a
- 38 person with whom the child is or will be placed has been convicted of
- 39 a nonwaivable offense, as defined in IC 31-9-2-84.8 that is not
- 40 specifically excluded under subdivision (1)(B).
- 41 (e) In considering the placement under subsection (d), the court
- 42 shall consider the following:



(1) The length of time since the person committed the offense, delinquent act, or act that resulted in the substantiated report of 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 43. IC 31-37-19-17.3, AS AMENDED BY P.L.217-2014, SECTION 184, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 17.3. (a) This section applies if a child is a delinquent child under IC 31-37-1 due to the commission of a delinquent act that, if committed by an adult, would be an offense under IC 9-30-5.~~

~~— (b) The juvenile court shall, in addition to any other order or decree the court makes under this chapter, recommend the suspension of the child's driving privileges as provided in IC 9-30-5. If a court recommends suspension of a child's driving privileges under this section, the bureau of motor vehicles shall comply with the recommendation of suspension as provided in IC 9-30-6-12.~~

~~— (c) If a court recommends suspension of a child's driving privileges under this section, the court may order the bureau of motor vehicles to reinstate the child's driving privileges as provided in IC 9-30-6-11.~~

~~— (d) If a juvenile court orders the bureau of motor vehicles to reinstate a child's driving privileges under subsection (c), the bureau shall comply with the order. Unless the order for reinstatement is issued as provided under IC 9-30-6-11(a)(2) because of a violation of the speedy trial provisions applicable to the juvenile court, the bureau shall also do the following:~~

~~— (1) Remove any record of the suspension from the bureau's record-keeping system.~~

~~— (2) Reinstatement the privileges without cost to the person.~~

~~— (e) If:~~

~~— (1) a juvenile court recommends suspension of a child's driving privileges under this section; and~~

~~— (2) the child did not refuse to submit to a chemical test offered as provided under IC 9-30-6-2 during the investigation of the delinquent act that would be an offense under IC 9-30-5 if committed by an adult;~~

~~the juvenile court may stay the execution of the suspension of the child's driving privileges and grant the child probationary driving privileges for one hundred eighty (180) days.~~



1 ~~—(f) If a juvenile court orders a suspension under this section and~~
 2 ~~the child did not refuse to submit to a chemical test offered under~~
 3 ~~IC 9-30-6-2 during the investigation of the delinquent act that would~~
 4 ~~have been an offense under IC 9-30-5 if committed by an adult, the~~
 5 ~~juvenile court may grant the child specialized driving privileges in~~
 6 ~~conformity with the procedures in IC 9-30-16.~~

7 ~~—(g) A child whose driving privileges are suspended under this~~
 8 ~~section is entitled to credit for any days during which the license was~~
 9 ~~suspended under IC 31-37-5-7, if the child did not refuse to submit to~~
 10 ~~a chemical test offered as provided under IC 9-30-6-2 during the~~
 11 ~~investigation of the delinquent act that would be an offense under~~
 12 ~~IC 9-30-5 if committed by an adult.~~

13 ~~—(h) A period of suspension of driving privileges imposed under~~
 14 ~~this section must be consecutive to any period of suspension imposed~~
 15 ~~under IC 31-37-5-7. However, if the juvenile court finds in the~~
 16 ~~sentencing order that it is in the best interest of society, the juvenile~~
 17 ~~court may terminate all or any part of the remaining suspension under~~
 18 ~~IC 31-37-5-7.~~

19 ~~—(i) The bureau of motor vehicles may adopt rules under IC 4-22-2~~
 20 ~~to carry out this section.~~

21 > SECTION ~~<44>~~ [36]. IC 35-31.5-2-37.5 IS REPEALED
 22 [EFFECTIVE JULY 1, 2026]. Sec. 37.5: "Chemical test", for purposes
 23 of IC 35-46-9, has the meaning set forth in IC 35-46-9-1.

24 SECTION ~~<45>~~ [37]. IC 35-31.5-2-177.5 IS REPEALED
 25 [EFFECTIVE JULY 1, 2026]. Sec. 177.5: "Intoxicated", for purposes
 26 of IC 35-46-9, has the meaning set forth in IC 35-46-9-2.

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

30 SECTION ~~<47>~~ [39]. IC 35-31.5-2-244.5 IS REPEALED
 31 [EFFECTIVE JULY 1, 2026]. Sec. 244.5: "Prima facie evidence of
 32 intoxication", for purposes of IC 35-46-9, has the meaning set forth in
 33 IC 35-46-9-4.

34 SECTION 4~~<8>~~ [0]. IC 35-31.5-2-273.5 IS REPEALED
 35 [EFFECTIVE JULY 1, 2026]. Sec. 273.5: "Relevant evidence", for
 36 purposes of IC 35-46-9, has the meaning set forth in IC 35-46-9-5.

37 SECTION 4~~<9>~~ [1]. IC 35-33-7-4.5 IS ADDED TO THE
 38 INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS
 39 [EFFECTIVE JULY 1, 2026]: Sec. 4.5. A person charged with a
 40 misdemeanor under IC 9-30-5-1 or IC 9-30-5-2 may waive the
 41 person's initial hearing.

42 SECTION ~~<50>~~ [42]. IC 35-33-7-5, AS AMENDED BY



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

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

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

or

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

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

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

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

(4) of the amount and conditions of bail;

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

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

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

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

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

unless the defendant enters a different plea; and

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

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

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

(C) 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.

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



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

SECTION ~~51~~ 43. IC 35-46-9 IS REPEALED [EFFECTIVE JULY 1, 2026]. (Operating a Motorboat While Intoxicated).[

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