
SENATE BILL No. 251

AM025104 has been incorporated into January 14, 2026 printing.

Synopsis: Penalties for prior OWI convictions.

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SB 251—LS 7114/DI 151



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January 14, 2026

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

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

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

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

SENATE BILL No. 251

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

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

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

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

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

SB 251—LS 7114/DI 151



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

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

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

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

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

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

(1) A device moved by human power.

(2) A device that runs only on rails or tracks.

(3) A wheelchair.

(4) An electric foot scooter.

(b) For purposes of IC 9-17, the term includes the following:

(1) Off-road vehicles.

(2) Manufactured homes or mobile homes that are:

(A) personal property not held for resale; and



(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.

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

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

18 (1) order:

19 (A) that the person be imprisoned for at least **five (5) ten**
20 **(10)** days; or

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

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

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

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

33 (1) order:

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

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

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

SB 251—LS 7114/DI 151



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

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

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

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

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

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

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

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

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

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

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

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

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

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

SB 251—LS 7114/DI 151



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1 substance sample in accordance with this section.
2 (3) Searching for or retrieving contraband or obtaining a blood,
3 urine, or other bodily substance sample in accordance with this
4 section.
5 (4) Disclosing to the prosecuting attorney or the deputy
6 prosecuting attorney for use at or testifying at the criminal trial
7 of the person as to facts observed or opinions formed.
8 (5) Failing to treat a person from whom contraband is retrieved
9 or a blood, urine, or other bodily substance sample is obtained at
10 the request of a law enforcement officer if the person declines
11 treatment.
12 (6) Injury to a person arising from the performance of duties in
13 good faith under this section. However, immunity does not apply
14 if the physician, licensed health care professional, hospital, or
15 agent of a physician or hospital acts with gross negligence or
16 willful or wanton misconduct.
17 (c) For the purposes of a criminal proceeding:
18 (1) the privileges arising from a patient-physician relationship do
19 not apply to the contraband, samples, test results, or testimony
20 described in this section; and
21 (2) contraband, samples, test results, and testimony may be
22 admitted in a proceeding in accordance with the applicable rules
23 of evidence.
24 (d) The exceptions to the patient-physician relationship specified
25 in subsection (c) do not affect those relationships in a proceeding that
26 is not a criminal proceeding.
27 (e) The contraband, test results, and samples obtained by a law
28 enforcement officer under subsection (a) may be disclosed only to a
29 prosecuting attorney or a deputy prosecuting attorney for use as
30 evidence in a criminal proceeding.
31 (f) This section does not require a physician or a person under the
32 direction of a physician to perform a chemical test or to retrieve
33 contraband.
34 (g) If the person:
35 (1) from whom the contraband is to be retrieved or the bodily
36 substance sample is to be obtained under this section does not
37 consent; and
38 (2) resists the retrieval of the contraband or the taking of a
39 sample;
40 the law enforcement officer may use reasonable force to assist an
41 individual, who must be authorized under this section to retrieve
42 contraband or obtain a sample, in the retrieval of the contraband or the

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1 taking of the sample.

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

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

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

15 (2) A registered nurse.

16 (3) A licensed practical nurse.

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

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

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

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

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

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

35 (2) the:

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

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

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

SB 251—LS 7114/DI 151



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1 satisfied:

- 2 (1) A law enforcement officer requests that the sample be
3 obtained.
- 4 (2) The law enforcement officer has certified in writing the
5 following:
- 6 (A) That the officer has probable cause to believe the person
7 from whom the sample is to be obtained has violated
8 IC 9-30-5-4, IC 9-30-5-5, IC 35-46-9-6(b)(2) (**before its**
9 **repeal**), or IC 35-46-9-6(c) (**before its repeal**).
- 10 (B) That the offense resulting in a criminal investigation
11 described in subsection (a) occurred not more than three (3)
12 hours before the time the sample is requested.
- 13 (C) That exigent circumstances exist that create pressing
14 health, safety, or law enforcement needs that would take
15 priority over a warrant application.
- 16 (3) Not more than the use of reasonable force is necessary to
17 obtain the sample.

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

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

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

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

39 (3) State whether the person:

- 40 (A) refused to submit to a chemical test when offered; or
41 (B) submitted to a chemical test that resulted in prima facie
42 evidence that the person was intoxicated.

SB 251—LS 7114/DI 151



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

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

19 (1) refused to submit to a chemical test; **or**
20 (2) submitted to a chemical test that resulted in *prima facie*
21 evidence that the person was intoxicated; **or**
22 (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.

28 (e) (d) A person commits a Class B infraction if the person:
29 (1) operates a motor vehicle without a functioning certified
30 ignition interlock device; and
31 (2) is prohibited from operating a motor vehicle unless the motor
32 vehicle is equipped with a functioning certified ignition interlock
33 device under subsection (d) (e).

33 device under subsection (d). (c).

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

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

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

SECTION 8. IC 9-30-6-8.5, AS AMENDED BY P.L.141-2024, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 8.5. If the bureau receives an order recommending

SB 251—LS 7114/DI 151



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

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

9 (A) five (5) days after the date of the notice; or
 10 (B) on the date the court enters an order recommending use
 11 of an ignition interlock device;

12 whichever occurs first.

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

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

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

22 (1) for:

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

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

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

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

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

34 whichever occurs first.

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

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



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

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

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

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

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

28 (4) A statement averring the following:

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

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

36 (C) The delay in the trial or disposition is not due to the
37 petitioner.
38 (c) Upon the filing of a petition under this section, the court shall

(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.

42 section are true, the court shall order rescission of the ignition interlock

SB 101 ES 7/11/01 101



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

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

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

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

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

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

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

- 33 (1) the results of a portable breath test indicate the presence of
34 alcohol;
- 35 (2) the results of a portable breath test do not indicate the
36 presence of alcohol but the law enforcement officer has probable
37 cause to believe the person is under the influence of a controlled
38 substance or another drug; **or**
- 39 (3) the person refuses to submit to a portable breath test; **or**
- 40 (4) **the roadside chemical test indicates the presence of a**
41 **controlled substance;**

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



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

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

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

16 SECTION 17. IC 9-30-9-5 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. (a) If the court enters
18 an order conditionally deferring charges under section 3 of this chapter,
19 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.

26 been suspended for at least one (1) year.

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

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

37 (1) Suspend the defendant's driving privileges for at least ninety
38 (90) days but not more than four (4) years.
39 (2) Impose other appropriate conditions.

SB 251—LS 7114/DI 151



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

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

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

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

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

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

19 (2) knows the person is prohibited from operating a motor
20 vehicle unless the motor vehicle is equipped with a functioning
21 certified ignition interlock device under section 5(e) 5(b) or 7(e)
22 7(b) of this chapter.

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

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

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

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

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

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

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



- 1 ten-hundredths (0.10) gram of alcohol per:
- 2 (A) one hundred (100) milliliters of the blood; or
- 3 (B) two hundred ten (210) liters of the breath;
- 4 resulting in death.
- 5 (7) After June 30, 2001, operation of a vehicle with an alcohol
- 6 concentration equivalent to at least eight-hundredths (0.08) gram
- 7 of alcohol per:
- 8 (A) one hundred (100) milliliters of the blood; or
- 9 (B) two hundred ten (210) liters of the breath;
- 10 resulting in death.
- 11 **(8) After June 30, 2001, operation of a motor vehicle with a**
- 12 **schedule I or schedule II controlled substance in the blood**
- 13 **resulting in death.**
- 14 (b) A person who has accumulated at least three (3) judgments
- 15 within a ten (10) year period for any of the following violations,
- 16 singularly or in combination, and not arising out of the same incident,
- 17 is a habitual violator:
- 18 (1) Operation of a vehicle while intoxicated.
- 19 (2) Before July 1, 1997, operation of a vehicle with at least
- 20 ten-hundredths percent (0.10%) alcohol in the blood.
- 21 (3) After June 30, 1997, and before July 1, 2001, operation of a
- 22 vehicle with an alcohol concentration equivalent to at least
- 23 ten-hundredths (0.10) gram of alcohol per:
- 24 (A) one hundred (100) milliliters of the blood; or
- 25 (B) two hundred ten (210) liters of the breath.
- 26 (4) After June 30, 2001, operation of a vehicle with an alcohol
- 27 concentration equivalent to at least eight-hundredths (0.08) gram
- 28 of alcohol per:
- 29 (A) one hundred (100) milliliters of the blood; or
- 30 (B) two hundred ten (210) liters of the breath.
- 31 (5) Reckless driving.
- 32 (6) Criminal recklessness as a felony involving the operation of
- 33 a motor vehicle.
- 34 (7) Drag racing or engaging in a speed contest in violation of
- 35 law.
- 36 (8) Violating IC 9-4-1-40 (repealed July 1, 1991), IC 9-4-1-46
- 37 (repealed July 1, 1991), IC 9-26-1-1(1) (repealed January 1,
- 38 2015), IC 9-26-1-1(2) (repealed January 1, 2015), IC 9-26-1-2(1)
- 39 (repealed January 1, 2015), IC 9-26-1-2(2) (repealed January 1,
- 40 2015), IC 9-26-1-3 (repealed January 1, 2015), IC 9-26-1-4
- 41 (repealed January 1, 2015), or IC 9-26-1-1.
- 42 (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.

SB 251—LS 7114/DI 151



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

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

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

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

(b) This chapter applies to the following:

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

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

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

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

(2) A person who:

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

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

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

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

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

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

(d) Except as provided in section 3.5 of this chapter, a suspension of driving privileges under this chapter may begin before the conviction. Multiple suspensions of driving privileges ordered by a court that are part of the same episode of criminal conduct shall be

SB 251—LS 7114/DI 151



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1 served concurrently. A court may grant credit time for any suspension
 2 that began before the conviction except as prohibited by section 6(a)(2)
 3 **6(a)** of this chapter.

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

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

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

16 (1) The court shall:

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

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

29 (3) If the person files a petition for a specialized driving
 30 privileges hearing not later than ten (10) days after the initial
 31 hearing, the stay of the suspension of the person's driving
 32 privileges continues until the matter is heard and a determination
 33 is made by the court at the specialized driving privileges hearing.
 34 (4) If the specialized driving privileges hearing is continued due
 35 to:

36 (A) a congestion of the court calendar;
 37 (B) the prosecuting attorney's motion for a continuance; or
 38 (C) the person's motion for a continuance with no objection
 39 by the prosecuting attorney;
 40 the stay of the suspension of the person's driving privileges
 41 continues until addressed at the next hearing.
 42 (5) If the person moves for a continuance of the specialized

SB 251—LS 7114/DI 151



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1 driving privileges hearing and the court grants the continuance
2 over the prosecuting attorney's objection, the court shall lift the
3 stay of the suspension of the person's driving privileges and shall
4 submit the probable cause affidavit related to the person's
5 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.

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

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

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

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

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

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

(2) has more than one (1) conviction under section 5 of this chapter.

SB 251—LS 7114/DI 151



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1 privileges shall:

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

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

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

- 18 (1) the underlying conviction, judgment, or finding that forms
 19 the basis of the suspension is reversed, vacated, or dismissed; or
 20 (2) the individual is acquitted of, found not liable for, or
 21 otherwise found not to have committed the underlying act or
 22 offense that forms the basis of the suspension;

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

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

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

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

SB 251—LS 7114/DI 151



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

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

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

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

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

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

33 (1) operates a motor vehicle without a functioning certified
34 ignition interlock device; and
35 (2) is prohibited from operating a motor vehicle unless the motor
36 vehicle is equipped with a functioning certified ignition interlock
37 device under section 5~~(d)~~ 5(b) of this chapter.

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

- (1) operates a motor vehicle without a functioning certified ignition interlock device; and
- (2) knows the person is prohibited from operating a motor vehicle unless the motor vehicle is equipped with a functioning

SB 251—LS 7114/DI 151



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certified ignition interlock device under section 5(d) 5(c) of this chapter.

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

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

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

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

42 (c) Upon receiving the recommendation of the court under

SB 251—LS 7114/DI 151



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1 subsection (b), the bureau shall suspend the individual's license for the
 2 period recommended by the court.

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

5 (1) must be in the form prescribed by the bureau; and
 6 (2) shall be accepted by an administrative agency or a court as
 7 prima facie evidence of the conviction and all other action stated
 8 in the abstract.

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

15 (1) IC 14-15-3;
 16 (2) IC 35-46-9 (**before its repeal**) (**or or** IC 14-15-8 **before**
 17 **before** its repeal); or
 18 (3) IC 14-15-12.

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

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

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

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

41 SECTION 32. IC 31-9-2-84.8, AS AMENDED BY P.L.142-2020,
 42 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

SB 251—LS 7114/DI 151



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1 JULY 1, 2026]: Sec. 84.8. "Nonwaivable offense", for purposes of this
 2 title, means a conviction of any of the following felonies:

- 3 (1) Murder (IC 35-42-1-1).
- 4 (2) Causing suicide (IC 35-42-1-2).
- 5 (3) Assisting suicide (IC 35-42-1-2.5).
- 6 (4) Voluntary manslaughter (IC 35-42-1-3).
- 7 (5) Involuntary manslaughter (IC 35-42-1-4).
- 8 (6) Reckless homicide (IC 35-42-1-5).
- 9 (7) Feticide (IC 35-42-1-6).
- 10 (8) Battery (IC 35-42-2-1) within the past five (5) years.
- 11 (9) Domestic battery (IC 35-42-2-1.3).
- 12 (10) Aggravated battery (IC 35-42-2-1.5).
- 13 (11) Criminal recklessness (IC 35-42-2-2) within the past five
 14 years.
- 15 (12) Strangulation (IC 35-42-2-9).
- 16 (13) Kidnapping (IC 35-42-3-2).
- 17 (14) Criminal confinement (IC 35-42-3-3) within the past five
 18 years.
- 19 (15) Human and sexual trafficking (IC 35-42-3.5).
- 20 (16) A felony sex offense under IC 35-42-4.
- 21 (17) Arson (IC 35-43-1-1) within the past five (5) years.
- 22 (18) Incest (IC 35-46-1-3).
- 23 (19) Neglect of a dependent (IC 35-46-1-4(a) and
 24 IC 35-46-1-4(b)).
- 25 (20) Child selling (IC 35-46-1-4(d)).
- 26 (21) Reckless supervision (IC 35-46-1-4.1).
- 27 (22) Nonsupport of a dependent child (IC 35-46-1-5) within the
 28 past five (5) years.
- 29 (23) Operating a motorboat while intoxicated (IC 35-46-9-6)
 30 **(before its repeal)** within the past five (5) years.
- 31 (24) A felony involving a weapon under IC 35-47 within the past
 32 five (5) years.
- 33 (25) A felony relating to controlled substances under IC 35-48-4
 34 within the past five (5) years.
- 35 (26) An offense relating to material or a performance that is
 36 harmful to minors or obscene under IC 35-49-3.
- 37 (27) A felony under IC 9-30-5 within the past five (5) years.
- 38 (28) A felony related to the health or safety of a child (as defined
 39 in IC 31-9-2-13(h)) or an endangered adult (as defined in
 40 IC 12-10-3-2).
- 41 SECTION 33. IC 31-19-11-1, AS AMENDED BY P.L.56-2023,
 42 SECTION 282, IS AMENDED TO READ AS FOLLOWS

SB 251—LS 7114/DI 151



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1 [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) Whenever the court has heard
2 the evidence and finds that:

- 3 (1) the adoption requested is in the best interest of the child;
4 (2) the petitioner or petitioners for adoption are of sufficient
5 ability to rear the child and furnish suitable support and
6 education;
7 (3) the report of the investigation and recommendation under
8 IC 31-19-8-5 has been filed;
9 (4) the attorney or agency arranging an adoption has filed with
10 the court an affidavit prepared by the Indiana department of
11 health under IC 31-19-5-16 indicating whether a man is entitled
12 to notice of the adoption because the man has registered with the
13 putative father registry in accordance with IC 31-19-5;
14 (5) proper notice arising under subdivision (4), if notice is
15 necessary, of the adoption has been given;
16 (6) the attorney or agency has filed with the court an affidavit
17 prepared by the Indiana department of health under:

- 18 (A) IC 31-19-6 indicating whether a record of a paternity
19 determination; or
20 (B) IC 16-37-2-2(g) indicating whether a paternity affidavit
21 executed under IC 16-37-2-2.1;

22 has been filed in relation to the child;

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

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

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

32 the court shall grant the petition for adoption and enter an adoption
33 decree.

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

37 (c) A juvenile adjudication for an act listed in IC 31-9-2-84.8 that
38 would be a felony if committed by an adult, a conviction of a
39 misdemeanor related to the health and safety of a child, or a conviction
40 of a felony not listed in IC 31-9-2-84.8 by a petitioner for adoption or
41 household member is a permissible basis for the court to deny the
42 petition for adoption. In addition, the court may not grant an adoption

SB 251—LS 7114/DI 151



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1 if a petitioner for adoption has been convicted of a nonwaivable offense
 2 under IC 31-9-2-84.8. However, the court is not prohibited from
 3 granting an adoption based upon a felony conviction for:

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

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

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

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

- 28 (1) suitable and willing relative; or
- 29 (2) de facto custodian;

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

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

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

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

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



1 has:

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

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

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

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

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

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

17 (B) been convicted of:

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

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

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

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

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

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

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

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

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

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

30 or

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

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

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

42 (h) In considering the placement under subsection (g), the court or

SB 251—LS 7114/DI 151



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1 the department shall consider the following:

- 2 (1) The length of time since the person committed the offense,
 3 delinquent act, or abuse or neglect.
 4 (2) The severity of the offense, delinquent act, or abuse or
 5 neglect.
 6 (3) Evidence of the person's rehabilitation, including the person's
 7 cooperation with a treatment plan, if applicable.

8 SECTION 35. IC 31-34-20-1.5, AS AMENDED BY
 9 P.L.186-2025, SECTION 161, IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1.5. (a) Except as
 11 provided in subsection (d), the juvenile court may not enter a
 12 dispositional decree approving or ordering placement of a child in
 13 another home under section 1(a)(3) of this chapter or awarding
 14 wardship to the department that will place the child in another home
 15 under section 1(a)(4) of this chapter if a person who is currently
 16 residing in the home in which the child would be placed under section
 17 1(a)(3) or 1(a)(4) of this chapter has committed an act resulting in a
 18 substantiated report of child abuse or neglect, has a juvenile
 19 adjudication for an act that would be a nonwaivable offense, as defined
 20 in IC 31-9-2-84.8 if committed by an adult, or has a conviction for a
 21 nonwaivable offense, as defined in IC 31-9-2-84.8.

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

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

- 39 (1) the department or caseworker is considering only an
 40 out-of-home placement to an entity or a facility that:
 41 (A) is not a residence (as defined in IC 3-5-2.1-90); or
 42 (B) is licensed by the state; or



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

10 (B) been convicted of:

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

12 (ii) criminal recklessness (IC 35-42-2-2) as a felony;
13 (iii) criminal confinement (IC 35-42-3-3) as a felony;

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

15 (v) nonsupport of a dependent child (IC 35-46-1-5);
16 (vi) operating a motorboat while intoxicated

17 (IC 35-46-9-6) (before its repeal) as a felony;
18 (vii) a felony involving a weapon under IC 35-47;

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

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

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

23 or

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

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

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

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

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

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

SB 251—LS 7114/DI 151



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1 neglect.

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

4 SECTION 36. IC 31-34-21-7.5, AS AMENDED BY
5 P.L.156-2020, SECTION 119, IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 7.5. (a) Except as
7 provided in subsection (d), the juvenile court may not approve a
8 permanency plan under subsection (c)(1)(C), (c)(1)(D), or (c)(1)(E) if
9 a person who is currently residing with a person described in
10 subsection (c)(1)(C) or (c)(1)(D) or in a residence in which the child
11 would be placed under subsection (c)(1)(E) has committed an act
12 resulting in a substantiated report of child abuse or neglect, has a
13 juvenile adjudication for an act that would be a nonwaivable offense,
14 as defined in IC 31-9-2-84.8 if committed by an adult, or has a
15 conviction for a nonwaivable offense, as defined in IC 31-9-2-84.8.

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

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

42 (B) Placement of the child for adoption.

SB 251—LS 7114/DI 151



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- (i) an adult sibling;
- (ii) a grandparent;
- (iii) an aunt;
- (iv) an uncle;
- (v) a custodial parent;
- (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.

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

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

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

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

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

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

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

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

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

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

(B) been convicted of:

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

(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;

SB 251—LS 7114/DI 151



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

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

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

33 SECTION 37. IC 31-37-19-6.5, AS AMENDED BY
34 P.L.186-2025, SECTION 163, IS AMENDED TO READ AS
35 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6.5. (a) Except as
36 provided in subsection (d), the juvenile court may not enter a
37 dispositional decree approving placement of a child in another home
38 under section 1(a)(3) or 6(b)(2)(D) of this chapter or awarding
39 wardship to a person or facility that results in a placement with a
40 person under section 1(a)(4) or 6(b)(2)(E) of this chapter if a person
41 who is currently residing in the home in which the child would be
42 placed under section 1(a)(3), 1(a)(4), 6(b)(2)(D), or 6(b)(2)(E) of this

SB 251—LS 7114/DI 151



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

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

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

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

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

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

29 (d) The juvenile court may enter a dispositional decree approving
 30 placement of a child in another home under section 1(a)(3) or
 31 6(b)(2)(D) of this chapter or awarding wardship to a person or facility
 32 that results in a placement with a person under section 1(a)(4) or
 33 6(b)(2)(E) of this chapter if:

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

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

37 (B) been convicted of:

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

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

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

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

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



- 1 (vi) nonsupport of a dependent child (IC 35-46-1-5);
- 2 (vii) operating a motorboat while intoxicated
- 3 (IC 35-46-9-6) **(before its repeal)** as a felony;
- 4 (viii) a felony involving a weapon under IC 35-47; or
- 5 (ix) a felony relating to controlled substances under
- 6 IC 35-48-4;

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

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

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

16 However, a court may not enter a dispositional decree placing a child
17 in another home under section 1(a)(3) or 6(b)(2)(D) of this chapter or
18 awarding wardship to a person or facility under this subsection if a
19 person with whom the child is or will be placed has been convicted of
20 a nonwaivable offense, as defined in IC 31-9-2-84.8 that is not
21 specifically excluded under subdivision (1)(B).

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

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

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

37 SECTION 40. IC 35-31.5-2-206.5 IS REPEALED [EFFECTIVE
38 JULY 1, 2026]. Sec. 206.5. "Motorboat", for purposes of IC 35-46-9,
39 has the meaning set forth in IC 35-46-9-3.

40 SECTION 41. IC 35-31.5-2-244.5 IS REPEALED [EFFECTIVE
41 JULY 1, 2026]. Sec. 244.5. "Prima facie evidence of intoxication", for
42 purposes of IC 35-46-9, has the meaning set forth in IC 35-46-9-4.

SB 251—LS 7114/DI 151



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

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

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

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

15 (A) twenty (20) days if the person is charged with a felony;
 16 or
 17 (B) ten (10) days if the person is charged only with one (1)
 18 or more misdemeanors;

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

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

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

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

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

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

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

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

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

37 unless the defendant enters a different plea; and

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

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

42 (B) any offense under IC 9-30-5, IC 35-46-9 (before its



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

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

18 SECTION 46. An emergency is declared for this act.

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SB 251—LS 7114/DI 151



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