

PRINTING CODE. Deletions appear in ~~this style type~~. Insertions appear in this style type. Typeface changes are shown in **this** *this* this style **type** or in **this** *this* this style **type**.

SENATE BILL No. 251

Proposed Changes to January 14, 2026 printing by AM025104

DIGEST OF PROPOSED AMENDMENT

Federal highway administration funding. Provides that the budget director shall review and determine before December 31, 2026, whether federal highway administration funding to the state will or will not be reduced due to the application of certain administrative driver's license suspension provisions as amended by the bill. Requires the budget director to notify the budget committee of the determination and those provisions may not be implemented until after budget committee review.

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.

SB 251—LS 7114/DI 151



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

1 **(6) IC 9-30-6-18.**
 2 **(7) IC 9-30-8-8.**
 3 **(8) IC 9-30-9-5.**
 4 **(9) IC 9-30-9-7.**
 5 **(10) IC 9-30-9-7.5.**
 6 **(11) IC 9-30-16-1.**
 7 **(12) IC 9-30-16-3.**
 8 **(13) IC 9-30-16-6.**
 9 **(14) IC 12-23-5-5.**
 10 **(15) IC 12-23-5-5.5**

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

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

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

24 (1) an alcohol related or drug related crime under Acts 1939,
 25 c.48, s.52, as amended, IC 9-4-1-54 (repealed September 1,
 26 1983), or IC 9-11-2 (repealed July 1, 1991); **or**
 27 (2) a crime under IC 9-30-5-1 through IC 9-30-5-9; **or**
 28 **(3) a crime under IC 35-46-9 (before its repeal), IC 14-1-5**
 29 **(before its repeal), or IC 14-15-8-8 (before its repeal).**

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

36 (1) A device moved by human power.
 37 (2) A device that runs only on rails or tracks.
 38 (3) A wheelchair.
 39 (4) An electric foot scooter.
 40 (b) For purposes of IC 9-17, the term includes the following:
 41 (1) Off-road vehicles.
 42 (2) Manufactured homes or mobile homes that are:

SB 251—LS 7114/DI 151



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

- (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.

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

SECTION ~~44~~⁵ [5]. 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:

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

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

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

SB 251—LS 7114/DI 151



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

1 suffers from alcohol abuse.

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

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

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

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

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

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

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

34 shall deliver the sample or contraband or disclose the results of the test

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

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

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

SB 251—LS 7114/DI 151



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

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

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

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

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

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

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

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

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

32 (f) This section does not require a physician or a person under the
33 direction of a physician to perform a chemical test or to retrieve
34 contraband.

35 (g) If the person:

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

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

41 the law enforcement officer may use reasonable force to assist an
42 individual, who must be authorized under this section to retrieve

SB 251—LS 7114/DI 151



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

1 contraband or obtain a sample, in the retrieval of the contraband or the
2 taking of the sample.

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

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

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

16 (2) A registered nurse.

17 (3) A licensed practical nurse.

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

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

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

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

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

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

36 (2) the:

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

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

41 (l) A physician or a person trained in obtaining bodily samples
42 who is acting under the direction of or under a protocol prepared by a

SB 251—LS 7114/DI 151



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

1 physician shall obtain a blood sample if the following conditions are
 2 satisfied:

3 (1) A law enforcement officer requests that the sample be
 4 obtained.
 5 (2) The law enforcement officer has certified in writing the
 6 following:
 7 (A) That the officer has probable cause to believe the person 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 described in subsection (a) occurred not more than three (3)
 11 hours before the time the sample is requested.
 12 (C) That exigent circumstances exist that create pressing
 13 health, safety, or law enforcement needs that would take
 14 priority over a warrant application.
 15 (3) Not more than the use of reasonable force is necessary to
 16 obtain the sample.

17 SECTION ~~6~~⁷. IC 9-30-6-8, AS AMENDED BY
 18 P.L.111-2021, SECTION 88, IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 8. (a) Except as
 20 provided in IC 9-30-16-1(g), whenever a judicial officer has
 21 determined that there was probable cause to believe that a person has
 22 violated IC 9-30-5, IC 35-46-9 (**before its repeal**), or IC 14-15-8
 23 (**before its repeal**), the clerk of the court shall forward, in a form and
 24 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 (c)**, IC 35-33-7-1, or if the initial hearing was waived, upon
 29 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**
 36 **repeal**).
 37 (2) State that the person was arrested for a violation of IC 9-30-5
 38 or operating a motorboat in violation of IC 35-46-9 (**before its**
 39 **repeal**) or IC 14-15-8 (**before its repeal**).
 40 (3) State whether the person:

41 (A) refused to submit to a chemical test when offered; or
 42

SB 251—LS 7114/DI 151



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

(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.

(e) 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.

(e) (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).

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

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

(2) knows the person is prohibited from operating a motor vehicle unless the motor vehicle is equipped with a functioning certified ignition interlock device under subsection ~~(4)~~ (c).

certified ignition interlock device under subsection (d). (e).

SECTION ~~8~~[8] JC 9-30-6-8.5 AS AMENDED BY

SB 251—LS 7114/DJ 151



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

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

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

12 (A) five (5) days after the date of the notice; or
 13 (B) on the date the court enters an order recommending use
 14 of an ignition interlock device;
 15 whichever occurs first.

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

18 SECTION ~~8(d)~~ 8(c) [9]. IC 9-30-6-9, AS AMENDED BY
 19 P.L.141-2024, SECTION 47, IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 9. (a) This section does
 21 not apply if an ignition interlock device order is issued under section
 22 8(d) of this chapter.

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

26 (1) for:

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

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

31 (c) If the affidavit under section 8(b) of this chapter states that a
 32 chemical test resulted in prima facie evidence that a person was
 33 intoxicated, the bureau shall suspend the driving privileges of the
 34 person:

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

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

38 whichever occurs first.

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

42 (1) Mail notice to the person's address contained in the records

SB 251—LS 7114/DI 151



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

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.

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

12 SECTION ~~9-30-6-12~~[10], IC 9-30-6-12, AS AMENDED BY
13 P.L.149-2015, SECTION 105, IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 12. (a) If a court
15 recommends suspension of driving privileges under this chapter,
16 IC 9-30-5, or IC 9-30-9, the bureau shall fix the period of suspension
17 in accordance with the recommendation of the court. If the court fails
18 to recommend a fixed period of suspension, or recommends a fixed
19 term that is less than the minimum term required by statute, the bureau
20 shall impose the minimum period of suspension required by statute.

25 (c) If a court recommends suspension of a person's driving
26 privileges for a conviction under IC 9-30-5, during the three (3) years
27 following the termination of the suspension the person's driving
28 privileges remain suspended until the person provides proof of future
29 financial responsibility in force under IC 9-25. However, if a court
30 recommends suspension of the driving privileges under IC 9-30-5 of a
31 person who is arrested for or charged with an offense committed under
32 IC 9-30-5, the person is not required to provide proof of future
33 financial responsibility under IC 9-25 unless and until the person is
34 convicted under IC 9-30-5.

41 SECTION 1~~↔~~[1]. IC 9-30-6-13.5, AS AMENDED BY
42 P.L.110-2020, SECTION 5, IS AMENDED TO READ AS FOLLOWS

SB 251—LS 7114/DJ 151



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

1 [EFFECTIVE JULY 1, 2026]: Sec. 13.5. If:

2 (1) a case filed under IC 9-30-5 is terminated in favor of the
3 defendant; and

4 (2) the defendant's driving privileges were suspended under (A)
5 section 9(b) of this chapter; or

6 (B) section 9(e) of this chapter;

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

9 SECTION 1~~4~~². IC 9-30-6-18, AS AMENDED BY
10 P.L.2-2005, SECTION 41, IS AMENDED TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 2026]: Sec. 18. (a) A person against whom an
12 ignition interlock device order has been issued under section 8.5 of this
13 chapter~~or whose driving privileges have been suspended under~~
14 ~~section 9(e) of this chapter~~ is entitled to rescission of the ignition
15 interlock device requirement ~~or reinstatement of driving privileges~~ if
16 the following occur:

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

22 (2) The delay in trial or disposition of the charges is not due to
23 the person arrested under IC 9-30-5.

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

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

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

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

32 (4) A statement averring the following:

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

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

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

42 (c) Upon the filing of a petition under this section, the court shall

SB 251—LS 7114/DI 151



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

1 immediately examine the record of the court to determine whether the
 2 allegations in the petition are true.

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

9 SECTION 1 ~~2~~ [3]. IC 9-30-7-1 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) As used in this
 11 chapter, "portable breath test" means a hand held apparatus that
 12 measures the alcohol concentration in a breath sample delivered by a
 13 person into the mouthpiece of the apparatus.

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

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

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

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

31 SECTION 1 ~~2~~ [5]. IC 9-30-7-3 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) A law
 33 enforcement officer shall offer a portable breath test, **roadside**
 34 **chemical test**, or chemical test to any person who the officer has
 35 reason to believe operated a vehicle that was involved in a fatal
 36 accident or an accident involving serious bodily injury. If:

- 37 (1) the results of a portable breath test indicate the presence of
 38 alcohol;
- 39 (2) the results of a portable breath test do not indicate the
 40 presence of alcohol but the law enforcement officer has probable
 41 cause to believe the person is under the influence of a controlled
 42 substance or another drug; or

SB 251—LS 7114/DI 151



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

(3) the person refuses to submit to a portable breath test; **or**
(4) the roadside chemical test indicates the presence of a controlled substance;

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.

(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 ~~[6]~~ [6]. 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 1~~6~~^[7]. 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 1~~8~~[8]. 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.

(e) (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 1-~~8~~[9]. 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 ~~49~~20. 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.

(4) Operation of a vehicle while intoxicated resulting in death.
(5) Before July 1, 1997, operation of a vehicle with at least

SB 251—LS 7114/DI 151



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

1 ten-hundredths percent (0.10%) alcohol in the blood resulting in
 2 death.

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

6 (A) one hundred (100) milliliters of the blood; or
 7 (B) two hundred ten (210) liters of the breath;
 8 resulting in death.

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

12 (A) one hundred (100) milliliters of the blood; or
 13 (B) two hundred ten (210) liters of the breath;
 14 resulting in death.

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

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

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

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

28 (A) one hundred (100) milliliters of the blood; or
 29 (B) two hundred ten (210) liters of the breath.

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

33 (A) one hundred (100) milliliters of the blood; or
 34 (B) two hundred ten (210) liters of the breath.

35 (5) Reckless driving.

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

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

40 (8) Violating IC 9-4-1-40 (repealed July 1, 1991), IC 9-4-1-46
 41 (repealed July 1, 1991), IC 9-26-1-1(1) (repealed January 1,
 42 2015), IC 9-26-1-1(2) (repealed January 1, 2015), IC 9-26-1-2(1)



1 (repealed January 1, 2015), IC 9-26-1-2(2) (repealed January 1,
 2 2015), IC 9-26-1-3 (repealed January 1, 2015), IC 9-26-1-4
 3 (repealed January 1, 2015), or IC 9-26-1-1.1.

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

- 5 (A) IC 35-44.1-3-1(c)(1);
- 6 (B) IC 35-44.1-3-1(c)(2)(C);
- 7 (C) IC 35-44.1-3-1(c)(3);
- 8 (D) IC 35-44.1-3-1(c)(4); or
- 9 (E) IC 35-44.1-3-1(c)(5).

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

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

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

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

- 23 (1) a violation enumerated in subsection (a);
- 24 (2) a violation enumerated in subsection (b);
- 25 (3) operating a motor vehicle while the person's license to do so
 26 has been suspended or revoked as a result of the person's
 27 conviction of an offense under IC 9-1-4-52 (repealed July 1,
 28 1991), IC 9-24-18-5(b) (repealed July 1, 2000), IC 9-24-19-2, or
 29 IC 9-24-19-3; or
- 30 (4) operating a motor vehicle without ever having obtained a
 31 license to do so.

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

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

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

42 SECTION 2~~①~~^①[1]. IC 9-30-16-1, AS AMENDED BY

SB 251—LS 7114/DI 151



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

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

5 (1) A person who has never been an Indiana resident.
 6 (2) A person seeking specialized driving privileges with respect
 7 to a suspension based on the person's refusal to submit to a
 8 chemical test offered under IC 9-30-6 or IC 9-30-7. However, a
 9 court may grant this person driving privileges under
 10 IC 9-30-6-8(d).

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

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

15 (b) This chapter applies to the following:

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

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

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

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

27 (2) A person who:

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

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

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

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

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

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

SB 251—LS 7114/DI 151



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

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

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;

(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

SB 251—LS 7114/DI 151



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

1 by the prosecuting attorney;
2 the stay of the suspension of the person's driving privileges
3 continues until addressed at the next hearing.
4 (5) If the person moves for a continuance of the specialized
5 driving privileges hearing and the court grants the continuance
6 over the prosecuting attorney's objection, the court shall lift the
7 stay of the suspension of the person's driving privileges and shall
8 submit the probable cause affidavit related to the person's
9 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.

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

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

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

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

42 (1) has previously been granted specialized driving privileges;

SB 251—LS 7114/DI 151



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

1 and
 2 (2) has more than one (1) conviction under section 5 of this
 3 chapter.
 4 (f) An individual who has been granted specialized driving
 5 privileges shall:
 6 (1) maintain proof of future financial responsibility insurance
 7 during the period of specialized driving privileges;
 8 (2) carry a copy of the order granting specialized driving
 9 privileges or have the order in the vehicle being operated by the
 10 individual;
 11 (3) produce the copy of the order granting specialized driving
 12 privileges upon the request of a police officer; and
 13 (4) carry a validly issued state identification card or driver's
 14 license.
 15 (g) An individual who holds a commercial driver's license and has
 16 been granted specialized driving privileges under this chapter may not,
 17 for the duration of the suspension for which the specialized driving
 18 privileges are sought, operate any vehicle that requires the individual
 19 to hold a commercial driver's license to operate the vehicle.
 20 (h) Whenever a suspension of an individual's driving privileges
 21 under this chapter is terminated because:
 22 (1) the underlying conviction, judgment, or finding that forms
 23 the basis of the suspension is reversed, vacated, or dismissed; or
 24 (2) the individual is acquitted of, found not liable for, or
 25 otherwise found not to have committed the underlying act or
 26 offense that forms the basis of the suspension;
 27 the individual's specialized driving privileges expire at the time the
 28 suspension of the individual's driving privileges is terminated.
 29 (i) The court shall inform the bureau of a termination of a
 30 suspension and expiration of specialized driving privileges as described
 31 under subsection (h) in a format designated by the bureau.
 32 SECTION 2~~2~~³ [3]. IC 9-30-16-6, AS AMENDED BY
 33 P.L.110-2020, SECTION 7, IS AMENDED TO READ AS FOLLOWS
 34 [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) A person whose driving
 35 privileges are suspended under section 1(c) of this chapter ~~(1)~~ is
 36 entitled to credit for any days during which the license was suspended
 37 under IC 9-30-6-9(c); and ~~(2)~~ may not receive any credit for days
 38 during which the person's driving privileges were suspended under
 39 IC 9-30-6-9(b).
 40 (b) A period of suspension of driving privileges imposed under
 41 section 1(c) of this chapter must be consecutive to any period of
 42 suspension imposed under IC 9-30-6-9(b). However, if the state and

SB 251—LS 7114/DI 151



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

1 defendant agree pursuant to a term in an accepted plea agreement, or
 2 if the court finds at sentencing that it is in the best interest of society,
 3 the court shall terminate all or any part of the remaining suspension
 4 under IC 9-30-6-9(b) and shall enter this finding in its sentencing
 5 order.

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

11 SECTION 2~~3~~4. IC 12-23-5-5 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. (a) ~~Subject to~~ subsection (b), if If a court enters an order conditionally deferring
 13 charges that involve a violation of IC 9-30-5, the court shall do the
 14 following:

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

17 (2) Impose other appropriate conditions.

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

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

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

34 SECTION 2~~4~~5. IC 12-23-5-5.5 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5.5. (a) A person
 36 commits a Class B infraction if the person:

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

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

42
SB 251—LS 7114/DI 151



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

(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~~(4)~~ 5(c) of this chapter.

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

24 SECTION 2~~↔~~[7]. IC 14-15-11-14, AS AMENDED BY
25 P.L.217-2014, SECTION 182, IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 14. (a) A court may
27 suspend or revoke the driver's license of a person upon the conviction
28 of the person of a crime based on a violation of IC 14-15-3, IC 14-15-8
29 (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.

34 SECTION 2~~↔~~[8]. IC 14-15-11-15, AS AMENDED BY
35 P.L.40-2012, SECTION 16, IS AMENDED TO READ AS FOLLOWS
36 [EFFECTIVE JULY 1, 2026]: Sec. 15. (a) A court in which an
37 individual is convicted of a crime based on a violation of IC 14-15-3,
38 IC 35-46-9 (**before its repeal**), IC 14-15-8 (before its repeal), or
39 IC 14-15-12 relating to the operation of a motorboat shall forward a
40 certified abstract of the record of the conviction to the bureau.

SB 251—LS 7114/DJ 151



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

1 vehicle or motorboat, the court shall recommend the suspension of the
 2 Indiana driver's license issued to the individual for a fixed period. The
 3 period of the suspension shall be established by the court but may not
 4 exceed one (1) year.

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

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

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

14 SECTION 2~~8~~9. IC 14-15-11-17, AS AMENDED BY
 15 P.L.40-2012, SECTION 17, IS AMENDED TO READ AS FOLLOWS
 16 [EFFECTIVE JULY 1, 2026]: Sec. 17. (a) For purposes of the point
 17 system for Indiana traffic convictions operated by the bureau under 140
 18 IAC 1-4.5, the bureau shall assess points against a person who commits
 19 a crime by operating a motorboat in violation of:

- 20 (1) IC 14-15-3;
- 21 (2) IC 35-46-9 (before its repeal) (or or IC 14-15-8 before
 22 (before its repeal); or
- 23 (3) IC 14-15-12.

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

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

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

40 SECTION 3~~10~~11. IC 14-15-13-2, AS AMENDED BY
 41 P.L.40-2012, SECTION 19, IS AMENDED TO READ AS FOLLOWS
 42 [EFFECTIVE JULY 1, 2026]: Sec. 2. The requirements and

SB 251—LS 7114/DI 151



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

1 prohibitions set forth in this chapter are in addition to the requirements
 2 and prohibitions set forth in IC 14-15-2, IC 14-15-3, IC 14-15-4,
 3 14-15-8 (before its repeal), IC 35-46-9 (**before its repeal**), and
 4 IC 14-15-12.

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

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

SB 251—LS 7114/DI 151



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

harmful to minors or obscene under IC 35-49-3.

(27) A felony under IC 9-30-5 within the past five (5) years.

(28) A felony related to the health or safety of a child (as defined in IC 31-9-2-13(h)) or an endangered adult (as defined in IC 12-10-3-2).

SECTION 3~~↔~~[3]. IC 31-19-11-1, AS AMENDED BY P.L.56-2023, SECTION 282, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) Whenever the court has heard the evidence and finds that:

(1) the adoption requested is in the best interest of the child;

(2) the petitioner or petitioners for adoption are of sufficient ability to rear the child and furnish suitable support and education;

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

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

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

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

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

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

has been filed in relation to the child;

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

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

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

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

(b) A court may not grant an adoption unless the Indiana department of health's affidavit under IC 31-19-5-16 is filed with the

SB 251—LS 7114/DI 151



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

1 court as provided under subsection (a)(4).

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

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

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

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

28 SECTION 3~~33~~[4]. IC 31-34-4-2, AS AMENDED BY
29 P.L.186-2025, SECTION 159, IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) If a child alleged
31 to be a child in need of services is taken into custody under an order of
32 the court under this chapter and the court orders out-of-home
33 placement, the department is responsible for that placement and care
34 and must consider placing the child with a:

35 (1) suitable and willing relative; or
36 (2) de facto custodian;

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

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

41 (c) Before the department places a child in need of services with
42 a relative or a de facto custodian, the department shall complete an

SB 251—LS 7114/DI 151



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

1 evaluation based on a home visit of the relative's home.

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

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

- 9 (1) committed an act resulting in a substantiated report of child
 10 abuse or neglect; or
- 11 (2) been convicted of a nonwaivable offense, as defined in
 12 IC 31-9-2-84.8 or had a juvenile adjudication for an act that
 13 would be a nonwaivable offense, as defined in IC 31-9-2-84.8 if
 14 committed by an adult.

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

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

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

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

24 (B) been convicted of:

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

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

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

- 41 (2) the person's commission of the offense, delinquent act, or act
 42 of abuse or neglect described in subdivision (1) is not relevant



1 to the person's present ability to care for a child, and the
 2 placement is in the best interest of the child.

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

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

- 9 (1) The length of time since the person committed the offense,
 10 delinquent act, or 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 3~~4~~⁵. IC 31-34-20-1.5, AS AMENDED BY
 16 P.L.186-2025, SECTION 161, IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1.5. (a) Except as
 18 provided in subsection (d), the juvenile court may not enter a
 19 dispositional decree approving or ordering placement of a child in
 20 another home under section 1(a)(3) of this chapter or awarding
 21 wardship to the department that will place the child in another home
 22 under section 1(a)(4) of this chapter if a person who is currently
 23 residing in the home in which the child would be placed under section
 24 1(a)(3) or 1(a)(4) of this chapter has committed an act resulting in a
 25 substantiated report of child abuse or neglect, has a juvenile
 26 adjudication for an act that would be a nonwaivable offense, as defined
 27 in IC 31-9-2-84.8 if committed by an adult, or has a conviction for a
 28 nonwaivable offense, as defined in IC 31-9-2-84.8.

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

SB 251—LS 7114/DI 151



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

1 conviction for a nonwaivable offense, as defined in IC 31-9-2-84.8.

2 (c) The department or caseworker is not required to conduct a

3 criminal history check under this section if:

4 (1) the department or caseworker is considering only an

5 out-of-home placement to an entity or a facility that:

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

7 (B) is licensed by the state; or

8 (2) placement under this section is undetermined at the time the

9 predispositional report is prepared.

10 (d) A juvenile court may enter a dispositional decree that approves

11 placement of a child in another home or award wardship to the

12 department that will place the child in a home with a person described

13 in subsection (a) if:

14 (1) the person described in subsection (a) 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 placing a

37 child in another home or awarding wardship to the department

38 is in the best interest of the child.

39 However, a court may not enter a dispositional decree that approves

40 placement of a child in another home or awards wardship to the

41 department if the person has been convicted of a nonwaivable offense,

42 as defined in IC 31-9-2-84.8 that is not specifically excluded under

SB 251—LS 7114/DI 151



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

1 subdivision (1)(B).

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

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

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

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

11 SECTION 3~~5~~6. IC 31-34-21-7.5, AS AMENDED BY
12 P.L.156-2020, SECTION 119, IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 7.5. (a) Except as
14 provided in subsection (d), the juvenile court may not approve a
15 permanency plan under subsection (c)(1)(C), (c)(1)(D), or (c)(1)(E) if
16 a person who is currently residing with a person described in
17 subsection (c)(1)(C) or (c)(1)(D) or in a residence in which the child
18 would be placed under subsection (c)(1)(E) has committed an act
19 resulting in a substantiated report of child abuse or neglect, has a
20 juvenile adjudication for an act that would be a nonwaivable offense,
21 as defined in IC 31-9-2-84.8 if committed by an adult, or has a
22 conviction for a nonwaivable offense, as defined in IC 31-9-2-84.8.

23 (b) Before requesting juvenile court approval of a permanency
24 plan, the department shall conduct a criminal history check (as defined
25 in IC 31-9-2-22.5) to determine if a person described in subsection (a)
26 has committed an act resulting in a substantiated report of child abuse
27 or neglect, has a juvenile adjudication for an act that would be a
28 nonwaivable offense, as defined in IC 31-9-2-84.8 if committed by an
29 adult, or has a conviction for a nonwaivable offense, as defined in
30 IC 31-9-2-84.8. However, the department is not required to conduct a
31 criminal history check under this section if criminal history information
32 under IC 31-34-4-2, IC 31-34-18-6.1, or IC 31-34-20-1.5 establishes
33 whether a person described in subsection (a) has committed an act
34 resulting in a substantiated report of child abuse or neglect, has a
35 juvenile adjudication for an act that would be a nonwaivable offense,
36 as defined in IC 31-9-2-84.8 if committed by an adult, or has a
37 conviction for a nonwaivable offense, as defined in IC 31-9-2-84.8.

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

40 (1) The intended permanent or long term arrangements for care
41 and custody of the child that may include any one (1), or two (2),
42 if concurrent planning, of the following arrangements that the

SB 251—LS 7114/DI 151



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

1 department or the court considers most appropriate and
 2 consistent with the best interests of the child:

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

7 (B) Placement of the child for adoption.

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

10 (i) an adult sibling;

11 (ii) a grandparent;

12 (iii) an aunt;

13 (iv) an uncle;

14 (v) a custodial parent of a sibling of the child; or

15 (vi) another relative;

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

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

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

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

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

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

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

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

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

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

SB 251—LS 7114/DI 151



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

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

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

31 shall consider the following:

32 (1) The length of time since the person committed the offense,
33 delinquent act, or act that resulted in the substantiated report of
34 abuse or neglect.
35 (2) The severity of the offense, delinquent act, or abuse or
36 neglect.
37 (3) Evidence of the person's rehabilitation, including the person's
38 cooperation with a treatment plan, if applicable.
39

SECTION 3~~6~~7. 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

SB 251—LS 7114/DI 151



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

1 provided in subsection (d), the juvenile court may not enter a
 2 dispositional decree approving placement of a child in another home
 3 under section 1(a)(3) or 6(b)(2)(D) of this chapter or awarding
 4 wardship to a person or facility that results in a placement with a
 5 person under section 1(a)(4) or 6(b)(2)(E) of this chapter if a person
 6 who is currently residing in the home in which the child would be
 7 placed under section 1(a)(3), 1(a)(4), 6(b)(2)(D), or 6(b)(2)(E) of this
 8 chapter has committed an act resulting in a substantiated report of child
 9 abuse or neglect, has a juvenile adjudication for an act that would be
 10 a nonwaivable offense, as defined in IC 31-9-2-84.8 if committed by an
 11 adult, or has a conviction for a nonwaivable offense, as defined in
 12 IC 31-9-2-84.8.

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

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

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

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

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

36 (d) The juvenile court may enter a dispositional decree approving
 37 placement of a child in another home under section 1(a)(3) or
 38 6(b)(2)(D) of this chapter or awarding wardship to a person or facility
 39 that results in a placement with a person under section 1(a)(4) or
 40 6(b)(2)(E) of this chapter if:

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

42 (A) committed an act resulting in a substantiated report of

SB 251—LS 7114/DI 151



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

1 child abuse or neglect;

2 (B) been convicted of:

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

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

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

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

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

8 (vi) nonsupport of a dependent child (IC 35-46-1-5);

9 (vii) operating a motorboat while intoxicated

10 (IC 35-46-9-6) **(before its repeal)** as a felony;

11 (viii) a felony involving a weapon under IC 35-47; or

12 (ix) a felony relating to controlled substances under

13 IC 35-48-4;

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

16 (C) had a juvenile adjudication for a nonwaivable offense,
17 as defined in IC 31-9-2-84.8 that, if committed by an adult,
18 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 the child in another home is in the best interest of the child.

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

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

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

37 cooperation with a treatment plan, if applicable.
38 SECTION 3~~↔~~[8]. IC 35-31.5-2-37.5 IS REPEALED
39 [EFFECTIVE JULY 1, 2026]. See. 37.5. "Chemical test", for purposes
40

40 of IC 35-46-9, has the meaning set forth in IC 35-46-9-1.
41 SECTION 3~~8~~^[9] IC 35-31.5-2-177.5 IS REPEALED

41 SECTION 3.0 177.5 IS REPEALED
42 [EFFECTIVE JULY 1, 2026]. See: 177.5. "Intoxicated", for purposes

SB 251—LS 7114/DI 151



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

1 of IC 35-46-9, has the meaning set forth in IC 35-46-9-2.
 2

3 SECTION ~~39~~[40]. IC 35-31.5-2-206.5 IS REPEALED
 4 [EFFECTIVE JULY 1, 2026]. See: 206.5. "Motorboat", for purposes of
 5 IC 35-46-9, has the meaning set forth in IC 35-46-9-3.
 6

7 SECTION 4~~0~~[1]. IC 35-31.5-2-244.5 IS REPEALED
 8 [EFFECTIVE JULY 1, 2026]. See: 244.5. "Prima facie evidence of
 9 intoxication", for purposes of IC 35-46-9, has the meaning set forth in
 10 IC 35-46-9-4.
 11

12 SECTION 4~~4~~[2]. IC 35-31.5-2-273.5 IS REPEALED
 13 [EFFECTIVE JULY 1, 2026]. See: 273.5. "Relevant evidence", for
 14 purposes of IC 35-46-9, has the meaning set forth in IC 35-46-9-5.
 15

16 SECTION 4~~2~~[3]. IC 35-33-7-4.5 IS ADDED TO THE
 17 INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS
 18 [EFFECTIVE JULY 1, 2026]: Sec. 4.5. **A person charged with a**
 19 **misdemeanor under IC 9-30-5-1 or IC 9-30-5-2 may waive the**
 20 **person's initial hearing.**
 21

22 SECTION 4~~3~~[4]. IC 35-33-7-5, AS AMENDED BY
 23 P.L.166-2024, SECTION 3, IS AMENDED TO READ AS FOLLOWS
 24 [EFFECTIVE JULY 1, 2026]: Sec. 5. (a) At the initial hearing of a
 25 person, the judicial officer shall inform the person orally or in writing:
 26

27 (1) that the person has a right to retain counsel and if the person
 28 intends to retain counsel the person must do so within:
 29

30 (A) twenty (20) days if the person is charged with a felony;
 31 or
 32 (B) ten (10) days if the person is charged only with one (1)
 33 or more misdemeanors;
 34

35 after this initial hearing because there are deadlines for filing
 36 motions and raising defenses, and if those deadlines are missed,
 37 the legal issues and defenses that could have been raised will be
 38 waived;
 39

40 (2) that the person has a right to assigned counsel at no expense
 41 to the person if the person is indigent;
 42

43 (3) that the person has a right to a speedy trial;
 44

45 (4) of the amount and conditions of bail;
 46

47 (5) of the person's privilege against self-incrimination;
 48

49 (6) of the nature of the charge against the person;
 50

51 (7) that a preliminary plea of not guilty is being entered for the
 52 person and the preliminary plea of not guilty will become a
 53 formal plea of not guilty:
 54

55 (A) twenty (20) days after the completion of the initial
 56 hearing; or
 57

58 (B) ten (10) days after the completion of the initial hearing
 59

M

a

r

k

u

p

SB 251—LS 7114/DI 151



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

1 if the person is charged only with one (1) or more
2 misdemeanors;

3 unless the defendant enters a different plea; and

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

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

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

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

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

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

24 SECTION 4~~4~~⁵. IC 35-46-9 IS REPEALED [EFFECTIVE
25 JULY 1, 2026]. (Operating a Motorboat While Intoxicated).
26

[SECTION 46. An emergency is declared for this act.](#)

27 1

