
SENATE BILL No. 251

AM025105 has been incorporated into January 23, 2026 printing.

Synopsis: Penalties for prior OWI convictions.

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SB 251—LS 7114/DI 151



January 23, 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.

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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 9-30-16-1.**
- 14 **(3) IC 12-23-5-5.**
- 15 **(c) The budget director must notify the budget committee of**
- 16 **the determination and the provisions under subsection (b) may not**
- 17 **be implemented until after budget committee review.**

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

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

- 11 (1) an alcohol related or drug related crime under Acts 1939,
 12 c.48, s.52, as amended, IC 9-4-1-54 (repealed September 1,
 13 1983), or IC 9-11-2 (repealed July 1, 1991); **or**
 14 (2) a crime under IC 9-30-5-1 through IC 9-30-5-9; **or**
 15 (3) **a crime under IC 35-46-9 (before its repeal), IC 14-1-5**
 16 **(before its repeal), or IC 14-15-8-8 (before its repeal).**

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

- 23 (1) A device moved by human power.
 24 (2) A device that runs only on rails or tracks.
 25 (3) A wheelchair.
 26 (4) An electric foot scooter.
 27 (b) For purposes of IC 9-17, the term includes the following:
 28 (1) Off-road vehicles.
 29 (2) Manufactured homes or mobile homes that are:
 30 (A) personal property not held for resale; and
 31 (B) not attached to real estate by a permanent foundation.
 32 (3) Watercraft.

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

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

42 SECTION 5. IC 9-30-5-15, AS AMENDED BY P.L.217-2017,

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

6 (1) order:

7 (A) that the person be imprisoned for at least ~~five (5)~~ **ten**
8 **(10)** days; or

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

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

16 ~~if the person has one (1) previous conviction of operating while~~
17 ~~intoxicated.~~

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

21 (1) order:

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

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

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

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

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

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

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

42 (d) ~~Notwithstanding IC 35-50-6,~~ A person does not earn good time

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1 credit (as defined in IC 35-50-6-0.5) while serving a sentence imposed
2 under this section.

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

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

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

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

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

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

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

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

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

32 (3) Searching for or retrieving contraband or obtaining a blood,
33 urine, or other bodily substance sample in accordance with this
34 section.

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

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

42 (6) Injury to a person arising from the performance of duties in

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- 1 good faith under this section. However, immunity does not apply
 2 if the physician, licensed health care professional, hospital, or
 3 agent of a physician or hospital acts with gross negligence or
 4 willful or wanton misconduct.
- 5 (c) For the purposes of a criminal proceeding:
 6 (1) the privileges arising from a patient-physician relationship do
 7 not apply to the contraband, samples, test results, or testimony
 8 described in this section; and
 9 (2) contraband, samples, test results, and testimony may be
 10 admitted in a proceeding in accordance with the applicable rules
 11 of evidence.
- 12 (d) The exceptions to the patient-physician relationship specified
 13 in subsection (c) do not affect those relationships in a proceeding that
 14 is not a criminal proceeding.
- 15 (e) The contraband, test results, and samples obtained by a law
 16 enforcement officer under subsection (a) may be disclosed only to a
 17 prosecuting attorney or a deputy prosecuting attorney for use as
 18 evidence in a criminal proceeding.
- 19 (f) This section does not require a physician or a person under the
 20 direction of a physician to perform a chemical test or to retrieve
 21 contraband.
- 22 (g) If the person:
 23 (1) from whom the contraband is to be retrieved or the bodily
 24 substance sample is to be obtained under this section does not
 25 consent; and
 26 (2) resists the retrieval of the contraband or the taking of a
 27 sample;
 28 the law enforcement officer may use reasonable force to assist an
 29 individual, who must be authorized under this section to retrieve
 30 contraband or obtain a sample, in the retrieval of the contraband or the
 31 taking of the sample.
- 32 (h) The person authorized under this section to retrieve contraband
 33 or obtain a bodily substance sample shall take the sample or retrieve
 34 the contraband in a medically accepted manner.
- 35 (i) This subsection does not apply to contraband retrieved or a
 36 bodily substance sample taken at a licensed hospital (as defined in
 37 IC 16-18-2-179(a) and IC 16-18-2-179(b)). A law enforcement officer
 38 may transport the person to a place where the contraband may be
 39 retrieved or the sample may be obtained by any of the following
 40 persons who are trained in retrieving contraband or obtaining bodily
 41 substance samples and who have been engaged to retrieve contraband
 42 or obtain samples under this section:

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- 1 (1) A physician holding an unlimited license to practice
 2 medicine or osteopathy.
 3 (2) A registered nurse.
 4 (3) A licensed practical nurse.
 5 (4) An advanced emergency medical technician (as defined in
 6 IC 16-18-2-6.5).
 7 (5) A paramedic (as defined in IC 16-18-2-266).
 8 (6) Except as provided in subsections (j) through (k), any other
 9 person qualified through training, experience, or education to
 10 retrieve contraband or obtain a bodily substance sample.
 11 (j) A law enforcement officer may not retrieve contraband or
 12 obtain a bodily substance sample under this section if the contraband
 13 is to be retrieved or the sample is to be obtained from another law
 14 enforcement officer as a result of the other law enforcement officer's
 15 involvement in an accident or alleged crime.
 16 (k) A law enforcement officer who is otherwise qualified to obtain
 17 a bodily substance sample under this section may obtain a bodily
 18 substance sample from a person involved in an accident or alleged
 19 crime who is not a law enforcement officer only if:
 20 (1) the officer obtained a bodily substance sample from an
 21 individual as part of the officer's official duties as a law
 22 enforcement officer; and
 23 (2) the:
 24 (A) person consents to the officer obtaining a bodily
 25 substance sample; or
 26 (B) obtaining of the bodily substance sample is authorized
 27 by a search warrant.
 28 (l) A physician or a person trained in obtaining bodily samples
 29 who is acting under the direction of or under a protocol prepared by a
 30 physician shall obtain a blood sample if the following conditions are
 31 satisfied:
 32 (1) A law enforcement officer requests that the sample be
 33 obtained.
 34 (2) The law enforcement officer has certified in writing the
 35 following:
 36 (A) That the officer has probable cause to believe the
 37 person from whom the sample is to be obtained has violated
 38 IC 9-30-5-4, IC 9-30-5-5, IC 35-46-9-6(b)(2) (**before its**
 39 **repeal**), or IC 35-46-9-6(c) (**before its repeal**).
 40 (B) That the offense resulting in a criminal investigation
 41 described in subsection (a) occurred not more than three (3)
 42 hours before the time the sample is requested.

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

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

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

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

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

20 (1) Set forth the grounds for the arresting officer's belief that
 21 there was probable cause that the arrested person was operating
 22 a vehicle in violation of IC 9-30-5 or a motorboat in violation of
 23 IC 35-46-9 **(before its repeal)** or IC 14-15-8 (before its repeal).

24 (2) State that the person was arrested for a violation of IC 9-30-5
 25 or operating a motorboat in violation of IC 35-46-9 **(before its**
 26 **repeal)** or IC 14-15-8 (before its repeal).

27 (3) State whether the person:
 28 (A) refused to submit to a chemical test when offered; or
 29 (B) submitted to a chemical test that resulted in prima facie
 30 evidence that the person was intoxicated.

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

40 (d) If it is determined under subsection (a) that there is probable
 41 cause to believe that a person violated ~~IC 9-30-5~~ **IC 9-30-5-1(a) or**
 42 **IC 9-30-5-1(b)**, the court may as an alternative to any suspension of the

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1 person's driving privileges under subsection (c), issue an order
 2 recommending that the person be prohibited from operating a motor
 3 vehicle unless the motor vehicle is equipped with a functioning
 4 certified ignition interlock device under IC 9-30-8. This subsection
 5 applies even if the probable cause affidavit in subsection (b) states that
 6 the person:

- 7 (1) refused to submit to a chemical test; ~~or~~
 8 (2) submitted to a chemical test that resulted in prima facie
 9 evidence that the person was intoxicated; **or**
 10 **(3) was also charged under IC 9-30-5-2.**

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

- 16 (e) A person commits a Class B infraction if the person:
 17 (1) operates a motor vehicle without a functioning certified
 18 ignition interlock device; and
 19 (2) is prohibited from operating a motor vehicle unless the motor
 20 vehicle is equipped with a functioning certified ignition interlock
 21 device under subsection (d).
 22 (f) A person commits a Class B misdemeanor if the person:
 23 (1) operates a motor vehicle without a functioning certified
 24 ignition interlock device; and
 25 (2) knows the person is prohibited from operating a motor
 26 vehicle unless the motor vehicle is equipped with a functioning
 27 certified ignition interlock device under subsection (d).

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

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

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

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

42 SECTION 9. IC 9-30-7-2 IS AMENDED TO READ AS

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

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

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

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

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

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

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

34 SECTION 11. IC 9-30-10-4, AS AMENDED BY P.L.218-2025,
 35 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2026]: Sec. 4. (a) A person who has accumulated at least two
 37 (2) judgments within a ten (10) year period for any of the following
 38 violations, singularly or in combination, and not arising out of the same
 39 incident, is a habitual violator:

- 40 (1) Reckless homicide resulting from the operation of a motor
 41 vehicle.
 42 (2) Voluntary or involuntary manslaughter resulting from the

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

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- 1 (6) Criminal recklessness as a felony involving the operation of
- 2 a motor vehicle.
- 3 (7) Drag racing or engaging in a speed contest in violation of
- 4 law.
- 5 (8) Violating IC 9-4-1-40 (repealed July 1, 1991), IC 9-4-1-46
- 6 (repealed July 1, 1991), IC 9-26-1-1(1) (repealed January 1,
- 7 2015), IC 9-26-1-1(2) (repealed January 1, 2015), IC 9-26-1-2(1)
- 8 (repealed January 1, 2015), IC 9-26-1-2(2) (repealed January 1,
- 9 2015), IC 9-26-1-3 (repealed January 1, 2015), IC 9-26-1-4
- 10 (repealed January 1, 2015), or IC 9-26-1-1.1.
- 11 (9) Resisting law enforcement with a vehicle under:
- 12 (A) IC 35-44.1-3-1(c)(1);
- 13 (B) IC 35-44.1-3-1(c)(2)(C);
- 14 (C) IC 35-44.1-3-1(c)(3);
- 15 (D) IC 35-44.1-3-1(c)(4); or
- 16 (E) IC 35-44.1-3-1(c)(5).
- 17 (10) Any felony under this title or any felony in which the
- 18 operation of a motor vehicle is an element of the offense.
- 19 **(11) After June 30, 2001, operation of a motor vehicle with a**
- 20 **schedule I or schedule II controlled substance in the blood.**
- 21 A judgment for a violation enumerated in subsection (a) shall be added
- 22 to the violations described in this subsection for the purposes of this
- 23 subsection.
- 24 (c) A person who has accumulated at least ten (10) judgments
- 25 within a ten (10) year period for any traffic violation, except a parking
- 26 or an equipment violation, of the type required to be reported to the
- 27 bureau, singularly or in combination, and not arising out of the same
- 28 incident, is a habitual violator. However, at least one (1) of the
- 29 judgments must be for:
- 30 (1) a violation enumerated in subsection (a);
- 31 (2) a violation enumerated in subsection (b);
- 32 (3) operating a motor vehicle while the person's license to do so
- 33 has been suspended or revoked as a result of the person's
- 34 conviction of an offense under IC 9-1-4-52 (repealed July 1,
- 35 1991), IC 9-24-18-5(b) (repealed July 1, 2000), IC 9-24-19-2, or
- 36 IC 9-24-19-3; or
- 37 (4) operating a motor vehicle without ever having obtained a
- 38 license to do so.
- 39 A judgment for a violation enumerated in subsection (a) or (b) shall be
- 40 added to the judgments described in this subsection for the purposes of
- 41 this subsection.
- 42 (d) For purposes of this section, a judgment includes a judgment

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1 in any other jurisdiction in which the elements of the offense for which
2 the conviction was entered are substantially similar to the elements of
3 the offenses described in subsections (a), (b), and (c).

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

7 SECTION 12. IC 9-30-16-1, AS AMENDED BY P.L.111-2021,
8 SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2026]: Sec. 1. (a) Except as provided in subsection (b), the
10 following are ineligible for specialized driving privileges under this
11 chapter:

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

22 (b) This chapter applies to the following:

- 23 (1) A person who held a driver's license (issued under
- 24 IC 9-24-3), or a commercial driver's, a public passenger
- 25 chauffeur's, or a chauffeur's license at the time of:
- 26 (A) the criminal conviction for which the operation of a
- 27 motor vehicle is an element of the offense;
- 28 (B) any criminal conviction for an offense under IC 9-30-5,
- 29 IC 35-46-9 (**before its repeal**), or IC 14-15-8 (before its
- 30 repeal); or
- 31 (C) committing the infraction of exceeding a worksite speed
- 32 limit for the second time in one (1) year under
- 33 IC 9-21-5-11(f).
- 34 (2) A person who:
- 35 (A) has never held a valid Indiana driver's license or does
- 36 not currently hold a valid Indiana learner's permit; and
- 37 (B) was an Indiana resident when the driving privileges for
- 38 which the person is seeking specialized driving privileges
- 39 were suspended.

40 (c) Except as specifically provided in this chapter, a court may
41 suspend the driving privileges of a person convicted of any of the
42 following offenses for a period up to the maximum allowable period of

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- 1 incarceration under the penalty for the offense:
- 2 (1) Any criminal conviction in which the operation of a motor
- 3 vehicle is an element of the offense.
- 4 (2) Any criminal conviction for an offense under IC 9-30-5,
- 5 IC 35-46-9 (**before its repeal**), or IC 14-15-8 (before its repeal).
- 6 (3) Any offense under IC 35-42-1, IC 35-42-2, or IC 35-44.1-3-1
- 7 that involves the use of a vehicle.
- 8 (d) Except as provided in section 3.5 of this chapter, a suspension
- 9 of driving privileges under this chapter may begin before the
- 10 conviction. Multiple suspensions of driving privileges ordered by a
- 11 court that are part of the same episode of criminal conduct shall be
- 12 served concurrently. A court may grant credit time for any suspension
- 13 that began before the conviction, except as prohibited by section
- 14 ~~6(a)(2)~~ **6(a)** of this chapter.
- 15 (e) If a person has had an ignition interlock device installed as a
- 16 condition of specialized driving privileges or under IC 9-30-6-8(d), the
- 17 period of the installation shall be credited as part of the suspension of
- 18 driving privileges.
- 19 (f) This subsection applies to a person described in subsection
- 20 (b)(2). A court shall, as a condition of granting specialized driving
- 21 privileges to the person, require the person to apply for and obtain an
- 22 Indiana driver's license.
- 23 (g) If a person indicates to the court at an initial hearing (as
- 24 described in IC 35-33-7) that the person intends to file a petition for a
- 25 specialized driving privileges hearing with that court under section 3
- 26 or 4 of this chapter, the following apply:
- 27 (1) The court shall:
- 28 (A) stay the suspension of the person's driving privileges at
- 29 the initial hearing and shall not submit the probable cause
- 30 affidavit related to the person's offense to the bureau; and
- 31 (B) set the matter for a specialized driving privileges
- 32 hearing not later than thirty (30) days after the initial
- 33 hearing.
- 34 (2) If the person does not file a petition for a specialized driving
- 35 privileges hearing not later than ten (10) days after the date of
- 36 the initial hearing, the court shall lift the stay of the suspension
- 37 of the person's driving privileges and shall submit the probable
- 38 cause affidavit related to the person's offense to the bureau for
- 39 automatic suspension.
- 40 (3) If the person files a petition for a specialized driving
- 41 privileges hearing not later than ten (10) days after the initial
- 42 hearing, the stay of the suspension of the person's driving

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1 privileges continues until the matter is heard and a determination
 2 is made by the court at the specialized driving privileges hearing.
 3 (4) If the specialized driving privileges hearing is continued due
 4 to:
 5 (A) a congestion of the court calendar;
 6 (B) the prosecuting attorney's motion for a continuance; or
 7 (C) the person's motion for a continuance with no objection
 8 by the prosecuting attorney;
 9 the stay of the suspension of the person's driving privileges
 10 continues until addressed at the next hearing.
 11 (5) If the person moves for a continuance of the specialized
 12 driving privileges hearing and the court grants the continuance
 13 over the prosecuting attorney's objection, the court shall lift the
 14 stay of the suspension of the person's driving privileges and shall
 15 submit the probable cause affidavit related to the person's
 16 offense to the bureau for automatic suspension.

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

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

- 25 (1) Suspend the defendant's driving privileges for at least ninety
- 26 (90) days but not more than two (2) years.
- 27 (2) Impose other appropriate conditions.
- 28 (b) A defendant may be granted probationary driving privileges
- 29 only after the defendant's license has been suspended for at least thirty
- 30 (30) days under IC 9-30-6-9.
- 31 (c) If a defendant has at least one (1) conviction for an offense
- 32 under IC 9-30-5, the order granting probationary driving privileges
- 33 under subsection (b) must, in a county that provides for the installation
- 34 of an ignition interlock device under IC 9-30-8, prohibit the defendant
- 35 from operating a motor vehicle unless the motor vehicle is equipped
- 36 with a functioning certified ignition interlock device under IC 9-30-8.
- 37 (d) If a defendant does not have a prior conviction for an offense
- 38 under IC 9-30-5, the court may, as an alternative to a license
- 39 suspension under subsection (a)(1), issue an order prohibiting the
- 40 defendant from operating a motor vehicle unless the motor vehicle is
- 41 equipped with a functioning certified ignition interlock device under
- 42 IC 9-30-8. An order requiring an ignition interlock device must remain

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1 in effect for at least two (2) years but not more than four (4) years.

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

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

9 (2) a Level 6 felony if:

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

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

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

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

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

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

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

41 (c) Upon receiving the recommendation of the court under
42 subsection (b), the bureau shall suspend the individual's license for the

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1 period recommended by the court.

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

3 (a):

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

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

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

14 (1) IC 14-15-3;

15 (2) IC 35-46-9 (**before its repeal**) (~~or or~~ IC 14-15-8 **before**
16 **(before** its repeal); or

17 (3) IC 14-15-12.

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

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

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

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

40 SECTION 20. IC 31-9-2-84.8, AS AMENDED BY P.L.142-2020,
41 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JULY 1, 2026]: Sec. 84.8. "Nonwaivable offense", for purposes of this

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- 1 title, means a conviction of any of the following felonies:
- 2 (1) Murder (IC 35-42-1-1).
- 3 (2) Causing suicide (IC 35-42-1-2).
- 4 (3) Assisting suicide (IC 35-42-1-2.5).
- 5 (4) Voluntary manslaughter (IC 35-42-1-3).
- 6 (5) Involuntary manslaughter (IC 35-42-1-4).
- 7 (6) Reckless homicide (IC 35-42-1-5).
- 8 (7) Feticide (IC 35-42-1-6).
- 9 (8) Battery (IC 35-42-2-1) within the past five (5) years.
- 10 (9) Domestic battery (IC 35-42-2-1.3).
- 11 (10) Aggravated battery (IC 35-42-2-1.5).
- 12 (11) Criminal recklessness (IC 35-42-2-2) within the past five
- 13 (5) years.
- 14 (12) Strangulation (IC 35-42-2-9).
- 15 (13) Kidnapping (IC 35-42-3-2).
- 16 (14) Criminal confinement (IC 35-42-3-3) within the past five
- 17 (5) years.
- 18 (15) Human and sexual trafficking (IC 35-42-3.5).
- 19 (16) A felony sex offense under IC 35-42-4.
- 20 (17) Arson (IC 35-43-1-1) within the past five (5) years.
- 21 (18) Incest (IC 35-46-1-3).
- 22 (19) Neglect of a dependent (IC 35-46-1-4(a) and
- 23 IC 35-46-1-4(b)).
- 24 (20) Child selling (IC 35-46-1-4(d)).
- 25 (21) Reckless supervision (IC 35-46-1-4.1).
- 26 (22) Nonsupport of a dependent child (IC 35-46-1-5) within the
- 27 past five (5) years.
- 28 (23) Operating a motorboat while intoxicated (IC 35-46-9-6)
- 29 **(before its repeal)** within the past five (5) years.
- 30 (24) A felony involving a weapon under IC 35-47 within the past
- 31 five (5) years.
- 32 (25) A felony relating to controlled substances under IC 35-48-4
- 33 within the past five (5) years.
- 34 (26) An offense relating to material or a performance that is
- 35 harmful to minors or obscene under IC 35-49-3.
- 36 (27) A felony under IC 9-30-5 within the past five (5) years.
- 37 (28) A felony related to the health or safety of a child (as defined
- 38 in IC 31-9-2-13(h)) or an endangered adult (as defined in
- 39 IC 12-10-3-2).
- 40 SECTION 21. IC 31-19-11-1, AS AMENDED BY P.L.56-2023,
- 41 SECTION 282, IS AMENDED TO READ AS FOLLOWS
- 42 [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) Whenever the court has heard

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- 1 the evidence and finds that:
- 2 (1) the adoption requested is in the best interest of the child;
- 3 (2) the petitioner or petitioners for adoption are of sufficient
- 4 ability to rear the child and furnish suitable support and
- 5 education;
- 6 (3) the report of the investigation and recommendation under
- 7 IC 31-19-8-5 has been filed;
- 8 (4) the attorney or agency arranging an adoption has filed with
- 9 the court an affidavit prepared by the Indiana department of
- 10 health under IC 31-19-5-16 indicating whether a man is entitled
- 11 to notice of the adoption because the man has registered with the
- 12 putative father registry in accordance with IC 31-19-5;
- 13 (5) proper notice arising under subdivision (4), if notice is
- 14 necessary, of the adoption has been given;
- 15 (6) the attorney or agency has filed with the court an affidavit
- 16 prepared by the Indiana department of health under:
- 17 (A) IC 31-19-6 indicating whether a record of a paternity
- 18 determination; or
- 19 (B) IC 16-37-2-2(g) indicating whether a paternity affidavit
- 20 executed under IC 16-37-2-2.1;
- 21 has been filed in relation to the child;
- 22 (7) proper consent, if consent is necessary, to the adoption has
- 23 been given;
- 24 (8) the petitioner for adoption is not prohibited from adopting the
- 25 child as the result of an inappropriate criminal history described
- 26 in subsection (c) or (d); and
- 27 (9) the person, licensed child placing agency, or local office that
- 28 has placed the child for adoption has provided the documents
- 29 and other information required under IC 31-19-17 to the
- 30 prospective adoptive parents;
- 31 the court shall grant the petition for adoption and enter an adoption
- 32 decree.
- 33 (b) A court may not grant an adoption unless the Indiana
- 34 department of health's affidavit under IC 31-19-5-16 is filed with the
- 35 court as provided under subsection (a)(4).
- 36 (c) A juvenile adjudication for an act listed in IC 31-9-2-84.8 that
- 37 would be a felony if committed by an adult, a conviction of a
- 38 misdemeanor related to the health and safety of a child, or a conviction
- 39 of a felony not listed in IC 31-9-2-84.8 by a petitioner for adoption or
- 40 household member is a permissible basis for the court to deny the
- 41 petition for adoption. In addition, the court may not grant an adoption
- 42 if a petitioner for adoption has been convicted of a nonwaivable offense

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1 under IC 31-9-2-84.8. However, the court is not prohibited from
2 granting an adoption based upon a felony conviction for:

- 3 (1) a felony under IC 9-30-5;
- 4 (2) battery (IC 35-42-2-1);
- 5 (3) criminal recklessness (IC 35-42-2-2) as a felony;
- 6 (4) criminal confinement (IC 35-42-3-3);
- 7 (5) arson (IC 35-43-1-1);
- 8 (6) nonsupport of a dependent child (IC 35-46-1-5);
- 9 (7) operating a motorboat while intoxicated (IC 35-46-9-6)
- 10 **(before its repeal)** as a felony;
- 11 (8) a felony involving a weapon under IC 35-47; or
- 12 (9) a felony relating to controlled substances under IC 35-48-4;

13 if the date of the conviction did not occur within the immediately
14 preceding five (5) year period.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 (B) been convicted of:

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

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

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

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

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

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

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

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

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

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

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

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

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

3 SECTION 24. IC 31-34-21-7.5, AS AMENDED BY
4 P.L.156-2020, SECTION 119, IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 7.5. (a) Except as
6 provided in subsection (d), the juvenile court may not approve a
7 permanency plan under subsection (c)(1)(C), (c)(1)(D), or (c)(1)(E) if
8 a person who is currently residing with a person described in
9 subsection (c)(1)(C) or (c)(1)(D) or in a residence in which the child
10 would be placed under subsection (c)(1)(E) has committed an act
11 resulting in a substantiated report of child abuse or neglect, has a
12 juvenile adjudication for an act that would be a nonwaivable offense,
13 as defined in IC 31-9-2-84.8 if committed by an adult, or has a
14 conviction for a nonwaivable offense, as defined in IC 31-9-2-84.8.

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

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

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

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

41 (B) Placement of the child for adoption.

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

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- 1 including:
- 2 (i) an adult sibling;
- 3 (ii) a grandparent;
- 4 (iii) an aunt;
- 5 (iv) an uncle;
- 6 (v) a custodial parent of a sibling of the child; or
- 7 (vi) another relative;
- 8 who is able and willing to act as the child's permanent
- 9 custodian and carry out the responsibilities required by the
- 10 permanency plan.
- 11 (D) Appointment of a legal guardian. The legal guardian
- 12 appointed under this section is a caretaker in a judicially
- 13 created relationship between the child and caretaker that is
- 14 intended to be permanent and self-sustaining as evidenced
- 15 by the transfer to the caretaker of the following parental
- 16 rights with respect to the child:
- 17 (i) Care, custody, and control of the child.
- 18 (ii) Decision making concerning the child's upbringing.
- 19 (E) A supervised independent living arrangement or foster
- 20 care for the child with a permanency plan of another
- 21 planned, permanent living arrangement. However, a child
- 22 less than sixteen (16) years of age may not have another
- 23 planned, permanent living arrangement as the child's
- 24 permanency plan.
- 25 (2) A time schedule for implementing the applicable provisions
- 26 of the permanency plan.
- 27 (3) Provisions for temporary or interim arrangements for care
- 28 and custody of the child, pending completion of implementation
- 29 of the permanency plan.
- 30 (4) Other items required to be included in a case plan under
- 31 IC 31-34-15 or federal law, consistent with the permanent or
- 32 long term arrangements described by the permanency plan.
- 33 (d) A juvenile court may approve a permanency plan 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) battery (IC 35-42-2-1);
- 39 (ii) criminal recklessness (IC 35-42-2-2) as a felony;
- 40 (iii) criminal confinement (IC 35-42-3-3) as a felony;
- 41 (iv) arson (IC 35-43-1-1) as a felony;
- 42 (v) nonsupport of a dependent child (IC 35-46-1-5);

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- 1 (vi) operating a motorboat while intoxicated
- 2 (IC 35-46-9-6) **(before its repeal)** as a felony;
- 3 (vii) a felony involving a weapon under IC 35-47;
- 4 (viii) a felony relating to controlled substances under
- 5 IC 35-48-4; or
- 6 (ix) a felony under IC 9-30-5;
- 7 if the conviction did not occur within the past five (5) years;
- 8 or
- 9 (C) had a juvenile adjudication for a nonwaivable offense,
- 10 as defined in IC 31-9-2-84.8 that, if committed by an adult,
- 11 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 that
- 15 approval of the permanency plan is in the best interest of the
- 16 child.

17 However, a court may not approve a permanency plan if the person has
 18 been convicted of a nonwaivable offense, as defined in IC 31-9-2-84.8
 19 that is not specifically excluded under subdivision (1)(B), or 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 that is not
 22 specifically excluded under subdivision (1)(B).

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

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

32 SECTION 25. IC 31-37-19-6.5, AS AMENDED BY
 33 P.L.186-2025, SECTION 163, IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6.5. (a) Except as
 35 provided in subsection (d), the juvenile court may not enter a
 36 dispositional decree approving placement of a child in another home
 37 under section 1(a)(3) or 6(b)(2)(D) of this chapter or awarding
 38 wardship to a person or facility that results in a placement with a
 39 person under section 1(a)(4) or 6(b)(2)(E) of this chapter if a person
 40 who is currently residing in the home in which the child would be
 41 placed under section 1(a)(3), 1(a)(4), 6(b)(2)(D), or 6(b)(2)(E) of this
 42 chapter has committed an act resulting in a substantiated report of child

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

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

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

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

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

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

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

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

- 34 (A) committed an act resulting in a substantiated report of
 35 child abuse or neglect;
- 36 (B) been convicted of:
 - 37 (i) a felony under IC 9-30-5;
 - 38 (ii) battery (IC 35-42-2-1);
 - 39 (iii) criminal recklessness (IC 35-42-2-2) as a felony;
 - 40 (iv) criminal confinement (IC 35-42-3-3) as a felony;
 - 41 (v) arson (IC 35-43-1-1) as a felony;
 - 42 (vi) nonsupport of a dependent child (IC 35-46-1-5);

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

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

7 or

8 (C) had a juvenile adjudication for a nonwaivable offense,

9 as defined in IC 31-9-2-84.8 that, if committed by an adult,

10 would be a felony; and

11 (2) the person's commission of the offense, delinquent act, or act

12 of abuse or neglect described in subdivision (1) is not relevant

13 to the person's present ability to care for a child, and placing the

14 child in another home is in the best interest of the child.

15 However, a court may not enter a dispositional decree placing a child

16 in another home under section 1(a)(3) or 6(b)(2)(D) of this chapter or

17 awarding wardship to a person or facility under this subsection if a

18 person with whom the child is or will be placed has been convicted of

19 a nonwaivable offense, as defined in IC 31-9-2-84.8 that is not

20 specifically excluded under subdivision (1)(B).

21 (e) In considering the placement under subsection (d), the court

22 shall consider the following:

23 (1) The length of time since the person committed the offense,

24 delinquent act, or act that resulted in the substantiated report of

25 abuse or neglect.

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

27 neglect.

28 (3) Evidence of the person's rehabilitation, including the person's

29 cooperation with a treatment plan, if applicable.

30 SECTION 26. IC 35-31.5-2-37.5 IS REPEALED [EFFECTIVE

31 JULY 1, 2026]. Sec. 37.5: "~~Chemical test~~"; for purposes of IC 35-46-9;

32 has the meaning set forth in IC 35-46-9-1.

33 SECTION 27. IC 35-31.5-2-177.5 IS REPEALED [EFFECTIVE

34 JULY 1, 2026]. Sec. 177.5: "~~Intoxicated~~"; for purposes of IC 35-46-9;

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

36 SECTION 28. IC 35-31.5-2-206.5 IS REPEALED [EFFECTIVE

37 JULY 1, 2026]. Sec. 206.5: "~~Motorboat~~"; for purposes of IC 35-46-9;

38 has the meaning set forth in IC 35-46-9-3.

39 SECTION 29. IC 35-31.5-2-244.5 IS REPEALED [EFFECTIVE

40 JULY 1, 2026]. Sec. 244.5: "~~Prima facie evidence of intoxication~~"; for

41 purposes of IC 35-46-9; has the meaning set forth in IC 35-46-9-4.

42 SECTION 30. IC 35-31.5-2-273.5 IS REPEALED [EFFECTIVE

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1 JULY 1, 2026]. Sec. 273.5: "Relevant evidence"; for purposes of
 2 IC 35-46-9, has the meaning set forth in IC 35-46-9-5.

3 SECTION 31. IC 35-33-7-4.5 IS ADDED TO THE INDIANA
 4 CODE AS A NEW SECTION TO READ AS FOLLOWS
 5 [EFFECTIVE JULY 1, 2026]: **Sec. 4.5. A person charged with a**
 6 **misdemeanor under IC 9-30-5-1 or IC 9-30-5-2 may waive the**
 7 **person's initial hearing.**

8 SECTION 32. IC 35-33-7-5, AS AMENDED BY P.L.166-2024,
 9 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2026]: Sec. 5. (a) At the initial hearing of a person, the
 11 judicial officer shall inform the person orally or in writing:

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

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

15 or

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

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

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

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

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

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

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

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

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

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

36 unless the defendant enters a different plea; and

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

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

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

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

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

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

15 SECTION 33. IC 35-46-9 IS REPEALED [EFFECTIVE JULY 1,
16 2026]. (Operating a Motorboat While Intoxicated).

17 SECTION 34. **An emergency is declared for this act.**

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