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# SENATE BILL No. 251

Proposed Changes to January 23, 2026 printing by AM025105

## DIGEST OF PROPOSED AMENDMENT

Judicial discretion. Gives a court discretion to suspend a driver's license pretrial. Makes conforming amendments. Makes technical corrections.

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 <F>ederal <H>ighway
- 11 <A>dmistration funding to the state:
- 12 (1) IC 9-30-6-8.
- 13 [ ] (2) <IC 9-30-6-8.5.
- 14 — (3) IC 9-30-6-9.
- 15 — (4) IC 9-30-6-12.
- 16 — (5) IC 9-30-6-13.5.
- 17 — (6) IC 9-30-6-18.
- 18 — (7) IC 9-30-8-8.
- 19 — (8) IC 9-30-9-5.
- 20 — (9) IC 9-30-9-7.

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- 1 ~~(10) IC 9-30-9-7.5.~~  
 2 ~~(11) IC 9-30-16-1.~~  
 3 ~~(12) IC 9-30-16-3.~~  
 4 ~~(13) IC 9-30-16-6.~~  
 5 ~~(14) IC 12-23-5-5.~~  
 6 ~~(15) IC 12-23-5-5.5~~ [\[IC 9-30-16-1.](#)  
 7 [\(3\) IC 12-23-5-5\].](#)

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

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

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

- 21 (1) an alcohol related or drug related crime under Acts 1939,  
 22 c.48, s.52, as amended, IC 9-4-1-54 (repealed September 1,  
 23 1983), or IC 9-11-2 (repealed July 1, 1991); **or**  
 24 (2) a crime under IC 9-30-5-1 through IC 9-30-5-9; **or**  
 25 **(3) a crime under IC 35-46-9 (before its repeal), IC 14-1-5**  
 26 **(before its repeal), or IC 14-15-8-8 (before its repeal).**

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

- 33 (1) A device moved by human power.  
 34 (2) A device that runs only on rails or tracks.  
 35 (3) A wheelchair.  
 36 (4) An electric foot scooter.  
 37 (b) For purposes of IC 9-17, the term includes the following:  
 38 (1) Off-road vehicles.  
 39 (2) Manufactured homes or mobile homes that are:  
 40 (A) personal property not held for resale; and  
 41 (B) not attached to real estate by a permanent foundation.  
 42 (3) Watercraft.

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

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

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

- 16 (1) order:  
17 (A) that the person be imprisoned for at least ~~five (5)~~ **ten**  
18 **(10)** days; or  
19 (B) the person to perform at least two hundred forty (240)  
20 hours of community restitution or service; and  
21 (2) order the person to receive an assessment of the person's  
22 degree of alcohol and drug abuse and, if appropriate, to  
23 successfully complete an alcohol or drug abuse treatment  
24 program, including an alcohol deterrent program if the person  
25 suffers from alcohol abuse.

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

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

- 31 (1) order:  
32 (A) that the person be imprisoned for at least ~~ten (10)~~  
33 **twenty (20)** days; or  
34 (B) the person to perform at least four hundred eighty (480)  
35 hours of community restitution or service; and  
36 (2) order the person to receive an assessment of the person's  
37 degree of alcohol and drug abuse and, if appropriate, to  
38 successfully complete an alcohol or drug abuse treatment  
39 program, including an alcohol deterrent program if the person  
40 suffers from alcohol abuse.

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

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

- 6 (1) at least forty-eight (48) hours of the sentence must be served  
7 consecutively; and
- 8 (2) the entire sentence must be served within six (6) months after  
9 the date of sentencing.

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

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

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

- 23 (1) obtains a blood, urine, or other bodily substance sample from  
24 a person, regardless of whether the sample is taken for diagnostic  
25 purposes or at the request of a law enforcement officer under this  
26 section;
- 27 (2) performs a chemical test on blood, urine, or other bodily  
28 substance obtained from a person; or
- 29 (3) searches for or retrieves contraband from the body cavity of  
30 an individual;

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

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

- 39 (1) Disclosing test results in accordance with this section.
- 40 (2) Delivering contraband, or a blood, urine, or other bodily  
41 substance sample in accordance with this section.
- 42 (3) Searching for or retrieving contraband or obtaining a blood,

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

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1 or obtain a bodily substance sample shall take the sample or retrieve  
2 the contraband in a medically accepted manner.

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

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

13 (2) A registered nurse.

14 (3) A licensed practical nurse.

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

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

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

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

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

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

33 (2) the:

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

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

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

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

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1 obtained.

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

3 following:

4 (A) That the officer has probable cause to believe the

5 person from whom the sample is to be obtained has violated

6 IC 9-30-5-4, IC 9-30-5-5, IC 35-46-9-6(b)(2) **(before its**

7 **repeal)**, or IC 35-46-9-6(c) **(before its repeal)**.

8 (B) That the offense resulting in a criminal investigation

9 described in subsection (a) occurred not more than three (3)

10 hours before the time the sample is requested.

11 (C) That exigent circumstances exist that create pressing

12 health, safety, or law enforcement needs that would take

13 priority over a warrant application.

14 (3) Not more than the use of reasonable force is necessary to

15 obtain the sample.

16 SECTION 7. IC 9-30-6-8, AS AMENDED BY P.L.111-2021,

17 SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

18 JULY 1, 2026]: Sec. 8. (a) Except as provided in IC 9-30-16-1(g),

19 whenever a judicial officer has determined that there was probable

20 cause to believe that a person has violated IC 9-30-5, IC 35-46-9

21 **(before its repeal)**, or IC 14-15-8 (before its repeal), the clerk of the

22 court shall forward, in a form and manner prescribed by the bureau:

23 (1) a paper copy of the affidavit, or an electronic substitute; or

24 (2) a bureau certificate as described in section 16 of this chapter;

25 to the bureau at the conclusion of the initial hearing **held** under

26 ~~subsection (c)~~ **[, IC 35-33-7-1, or if the initial hearing was**

27 **waived, upon notice of waiver of the initial hearing.**

28 (b) The probable cause affidavit required under section 7(b)(2) of

29 this chapter must do the following:

30 (1) Set forth the grounds for the arresting officer's belief that

31 there was probable cause that the arrested person was operating

32 a vehicle in violation of IC 9-30-5 or a motorboat in violation of

33 IC 35-46-9 **(before its repeal)** or IC 14-15-8 (before its repeal).

34 (2) State that the person was arrested for a violation of IC 9-30-5

35 or operating a motorboat in violation of IC 35-46-9 **(before its**

36 **repeal)** or IC 14-15-8 (before its repeal).

37 (3) State whether the person:

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

39 (B) submitted to a chemical test that resulted in prima facie

40 evidence that the person was intoxicated.

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

42 ~~(c)~~ ~~Except as provided in subsection (d), if~~

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1 <it <is <determined <under <subsection <(a) <that <there  
 2 <was <probable <cause <to <believe <that <a <person  
 3 <has <violated<IC 9-30-5> [IC 9-30-5], <IC 35-46-9> [IC 35-46-9],  
 4 <or<IC 14-15-8> [IC 14-15-8] (before <its <repeal), <at <the  
 5 <initial <hearing <of <the <matter <held <under<  
 6 <IC 35-33-7-1> [IC 35-33-7-1] the <court shall <[may] recommend  
 7 <immediate <suspension <of <the <person's <driving  
 8 <privileges <to <take <effect <on <the <date <the <order  
 9 <is <entered, <and <forward <to <the <bureau <a <copy  
 10 <of <the <order <recommending <immediate <suspension  
 11 <of <driving <privileges.

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

- 22 (1) refused to submit to a chemical test; or
- 23 (2) submitted to a chemical test that resulted in prima facie
- 24 evidence that the person was intoxicated; or
- 25 (3) was also charged under <9-30-5-2> [IC 9-30-5-2].

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

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

37 <(f)<(e)> A person commits a Class B misdemeanor if the  
 38 person:

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

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

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

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

whichever occurs first.

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

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

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

- (1) for:
  - (A) one (1) year; or
  - (B) if the person has at least one (1) previous conviction for  
operating while intoxicated, two (2) years; or
- (2) until the suspension is ordered terminated under IC 9-30-5.

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

- (1) for one hundred eighty (180) days; or
- (2) until the bureau is notified by a court that the charges have  
been disposed of;

whichever occurs first.

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

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

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of the bureau, or send the notice electronically if the person has indicated a preference for receiving notices from the bureau electronically, stating that the person's driving privileges will be suspended for a specified period, commencing:

- (A) seven (7) days after the date of the notice; or
- (B) on the date the court enters an order recommending suspension of the person's driving privileges under section 8(c) of this chapter;

whichever occurs first.

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

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

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

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

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

SECTION 11. IC 9-30-6-13.5, AS AMENDED BY P.L.110-2020, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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

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

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

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

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

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

- (1) The date of the petitioner's arrest under IC 9-30-5.
- (2) The date of the petitioner's initial hearing on the charges filed against the petitioner under IC 9-30-5.
- (3) The date set for trial or other disposition of the matter.
- (4) A statement averring the following:
  - (A) That the petitioner requested an early trial of the matter at the petitioner's initial hearing on the charges filed against the petitioner under IC 9-30-5.
  - (B) The trial or disposition date set by the court is at least ninety (90) days after the date of the petitioner's initial hearing on the charges filed against the petitioner under IC 9-30-5.
  - (C) The delay in the trial or disposition is not due to the petitioner.

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

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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 13 > [(d).

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

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

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

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

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

32 SECTION 1 < [0]. IC 9-30-7-3 IS AMENDED TO READ AS  
33 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) A law  
34 enforcement officer shall offer a portable breath test, roadside  
35 chemical test, or chemical test to any person who the officer has  
36 reason to believe operated a vehicle that was involved in a fatal  
37 accident or an accident involving serious bodily injury. If:

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

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substance or another drug; or  
(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 16. 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(e).~~

~~SECTION 17. 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 18. 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~~

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1           ~~(90) days but not more than four (4) years.~~  
2           ~~— (2) Impose other appropriate conditions.~~  
3           ~~— (b) The defendant may be granted probationary driving privileges~~  
4           ~~only after the defendant's license has been suspended for at least thirty~~  
5           ~~(30) days under IC 9-30-6-9.~~  
6           ~~— (c) (b) The court may, as an alternative to a license suspension~~  
7           ~~under subsection (a)(1), issue an order prohibiting the defendant from~~  
8           ~~operating a motor vehicle unless the motor vehicle is equipped with a~~  
9           ~~functioning certified ignition interlock device under IC 9-30-8. An~~  
10           ~~order requiring an ignition interlock device must remain in effect for~~  
11           ~~at least two (2) years but not more than four (4) years.~~  
12           ~~— SECTION 19. IC 9-30-9-7.5, AS AMENDED BY P.L.2-2005;~~  
13           ~~SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE~~  
14           ~~JULY 1, 2026]: Sec. 7.5. (a) A person commits a Class B infraction if~~  
15           ~~the person:~~  
16           ~~— (1) operates a motor vehicle without a functioning certified~~  
17           ~~ignition interlock device; and~~  
18           ~~— (2) is prohibited from operating a motor vehicle unless the motor~~  
19           ~~vehicle is equipped with a functioning certified ignition interlock~~  
20           ~~device under section 5(e) 5(b) or 7(c) 7(b) of this chapter.~~  
21           ~~— (b) A person commits a Class B misdemeanor if the person:~~  
22           ~~— (1) operates a motor vehicle without a functioning certified~~  
23           ~~ignition interlock device; and~~  
24           ~~— (2) knows the person is prohibited from operating a motor~~  
25           ~~vehicle unless the motor vehicle is equipped with a functioning~~  
26           ~~certified ignition interlock device under section 5(e) 5(b) or 7(c)~~  
27           ~~7(b) of this chapter.~~  
28           > SECTION ~~<20>~~[11]. IC 9-30-10-4, AS AMENDED BY  
29           P.L.218-2025, SECTION 1, IS AMENDED TO READ AS FOLLOWS  
30           [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) A person who has  
31           accumulated at least two (2) judgments within a ten (10) year period  
32           for any of the following violations, singularly or in combination, and  
33           not arising out of the same incident, is a habitual violator:  
34                   (1) Reckless homicide resulting from the operation of a motor  
35                   vehicle.  
36                   (2) Voluntary or involuntary manslaughter resulting from the  
37                   operation of a motor vehicle.  
38                   (3) Failure of the operator of a motor vehicle involved in an  
39                   accident resulting in death or injury to any person to stop at the  
40                   scene of the accident and give the required information and  
41                   assistance.  
42                   (4) Operation of a vehicle while intoxicated resulting in death.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 (b) This chapter applies to the following:

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

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

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

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

28 (2) A person who:

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

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

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

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

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

42 (3) Any offense under IC 35-42-1, IC 35-42-2, or IC 35-44.1-3-1

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

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

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

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

- (1) The court shall:
  - (A) stay the suspension of the person's driving privileges at the initial hearing and shall not submit the probable cause affidavit related to the person's offense to the bureau; and
  - (B) set the matter for a specialized driving privileges hearing not later than thirty (30) days after the initial hearing.
- (2) If the person does not file a petition for a specialized driving privileges hearing not later than ten (10) days after the date of the initial hearing, the court shall lift the stay of the suspension of the person's driving privileges and shall submit the probable cause affidavit related to the person's offense to the bureau for automatic suspension.
- (3) If the person files a petition for a specialized driving privileges hearing not later than ten (10) days after the initial hearing, the stay of the suspension of the person's driving privileges continues until the matter is heard and a determination is made by the court at the specialized driving privileges hearing.
- (4) If the specialized driving privileges hearing is continued due to:
  - (A) a congestion of the court calendar;

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1 (B) the prosecuting attorney's motion for a continuance; or  
 2 (C) the person's motion for a continuance with no objection  
 3 by the prosecuting attorney;  
 4 the stay of the suspension of the person's driving privileges  
 5 continues until addressed at the next hearing.  
 6 (5) If the person moves for a continuance of the specialized  
 7 driving privileges hearing and the court grants the continuance  
 8 over the prosecuting attorney's objection, the court shall lift the  
 9 stay of the suspension of the person's driving privileges and shall  
 10 submit the probable cause affidavit related to the person's  
 11 offense to the bureau for automatic suspension.

12 **Nothing in this subsection prevents an otherwise eligible individual**  
 13 **from applying for a specialized driving privilege after the initial**  
 14 **hearing.**

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

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

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

33 ~~A prosecuting attorney shall appear on behalf of the bureau to respond~~  
 34 ~~to a petition filed under this subsection:~~

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

- 40 ~~— (d) The terms of specialized driving privileges must be determined~~  
 41 ~~by a court.~~
- 42 ~~— (e) A stay of a suspension and specialized driving privileges may~~

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

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1 ~~suspension imposed under IC 9-30-6-9(b). However, if the state and~~  
 2 ~~defendant agree pursuant to a term in an accepted plea agreement, or~~  
 3 ~~if the court finds at sentencing that it is in the best interest of society,~~  
 4 ~~the court shall terminate all or any part of the remaining suspension~~  
 5 ~~under IC 9-30-6-9(b) and shall enter this finding in its sentencing~~  
 6 ~~order.~~  
 7 ~~— (c) The bureau shall designate a period of suspension of driving~~  
 8 ~~privileges imposed under section 1(c) of this chapter as consecutive to~~  
 9 ~~any period of suspension imposed under IC 9-30-6-9(b) unless the~~  
 10 ~~sentencing order of the court under subsection (b) terminates all or part~~  
 11 ~~of the remaining suspension under IC 9-30-6-9(b).~~  
 12 ~~— SECTION 24—~~[13]. IC 12-23-5-5 IS AMENDED TO READ AS  
 13 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. (a) ~~Subject~~ to  
 14 ~~subsection (b), if~~ ~~if~~ a court enters an order conditionally  
 15 deferring charges that involve a violation of IC 9-30-5, the court  
 16 ~~shall~~ may do the following:  
 17 (1) Suspend the defendant's driving privileges for at least ninety  
 18 (90) days but not more than two (2) years.  
 19 (2) Impose other appropriate conditions.  
 20 ~~(b) A defendant may be granted probationary~~  
 21 ~~driving privileges only after the defendant's license~~  
 22 ~~has been suspended for at least thirty (30)~~  
 23 ~~days under~~~~IC 9-30-6-9~~ [ IC 9-30-6-9].  
 24 ~~(c) If a defendant has at least one (1)~~  
 25 ~~conviction for an offense under~~~~IC 9-30-5~~ [ IC 9-30-5],  
 26 ~~the order granting probationary driving privileges~~  
 27 ~~under subsection (b) must, in a county that~~  
 28 ~~provides for the installation of an ignition~~  
 29 ~~interlock device under~~~~IC 9-30-8~~ [ IC 9-30-8], ~~prohibit~~  
 30 ~~the defendant from operating a motor vehicle~~  
 31 ~~unless the motor vehicle is equipped with a~~  
 32 ~~functioning certified ignition interlock device under~~  
 33 ~~IC 9-30-8~~ [ IC 9-30-8].  
 34 ~~(d) (b)~~ If a defendant does not have a prior conviction for an  
 35 offense under IC 9-30-5, the court may, as an alternative to a license  
 36 suspension under subsection (a)(1), issue an order prohibiting the  
 37 defendant from operating a motor vehicle unless the motor vehicle is  
 38 equipped with a functioning certified ignition interlock device under  
 39 IC 9-30-8. An order requiring an ignition interlock device must remain  
 40 in effect for at least two (2) years but not more than four (4) years.  
 41 ~~— SECTION 25. IC 12-23-5-5.5 IS AMENDED TO READ AS~~  
 42 ~~FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5.5. (a) A person~~

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1 ~~commits a Class B infraction if the person:~~  
 2 ~~— (1) operates a motor vehicle without a functioning certified~~  
 3 ~~ignition interlock device; and~~  
 4 ~~— (2) is prohibited from operating a motor vehicle unless the motor~~  
 5 ~~vehicle is equipped with a functioning certified ignition interlock~~  
 6 ~~device under section 5(d) 5(b) of this chapter.~~  
 7 ~~— (b) A person commits a Class B misdemeanor if the person:~~  
 8 ~~— (1) operates a motor vehicle without a functioning certified~~  
 9 ~~ignition interlock device; and~~  
 10 ~~— (2) knows the person is prohibited from operating a motor~~  
 11 ~~vehicle unless the motor vehicle is equipped with a functioning~~  
 12 ~~certified ignition interlock device under section 5(d) 5(c) of this~~  
 13 ~~chapter.~~  
 14 > SECTION ~~26~~[14]. IC 14-15-4-4, AS AMENDED BY  
 15 P.L.195-2014, SECTION 6, IS AMENDED TO READ AS FOLLOWS  
 16 [EFFECTIVE JULY 1, 2026]: Sec. 4. A person who knowingly or  
 17 intentionally violates section 1, 2, or 3 of this chapter commits a Class  
 18 C misdemeanor. However, the offense is:  
 19 (1) a Class A misdemeanor if the accident or collision results in  
 20 an injury to a person;  
 21 (2) a Level 6 felony if:  
 22 (A) the accident or collision results in serious bodily injury  
 23 to a person; or  
 24 (B) within the five (5) years preceding the commission of  
 25 the offense, the person had a previous conviction of any of  
 26 the offenses listed in IC 9-30-10-4(a), IC 35-46-9-6 (**before**  
 27 **its repeal**), or IC 14-15-8-8 (before its repeal); or  
 28 (3) a Level 5 felony if the accident or collision results in the  
 29 death of a person.  
 30 SECTION ~~27~~[15]. IC 14-15-11-14, AS AMENDED BY  
 31 P.L.217-2014, SECTION 182, IS AMENDED TO READ AS  
 32 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 14. (a) A court may  
 33 suspend or revoke the driver's license of a person upon the conviction  
 34 of the person of a crime based on a violation of IC 14-15-3, IC 14-15-8  
 35 (before its repeal), IC 35-46-9 (**before its repeal**), or IC 14-15-12.  
 36 (b) In suspending or revoking a driver's license under this section,  
 37 the court shall notify the bureau of the driver's license suspension or  
 38 revocation, and the bureau shall follow the procedure set forth in  
 39 IC 9-30-4.  
 40 SECTION ~~28~~[16]. IC 14-15-11-15, AS AMENDED BY  
 41 P.L.40-2012, SECTION 16, IS AMENDED TO READ AS FOLLOWS  
 42 [EFFECTIVE JULY 1, 2026]: Sec. 15. (a) A court in which an

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1 individual is convicted of a crime based on a violation of IC 14-15-3,  
 2 IC 35-46-9 **(before its repeal)**, IC 14-15-8 (before its repeal), or  
 3 IC 14-15-12 relating to the operation of a motorboat shall forward a  
 4 certified abstract of the record of the conviction to the bureau.

5 (b) If, in the opinion of the court, an individual referred to in  
 6 subsection (a) should be deprived of the privilege of operating a  
 7 vehicle or motorboat, the court shall recommend the suspension of the  
 8 Indiana driver's license issued to the individual for a fixed period. The  
 9 period of the suspension shall be established by the court but may not  
 10 exceed one (1) year.

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

14 (d) A certified abstract forwarded to the bureau under subsection  
 15 (a):

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

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

- 26 (1) IC 14-15-3;
- 27 (2) IC 35-46-9 **(before its repeal)** ~~(or or~~ IC 14-15-8 ~~before~~
- 28 **(before its repeal)**; or
- 29 (3) IC 14-15-12.

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

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

40 SECTION ~~30~~[18]. IC 14-15-12-5, AS AMENDED BY  
 41 P.L.40-2012, SECTION 18, IS AMENDED TO READ AS FOLLOWS  
 42 [EFFECTIVE JULY 1, 2026]: Sec. 5. The requirements and

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

4 SECTION ~~32~~[19]. IC 14-15-13-2, AS AMENDED BY  
 5 P.L.40-2012, SECTION 19, IS AMENDED TO READ AS FOLLOWS  
 6 [EFFECTIVE JULY 1, 2026]: Sec. 2. The requirements and  
 7 prohibitions set forth in this chapter are in addition to the requirements  
 8 and prohibitions set forth in IC 14-15-2, IC 14-15-3, IC 14-15-4,  
 9 14-15-8 (before its repeal), IC 35-46-9 (**before its repeal**), and  
 10 IC 14-15-12.

11 SECTION ~~32~~[20]. IC 31-9-2-84.8, AS AMENDED BY  
 12 P.L.142-2020, SECTION 34, IS AMENDED TO READ AS  
 13 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 84.8. "Nonwaivable  
 14 offense", for purposes of this title, means a conviction of any of the  
 15 following felonies:

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

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- 1           **(before its repeal)** within the past five (5) years.  
 2           (24) A felony involving a weapon under IC 35-47 within the past  
 3           five (5) years.  
 4           (25) A felony relating to controlled substances under IC 35-48-4  
 5           within the past five (5) years.  
 6           (26) An offense relating to material or a performance that is  
 7           harmful to minors or obscene under IC 35-49-3.  
 8           (27) A felony under IC 9-30-5 within the past five (5) years.  
 9           (28) A felony related to the health or safety of a child (as defined  
 10          in IC 31-9-2-13(h)) or an endangered adult (as defined in  
 11          IC 12-10-3-2).
- 12          SECTION ~~33~~ [\[21\]](#). IC 31-19-11-1, AS AMENDED BY  
 13          P.L.56-2023, SECTION 282, IS AMENDED TO READ AS  
 14          FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) Whenever the  
 15          court has heard the evidence and finds that:
- 16               (1) the adoption requested is in the best interest of the child;  
 17               (2) the petitioner or petitioners for adoption are of sufficient  
 18               ability to rear the child and furnish suitable support and  
 19               education;  
 20               (3) the report of the investigation and recommendation under  
 21               IC 31-19-8-5 has been filed;  
 22               (4) the attorney or agency arranging an adoption has filed with  
 23               the court an affidavit prepared by the Indiana department of  
 24               health under IC 31-19-5-16 indicating whether a man is entitled  
 25               to notice of the adoption because the man has registered with the  
 26               putative father registry in accordance with IC 31-19-5;  
 27               (5) proper notice arising under subdivision (4), if notice is  
 28               necessary, of the adoption has been given;  
 29               (6) the attorney or agency has filed with the court an affidavit  
 30               prepared by the Indiana department of health under:  
 31                       (A) IC 31-19-6 indicating whether a record of a paternity  
 32                       determination; or  
 33                       (B) IC 16-37-2-2(g) indicating whether a paternity affidavit  
 34                       executed under IC 16-37-2-2.1;  
 35               has been filed in relation to the child;  
 36               (7) proper consent, if consent is necessary, to the adoption has  
 37               been given;  
 38               (8) the petitioner for adoption is not prohibited from adopting the  
 39               child as the result of an inappropriate criminal history described  
 40               in subsection (c) or (d); and  
 41               (9) the person, licensed child placing agency, or local office that  
 42               has placed the child for adoption has provided the documents

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1 and other information required under IC 31-19-17 to the  
 2 prospective adoptive parents;  
 3 the court shall grant the petition for adoption and enter an adoption  
 4 decree.

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

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

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

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

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

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

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

- 41 (1) suitable and willing relative; or
- 42 (2) de facto custodian;

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

2 (b) The department shall consider placing a child described in

3 subsection (a) with a relative related by blood, marriage, or adoption

4 before considering any other placement of the child.

5 (c) Before the department places a child in need of services with

6 a relative or a de facto custodian, the department shall complete an

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

8 (d) Except as provided in subsection (f), before placing a child in

9 need of services in an out-of-home placement, the department shall

10 conduct a criminal history check of each person who is currently

11 residing in the location designated as the out-of-home placement.

12 (e) Except as provided in subsection (g), the department may not

13 make an out-of-home placement if a person described in subsection (d)

14 has:

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

16 abuse or neglect; or

17 (2) been convicted of a nonwaivable offense, as defined in

18 IC 31-9-2-84.8 or had a juvenile adjudication for an act that

19 would be a nonwaivable offense, as defined in IC 31-9-2-84.8 if

20 committed by an adult.

21 (f) The department is not required to conduct a criminal history

22 check under subsection (d) if the department makes an out-of-home

23 placement to an entity or a facility that is not a residence (as defined in

24 IC 3-5-2.1-90) or that is licensed by the state.

25 (g) A court may order or the department may approve an

26 out-of-home placement if:

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

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

29 child abuse or neglect;

30 (B) been convicted of:

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

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

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

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

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

36 (vi) operating a motorboat while intoxicated

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

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

39 (viii) a felony relating to controlled substances under

40 IC 35-48-4; or

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

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

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or  
(C) had a juvenile adjudication for a nonwaivable offense,  
as defined in IC 31-9-2-84.8 that, if committed by an adult,  
would be a felony; and  
(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 the  
placement is in the best interest of the child.

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

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

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

SECTION ~~35~~ [23]. IC 31-34-20-1.5, AS AMENDED BY  
P.L.186-2025, SECTION 161, IS AMENDED TO READ AS  
FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1.5. (a) Except as  
provided in subsection (d), the juvenile court may not enter a  
dispositional decree approving or ordering placement of a child in  
another home under section 1(a)(3) of this chapter or awarding  
wardship to the department that will place the child in another home  
under section 1(a)(4) of this chapter if a person who is currently  
residing in the home in which the child would be placed under section  
1(a)(3) or 1(a)(4) of this chapter has committed an act resulting in a  
substantiated report of child abuse or neglect, has a juvenile  
adjudication for an act that would be a nonwaivable offense, as defined  
in IC 31-9-2-84.8 if committed by an adult, or has a conviction for a  
nonwaivable offense, as defined in IC 31-9-2-84.8.

(b) The department or caseworker who prepared the  
predispositional report shall conduct a criminal history check (as  
defined in IC 31-9-2-22.5) to determine if a person described in  
subsection (a) has committed an act resulting in a substantiated report  
of child abuse or neglect, has a juvenile adjudication for an act that  
would be a nonwaivable offense, as defined in IC 31-9-2-84.8 if  
committed by an adult, or has a conviction for a nonwaivable offense,  
as defined in IC 31-9-2-84.8. However, the department or caseworker

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1 is not required to conduct a criminal history check under this section  
2 if criminal history information under IC 31-34-4-2 or IC 31-34-18-6.1  
3 establishes whether a person described in subsection (a) has committed  
4 an act resulting in a substantiated report of child abuse or neglect, has  
5 a juvenile adjudication for an act that would be a nonwaivable offense,  
6 as defined in IC 31-9-2-84.8 if committed by an adult, or has a  
7 conviction for a nonwaivable offense, as defined in IC 31-9-2-84.8.

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

10 (1) the department or caseworker is considering only an  
11 out-of-home placement to an entity or a facility that:

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

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

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

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

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

23 (B) been convicted of:

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

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

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

40 (2) the person's commission of the offense, delinquent act, or act  
41 of abuse or neglect described in subdivision (1) is not relevant  
42 to the person's present ability to care for a child, and placing a

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1 child in another home or awarding wardship to the department  
2 is in the best interest of the child.

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

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

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

13 (2) The severity of the offense, delinquent act, or abuse or  
14 neglect.

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

17 SECTION ~~36~~ [24]. IC 31-34-21-7.5, AS AMENDED BY  
18 P.L.156-2020, SECTION 119, IS AMENDED TO READ AS  
19 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 7.5. (a) Except as  
20 provided in subsection (d), the juvenile court may not approve a  
21 permanency plan under subsection (c)(1)(C), (c)(1)(D), or (c)(1)(E) if  
22 a person who is currently residing with a person described in  
23 subsection (c)(1)(C) or (c)(1)(D) or in a residence in which the child  
24 would be placed under subsection (c)(1)(E) has committed an act  
25 resulting in a substantiated report of child abuse or neglect, has a  
26 juvenile adjudication for an act that would be a nonwaivable offense,  
27 as defined in IC 31-9-2-84.8 if committed by an adult, or has a  
28 conviction for a nonwaivable offense, as defined in IC 31-9-2-84.8.

29 (b) Before requesting juvenile court approval of a permanency  
30 plan, the department shall conduct a criminal history check (as defined  
31 in IC 31-9-2-22.5) to determine if a person described in subsection (a)  
32 has committed an act resulting in a substantiated report of child abuse  
33 or neglect, has a juvenile adjudication for an act that would be a  
34 nonwaivable offense, as defined in IC 31-9-2-84.8 if committed by an  
35 adult, or has a conviction for a nonwaivable offense, as defined in  
36 IC 31-9-2-84.8. However, the department is not required to conduct a  
37 criminal history check under this section if criminal history information  
38 under IC 31-34-4-2, IC 31-34-18-6.1, or IC 31-34-20-1.5 establishes  
39 whether a person described in subsection (a) has committed an act  
40 resulting in a substantiated report of child abuse or neglect, has a  
41 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

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

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

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

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

(B) Placement of the child for adoption.

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

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

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

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

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

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

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

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

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- 1 of the permanency plan.
- 2 (4) Other items required to be included in a case plan under
- 3 IC 31-34-15 or federal law, consistent with the permanent or
- 4 long term arrangements described by the permanency plan.
- 5 (d) A juvenile court may approve a permanency plan if:
- 6 (1) a 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 that
- 29 approval of the permanency plan is in the best interest of the
- 30 child.
- 31 However, a court may not approve a permanency plan if the person has
- 32 been convicted of a nonwaivable offense, as defined in IC 31-9-2-84.8
- 33 that is not specifically excluded under subdivision (1)(B), or has a
- 34 juvenile adjudication for an act that would be a nonwaivable offense,
- 35 as defined in IC 31-9-2-84.8 if committed by an adult that is not
- 36 specifically excluded under subdivision (1)(B).
- 37 (e) In making its written finding under subsection (d), the court
- 38 shall consider the following:
- 39 (1) The length of time since the person committed the offense,
- 40 delinquent act, or act that resulted in the substantiated report of
- 41 abuse or neglect.
- 42 (2) The severity of the offense, delinquent act, or abuse or

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

SECTION ~~37~~ 25. IC 31-37-19-6.5, AS AMENDED BY P.L.186-2025, SECTION 163, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6.5. (a) Except as provided in subsection (d), the juvenile court may not enter a dispositional decree approving placement of a child in another home under section 1(a)(3) or 6(b)(2)(D) of this chapter or awarding wardship to a person or facility that results in a placement with a person under section 1(a)(4) or 6(b)(2)(E) of this chapter if a person who is currently residing in the home in which the child would be placed under section 1(a)(3), 1(a)(4), 6(b)(2)(D), or 6(b)(2)(E) of this chapter has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a nonwaivable offense, as defined in IC 31-9-2-84.8 if committed by an adult, or has a conviction for a nonwaivable offense, as defined in IC 31-9-2-84.8.

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

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

- (1) the probation officer is considering only an out-of-home placement to an entity or a facility that:
  - (A) is not a residence (as defined in IC 3-5-2.1-90); or
  - (B) is licensed by the state; or
- (2) placement under this section is undetermined at the time the predispositional report is prepared.

(d) The juvenile court may enter a dispositional decree approving

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1 placement of a child in another home under section 1(a)(3) or  
2 6(b)(2)(D) of this chapter or awarding wardship to a person or facility  
3 that results in a placement with a person under section 1(a)(4) or  
4 6(b)(2)(E) of this chapter if:

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

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

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

- 37 (1) The length of time since the person committed the offense,
- 38 delinquent act, or act that resulted in the substantiated report of
- 39 abuse or neglect.
- 40 (2) The severity of the offense, delinquent act, or abuse or
- 41 neglect.
- 42 (3) Evidence of the person's rehabilitation, including the person's

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- 1 cooperation with a treatment plan, if applicable.
- 2 SECTION ~~38~~ [26]. IC 35-31.5-2-37.5 IS REPEALED  
3 [EFFECTIVE JULY 1, 2026]. Sec. 37.5: "Chemical test", for purposes  
4 of IC 35-46-9, has the meaning set forth in IC 35-46-9-1.
- 5 SECTION ~~39~~ [27]. IC 35-31.5-2-177.5 IS REPEALED  
6 [EFFECTIVE JULY 1, 2026]. Sec. 177.5: "Intoxicated", for purposes  
7 of IC 35-46-9, has the meaning set forth in IC 35-46-9-2.
- 8 SECTION ~~40~~ [28]. IC 35-31.5-2-206.5 IS REPEALED  
9 [EFFECTIVE JULY 1, 2026]. Sec. 206.5: "Motorboat", for purposes of  
10 IC 35-46-9, has the meaning set forth in IC 35-46-9-3.
- 11 SECTION ~~41~~ [29]. IC 35-31.5-2-244.5 IS REPEALED  
12 [EFFECTIVE JULY 1, 2026]. Sec. 244.5: "Prima facie evidence of  
13 intoxication", for purposes of IC 35-46-9, has the meaning set forth in  
14 IC 35-46-9-4.
- 15 SECTION ~~42~~ [30]. IC 35-31.5-2-273.5 IS REPEALED  
16 [EFFECTIVE JULY 1, 2026]. Sec. 273.5: "Relevant evidence", for  
17 purposes of IC 35-46-9, has the meaning set forth in IC 35-46-9-5.
- 18 SECTION ~~43~~ [31]. IC 35-33-7-4.5 IS ADDED TO THE  
19 INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS  
20 [EFFECTIVE JULY 1, 2026]: **Sec. 4.5. A person charged with a  
21 misdemeanor under IC 9-30-5-1 or IC 9-30-5-2 may waive the  
22 person's initial hearing.**
- 23 SECTION ~~44~~ [32]. IC 35-33-7-5, AS AMENDED BY  
24 P.L.166-2024, SECTION 3, IS AMENDED TO READ AS FOLLOWS  
25 [EFFECTIVE JULY 1, 2026]: Sec. 5. (a) At the initial hearing of a  
26 person, the judicial officer shall inform the person orally or in writing:  
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 (A) twenty (20) days if the person is charged with a felony;  
30 or  
31 (B) ten (10) days if the person is charged only with one (1)  
32 or more misdemeanors;  
33 after this initial hearing because there are deadlines for filing  
34 motions and raising defenses, and if those deadlines are missed,  
35 the legal issues and defenses that could have been raised will be  
36 waived;  
37 (2) that the person has a right to assigned counsel at no expense  
38 to the person if the person is indigent;  
39 (3) that the person has a right to a speedy trial;  
40 (4) of the amount and conditions of bail;  
41 (5) of the person's privilege against self-incrimination;  
42 (6) of the nature of the charge against the person;

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- 1 (7) that a preliminary plea of not guilty is being entered for the
- 2 person and the preliminary plea of not guilty will become a
- 3 formal plea of not guilty:
- 4 (A) twenty (20) days after the completion of the initial
- 5 hearing; or
- 6 (B) ten (10) days after the completion of the initial hearing
- 7 if the person is charged only with one (1) or more
- 8 misdemeanors;
- 9 unless the defendant enters a different plea; and
- 10 (8) that the person may request to petition for a specialized
- 11 driving privileges hearing if the person is charged with:
- 12 (A) any offense in which the operation of a motor vehicle is
- 13 an element of the offense;
- 14 (B) any offense under IC 9-30-5, IC 35-46-9 (**before its**
- 15 **repeal**), or IC 14-15-8 (before its repeal); or
- 16 (C) any offense under IC 35-42-1, IC 35-42-2, or
- 17 IC 35-44.1-3-1 that involves the use of a vehicle.

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

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

30 SECTION ~~45~~ [33]. IC 35-46-9 IS REPEALED [EFFECTIVE  
 31 JULY 1, 2026]. (Operating a Motorboat While Intoxicated).

32 SECTION ~~46~~ [34]. **An emergency is declared for this act.**

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