

SENATE BILL No. 252

DIGEST OF INTRODUCED BILL

Citations Affected: IC 1-1-2-5; IC 11-10-1-1.5; IC 31-30-3-5; IC 33-34-8; IC 33-37; IC 33-39; IC 35-35-3-3; IC 35-38; IC 35-42-1; IC 35-46-1; IC 35-50.

Synopsis: Criminal law matters. Provides that a person who commits a criminal offense commits a separate offense for each victim of the offense. Requires the department of correction to weekly transport sentenced offenders from the Marion County adult detention center to the appropriate correctional facility. Removes a provision allowing an automatic change of judge when a judge rejects a plea agreement in a misdemeanor case. Allows the state to appeal a sentence in a criminal case. Makes sentences nonsuspendible for: (1) crimes of violence; and (2) persons charged with a felony who have a prior felony conviction. Provides that an inmate may earn not more than six months of educational credit for participating in an individualized case management plan. Increases the penalty for invasion of privacy if the crime is committed by a person against whom domestic battery charges are pending. Provides that crimes committed against different victims during the same episode of criminal conduct do not count against the sentencing cap that applies to crimes committed as part of the same episode of criminal conduct. Specifies that persons convicted of certain crimes may not participate in a community corrections program. Increases the penalty for: (1) reckless homicide; (2) involuntary manslaughter; and (3) reckless supervision; to a Level 4 felony. Establishes the public prosecution fund and a prosecuting attorney compensation fee of \$40, which will be deposited in the public prosecution fund. Provides that a county may be reimbursed for certain prosecutorial expenses from the fund, unless the prosecuting attorney in the county is a noncompliant prosecuting attorney. Requires the Indiana prosecuting attorney's council to set standards for reimbursement.

Effective: July 1, 2026.

Freeman, Carrasco

January 8, 2026, read first time and referred to Committee on Corrections and Criminal Law.



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

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

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

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

SENATE BILL No. 252

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 1-1-2-5 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1,
3 2026]: **Sec. 5. A person who commits a criminal offense commits a**
4 **separate offense for each victim listed in a separately charged**
5 **offense. A court may enter a conviction and impose a sentence for**
6 **each charged offense.**

7 SECTION 2. IC 11-10-1-1.5 IS ADDED TO THE INDIANA CODE
8 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
9 1, 2026]: **Sec. 1.5. (a) The department shall transport sentenced**
10 **offenders from the Marion County adult detention facility to the**
11 **appropriate correctional facility at least one (1) time per week.**

12 **(b) This section applies specifically to the Marion County adult**
13 **detention facility because that facility holds hundreds of offenders**
14 **sentenced to custody in the department and awaiting**
15 **transportation.**

16 SECTION 3. IC 31-30-3-5, AS AMENDED BY P.L.148-2024,
17 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2026]: Sec. 5. Except for those cases in which the juvenile court has no jurisdiction in accordance with IC 31-30-1-4, the court shall, upon motion of the prosecuting attorney and after full investigation and hearing, waive jurisdiction if it finds that:

(1) the child is charged with an act that, if committed by an adult, would be:

(A) a Level 1 felony, Level 2 felony, Level 3 felony, or Level 4 felony, except a felony defined by IC 35-48-4;

(B) involuntary manslaughter as a ~~Level 5 felony~~ under IC 35-42-1-4;

(C) reckless homicide as a ~~Level 5 felony~~ under IC 35-42-1-5; or

(D) unlawful carrying of a handgun as a felony under IC 35-47-2-1.5;

(2) there is probable cause to believe that the child has committed the act; and

(3) the child was at least sixteen (16) years of age when the act charged was allegedly committed;

unless it would be in the best interests of the child and of the safety and welfare of the community for the child to remain within the juvenile justice system.

SECTION 4. IC 33-34-8-1, AS AMENDED BY P.L.213-2025, SECTION 301, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) The following fees and costs apply to cases in the small claims court:

(1) A township docket fee of five dollars (\$5) plus forty-five percent (45%) of the infraction or ordinance violation costs fee under IC 33-37-4-2.

(2) The bailiff's service of process by registered or certified mail fee of fifteen dollars (\$15) for each service.

(3) The cost for the personal service of process by the bailiff or other process server of fifteen dollars (\$15) for each service.

(4) Witness fees, if any, in the amount provided by IC 33-37-10-3 to be taxed and charged in the circuit court.

(5) A redocketing fee, if any, of five dollars (\$5).

(6) A document storage fee under IC 33-37-5-20.

(7) An automated record keeping fee under IC 33-37-5-21.

(8) A late fee, if any, under IC 33-37-5-22.

(9) A public defense administration fee under IC 33-37-5-21.2.

(10) A judicial insurance adjustment fee under IC 33-37-5-25.

(11) A judicial salaries fee under IC 33-37-5-26.

(12) A court administration fee under IC 33-37-5-27.



(13) A pro bono legal services fee under IC 33-37-5-31.

(14) A sheriff's service of process fee under IC 33-37-5-15 for each service of process performed outside Marion County.

(15) A small claims service fee of twenty-six dollars (\$26) under IC 33-37-5-35.

(16) A prosecuting attorney compensation fee under IC 33-37-5-37.

The township docket fee and the cost for the initial service of process shall be paid at the institution of a case. The cost of service after the initial service shall be assessed and paid after service has been made. The cost of witness fees shall be paid before the witnesses are called.

(b) If the amount of the township docket fee computed under subsection (a)(1) is not equal to a whole number, the amount shall be rounded to the next highest whole number.

SECTION 5. IC 33-34-8-3, AS AMENDED BY P.L.213-2025, SECTION 302, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) Payment for all costs made as a result of proceedings in a small claims court shall be to the _____ Township of Marion County Small Claims Court (with the name of the township inserted). The court shall issue a receipt for all money received on a form numbered serially in duplicate.

(b) The court shall distribute collected fees according the following:

(1) Distribute semiannually to the state comptroller:

(A) all automated record keeping fees (IC 33-37-5-21) received by the court for deposit in the homeowner protection unit account established by IC 4-6-12-9 and the state user fee fund established under IC 33-37-9;

(B) all public defense administration fees collected by the court under IC 33-37-5-21.2 for deposit in the state general fund;

(C) sixty percent (60%) of all court administration fees collected by the court under IC 33-37-5-27 for deposit in the state general fund;

(D) all judicial insurance adjustment fees collected by the court under IC 33-37-5-25 for deposit in the state general fund;

(E) seventy-five percent (75%) of all judicial salaries fees collected by the court under IC 33-37-5-26 for deposit in the state general fund; ~~and~~

(F) one hundred percent (100%) of the pro bono legal services fees collected by the court under IC 33-37-5-31 for deposit in the pro bono legal services fund established by IC 33-37-5-34; **and**



(G) all prosecuting attorney compensation fees collected by the court under IC 33-37-5-37 for deposit in the state general fund.

(2) Distribute monthly to the county auditor all document storage fees received by the court. The county auditor shall deposit the document storage fees received under this subdivision into the clerk's record perpetuation fund under IC 33-37-5-2.

(3) Distribute the following fees monthly to the county auditor for deposit in the small claims fund established under IC 33-37-5-36:

(A) The remaining twenty-five percent (25%) of the judicial salaries fees described in subdivision (1)(E).

(B) Township docket fees and late fees.

(C) Small claims service fee received under IC 33-37-5-35.

(D) The remaining forty percent (40%) of the court administration fees described under subdivision (1)(C).

SECTION 6. IC 33-37-4-1, AS AMENDED BY P.L.120-2023, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) For each action that results in a felony conviction under IC 35-50-2 or a misdemeanor conviction under IC 35-50-3, the clerk shall collect from the defendant a criminal costs fee of one hundred twenty dollars (\$120).

(b) In addition to the criminal costs fee collected under this section, the clerk shall collect from the defendant the following fees if they are required under IC 33-37-5:

(1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).

(2) A marijuana eradication program fee (IC 33-37-5-7).

(3) An alcohol and drug services program fee (IC 33-37-5-8(b)).

(4) A law enforcement continuing education program fee (IC 33-37-5-8(c)).

(5) A drug abuse, prosecution, interdiction, and correction fee (IC 33-37-5-9).

(6) An alcohol and drug countermeasures fee (IC 33-37-5-10).

(7) A child abuse prevention fee (IC 33-37-5-12).

(8) A domestic violence prevention and treatment fee (IC 33-37-5-13).

(9) A highway worksite fee (IC 33-37-5-14).

(10) A deferred prosecution fee (IC 33-37-5-17).

(11) A document storage fee (IC 33-37-5-20).

(12) An automated record keeping fee (IC 33-37-5-21).

(13) A late payment fee (IC 33-37-5-22).

(14) A sexual assault victims assistance fee (IC 33-37-5-23).



(15) A public defense administration fee (IC 33-37-5-21.2).

(16) A judicial insurance adjustment fee (IC 33-37-5-25).

(17) A judicial salaries fee (IC 33-37-5-26).

(18) A court administration fee (IC 33-37-5-27).

(19) A DNA sample processing fee (IC 33-37-5-26.2).

(20) A prosecuting attorney compensation fee (IC 33-37-5-37).

(c) Instead of the criminal costs fee prescribed by this section, except for the automated record keeping fee (IC 33-37-5-21), the clerk shall collect a pretrial diversion program fee if an agreement between the prosecuting attorney and the accused person entered into under IC 33-39-1-8 requires payment of those fees by the accused person. The pretrial diversion program fee is:

(1) an initial user's fee of fifty dollars (\$50) for a misdemeanor offense;

(2) an initial user's fee of seventy-five dollars (\$75) for a felony offense;

(3) a monthly user's fee of twenty dollars (\$20) for each month that the person remains in the pretrial diversion program; and

(4) any additional program fee or cost that is:

(A) reasonably related to the person's rehabilitation; and

(B) approved by the court.

A monthly user fee may not be collected beyond the maximum length of the possible sentence.

(d) The clerk shall transfer to the county auditor or city or town fiscal officer the following fees, not later than thirty (30) days after the fees are collected:

(1) The pretrial diversion fee.

(2) The marijuana eradication program fee.

(3) The alcohol and drug services program fee.

(4) The law enforcement continuing education program fee.

The auditor or fiscal officer shall deposit fees transferred under this subsection in the appropriate user fee fund established under IC 33-37-8.

(e) Unless otherwise directed by a court, if a clerk collects only part of a criminal costs fee from a defendant under this section, the clerk shall distribute the partial payment of the criminal costs fee as follows:

(1) The clerk shall apply the partial payment to general court costs.

(2) If there is money remaining after the partial payment is applied to general court costs under subdivision (1), the clerk shall distribute the remainder of the partial payment for deposit in the appropriate county user fee fund.



(3) If there is money remaining after distribution under subdivision (2), the clerk shall distribute the remainder of the partial payment for deposit in the state user fee fund.

(4) If there is money remaining after distribution under subdivision (3), the clerk shall distribute the remainder of the partial payment to any other applicable user fee fund.

(5) If there is money remaining after distribution under subdivision (4), the clerk shall apply the remainder of the partial payment to any outstanding fines owed by the defendant.

SECTION 7. IC 33-37-4-2, AS AMENDED BY P.L.120-2023, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) Except as provided in subsections (d) and (e), for each action that results in a judgment:

(1) for a violation constituting an infraction; or

(2) for a violation of an ordinance of a municipal corporation (as defined in IC 36-1-2-10);

the clerk shall collect from the defendant an infraction or ordinance violation costs fee of seventy dollars (\$70).

(b) In addition to the infraction or ordinance violation costs fee collected under this section, the clerk shall collect from the defendant the following fees, if they are required under IC 33-37-5:

(1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).

(2) An alcohol and drug services program fee (IC 33-37-5-8(b)).

(3) A law enforcement continuing education program fee (IC 33-37-5-8(c)).

(4) An alcohol and drug countermeasures fee (IC 33-37-5-10).

(5) A highway worksite fee (IC 33-37-5-14).

(6) A deferred prosecution fee (IC 33-37-5-17).

(7) A jury fee (IC 33-37-5-19).

(8) A document storage fee (IC 33-37-5-20).

(9) An automated record keeping fee (IC 33-37-5-21).

(10) A late payment fee (IC 33-37-5-22).

(11) A public defense administration fee (IC 33-37-5-21.2).

(12) A judicial insurance adjustment fee (IC 33-37-5-25).

(13) A judicial salaries fee (IC 33-37-5-26).

(14) A court administration fee (IC 33-37-5-27).

(15) A DNA sample processing fee (IC 33-37-5-26.2).

(16) A prosecuting attorney compensation fee (IC 33-37-5-37).

(c) The clerk shall transfer to the county auditor or fiscal officer of the municipal corporation the following fees, not later than thirty (30) days after the fees are collected:



(1) The alcohol and drug services program fee (IC 33-37-5-8(b)).

(2) The law enforcement continuing education program fee (IC 33-37-5-8(c)).

(3) The deferral program fee (subsection (e)).

The auditor or fiscal officer shall deposit the fees in the user fee fund established under IC 33-37-8.

(d) The defendant is not liable for any ordinance violation costs fee in an action if all the following apply:

(1) The defendant was charged with an ordinance violation subject to IC 33-36.

(2) The defendant denied the violation under IC 33-36-3.

(3) Proceedings in court against the defendant were initiated under IC 34-28-5 (or IC 34-4-32 before its repeal).

(4) The defendant was tried and the court entered judgment for the defendant for the violation.

(e) Instead of the infraction or ordinance violation costs fee prescribed by subsection (a), except for the automated record keeping fee (IC 33-37-5-21), the clerk shall collect a deferral program fee if an agreement between a prosecuting attorney or an attorney for a municipal corporation and the person charged with a violation entered into under IC 34-28-5-1 (or IC 34-4-32-1 before its repeal) requires payment of those fees by the person charged with the violation. The deferral program fee is:

(1) an initial user's fee not to exceed fifty-two dollars (\$52); and

(2) a monthly user's fee not to exceed ten dollars (\$10) for each month the person remains in the deferral program.

(f) The fees prescribed by this section are costs for purposes of IC 34-28-5-5 and may be collected from a defendant against whom judgment is entered. Any penalty assessed is in addition to costs.

SECTION 8. IC 33-37-4-3, AS AMENDED BY P.L.85-2017, SECTION 110, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) The clerk shall collect a juvenile costs fee of one hundred twenty dollars (\$120) for each action filed under any of the following:

(1) IC 31-34 (children in need of services).

(2) IC 31-37 (delinquent children).

(3) IC 31-14 (paternity).

(b) In addition to the juvenile costs fee collected under this section, the clerk shall collect the following fees, if they are required under IC 33-37-5:

(1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).



- (2) A marijuana eradication program fee (IC 33-37-5-7).
- (3) An alcohol and drug services program fee (IC 33-37-5-8(b)).
- (4) A law enforcement continuing education program fee (IC 33-37-5-8(c)).
- (5) An alcohol and drug countermeasures fee (IC 33-37-5-10).
- (6) A document storage fee (IC 33-37-5-20).
- (7) An automated record keeping fee (IC 33-37-5-21).
- (8) A late payment fee (IC 33-37-5-22).
- (9) A public defense administration fee (IC 33-37-5-21.2).
- (10) A judicial insurance adjustment fee (IC 33-37-5-25).
- (11) A judicial salaries fee (IC 33-37-5-26).
- (12) A court administration fee (IC 33-37-5-27).
- (13) A DNA sample processing fee (IC 33-37-5-26.2).
- (14) A prosecuting attorney compensation fee (IC 33-37-5-37).**

(c) The clerk shall transfer to the county auditor or city or town fiscal officer the following fees not later than thirty (30) days after they are collected:

- (1) The marijuana eradication program fee (IC 33-37-5-7).
- (2) The alcohol and drug services program fee (IC 33-37-5-8(b)).
- (3) The law enforcement continuing education program fee (IC 33-37-5-8(c)).

The auditor or fiscal officer shall deposit the fees in the appropriate user fee fund established under IC 33-37-8.

SECTION 9. IC 33-37-4-4, AS AMENDED BY P.L.106-2025, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) The clerk shall collect a civil costs fee of one hundred dollars (\$100) from a party filing a civil action. This subsection does not apply to the following civil actions:

- (1) Proceedings to enforce a statute defining an infraction under IC 34-28-5 (or IC 34-4-32 before its repeal).
- (2) Proceedings to enforce an ordinance under IC 34-28-5 (or IC 34-4-32 before its repeal).
- (3) Proceedings in juvenile court under IC 31-34 or IC 31-37.
- (4) Proceedings in paternity under IC 31-14.
- (5) Proceedings in small claims court under IC 33-34.
- (6) Proceedings in actions described in section 7 of this chapter.

(b) In addition to the civil costs fee collected under this section, the clerk shall collect the following fees, if they are required under IC 33-37-5:

- (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).
- (2) A support and maintenance fee (IC 33-37-5-6).



- (3) A document storage fee (IC 33-37-5-20).
- (4) An automated record keeping fee (IC 33-37-5-21).
- (5) A public defense administration fee (IC 33-37-5-21.2).
- (6) A judicial insurance adjustment fee (IC 33-37-5-25).
- (7) A judicial salaries fee (IC 33-37-5-26).
- (8) A court administration fee (IC 33-37-5-27).
- (9) A service fee (IC 33-37-5-28(b)(1) or IC 33-37-5-28(b)(2)).
- (10) A garnishee service fee (IC 33-37-5-28(b)(3) or IC 33-37-5-28(b)(4)).
- (11) For a mortgage foreclosure action, a mortgage foreclosure counseling and education fee (IC 33-37-5-33) (before its expiration on July 1, 2017).
- (12) A pro bono legal services fee (IC 33-37-5-31).
- (13) A jury fee (IC 33-37-5-19.5).

(14) A prosecuting attorney compensation fee (IC 33-37-5-37).

SECTION 10. IC 33-37-4-6, AS AMENDED BY P.L.106-2025, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) For each small claims action, the clerk shall collect the following fees:

- (1) From the party filing the action:
 - (A) a small claims costs fee of thirty-five dollars (\$35);
 - (B) a small claims service fee of ten dollars (\$10) for each named defendant that is not a garnishee defendant; and
 - (C) if the party has named more than three (3) garnishees or garnishee defendants, a small claims garnishee service fee of ten dollars (\$10) for each garnishee or garnishee defendant in excess of three (3).
- (2) From any party adding a defendant that is not a garnishee defendant, a small claims service fee of ten dollars (\$10) for each defendant that is not a garnishee defendant added in the action.
- (3) From any party adding a garnishee or garnishee defendant, a small claims garnishee service fee of ten dollars (\$10) for each garnishee or garnishee defendant added to the action. However, a clerk may not collect a small claims garnishee service fee for the first three (3) garnishees named in the action.

However, a clerk may not collect a small claims costs fee, small claims service fee, or small claims garnishee service fee for a small claims action filed by or on behalf of the attorney general.

- (b) A clerk may not collect a fee under subsection (a)(1)(B), (a)(1)(C), (a)(2), or (a)(3) for a small claims action filed through the Indiana electronic filing system adopted by the Indiana supreme court.
- (c) In addition to a small claims costs fee, small claims service fee,



1 and small claims garnishee service fee collected under this section, the
 2 clerk shall collect the following fees, if they are required under
 3 IC 33-37-5:

4 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or
 5 IC 33-37-5-4).

6 (2) A document storage fee (IC 33-37-5-20).

7 (3) An automated record keeping fee (IC 33-37-5-21).

8 (4) A public defense administration fee (IC 33-37-5-21.2).

9 (5) A judicial insurance adjustment fee (IC 33-37-5-25).

10 (6) A judicial salaries fee (IC 33-37-5-26).

11 (7) A court administration fee (IC 33-37-5-27).

12 (8) A pro bono legal services fee (IC 33-37-5-31).

13 **(9) A prosecuting attorney compensation fee (IC 33-37-5-37).**

14 SECTION 11. IC 33-37-4-7, AS AMENDED BY P.L.106-2025,
 15 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2026]: Sec. 7. (a) Except as provided under subsection (c), the
 17 clerk shall collect from the party filing the action a probate costs fee of
 18 one hundred twenty dollars (\$120) for each action filed under any of
 19 the following:

20 (1) IC 29 (probate).

21 (2) IC 30 (trusts and fiduciaries).

22 (b) In addition to the probate costs fee collected under subsection
 23 (a), the clerk shall collect from the party filing the action the following
 24 fees, if they are required under IC 33-37-5:

25 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or
 26 IC 33-37-5-4).

27 (2) A document storage fee (IC 33-37-5-20).

28 (3) An automated record keeping fee (IC 33-37-5-21).

29 (4) A public defense administration fee (IC 33-37-5-21.2).

30 (5) A judicial insurance adjustment fee (IC 33-37-5-25).

31 (6) A judicial salaries fee (IC 33-37-5-26).

32 (7) A court administration fee (IC 33-37-5-27).

33 (8) A pro bono legal services fee (IC 33-37-5-31).

34 **(9) A prosecuting attorney compensation fee (IC 33-37-5-37).**

35 (c) A clerk may not collect a court costs fee for the filing of the
 36 following exempted actions:

37 (1) Petition to open a safety deposit box.

38 (2) Filing an inheritance tax return, unless proceedings other than
 39 the court's approval of the return become necessary.

40 (3) Offering a will for probate under IC 29-1-7, unless
 41 proceedings other than admitting the will to probate become
 42 necessary.



(4) Filing a closing statement for an estate described in IC 29-1-8-4.

SECTION 12. IC 33-37-5-37 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 37. (a) This section does not apply to a proceeding involving a child alleged to be a delinquent child.**

(b) This subsection does not apply to the following:

(1) A criminal proceeding.

(2) A proceeding to enforce a statute defining an infraction.

(3) A proceeding for an ordinance violation.

In each action filed in a court described in IC 33-37-1-1 and in each small claims action in a court described in IC 33-34, the clerk shall collect a prosecuting attorney compensation fee of forty dollars (\$40).

(c) In each action in which a person is:

(1) convicted of an offense;

(2) required to pay a pretrial diversion fee;

(3) found to have committed an infraction; or

(4) found to have violated an ordinance;

the clerk shall collect a prosecuting attorney compensation fee of forty dollars (\$40).

SECTION 13. IC 33-37-7-2, AS AMENDED BY P.L.106-2025, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 2. (a) The clerk of a circuit court shall distribute semiannually to the state comptroller as the state share for deposit in the homeowner protection unit account established by IC 4-6-12-9 one hundred percent (100%) of the automated record keeping fees collected under IC 33-37-5-21 with respect to actions resulting in the accused person entering into a pretrial diversion program agreement under IC 33-39-1-8 or a deferral program agreement under IC 34-28-5-1 and for deposit in the state general fund seventy percent (70%) of the amount of fees collected under the following:**

(1) IC 33-37-4-1(a) (criminal costs fees).

(2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).

(3) IC 33-37-4-3(a) (juvenile costs fees).

(4) IC 33-37-4-4(a) (civil costs fees).

(5) IC 33-37-4-6(a)(1)(A) (small claims costs fees).

(6) IC 33-37-4-7(a) (probate costs fees).

(7) IC 33-37-5-17 (deferred prosecution fees).

(b) The clerk of a circuit court shall distribute semiannually to the state comptroller for deposit in the state user fee fund established in IC 33-37-9-2 the following:



(1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-37-4-1(b)(5).

(2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

(3) One hundred percent (100%) of the child abuse prevention fees collected under IC 33-37-4-1(b)(7).

(4) One hundred percent (100%) of the domestic violence prevention and treatment fees collected under IC 33-37-4-1(b)(8).

(5) One hundred percent (100%) of the highway worksite fees collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).

(6) Seventy-five percent (75%) of the safe schools fee collected under IC 33-37-5-18.

(7) One hundred percent (100%) of the automated record keeping fee collected under IC 33-37-5-21 not distributed under subsection (a).

(c) The clerk of a circuit court shall distribute monthly to the county auditor the following:

(1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-37-4-1(b)(5).

(2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

The county auditor shall deposit fees distributed by a clerk under this subsection into the county drug free community fund established under IC 5-2-11.

(d) The clerk of a circuit court shall distribute monthly to the county auditor one hundred percent (100%) of the late payment fees collected under IC 33-37-5-22. The county auditor shall deposit fees distributed by a clerk under this subsection as follows:

(1) If directed to do so by an ordinance adopted by the county fiscal body, the county auditor shall deposit forty percent (40%) of the fees in the clerk's record perpetuation fund established under IC 33-37-5-2 and sixty percent (60%) of the fees in the county general fund.

(2) If the county fiscal body has not adopted an ordinance described in subdivision (1), the county auditor shall deposit all the fees in the county general fund.

(e) The clerk of the circuit court shall distribute semiannually to the state comptroller for deposit in the sexual assault victims assistance



fund established by IC 5-2-6-23(d) one hundred percent (100%) of the sexual assault victims assistance fees collected under IC 33-37-5-23.

(f) The clerk of a circuit court shall distribute monthly to the county auditor the following:

(1) One hundred percent (100%) of the support and maintenance fees for cases designated as non-Title IV-D child support cases in the Indiana support enforcement tracking system (ISETS) or the successor statewide automated support enforcement system collected under IC 33-37-5-6.

(2) The percentage share of the support and maintenance fees for cases designated as Title IV-D child support cases in ISETS or the successor statewide automated support enforcement system collected under IC 33-37-5-6 that is reimbursable to the county at the federal financial participation rate.

The county clerk shall distribute monthly to the department of child services the percentage share of the support and maintenance fees for cases designated as Title IV-D child support cases in ISETS, or the successor statewide automated support enforcement system, collected under IC 33-37-5-6 that is not reimbursable to the county at the applicable federal financial participation rate.

(g) The clerk of a circuit court shall distribute monthly to the county auditor the following:

(1) One hundred percent (100%) of the small claims service fee under IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2) for deposit in the county general fund.

(2) One hundred percent (100%) of the small claims garnishee service fee under IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3) for deposit in the county general fund.

(3) Twenty-five percent (25%) of the safe schools fee collected under IC 33-37-5-18 for deposit in the county general fund.

(h) This subsection does not apply to court administration fees collected in small claims actions filed in a court described in IC 33-34. The clerk of a circuit court shall semiannually distribute to the state comptroller for deposit in the state general fund one hundred percent (100%) of the following:

(1) The public defense administration fee collected under IC 33-37-5-21.2.

(2) The judicial salaries fees collected under IC 33-37-5-26.

(3) The DNA sample processing fees collected under IC 33-37-5-26.2.

(4) The court administration fees collected under IC 33-37-5-27.

(5) The judicial insurance adjustment fee collected under



1 IC 33-37-5-25.

2 **(6) The prosecuting attorney compensation fee collected under**
 3 **IC 33-37-5-37.**

4 (i) The proceeds of the service fee collected under
 5 IC 33-37-5-28(b)(1) or IC 33-37-5-28(b)(2) shall be distributed as
 6 follows:

7 (1) The clerk shall distribute one hundred percent (100%) of the
 8 service fees collected in a circuit, superior, county, or probate
 9 court to the county auditor for deposit in the county general fund.

10 (2) The clerk shall distribute one hundred percent (100%) of the
 11 service fees collected in a city or town court to the city or town
 12 fiscal officer for deposit in the city or town general fund.

13 (j) The proceeds of the garnishee service fee collected under
 14 IC 33-37-5-28(b)(3) or IC 33-37-5-28(b)(4) shall be distributed as
 15 follows:

16 (1) The clerk shall distribute one hundred percent (100%) of the
 17 garnishee service fees collected in a circuit, superior, county, or
 18 probate court to the county auditor for deposit in the county
 19 general fund.

20 (2) The clerk shall distribute one hundred percent (100%) of the
 21 garnishee service fees collected in a city or town court to the city
 22 or town fiscal officer for deposit in the city or town general fund.

23 (k) The clerk of the circuit court shall distribute semiannually to the
 24 state comptroller for deposit in the home ownership education account
 25 established by IC 5-20-1-27 one hundred percent (100%) of the
 26 following:

27 (1) The mortgage foreclosure counseling and education fees
 28 collected under IC 33-37-5-33 (before its expiration on July 1,
 29 2017).

30 (2) Any civil penalties imposed and collected by a court for a
 31 violation of a court order in a foreclosure action under
 32 IC 32-30-10.5.

33 (l) The clerk of a circuit court shall distribute semiannually to the
 34 state comptroller for deposit in the pro bono legal services fund
 35 established by IC 33-37-5-34 one hundred percent (100%) of the pro
 36 bono legal services fees collected under IC 33-37-5-31.

37 SECTION 14. IC 33-37-7-8, AS AMENDED BY P.L.106-2025,
 38 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2026]: Sec. 8. (a) The clerk of a city or town court shall
 40 distribute semiannually to the state comptroller as the state share for
 41 deposit in the homeowner protection unit account established by
 42 IC 4-6-12-9 one hundred percent (100%) of the automated record



keeping fees collected under IC 33-37-5-21 with respect to actions resulting in the accused person entering into a pretrial diversion program agreement under IC 33-39-1-8 or a deferral program agreement under IC 34-28-5-1 and for deposit in the state general fund fifty-five percent (55%) of the amount of fees collected under the following:

- (1) IC 33-37-4-1(a) (criminal costs fees).
- (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-37-4-4(a) (civil costs fees).
- (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
- (5) IC 33-37-5-17 (deferred prosecution fees).

(b) The city or town fiscal officer shall distribute monthly to the county auditor as the county share twenty percent (20%) of the amount of fees collected under the following:

- (1) IC 33-37-4-1(a) (criminal costs fees).
- (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-37-4-4(a) (civil costs fees).
- (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
- (5) IC 33-37-5-17 (deferred prosecution fees).

(c) The city or town fiscal officer shall retain twenty-five percent (25%) as the city or town share of the fees collected under the following:

- (1) IC 33-37-4-1(a) (criminal costs fees).
- (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-37-4-4(a) (civil costs fees).
- (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
- (5) IC 33-37-5-17 (deferred prosecution fees).

(d) The clerk of a city or town court shall distribute semiannually to the state comptroller for deposit in the state user fee fund established in IC 33-37-9 the following:

- (1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-37-4-1(b)(5).
- (2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
- (3) One hundred percent (100%) of the highway worksite fees collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).
- (4) Seventy-five percent (75%) of the safe schools fee collected under IC 33-37-5-18.
- (5) One hundred percent (100%) of the automated record keeping fee collected under IC 33-37-5-21 not distributed under



1 subsection (a).

2 (e) The clerk of a city or town court shall distribute monthly to the
3 county auditor the following:

4 (1) Seventy-five percent (75%) of the drug abuse, prosecution,
5 interdiction, and correction fees collected under
6 IC 33-37-4-1(b)(5).

7 (2) Seventy-five percent (75%) of the alcohol and drug
8 countermeasures fees collected under IC 33-37-4-1(b)(6),
9 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

10 The county auditor shall deposit fees distributed by a clerk under this
11 subsection into the county drug free community fund established under
12 IC 5-2-11.

13 (f) The clerk of a city or town court shall distribute monthly to the
14 city or town fiscal officer (as defined in IC 36-1-2-7) one hundred
15 percent (100%) of the following:

16 (1) The late payment fees collected under IC 33-37-5-22.

17 (2) The small claims service fee collected under
18 IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2).

19 (3) The small claims garnishee service fee collected under
20 IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3).

21 (4) Twenty-five percent (25%) of the safe schools fee collected
22 under IC 33-37-5-18.

23 The city or town fiscal officer (as defined in IC 36-1-2-7) shall deposit
24 fees distributed by a clerk under this subsection in the city or town
25 general fund.

26 (g) The clerk of a city or town court shall semiannually distribute to
27 the state comptroller for deposit in the state general fund one hundred
28 percent (100%) of the following:

29 (1) The public defense administration fee collected under
30 IC 33-37-5-21.2.

31 (2) The DNA sample processing fees collected under
32 IC 33-37-5-26.2.

33 (3) The court administration fees collected under IC 33-37-5-27.

34 (4) The judicial insurance adjustment fee collected under
35 IC 33-37-5-25.

36 **(5) The prosecuting attorney compensation fee collected under**
37 **IC 33-37-5-37.**

38 (h) The clerk of a city or town court shall semiannually distribute to
39 the state comptroller for deposit in the state general fund seventy-five
40 percent (75%) of the judicial salaries fee collected under
41 IC 33-37-5-26. The city or town fiscal officer shall retain twenty-five
42 percent (25%) of the judicial salaries fee collected under



1 IC 33-37-5-26. The funds retained by the city or town shall be
2 prioritized to fund city or town court operations.

3 (i) The clerk of a city or town court shall distribute semiannually to
4 the state comptroller for deposit in the pro bono legal services fund
5 established by IC 33-37-5-34 one hundred percent (100%) of the pro
6 bono legal services fees collected under IC 33-37-5-31.

7 SECTION 15. IC 33-39-8-5, AS AMENDED BY P.L.55-2022,
8 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2026]: Sec. 5. The council shall do the following:

10 (1) Assist in the coordination of the duties of the prosecuting
11 attorneys of the state and their staffs.

12 (2) Prepare manuals of procedure.

13 (3) Give assistance in preparation of the trial briefs, forms, and
14 instructions.

15 (4) Conduct training for prosecuting attorneys and the staff of
16 prosecuting attorneys.

17 (5) Conduct research and studies that would be of interest and
18 value to all prosecuting attorneys and their staffs.

19 (6) Maintain liaison contact with study commissions and agencies
20 of all branches of local, state, and federal government that will be
21 of benefit to law enforcement and the fair administration of
22 justice in Indiana.

23 **(7) Adopt guidelines and standards for services under which**
24 **the counties will be eligible for reimbursement under**
25 **IC 33-39-11.**

26 ~~(7)~~ **(8)** Adopt guidelines for the expenditure of funds derived from
27 a deferral program or a pretrial diversion program.

28 ~~(8)~~ **(9)** The council shall:

29 (A) compile forfeiture data received under IC 34-24-1-4.5; and

30 (B) annually submit a report to the legislative council
31 containing the compiled data.

32 The council shall submit the report to the legislative council before
33 July 15 of every year. The report must be in an electronic format under
34 IC 5-14-6. The council may adopt rules under IC 4-22-2 to implement
35 this subdivision.

36 SECTION 16. IC 33-39-8.1-9, AS ADDED BY P.L.147-2025,
37 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 JULY 1, 2026]: Sec. 9. **(a)** If the board determines that a prosecuting
39 attorney is a noncompliant prosecuting attorney, the board shall issue
40 a report to:

41 (1) the prosecuting attorneys council of Indiana; and

42 (2) the alleged noncompliant prosecuting attorney.



1 (b) Upon receipt of a report that a prosecuting attorney is a
2 noncompliant prosecuting attorney, the board may notify the state
3 comptroller.

4 SECTION 17. IC 33-39-11 IS ADDED TO THE INDIANA CODE
5 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2026]:

7 **Chapter 11. Public Prosecution Fund**

8 **Sec. 1.** As used in this chapter, "council" means the prosecuting
9 attorneys council of Indiana established by IC 33-39-8-2.

10 **Sec. 2.** The public prosecution fund is established to provide
11 county reimbursement of compensation paid to deputy prosecuting
12 attorneys and administrative expenses. The fund shall be
13 administered by the council.

14 **Sec. 3.** The fund consists of money appropriated to the fund by
15 the general assembly.

16 **Sec. 4.** The treasurer of state shall invest the money in the fund
17 not currently needed to meet the obligations of the fund in the same
18 manner as other public funds may be invested.

19 **Sec. 5.** Money in the fund at the end of a state fiscal year does
20 not revert to the state general fund.

21 **Sec. 6. (a)** A county auditor may submit on a quarterly basis a
22 certified request to the state comptroller for reimbursement from
23 the public prosecution fund for salary paid to a deputy prosecuting
24 attorney, other than a chief deputy prosecuting attorney or an
25 elected prosecuting attorney, if the annual salary of the deputy
26 prosecuting attorney is equal to at least fifty-five percent (55%) of
27 the salary paid to the elected full-time prosecuting attorney. The
28 county auditor may request reimbursement under this subsection
29 in an amount that does not exceed twenty-seven and one-half
30 percent (27.5%) of the salary paid to the elected full-time
31 prosecuting attorney.

32 **(b)** A county auditor may submit on a quarterly basis a certified
33 request to the state comptroller for reimbursement from the public
34 prosecution fund for the county's expenditures for fringe benefits
35 provided to a deputy prosecuting attorney, other than a chief
36 deputy prosecuting attorney or an elected prosecuting attorney, if
37 the annual salary of the deputy prosecuting attorney is equal to at
38 least fifty-five percent (55%) of the salary paid to the elected
39 full-time prosecuting attorney. However, a request for
40 reimbursement for fringe benefits under this subsection may not
41 exceed fifteen thousand one hundred forty dollars (\$15,140).

42 **Sec. 7. (a)** Except as provided in subsection (b), upon receiving



1 **certification from a county auditor, the state comptroller shall**
 2 **issue a warrant to the treasurer of state for disbursement to the**
 3 **county of the amount certified.**

4 **(b) If the state comptroller has received instruction from the**
 5 **council under IC 33-39-8.1-9 to withhold payment from the county**
 6 **because the prosecuting attorney is a noncompliant prosecuting**
 7 **attorney, the state comptroller shall not issue a warrant under**
 8 **subsection (a).**

9 SECTION 18. IC 35-35-3-3, AS AMENDED BY P.L.50-2017,
 10 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2026]: Sec. 3. (a) No plea agreement may be made by the
 12 prosecuting attorney to a court on a felony charge except:

13 (1) in writing; and

14 (2) before the defendant enters a plea of guilty.

15 The plea agreement shall be shown as filed, and if its contents indicate
 16 that the prosecuting attorney anticipates that the defendant intends to
 17 enter a plea of guilty to a felony charge, the court shall order the
 18 presentence report required by IC 35-38-1-8 and may hear evidence on
 19 the plea agreement.

20 (b) If the plea agreement is not accepted, the court shall reject it
 21 before the case may be disposed of by trial or by guilty plea. If the court
 22 rejects the plea agreement, subsequent plea agreements may be filed
 23 with the court, subject to the same requirements that this chapter
 24 imposes upon the initial plea agreement.

25 (c) A plea agreement in a misdemeanor case may be submitted
 26 orally to the court.

27 ~~(d) In a misdemeanor case, if:~~

28 ~~(1) the court rejects a plea agreement; and~~

29 ~~(2) the prosecuting attorney or the defendant files a written~~
 30 ~~motion for change of judge within ten (10) days after the plea~~
 31 ~~agreement is rejected;~~

32 ~~the court shall grant the motion for change of judge and transfer the~~
 33 ~~proceeding to a special judge under the Indiana Rules of Criminal~~
 34 ~~Procedure. However, there may not be more than one (1) transfer of the~~
 35 ~~proceeding to a special judge under this subsection.~~

36 ~~(e) (d)~~ If the court accepts a plea agreement, it shall be bound by its
 37 terms.

38 SECTION 19. IC 35-38-1-21 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 21. (a) A court that
 40 receives a petition from the department of correction under
 41 IC 35-38-3-5 may, after notice to the prosecuting attorney of the
 42 judicial circuit in which the defendant's case originated, hold a hearing



for the purpose of determining whether the offender named in the petition may be placed in home detention under IC 35-38-2.5 instead of commitment to the department of correction for the remainder of the offender's minimum sentence.

(b) Notwithstanding ~~IC 35-35-3-3(e)~~, **IC 35-35-3-3(d)**, and after a hearing held under this section, a sentencing court may order the offender named in the petition filed under IC 35-38-3-5 to be placed in home detention under IC 35-38-2.5 instead of commitment to the department of correction for the remainder of the offender's minimum sentence.

SECTION 20. IC 35-38-1-33, AS ADDED BY P.L.87-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 33. (a) As used in this section, "offender" means an individual convicted of a sex offense.

(b) As used in this section, "sex offense" has the meaning set forth in IC 11-8-8-5.2.

(c) An offender may petition for waiver of the residency restriction described in ~~IC 35-46-1-15.1(c)~~. **IC 35-46-1-15.1(d)**. The court may waive the residency restriction if the court, at a hearing at which the offender is present and of which the prosecuting attorney has been notified, determines that:

- (1) the offender has successfully completed a sex offender treatment program; and
- (2) good cause exists to allow the offender to reside within one (1) mile of the residence of the victim of the offender's sex offense.

However, the court may not grant a waiver under this subsection if the offender is a sexually violent predator under IC 35-38-1-7.5 or if the offender is an offender against children under IC 35-42-4-11.

(d) If the court grants a waiver under this section, the court shall determine the duration of the waiver. The offender may petition the court for an extension of the waiver not later than sixty (60) days before its expiration. However, if the court denies an offender's petition for waiver under this section, then the offender is subject to prosecution for the offense described in ~~IC 35-46-1-15.1(c)~~. **IC 35-46-1-15.1(d)**.

(e) If the court grants a waiver under this section, the court shall state in writing the reasons for granting the waiver. The court's written statement of its reasons shall be incorporated into the record.

(f) The address of the victim of the offender's sex offense is confidential even if the court grants a waiver under this section.

SECTION 21. IC 35-38-2.6-1, AS AMENDED BY P.L.148-2024, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. This chapter does not apply to persons



convicted of any of the following offenses: ~~whenever any part of the sentence may not be suspended under IC 35-50-2-2.2:~~

- (1) Sex crimes under IC 35-42-4 or IC 35-46-1-3.
- (2) A Level 1 felony.
- (3) A Class A felony.
- (4) Any of the following felonies:
 - (A) Murder (IC 35-42-1-1).
 - (B) A battery offense included in IC 35-42-2 with a deadly weapon or causing death.
 - (C) Kidnapping (IC 35-42-3-2).
 - (D) Criminal confinement (IC 35-42-3-3) with a deadly weapon.
 - (E) Robbery (IC 35-42-5-1) resulting in serious bodily injury or with a deadly weapon.
 - (F) Arson (IC 35-43-1-1) for hire resulting in serious bodily injury.
 - (G) Burglary (IC 35-43-2-1) resulting in serious bodily injury.
 - (H) Resisting law enforcement (IC 35-44.1-3-1) with a deadly weapon.
 - (I) Aggravated battery (IC 35-42-2-1.5).
 - (J) Disarming a law enforcement officer (IC 35-44.1-3-2).
 - (K) A sentence for a crime that is enhanced by criminal organization (IC 35-50-2-15).
 - (L) An offense that is enhanced by habitual offender (IC 35-50-2-8) or habitual substance offender (IC 9-30-15.5-2) determination.**
 - (M) An offense that is enhanced by the use of a firearm under IC 35-50-2-11.**
 - (N) Escape (IC 35-44.1-3-4).**
 - (O) Unlawful carrying of a handgun (IC 35-47-2-1.5).**
 - (P) An offense in which the defendant used a firearm in the commission of the offense, regardless of whether the use of the firearm is an element.**

SECTION 22. IC 35-38-4-2, AS AMENDED BY P.L.112-2021, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) Appeals to the supreme court or to the court of appeals, as provided by court rules, may be taken by the state as of right in the following cases:

- (1) From an order granting a motion to dismiss one (1) or more counts of an indictment or information.
- (2) From an order granting a motion to discharge a defendant before trial for any reason, including delay commencing trial or



after the defendant's plea of former jeopardy.

(3) From an order granting a motion to correct errors.

(4) Upon a question reserved by the state, if the defendant is acquitted.

(5) From an order granting a motion to suppress evidence, if the ultimate effect of the order is to preclude further prosecution of one (1) or more counts of an information or indictment.

(6) From a sentencing order.

(b) The state may appeal an interlocutory order to the supreme court or to the court of appeals, as provided by court rules, if the trial court certifies the appeal and the court on appeal finds that:

(1) the state will suffer substantial expense, damage, or injury if the order is erroneous and the determination thereof is withheld until after judgment;

(2) the order involves a substantial question of law, the early determination of which will promote a more orderly disposition of the case; or

(3) the remedy by appeal after judgment is otherwise inadequate.

(c) An interlocutory order that may be appealed by the state under subsection (b) includes but is not limited to:

(1) any order granting a motion to suppress evidence that is substantially important to the prosecution and does not have the ultimate effect of precluding further prosecution; and

(2) any discovery order claimed to violate a court rule, statute, or case law.

SECTION 23. IC 35-42-1-4, AS AMENDED BY P.L.203-2018, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) As used in this section, "fetus" means a fetus in any stage of development.

(b) A person who kills another human being while committing or attempting to commit:

(1) a Level 5 or Level 6 felony that inherently poses a risk of serious bodily injury;

(2) a Class A misdemeanor that inherently poses a risk of serious bodily injury; or

(3) battery;

commits involuntary manslaughter, a ~~Level 5~~ Level 4 felony.

(c) Except as provided in section 6.5 of this chapter, a person who kills a fetus while committing or attempting to commit:

(1) a Level 5 or Level 6 felony that inherently poses a risk of serious bodily injury;

(2) a Class A misdemeanor that inherently poses a risk of serious



1 bodily injury;
 2 (3) a battery offense included in IC 35-42-2; or
 3 (4) a violation of IC 9-30-5-1 through IC 9-30-5-5 (operating a
 4 vehicle while intoxicated);
 5 commits involuntary manslaughter, a ~~Level 5~~ **Level 4** felony.

6 SECTION 24. IC 35-42-1-5, AS AMENDED BY P.L.158-2013,
 7 SECTION 415, IS AMENDED TO READ AS FOLLOWS
 8 [EFFECTIVE JULY 1, 2026]: Sec. 5. A person who recklessly kills
 9 another human being commits reckless homicide, a ~~Level 5~~ **Level 4**
 10 felony.

11 SECTION 25. IC 35-46-1-4.1, AS ADDED BY P.L.158-2013,
 12 SECTION 551, IS AMENDED TO READ AS FOLLOWS
 13 [EFFECTIVE JULY 1, 2026]: Sec. 4.1. (a) As used in this section,
 14 "child care provider" means a person who provides child care in or on
 15 behalf of:

16 (1) a child care center (as defined in IC 12-7-2-28.4); or
 17 (2) a child care home (as defined in IC 12-7-2-28.6);
 18 regardless of whether the child care center or child care home is
 19 licensed.

20 (b) A child care provider who recklessly supervises a child commits
 21 reckless supervision, a Class B misdemeanor. However, the offense is
 22 a Class A misdemeanor if the offense results in serious bodily injury to
 23 a child, and a ~~Level 6~~ **Level 4** felony if the offense results in the death
 24 of a child.

25 SECTION 26. IC 35-46-1-15.1, AS AMENDED BY P.L.28-2023,
 26 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2026]: Sec. 15.1. (a) A person who knowingly or intentionally
 28 violates:

29 (1) a protective order to prevent domestic or family violence or
 30 harassment issued under IC 34-26-5 (or, if the order involved a
 31 family or household member, under IC 34-26-2 or IC 34-4-5.1-5
 32 before their repeal);
 33 (2) an ex parte protective order issued under IC 34-26-5 (or, if the
 34 order involved a family or household member, an emergency
 35 order issued under IC 34-26-2 or IC 34-4-5.1 before their repeal);
 36 (3) a workplace violence restraining order issued under
 37 IC 34-26-6;
 38 (4) a no contact order in a dispositional decree issued under
 39 IC 31-34-20-1, IC 31-37-19-1, or IC 31-37-5-6 (or IC 31-6-4-15.4
 40 or IC 31-6-4-15.9 before their repeal) or an order issued under
 41 IC 31-32-13 (or IC 31-6-7-14 before its repeal) that orders the
 42 person to refrain from direct or indirect contact with a child in



1 need of services or a delinquent child;

2 (5) a no contact order issued as a condition of pretrial release,
3 including release on bail or personal recognizance, or pretrial
4 diversion, and including a no contact order issued under
5 IC 35-33-8-3.6;

6 (6) a no contact order issued as a condition of probation;

7 (7) a protective order to prevent domestic or family violence
8 issued under IC 31-15-5 (or IC 31-16-5 or IC 31-11.5-8.2 before
9 their repeal);

10 (8) a protective order to prevent domestic or family violence
11 issued under IC 31-14-16-1 in a paternity action;

12 (9) an order issued in another state that is substantially similar to
13 an order described in subdivisions (1) through (8);

14 (10) an order that is substantially similar to an order described in
15 subdivisions (1) through (8) and is issued by an Indian:

16 (A) tribe;

17 (B) band;

18 (C) pueblo;

19 (D) nation; or

20 (E) organized group or community, including an Alaska
21 Native village or regional or village corporation as defined in
22 or established under the Alaska Native Claims Settlement Act
23 (43 U.S.C. 1601 et seq.);

24 that is recognized as eligible for the special programs and services
25 provided by the United States to Indians because of their special
26 status as Indians;

27 (11) an order issued under IC 35-33-8-3.2; or

28 (12) an order issued under IC 35-38-1-30;

29 commits invasion of privacy, a Class A misdemeanor **except as**
30 **otherwise provided in this section.**

31 **(b) However, The offense described in subsection (a) is a Level 6**
32 **felony if one (1) or more of the following apply:**

33 **(1) The person has a prior unrelated conviction for an offense**
34 **under this subsection or IC 35-45-10-5 (stalking).**

35 **(2) The person committed the offense while charged with**
36 **domestic battery (IC 35-42-2-1.3) as a felony.**

37 ~~(b)~~ **(c)** It is not a defense to a prosecution under subsection (a) that
38 the accused person used or operated an unmanned aerial vehicle in
39 committing the violation.

40 ~~(c)~~ **(d)** A sex offender under IC 11-8-8-4.5 who:

41 (1) establishes a new residence within a one (1) mile radius of the
42 residence of the victim of the offender's sex offense;



(2) intends to reside (as defined in IC 35-42-4-11(b)) at the residence; and

(3) at the time the sex offender established the residence, knew or reasonably should have known that the residence was located within a one (1) mile radius of the residence of the victim of the offender's sex offense;

commits invasion of privacy, a Class A misdemeanor. However, the offense is a Level 6 felony if the sex offender has a prior unrelated conviction under this subsection.

~~(d)~~ **(e)** The victim of the sex offender's sex offense may not be prosecuted under ~~subsection (e)~~ **subsection (d)** if the victim's liability is based on aiding, inducing, or causing the offender to commit the offense described in ~~subsection (e)~~ **subsection (d)**.

~~(e)~~ **(f)** ~~Subsection (e)~~ **Subsection (d)** does not apply to a sex offender who has obtained a waiver of residency under IC 35-38-2-2.5 or IC 35-38-1-33.

SECTION 27. IC 35-50-1-2, AS AMENDED BY P.L.218-2025, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) As used in this section, "crime of violence" means the following:

- (1) Murder (IC 35-42-1-1).
- (2) Attempted murder (IC 35-41-5-1).
- (3) Voluntary manslaughter (IC 35-42-1-3).
- (4) Involuntary manslaughter (IC 35-42-1-4).
- (5) Reckless homicide (IC 35-42-1-5).
- (6) Battery (IC 35-42-2-1) as a:
 - (A) Level 2 felony;
 - (B) Level 3 felony;
 - (C) Level 4 felony; or
 - (D) Level 5 felony.
- (7) Domestic battery (IC 35-42-2-1.3) as a:
 - (A) Level 2 felony;
 - (B) Level 3 felony;
 - (C) Level 4 felony; or
 - (D) Level 5 felony.
- (8) Aggravated battery (IC 35-42-2-1.5).
- (9) Kidnapping (IC 35-42-3-2).
- (10) Rape (IC 35-42-4-1).
- (11) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
- (12) Child molesting (IC 35-42-4-3).
- (13) Sexual misconduct with a minor as a Level 1 felony under IC 35-42-4-9(a)(2) or a Level 2 felony under IC 35-42-4-9(b)(2).



- 1 (14) Robbery as a Level 2 felony or a Level 3 felony (IC
- 2 35-42-5-1).
- 3 (15) Burglary as a Level 1 felony, Level 2 felony, Level 3 felony,
- 4 or Level 4 felony (IC 35-43-2-1).
- 5 (16) Operating a vehicle while intoxicated causing death or
- 6 catastrophic injury (IC 9-30-5-5).
- 7 (17) Operating a vehicle while intoxicated causing serious bodily
- 8 injury to another person (IC 9-30-5-4).
- 9 (18) Child exploitation as a Level 5 felony under IC 35-42-4-4(b)
- 10 or a Level 4 felony under IC 35-42-4-4(c).
- 11 (19) Resisting law enforcement as a felony (IC 35-44.1-3-1).
- 12 (20) Unlawful possession of a firearm by a serious violent felon
- 13 (IC 35-47-4-5).
- 14 (21) Strangulation (IC 35-42-2-9) as a Level 5 felony.
- 15 (b) As used in this section, "episode of criminal conduct" means
- 16 offenses or a connected series of offenses that are closely related in
- 17 time, place, and circumstance.
- 18 (c) Except as provided in subsection (e) or (f) the court shall
- 19 determine whether terms of imprisonment shall be served concurrently
- 20 or consecutively. The court may consider the:
- 21 (1) aggravating circumstances in IC 35-38-1-7.1(a); and
- 22 (2) mitigating circumstances in IC 35-38-1-7.1(b);
- 23 in making a determination under this subsection. The court may order
- 24 terms of imprisonment to be served consecutively even if the sentences
- 25 are not imposed at the same time. However, except for crimes of
- 26 violence, **and crimes committed against separate victims in the**
- 27 **same episode of criminal conduct**, the total of the consecutive terms
- 28 of imprisonment, exclusive of terms of imprisonment under
- 29 IC 35-50-2-8 and IC 35-50-2-10 (before its repeal) to which the
- 30 defendant is sentenced for felony or misdemeanor convictions arising
- 31 out of an episode of criminal conduct shall not exceed the period
- 32 described in subsection (d).
- 33 (d) Except as provided in subsection (c), the total of the consecutive
- 34 terms of imprisonment to which the defendant is sentenced for
- 35 convictions arising out of an episode of criminal conduct may not
- 36 exceed the following:
- 37 (1) If the most serious crime for which the defendant is sentenced
- 38 is a Class C misdemeanor, the total of the consecutive terms of
- 39 imprisonment may not exceed one (1) year.
- 40 (2) If the most serious crime for which the defendant is sentenced
- 41 is a Class B misdemeanor, the total of the consecutive terms of
- 42 imprisonment may not exceed two (2) years.



(3) If the most serious crime for which the defendant is sentenced is a Class A misdemeanor, the total of the consecutive terms of imprisonment may not exceed three (3) years.

(4) If the most serious crime for which the defendant is sentenced is a Level 6 felony, the total of the consecutive terms of imprisonment may not exceed four (4) years.

(5) If the most serious crime for which the defendant is sentenced is a Level 5 felony, the total of the consecutive terms of imprisonment may not exceed seven (7) years.

(6) If the most serious crime for which the defendant is sentenced is a Level 4 felony, the total of the consecutive terms of imprisonment may not exceed fifteen (15) years.

(7) If the most serious crime for which the defendant is sentenced is a Level 3 felony, the total of the consecutive terms of imprisonment may not exceed twenty (20) years.

(8) If the most serious crime for which the defendant is sentenced is a Level 2 felony, the total of the consecutive terms of imprisonment may not exceed thirty-two (32) years.

(9) If the most serious crime for which the defendant is sentenced is a Level 1 felony, the total of the consecutive terms of imprisonment may not exceed forty-two (42) years.

(e) If, after being arrested for one (1) crime, a person commits another crime:

(1) before the date the person is discharged from probation, parole, or a term of imprisonment imposed for the first crime; or

(2) while the person is released:

(A) upon the person's own recognizance; or

(B) on bond;

the terms of imprisonment for the crimes shall be served consecutively, regardless of the order in which the crimes are tried and sentences are imposed.

(f) If the factfinder determines under IC 35-50-2-11 that a person used a firearm in the commission of the offense for which the person was convicted, the term of imprisonment for the underlying offense and the additional term of imprisonment imposed under IC 35-50-2-11 must be served consecutively.

SECTION 28. IC 35-50-2-2.2, AS AMENDED BY P.L.170-2023, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2.2. (a) Except as provided in subsection (b) or (c), the court may suspend any part of a sentence for a felony.

~~(b) If a person is convicted of:~~

~~(1) a Level 2 felony; or~~



(2) a Level 3 felony and has:

(A) any prior unrelated felony conviction, other than a conviction for a felony involving marijuana, hashish, hash oil, or salvia divinorum; or

(B) a prior juvenile adjudication for an act that would constitute a felony if committed by an adult, other than an adjudication for an offense involving marijuana, hashish, hash oil, or salvia divinorum, and less than three (3) years have elapsed between commission of the act and the commission of the Level 3 felony for which the person is being sentenced;

the court may suspend only that part of a sentence that is in excess of the minimum sentence for the Level 2 felony or the Level 3 felony.

(b) A court may suspend only that part of a felony that is in excess of the minimum sentence for the felony if:

(1) the person has a prior unrelated:

(A) conviction for a felony; or

(B) juvenile adjudication for a delinquent act that is a felony offense, if less than three (3) years have elapsed between commission of the delinquent act and the commission of the felony for which the person is being sentenced;

(2) the felony is a Level 2 felony; or

(3) the felony is a crime of violence (as defined by IC 35-50-1-2).

(c) The court may suspend only that part of a sentence for murder or a Level 1 felony conviction that is in excess of the minimum sentence for murder or the Level 1 felony conviction.

(d) The court may suspend any part of a sentence for an offense filed in adult court under IC 31-30-1-4(d), unless the offense is murder (IC 35-42-1-1).

SECTION 29. IC 35-50-6-3.3, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2026 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3.3. (a) In addition to any educational credit a person earns under subsection (b), or good time credit a person earns under section 3 or 3.1 of this chapter, a person earns educational credit if the person:

(1) is in credit Class I, Class A, or Class B;

(2) has demonstrated a pattern consistent with rehabilitation; and

(3) successfully completes requirements to obtain one (1) of the following:

(A) A general educational development (GED) diploma under



- 1 IC 20-20-6 (before its repeal) or IC 22-4.1-18, if the person
- 2 has not previously obtained a high school diploma.
- 3 (B) Except as provided in subsection (o), a high school
- 4 diploma, if the person has not previously obtained a general
- 5 educational development (GED) diploma.
- 6 (C) An associate degree from an approved postsecondary
- 7 educational institution (as defined under IC 21-7-13-6(a))
- 8 earned during the person's incarceration.
- 9 (D) A ~~bachelor~~ **bachelor's** degree from an approved
- 10 postsecondary educational institution (as defined under
- 11 IC 21-7-13-6(a)) earned during the person's incarceration.
- 12 (b) In addition to any educational credit that a person earns under
- 13 subsection (a), or good time credit a person earns under section 3 or 3.1
- 14 of this chapter, a person may earn educational credit if, while confined
- 15 by the department of correction, the person:
- 16 (1) is in credit Class I, Class A, or Class B;
- 17 (2) demonstrates a pattern consistent with rehabilitation; and
- 18 (3) successfully completes requirements for at least one (1) of the
- 19 following:
- 20 (A) To obtain a certificate of completion of a career and
- 21 technical or vocational education program approved by the
- 22 department of correction.
- 23 (B) To obtain a certificate of completion of a substance abuse
- 24 program approved by the department of correction.
- 25 (C) To obtain a certificate of completion of a literacy and basic
- 26 life skills program approved by the department of correction.
- 27 (D) To obtain a certificate of completion of a reformatory
- 28 program approved by the department of correction.
- 29 (E) An individualized case management plan approved by the
- 30 department of correction.
- 31 (c) The department of correction shall establish admissions criteria
- 32 and other requirements for programs available for earning educational
- 33 credit under subsection (b). A person may not earn educational credit
- 34 under this section for the same program of study. The department of
- 35 correction, in consultation with the department of workforce
- 36 development, shall approve a program only if the program is likely to
- 37 lead to an employable occupation.
- 38 (d) The amount of educational credit a person may earn under this
- 39 section is the following:
- 40 (1) Six (6) months for completion of a state of Indiana general
- 41 educational development (GED) diploma under IC 20-20-6
- 42 (before its repeal) or IC 22-4.1-18.



(2) One (1) year for graduation from high school.

(3) Not more than one (1) year for completion of an associate degree.

(4) Not more than two (2) years for completion of a ~~bachelor~~ **bachelor's** degree.

(5) Not more than a total of one (1) year, as determined by the department of correction, for the completion of one (1) or more career and technical or vocational education programs approved by the department of correction.

(6) Not more than a total of six (6) months, as determined by the department of correction, for the completion of one (1) or more substance abuse programs approved by the department of correction.

(7) Not more than a total of six (6) months, as determined by the department of correction, for the completion of one (1) or more literacy and basic life skills programs approved by the department of correction.

(8) Not more than a total of six (6) months, as determined by the department of correction, for completion of one (1) or more reformatory programs approved by the department of correction. However, a person who is serving a sentence for an offense listed under IC 11-8-8-4.5 may not earn educational credit under this subdivision.

(9) ~~An amount~~ **Not more than a total of six (6) months, as determined by the department of correction, for the completion of one (1) or more programs offered** under a policy adopted by the department of correction concerning the individualized case management plan, not to exceed the maximum amount described in ~~subsection (j):~~ **subsection (j)(2).**

However, a person who does not have a substance abuse problem that qualifies the person to earn educational credit in a substance abuse program may earn not more than a total of twelve (12) months of educational credit, as determined by the department of correction, for the completion of one (1) or more career and technical or vocational education programs approved by the department of correction. If a person earns more than six (6) months of educational credit for the completion of one (1) or more career and technical or vocational education programs, the person is ineligible to earn educational credit for the completion of one (1) or more substance abuse programs.

(e) Educational credit earned under this section must be directly proportional to the time served and course work completed while incarcerated. The department of correction shall adopt rules under



1 IC 4-22-2 necessary to implement this subsection.

2 (f) Educational credit earned by a person under this section is
3 subtracted from the release date that would otherwise apply to the
4 person by the sentencing court after subtracting all other credit time
5 earned by the person.

6 (g) A person does not earn educational credit under subsection (a)
7 unless the person completes at least a portion of the degree
8 requirements after June 30, 1993.

9 (h) A person does not earn educational credit under subsection (b)
10 unless the person completes at least a portion of the program
11 requirements after June 30, 1999.

12 (i) Educational credit earned by a person under subsection (a) for a
13 diploma or degree completed before July 1, 1999, shall be subtracted
14 from:

15 (1) the release date that would otherwise apply to the person after
16 subtracting all other credit time earned by the person, if the
17 person has not been convicted of an offense described in
18 subdivision (2); or

19 (2) the period of imprisonment imposed on the person by the
20 sentencing court, if the person has been convicted of one (1) of
21 the following crimes:

22 (A) Rape (IC 35-42-4-1).

23 (B) Criminal deviate conduct (IC 35-42-4-2) (before its
24 repeal).

25 (C) Child molesting (IC 35-42-4-3).

26 (D) Child exploitation (IC 35-42-4-4(b) or IC 35-42-4-4(c)).

27 (E) Vicarious sexual gratification (IC 35-42-4-5).

28 (F) Child solicitation (IC 35-42-4-6).

29 (G) Child seduction (IC 35-42-4-7).

30 (H) Sexual misconduct with a minor (IC 35-42-4-9) as a:

31 (i) Class A felony, Class B felony, or Class C felony for a
32 crime committed before July 1, 2014; or

33 (ii) Level 1, Level 2, or Level 4 felony, for a crime
34 committed after June 30, 2014.

35 (I) Incest (IC 35-46-1-3).

36 (J) Sexual battery (IC 35-42-4-8).

37 (K) Kidnapping (IC 35-42-3-2), if the victim is less than
38 eighteen (18) years of age.

39 (L) Criminal confinement (IC 35-42-3-3), if the victim is less
40 than eighteen (18) years of age.

41 (j) The maximum amount of educational credit a person may earn
42 under this section is the lesser of:



(1) two (2) years; or

(2) one-third (1/3) of the person's total applicable credit time.

(k) Educational credit earned under this section by an offender serving a sentence for stalking (IC 35-45-10-5), a felony against a person under IC 35-42, or for a crime listed in IC 11-8-8-5, shall be reduced to the extent that application of the educational credit would otherwise result in:

(1) postconviction release (as defined in IC 35-40-4-6); or

(2) assignment of the person to a community transition program; in less than forty-five (45) days after the person earns the educational credit.

(l) A person may earn educational credit for multiple degrees at the same education level under subsection (d) only in accordance with guidelines approved by the department of correction. The department of correction may approve guidelines for proper sequence of education degrees under subsection (d).

(m) A person may not earn educational credit:

(1) for a general educational development (GED) diploma if the person has previously earned a high school diploma; or

(2) for a high school diploma if the person has previously earned a general educational development (GED) diploma.

(n) A person may not earn educational credit under this section if the person:

(1) commits an offense listed in IC 11-8-8-4.5 while the person is required to register as a sex or violent offender under IC 11-8-8-7; and

(2) is committed to the department of correction after being convicted of the offense listed in IC 11-8-8-4.5.

(o) For a person to earn educational credit under subsection (a)(3)(B) for successfully completing the requirements for a high school diploma through correspondence courses, each correspondence course must be approved by the department before the person begins the correspondence course. The department may approve a correspondence course only if the entity administering the course is recognized and accredited by the department of education in the state where the entity is located.

~~(p) The department of correction shall, before May 1, 2023, submit a report to the legislative council, in an electronic format under IC 5-14-6, concerning the implementation of the individualized case management plan. The report must include the following:~~

~~(1) The ratio of case management staff to offenders participating in the individualized case management plan as of January 1, 2023.~~



- 1 (2) The average number of days awarded to offenders
- 2 participating in the individualized case management plan from
- 3 January 1, 2022, through December 31, 2022.
- 4 (3) The percentage of the prison population currently participating
- 5 in an individualized case management plan as of January 1, 2023.
- 6 (4) Any other data points or information related to the status of
- 7 the implementation of the individualized case management plan.
- 8 This subsection expires June 30, 2023.

