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## SENATE BILL No. 252

Proposed Changes to introduced printing by AM025201

### DIGEST OF PROPOSED AMENDMENT

Malicious littering. Makes it malicious littering, a Class A misdemeanor, for a person to place refuse on the property of another person with the intent to cause the owner or occupant of the property to reasonably fear for their physical safety.

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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  
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2026]: **Sec. 5. A person who commits a criminal offense commits**  
4 **a 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  
8 CODE AS A NEW SECTION TO READ AS FOLLOWS  
9 [EFFECTIVE JULY 1, 2026]: **Sec. 1.5. (a) The department shall**  
10 **transport sentenced offenders from the Marion County adult**  
11 **detention facility to the appropriate correctional facility at least**  
12 **one (1) time per week.**

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

17 SECTION 3. IC 31-30-3-5, AS AMENDED BY P.L.148-2024,  
18 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
19 JULY 1, 2026]: **Sec. 5. Except for those cases in which the juvenile**

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1       court has no jurisdiction in accordance with IC 31-30-1-4, the court  
 2       shall, upon motion of the prosecuting attorney and after full  
 3       investigation and hearing, waive jurisdiction if it finds that:

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

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

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

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

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

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

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

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

21       SECTION 4. IC 33-34-8-1, AS AMENDED BY P.L.213-2025,

22       SECTION 301, IS AMENDED TO READ AS FOLLOWS

23       [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) The following fees and costs  
 24       apply to cases in the small claims court:

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

23 (1) Distribute semiannually to the state comptroller:

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

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

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

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

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

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



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

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

14 (B) Township docket fees and late fees.

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

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

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

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

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

30 (3) An alcohol and drug services program

31 (ICL33-37-5-8(b)).  
32 (4) A law enforcement continuing education program for

32 (4) A law enforcement  
33 agency (ICF 33.37.5.8(a))

33 (IC 33-37-5-8(c)).  
34 (5) A drug abuse, prosecution, interdiction, and correction fee  
35

36 (6) An alcohol and drug countermeasures fee (IC 13-41-1-1) (7) An alcohol and drug countermeasures fee (IC 13-41-1-1)

37 (7) A child abuse prevention fee (IC 33-37-5-12).  
38 (8) A domestic violence prevention and treatment fee

39 (IC[ ]33-37-5-13).

40 (9) A highway worksite fee (IC 133-37-5-14).

(10) A deferred prosecution fee (IC 133-37-5-17)  
(11) A document storage fee (IC 133-37-5-20)

(11) A document storage fee (IC 55-5-5-20).

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(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

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1 costs.

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

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

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

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

15 SECTION 7. IC 33-37-4-2, AS AMENDED BY P.L.120-2023,

16 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

17 JULY 1, 2026]: Sec. 2. (a) Except as provided in subsections (d) and

18 (e), for each action that results in a judgment:

19 (1) for a violation constituting an infraction; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



1 (14) A court administration fee (IC[ ]33-37-5-27).  
2 (15) A DNA sample processing fee (IC[ ]33-37-5-26.2).  
3 **(16) A prosecuting attorney compensation fee**  
4 (IC[ ]33-37-5-37).

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

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

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

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

16 See in all action if all the following apply:  
17 (1) The defendant was charged with an ordinance violation  
18 subject to IC 33-36.

19 (2) The defendant denied the violation under IC 33-36-3.  
20 (3) Proceedings in court against the defendant were initiated  
21

21 under IC 34-28-5 (or IC 34-4-32 before its repeal).  
22 (4) The defendant was tried and the court entered judgment for  
23 the defendant for the indictment.

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

32 (1) an initial user's fee not to exceed fifty-two dollars (\$52); and  
33 (2) a monthly user's fee not to exceed ten dollars (\$10) for each  
34 month the person remains in the deferral program.

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

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



1 (1) IC 31-34 (children in need of services).  
2 (2) IC 31-37 (delinquent children).  
3 (3) IC 31-14 (paternity).  
4 (b) In addition to the juvenile costs fee collected under this  
5 section, the clerk shall collect the following fees, if they are required  
6 under IC 33-37-5:  
7 (1) A document fee (IC [ ] 33-37-5-1, IC 33-37-5-3, or  
8 IC 33-37-5-4).  
9 (2) A marijuana eradication program fee (IC [ ] 33-37-5-7).  
10 (3) An alcohol and drug services program fee  
11 (IC [ ] 33-37-5-8(b)).  
12 (4) A law enforcement continuing education program fee  
13 (IC [ ] 33-37-5-8(c)).  
14 (5) An alcohol and drug countermeasures fee (IC [ ] 33-37-5-10).  
15 (6) A document storage fee (IC [ ] 33-37-5-20).  
16 (7) An automated record keeping fee (IC [ ] 33-37-5-21).  
17 (8) A late payment fee (IC [ ] 33-37-5-22).  
18 (9) A public defense administration fee (IC [ ] 33-37-5-21.2).  
19 (10) A judicial insurance adjustment fee (IC [ ] 33-37-5-25).  
20 (11) A judicial salaries fee (IC [ ] 33-37-5-26).  
21 (12) A court administration fee (IC [ ] 33-37-5-27).  
22 (13) A DNA sample processing fee (IC [ ] 33-37-5-26.2).  
23 (14) **A prosecuting attorney compensation fee**  
24 (IC [ ] 33-37-5-37).  
25 (c) The clerk shall transfer to the county auditor or city or town  
26 fiscal officer the following fees not later than thirty (30) days after they  
27 are collected:  
28 (1) The marijuana eradication program fee (IC [ ] 33-37-5-7).  
29 (2) The alcohol and drug services program fee  
30 (IC [ ] 33-37-5-8(b)).  
31 (3) The law enforcement continuing education program fee  
32 (IC [ ] 33-37-5-8(c)).  
33 The auditor or fiscal officer shall deposit the fees in the appropriate  
34 user fee fund established under IC 33-37-8.  
35 SECTION 9. IC 33-37-4-4, AS AMENDED BY P.L.106-2025,  
36 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
37 JULY 1, 2026]: Sec. 4. (a) The clerk shall collect a civil costs fee of  
38 one hundred dollars (\$100) from a party filing a civil action. This  
39 subsection does not apply to the following civil actions:  
40 (1) Proceedings to enforce a statute defining an infraction under  
41 IC 34-28-5 (or IC 34-4-32 before its repeal).  
42 (2) Proceedings to enforce an ordinance under IC 34-28-5 (or



1                   IC 34-4-32 before its repeal).

2                   (3) Proceedings in juvenile court under IC 31-34 or IC 31-37.

3                   (4) Proceedings in paternity under IC 31-14.

4                   (5) Proceedings in small claims court under IC 33-34.

5                   (6) Proceedings in actions described in section 7 of this chapter.

6                   (b) In addition to the civil costs fee collected under this section,

7                   the clerk shall collect the following fees, if they are required under

8                   IC 33-37-5:

9                   (1) A document fee (IC [ ] 33-37-5-1, IC 33-37-5-3, or

10                  IC 33-37-5-4).

11                  (2) A support and maintenance fee (IC [ ] 33-37-5-6).

12                  (3) A document storage fee (IC [ ] 33-37-5-20).

13                  (4) An automated record keeping fee (IC [ ] 33-37-5-21).

14                  (5) A public defense administration fee (IC [ ] 33-37-5-21.2).

15                  (6) A judicial insurance adjustment fee (IC [ ] 33-37-5-25).

16                  (7) A judicial salaries fee (IC [ ] 33-37-5-26).

17                  (8) A court administration fee (IC [ ] 33-37-5-27).

18                  (9) A service fee (IC [ ] 33-37-5-28(b)(1) or IC 33-37-5-28(b)(2)).

19                  (10) A garnishee service fee (IC [ ] 33-37-5-28(b)(3) or

20                  IC 33-37-5-28(b)(4)).

21                  (11) For a mortgage foreclosure action, a mortgage foreclosure

22                  counseling and education fee (IC [ ] 33-37-5-33) (before its

23                  expiration on July 1, 2017).

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

25                  (13) A jury fee (IC [ ] 33-37-5-19.5).

26                  **(14) A prosecuting attorney compensation fee**

27                  **(IC [ ] 33-37-5-37).**

28                  SECTION 10. IC 33-37-4-6, AS AMENDED BY P.L.106-2025,

29                  SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

30                  JULY 1, 2026]: Sec. 6. (a) For each small claims action, the clerk shall

31                  collect the following fees:

32                  (1) From the party filing the action:

33                   (A) a small claims costs fee of thirty-five dollars (\$35);

34                   (B) a small claims service fee of ten dollars (\$10) for each

35                   named defendant that is not a garnishee defendant; and

36                   (C) if the party has named more than three (3) garnissees or

37                   garnishee defendants, a small claims garnishee service fee

38                   of ten dollars (\$10) for each garnishee or garnishee

39                   defendant in excess of three (3).

40                  (2) From any party adding a defendant that is not a garnishee

41                  defendant, a small claims service fee of ten dollars (\$10) for

42                  each defendant that is not a garnishee defendant added in the



1 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.

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

10 (b) A clerk may not collect a fee under subsection (a)(1)(B),  
11 (a)(1)(C), (a)(2), or (a)(3) for a small claims action filed through the  
12 Indiana electronic filing system adopted by the Indiana supreme court.

13 (c) In addition to a small claims costs fee, small claims service fee,  
14 and small claims garnishee service fee collected under this section, the  
15 clerk shall collect the following fees, if they are required under  
16 IC 33-37-5:

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

19 (2) A document storage fee (IC 133-37-5-20).

20 (3) An automated record keeping fee (IC 133-37-5-21).

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

22 (5) A judicial insurance adjustment fee (IC[ ]33-37-5-25).

23 (6) A judicial salaries fee (IC 133-37-5-26).

24 (7) A court administration fee (IC[ ]33-37-5-27).

25 (8) A pro bono legal services fee (IC 133-37-5-31).

26 (9) A prosecuting attorney compensation fee  
27 (IC 33-37-5-37).

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

34 (1) IC 29 (probate).

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

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

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

41 (2) A document storage fee (ICR 133-37-5-20).

42 (3) An automated record keeping fee (IC 133-

## 1.3. ( [B](#) )



1 (4) A public defense administration fee (IC [ ]33-37-5-21.2).  
2 (5) A judicial insurance adjustment fee (IC [ ]33-37-5-25).  
3 (6) A judicial salaries fee (IC [ ]33-37-5-26).  
4 (7) A court administration fee (IC [ ]33-37-5-27).  
5 (8) A pro bono legal services fee (IC [ ]33-37-5-31).  
6 **(9) A prosecuting attorney compensation fee**  
7 (IC [ ]33-37-5-37).

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

10 (1) Petition to open a safety deposit box.  
11 (2) Filing an inheritance tax return, unless proceedings other  
12 than the court's approval of the return become necessary.  
13 (3) Offering a will for probate under IC 29-1-7, unless  
14 proceedings other than admitting the will to probate become  
15 necessary.  
16 (4) Filing a closing statement for an estate described in  
17 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:**

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

30 (c) in each action in which a person is:  
31 (1) convicted of an offense;  
32 (2) required to pay a pretrial diversion fee;

36 **forty dollars (\$40).**  
37 SECTION 13. IC 33-37-7-2, AS AMENDED BY P.L.106-2025,  
38 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
39 JULY 1, 2026]: Sec. 2. (a) The clerk of a circuit court shall distribute  
40 semiannually to the state comptroller as the state share for deposit in  
41 the homeowner protection unit account established by IC 4-6-12-9 one  
42 hundred percent (100%) of the automated record keeping fees collected.



1 under IC 33-37-5-21 with respect to actions resulting in the accused  
 2 person entering into a pretrial diversion program agreement under  
 3 IC 33-39-1-8 or a deferral program agreement under IC 34-28-5-1 and  
 4 for deposit in the state general fund seventy percent (70%) of the  
 5 amount of fees collected under the following:

- 6 (1) IC 33-37-4-1(a) (criminal costs fees).
- 7 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- 8 (3) IC 33-37-4-3(a) (juvenile costs fees).
- 9 (4) IC 33-37-4-4(a) (civil costs fees).
- 10 (5) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
- 11 (6) IC 33-37-4-7(a) (probate costs fees).
- 12 (7) IC 33-37-5-17 (deferred prosecution fees).

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

- 16 (1) Twenty-five percent (25%) of the drug abuse, prosecution,  
 17 interdiction, and correction fees collected under  
 18 IC 33-37-4-1(b)(5).
- 19 (2) Twenty-five percent (25%) of the alcohol and drug  
 20 countermeasures fees collected under IC 33-37-4-1(b)(6),  
 21 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
- 22 (3) One hundred percent (100%) of the child abuse prevention  
 23 fees collected under IC 33-37-4-1(b)(7).
- 24 (4) One hundred percent (100%) of the domestic violence  
 25 prevention and treatment fees collected under  
 26 IC 33-37-4-1(b)(8).
- 27 (5) One hundred percent (100%) of the highway worksite fees  
 28 collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).
- 29 (6) Seventy-five percent (75%) of the safe schools fee collected  
 30 under IC 33-37-5-18.
- 31 (7) One hundred percent (100%) of the automated record  
 32 keeping fee collected under IC 33-37-5-21 not distributed under  
 33 subsection (a).

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

- 36 (1) Seventy-five percent (75%) of the drug abuse, prosecution,  
 37 interdiction, and correction fees collected under  
 38 IC 33-37-4-1(b)(5).
- 39 (2) Seventy-five percent (75%) of the alcohol and drug  
 40 countermeasures fees collected under IC 33-37-4-1(b)(6),  
 41 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

42 The county auditor shall deposit fees distributed by a clerk under this



1 subsection into the county drug free community fund established under  
 2 IC 5-2-11.

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

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

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

15 (e) The clerk of the circuit court shall distribute semiannually to  
 16 the state comptroller for deposit in the sexual assault victims assistance  
 17 fund established by IC 5-2-6-23(d) one hundred percent (100%) of the  
 18 sexual assault victims assistance fees collected under IC 33-37-5-23.

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

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

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

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

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

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

42 (2) One hundred percent (100%) of the small claims garnishee



1                   service fee under IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3)  
 2                   for deposit in the county general fund.

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

5                   (h) This subsection does not apply to court administration fees  
 6                   collected in small claims actions filed in a court described in IC 33-34.  
 7                   The clerk of a circuit court shall semiannually distribute to the state  
 8                   comptroller for deposit in the state general fund one hundred percent  
 9                   (100%) of the following:

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

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

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

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

16                   (5) The judicial insurance adjustment fee collected under  
 17                   IC 33-37-5-25.

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

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

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

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

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

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

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

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



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

11 SECTION 14. IC 33-37-7-8, AS AMENDED BY P.L.106-2025,  
12 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
13 JULY 1, 2026]: Sec. 8. (a) The clerk of a city or town court shall  
14 distribute semiannually to the state comptroller as the state share for  
15 deposit in the homeowner protection unit account established by  
16 IC 4-6-12-9 one hundred percent (100%) of the automated record  
17 keeping fees collected under IC 33-37-5-21 with respect to actions  
18 resulting in the accused person entering into a pretrial diversion  
19 program agreement under IC 33-39-1-8 or a deferral program  
20 agreement under IC 34-28-5-1 and for deposit in the state general fund  
21 fifty-five percent (55%) of the amount of fees collected under the  
22 following:

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

36 (c) The city or town fiscal officer shall retain twenty-five percent  
37 (25%) as the city or town share of the fees collected under the  
38 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

subsection (a).

(e) The clerk of a city or town 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.

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

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

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

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

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

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

(g) The clerk of a city or town court shall semiannually distribute

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1 to the state comptroller for deposit in the state general fund one  
 2 hundred percent (100%) of the following:

- 3 (1) The public defense administration fee collected under  
 4 IC 33-37-5-21.2.
- 5 (2) The DNA sample processing fees collected under  
 6 IC 33-37-5-26.2.
- 7 (3) The court administration fees collected under IC 33-37-5-27.
- 8 (4) The judicial insurance adjustment fee collected under  
 9 IC 33-37-5-25.

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

12 (h) The clerk of a city or town court shall semiannually distribute  
 13 to the state comptroller for deposit in the state general fund  
 14 seventy-five percent (75%) of the judicial salaries fee collected under  
 15 IC 33-37-5-26. The city or town fiscal officer shall retain twenty-five  
 16 percent (25%) of the judicial salaries fee collected under  
 17 IC 33-37-5-26. The funds retained by the city or town shall be  
 18 prioritized to fund city or town court operations.

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

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

- 26 (1) Assist in the coordination of the duties of the prosecuting  
 27 attorneys of the state and their staffs.
- 28 (2) Prepare manuals of procedure.
- 29 (3) Give assistance in preparation of the trial briefs, forms, and  
 30 instructions.
- 31 (4) Conduct training for prosecuting attorneys and the staff of  
 32 prosecuting attorneys.
- 33 (5) Conduct research and studies that would be of interest and  
 34 value to all prosecuting attorneys and their staffs.
- 35 (6) Maintain liaison contact with study commissions and  
 36 agencies of all branches of local, state, and federal government  
 37 that will be of benefit to law enforcement and the fair  
 38 administration of justice in Indiana.

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

42 **(7) (8) Adopt guidelines for the expenditure of funds derived**



from a deferral program or a pretrial diversion program.

(8) (9) The council shall:

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

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

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

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

- (1) the prosecuting attorneys council of Indiana; and
- (2) the alleged noncompliant prosecuting attorney.

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

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

## **Chapter 11. Public Prosecution Fund**

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

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

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

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

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

**Sec. 6. (a) A county auditor may submit on a quarterly basis a certified request to the state comptroller for reimbursement from the public prosecution fund for salary paid to a deputy prosecuting attorney, other than a chief deputy prosecuting attorney or an**

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1       elected prosecuting attorney, if the annual salary of the deputy  
 2       prosecuting attorney is equal to at least fifty-five percent (55%) of  
 3       the salary paid to the elected full-time prosecuting attorney. The  
 4       county auditor may request reimbursement under this subsection  
 5       in an amount that does not exceed twenty-seven and one-half  
 6       percent (27.5%) of the salary paid to the elected full-time  
 7       prosecuting attorney.

8       (b) A county auditor may submit on a quarterly basis a  
 9       certified request to the state comptroller for reimbursement from  
 10      the public prosecution fund for the county's expenditures for fringe  
 11      benefits provided to a deputy prosecuting attorney, other than a  
 12      chief deputy prosecuting attorney or an elected prosecuting  
 13      attorney, if the annual salary of the deputy prosecuting attorney is  
 14      equal to at least fifty-five percent (55%) of the salary paid to the  
 15      elected full-time prosecuting attorney. However, a request for  
 16      reimbursement for fringe benefits under this subsection may not  
 17      exceed fifteen thousand one hundred forty dollars (\$15,140).

18       Sec. 7. (a) Except as provided in subsection (b), upon receiving  
 19       certification from a county auditor, the state comptroller shall  
 20       issue a warrant to the treasurer of state for disbursement to the  
 21       county of the amount certified.

22       (b) If the state comptroller has received instruction from the  
 23       council under IC 33-39-8.1-9 to withhold payment from the county  
 24       because the prosecuting attorney is a noncompliant prosecuting  
 25       attorney, the state comptroller shall not issue a warrant under  
 26       subsection (a).

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

- 31       (1) in writing; and
- 32       (2) before the defendant enters a plea of guilty.

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

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



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

(d) In a misdemeanor case, if:

(1) the court rejects a plea agreement; and

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

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

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

SECTION 19. IC 35-38-1-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 21. (a) A court that receives a petition from the department of correction under IC 35-38-3-5 may, after notice to the prosecuting attorney of the 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 JC 11-8-8-5.2.

(c) An offender may petition for waiver of the residency restriction described in ~~IC 35-46-1-15.1(e)~~ 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

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

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

17 SECTION 21. IC 35-38-2.6-1, AS AMENDED BY P.L.148-2024,  
18 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
19 JULY 1, 2026]: Sec. 1. This chapter does not apply to persons  
20 convicted of any of the following offenses: whenever any part of the  
21 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

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1 organization (IC[ ]35-50-2-15).  
 2 (L) **An offense that is enhanced by habitual offender**  
 3 (IC[ ]35-50-2-8) **or habitual substance offender**  
 4 (IC[ ]9-30-15.5-2) **determination.**  
 5 (M) **An offense that is enhanced by the use of a firearm**  
 6 **under IC 35-50-2-11.**  
 7 (N) **Escape (IC[ ]35-44.1-3-4).**  
 8 (O) **Unlawful carrying of a handgun (IC[ ]35-47-2-1.5).**  
 9 (P) **An offense in which the defendant used a firearm in**  
 10 **the commission of the offense, regardless of whether the**  
 11 **use of the firearm is an element.**

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

- 17 (1) From an order granting a motion to dismiss one (1) or more  
 18 counts of an indictment or information.
- 19 (2) From an order granting a motion to discharge a defendant  
 20 before trial for any reason, including delay commencing trial or  
 21 after the defendant's plea of former jeopardy.
- 22 (3) From an order granting a motion to correct errors.
- 23 (4) Upon a question reserved by the state, if the defendant is  
 24 acquitted.
- 25 (5) From an order granting a motion to suppress evidence, if the  
 26 ultimate effect of the order is to preclude further prosecution of  
 27 one (1) or more counts of an information or indictment.

28 **(6) From a sentencing order.**

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

- 32 (1) the state will suffer substantial expense, damage, or injury if  
 33 the order is erroneous and the determination thereof is withheld  
 34 until after judgment;
- 35 (2) the order involves a substantial question of law, the early  
 36 determination of which will promote a more orderly disposition  
 37 of the case; or
- 38 (3) the remedy by appeal after judgment is otherwise inadequate.

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

- 41 (1) any order granting a motion to suppress evidence that is  
 42 substantially important to the prosecution and does not have the



1                   ultimate effect of precluding further prosecution; and  
2                   (2) any discovery order claimed to violate a court rule, statute, or  
3                   case law.

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

10 (1) a Level 5 or Level 6 felony that inherently poses a risk of  
11 serious bodily injury;  
12 (2) a Class A misdemeanor that inherently poses a risk of serious  
13 bodily injury; or  
14 (3) battery;

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

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

18 (1) a Level 5 or Level 6 felony that inherently poses a risk of  
19 serious bodily injury;  
20 (2) a Class A misdemeanor that inherently poses a risk of serious  
21 bodily injury;  
22 (3) a battery offense included in IC 35-42-2; or  
23 (4) a violation of IC 9-30-5-1 through IC 9-30-5-5 (operating a  
24 vehicle while intoxicated):

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

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

31 I. SECTION 25. IC 35-45-3-4 IS ADDED TO THE INDIANA  
32 CODE AS A NEW SECTION TO READ AS FOLLOWS  
33 [EFFECTIVE JULY 1, 2026]: Sec. 4. A person who places or leaves  
34 refuse on the property of another person, with the intent to cause;

39 to reasonably fear for their physical safety, commits malicious  
40 littering, a Class A misdemeanor.

41 1 SECTION 2~~2~~6. IC 35-46-1-4.1, AS ADDED BY  
42 P.L.158-2013, SECTION 551, IS AMENDED TO READ AS



1       FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4.1. (a) As used in this  
 2       section, "child care provider" means a person who provides child care  
 3       in or on behalf of:

4           (1) a child care center (as defined in IC 12-7-2-28.4); or  
 5           (2) a child care home (as defined in IC 12-7-2-28.6);

6       regardless of whether the child care center or child care home is  
 7       licensed.

8       (b) A child care provider who recklessly supervises a child  
 9       commits reckless supervision, a Class B misdemeanor. However, the  
 10      offense is a Class A misdemeanor if the offense results in serious  
 11      bodily injury to a child, and a ~~Level 6~~ **Level 4** felony if the offense  
 12      results in the death of a child.

13       SECTION 2~~6~~<sup>[7]</sup>. IC 35-46-1-15.1, AS AMENDED BY  
 14      P.L.28-2023, SECTION 2, IS AMENDED TO READ AS FOLLOWS  
 15      [EFFECTIVE JULY 1, 2026]: Sec. 15.1. (a) A person who knowingly  
 16      or intentionally violates:

17           (1) a protective order to prevent domestic or family violence or  
 18       harassment issued under IC 34-26-5 (or, if the order involved a  
 19       family or household member, under IC 34-26-2 or IC 34-4-5.1-5  
 20       before their repeal);

21           (2) an ex parte protective order issued under IC 34-26-5 (or, if  
 22       the order involved a family or household member, an emergency  
 23       order issued under IC 34-26-2 or IC 34-4-5.1 before their  
 24       repeal);

25           (3) a workplace violence restraining order issued under  
 26       IC 34-26-6;

27           (4) a no contact order in a dispositional decree issued under  
 28       IC 31-34-20-1, IC 31-37-19-1, or IC 31-37-5-6 (or  
 29       IC 31-6-4-15.4 or IC 31-6-4-15.9 before their repeal) or an order  
 30       issued under IC 31-32-13 (or IC 31-6-7-14 before its repeal) that  
 31       orders the person to refrain from direct or indirect contact with  
 32       a child in need of services or a delinquent child;

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

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

38           (7) a protective order to prevent domestic or family violence  
 39       issued under IC 31-15-5 (or IC 31-16-5 or IC 31-1-11.5-8.2  
 40       before their repeal);

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

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1 (9) an order issued in another state that is substantially similar to  
 2 an order described in subdivisions (1) through (8);  
 3 (10) an order that is substantially similar to an order described  
 4 in subdivisions (1) through (8) and is issued by an Indian:  
 5     (A) tribe;  
 6     (B) band;  
 7     (C) pueblo;  
 8     (D) nation; or  
 9     (E) organized group or community, including an Alaska  
 10 Native village or regional or village corporation as defined  
 11 in or established under the Alaska Native Claims Settlement  
 12 Act (43 U.S.C. 1601 et seq.);  
 13 that is recognized as eligible for the special programs and  
 14 services provided by the United States to Indians because of  
 15 their special status as Indians;  
 16 (11) an order issued under IC 35-33-8-3.2; or  
 17 (12) an order issued under IC 35-38-1-30;  
 18 commits invasion of privacy, a Class A misdemeanor **except as**  
 19 **otherwise provided in this section.**  
 20     (b) ~~However~~ The offense described in subsection (a) is a Level  
 21 6 felony if **one (1) or more of the following apply:**  
 22         (1) The person has a prior unrelated conviction for an offense  
 23 under this subsection or IC 35-45-10-5 (stalking).  
 24         (2) **The person committed the offense while charged with**  
 25 **domestic battery (IC 35-42-2-1.3) as a felony.**  
 26         (f) (c) It is not a defense to a prosecution under subsection (a) that  
 27 the accused person used or operated an unmanned aerial vehicle in  
 28 committing the violation.  
 29         (c) (d) A sex offender under IC 11-8-8-4.5 who:  
 30             (1) establishes a new residence within a one (1) mile radius of  
 31 the residence of the victim of the offender's sex offense;  
 32             (2) intends to reside (as defined in IC 35-42-4-11(b)) at the  
 33 residence; and  
 34             (3) at the time the sex offender established the residence, knew  
 35 or reasonably should have known that the residence was located  
 36 within a one (1) mile radius of the residence of the victim of the  
 37 offender's sex offense;  
 38 commits invasion of privacy, a Class A misdemeanor. However, the  
 39 offense is a Level 6 felony if the sex offender has a prior unrelated  
 40 conviction under this subsection.  
 41         (d) (e) The victim of the sex offender's sex offense may not be  
 42 prosecuted under subsection (c) **subsection (d)** if the victim's liability



1 is based on aiding, inducing, or causing the offender to commit the  
 2 offense described in subsection (e). subsection (d).

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

6 SECTION 2~~7~~[8]. IC 35-50-1-2, AS AMENDED BY  
 7 P.L.218-2025, SECTION 23, IS AMENDED TO READ AS  
 8 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) As used in this  
 9 section, "crime of violence" means the following:

10 (1) Murder (IC[ ]35-42-1-1).

11 (2) Attempted murder (IC[ ]35-41-5-1).

12 (3) Voluntary manslaughter (IC[ ]35-42-1-3).

13 (4) Involuntary manslaughter (IC[ ]35-42-1-4).

14 (5) Reckless homicide (IC[ ]35-42-1-5).

15 (6) Battery (IC[ ]35-42-2-1) as a:

16 (A) Level 2 felony;

17 (B) Level 3 felony;

18 (C) Level 4 felony; or

19 (D) Level 5 felony.

20 (7) Domestic battery (IC[ ]35-42-2-1.3) as a:

21 (A) Level 2 felony;

22 (B) Level 3 felony;

23 (C) Level 4 felony; or

24 (D) Level 5 felony.

25 (8) Aggravated battery (IC[ ]35-42-2-1.5).

26 (9) Kidnapping (IC[ ]35-42-3-2).

27 (10) Rape (IC[ ]35-42-4-1).

28 (11) Criminal deviate conduct (IC[ ]35-42-4-2) (before its  
 29 repeal).

30 (12) Child molesting (IC[ ]35-42-4-3).

31 (13) Sexual misconduct with a minor as a Level 1 felony under  
 32 IC 35-42-4-9(a)(2) or a Level 2 felony under IC 35-42-4-9(b)(2).

33 (14) Robbery as a Level 2 felony or a Level 3 felony  
 34 (IC[ ]35-42-5-1).

35 (15) Burglary as a Level 1 felony, Level 2 felony, Level 3 felony,  
 36 or Level 4 felony (IC[ ]35-43-2-1).

37 (16) Operating a vehicle while intoxicated causing death or  
 38 catastrophic injury (IC[ ]9-30-5-5).

39 (17) Operating a vehicle while intoxicated causing serious bodily  
 40 injury to another person (IC[ ]9-30-5-4).

41 (18) Child exploitation as a Level 5 felony under  
 42 IC 35-42-4-4(b) or a Level 4 felony under IC 35-42-4-4(c).



1 (19) Resisting law enforcement as a felony (IC [ ]35-44.1-3-1).  
2 (20) Unlawful possession of a firearm by a serious violent felon  
3 (IC [ ]35-47-4-5).

4 (21) Strangulation (IC[ ]35-42-2-9) as a Level 5 felony.

5 (b) As used in this section, "episode of criminal conduct" means  
6 offenses or a connected series of offenses that are closely related in  
7 time, place, and circumstance.

(1) aggravating circumstances in IC 35-38-1-7.1(a); and

12 (2) mitigating circumstances in IC 35-38-1-7.1(b);

13 in making a determination under this subsection. The court may order  
14 terms of imprisonment to be served consecutively even if the sentences  
15 are not imposed at the same time. However, except for crimes of  
16 violence, and crimes committed against separate victims in the  
17 same episode of criminal conduct, the total of the consecutive terms  
18 of imprisonment, exclusive of terms of imprisonment under  
19 IC 35-50-2-8 and IC 35-50-2-10 (before its repeal) to which the  
20 defendant is sentenced for felony or misdemeanor convictions arising  
21 out of an episode of criminal conduct shall not exceed the period  
22 described in subsection (d).

(d) Except as provided in subsection (c), the total of the consecutive terms of imprisonment to which the defendant is sentenced for convictions arising out of an episode of criminal conduct may not exceed the following:

26 entered the following:  
27 (1) If the most serious crime for which the defendant is  
28 sentenced is a Class C misdemeanor, the total of the consecutive  
29 terms of imprisonment may not exceed one (1) year

35 terms of imprisonment may not exceed three (3) years.  
36 (4) If the most serious crime for which the defendant is  
37 sentenced is a Level 6 felony, the total of the consecutive terms  
38 of imprisonment may not exceed four (4) years.

38 of imprisonment may not exceed four (4) years.  
39 (5) If the most serious crime for which the defendant is  
40 sentenced is a Level 5 felony, the total of the consecutive terms  
41 of imprisonment may not exceed one (7).

41 of imprisonment may not exceed seven (7) years.  
42 (6) If the most serious crime for which the

(b) If the most serious crime for which the defendant is



1 sentenced is a Level 4 felony, the total of the consecutive terms  
2 of imprisonment may not exceed fifteen (15) years.

6 (8) If the most serious crime for which the defendant is  
7 sentenced is a Level 2 felony, the total of the consecutive terms  
8 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.

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

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

18 (B) on bond;

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

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

27 SECTION 2~~8~~[9]. IC 35-50-2-2.2, AS AMENDED BY  
28 P.L.170-2023, SECTION 10, IS AMENDED TO READ AS  
29 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2.2. (a) Except as  
30 provided in subsection (b) or (c), the court may suspend any part of a  
31 sentence for a felony.

32 (b) If a person is convicted of:

33 (1) a Level 2 felony, or

34 (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

38 (B) a prior juvenile adjudication for an act that would  
39 constitute a felony if committed by an adult, other than an  
40 adjudication for an offense involving marijuana, hashish,  
41 hash oil, or salvia divinorum, and less than three (3) years  
42 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~~ [30], 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 IC 20-20-6 (before its repeal) or IC 22-4.1-18, if the person has not previously obtained a high school diploma.
- (B) Except as provided in subsection (o), a high school diploma, if the person has not previously obtained a general educational development (GED) diploma

(C) An associate degree from an approved postsecondary educational institution (as defined under IC 21-7-13-6(a)) earned during the person's incarceration.



(D) A **bachelor** **bachelor's** degree from an approved postsecondary educational institution (as defined under IC 21-7-13-6(a)) earned during the person's incarceration.

(b) In addition to any educational credit that a person earns under subsection (a), or good time credit a person earns under section 3 or 3.1 of this chapter, a person may earn educational credit if, while confined by the department of correction, the person:

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

(2) demonstrates a pattern consistent with rehabilitation; and

(3) successfully completes requirements for at least one (1) of the following:

(A) To obtain a certificate of completion of a career and technical or vocational education program approved by the department of correction.

(B) To obtain a certificate of completion of a substance abuse program approved by the department of correction.

(C) To obtain a certificate of completion of a literacy and basic life skills program approved by the department of correction.

(D) To obtain a certificate of completion of a reformatory program approved by the department of correction.

(E) An individualized case management plan approved by the department of correction.

(c) The department of correction shall establish admissions criteria and other requirements for programs available for earning educational credit under subsection (b). A person may not earn educational credit under this section for the same program of study. The department of correction, in consultation with the department of workforce development, shall approve a program only if the program is likely to lead to an employable occupation.

(d) The amount of educational credit a person may earn under this section is the following:

(1) Six (6) months for completion of a state of Indiana general educational development (GED) diploma under IC 20-20-6 (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

department of correction, for the completion of one (1) or more



1 career and technical or vocational education programs approved  
 2 by the department of correction.

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

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

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

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

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

33 (e) Educational credit earned under this section must be directly  
 34 proportional to the time served and course work completed while  
 35 incarcerated. The department of correction shall adopt rules under  
 36 IC 4-22-2 necessary to implement this subsection.

37 (f) Educational credit earned by a person under this section is  
 38 subtracted from the release date that would otherwise apply to the  
 39 person by the sentencing court after subtracting all other credit time  
 40 earned by the person.

41 (g) A person does not earn educational credit under subsection (a)  
 42 unless the person completes at least a portion of the degree



1 requirements after June 30, 1993.

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

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

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

12 (2) the period of imprisonment imposed on the person by the  
 13 sentencing court, if the person has been convicted of one (1) of  
 14 the following crimes:

15 (A) Rape (IC [ ]35-42-4-1).

16 (B) Criminal deviate conduct (IC [ ]35-42-4-2) (before its  
 17 repeal).

18 (C) Child molesting (IC [ ]35-42-4-3).

19 (D) Child exploitation (IC [ ]35-42-4-4(b) or  
 20 IC 35-42-4-4(c)).

21 (E) Vicarious sexual gratification (IC [ ]35-42-4-5).

22 (F) Child solicitation (IC [ ]35-42-4-6).

23 (G) Child seduction (IC [ ]35-42-4-7).

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

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

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

29 (I) Incest (IC [ ]35-46-1-3).

30 (J) Sexual battery (IC [ ]35-42-4-8).

31 (K) Kidnapping (IC [ ]35-42-3-2), if the victim is less than  
 32 eighteen (18) years of age.

33 (L) Criminal confinement (IC [ ]35-42-3-3), if the victim is  
 34 less than eighteen (18) years of age.

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

37 (1) two (2) years; or

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

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



1       otherwise result in:

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

3           (2) assignment of the person to a community transition program;

4       in less than forty-five (45) days after the person earns the educational

5       credit.

6           (l) A person may earn educational credit for multiple degrees at

7       the same education level under subsection (d) only in accordance with

8       guidelines approved by the department of correction. The department

9       of correction may approve guidelines for proper sequence of education

10      degrees under subsection (d).

11           (m) A person may not earn educational credit:

12           (1) for a general educational development (GED) diploma if the

13       person has previously earned a high school diploma; or

14           (2) for a high school diploma if the person has previously earned

15       a general educational development (GED) diploma.

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

17       the person:

18           (1) commits an offense listed in IC 11-8-8-4.5 while the person

19       is required to register as a sex or violent offender under

20       IC 11-8-8-7; and

21           (2) is committed to the department of correction after being

22       convicted of the offense listed in IC 11-8-8-4.5.

23           (o) For a person to earn educational credit under subsection

24       (a)(3)(B) for successfully completing the requirements for a high

25       school diploma through correspondence courses, each correspondence

26       course must be approved by the department before the person begins

27       the correspondence course. The department may approve a

28       correspondence course only if the entity administering the course is

29       recognized and accredited by the department of education in the state

30       where the entity is located.

31           (p) The department of correction shall, before May 1, 2023, submit

32       a report to the legislative council, in an electronic format under

33       IC 5-14-6, concerning the implementation of the individualized case

34       management plan. The report must include the following:

35           (1) The ratio of case management staff to offenders participating

36       in the individualized case management plan as of January 1,

37       2023.

38           (2) The average number of days awarded to offenders

39       participating in the individualized case management plan from

40       January 1, 2022, through December 31, 2022.

41           (3) The percentage of the prison population currently

42       participating in an individualized case management plan as of



1 January 1, 2023.

2 (4) Any other data points or information related to the status of  
3 the implementation of the individualized case management plan.  
4 This subsection expires June 30, 2022. [F](#)

This subsection expires June 30, 2023. [ ]

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