

First Regular Session of the 124th General Assembly (2025)

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 2024 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1014

AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 9-30-10-4, AS AMENDED BY P.L.201-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 4. (a) A person who has accumulated at least two (2) judgments within a ten (10) year period for any of the following violations, singularly or in combination, and not arising out of the same incident, is a habitual violator:

- (1) Reckless homicide resulting from the operation of a motor vehicle.
- (2) Voluntary or involuntary manslaughter resulting from the operation of a motor vehicle.
- (3) Failure of the operator of a motor vehicle involved in an accident resulting in death or injury to any person to stop at the scene of the accident and give the required information and assistance.
- (4) Operation of a vehicle while intoxicated resulting in death.
- (5) Before July 1, 1997, operation of a vehicle with at least ten-hundredths percent (0.10%) alcohol in the blood resulting in death.
- (6) After June 30, 1997, and before July 1, 2001, operation of a vehicle with an alcohol concentration equivalent to at least ten-hundredths (0.10) gram of alcohol per:

HEA 1014 — CC 2



(A) one hundred (100) milliliters of the blood; or

(B) two hundred ten (210) liters of the breath;

resulting in death.

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

(A) one hundred (100) milliliters of the blood; or

(B) two hundred ten (210) liters of the breath;

resulting in death.

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

(1) Operation of a vehicle while intoxicated.

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

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

(A) one hundred (100) milliliters of the blood; or

(B) two hundred ten (210) liters of the breath.

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

(A) one hundred (100) milliliters of the blood; or

(B) two hundred ten (210) liters of the breath.

(5) Reckless driving.

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

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

(8) Violating IC 9-4-1-40 (repealed July 1, 1991), IC 9-4-1-46 (repealed July 1, 1991), IC 9-26-1-1(1) (repealed January 1, 2015), IC 9-26-1-1(2) (repealed January 1, 2015), IC 9-26-1-2(1) (repealed January 1, 2015), IC 9-26-1-2(2) (repealed January 1, 2015), IC 9-26-1-3 (repealed January 1, 2015), IC 9-26-1-4 (repealed January 1, 2015), or IC 9-26-1-1.1.

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

(A) **IC 35-44.1-3-1(c)(1);**

(B) **IC 35-44.1-3-1(c)(2)(C);**

(C) **IC 35-44.1-3-1(c)(3);**

(D) **IC 35-44.1-3-1(c)(4); or**

(E) **IC 35-44.1-3-1(c)(5).**



~~IC 35-44.1-3-1(c)(1)(A); IC 35-44.1-3-1(c)(2); IC 35-44.1-3-1(c)(3); or IC 35-44.1-3-1(c)(4).~~

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

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

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

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

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

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

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

SECTION 2. IC 10-13-3-27, AS AMENDED BY P.L.142-2020, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 27. (a) Except as provided in subsection (b), on request, a law enforcement agency shall release a limited criminal history to or allow inspection of a limited criminal history by noncriminal justice organizations or individuals only if the subject of the request:

- (1) has applied for employment with a noncriminal justice organization or individual;
- (2) has:



- (A) applied for a license or is maintaining a license; and
- (B) provided criminal history data as required by law to be provided in connection with the license;
- (3) is a candidate for public office or a public official;
- (4) is in the process of being apprehended by a law enforcement agency;
- (5) is placed under arrest for the alleged commission of a crime;
- (6) has charged that the subject's rights have been abused repeatedly by criminal justice agencies;
- (7) is the subject of a judicial decision or determination with respect to the setting of bond, plea bargaining, sentencing, or probation;
- (8) has volunteered services that involve contact with, care of, or supervision over a child who is being placed, matched, or monitored by a social services agency or a nonprofit corporation;
- (9) is currently residing in a location designated by the department of child services (established by IC 31-25-1-1) or by a juvenile court as the out-of-home placement for a child at the time the child will reside in the location;
- (10) has volunteered services at a public school (as defined in IC 20-18-2-15) or nonpublic school (as defined in IC 20-18-2-12) that involve contact with, care of, or supervision over a student enrolled in the school;
- (11) is being investigated for welfare fraud by an investigator of the division of family resources or a county office of the division of family resources;
- (12) is being sought by the parent locator service of the child support bureau of the department of child services;
- (13) is or was required to register as a sex or violent offender under IC 11-8-8;
- (14) has been convicted of any of the following:
 - (A) Rape (IC 35-42-4-1), if the victim is less than eighteen (18) years of age.
 - (B) Criminal deviate conduct (IC 35-42-4-2) (repealed), if the victim is less than eighteen (18) years of age.
 - (C) Child molesting (IC 35-42-4-3).
 - (D) Child exploitation (IC 35-42-4-4(b) or IC 35-42-4-4(c)).
 - (E) Possession of ~~child pornography~~ **child sex abuse material** (IC 35-42-4-4(d) or IC 35-42-4-4(e)).
 - (F) Vicarious sexual gratification (IC 35-42-4-5).
 - (G) Child solicitation (IC 35-42-4-6).
 - (H) Child seduction (IC 35-42-4-7).



- (I) Sexual misconduct with a minor as a felony (IC 35-42-4-9).
- (J) Incest (IC 35-46-1-3), if the victim is less than eighteen (18) years of age;
- (15) is identified as a possible perpetrator of child abuse or neglect in an assessment conducted by the department of child services under IC 31-33-8; or
- (16) is:
 - (A) a parent, guardian, or custodian of a child; or
 - (B) an individual who is at least eighteen (18) years of age and resides in the home of the parent, guardian, or custodian; with whom the department of child services or a county probation department has a case plan, dispositional decree, or permanency plan approved under IC 31-34 or IC 31-37 that provides for reunification following an out-of-home placement.

However, limited criminal history information obtained from the National Crime Information Center may not be released under this section except to the extent permitted by the Attorney General of the United States.

(b) A law enforcement agency shall allow inspection of a limited criminal history by and release a limited criminal history to the following noncriminal justice organizations:

- (1) Federally chartered or insured banking institutions.
- (2) Officials of state and local government for any of the following purposes:
 - (A) Employment with a state or local governmental entity.
 - (B) Licensing.
- (3) Segments of the securities industry identified under 15 U.S.C. 78q(f)(2).

(c) Any person who knowingly or intentionally uses limited criminal history for any purpose not specified under this section commits a Class C infraction. However, the violation is a Class A misdemeanor if the person has a prior unrelated adjudication or conviction for a violation of this section within the previous five (5) years.

SECTION 3. IC 11-8-8-4.5, AS AMENDED BY P.L.115-2023, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 4.5. (a) Except as provided in section 22 of this chapter, as used in this chapter, "sex offender" means a person convicted of any of the following offenses:

- (1) Rape (IC 35-42-4-1).
- (2) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
- (3) Child molesting (IC 35-42-4-3).
- (4) Child exploitation (IC 35-42-4-4(b) or IC 35-42-4-4(c)).



- (5) Vicarious sexual gratification (including performing sexual conduct in the presence of a minor) (IC 35-42-4-5).
- (6) Child solicitation (IC 35-42-4-6).
- (7) Child seduction (IC 35-42-4-7).
- (8) Sexual misconduct with a minor (IC 35-42-4-9) as a Class A, Class B, or Class C felony (for a crime committed before July 1, 2014) or a Level 1, Level 2, Level 4, or Level 5 felony (for a crime committed after June 30, 2014), unless:
 - (A) the person is convicted of sexual misconduct with a minor as a Class C felony (for a crime committed before July 1, 2014) or a Level 5 felony (for a crime committed after June 30, 2014);
 - (B) the person is not more than:
 - (i) four (4) years older than the victim if the offense was committed after June 30, 2007; or
 - (ii) five (5) years older than the victim if the offense was committed before July 1, 2007; and
 - (C) the sentencing court finds that the person should not be required to register as a sex offender.
- (9) Incest (IC 35-46-1-3).
- (10) Sexual battery (IC 35-42-4-8).
- (11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age, and the person who kidnapped the victim is not the victim's parent or guardian.
- (12) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age, and the person who confined or removed the victim is not the victim's parent or guardian.
- (13) Possession of ~~child pornography~~ **child sex abuse material** (IC 35-42-4-4(d) or IC 35-42-4-4(e)).
- (14) Promoting prostitution (IC 35-45-4-4) as a Class B felony (for a crime committed before July 1, 2014) or a Level 4 felony (for a crime committed after June 30, 2014).
- (15) Promotion of human sexual trafficking under IC 35-42-3.5-1.1.
- (16) Promotion of child sexual trafficking under IC 35-42-3.5-1.2(a).
- (17) Promotion of sexual trafficking of a younger child (IC 35-42-3.5-1.2(c)).
- (18) Child sexual trafficking (IC 35-42-3.5-1.3).
- (19) Human trafficking under IC 35-42-3.5-1.4 if the victim is less than eighteen (18) years of age.
- (20) Sexual misconduct by a service provider with a detained or



supervised child (IC 35-44.1-3-10(c)).

(b) The term includes:

- (1) a person who is required to register as a sex offender in any jurisdiction; and
- (2) a child who has committed a delinquent act, or a person prosecuted under IC 31-30-1-4(d) for an offense described in subsection (a) committed when the person was less than eighteen (18) years of age, but who was at least twenty-one (21) years of age when the charge was filed, and who:
 - (A) is at least fourteen (14) years of age;
 - (B) is on probation, is on parole, is discharged from a facility by the department of correction, is discharged from a secure private facility (as defined in IC 31-9-2-115), or is discharged from a juvenile detention facility as a result of an adjudication as a delinquent child for an act that would be an offense described in subsection (a) if committed by an adult; and
 - (C) is found by a court by clear and convincing evidence to be likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

(c) In making a determination under subsection (b)(2)(C), the court shall consider expert testimony concerning whether a child is likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

(d) A person ordered to register under subsection (b)(2) may petition the court to reconsider the order at any time after completing court ordered sex offender treatment. The court shall consider expert testimony concerning whether a child or person is likely to repeat an offense described in subsection (a) or an act that would be an offense described in subsection (a) if committed by an adult.

SECTION 4. IC 11-8-8-5, AS AMENDED BY P.L.115-2023, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 5. (a) Except as provided in section 22 of this chapter, as used in this chapter, "sex or violent offender" means a person convicted of any of the following offenses:

- (1) Rape (IC 35-42-4-1).
- (2) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
- (3) Child molesting (IC 35-42-4-3).
- (4) Child exploitation (IC 35-42-4-4(b) or IC 35-42-4-4(c)).
- (5) Vicarious sexual gratification (including performing sexual conduct in the presence of a minor) (IC 35-42-4-5).
- (6) Child solicitation (IC 35-42-4-6).
- (7) Child seduction (IC 35-42-4-7).



- (8) Sexual misconduct with a minor (IC 35-42-4-9) as a Class A, Class B, or Class C felony (for a crime committed before July 1, 2014) or a Level 1, Level 2, Level 4, or Level 5 felony (for a crime committed after June 30, 2014), unless:
- (A) the person is convicted of sexual misconduct with a minor as a Class C felony (for a crime committed before July 1, 2014) or a Level 5 felony (for a crime committed after June 30, 2014);
 - (B) the person is not more than:
 - (i) four (4) years older than the victim if the offense was committed after June 30, 2007; or
 - (ii) five (5) years older than the victim if the offense was committed before July 1, 2007; and
 - (C) the sentencing court finds that the person should not be required to register as a sex offender.
- (9) Incest (IC 35-46-1-3).
- (10) Sexual battery (IC 35-42-4-8).
- (11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age, and the person who kidnapped the victim is not the victim's parent or guardian.
- (12) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age, and the person who confined or removed the victim is not the victim's parent or guardian.
- (13) Possession of ~~child pornography~~ **child sex abuse material** (IC 35-42-4-4(d) or IC 35-42-4-4(e)).
- (14) Promoting prostitution (IC 35-45-4-4) as a Class B felony (for a crime committed before July 1, 2014) or a Level 4 felony (for a crime committed after June 30, 2014).
- (15) Promotion of human sexual trafficking under IC 35-42-3.5-1.1.
- (16) Promotion of child sexual trafficking under IC 35-42-3.5-1.2(a).
- (17) Promotion of sexual trafficking of a younger child (IC 35-42-3.5-1.2(c)).
- (18) Child sexual trafficking (IC 35-42-3.5-1.3).
- (19) Human trafficking under IC 35-42-3.5-1.4 if the victim is less than eighteen (18) years of age.
- (20) Murder (IC 35-42-1-1).
- (21) Voluntary manslaughter (IC 35-42-1-3).
- (22) Sexual misconduct by a service provider with a detained or supervised child (IC 35-44.1-3-10(c)).
- (b) The term includes:



(1) a person who is required to register as a sex or violent offender in any jurisdiction; and

(2) a child who has committed a delinquent act, or a person prosecuted under IC 31-30-1-4(d) for an offense described in subsection (a) committed when the person was less than eighteen (18) years of age, but who was at least twenty-one (21) years of age when the charge was filed, and who:

(A) is at least fourteen (14) years of age;

(B) is on probation, is on parole, is discharged from a facility by the department of correction, is discharged from a secure private facility (as defined in IC 31-9-2-115), or is discharged from a juvenile detention facility as a result of an adjudication as a delinquent child for an act that would be an offense described in subsection (a) if committed by an adult; and

(C) is found by a court by clear and convincing evidence to be likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

(c) In making a determination under subsection (b)(2)(C), the court shall consider expert testimony concerning whether a child is likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

(d) A person ordered to register under subsection (b)(2) may petition the court to reconsider the order at any time after completing court ordered sex offender treatment. The court shall consider expert testimony concerning whether a child or person is likely to repeat an offense described in subsection (a) or an act that would be an offense described in subsection (a) if committed by an adult.

SECTION 5. IC 11-13-3-11, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2025 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 11. (a) As used in this section, "Internet crime against a child" means a conviction for a violation of:

(1) IC 35-42-4-4(b) or IC 35-42-4-4(c) (child exploitation);

(2) IC 35-42-4-4(d) or IC 35-42-4-4(e) (possession of ~~child pornography~~; **child sex abuse material**); or

(3) IC 35-42-4-6 (child solicitation).

(b) When a person is placed on lifetime parole, the department shall provide the parolee with a written statement of the conditions of lifetime parole. The parolee shall sign the statement, retain a copy, and provide a copy to the department. The department shall place the signed statement in the parolee's master file.

(c) As a condition of lifetime parole, the parole board shall:



(1) require a parolee who is a sexually violent predator (as defined in IC 35-38-1-7.5) to:

- (A) inform the parolee's parole agent of any changes to the parolee's residence, employment, or contact information not later than seventy-two (72) hours after the change;
- (B) report to the parole agent as instructed;
- (C) avoid contact with any person who is less than sixteen (16) years of age, unless the parolee receives written authorization from the parole board; and
- (D) avoid contact with the victim of any sex crime committed by that parolee, unless the parolee receives written authorization from the parole board;

(2) prohibit a parolee who is a sexually violent predator convicted of an Internet crime against a child from:

- (A) accessing or using certain ~~Internet web sites~~, **websites**, chat rooms, or instant messaging programs frequented by children; and
- (B) deleting, erasing, or tampering with data on the parolee's personal computer;

(3) prohibit a parolee who is a sexually violent predator from owning, operating, managing, being employed by, or volunteering at an attraction designed to be primarily enjoyed by a child less than sixteen (16) years of age; and

(4) require a parolee to allow the parolee's supervising parole agent or another person authorized by the parole board to visit the parolee's residence, real property, or place of employment.

(d) As a condition of lifetime parole, the parole board may require a sexually violent predator to participate in a sex offender treatment program approved by the parole board.

(e) As a condition of lifetime parole, the parole board may require a parolee who is:

- (1) a sexually violent predator; or
- (2) required to register as a sex or violent offender under IC 11-8-8-5 due to a conviction for murder (IC 35-42-1-1) or voluntary manslaughter (IC 35-42-1-3);

to wear a monitoring device (as described in IC 35-38-2.5-3) that can transmit information twenty-four (24) hours each day regarding a person's precise location, subject to a validated sex offender risk assessment or appropriate violent offender risk assessment, and subject to the amount appropriated to the department for a monitoring program as a condition of lifetime parole.

(f) When an offender is placed on lifetime parole, the parole board



shall inform the sheriff and the prosecuting attorney of the offender's current county of residence:

- (1) that the offender has been placed on lifetime parole; and
- (2) whether the offender is required to wear a monitoring device as described in subsection (e).

(g) The parole board may adopt rules under IC 4-22-2 to impose additional conditions of lifetime parole and to implement this section.

SECTION 6. IC 13-30-10-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: **Sec. 7. A person who knowingly, intentionally, or recklessly:**

- (1) deposits or causes or allows the deposit of thirty (30) square feet or more of contaminants or solid waste upon land owned or controlled by another person, except through the use of sanitary landfills, incineration, composting, garbage grinding, or another method acceptable to the board; or**
- (2) on two (2) or more separate occasions deposits or causes or allows the deposit of any amount of contaminants or solid waste upon land owned or controlled by another person, except through the use of sanitary landfills, incineration, composting, garbage grinding, or another method acceptable to the board;**

commits a Class C misdemeanor.

SECTION 7. IC 31-30-1-4, AS AMENDED BY P.L.148-2024, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: **Sec. 4. (a)** The juvenile court does not have jurisdiction over an individual for an alleged violation of:

- (1) IC 35-41-5-1(a) (attempted murder);
- (2) IC 35-42-1-1 (murder);
- (3) IC 35-42-3-2 (kidnapping);
- (4) IC 35-42-4-1 (rape);
- (5) IC 35-42-4-2 (criminal deviate conduct) (before its repeal);
- (6) IC 35-42-5-1 (robbery) if:
 - (A) the robbery was committed while armed with a deadly weapon; or
 - (B) the robbery results in bodily injury or serious bodily injury;
- (7) IC 35-42-5-2 (carjacking) (before its repeal);
- (8) IC 35-47-10 (children and firearms), if charged as a felony; or
- (9) any offense that may be joined under IC 35-34-1-9(a)(2) with any crime listed in this subsection;

if the individual was at least sixteen (16) years of age but less than



eighteen (18) years of age at the time of the alleged violation.

(b) Once an individual described in subsection (a) has been charged with any offense listed in subsection (a), the court having adult criminal jurisdiction shall retain jurisdiction over the case if the individual pleads guilty to or is convicted of any offense listed in subsection (a)(1) through (a)(8).

(c) If:

(1) an individual described in subsection (a) is charged with one

(1) or more offenses listed in subsection (a);

(2) all the charges under subsection (a)(1) through (a)(8) resulted in an acquittal or were dismissed; and

(3) the individual pleads guilty to or is convicted of any offense other than an offense listed in subsection (a)(1) through (a)(8);

the court having adult criminal jurisdiction may withhold judgment and transfer jurisdiction to the juvenile court for adjudication and disposition. In determining whether to transfer jurisdiction to the juvenile court for adjudication and disposition, the court having adult criminal jurisdiction shall consider whether there are appropriate services available in the juvenile justice system, whether the child is amenable to rehabilitation under the juvenile justice system, and whether it is in the best interests of the safety and welfare of the community that the child be transferred to juvenile court. All orders concerning release conditions remain in effect until a juvenile court detention hearing, which must be held not later than forty-eight (48) hours, excluding Saturdays, Sundays, and legal holidays, after the order of transfer of jurisdiction.

(d) A court having adult criminal jurisdiction, and not a juvenile court, has jurisdiction over a person who is at least twenty-one (21) years of age for an alleged offense:

(1) committed while the person was a child; and

(2) that could have been waived under IC 31-30-3.

This subsection applies to a criminal proceeding for an alleged offense regardless of whether the offense was committed before, on, or after July 1, 2023, or the juvenile becomes twenty-one (21) years of age before, on, or after July 1, 2023.

SECTION 8. IC 31-37-1-2, AS AMENDED BY P.L.115-2023, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 2. A child commits a delinquent act if, before becoming eighteen (18) years of age, the child commits a misdemeanor or felony offense, except for an act committed by a person over which the juvenile court lacks jurisdiction under IC 31-30-1. **This section applies to an act alleged to have been committed before, on, or**



after July 1, 2023, regardless of whether the person becomes twenty-one (21) years of age before, on, or after July 1, 2023.

SECTION 9. IC 35-33-1-1.7 IS REPEALED [EFFECTIVE JULY 1, 2025]. ~~Sec. 1-7. (a) A facility having custody of a person arrested for a crime of domestic violence (as described in IC 35-31.5-2-78) shall keep the person in custody for at least eight (8) hours from the time of the arrest.~~

~~(b) A person described in subsection (a) may not be released on bail until at least eight (8) hours from the time of the person's arrest.~~

SECTION 10. IC 35-33-8-0.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: **Sec. 0.4. Any bail hearing required or permitted to be conducted under this chapter, including a hearing required to be conducted in open court, may be conducted virtually.**

SECTION 11. IC 35-33-8-6.5, AS AMENDED BY P.L.28-2023, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: **Sec. 6.5. (a) The court, or a facility having custody of a person, may not release a person on bail for at least twenty-four (24) hours from the time of the person's arrest if the person is arrested for one (1) or more of the following offenses committed against a family or household member:**

- (1) A crime of domestic violence (as described in IC 35-31.5-2-78).
- (2) Battery (IC 35-42-2-1).
- (3) Domestic battery (IC 35-42-2-1.3).
- (4) Aggravated battery (IC 35-42-2-1.5).
- (5) Strangulation (IC 35-42-2-9).
- (6) Rape (IC 35-42-4-1).
- (7) Sexual battery (IC 35-42-4-8).
- (8) Invasion of privacy (IC 35-46-1-15.1).
- (9) Criminal stalking (IC 35-45-10-5).
- (10) Criminal recklessness (IC 35-42-2-2).
- (11) Criminal confinement (IC 35-42-3-3).
- (12) Burglary (IC 35-43-2-1).
- (13) Residential entry (IC 35-43-2-1.5).

(b) A court may not release a person described in subsection (a) on bail until the court has conducted a bail hearing in open court.

SECTION 12. IC 35-36-10-2, AS AMENDED BY P.L.13-2016, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: **Sec. 2. As used in this chapter, "child pornography" "child sex abuse material" includes:**



- (1) material described in IC 35-42-4-4(d); and
- (2) material defined in 18 U.S.C. 2256(8).

SECTION 13. IC 35-36-10-3, AS ADDED BY P.L.148-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 3. In any criminal proceeding, material constituting ~~child pornography~~ **child sex abuse material** must remain in the custody of the state or the court.

SECTION 14. IC 35-36-10-4, AS ADDED BY P.L.148-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 4. A court shall deny any request by the defendant in a criminal proceeding to copy, photograph, duplicate, or otherwise reproduce any material that constitutes ~~child pornography~~ **child sex abuse material** if the state provides ample opportunity for inspection, viewing, and examination of the material by:

- (1) the defendant;
 - (2) the defendant's attorney; and
 - (3) any individual the defendant seeks to qualify as an expert;
- at a state or local court or law enforcement facility as provided in section 5 of this chapter.

SECTION 15. IC 35-36-10-5, AS ADDED BY P.L.148-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 5. (a) A court may permit a defendant to inspect, view, and examine material that constitutes ~~child pornography~~ **child sex abuse material** at a state or local court or law enforcement facility if the defendant demonstrates that inspecting, viewing, and examining the material is necessary to the defendant's defense.

(b) If a court permits a defendant to inspect, view, and examine material that constitutes ~~child pornography~~ **child sex abuse material**, the court shall issue a protective order under Indiana Trial Rule 26 with respect to the material. The protective order must:

- (1) specifically describe which persons may have access to the material, and prohibit any person not described in the order from having access to the material;
- (2) permit only those persons whose access to the material is necessary for the purposes described in subsection (a) to have access to the material;
- (3) prohibit the further dissemination of the material; and
- (4) prohibit the defendant from having direct access to the material.

The protective order may include any other provision to safeguard the material.

SECTION 16. IC 35-38-1-7.1, AS AMENDED BY P.L.148-2024,



SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 7.1. (a) In determining what sentence to impose for a crime, the court may consider the following aggravating circumstances:

- (1) The harm, injury, loss, or damage suffered by the victim of an offense was:
 - (A) significant; and
 - (B) greater than the elements necessary to prove the commission of the offense.
- (2) The person has a history of criminal or delinquent behavior.
- (3) The victim of the offense was less than twelve (12) years of age or at least sixty-five (65) years of age at the time the person committed the offense.
- (4) The person:
 - (A) committed a crime of violence (IC 35-50-1-2); and
 - (B) knowingly committed the offense in the presence or within hearing of an individual who:
 - (i) was less than eighteen (18) years of age at the time the person committed the offense; and
 - (ii) is not the victim of the offense.
- (5) The person violated a protective order issued against the person under IC 34-26-5 (or IC 31-1-11.5, IC 34-26-2, or IC 34-4-5.1 before their repeal), a workplace violence restraining order issued against the person under IC 34-26-6, or a no contact order issued against the person.
- (6) The person has recently violated the conditions of any probation, parole, pardon, community corrections placement, or pretrial release granted to the person.
- (7) The victim of the offense was:
 - (A) a person with a disability (as defined in IC 27-7-6-12), and the defendant knew or should have known that the victim was a person with a disability; or
 - (B) mentally or physically infirm.
- (8) The person was in a position having care, custody, or control of the victim of the offense.
- (9) The injury to or death of the victim of the offense was the result of shaken baby syndrome (as defined in IC 16-41-40-2) or abusive head trauma.
- (10) The person threatened to harm the victim of the offense or a witness if the victim or witness told anyone about the offense.
- (11) The person:
 - (A) committed trafficking with an inmate under



IC 35-44.1-3-5; and

(B) is an employee of the penal facility.

(12) The person committed the offense with bias due to the victim's or the group's real or perceived characteristic, trait, belief, practice, association, or other attribute the court chooses to consider, including but not limited to an attribute described in IC 10-13-3-1.

(13) The person is or has been an alien (as defined by 8 U.S.C. 1101(a)) unlawfully present in the United States. A determination by the United States Department of Homeland Security that an alien has come to, entered, or remained in the United States in violation of law is evidence that the alien is or has been unlawfully present in the United States.

(14) The offense involved dealing in a controlled substance under IC 35-48-4 and the person distributed the controlled substance to at least three (3) different individuals in a one hundred eighty (180) day period.

(b) The court may consider the following factors as mitigating circumstances or as favoring suspending the sentence and imposing probation:

- (1) The crime neither caused nor threatened serious harm to persons or property, or the person did not contemplate that it would do so.
- (2) The crime was the result of circumstances unlikely to recur.
- (3) The victim of the crime induced or facilitated the offense.
- (4) There are substantial grounds tending to excuse or justify the crime, though failing to establish a defense.
- (5) The person acted under strong provocation.
- (6) The person has no history of delinquency or criminal activity, or the person has led a law-abiding life for a substantial period before commission of the crime.
- (7) The person is likely to respond affirmatively to probation or short term imprisonment.
- (8) The character and attitudes of the person indicate that the person is unlikely to commit another crime.
- (9) The person has made or will make restitution to the victim of the crime for the injury, damage, or loss sustained.
- (10) Imprisonment of the person will result in undue hardship to the person or the dependents of the person.
- (11) The person was convicted of a crime involving the use of force against a person who had repeatedly inflicted physical or sexual abuse upon the convicted person and evidence shows that



the convicted person suffered from the effects of battery as a result of the past course of conduct of the individual who is the victim of the crime for which the person was convicted.

(12) The person was convicted of a crime relating to a controlled substance and the person's arrest or prosecution was facilitated in part because the person:

- (A) requested emergency medical assistance; or
- (B) acted in concert with another person who requested emergency medical assistance;

for an individual who reasonably appeared to be in need of medical assistance due to the use of alcohol or a controlled substance.

(13) The person has posttraumatic stress disorder, traumatic brain injury, or a postconcussive brain injury.

(14) The person is a person described in IC 31-30-1-4(d) who committed the offense while the person was a child but is now at least twenty-one (21) years of age.

(15) The offense involved a controlled substance under IC 35-48-4 and the person:

(A) sought treatment:

- (i) in the three hundred sixty-five (365) day period preceding the date of the commission of the offense; or**
- (ii) on or after the date on which the person committed the offense, but before sentencing; and**

(B) successfully completed treatment:

- (i) in the three hundred sixty-five (365) day period preceding the date of the commission of the offense; or**
- (ii) on or after the date on which the person committed the offense, but before sentencing.**

(c) The criteria listed in subsections (a) and (b) do not limit the matters that the court may consider in determining the sentence.

(d) A court may impose any sentence that is:

- (1) authorized by statute; and
- (2) permissible under the Constitution of the State of Indiana;

regardless of the presence or absence of aggravating circumstances or mitigating circumstances.

(e) If a court suspends a sentence and orders probation for a person described in subsection (b)(13), the court may require the person to receive treatment for the person's injuries.

SECTION 17. IC 35-42-4-4, AS AMENDED BY P.L.172-2022, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 4. (a) The following definitions apply throughout



this section:

- (1) "Disseminate" means to transfer possession for free or for a consideration.
- (2) "Image" means the following:
 - (A) A picture.
 - (B) A drawing.
 - (C) A photograph.
 - (D) A negative image.
 - (E) An undeveloped film.
 - (F) A motion picture.
 - (G) A videotape.
 - (H) A digitized image.
 - (I) A computer generated image.
 - (J) Any pictorial representation.
- (3) "Matter" has the same meaning as in IC 35-49-1-3.
- (4) "Performance" has the same meaning as in IC 35-49-1-7.
- (5) "Sexual conduct" means:
 - (A) sexual intercourse;
 - (B) other sexual conduct (as defined in IC 35-31.5-2-221.5);
 - (C) exhibition of the:
 - (i) uncovered genitals; or
 - (ii) female breast with less than a fully opaque covering of any part of the nipple;
 intended to satisfy or arouse the sexual desires of any person;
 - (D) sadomasochistic abuse;
 - (E) sexual intercourse or other sexual conduct (as defined in IC 35-31.5-2-221.5) with an animal; or
 - (F) any fondling or touching of a child by another person or of another person by a child intended to arouse or satisfy the sexual desires of either the child or the other person.
- (b) A person who:
 - (1) knowingly or intentionally manages, produces, sponsors, presents, exhibits, photographs, films, videotapes, or creates a digitized image of any performance or incident that includes sexual conduct by a child under eighteen (18) years of age;
 - (2) knowingly or intentionally disseminates, exhibits to another person, offers to disseminate or exhibit to another person, or sends or brings into Indiana for dissemination or exhibition matter that depicts or describes sexual conduct by a child under eighteen (18) years of age;
 - (3) knowingly or intentionally makes available to another person a computer, knowing that the computer's fixed drive or peripheral



device contains matter that depicts or describes sexual conduct by a child less than eighteen (18) years of age;

(4) with the intent to satisfy or arouse the sexual desires of any person:

(A) knowingly or intentionally:

- (i) manages;
- (ii) produces;
- (iii) sponsors;
- (iv) presents;
- (v) exhibits;
- (vi) photographs;
- (vii) films;
- (viii) videotapes; or
- (ix) creates a digitized image of;

any performance or incident that includes the uncovered genitals of a child less than eighteen (18) years of age or the exhibition of the female breast with less than a fully opaque covering of any part of the nipple by a child less than eighteen (18) years of age;

(B) knowingly or intentionally:

- (i) disseminates to another person;
- (ii) exhibits to another person;
- (iii) offers to disseminate or exhibit to another person; or
- (iv) sends or brings into Indiana for dissemination or exhibition;

matter that depicts the uncovered genitals of a child less than eighteen (18) years of age or the exhibition of the female breast with less than a fully opaque covering of any part of the nipple by a child less than eighteen (18) years of age; or

(C) makes available to another person a computer, knowing that the computer's fixed drive or peripheral device contains matter that depicts the uncovered genitals of a child less than eighteen (18) years of age or the exhibition of the female breast with less than a fully opaque covering of any part of the nipple by a child less than eighteen (18) years of age; or

(5) knowingly or intentionally produces, disseminates, or possesses with intent to disseminate an image that depicts or describes sexual conduct:

(A) by a child who the person knows is less than eighteen (18) years of age;

(B) by a child less than eighteen (18) years of age, or by a person who appears to be a child less than eighteen (18) years



of age, if the image is obscene (as described in IC 35-49-2-1);
or

(C) that is simulated sexual conduct involving a representation that appears to be a child less than eighteen (18) years of age, if the representation of the image is obscene (as described in IC 35-49-2-1);

commits child exploitation, a Level 5 felony. It is not a required element of an offense under subdivision (5)(C) that the child depicted actually exists.

(c) However, the offense of child exploitation described in subsection (b) is a Level 4 felony if:

(1) the sexual conduct, matter, performance, or incident depicts or describes a child less than eighteen (18) years of age who:

(A) engages in bestiality (as described in IC 35-46-3-14);

(B) is mentally disabled or deficient;

(C) participates in the sexual conduct, matter, performance, or incident by use of force or the threat of force;

(D) physically or verbally resists participating in the sexual conduct, matter, performance, or incident;

(E) receives a bodily injury while participating in the sexual conduct, matter, performance, or incident; or

(F) is less than twelve (12) years of age; or

(2) the child less than eighteen (18) years of age:

(A) engages in bestiality (as described in IC 35-46-3-14);

(B) is mentally disabled or deficient;

(C) participates in the sexual conduct, matter, performance, or incident by use of force or the threat of force;

(D) physically or verbally resists participating in the sexual conduct, matter, performance, or incident;

(E) receives a bodily injury while participating in the sexual conduct, matter, performance, or incident; or

(F) is less than twelve (12) years of age.

(d) A person who, with intent to view the image, knowingly or intentionally possesses or accesses an image that depicts or describes sexual conduct:

(1) by a child who the person knows is less than eighteen (18) years of age;

(2) by a child less than eighteen (18) years of age, or by a person who appears to be a child less than eighteen (18) years of age, if the representation of the image is obscene (as described in IC 35-49-2-1); or

(3) that is simulated sexual conduct involving a representation



that appears to be a child less than eighteen (18) years of age, if the representation of the image is obscene (as described in IC 35-49-2-1);

commits possession of ~~child pornography~~, **child sex abuse material**, a Level 6 felony. It is not a required element of an offense under subdivision (3) that the child depicted actually exists.

(e) However, the offense of possession of ~~child pornography~~ **child sex abuse material** described in subsection (d) is a Level 5 felony if:

(1) the sexual conduct, matter, performance, or incident depicts or describes a child who the person knows is less than eighteen (18) years of age, or who appears to be less than eighteen (18) years of age, who:

- (A) engages in bestiality (as described in IC 35-46-3-14);
- (B) is mentally disabled or deficient;
- (C) participates in the sexual conduct, matter, performance, or incident by use of force or the threat of force;
- (D) physically or verbally resists participating in the sexual conduct, matter, performance, or incident;
- (E) receives a bodily injury while participating in the sexual conduct, matter, performance, or incident; or
- (F) is less than twelve (12) years of age; or

(2) the child less than eighteen (18) years of age:

- (A) engages in bestiality (as described in IC 35-46-3-14);
- (B) is mentally disabled or deficient;
- (C) participates in the sexual conduct, matter, performance, or incident by use of force or the threat of force;
- (D) physically or verbally resists participating in the sexual conduct, matter, performance, or incident;
- (E) receives a bodily injury while participating in the sexual conduct, matter, performance, or incident; or
- (F) is less than twelve (12) years of age.

(f) Subsections (b), (c), (d), and (e) do not apply to a bona fide school, museum, or public library that qualifies for certain property tax exemptions under IC 6-1.1-10, or to an employee of such a school, museum, or public library acting within the scope of the employee's employment when the possession of the listed materials is for legitimate scientific or educational purposes.

(g) It is a defense to a prosecution under this section that:

- (1) the person is a school employee, a department of child services employee, or an attorney acting in the attorney's capacity as legal counsel for a client; and
- (2) the acts constituting the elements of the offense were



performed solely within the scope of the person's employment as a school employee, a department of child services employee, or an attorney acting in the attorney's capacity as legal counsel for a client.

(h) Except as provided in subsection (i), it is a defense to a prosecution under subsection (b), (c), (d), or (e) if all of the following apply:

- (1) A cellular telephone, another wireless or cellular communications device, or a social networking ~~web site~~ **website** was used to possess, produce, or disseminate the image.
- (2) The defendant is not more than four (4) years older or younger than the person who is depicted in the image or who received the image.
- (3) The relationship between the defendant and the person who received the image or who is depicted in the image was a dating relationship or an ongoing personal relationship. For purposes of this subdivision, the term "ongoing personal relationship" does not include a family relationship.
- (4) The crime was committed by a person less than twenty-two (22) years of age.
- (5) The person receiving the image or who is depicted in the image acquiesced in the defendant's conduct.

(i) The defense to a prosecution described in subsection (h) does not apply if:

- (1) the person who receives the image disseminates it to a person other than the person:
 - (A) who sent the image; or
 - (B) who is depicted in the image;
- (2) the image is of a person other than the person who sent the image or received the image; or
- (3) the dissemination of the image violates:
 - (A) a protective order to prevent domestic or family violence or harassment issued under IC 34-26-5 (or, if the order involved a family or household member, under IC 34-26-2 or IC 34-4-5.1-5 before their repeal);
 - (B) an ex parte protective order issued under IC 34-26-5 (or, if the order involved a family or household member, an emergency order issued under IC 34-26-2 or IC 34-4-5.1 before their repeal);
 - (C) a workplace violence restraining order issued under IC 34-26-6;
 - (D) a no contact order in a dispositional decree issued under



IC 31-34-20-1, IC 31-37-19-1, or IC 31-37-5-6 (or IC 31-6-4-15.4 or IC 31-6-4-15.9 before their repeal) or an order issued under IC 31-32-13 (or IC 31-6-7-14 before its repeal) that orders the person to refrain from direct or indirect contact with a child in need of services or a delinquent child;

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

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

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

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

(I) a no contact order issued under IC 31-34-25 in a child in need of services proceeding or under IC 31-37-25 in a juvenile delinquency proceeding;

(J) an order issued in another state that is substantially similar to an order described in clauses (A) through (I);

(K) an order that is substantially similar to an order described in clauses (A) through (I) and is issued by an Indian:

(i) tribe;

(ii) band;

(iii) pueblo;

(iv) nation; or

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

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

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

(M) an order issued under IC 35-38-1-30.

(j) It is a defense to a prosecution under this section that:

(1) the person was less than eighteen (18) years of age at the time the alleged offense was committed; and

(2) the circumstances described in IC 35-45-4-6(a)(2) through IC 35-45-4-6(a)(4) apply.

(k) A person is entitled to present the defense described in subsection (j) in a pretrial hearing. If a person proves by a



preponderance of the evidence in a pretrial hearing that the defense described in subsection (j) applies, the court shall dismiss the charges under this section with prejudice.

SECTION 18. IC 35-42-4-14, AS AMENDED BY P.L.142-2020, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 14. (a) As used in this section, "serious sex offender" means a person required to register as a sex offender under IC 11-8-8 who is:

- (1) found to be a sexually violent predator under IC 35-38-1-7.5; or
- (2) convicted of one (1) or more of the following offenses:
 - (A) Child molesting (IC 35-42-4-3).
 - (B) Child exploitation (IC 35-42-4-4(b) or IC 35-42-4-4(c)).
 - (C) Possession of ~~child pornography~~ **child sex abuse material** (IC 35-42-4-4(d) or IC 35-42-4-4(e)).
 - (D) Vicarious sexual gratification (IC 35-42-4-5(a) and IC 35-42-4-5(b)).
 - (E) Performing sexual conduct in the presence of a minor (IC 35-42-4-5(c)).
 - (F) Child solicitation (IC 35-42-4-6).
 - (G) Child seduction (IC 35-42-4-7).
 - (H) Sexual misconduct with a minor (IC 35-42-4-9).

(b) A serious sex offender who knowingly or intentionally enters school property commits unlawful entry by a serious sex offender, a Level 6 felony.

- (c) It is a defense to a prosecution under subsection (b) that:
 - (1) a religious institution or house of worship is located on the school property; and
 - (2) the person:
 - (A) enters the school property or other entity described in IC 35-31.5-2-285(1)(A) through IC 35-31.5-2-285(1)(D) when classes, extracurricular activities, or any other school activities are not being held:
 - (i) for the sole purpose of attending worship services or receiving religious instruction; and
 - (ii) not earlier than thirty (30) minutes before the beginning of the worship services or religious instruction; and
 - (B) leaves the school property not later than thirty (30) minutes after the conclusion of the worship services or religious instruction.

SECTION 19. IC 35-44.1-3-1, AS AMENDED BY P.L.141-2024, SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2025]: Sec. 1. (a) A person who knowingly or intentionally:

- (1) forcibly resists, obstructs, or interferes with a law enforcement officer or a person assisting the officer while the officer is lawfully engaged in the execution of the officer's duties;
- (2) forcibly resists, obstructs, or interferes with the authorized service or execution of a civil or criminal process or order of a court; or
- (3) flees from a law enforcement officer after the officer has, by visible or audible means, including operation of the law enforcement officer's siren or emergency lights, identified himself or herself and ordered the person to stop;

commits resisting law enforcement, a Class A misdemeanor, except as provided in subsection (c).

(b) A person who, having been denied entry by a firefighter, an emergency medical services provider, or a law enforcement officer, knowingly or intentionally enters an area that is marked off with barrier tape or other physical barriers, commits interfering with public safety, a Class B misdemeanor, except as provided in subsection (c) or (k).

(c) The offense under subsection (a) or (b) is a:

- (1) Level 6 felony if ~~(A)~~ the person uses a vehicle to commit the offense; ~~or~~
- ~~(B)~~ **(2) Level 5 felony if: while committing the offense, the person:**

~~(i)~~ **(A) while committing the offense, the person** draws or uses a deadly weapon;

~~(ii)~~ **(B) while committing the offense, the person** inflicts **moderate** bodily injury on or otherwise causes **moderate** bodily injury to another person; or

~~(iii)~~ **(C) while committing the offense, the person** operates a vehicle in a manner that creates a substantial risk of bodily injury to another person;

~~(2)~~ **(3) Level 4 felony if:**

(A) while committing the offense, the person operates a vehicle in a manner that causes serious bodily injury to another person; or

(B) the person uses a vehicle to commit the offense and the person has a prior unrelated conviction under this section involving the use of a vehicle in the commission of the offense;

~~(3)~~ **(4) Level 3 felony if, while committing the offense, the person** operates a vehicle in a manner that causes the death or catastrophic injury of another person; and



~~(4)~~ **(5)** Level 2 felony if, while committing any offense described in subsection (a), the person operates a vehicle in a manner that causes the death or catastrophic injury of a firefighter, an emergency medical services provider, or a law enforcement officer while the firefighter, emergency medical services provider, or law enforcement officer is engaged in the firefighter's, emergency medical services provider's, or officer's official duties.

(d) The offense under subsection (a) is a Level 6 felony if, while committing an offense under:

(1) subsection (a)(1) or (a)(2), the person:

(A) creates a substantial risk of bodily injury to the person or another person; and

(B) has two (2) or more prior unrelated convictions under subsection (a); or

(2) subsection (a)(3), the person has two (2) or more prior unrelated convictions under subsection (a).

(e) If a person uses a vehicle to commit a felony offense under subsection ~~(c)(1)(B), (c)(2), (c)(3), or (c)(4); (c),~~ as part of the criminal penalty imposed for the offense, the court shall impose a minimum executed sentence of at least:

(1) thirty (30) days, if the person does not have a prior unrelated conviction under this section;

(2) one hundred eighty (180) days, if the person has one (1) prior unrelated conviction under this section; or

(3) one (1) year, if the person has two (2) or more prior unrelated convictions under this section.

(f) Notwithstanding IC 35-50-2-2.2 and IC 35-50-3-1, the mandatory minimum sentence imposed under subsection (e) may not be suspended.

(g) If a person is convicted of an offense involving the use of a motor vehicle under:

(1) ~~subsection (c)(1)(A);~~ **subsection (c)(1),** if the person exceeded the speed limit by at least twenty (20) miles per hour while committing the offense;

(2) subsection (c)(2); ~~or~~

(3) subsection (c)(3);

(4) subsection (c)(4); or

(5) subsection (c)(5);

the court may notify the bureau of motor vehicles to suspend or revoke the person's driver's license in accordance with IC 9-30-4-6.1(b) for the period described in IC 9-30-4-6.1(d)(1) or IC 9-30-4-6.1(d)(2). The court shall inform the bureau whether the person has been sentenced



to a term of incarceration. At the time of conviction, the court may obtain the person's current driver's license and return the license to the bureau of motor vehicles.

(h) A person may not be charged or convicted of a crime under subsection (a)(3) if the law enforcement officer is a school resource officer acting in the officer's capacity as a school resource officer.

(i) A person who commits an offense described in subsection (c) commits a separate offense for each person whose bodily injury, serious bodily injury, catastrophic injury, or death is caused by a violation of subsection (c).

(j) A court may order terms of imprisonment imposed on a person convicted of more than one (1) offense described in subsection (c) to run consecutively. Consecutive terms of imprisonment imposed under this subsection are not subject to the sentencing restrictions set forth in IC 35-50-1-2(c) through IC 35-50-1-2(d).

(k) As used in this subsection, "family member" means a child, grandchild, parent, grandparent, or spouse of the person. It is a defense to a prosecution under subsection (b) that the person reasonably believed that the person's family member:

- (1) was in the marked off area; and
- (2) had suffered bodily injury or was at risk of suffering bodily injury;

if the person is not charged as a defendant in connection with the offense, if applicable, that caused the area to be secured by barrier tape or other physical barriers.

SECTION 20. IC 35-49-2-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: **Sec. 2.5. A governmental entity may not knowingly or intentionally:**

- (1) organize or host an obscene performance; or**
- (2) fund, in whole or part, an obscene performance with public funds.**

SECTION 21. IC 35-49-2-2.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: **Sec. 2.6. (a) If a governmental entity organizes, hosts, or funds an obscene performance in violation of section 2.5 of this chapter, any person may bring an action to seek injunctive relief.**

(b) A person who brings an action for injunctive relief under this section and prevails is entitled to:

- (1) injunctive relief; and**
- (2) court costs, reasonable attorney's fees, and other**



reasonable expenses of litigation.

SECTION 22. IC 35-49-3-3, AS AMENDED BY P.L.234-2023, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 3. (a) Except as provided in subsection (b) and section 4 of this chapter, a person who knowingly or intentionally:

- (1) disseminates matter to minors that is harmful to minors (as described in IC 35-49-2);
- (2) displays matter that is harmful to minors in an area to which minors have visual, auditory, or physical access, unless each minor is accompanied by the minor's parent or guardian;
- (3) sells, rents, or displays for sale or rent to any person matter that is harmful to minors within five hundred (500) feet of the nearest property line of a school or church;
- (4) engages in or conducts a performance before minors that is harmful to minors;
- (5) engages in or conducts a performance that is harmful to minors in an area to which minors have visual, auditory, or physical access, unless each minor is accompanied by the minor's parent or guardian;
- (6) misrepresents the minor's age for the purpose of obtaining admission to an area from which minors are restricted because of the display of matter or a performance that is harmful to minors;
- or
- (7) misrepresents that the person is a parent or guardian of a minor for the purpose of obtaining admission of the minor to an area where minors are being restricted because of display of matter or performance that is harmful to minors;

commits a Level 6 felony.

(b) This section does not apply if a person disseminates, displays, or makes available the matter described in subsection (a) through the Internet, computer electronic transfer, or a computer network unless:

- (1) the matter is obscene under IC 35-49-2-1;
- (2) the matter is ~~child pornography~~ **child sex abuse material** under IC 35-42-4-4; or
- (3) the person distributes the matter to a child less than eighteen (18) years of age believing or intending that the recipient is a child less than eighteen (18) years of age.

SECTION 23. IC 35-50-1-2, AS AMENDED BY P.L.142-2020, SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: 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).
 - (14) Robbery as a Level 2 felony or a Level 3 felony (IC 35-42-5-1).
 - (15) Burglary as a Level 1 felony, Level 2 felony, Level 3 felony, or Level 4 felony (IC 35-43-2-1).
 - (16) Operating a vehicle while intoxicated causing death or catastrophic injury (IC 9-30-5-5).
 - (17) Operating a vehicle while intoxicated causing serious bodily injury to another person (IC 9-30-5-4).
 - (18) Child exploitation as a Level 5 felony under IC 35-42-4-4(b) or a Level 4 felony under IC 35-42-4-4(c).
 - (19) Resisting law enforcement as a felony (IC 35-44.1-3-1).
 - (20) Unlawful possession of a firearm by a serious violent felon (IC 35-47-4-5).
 - (21) Strangulation (IC 35-42-2-9) as a Level 5 felony.
- (b) As used in this section, "episode of criminal conduct" means offenses or a connected series of offenses that are closely related in time, place, and circumstance.
- (c) Except as provided in subsection (e) or (f) the court shall determine whether terms of imprisonment shall be served concurrently or consecutively. The court may consider the:
- (1) aggravating circumstances in IC 35-38-1-7.1(a); and



(2) mitigating circumstances in IC 35-38-1-7.1(b);
 in making a determination under this subsection. The court may order terms of imprisonment to be served consecutively even if the sentences are not imposed at the same time. However, except for crimes of violence, the total of the consecutive terms of imprisonment, exclusive of terms of imprisonment under IC 35-50-2-8 and IC 35-50-2-10 (before its repeal) to which the defendant is sentenced for felony **or misdemeanor** convictions arising out of an episode of criminal conduct shall not exceed the period 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 ~~felony~~ convictions arising out of an episode of criminal conduct may not exceed the following:

(1) If the most serious crime for which the defendant is sentenced is a Class C misdemeanor, the total of the consecutive terms of imprisonment may not exceed one (1) year.

(2) If the most serious crime for which the defendant is sentenced is a Class B misdemeanor, the total of the consecutive terms of 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.

~~(1)~~ **(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.

~~(2)~~ **(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.

~~(3)~~ **(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.

~~(4)~~ **(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.

~~(5)~~ **(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.

~~(6)~~ **(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 24. IC 35-50-2-7, AS AMENDED BY P.L.40-2019, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 7. (a) A person who commits a Class D felony (for a crime committed before July 1, 2014) shall be imprisoned for a fixed term of between six (6) months and three (3) years, with the advisory sentence being one and one-half (1 1/2) years. In addition, the person may be fined not more than ten thousand dollars (\$10,000).

(b) A person who commits a Level 6 felony (for a crime committed after June 30, 2014) shall be imprisoned for a fixed term of between six (6) months and two and one-half (2 1/2) years, with the advisory sentence being one (1) year. In addition, the person may be fined not more than ten thousand dollars (\$10,000).

(c) Notwithstanding subsections (a) and (b), if a person has committed a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014), the court may enter judgment of conviction of a Class A misdemeanor and sentence accordingly. However, the court shall enter a judgment of conviction of a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) if:

- (1) the court finds that:
 - (A) the person has committed a prior, unrelated felony for which judgment was entered as a conviction of a Class A misdemeanor; and
 - (B) the prior felony was committed less than three (3) years before the second felony was committed;



- (2) the offense is domestic battery as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-42-2-1.3; or
- (3) the offense is possession of ~~child pornography~~ **child sex abuse material** (IC 35-42-4-4(d)).

The court shall enter in the record, in detail, the reason for its action whenever it exercises the power to enter judgment of conviction of a Class A misdemeanor granted in this subsection.

(d) Notwithstanding subsections (a) and (b), the sentencing court may convert a Class D felony conviction (for a crime committed before July 1, 2014) or a Level 6 felony conviction (for a crime committed after June 30, 2014) to a Class A misdemeanor conviction if, after receiving a verified petition as described in subsection (e) and after conducting a hearing of which the prosecuting attorney has been notified, the court makes the following findings:

- (1) The person is not a sex or violent offender (as defined in IC 11-8-8-5).
- (2) The person was not convicted of a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) that resulted in bodily injury to another person.
- (3) The person has not been convicted of perjury under IC 35-44.1-2-1 (or IC 35-44-2-1 before its repeal) or official misconduct under IC 35-44.1-1-1 (or IC 35-44-1-2 before its repeal).
- (4) The person has not been convicted of domestic battery as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-42-2-1.3 in the fifteen (15) year period immediately preceding the commission of the current offense.
- (5) At least three (3) years have passed since the person:
 - (A) completed the person's sentence; and
 - (B) satisfied any other obligation imposed on the person as part of the sentence;
 for the Class D or Level 6 felony.
- (6) The person has not been convicted of a felony since the person:
 - (A) completed the person's sentence; and
 - (B) satisfied any other obligation imposed on the person as part of the sentence;
 for the Class D or Level 6 felony.
- (7) No criminal charges are pending against the person.



(e) A petition filed under subsection (d) or (f) must be verified and set forth:

- (1) the crime the person has been convicted of;
- (2) the date of the conviction;
- (3) the date the person completed the person's sentence;
- (4) any obligations imposed on the person as part of the sentence;
- (5) the date the obligations were satisfied; and
- (6) a verified statement that there are no criminal charges pending against the person.

(f) If a person whose Class D or Level 6 felony conviction has been converted to a Class A misdemeanor conviction under subsection (d) is convicted of a felony not later than five (5) years after the conversion under subsection (d), a prosecuting attorney may petition a court to convert the person's Class A misdemeanor conviction back to a Class D felony conviction (for a crime committed before July 1, 2014) or a Level 6 felony conviction (for a crime committed after June 30, 2014).

SECTION 25. IC 35-52-13-17 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: **Sec. 17. IC 13-30-10-7 defines a crime concerning the environment.**



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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