



Journal of the Senate

State of Indiana

121st General Assembly

First Regular Session

Forty-eighth Meeting Day

Monday Afternoon

April 22, 2019

The Senate convened at 1:47 p.m., with the President of the Senate, Suzanne Crouch, in the Chair.

BRAY, Chair

Prayer was offered by Senator Dennis K. Kruse.

Report adopted.

The Pledge of Allegiance to the Flag was led by Senator Kruse.

REPORT OF THE PRESIDENT PRO TEMPORE

The Chair ordered the roll of the Senate to be called. Those present were:

Pursuant to Rule 84 of the Standing Rules and Orders of the Senate, President Pro Tempore Rodric D. Bray has appointed/removed/changed the following senator(s) as Senate conferees (or advisors) on Engrossed Senate Bill 127:

Conferees: Holdman, Chair and Stoops
Advisors: Merritt, J.D. Ford, Becker

Alting	Koch
Bassler	Kruse
Becker	Lanane
Bohacek	Leising
Boots	Melton
Bray	Merritt
Breaux	Messmer
Brown, L.	Mishler
Buchanan	Mrvan <input checked="" type="checkbox"/>
Buck	Niemeyer
Busch	Niezgodski
Charbonneau	Perfect
Crane	Raatz
Crider	Randolph, Lonnie M.
Doriot	Rogers
Ford, J.D.	Ruckelshaus
Ford, Jon	Sandlin
Freeman	Spartz
Garten	Stoops
Gaskill	Tallian
Glick	Taylor, G.
Grooms	Tomes
Head	Walker
Holdman	Young, M.
Houchin	Zay

BRAY

Date: 4/18/19

Time: 5:25 p.m.

Report adopted.

PRESIDENT PRO TEMPORE'S REPORT OF CONFEREE ASSIGNMENTS

Pursuant to Rule 84 of the Standing Rules and Orders of the Senate, President Pro Tempore Rodric D. Bray has appointed/removed/changed the following senator(s) as Senate conferees (or advisors) on Engrossed House Bill 1331:

Conferees: Freeman and G. Taylor
Advisors: Rogers and Lanane

BRAY

Date: 4/18/19

Time: 5:27 p.m.

Report adopted.

PRESIDENT PRO TEMPORE'S REPORT OF CONFEREE ASSIGNMENTS

Pursuant to Rule 84 of the Standing Rules and Orders of the Senate, President Pro Tempore Rodric D. Bray has appointed/removed/changed the following senator(s) as Senate conferees (or advisors) on Engrossed House Bill 1362:

Conferees: Crider and J.D. Ford
Advisors: Garten and Melton

BRAY

Date: 4/18/19

Time: 5:28 p.m.

Report adopted.

PRESIDENT PRO TEMPORE'S REPORT OF CONFEREE ASSIGNMENTS

Roll Call 545: present 49; excused 1. [Note: A indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: Pursuant to Senate Rule 86(k) your Committee on Rules and Legislative Procedure to which was referred Conference Committee Reports filed on Engrossed Senate Bills 119, 133, 363 and 518 and Engrossed House Bill 1284 has had the same under consideration and begs leave to report back to the Senate with the recommendation that said Conference Committee Reports are eligible for consideration.

Pursuant to Rule 84 of the Standing Rules and Orders of the Senate, President Pro Tempore Rodric D. Bray has appointed/removed/changed the following senator(s) as Senate

conferees (or advisors) on Engrossed House Bill 1591:
 Conferees: Koch and Lanane
 Advisors: M. Young and Lonnie M. Randolph

BRAY
 Date: 4/18/19
 Time: 4:16 p.m.

BRAY
 Date: 4/18/19
 Time: 5:29 p.m.

Report adopted.

PRESIDENT PRO TEMPORE'S REPORT OF CONFEREE ASSIGNMENTS

Pursuant to Rule 84 of the Standing Rules and Orders of the Senate, President Pro Tempore Rodric D. Bray has appointed/removed/changed the following senator(s) as Senate conferees (or advisors) on Engrossed House Bill 1427:
 Conferees: Bassler and G. Taylor
 Advisors: Buchanan and J.D. Ford

BRAY
 Date: 4/18/19
 Time: 4:07 p.m.

Report adopted.

PRESIDENT PRO TEMPORE'S REPORT OF CONFEREE ASSIGNMENTS

Pursuant to Rule 84 of the Standing Rules and Orders of the Senate, President Pro Tempore Rodric D. Bray has appointed/removed/changed the following senator(s) as Senate conferees (or advisors) on Engrossed House Bill 1486:
 Conferees: Messmer and Stoops
 Advisors: Doriot and Niezgodski

BRAY
 Date: 4/18/19
 Time: 4:08 p.m.

Report adopted.

PRESIDENT PRO TEMPORE'S REPORT OF CONFEREE ASSIGNMENTS

Pursuant to Rule 84 of the Standing Rules and Orders of the Senate, President Pro Tempore Rodric D. Bray has appointed/removed/changed the following senator(s) as Senate conferees (or advisors) on Engrossed House Bill 1495:
 Conferees: Bohacek and Lanane
 Advisors: Rogers and Breaux

BRAY
 Date: 4/18/19
 Time: 3:56 p.m.

Report adopted.

PRESIDENT PRO TEMPORE'S REPORT OF CONFEREE ASSIGNMENTS

Pursuant to Rule 84 of the Standing Rules and Orders of the Senate, President Pro Tempore Rodric D. Bray has appointed/removed/changed the following senator(s) as Senate conferees (or advisors) on Engrossed House Bill 1628:
 Conferees: Holdman and Melton
 Advisors: Raatz and Stoops

Report adopted.

PRESIDENT PRO TEMPORE'S REPORT OF CONFEREE ASSIGNMENTS

Pursuant to Rule 84 of the Standing Rules and Orders of the Senate, President Pro Tempore Rodric D. Bray has appointed/removed/changed the following senator(s) as Senate conferees (or advisors) on Engrossed House Bill 1640:
 Conferees: Kruse and Melton
 Advisors: Crane and Stoops

BRAY
 Date: 4/18/19
 Time: 4:16 p.m.

Report adopted.

PRESIDENT PRO TEMPORE'S REPORT OF CONFEREE ASSIGNMENTS

Pursuant to Rule 84 of the Standing Rules and Orders of the Senate, President Pro Tempore Rodric D. Bray has appointed/removed/changed the following senator(s) as Senate conferees (or advisors) on Engrossed House Bill 1651:
 Conferees: Houchin and G. Taylor
 Advisors: Zay, Stoops, Spartz

BRAY
 Date: 4/18/19
 Time: 5:29 p.m.

Report adopted.

PRESIDENT PRO TEMPORE'S REPORT OF CONFEREE ASSIGNMENTS

Pursuant to Rule 84 of the Standing Rules and Orders of the Senate, President Pro Tempore Rodric D. Bray has appointed/removed/changed the following senator(s) as Senate conferees (or advisors) on Engrossed House Bill 1015:
 Conferees: Senator Lanane to replace Senator Lonnie M. Randolph

BRAY
 Date: 4/20/19
 Time: 3:50 p.m.

Report adopted.

PRESIDENT PRO TEMPORE'S REPORT OF CONFEREE ASSIGNMENTS

Pursuant to Rule 84 of the Standing Rules and Orders of the Senate, President Pro Tempore Rodric D. Bray has appointed/removed/changed the following senator(s) as Senate conferees (or advisors) on Engrossed House Bill 1015:
 Remove advisors: Doriot and Stoops
 Add advisors: Mishler, Melton, Jon Ford, Leising

BRAY
 Date: 4/20/19
 Time: 3:50 p.m.

Report adopted.

**PRESIDENT PRO TEMPORE’S REPORT
OF CONFEREE ASSIGNMENTS**

Pursuant to Rule 84 of the Standing Rules and Orders of the Senate, President Pro Tempore Rodric D. Bray has appointed/removed/changed the following senator(s) as Senate conferees (or advisors) on Engrossed House Bill 1651:

Add: Senator Bohacek as advisor

BRAY
Date: 4/22/19
Time: 8:14 a.m.

Report adopted.

SENATE MOTION

Madam President: I move that the following resolutions be adopted:

- SR 96 Senator Bray
Expressing the sincere gratitude and appreciation of the Indiana Senate to the Indiana Legislative Services Agency.
- SR 97 Senator Bray
Expressing the Indiana State Senate’s sincere appreciation to the Indiana State Medical Association and the Indiana Academy of Family Physicians for the “Doctor of the Day” program.
- SR 98 Senator Bray
Recognizing the exceptional work and dedication of the Indiana State Senate employees.
- SR 99 Senator Bray
Expressing appreciation to the Indiana State Chiropractic Association for coordinating and operating the “Chiropractor of the Day” program.
- SR 100 Senator Bray
Expressing gratitude to Verizon Communications.
- SR 101 Senator Grooms
Honoring the Rotarians of Rotary District 6580.
- SR 102 Senator Becker
Congratulating Olivia Taylor.
- SR 103 Senator Merritt
Congratulating Gabrielle Mullins.

BRAY

Motion prevailed.

RESOLUTIONS ON FIRST READING

Senate Resolution 96

Senate Resolution 96, introduced by Senator Bray:

A SENATE RESOLUTION expressing the sincere gratitude and appreciation of the Indiana Senate to the Indiana Legislative Services Agency for its tireless work and dedication during the First Regular Session of the One Hundred Twenty First General Assembly.

Whereas, Under the leadership of Executive Director George Angelone, the staff of the Indiana Legislative Services Agency (“LSA”) has dedicated countless hours and tireless efforts to

ensure the sustainability and seamless function of the legislative process;

Whereas, Without the steadfast support of the LSA staff, many challenges and quandaries within the legislature would go unresolved and unanswered; and

Whereas, The staff of the Indiana Legislative Services Agency are gifted and reliable servants of the State of Indiana and are vital to the function of the Indiana General Assembly: Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. That the Indiana Senate expresses its full gratitude and sincere praise to the entire staff of the Indiana Legislative Services Agency for its incomparable service to the legislature and the State of Indiana.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this Resolution to all staff members of the Indiana Legislative Services Agency.

The resolution was read in full and adopted by voice vote.

Senate Resolution 97

Senate Resolution 97, introduced by Senator Bray:

A SENATE RESOLUTION expressing the Indiana State Senate's sincere appreciation to the Indiana State Medical Association and the Indiana Academy of Family Physicians for coordinating and operating the "Doctor of the Day" program and to the dedicated doctors who participated.

Whereas, The Indiana State Medical Association and the Indiana Academy of Family Physicians assembled some of the state's most talented physicians to provide basic check-ups of the legislators and staff of the Senate during the First Regular Session of the One Hundred Twenty First Indiana General Assembly;

Whereas, Numerous doctors donated their time to make the "Doctor of the Day" program possible, which is responsible for maintaining a healthy, productive, and efficient legislature; and

Whereas, Each member of the Indiana State Senate is appreciative of the efforts of the Indiana State Medical Association and the Indiana Academy of Family Physicians, and the dedicated doctors who traveled to the Statehouse to contribute their services to the program: Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. That the Indiana Senate expresses its sincere appreciation to the Indiana State Medical Association and the Indiana Academy of Family Physicians for coordinating and operating the "Doctor of the Day" program at the Indiana Statehouse.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this Resolution to Dr. Stacie Wenk, President of the Executive Committee of the Indiana State Medical Association, Dr. William Tortoriello, President of the Executive Committee of the Indiana Academy of Family Physicians, and each doctor who participated in the "Doctor of the Day" program.

The resolution was read in full and adopted by voice vote.

Senate Resolution 98

Senate Resolution 98, introduced by Senator Bray:

A SENATE RESOLUTION recognizing the exceptional work and dedication of the Indiana State Senate employees.

Whereas, The employees of the Indiana State Senate serve as the backbone of the legislative process by helping the legislative session run efficiently and assisting the legislators to better serve Hoosiers through constituent correspondence, legislative and policy research, tracking legislation, writing news releases, managing the General Assembly website, and more;

Whereas, Each year, the employees of the Indiana State Senate continue to set new standards of excellence in their service and have done so once again during the First Regular Session of the One Hundred Twenty First Indiana General Assembly; and

Whereas, The employees of the Indiana State Senate performed their duties with dedication, unwavering professionalism, and genuine care, benefitting both the Indiana State Senate and the State of Indiana: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana Senate recognizes and sincerely thanks the Indiana State Senate employees for their outstanding work and dedication.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this Resolution to each Indiana State Senate employee who served during the First Regular Session of the One Hundred Twenty First General Assembly.

The resolution was read in full and adopted by voice vote.

Senate Resolution 99

Senate Resolution 99, introduced by Senator Bray:

A SENATE RESOLUTION expressing appreciation to the Indiana State Chiropractic Association for coordinating and operating the "Chiropractor of the Day" program at the Indiana Statehouse and to the dedicated chiropractors who participated.

Whereas, The Indiana State Chiropractic Association provided a great service to the Indiana State Senate during the

First Regular Session of the One Hundred Twenty First Indiana General Assembly by operating the "Chiropractor of the Day" program at the Indiana Statehouse;

Whereas, For the program, the Indiana State Chiropractic Association provided competent and experienced chiropractors who donated their time and expertise to provide care to the Senators and staff during the busy legislative session; and

Whereas, Each member of the Indiana State Senate is appreciative of the fine efforts of the dedicated chiropractors who traveled to the Statehouse to contribute their services to the program: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana Senate expresses its sincere appreciation to the Indiana State Chiropractic Association for coordinating and operating the "Chiropractor of the Day" program and to the dedicated chiropractors who participated.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this Resolution to Dr. Diane Vuotto, President of the Indiana State Chiropractic Association, and each chiropractor who participated in the "Chiropractor of the Day" program.

The resolution was read in full and adopted by voice vote.

Senate Resolution 100

Senate Resolution 100, introduced by Senator Bray:

A SENATE RESOLUTION expressing gratitude to Verizon Communications for its role in promoting and supporting the Indiana General Assembly's legislative internship program and scholarships.

Whereas, Since 1995, Verizon Communications has generously awarded scholarships to interns in each caucus of the Indiana Senate and House of Representatives;

Whereas, The Verizon Communications Intern Scholarships reward outstanding performance, dedicated work ethic, and professional, effective interpersonal skills;

Whereas, Scholarship recipients are selected based on a number of criteria, including nominations by legislators and staff, peer votes, student self-assessments, and personal essays; and

Whereas, Verizon Communications has an extensive history of supporting educational initiatives, and its continued support of the legislative internship program and scholarship is tremendously appreciated: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana Senate expresses its sincere appreciation to Verizon Communications for its role in promoting and supporting the Indiana General Assembly's internship program and scholarships.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Neil Krevda, Director of Governmental Affairs for Verizon Communications.

The resolution was read in full and adopted by voice vote.

Senate Resolution 101

Senate Resolution 101, introduced by Senator Grooms:

A SENATE RESOLUTION honoring the Rotarians of Rotary District 6580.

Whereas, Rotary District 6580 encompasses all of southern Indiana with member clubs from Greenwood to the Ohio River;

Whereas, Rotary District 6580 is comprised of 32 member clubs and the majority of them have served their communities for over 100 years;

Whereas, Rotary District 6580 is a participant of Rotary International Services and has been particularly impactful in the international effort to eradicate polio from the face of the earth;

Whereas, Grassroots at the core, Rotary links over 1.2 million members to form an organization of international scope and impact;

Whereas, The Rotarians of Rotary District 6580 have impacted their communities by providing mobile therapy kits, donating computer equipment, distributing Christmas gifts, providing students with educational materials, constructing new homes, and countless other services; and

Whereas, The Rotarians of Rotary District 6580 lead the way in their respective communities by living out the motto "Service Above Self" every day: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana Senate honors the Rotarians of Rotary District 6580.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this Resolution to members of Rotary District 6580.

The resolution was read in full and adopted by voice vote.

Senate Resolution 102

Senate Resolution 102, introduced by Senators Becker and Tomes:

A SENATE RESOLUTION congratulating Olivia Taylor on her dance career and for representing the United States at the

International Dance Organization Ballet, Jazz, and Modern World Dance Championship in Poland.

Whereas, Olivia Taylor is an accomplished 14-year-old dancer from Newburgh, Indiana, who trains year-round to compete in regional and national dance competitions;

Whereas, Olivia has studied ballet, jazz, contemporary, hip-hop, and tap styles of dance since she was a toddler;

Whereas, In 2018, Olivia was selected by The American Dance Company to represent the United States of America at the International Dance Organization Ballet, Jazz, and Modern World Dance Championship in Ossa, Poland;

Whereas, Olivia trained for months with The American Dance Company at their Little Rock, Arkansas training facility before traveling to Poland to perform as a soloist, duo, and ensemble member of the team;

Whereas, Olivia's team competed in more than 8,000 performances and against more than 4,000 dancers from over 30 countries across six continents;

Whereas, Olivia's performance in Poland earned her a bronze medal in Jazz and 10th place in Modern dance; and

Whereas, Olivia exhibits a work ethic unique for her age and her commitment to dance has been evident since a young age: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana Senate congratulates Olivia Taylor on her dance career and for representing the United States at the International Dance Organization Ballet, Jazz, and Modern World Dance Championship in Poland.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Olivia Taylor.

The resolution was read in full and adopted by voice vote.

Senate Resolution 103

Senate Resolution 103, introduced by Senator Merritt:

A SENATE RESOLUTION congratulating Gabrielle Mullins on her achievements in dance and for representing the United States at the International Dance Organization Ballet, Jazz, and Modern World Dance Championship in Poland.

Whereas, Gabrielle Mullins is an accomplished 16-year-old dancer from Fishers, Indiana, who trains year-round with Dance Magic Performing Arts Center in Indianapolis;

Whereas, Gabrielle has studied ballet, jazz, contemporary, hip-hop, and tap styles of dance since she was a toddler;

Whereas, In 2018, Gabrielle was selected to be a member of The American Dance Company and represented the United States at the International Dance Organization Ballet, Jazz, and Modern World Dance Championship in Ossa, Poland;

Whereas, Gabrielle trained for months with The American Dance Company at their Mobile, Alabama, training facility before traveling to Poland to compete;

Whereas, In Poland, Gabrielle and The American Dance Company competed against more than 4,000 dancers from over 30 countries across six continents; and

Whereas, Gabrielle is an accomplished young dancer who has already earned numerous accolades and achievements: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana Senate congratulates Gabrielle Mullins on her achievements in dance and for representing the United States at the International Dance Organization Ballet, Jazz, and Modern World Dance Championship in Poland.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Gabrielle Mullins.

The resolution was read in full and adopted by voice vote.

Senate Resolution 82

Senate Resolution 82, introduced by Senators Tallian, Lanane, Breaux, J.D. Ford, Melton, Mrvan, Niezgodski, Lonnie M. Randolph, Stoops and G. Taylor:

A SENATE RESOLUTION to recognize and honor the Senate Democratic Caucus Interns for their service during the First Regular Session of the One Hundred Twenty First Indiana General Assembly.

Whereas, The following have served as legislative interns for the Democratic Caucus of the State Senate of Indiana during the First Regular Session of the One Hundred Twenty First Indiana General Assembly: Beth Brouwer, Destiny Burgos, Hayley Griffith, Bailey Hayes, Michael Hess, LeAndre Level, Gabriel McFadden, Jack McNeil, Elizabeth Murray, Victor Mweu, Samantha Roberts, Alejandro Rodriguez, and Mohammed Ziny;

Whereas, The interns of the Senate Democratic Caucus represent seven universities throughout Indiana, including Anderson University, Ball State University, Butler University, Franklin College, Indiana University-Bloomington, Indiana University-Purdue University Indianapolis, and Purdue University, along with representation of The College of William and Mary in Virginia;

Whereas, The conscientious and diligent efforts of the interns enabled a more effective and efficient State Senate this legislative session;

Whereas, The interns' dedication and hard work enabled the Senators of the Democratic Caucus to better represent and serve their constituents in a prompt and respectful manner; and

Whereas, The work of the Democratic interns is integral to the success of the Indiana General Assembly: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana Senate hereby expresses its deep appreciation to the Senate Democratic Caucus Interns.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this Resolution to all of the Senate Democratic Caucus Interns.

The resolution was read in full and adopted by voice vote.

Senate Resolution 50

Senate Resolution 50, introduced by Senators Merritt and Messmer:

A SENATE RESOLUTION honoring the 2019 Senate Majority Caucus interns and thanking them for their service to the Indiana General Assembly.

Whereas, Throughout the First Regular Session of the 121st Indiana General Assembly, the Senate Majority Caucus interns have provided the Senators of the Republican Caucus, individually and collectively, with outstanding assistance and support;

Whereas, Those serving so ably this session include Rachel Birenbaum, Luke Broderick, Sam Charron, Christian Clase, Madalynn Conner, Jesse Cordray, Aaron Cox, Reed Davis, Thomas Hogan, Jackson Hughes, Sydney Kadinger, David Lavanchy, Nathan Leichty, Zeb Lewis, Steven Mattingly, Molly Katherine McMath, Malak Christian Mercho, Brennan Murray, Kelsey Napier, Joe Olofinkua, Philip Pepper, Sarah Elizabeth Potter, Jacqueline Rans, Hannah Reid, Stephania Rodriguez-Villegas, Navraj Sandhu, Courtney Thompson, Charles E. Tinkle, IV, Jake Troxell, Zach Van Duyn, Hannah Vos, Alexa Walden, Jillian Warner, Athena Weddle, Adam Welker, and Gabrielle Young-Ortiz;

Whereas, The Senate Majority Caucus interns represent twelve colleges, universities, and law schools, including Anderson University, Ball State University, DePauw University, Franklin College, Grace College, Indiana University, Indiana University-Purdue University Indianapolis, Marquette University Law School, Purdue University, Purdue University Northwest, University of Notre Dame, and University of Southern Indiana;

Whereas, The exemplary efforts of the Senate Majority Caucus interns have contributed to the Senate's ability to be more efficient and responsive to the citizens of the great State of Indiana; and

Whereas, It is fitting that the Senate Majority Caucus interns are recognized for their hard work, time devoted, and talents shared with the Indiana General Assembly: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana Senate honors and expresses its full appreciation and sincere commendation to the 2019 Senate Majority Caucus interns.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this Resolution to each Senate Majority Caucus intern who served during the First Regular Session of the 121st General Assembly.

The resolution was read in full and adopted by voice vote.

MESSAGE FROM THE PRESIDENT PRO TEMPORE

Madam President and Members of the Senate: I have on Thursday, April 18, 2019, signed Senate Enrolled Acts: 144, 162, 172, 174, 216, 220, 223, 235, 280, 281, 292, 359, 365, 480, 527, 575, 586, 606, 631 and House Enrolled Acts: 1006, 1007, 1086, 1113, 1125, 1200, 1214, 1217, 1257, 1266, 1299, 1330, 1358, 1400, 1447, 1473, 1543, 1545, 1547, 1548, 1569, 1615, 1627, 1649.

RODRIC D. BRAY
President Pro Tempore

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 84 of the Standing Rules and Orders of the Senate, President Pro Tempore Rodric D. Bray has appointed/removed/changed the following senator(s) as Senate conferees (or advisors) on Engrossed Senate Bill 233:
Remove: Senator Holdman as advisor

BRAY
Date: 4/22/19
Time: 1:53 p.m.

Report adopted.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 84 of the Standing Rules and Orders of the Senate, President Pro Tempore Rodric D. Bray has appointed/removed/changed the following senator(s) as Senate conferees (or advisors) on Engrossed Senate Bill 233:
Conferees: Senator Holdman to replace Senator Stoops

BRAY
Date: 4/22/19
Time: 1:53 p.m.

Report adopted.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has not concurred in Senate amendments

to Engrossed House Bill 1015. The Speaker of the House has appointed the following Representatives as a conference committee to meet and confer with a like committee of the Senate on said bill and to report thereon:

Conferees: Huston, Chair and Austin
Advisors: Lehman, Smaltz, Bartels, Baird, DeLaney, Harris, Hatfield, Jackson, Pfaff, Porter, Pryor, Candelaria Reardon, Moed

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives as a conference committee to confer on Engrossed Senate Bill 243:

Conferees: Speedy and Pierce
Advisors: McNamara, J. Young, Dvorak, Hatcher
M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representative to a conference committee to confer with a like committee of the Senate on Engrossed House Bill 1640:

Advisor:
Jordan
M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has not concurred in Senate amendments to Engrossed House Bill 1362. The Speaker of the House has appointed the following Representatives as a conference committee to meet and confer with a like committee of the Senate on said bill and to report thereon:

Conferees: Eberhart, Chair and Chyung
Advisors: Sullivan, Karickhoff, Candelaria Reardon
M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representative to a conference committee to confer with a like committee of the Senate on Engrossed House Bill 1331:

Advisor:
Bacon
M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has adopted conference committee report 1 on Engrossed Senate Bill 459.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has adopted conference committee report 1 on Engrossed House Bills 1192 and 1284.

M. CAROLINE SPOTTS
Principal Clerk of the House

RESOLUTIONS ON SECOND READING

Senate Resolution 89

Senator Jon Ford called up Senate Resolution 89 for second reading. The resolution was read a second time and adopted by voice vote.

MOTIONS TO CONCUR
IN HOUSE AMENDMENTS

SENATE MOTION

Madam President: I move that the Senate concur with the House amendments to Engrossed Senate Bill 94.

BOOTS

Roll Call 546: yeas 45, nays 0. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate concur with the House amendments to Engrossed Senate Bill 186.

KOCH

Roll Call 547: yeas 45, nays 0. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate concur with the House amendments to Engrossed Senate Bill 193.

BOHACEK

Roll Call 548: yeas 46, nays 0. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate concur with the House amendments to Engrossed Senate Bill 491.

TOMES

Roll Call 549: yeas 48, nays 0. Motion prevailed.

CONFERENCE COMMITTEE REPORTS

CONFERENCE COMMITTEE REPORT

ESB 119-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed

House Amendments to Engrossed Senate Bill 119 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 35-47-2-7, AS AMENDED BY P.L.152-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7. **(a) As used in this section, "machine gun" means any weapon that shoots, is designed to shoot, or can be readily restored to shoot automatically more than one (1) shot, without manual reloading, by a single function of the trigger. The term includes the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or a combination of parts designed and intended, for use in converting a weapon into a machine gun, and any combination of parts from which a machine gun can be assembled if such parts are in the possession or under the control of a person.**

(a)(b) Except an individual acting within a parent-minor child or guardian-minor protected person relationship or any other individual who is also acting in compliance with IC 35-47-10 (governing children and firearms) **and federal law**, a person may not sell, give, or in any other manner transfer the ownership or possession of a handgun or ~~assault weapon~~ **machine gun** to any person under eighteen (18) years of age.

(c) A person who knowingly or intentionally sells, gives, or in any other manner transfers ownership or possession of a machine gun to a person under eighteen (18) years of age commits a Level 5 felony. However, the offense is a Level 4 felony if the person who sells, gives, or transfers ownership of the machine gun has a prior conviction under this section, and a Level 3 felony if a person under eighteen (18) years of age uses the machine gun to commit murder (IC 35-42-1-1).

(b)(d) A person who knowingly or intentionally sells, gives, or in any other manner transfers the ownership or possession of a handgun to another person who the person knows:

(1) is ineligible for any reason other than the person's age to purchase or otherwise receive from a dealer a handgun; or

(2) intends to use the handgun to commit a crime; commits criminal transfer of a handgun, a Level 5 felony. However, the offense is a Level 3 felony if the other person uses the handgun to commit murder (IC 35-42-1-1).

(c)(e) A person who purchases a handgun with the intent to:

(1) resell or otherwise provide the handgun to another person who the person knows is ineligible for any reason to purchase or otherwise receive from a dealer a handgun;

(2) resell or otherwise provide the handgun to another person who the person knows intends to use the handgun to commit a crime; or

(3) transport the handgun outside Indiana to be resold or otherwise provided to another person who the transferor knows:

(A) is ineligible to purchase or otherwise receive a handgun; or

(B) intends to use the handgun to commit a crime; commits the straw purchase of a handgun, a Level 5 felony. However, the offense is a Level 3 felony if the other person uses the handgun to commit murder (IC 35-42-1-1).

~~(d)~~ **(f)** As used in this subsection, "NICS" has the meaning set forth in IC 35-47-2.5-2.5. It is a defense to a prosecution under subsection ~~(b)~~ **(d)** **(1)** that:

(1) the accused person contacted NICS (or had a dealer contact NICS on the person's behalf) to request a background check on the other person before the accused person sold, gave, or in any other manner transferred the ownership or possession of the handgun to the other person; and

(2) the accused person (or dealer acting on the person's behalf) received authorization from NICS to sell, give, or in any other manner transfer ownership or possession of the handgun to the other person.

(Reference is to ESB 119 as printed March 29, 2019.)

Tomes, Chair	Lucas
Randolph	DeLaney
Senate Conferees	House Conferees

Roll Call 550: yeas 45, nays 3. Report adopted.

CONFERENCE COMMITTEE REPORT

ESB 133-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 133 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 1, delete lines 1 through 17.

Page 2, delete lines 1 through 5.

Page 3, delete line 22.

Renumber all SECTIONS consecutively.

(Reference is to ESB 133 as printed March 29, 2019.)

Leising, Chair	Davisson
Breaux	Shackleford
Senate Conferees	House Conferees

Roll Call 551: yeas 48, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT

ESB 363-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 363 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House

amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 14-10-2-5, AS AMENDED BY P.L.195-2017, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) The department may adopt emergency rules under IC 4-22-2-37.1 to carry out the duties of the department under the following:

- (1) IC 14-9.
- (2) This article.
- (3) IC 14-11.
- (4) IC 14-12-2.
- (5) IC 14-14.
- (6) IC 14-15.
- (7) IC 14-17-3.
- (8) IC 14-18, except IC 14-18-6 and IC 14-18-8.
- (9) IC 14-19-1 and IC 14-19-8.
- (10) IC 14-21.
- (11) IC 14-22-3, IC 14-22-4, and IC 14-22-5.
- (12) IC 14-23-1.
- (13) IC 14-24.**
- ~~(13)~~ **(14)** IC 14-25, except IC 14-25-8-3 and IC 14-25-13.
- ~~(14)~~ **(15)** IC 14-26.
- ~~(15)~~ **(16)** IC 14-27.
- ~~(16)~~ **(17)** IC 14-28.
- ~~(17)~~ **(18)** IC 14-29.
- ~~(18)~~ **(19)** IC 14-35-1, IC 14-35-2, and IC 14-35-3.
- ~~(19)~~ **(20)** IC 14-37.
- ~~(20)~~ **(21)** IC 14-38, except IC 14-38-3.

(b) A rule adopted under subsection (a) expires not later than one (1) year after the rule is accepted for filing by the publisher of the Indiana Register.

SECTION 2. IC 14-22-2-10, AS ADDED BY P.L.195-2017, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 10. (a) Notwithstanding any law in this article, the commission may adjust a license and permit fee, including an application fee, in an amount that is above the minimum fee established under the following:

- (1) Section 4 of this chapter (Licenses and permits written by the director).
- (2) IC 14-22-9-10 (Aquatic vegetation control).
- (3) IC 14-22-13-1 (Commercial fishing).
- (4) IC 14-22-13-2 (Commercial fishing on the Ohio River).
- (5) IC 14-22-13-2.5 (Roe harvester or dealer).
- (6) IC 14-22-14-9 (Commercial fishing on Lake Michigan).
- (7) IC 14-22-14-10 (Commercial fishing on Lake Michigan).
- (8) IC 14-22-15-2 (Fishing guide).
- (9) IC 14-22-15.5-3 (Hunting guide).**
- ~~(9)~~ **(10)** IC 14-22-16-1 (Bait dealer).
- ~~(10)~~ **(11)** IC 14-22-19-2 (Fur buyer).
- ~~(11)~~ **(12)** IC 14-22-20-1 (Game breeder).
- ~~(12)~~ **(13)** IC 14-22-21-2 (Taxidermist).
- ~~(13)~~ **(14)** IC 14-22-22-2 (Scientific purposes).
- ~~(14)~~ **(15)** IC 14-22-23-3 (Falconry).
- ~~(15)~~ **(16)** IC 14-22-24-2 (Field trials).

~~(16)~~ (17) IC 14-22-25-3 (Fish and wild animal importation).

~~(17)~~ (18) IC 14-22-26-4 (Wild animal possession).

~~(18)~~ (19) IC 14-22-27-2 (Fish stocking).

~~(19)~~ (20) IC 14-22-31-2 (Private shooting preserve).

(b) Before adopting fees under this section, the commission shall consider the amount that is reasonably necessary to generate revenue sufficient to offset the costs incurred in carrying out the department's responsibilities and operating any related programs.

(c) A fee that is submitted with an application for a license or permit listed under subsection (a) is not refundable.

SECTION 3. IC 14-22-15.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]:

Chapter 15.5. Hunting Guide License

Sec. 1. (a) As used in this chapter, "hunting guide" refers to an individual who holds a license under this chapter to provide hunting guide services.

(b) As used in this chapter, "hunting guide license" means a license issued under this chapter.

(c) As used in this chapter, "hunting guide services" means hunting guide or outfitter services that are offered or provided for money or other consideration. The term includes services by a person who for money or other consideration:

- (1) offers or advertises to transport an individual;
- (2) transports an individual to a location;
- (3) offers or advertises to assist, provide direction, or provide advice to an individual; or
- (4) assists, provides direction, or provides advice to an individual;

for the purpose of hunting.

Sec. 2. (a) An individual may not provide hunting guide services without a hunting guide license issued under this chapter.

(b) The director shall issue a hunting guide license to an applicant upon the applicant's submission of an application that includes all information required by the director and payment of the fee described in section 3 of this chapter.

Sec. 3. Subject to IC 14-22-2-10, the minimum annual fee for a hunting guide license for a resident or a nonresident is one hundred dollars (\$100).

Sec. 4. A hunting guide license:

- (1) is valid for one (1) year; and
- (2) expires March 31 following the year in which the license was issued.

Sec. 5. (a) A hunting guide shall keep an accurate record of the following:

- (1) Each day's harvest of game measured by county and township.
- (2) Other related information that the director requires by rule.

(b) Before the fifteenth day of each month, a hunting guide shall report the previous month's record required under subsection (a) to the director on forms furnished by the director. A hunting guide shall submit the report to the director even if no animals are harvested.

Sec. 6. The director may:

(1) refuse under IC 4-21.5-3-5 to grant, renew, or restore; or

(2) suspend or revoke under IC 4-21.5-3-6;

a hunting guide license of an individual who fails to keep a record or make a report required under section 5 of this chapter.

Sec. 7. An individual who acts as a hunting guide without a hunting guide license in violation of section 2 of this chapter commits a Class B infraction.

Sec. 8. An individual who:

(1) fails to keep accurate records in violation of section 5(a) of this chapter; or

(2) fails to report monthly to the director in violation of section 5(b) of this chapter;

shall have the individual's hunting guide license suspended by the director for one (1) year. The individual may reapply for a hunting guide license at the discretion of the director.

Sec. 9. The director shall adopt rules under IC 4-22-2 to implement this chapter.

SECTION 4. IC 14-22-38-6, AS AMENDED BY P.L.38-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6. (a) As used in this section, "guide services" means fishing or hunting guide or outfitter services that are offered or provided for money or other consideration. The term includes services by a person who for money or other consideration:

- (1) offers or advertises to transport an individual; ~~for the purpose of hunting or fishing;~~ and
- (2) transports an individual to a location ~~for the purpose of hunting or fishing;~~ transports an individual to a location;
- (3) offers or advertises to assist, provide direction, or provide advice to an individual; or
- (4) assists, provides direction, or provides advice to an individual;

for the purpose of hunting or fishing.

(b) As used in this section, "sell" includes barter, purchases, and offers to sell, barter, or purchase.

(c) As used in this section, "ship" includes transporting, delivering for shipment or transport, and causing to be shipped or transported.

(d) As used in this section, "wild animal" includes the following:

- (1) A living or dead wild animal.
- (2) A part of a living or dead wild animal.

(e) A person who knowingly or intentionally violates this article by unlawfully:

- (1) sells ~~selling~~ or ships ~~shipping~~ wild animals, nests, or eggs; or
- (2) ~~provides providing~~ guide services to take, acquire, receive, transport, or possess wild animals;

that are protected by law and have an aggregate market value of less than five hundred dollars (\$500) commits a Class C misdemeanor.

(f) A person who:

- (1) provides guide services; and
- (2) knowingly or intentionally transports an individual to private property to hunt or fish without the permission or consent of the landowner;

commits a Class A misdemeanor.

(g) A person who knowingly or intentionally **violates this article by unlawfully:**

- (1) ~~sells~~ **selling** or ~~ships~~ **shipping** wild animals, nests, or eggs; or
- (2) ~~provides~~ **providing** guide services to take, acquire, receive, transport, or possess wild animals;

that are protected by law and have an aggregate market value of at least five hundred dollars (\$500) but less than five thousand dollars (\$5,000) commits a Level 6 felony.

(h) A person who knowingly or intentionally **violates this article by unlawfully:**

- (1) ~~sells~~ **selling** or ~~ships~~ **shipping** wild animals, nests, or eggs; or
- (2) ~~provides~~ **providing** guide services to take, acquire, receive, transport, or possess wild animals;

that are protected by law and have an aggregate market value of at least five thousand dollars (\$5,000) commits a Level 5 felony.

(Reference is to ESB 363 as reprinted March 26, 2019.)

Raatz, Chair	Prescott
G. Taylor	Pfaff
Senate Conferees	House Conferees

Roll Call 552: yeas 47, nays 0. Report adopted.

SENATE MOTION

Madam President: I move that the Motion to Dissent on Engrossed Senate Bill 7, filed April 16, 2019, be withdrawn from further consideration by the Senate.

MISHLER

Motion prevailed.

CONFERENCE COMMITTEE REPORTS

CONFERENCE COMMITTEE REPORT

ESB 518-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 518 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 2-5-1.3-4, AS AMENDED BY P.L.123-2016, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. The following interim study committees are established:

- (1) Agriculture and Natural Resources.
- (2) Commerce and Economic Development.
- (3) Corrections and Criminal Code.
- (4) Courts and the Judiciary. ~~including the Probate Study subcommittee established under section 12 of this chapter.~~
- (5) Education.

- (6) Elections.
- (7) Employment and Labor.
- (8) Energy, Utilities, and Telecommunications.
- (9) Environmental Affairs.
- (10) Financial Institutions and Insurance.
- (11) Government.
- (12) Public Safety and Military Affairs.
- (13) Pension Management Oversight.
- (14) Public Health, Behavioral Health, and Human Services.
- (15) Public Policy.
- (16) Roads and Transportation.
- (17) Fiscal Policy.

SECTION 2. IC 2-5-1.3-12, AS AMENDED BY P.L.123-2016, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 12. (a) ~~Except as provided by subsection (b);~~ The chair of a study committee may establish not more than two (2) subcommittees in an interim to assist the study committee. The chair of a study committee establishing a subcommittee shall appoint the members of the subcommittee from among the members of the study committee. Notwithstanding IC 2-5-1.2-8.5, the chair of the study committee shall appoint the chair of the subcommittee. A nonvoting member on the study committee is a nonvoting member on a subcommittee. A subcommittee established by a chair of a study committee exists for the duration of only (1) interim.

(b) ~~A probate study subcommittee is established for the interim study committee on courts and the judiciary. The chair of the interim study committee on courts and the judiciary may establish not more than one (1) other subcommittee under subsection (a): The probate study subcommittee consists of the following members:~~

- (1) ~~One (1) member, appointed by the president pro tempore of the senate, who is a member of the senate on the interim study committee on courts and the judiciary.~~
- (2) ~~One (1) member, appointed by the minority leader of the senate, who is a member of the senate on the interim study committee on courts and the judiciary.~~
- (3) ~~One (1) member, appointed by the speaker of the house of representatives, who is a member of the house of representatives on the interim study committee on courts and the judiciary.~~
- (4) ~~One (1) member, appointed by the minority leader of the house of representatives, who is a member of the house of representatives on the interim study committee on courts and the judiciary.~~
- (5) ~~Lay members appointed under section 6 of this chapter, if the legislative council authorizes the appointment of lay members to the probate study subcommittee. One (1) of the members appointed under this subdivision must be a resident of Indiana and work in the trust department of a bank, trust company, savings institution, or credit union chartered and supervised under IC 28 or federal law.~~

~~A member of the probate study subcommittee serves at the pleasure of the appointing authority. IC 2-5-1.2-8.5 applies to the appointment of a chair and vice-chair of the probate study subcommittee. The probate study subcommittee shall meet on the~~

call of the chair of the probate study subcommittee with the consent of the chair of the interim study committee on courts and the judiciary. The probate study subcommittee shall carry out a program to study and recommend to the interim study committee on courts and the judiciary changes that are needed in the probate code (IC 29-1), the trust code (IC 30-4), and other statutes affecting guardianships, probate jurisdiction, trusts, or fiduciaries:

(e) (b) The expenses of a subcommittee, including per diem, mileage, and travel allowances payable under IC 2-5-1.2-11, shall be paid from money authorized by the legislative council for operation of the study committee. The amount authorized by the legislative council for expenditures of a study committee may not be increased to pay for the operation of a subcommittee.

SECTION 3. IC 2-5-16.1 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 16.1. Probate Code Study Commission

Sec. 1. As used in this chapter, "commission" refers to the probate code study commission established by section 2 of this chapter.

Sec. 2. The probate code study commission is established.

Sec. 3. (a) The commission has the following membership:

(1) Nine (9) members appointed by the governor that meet the following requirements:

(A) Each Indiana congressional district must be represented by at least one (1) member appointed under this subdivision who is a resident of that congressional district.

(B) One (1) member must work in the trust department of a bank, trust company, savings institution, or credit union chartered and supervised under IC 28 or federal law.

(C) One (1) member must be an attorney licensed in Indiana who primarily practices in the area of creditors' rights.

(D) One (1) member must be an attorney licensed in Indiana who practices in the area of estate planning.

(E) One (1) member must be an attorney licensed in Indiana who practices in the area of guardianships.

(F) One (1) member must be an attorney licensed in Indiana who practices in the area of trusts.

(G) One (1) member must be an attorney licensed in Indiana who practices in the area of probate of estates.

(H) One (1) member must be an attorney licensed in Indiana who practices in the area of probate litigation.

(I) One (1) member must be an Indiana trial court judge, full-time magistrate, or full-time commissioner whose jurisdiction includes probate.

(J) One (1) member must be an active or retired faculty member of an Indiana institution of higher learning who specializes in the field of estate planning and probate.

(2) Three (3) members appointed by the president pro tempore of the senate from among the members of the senate, not more than two (2) of whom may be affiliated

with the same political party.

(3) Three (3) members appointed by the speaker of the house of representatives from among the members of the house of representatives, not more than two (2) of whom may be affiliated with the same political party.

(4) The chief justice of the supreme court or a designee of the chief justice.

(b) If a legislative member of the commission ceases to be a member of the chamber from which the member was appointed, the person ceases to be a member of the commission.

(c) The term of a member is two (2) years.

(d) If:

(1) the term of a member expires;

(2) the member is not reappointed; and

(3) a successor is not appointed;

the term of the member continues until a successor is appointed.

(e) All initial appointments to the probate code study commission must be made no later than July 1, 2019.

Sec. 4. (a) For calendar year 2019 and every fourth year thereafter, the president pro tempore of the senate shall appoint a chairperson and a vice chairperson from among the commission's legislative members, each to serve a term of two (2) years.

(b) For calendar year 2021 and every fourth year thereafter, the speaker of the house of representatives shall appoint a chairperson and a vice chairperson from among the commission's legislative members, each to serve a term of two (2) years.

Sec. 5. (a) A vacancy on the commission shall be filled by the original appointing authority.

(b) If the office of chairperson or vice chairperson of the commission becomes vacant, the commission shall elect a person to fill the vacancy from among the legislative members of the commission.

Sec. 6. (a) A quorum for a meeting of the commission is determined as follows:

STEP ONE: Determine the total number of members currently serving on the commission.

STEP TWO: Divide the number determined in STEP ONE by two (2). If the quotient is not a whole number, round the quotient up to the nearest whole number.

STEP THREE: Add one (1) member to the quotient determined in STEP TWO.

(b) Before the commission takes any final action, the number of affirmative votes on the action must be at least equal to the number of members in a quorum.

Sec. 7. Subject to applicable statutes and policies established by the legislative council, the commission, by resolution, may adopt rules and create committees, consisting of its members, necessary for the proper conduct of its business.

Sec. 8. Each legislative member and each lay member of the commission is entitled to receive the same per diem, mileage, and travel allowances paid to individuals serving as legislative and lay members, respectively, on an interim study committee established by the legislative council.

Sec. 9. The legislative services agency shall provide staff to support the commission.

Sec. 10. Funds necessary to carry out this chapter shall be allotted to the commission from funds appropriated to the legislative council.

Sec. 11. Subject to standards set by statute and the policies established by the legislative council, the commission may accept money or services from any public or private source to carry out this chapter.

Sec. 12. The commission shall submit reports in an electronic format under IC 5-14-6 to the legislative council as and when requested by the council.

Sec. 13. The commission shall carry out a program to study and recommend to the general assembly needed changes in the following:

- (1) The probate code (IC 29-1).**
- (2) The trust code (IC 30-4).**
- (3) Any other statute affecting the administration of a decedent's estate, guardianship, probate jurisdiction, trust, or fiduciary.**

Sec. 14. The legislative council may refer any issue related to probate or trusts and fiduciaries to the commission for study. If a matter is referred to the commission under this section, the commission shall study that matter and report in an electronic format under IC 5-14-6 to the legislative council as requested by the council.

SECTION 4. IC 12-15-9-0.6, AS AMENDED BY P.L.163-2018, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 0.6. **(a) This section applies to the enforcement of claims against assets transferred by a nonprobate transfer involving a deceased transferor who dies before, on, or after July 1, 2018.**

(a) (b) The office's claim against assets transferred by a nonprobate transfer may be enforced as set out in IC 32-17-13.

(b) (c) Except as provided in subsection ~~(c)~~, **(d)**, enforcement of a claim against assets transferred by a nonprobate transfer must be commenced within the time limits provided in IC 32-17-13.

~~(c)~~ **(d)** The time limits provided in subsection ~~(b)~~ **(c)** do not apply to any assets that were not reported to the county office of the division of family resources.

SECTION 5. IC 29-1-1-3, AS AMENDED BY P.L.163-2018, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) The following definitions apply throughout this article, unless otherwise apparent from the context:

- (1) "Child" includes an adopted child ~~but~~ or a child that is in gestation before the death of a deceased parent and born within forty-three (43) weeks after the death of that parent. The term does not include a grandchild or other more remote descendants, nor, except as provided in IC 29-1-2-7, a child born out of wedlock.**
- (2) "Claimant" means a person having a claim against the decedent's estate as described in IC 29-1-14-1(a).**
- (3) "Claims" includes liabilities of a decedent which survive, whether arising in contract or in tort or otherwise, expenses of administration, and all taxes imposed by reason of the person's death. However, for purposes of IC 29-1-2-1**

and IC 29-1-3-1, the term does not include taxes imposed by reason of the person's death.

- (4) "Court" means the court having probate jurisdiction.**
- (5) "Decedent" means one who dies testate or intestate.**
- (6) "Devise" or "legacy", when used as a noun, means a testamentary disposition of either real or personal property or both.**
- (7) "Devise", when used as a verb, means to dispose of either real or personal property or both by will.**
- (8) "Devisee" includes legatee, and "legatee" includes devisee.**
- (9) "Distributee" denotes those persons who are entitled to the real and personal property of a decedent under a will, under the statutes of intestate succession, or under IC 29-1-4-1.**
- (10) "Estate" denotes the real and personal property of the decedent or protected person, as from time to time changed in form by sale, reinvestment, or otherwise, and augmented by any accretions and additions thereto and substitutions therefor and diminished by any decreases and distributions therefrom.**
- (11) "Expenses of administration" includes expenses incurred by or on behalf of a decedent's estate in the collection of assets, the payment of debts, and the distribution of property to the persons entitled to the property, including funeral expenses, expenses of a tombstone, expenses incurred in the disposition of the decedent's body, executor's commissions, attorney's fees, and miscellaneous expenses.**
- (12) "Fiduciary" includes a:**
 - (A) personal representative;**
 - (B) guardian;**
 - (C) conservator;**
 - (D) trustee; and**
 - (E) person designated in a protective order to act on behalf of a protected person.**
- (13) "Heirs" denotes those persons, including the surviving spouse, who are entitled under the statutes of intestate succession to the real and personal property of a decedent on the decedent's death intestate, unless otherwise defined or limited by the will.**
- (14) "Incapacitated" has the meaning set forth in IC 29-3-1-7.5.**
- (15) "Interested persons" means heirs, devisees, spouses, creditors, or any others having a property right in or claim against the estate of a decedent being administered. This meaning may vary at different stages and different parts of a proceeding and must be determined according to the particular purpose and matter involved.**
- (16) "Issue" of a person, when used to refer to persons who take by intestate succession, includes all lawful lineal descendants except those who are lineal descendants of living lineal descendants of the intestate.**
- (17) "Lease" includes an oil and gas lease or other mineral lease.**
- (18) "Letters" includes letters testamentary, letters of administration, and letters of guardianship.**

(19) "Minor" or "minor child" or "minority" refers to any person under the age of eighteen (18) years.

(20) "Mortgage" includes deed of trust, vendor's lien, and chattel mortgage.

(21) "Net estate" refers to the real and personal property of a decedent less the allowances provided under IC 29-1-4-1 and enforceable claims against the estate.

(22) "No contest provision" refers to a provision of a will that, if given effect, would reduce or eliminate the interest of a beneficiary of the will who, directly or indirectly, initiates or otherwise pursues:

(A) an action to contest the admissibility or validity of the will;

(B) an action to set aside a term of the will; or

(C) any other act to frustrate or defeat the testator's intent as expressed in the terms of the will.

(23) "Person" means:

(A) an individual;

(B) a corporation;

(C) a trust;

(D) a limited liability company;

(E) a partnership;

(F) a business trust;

(G) an estate;

(H) an association;

(I) a joint venture;

(J) a government or political subdivision;

(K) an agency;

(L) an instrumentality; or

(M) any other legal or commercial entity.

(24) "Personal property" includes interests in goods, money, choses in action, evidences of debt, and chattels real.

(25) "Personal representative" includes executor, administrator, administrator with the will annexed, administrator de bonis non, and special administrator.

(26) "Petition for administration" means a petition filed under IC 29-1-7-5 for the:

(A) probate of a will and for issuance of letters testamentary;

(B) appointment of an administrator with the will annexed; or

(C) appointment of an administrator.

~~(26)~~ (27) "Probate estate" denotes the property transferred at the death of a decedent under the decedent's will or under IC 29-1-2, in the case of a decedent dying intestate.

~~(27)~~ (28) "Property" includes both real and personal property.

~~(28)~~ (29) "Protected person" has the meaning set forth in IC 29-3-1-13.

~~(29)~~ (30) "Real property" includes estates and interests in land, corporeal or incorporeal, legal or equitable, other than chattels real.

(31) "Unit" means the estate recovery unit of the office of Medicaid policy and planning established under IC 12-8-6.5-1.

(32) "Unit address" means the unit's mailing address that appears on the unit's Internet web site.

~~(30)~~ (33) "Will" includes all wills, testaments, and codicils. The term also includes a testamentary instrument which merely appoints an executor or revokes or revives another will.

(b) The following rules of construction apply throughout this article unless otherwise apparent from the context:

(1) The singular number includes the plural and the plural number includes the singular.

(2) The masculine gender includes the feminine and neuter.

SECTION 6. IC 29-1-3-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 8. (a) When a testator fails to provide ~~in his a~~ will for any of ~~his the testator's~~ children born or adopted after the making of ~~his the testator's~~ last will, such child, whether born before or after the testator's death, shall receive a share in the estate of the testator equal in value to that which ~~he the child~~ would have received if the testator had died intestate, unless it appears from the will that such omission was intentional, or unless:

(1) when the will was executed the testator had one (1) or more children known to ~~him the testator~~ to be living; and

(2) ~~the testator~~ devised substantially all ~~his of the testator's~~ estate to the spouse who survives ~~him: the testator's death~~.

(b) If, at the time of the making of ~~his the testator's~~ will, the testator believes any of ~~his the testator's~~ children to be dead, and fails to provide for such child in ~~his the testator's~~ will, the child shall receive a share in the estate of the testator equal in value to that which ~~he the child~~ would have received if the testator had died intestate, unless it appears from the will or from other evidence that the testator would not have devised anything to such child had ~~he the testator~~ known that the child was alive.

SECTION 7. IC 29-1-7-7, AS AMENDED BY P.L.163-2018, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7. (a) As soon as letters testamentary or of administration, general or special, supervised or unsupervised, have been issued, the clerk of the court shall publish notice of the estate administration.

(b) The notice required under subsection (a) shall be published in a newspaper of general circulation, printed in the English language and published in the county where the court is located, once each week for two (2) consecutive weeks. A copy of the notice, with proof of publication, shall be filed with the clerk of the court as a part of the administration of the estate within thirty (30) days after the publication. If no newspaper is published in the county, the notice shall be published in a newspaper published in an adjacent county.

(c) The notice required under subsection (a) shall be served by first class postage prepaid mail on each heir, devisee, legatee, and known creditor whose name and address is set forth in the petition for probate or letters, except as otherwise ordered by the court. The personal representative shall furnish sufficient copies of the notice, prepared for mailing, and the clerk of the court shall mail the notice upon the issuance of letters.

(d) The personal representative or the personal representative's agent shall serve notice on each creditor of the decedent:

(1) whose name is not set forth in the petition for probate or letters under subsection (c);

- (2) who is known or reasonably ascertainable within one (1) month after the first publication of notice under subsection (a); and
- (3) whose claim has not been paid or settled by the personal representative.

The notice may be served by mail or any other means reasonably calculated to ensure actual receipt of the notice by a creditor. The ~~estate recovery unit of the office of Medicaid policy and planning (established by IC 12-8-6.5-1)~~ is a reasonably ascertainable creditor under this section if the decedent was at least fifty-five (55) years of age at the time of death **and dies on or after June 30, 2018. Notice served under this section by mail to the unit at the unit's address is reasonably calculated to ensure receipt of the notice by the unit.**

(e) Notice under subsection (d) shall be served within one (1) month after the first publication of notice under subsection (a) or as soon as possible after the elapse of one (1) month. If the personal representative or the personal representative's agent fails to give notice to a known or reasonably ascertainable creditor of the decedent under subsection (d) within one (1) month after the first publication of notice under subsection (a), the period during which the creditor may submit a claim against the estate includes an additional period ending two (2) months after the date notice is given to the creditor under subsection (d). However, a claim filed under IC 29-1-14-1(a) more than nine (9) months after the death of the decedent is barred.

(f) A schedule of creditors that received notice under subsection (d) shall be delivered to the clerk of the court as soon as possible after notice is given.

(g) The giving of notice to a creditor or the listing of a creditor on the schedule delivered to the clerk of the court does not constitute an admission by the personal representative that the creditor has an allowable claim against the estate.

(h) If any person entitled to receive notice under this section is under a legal disability, the notice may be served upon or waived by the person's natural or legal guardian or by the person who has care and custody of the person.

(i) The notice shall read substantially as follows:

NOTICE OF ADMINISTRATION

In the _____ Court of _____ County, Indiana.

Notice is hereby given that _____ was, on the ___ day of _____, 20 __, appointed personal representative of the estate of _____, deceased, who died on the ___ day of _____, 20 __.

All persons who have claims against this estate, whether or not now due, must file the claim in the office of the clerk of this court within three (3) months from the date of the first publication of this notice, or within nine (9) months after the decedent's death, whichever is earlier, or the claims will be forever barred.

Dated at _____, Indiana, this ___ day of _____, 20 __.

CLERK OF THE _____ COURT
FOR _____ COUNTY, INDIANA

SECTION 8. IC 29-1-7-15.1, AS AMENDED BY P.L.163-2018, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 15.1. (a) When it has been determined that a decedent died intestate and letters

of administration have been issued upon the decedent's estate, no will shall be probated unless it is presented for probate:

- (1) before the court decrees final distribution of the estate; or
- (2) in an unsupervised estate, before a closing statement has been filed.

(b) No real estate located in Indiana of which any person may die seized shall be sold by the executor or administrator of the deceased person's estate to pay any debt or obligation of the deceased person, which is not a lien of record in the county in which the real estate is located, or to pay any costs of administration of any decedent's estate, unless **a petition for administration**

- ~~(1) a petition for the probate of a will and for the issuance of letters testamentary;~~
- ~~(2) a petition for the appointment of an administrator with the will annexed; or~~
- ~~(3) a petition for the appointment of an administrator;~~

is filed in court under ~~IC 29-1-7-5~~ **section 5 of this chapter** not later than five (5) months after the decedent's death and the clerk issues letters testamentary or letters of administration not later than seven (7) months after the decedent's death.

(c) If:

- (1) a petitioner files a petition for administration filed in an estate to which subsection (b) may apply; and**
- (2) the clerk of the court does not issue letters testamentary or of administration and publish notice of the estate administration under subsection (a) not later than thirty (30) days after the petition for administration has been filed;**

the petitioner shall serve the following notice on each creditor in the manner provided under section 7(d) of this chapter not later than forty-five (45) days after the petition for administration has been filed:

NOTICE OF PETITION FOR ADMINISTRATION

In the _____ Court of _____ County, Indiana.

Notice is hereby given that a petition for administration was filed on the ___ day of _____, 20 __, in cause number _____, concerning the estate of _____, deceased, who died on the ___ day of _____, 20 __, but the clerk of the court has not issued letters testamentary or of administration.

The estate includes real estate that may be subject to sale restrictions under IC 29-1-7-15.1.

All persons who have claims against this estate, whether or not now due, must file their claims in the office of the clerk of this court not later than seventy-five (75) days after the date on which the petition for administration was filed, or not later than thirty (30) days after the date on which the petitioner serves this notice, to prevent the application of real estate sale restrictions to the claims, whichever is later.

Dated at _____, Indiana this ___ day of _____, 20 __.

_____ as the **Petitioner.**

~~(e)~~ **(d)** The limitation described in subsection (b) on the sale of real estate does not apply to a claim if:

- (1) a petition **for administration** is filed in court under

~~IC 29-1-7-5~~ **section 5 of this chapter** not later than five (5) months after the decedent's death; ~~and if the petitioner has satisfied the requirements of:~~

- ~~(A) this article;~~
- ~~(B) the Indiana Rules of Trial Procedure; and~~
- ~~(C) the local rules of the court; and~~

(2) the claimant files the claim in the office of the clerk of the court not later than:

- (A) seventy-five (75) days after the date on which the petition for administration was filed; or**
- (B) thirty (30) days after the date on which the petitioner serves the notice required in subsection (c);**

whichever is later; and

~~(2) (3) the failure of the clerk to issue letters testamentary or letters of administration not later than seven (7) months after the decedent's death is not the result of the petitioner's failure to comply with the requirements of:~~

- ~~(A) this article;~~
- ~~(B) the Indiana Rules of Trial Procedure; or~~
- ~~(C) the local rules of the court.~~

(e) The court shall order the limitation described in subsection (b) inapplicable to a claimant's claim concerning the sale of real estate if any interested person files a motion for findings under this subsection and the court finds that the following conditions apply:

- (1) A petition for administration was filed in court under section 5 of this chapter not later than five (5) months after the decedent's death.**
- (2) More than thirty (30) days have elapsed since the petition was filed.**
- (3) The claimant is a reasonably ascertainable creditor under section 7 of this chapter.**
- (4) The claimant filed a claim in the estate not later than seventy-five (75) days after the date on which the petition for administration was filed, or not later than thirty (30) days after the date on which the petitioner serves the notice required in subsection (c), whichever is later.**
- (5) The petitioner has not satisfied the provisions of subsection (c).**

~~(f) (f) The title of any real estate or interest therein purchased in good faith and for a valuable consideration from the heirs of any person who died seized of the real estate shall not be affected or impaired by any devise made by the person of the real estate so purchased, unless:~~

- ~~(1) the will containing the devise has been probated and recorded in the office of the clerk of the court having jurisdiction within five (5) months after the death of the testator; or~~
- ~~(2) an action to contest the will's validity is commenced within the time provided by law and, as a result, the will is ultimately probated.~~

~~(g) (g) Except as provided in subsection (f); (h), the will of the decedent shall not be admitted to probate unless the will is presented for probate before the latest of the following dates:~~

- ~~(1) Three (3) years after the individual's death.~~
- ~~(2) Sixty (60) days after the entry of an order denying the~~

probate of a will of the decedent previously offered for probate and objected to under section 16 of this chapter.

~~(3) Sixty (60) days after entry of an order revoking probate of a will of the decedent previously admitted to probate and contested under section 17 of this chapter.~~

However, in the case of an individual presumed dead under IC 29-2-5-1, the three (3) year period commences with the date the individual's death has been established by appropriate legal action.

~~(h) (h) This subsection applies with respect to the will of an individual who dies after June 30, 2011. If:~~

- ~~(1) no estate proceedings have been commenced for a decedent; and~~
- ~~(2) an asset of the decedent remains titled or registered in the name of the decedent;~~

the will of the decedent may be presented to the court for probate and admitted to probate at any time after the expiration of the deadline determined under subsection ~~(e) (g)~~ for the sole purpose of transferring the asset described in subdivision (2). A will presented for probate under this subsection is subject to all rules governing the admission of wills to probate.

SECTION 9. IC 29-1-7-17.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 17.5. (a) The court, in its discretion and upon application of any party instituting an action under section 16 or 17 of this chapter, may permit the contest of two (2) or more wills if there is prima facie evidence that:**

- (1) the decedent suffered from an irreversible medical or psychiatric condition that predated the earliest will to be challenged; or**
- (2) a party beneficially interested in one (1) or more challenged wills had a direct and active nexus with the preparation or execution process for each will to be challenged on the basis of undue influence.**

The prima facie preliminary evidentiary showing under subdivision (1) shall be made by an affidavit of the decedent's treating physician or through the records of a health care provider obtained during discovery and tendered to the court under Rule 803(6) of the Indiana Rules of Evidence.

(b) If the court exercises its discretion to permit the challenge to two (2) or more wills in one (1) proceeding, a challenger is eligible to request attorney's fees under IC 29-1-10-14 if the challenger stands to directly benefit from a successful suit. The court shall review the attorney's fee claims at the conclusion of the will contest. The award and allocation of attorney's fees paid from the estate shall be solely at the discretion of the court.

SECTION 10. IC 29-1-7-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 23. (a) When a person dies, his the person's real and personal property passes to persons to whom it is devised by his the person's last will or, in the absence of such disposition, to the persons who succeed to his the person's estate as his the person's heirs; but it shall be subject to the possession of the personal representative and to the election of the surviving spouse and shall be chargeable with the expenses of administering the estate, the payment of other claims and the allowance is under IC 29-1-4-1, except as otherwise**

provided in IC 29-1.

(b) Prima facie evidence of the devolution of real estate title to distributees under this section may be established by an affidavit containing the following information:

- (1) The decedent's name.**
 - (2) The decedent's date of death.**
 - (3) A description of the most recent instrument recorded in the office of the recorder of the county where the real estate is located.**
 - (4) A description of the most recent instrument responsible for conveying title to the real estate.**
 - (5) A description of the conveyed real estate as it appears in the instrument described in subdivision (4).**
 - (6) Identifying information unique to the instrument or instruments described in subdivisions (3) and (4), as applicable, that may be used by the recorder to identify the instrument or instruments, as applicable, in the recorder's records.**
 - (7) An explanation of how title devolved to each distributee under this section, including a recitation of devolution by:**
 - (A) intestate transfer under IC 29-1-2-1; or**
 - (B) a decedent's last will and testament that has been admitted to probate under section 9 of this chapter.**
 - (8) A statement that establishes that:**
 - (A) at least seven (7) months have elapsed since the decedent's death;**
 - (B) no letters testamentary or letters of administration have been issued to a court appointed personal representative for the decedent within the time limits specified under section 15.1(d) of this chapter; and**
 - (C) a probate court has not issued findings and an accompanying order preventing the limitations in section 15.1(b) of this chapter from applying to the decedent's real property.**
 - (9) The name of each distributee known to the affiant.**
 - (10) An explanation of how each portion of the fractional interest that may have devolved among multiple distributees known to the affiant was calculated.**
- (c) Upon presentation of an affidavit described in subsection (b), the auditor of the county where the real estate described in subsection (b) is located must endorse the affidavit and record the estate title transfer in the auditor's real estate ownership records as an instrument that is exempt from the requirements to file a sales disclosure.**
- (d) Upon presentation of an affidavit described in subsection (b), the recorder of the county where the real estate described in subsection (b) is located must:**
- (1) record the affidavit; and**
 - (2) index the affidavit as the most recent instrument responsible for the transfer of the real estate described in subsection (b).**
- (e) Any person may rely upon an affidavit:**
- (1) made in good faith; and**
 - (2) under this section;**
- as evidence of an effective transfer of title of record (as**

defined in IC 32-20-3-1).

SECTION 11. IC 29-1-7-25, AS AMENDED BY P.L.163-2018, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 25. (a) Any will that has been proved or allowed in any other state or in any foreign country, according to the laws of that state or country, may be received and recorded in this state:

- (1) before the deadlines imposed by section ~~15.1(e)~~ **15.1(g)** of this chapter, unless the will is probated for a purpose described in section ~~15.1(f)~~ **15.1(h)** of this chapter; and
- (2) in the manner and for the purpose stated in sections 26 and 27 of this chapter.

(b) A foreign will received and recorded for a purpose described in section ~~15.1(f)~~ **15.1(h)** of this chapter may not be admitted to probate for any other purpose and is subject to all rules governing the admission of wills to probate.

SECTION 12. IC 29-1-7.5-3, AS AMENDED BY P.L.95-2007, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) Subject to section 2(d) of this chapter, a personal representative who administers an estate under this chapter may do the following without order of the court:

- (1) Retain assets owned by the decedent pending distribution or liquidation including those in which the representative is personally interested or which are otherwise improper for trust investment.
- (2) Receive assets from fiduciaries or other sources.
- (3) Perform, compromise, or refuse performance of the decedent's contracts that continue as obligations of the estate, as the personal representative may determine under the circumstances. In performing enforceable contracts by the decedent to convey or lease land, the personal representative, among other possible courses of action, may:
 - (A) execute and deliver a deed of conveyance for cash payment of all sums remaining due or the purchaser's note for the sum remaining due secured by a mortgage or deed of trust on the land; or
 - (B) deliver a deed in escrow with directions that the proceeds, when paid in accordance with the escrow agreement, be paid to the successors of the decedent, as designated in the escrow agreement.
- (4) Satisfy written charitable pledges of the decedent irrespective of whether the pledges constituted binding obligations of the decedent or were properly presented as claims, if in the judgment of the personal representative the decedent would have wanted the pledges completed under the circumstances.
- (5) If funds are not needed to meet debts and expenses currently payable and are not immediately distributable, deposit or invest liquid assets of the estate, including moneys received from the sale of other assets, in federally insured interest-bearing accounts, readily marketable secured loan arrangements, or other prudent investments which would be reasonable for use by trustees generally.
- (6) Acquire or dispose of an asset, including land in this or another state, for cash or on credit, at public or private sale;

and manage, develop, improve, exchange, partition, change the character of, or abandon an estate asset.

(7) Make ordinary or extraordinary repairs or alterations in buildings or other structures, demolish any improvements, raze existing or erect new party walls or buildings.

(8) Subdivide, develop, or dedicate land to public use; make or obtain the vacation of plats and adjust boundaries; or adjust differences in valuation on exchange or partition by giving or receiving considerations; or dedicate easements to public use without consideration.

(9) Enter for any purpose into a lease as lessor or lessee, with or without option to purchase or renew, for a term within or extending beyond the period of administration.

(10) Enter into a lease or arrangement for exploration and removal of minerals or other natural resources or enter into a pooling or unitization agreement.

(11) Abandon property when, in the opinion of the personal representatives, it is valueless, or is so encumbered, or is in condition that it is of no benefit to the estate.

(12) Vote stocks or other securities in person or by general or limited proxy.

(13) Pay calls, assessments, and other sums chargeable or accruing against or on account of securities, unless barred by the provisions relating to claims.

(14) Hold a security in the name of a nominee or in other form without disclosure of the interest of the estate but the personal representative is liable for any act of the nominee in connection with the security so held.

(15) Hold, manage, safeguard, and control the estate's real and personal property, insure the assets of the estate against damage, loss, and liability, and insure the personal representative personally against liability as to third persons.

(16) Borrow money with or without security to be repaid from the estate assets or otherwise and advance money for the protection of the estate.

(17) Effect a fair and reasonable compromise with any debtor or obligor, or extend, renew, or in any manner modify the terms of any obligation owing to the estate. If the personal representative holds a mortgage, pledge, or other lien upon property of another person, the personal representative may, in lieu of foreclosure, accept a conveyance or transfer of encumbered assets from the owner thereof in satisfaction of the indebtedness secured by lien.

(18) Pay taxes, assessments, compensation of the personal representative, and other expenses incident to the administration of the estate.

(19) Hold an interest in a proprietorship, partnership, limited liability company, business trust, corporation, or another domestic or foreign form of business or enterprise.

(20) Continue a business.

(21) Take any action that may be taken by shareholders, partners, members, or property owners, including contributing additional capital to or merging, consolidating, reorganizing, recapitalizing, dissolving, or otherwise changing the form of the business organization.

(22) Allocate items of income or expense to either estate income or principal, as permitted or provided by IC 30-2-14.

(23) Employ persons, including attorneys, auditors, investment advisors, or agents, even if they are associated with the personal representative, to advise or assist the personal representative in the performance of the personal representative's administrative duties; act without independent investigation upon their recommendations; and instead of acting personally, employ one (1) or more agents to perform any act of administration, whether or not discretionary.

(24) Do any of the following concerning a claim or demand made in favor of or against the estate for the protection of the estate and of the personal representative in the performance of the personal representative's duties:

(A) Release, assign, settle, compromise, or contest the claim or demand.

(B) Participate in mediation or submit to arbitration to resolve any dispute concerning the claim or demand.

(C) Extend the time for payment of the claim or demand.

(D) Abandon the claim or demand.

(25) Sell, mortgage, or lease any real or personal property of the estate or any interest therein for cash, credit, or for part cash and part credit, and with or without security for unpaid balances.

(26) Select a settlement option under any qualified or nonqualified benefit or retirement plan, annuity, or life insurance payable to the estate, and take appropriate action to collect the proceeds.

(27) Inspect and investigate property held, directly or indirectly, by the personal representative for the purpose of:

(A) determining the application of environmental law with respect to the property; and

(B) doing the following:

(i) Take action to prevent, abate, or remedy an actual or a potential violation of an environmental law affecting the property, whether taken before or after the assertion of a claim or the initiation of governmental enforcement by federal, state, or local authorities.

(ii) Compromise claims against the estate that may be asserted for an alleged violation of environmental law.

(iii) Pay the expense of inspection, review, abatement, or remedial action to comply with the environmental law.

(28) Distribute assets of the estate upon such terms as the personal representative may impose. To the extent practicable, taking into account the decedent's probable intention, the power to distribute assets includes the power to:

(A) pay an amount to a distributee who is under a legal disability or whom the personal representative reasonably believes to be incapacitated by:

- (i) paying the amount directly to the distributee or applying the amount for the distributee's use and benefit;
- (ii) paying the amount to the guardian appointed for the distributee;
- (iii) paying the amount to a custodian under the Indiana Uniform Transfers to Minors Act (IC 30-2-8.5) or a custodial trustee under the Uniform Custodial Trust Act (IC 30-2-8.6); or
- (iv) paying the amount to the trustee of a trust established by the decedent or by the personal representative under subsection (b); and

(B) make distributions of estate income and principal in kind, in cash, or partly in each, in shares of differing composition.

(29) Perform any other act necessary or appropriate to administer the estate.

(b) A personal representative who administers an estate under this chapter may, without court order, establish a trust to make distributions to a distributee who is under a legal disability or whom the personal representative reasonably believes is incapacitated. In establishing a trust under this subsection, a personal representative may exercise:

- (1) the authority given to custodians under the Indiana Uniform Transfers to Minors Act (IC 30-2-8.5) to create a trust that satisfies the requirements of Section 2503(c) of the Internal Revenue Code and the regulations adopted under that Section; or
- (2) the authority given to an attorney in fact under IC 30-5-5-15(a)(3) to establish a revocable trust for the benefit of a principal.

(c) Unless the court revokes unsupervised administration and converts the estate to supervised administration, the issuance of an order on any matter in an unsupervised estate does not revoke the personal representative's authority to continue to administer an estate according to unsupervised administration.

SECTION 13. IC 29-1-8-1, AS AMENDED BY P.L.163-2018, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) Forty-five (45) days after the death of a decedent and upon being presented an affidavit that complies with subsection (b), a person:

- (1) indebted to the decedent; or
- (2) having possession of personal property or an instrument evidencing a debt, an obligation, a stock, or a chose in action belonging to the decedent;

shall make payment of the indebtedness or deliver the personal property or the instrument evidencing a debt, an obligation, a stock, or a chose in action to a distributee claiming to be entitled to payment or delivery of property of the decedent as alleged in the affidavit.

(b) The affidavit required by subsection (a) must be an affidavit made by or on behalf of the distributee and must state the following:

- (1) That the value of the gross probate estate, wherever located, (less liens, encumbrances, and reasonable funeral expenses) does not exceed: ~~fifty thousand dollars (\$50,000).~~

(A) twenty-five thousand dollars (\$25,000), for the estate of an individual who dies before July 1, 2007; and

(B) fifty thousand dollars (\$50,000), for the estate of an individual who dies after June 30, 2007.

- (2) That forty-five (45) days have elapsed since the death of the decedent.
- (3) That no application or petition for the appointment of a personal representative is pending or has been granted in any jurisdiction.
- (4) The name and address of each distributee that is entitled to a share of the property and the part of the property to which each distributee is entitled.
- (5) That the affiant has notified each distributee identified in the affidavit of the affiant's intention to present an affidavit under this section.
- (6) That the affiant is entitled to payment or delivery of the property on behalf of each distributee identified in the affidavit.

(c) If a motor vehicle or watercraft (as defined in IC 9-13-2-198.5) is part of the estate, nothing in this section shall prohibit a transfer of the certificate of title to the motor vehicle if five (5) days have elapsed since the death of the decedent and no appointment of a personal representative is contemplated. A transfer under this subsection shall be made by the bureau of motor vehicles upon receipt of an affidavit containing a statement of the conditions required by subsection (b)(1) and (b)(6). The affidavit must be duly executed by the distributees of the estate.

(d) A transfer agent of a security shall change the registered ownership on the books of a corporation from the decedent to a distributee upon the presentation of an affidavit as provided in subsection (a).

(e) For the purposes of subsection (a), an insurance company that, by reason of the death of the decedent, becomes obligated to pay a death benefit to the estate of the decedent is considered a person indebted to the decedent.

(f) For purposes of subsection (a), property in a safe deposit box rented by a decedent from a financial institution organized or reorganized under the law of any state (as defined in IC 28-2-17-19) or the United States is considered personal property belonging to the decedent in the possession of the financial institution.

(g) For purposes of subsection (a), a distributee has the same rights as a personal representative under IC 32-39 to access a digital asset (as defined in IC 32-39-1-10) of the decedent.

SECTION 14. IC 29-1-8-3, AS AMENDED BY P.L.194-2017, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. **(a) As used in this section, "fiduciary" means:**

- (1) the personal representative of an unsupervised estate; or**
- (2) a person appointed by a court under this title to act on behalf of the decedent or the decedent's distributees.**

~~(a)~~ **(b) Except as otherwise provided in this section,** if the value of a decedent's gross probate estate, less liens and encumbrances, does not exceed the sum of:

- (1) an amount equal to:**

(A) twenty-five thousand dollars (\$25,000), for the estate of an individual who dies before July 1, 2007; and

(B) fifty thousand dollars (\$50,000), for the estate of an individual who dies after June 30, 2007;

(2) the costs and expenses of administration; and

(3) reasonable funeral expenses;

the ~~personal representative of an unsupervised estate or a person acting on behalf of the distributees~~, **fiduciary**, without giving notice to creditors, may ~~immediately file a closing statement as provided in section 4 of this chapter and~~ disburse and distribute the estate to the persons entitled to it, ~~and file a closing statement as provided in section 4 of this chapter. as provided in section 4 of this chapter.~~

~~(b)~~ (c) If an estate described in subsection (a) includes real property, an affidavit may be recorded in the office of the recorder in the county in which the real property is located. The affidavit must contain the following:

(1) The legal description of the real property.

(2) The following statement:

(A) If the individual dies after June 30, 2007 the following statement: "It appears that the decedent's gross probate estate, less liens and encumbrances, does not exceed the sum of the following: fifty thousand dollars (\$50,000), the costs and expenses of administration, and reasonable funeral expenses."

(B) If the individual dies before July 1, 2007, the following statement: "It appears that the decedent's gross probate estate, less liens and encumbrances, does not exceed the sum of the following: twenty-five thousand dollars (\$25,000), the costs and expenses of administration, and reasonable funeral expenses."

(3) The name of each person entitled to at least a part interest in the real property as a result of a decedent's death, the share to which each person is entitled, and whether the share is a divided or undivided interest.

(4) A statement which explains how each person's share has been determined.

SECTION 15. IC 29-1-8-4, AS AMENDED BY P.L.194-2017, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) **As used in this section, "fiduciary" means:**

(1) **the personal representative of an unsupervised estate; or**

(2) **a person appointed by a court under this title to act on behalf of the decedent or the decedent's distributees.**

~~(a)~~ (b) Unless prohibited by order of the court and except for estates being administered by supervised personal representatives, a ~~personal representative or a person acting on behalf of the distributees~~ **fiduciary** may close an estate administered under the summary procedures of section 3 of this chapter by filing with the court, at any time after disbursement and distribution of the estate, a verified statement stating that:

(1) to the best knowledge of the ~~personal representative or person acting on behalf of the distributees~~ **fiduciary**, the value of the gross probate estate, less liens and encumbrances, did not exceed the sum of:

(A) twenty-five thousand dollars (\$25,000), for the

estate of an individual who dies before July 1, 2007, and fifty thousand dollars (\$50,000), for the estate of an individual who dies after June 30, 2007;

(B) the costs and expenses of administration; and

(C) reasonable funeral expenses;

(2) the ~~personal representative or person acting on behalf of the distributees~~ **fiduciary** has fully administered the estate by disbursing and distributing it to the persons entitled to it; and

(3) the ~~personal representative of an unsupervised estate or person acting on behalf of the distributees~~ **fiduciary** has sent a copy of the closing statement to all distributees of the estate and to all creditors or other claimants of whom the ~~personal representative or person acting on behalf of the distributees~~ **fiduciary** is aware and has furnished a full accounting in writing of the administration to the distributees whose interests are affected.

~~(b)~~ (c) If no actions, claims, objections, or proceedings involving the ~~personal representative of an unsupervised estate or person acting on behalf of the distributees~~ **fiduciary** are filed in the court within ~~three (3) two (2)~~ months after the closing statement is filed, the **fiduciary may immediately disburse and distribute the estate free from claims to the persons entitled to the disbursement and distribution. After disbursing and distributing an estate, the fiduciary must file a report in the court of the disbursement and distribution. The appointment of the personal representative or the duties of the person acting on behalf of the distributees fiduciary, as applicable, shall terminate upon the filing of the report.**

~~(c)~~ (d) A closing statement filed under this section has the same effect as one (1) filed under IC 29-1-7.5-4.

~~(d)~~ (e) A copy of any affidavit recorded under section ~~3(b)~~ **3(c)** of this chapter must be attached to the closing statement filed under this section.

SECTION 16. IC 29-1-10-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 14. (a) **As used in this section, "devisee" shall include any person prosecuting or defending any will under IC 29-1-7-16 or IC 29-1-7-17.5 and, if multiple wills are being challenged under IC 29-1-7-17.5, any person prosecuting or defending a will next prior to the earliest will being challenged under IC 29-1-7-17.5.**

(b) When any person designated as executor in a will, or the administrator with the will annexed, or if at any time there be no such representative, then any devisee therein, defends it or prosecutes any proceedings in good faith and with just cause for the purpose of having it admitted to probate, whether successful or not, ~~he the devisee~~ shall be allowed out of the estate ~~his the devisee's~~ necessary expenses and disbursements including reasonable attorney's fees in such proceedings.

SECTION 17. IC 29-1-14-10, AS AMENDED BY P.L.163-2018, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 10. (a) On or before three (3) months and fifteen (15) days after the date of the first published notice to creditors, the personal representative shall allow or disallow each claim filed not later than three (3) months after the date of the first published notice to creditors,

and as to any claim filed not later than nine (9) months after the decedent's death by a claimant (other than the United States, the state, or a subdivision of the state) who did not receive notice of administration under IC 29-1-7-7, the personal representative shall allow or disallow the claim not later than fifteen (15) days after the date of filing of the claim.

(b) The personal representative shall allow or disallow each claim filed by the United States, the state, or a subdivision of the state on or before the later of:

(1) three (3) months and fifteen (15) days after the first published notice to creditors; or

(2) fifteen (15) days after the date on which the United States, the state, or a subdivision of the state filed the claim.

(c) The personal representative shall make appropriate notations on the margin of the claim and allowance docket showing the action taken as to the claim, or, in a jurisdiction that has implemented electronic filing, by making appropriate notations of the action taken as to the claim according to rules established by the Indiana supreme court, or if the Indiana supreme court adopts no rule regarding the notations, then by local rules established by the court where the claim is filed.

(d) If a personal representative determines that the personal representative should not allow a claim in full, the claim shall be noted "disallowed". The clerk of the court shall give written notice to a creditor if a claim has been disallowed in full or in part. **In a jurisdiction that has implemented electronic filing, written notice to a creditor concerning a disallowed claim, in full or in part, shall be given according to rules established by:**

(1) the Indiana supreme court; or

(2) local rules established by the local court where the claim is filed if rules from the Indiana supreme court have not yet been promulgated.

(e) All claims that are disallowed, or are neither allowed nor disallowed within the deadlines provided in subsection (a) or (b), shall be set for trial in the probate court upon the petition of either party to the claim. The personal representative shall make an appropriate notation of any compromise or adjustment on the margin of the claim and allowance docket, or in a jurisdiction that has implemented electronic filing, by making appropriate notations of the action taken as to the claim according to rules established by the Indiana supreme court, or if the Indiana supreme court adopts no rule regarding the notations, then by local rules established by the court where the claim is filed. If the personal representative, after allowing a claim and before paying it, determines that the claim should not have been allowed, the personal representative shall change the notation on the claim and allowance docket from "allowed" to "disallowed" and give written notice to the creditor. If a claim has been paid in full or in part, the creditor shall:

(1) release the claim to the extent that the claim has been paid; and

(2) give written notice to the clerk of the court of the release.

(f) Claims for expenses of administration may be allowed upon application of the claimant or of the personal representative, or may be allowed at any accounting, regardless

of whether or not they have been paid by the personal representative.

SECTION 18. IC 29-1-21-3, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2019 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. The following terms are defined for this chapter:

(1) "Actual presence" means that:

(A) a witness; or

(B) another individual who observes the execution of the electronic will;

is physically present in the same physical location as the testator. The term does not include any form of observation or interaction that is conducted by means of audio, visual, or audiovisual telecommunication or similar technological means.

(2) "Affidavit of regularity" means an affidavit executed by a custodian or other person under section 13 of this chapter with respect to the electronic record for an electronic will or a complete converted copy of an electronic will.

(3) "Complete converted copy" means a document in any format that:

(A) can be visually perceived in its entirety on a monitor or other display device;

(B) can be printed; and

(C) contains:

(i) the text of the electronic will;

(ii) the electronic signatures of the testator and the witnesses;

(iii) a readable copy of any associated document integrity evidence that may be a part of or attached to the electronic will; and

(iv) a self-proving clause concerning the electronic will, if the electronic will is self-proved.

(4) "Custodian" means a person, other than:

(A) the testator who executed the electronic will;

(B) an attorney;

(C) a person who is named in the electronic will as a personal representative of the testator's estate; or

(D) a person who is named or defined as a distributee in the electronic will;

who has authorized possession or control of the electronic will. The term may include an attorney in fact serving under a living testator's durable power of attorney who possesses general authority over records, reports, statements, electronic records, or estate planning transactions.

(5) "Custody" means the authorized possession and control of at least one (1) of the following:

(A) A complete copy of the electronic record for the electronic will, including a self-proving clause if a self-proving clause is executed.

(B) A complete converted copy of the electronic will, if the complete electronic record has been lost or destroyed or the electronic will has been revoked.

(6) "Document integrity evidence" means the part of the electronic record for the electronic will that:

- (A) is created and maintained electronically;
- (B) includes digital markers showing that the electronic will has not been altered after its initial execution and witnessing;
- (C) is logically associated with the electronic will in a tamper evident manner so that any change made to the text of the electronic will after its execution is visibly perceptible when the electronic record is displayed or printed;
- (D) **displays any changes made to the text of will generate an error message, invalidate an electronic signature, make the electronic record unreadable, or otherwise display evidence that some alteration was made to the electronic will after its execution; and**
- (E) displays the following information:
 - (i) The city **and** state **in which, and the** date and time **at which**, the electronic will was executed by the testator and the attesting witnesses.
 - (ii) The text of the self-proving clause, if the electronic will is electronically self-proved through use of a self-proving clause executed under section 4(c) of this chapter.
 - (iii) The name of the testator and attesting witnesses.
 - (iv) The name and address of the person responsible for marking the testator's signature on the electronic will at the testator's direction and in the actual presence of the testator and attesting witnesses.
 - (v) Copies of or links to the electronic signatures of the testator and the attesting witnesses on the electronic will.
 - (vi) A general description of the type of identity verification evidence used to verify the testator's identity.
 - (vii) The text of the advisory instruction, if any, that is provided to the testator under section 6 of this chapter at the time of the execution of the electronic will.
 - (viii) The content of the cryptographic hash or unique code **used to complete the electronic record and make the electronic will tamper evident if a public key infrastructure or similar secure technology was used by the testator to sign or authenticate the electronic will in the event that public key infrastructure or similar secure technology was used to sign or authenticate the electronic will; and if the vendor or the software for the technology makes inclusion feasible.**

Document integrity evidence may, but is not required to, contain other information about the electronic will such as a unique document number, client number, or other identifier that an attorney or custodian assigns to the electronic will or a link to a secure Internet web site where a complete copy of the electronic will is accessible. The title, heading, or label, if any, that is assigned to the document integrity evidence (such as "certificate of completion", "audit trail", or "audit log" ~~log~~) is immaterial): immaterial.

- (7) "Electronic" has the meaning set forth in IC 26-2-8-102.
- (8) "Electronic record" has the meaning set forth in IC 26-2-8-102. The term may include one (1) or both of the following:
 - (A) The document integrity evidence associated with the electronic will.
 - (B) The identity verification evidence of the testator who executed the electronic will.
- (9) "Electronic signature" has the meaning set forth in IC 26-2-8-102.
- (10) "Electronic will" means the will of a testator that:
 - (A) is initially created and maintained as an electronic record;
 - (B) contains the electronic signatures of:
 - (i) the testator; and
 - (ii) the attesting witnesses; and
 - (C) contains the date and times of the electronic signatures described by ~~items (i) and (ii):~~ **clause (B)(i) and (B)(ii).**

The term may include a codicil that amends an electronic will or a traditional paper will if the codicil is executed in accordance with the requirements of this chapter.
- (11) "Executed" means the signing of an electronic will. The term includes the use of an electronic signature.
- (12) "Identity verification evidence" means either:
 - (A) a copy of the testator's government issued photo identification card; or
 - (B) any other information that verifies the identity of the testator if derived from one (1) or more of the following sources:
 - (i) A knowledge based authentication method.
 - (ii) A physical device.
 - (iii) A digital certificate using a public key infrastructure.
 - (iv) A verification or authorization code sent to or used by the testator.
 - (v) Biometric identification.
 - (vi) Any other commercially reasonable method for verifying the testator's identity using current or future technology.
- (13) "Logically associated" means electronically connected, cross referenced, or linked in a reliable manner.
- (14) "Sign" means valid use of a properly executed electronic signature.
- (15) "Signature" means the authorized use of the testator's name to authenticate an electronic will. The term includes an electronic signature.
- (16) "Tamper evident" means the feature of an electronic record, such as an electronic will or document integrity evidence for an electronic will, that will cause any alteration **of** or tampering **of with** the electronic record, after it is created or signed, to be perceptible to any person viewing the electronic record when it is printed on paper or viewed on a monitor or other display device. **The term applies even if the nature or specific content of the alteration is not perceptible.**

(17) "Traditional paper will" means a will or codicil that is signed by the testator and the attesting witnesses:

- (A) on paper; and
- (B) in the manner specified in IC 29-1-5-3 or IC 29-1-5-3.1.

(18) "Will" includes all wills, testaments, and codicils. The term includes:

- (A) an electronic will; and
- (B) any testamentary instrument that:
 - (i) appoints an executor; or
 - (ii) revives or revokes another will.

SECTION 19. IC 29-1-21-17, AS ADDED BY P.L.40-2018, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 17. (a) This section shall apply to the situation created by:

- (1) the rejection of a petition to probate a deceased testator's electronic or traditional paper will; or
- (2) the revocation of a deceased testator's electronic will due to the timely filing of a will contest as described in IC 29-1-7-17.

(b) The following terms are defined for this section:

- (1) "Other electronic will" means:
 - (A) an electronic will that the same testator purportedly executed in compliance with applicable laws on a date that preceded the date of execution seen in the rejected will; or
 - (B) an electronic will that the same testator purportedly executed in compliance with applicable laws on a date that followed the date of execution seen on the rejected will;

where the petitioner or proponent for the electronic will is not aware of any other paper will or electronic will executed by the testator at a date later than the date of the testator's purposed execution of the other electronic will.

(2) "Rejected will" means a will that is rejected for a reason described in subsection (a).

(c) On or before the end of the time period specified in ~~IC 29-1-7-15.1(d)(2)~~ **IC 29-1-7-15.1(g)(2)** or ~~IC 29-1-7-15.1(d)(3)~~; **IC 29-1-7-15.1(g)(3)**, any interested person may file a petition requesting probate of another electronic will associated with the testator. A complete converted copy of the other electronic will and an affidavit of regularity must accompany any petition filed under this subsection. The complete converted copy of another electronic will is prima facie evidence of:

- (1) the substance of the other electronic will; and
- (2) the proper execution of the other electronic will.

(d) ~~Section 18~~ **Section 16** of this chapter shall apply to any proceeding concerning the probate of another electronic will of a deceased testator. In the absence of:

- (1) clear and convincing evidence; and
- (2) written evidence;

of the testator's contrary intentions, the court shall presume that the deceased testator would have preferred the probate and enforcement of the testator's other electronic will to intestacy.

SECTION 20. IC 29-1-22 IS ADDED TO THE INDIANA CODE AS A **NEW CHAPTER** TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2019]:

Chapter 22. Electronic Estate Planning Documents Registry

Sec. 1. The following terms are defined for this chapter:

(1) "Complete converted copy" means a document in any format that:

- (A) can be visually perceived in its entirety on a monitor or other display device;**
- (B) can be printed; and**
- (C) contains the following:**

- (i) The text of an electronic will.**
- (ii) The respective electronic signatures of the testator and attesting witnesses.**
- (iii) A readable copy of all document integrity evidence, if applicable.**
- (iv) A self-proving affidavit if the electronic will is self-proved.**

(2) "Document integrity evidence" means the part of the electronic will, electronic trust instrument, or electronic power of attorney that:

- (A) is created and maintained electronically;**
- (B) includes digital markers to demonstrate that the electronic will, electronic trust instrument, or electronic power of attorney has not been altered or tampered with after its execution;**
- (C) is logically associated with the electronic will, electronic trust instrument, or electronic power of attorney;**
- (D) will generate an error message, invalidate an electronic signature, make the electronic record unreadable, or otherwise display evidence that some alteration was made to the electronic record after its execution; and**

(E) includes the following information:

- (i) The city, state, date, and time of the execution of the electronic will, electronic trust instrument, or electronic power of attorney by the testator, settlor, or principal and any attesting witnesses as applicable.**
- (ii) The text of the self-proving affidavit if the document is an electronic will and is self-proved.**
- (iii) The name of the testator, settlor, or principal and the names of all attesting witnesses, if applicable.**
- (iv) The name and address of any person responsible for signing the signature of the testator, settlor, or principal on the electronic document at the direction and in the presence of the testator, settlor, or principal.**
- (v) Copies of or links to the electronic signatures of the testator, settlor, or principal and any attesting witnesses, if applicable.**
- (vi) A general description of the type of identity verification evidence used to verify the identity of the testator, settlor, or principal.**
- (vii) The content of the cryptographic hash or unique code used to complete the electronic will, electronic trust instrument, or electronic power of**

attorney and make the electronic will, electronic trust instrument, or electronic power of attorney tamper evident if a public key infrastructure or similar secure technology was used to sign or authenticate the electronic will, electronic trust instrument, or electronic power of attorney and if the vendor or the software for the technology makes inclusion feasible.

(3) "Electronic estate planning document" means:

- (A) an electronic will;
- (B) an electronic trust instrument;
- (C) an electronic power of attorney; or
- (D) any electronic document that:
 - (i) revokes; or
 - (ii) amends;

any document described in clauses (A) through (C).

(4) "Electronic power of attorney" means a power of attorney created by a principal that:

- (A) is initially created and maintained as an electronic record;
- (B) contains the electronic signature of the principal creating the power of attorney;
- (C) contains the date and time of the electronic signature of the principal creating the power of attorney; and
- (D) is notarized.

The term includes an amendment to or a restatement of the power of attorney if the amendment or restatement complies with the requirements described in IC 30-5-11-5.

(5) "Electronic record" has the meaning set forth in IC 26-2-8-102(9). The term may include one (1) or more of the following:

- (A) The document integrity evidence associated with an electronic will, electronic trust instrument, or electronic power of attorney.
- (B) The identity verification evidence of the testator, settlor, or principal who executed the electronic will, electronic trust instrument, or electronic power of attorney.

(6) "Electronic signature" has the meaning set forth in IC 26-2-8-102(10).

(7) "Electronic trust instrument" means a trust instrument for an inter vivos trust created by a settlor or other person that:

- (A) is initially created and maintained as an electronic record;
- (B) contains the electronic signature of the settlor or other person creating the trust; and
- (C) contains the date and time of the electronic signature of the settlor or other person creating the trust.

The term includes an amendment to or a restatement of a revocable trust instrument when the amendment or restatement is executed in accordance with the requirements of IC 30-4-1.5-6.

(8) "Electronic will" means the will of a testator that:

- (A) is initially created and maintained as an

electronic record;

(B) contains the electronic signatures of the testator and attesting witnesses; and

(C) contains the date and time of the electronic signatures.

(9) "Executed" means the signing of an electronic estate planning document. The term includes the use of an electronic signature.

(10) "Identity verification evidence" means:

(A) a copy of the government issued photo identification card of the testator, settlor, or principal; or

(B) any other information that verifies the identity of the testator, settlor, or principal if derived from one

(1) or more of the following sources:

(i) A knowledge based authentication method.

(ii) A physical device.

(iii) A digital certificate using a public key infrastructure.

(iv) A verification or authorization code sent to or used by the testator, settlor, or principal.

(v) Biometric identification.

(vi) Any other commercially reasonable method for verifying the identity of the testator, settlor, or principal using current or future technology.

(11) "Index" means the electronic estate planning documents index created under section 2(e) of this chapter.

(12) "Logically associated" means electronically connected, cross-referenced, or linked in a reliable manner.

(13) "Registry" means the statewide electronic estate planning documents registry described in section 2(a) of this chapter.

(14) "Sign" means valid use of a properly executed electronic signature.

(15) "Signature" means the authorized use of the name of the testator, settlor, or principal to authenticate an electronic will, electronic trust instrument, or electronic power of attorney. The term includes an electronic signature.

(16) "Tamper evident" means the feature of an electronic record, such as an electronic estate planning document or document integrity evidence for an electronic estate planning document, that will cause any alteration of or tampering with the electronic record, after it is created or signed, to be perceptible to any person viewing the electronic record when it is printed on paper or viewed on a monitor or other display device. The term applies even if the nature or specific content of the alteration is not perceptible.

(17) "Traditional paper estate planning document" means a will, codicil, trust instrument, or power of attorney that is signed on paper by the testator, settlor, or principal and:

- (A) the attesting witnesses, in the case of a will or codicil; or

(B) a notary public, in the case of a power of attorney.

Sec. 2. (a) The Indiana supreme court and the office of judicial administration are authorized to establish and administer a statewide electronic estate planning documents registry under rules adopted by the Indiana supreme court.

(b) If permitted under the rules adopted for the registry, the following individuals may deposit one (1) or more of the items described in subsection (c) with the registry:

- (1) A testator.
- (2) A settlor.
- (3) A principal.
- (4) An attorney for any person described in subdivisions (1) through (3).
- (5) A custodian of an electronic estate planning document.

(c) The following items may be deposited in the registry:

- (1) Information concerning:
 - (A) individual testators, settlors, or principals;
 - (B) electronic estate planning documents; or
 - (C) the execution of an electronic estate planning document deposited into the registry.
- (2) The electronic record for an electronic estate planning document.
- (3) Any document integrity evidence associated with an electronic estate planning document.
- (4) A digital and readable copy of a complete converted copy of an electronic estate planning document.

An item described in this subsection may be submitted to or deposited with the registry through digital or online means if permitted by the rules adopted for the registry.

(d) The administrator of the registry may collect a one (1) time fee for deposit of an item described in subsection (c). The amount charged under this subsection must:

- (1) be set by the office of judicial administration; and
- (2) be charged at the time of the deposit.

(e) The registry administrator shall create an index consisting of each item submitted to or deposited with the registry. The index shall be organized according to the following characteristics:

- (1) The name of the testator, settlor, or principal.
- (2) The county of residence for the testator, settlor, or principal.
- (3) The date of execution of an electronic estate planning document.
- (4) The date of submission to or deposit with the registry of information pertaining to an electronic estate planning document submitted to or deposited with the registry.
- (5) The name of any attorney responsible for the preparation or execution of an electronic estate planning document.

The registry administrator shall assign a unique document number or identifier to each electronic estate planning document submitted to or deposited with the registry.

(f) The registry administrator shall make the index:

- (1) available to the public; and
- (2) searchable by digital or online means.

The registry administrator may not charge a fee for access to or use of the index.

(g) The registry administrator shall ensure that any information:

- (1) contained in an electronic estate planning document submitted to or deposited with the registry; and
- (2) not described in subsection (e);

is not accessible to or searchable by the public.

(h) The registry administrator, upon receipt of a digital, online, or written request by an interested person, shall issue a certified report specifying whether or not the registry possesses any items described in subsection (c) for the specific testator, settlor, or principal who is the subject of the request. If the registry possesses any items described in subsection (c) for a specific testator, settlor, or principal, any certified report issued under this subsection must contain the information described in subsection (e) for the applicable testator, settlor, or principal. The registry administrator may charge and collect a fee for each report issued under this subsection. A fee charged under this subsection must be:

- (1) set by the office of judicial administration; and
- (2) charged at the time the report described in this subsection is issued.

(i) The registry administrator, upon receipt of a digital, online, or written request from:

- (1) a living testator, settlor, or principal;
- (2) an attorney for a person described in subdivision (1);
- (3) a person possessing written authorization from a living testator;
- (4) a person nominated as the personal representative, trustee, or attorney in fact in an electronic estate planning document; or
- (5) any interested person with respect to the testator's estate following the testator's death;

shall prepare and issue a certified transcript of the electronic estate planning document and all associated items in a form that may be digitally saved and printed.

(j) A certified transcript issued under subsection (i) must consist of:

- (1) the electronic estate planning document or a complete converted copy of the electronic estate planning document, as applicable, if the complete document was submitted to or deposited with the registry;
- (2) any document integrity evidence associated with the electronic estate planning document, as applicable;
- (3) the date and time the electronic estate planning document was submitted to or deposited with the registry; and
- (4) the unique document number or identifier that was assigned to the electronic estate planning document under subsection (e).

The registry administrator may charge a fee for each transcript issued under subsection (i). The amount charged for the issuance of a transcript must be set by the office of judicial administration and charged at the time the transcript is issued.

(k) A certified report issued under subsection (h) or a certified transcript issued under subsection (i) constitutes prima facie evidence of their respective contents and may be filed with a court without further authentication in any proceeding described under IC 29-1-7.

(l) Nothing in this chapter shall be construed to prohibit the Indiana supreme court and the office of judicial administration from expanding the scope of the registry to permit:

- (1) traditional paper estate planning documents; or
- (2) information concerning the execution of traditional paper estate planning documents;

from being submitted to or deposited with the registry. Documents described in subdivisions (1) and (2) must be subject to the same or substantially the same indexing, search procedures, transcript procedures, and fee rates as electronic estate planning documents.

SECTION 21. IC 30-4-1-2, AS AMENDED BY SEA 265-2019, SECTION 1, AND SEA 381-2019, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. As used in this article:

(1) "Adult" means any person eighteen (18) years of age or older.

(2) "Affiliate" means a parent, descendant, spouse, spouse of a descendant, brother, sister, spouse of a brother or sister, employee, director, officer, partner, joint venturer, a corporation subject to common control with the trustee, a shareholder, or corporation who controls the trustee or a corporation controlled by the trustee other than as a fiduciary, an attorney, or an agent.

(3) "Beneficiary" has the meaning set forth in IC 30-2-14-2.

(4) "Breach of trust" means a violation by the trustee of any duty which is owed to the settlor or beneficiary.

(5) "Charitable trust" means a trust in which all the beneficiaries are the general public or organizations, including trusts, corporations, and associations, and that is organized and operated wholly for religious, charitable, scientific, public safety testing, literary, or educational purposes. The term does not include charitable remainder trusts, charitable lead trusts, pooled income funds, or any other form of split-interest charitable trust that has at least one (1) noncharitable beneficiary.

(6) "Court" means a court having jurisdiction over trust matters.

(7) "Child" includes an adopted child or a child that is in gestation before the death of a deceased parent and born within forty-three (43) weeks after the death of that parent. The term does not include a grandchild or other more remote descendants, nor, except as provided in IC 29-1-2-7, a child born out of wedlock.

(8) "Designated representative" means a person who:

- (A) is authorized, under the terms of a trust, to represent the interests of a beneficiary;
- (B) delivers to the trustee a written acceptance of appointment as the designated representative; and
- (C) is appointed or assigned to act and communicate on behalf of that beneficiary in one (1) or more of the

following ways:

(i) The person is expressly appointed by the settlor, in the trust instrument or under a power reserved by the settlor, to act as a designated representative for one (1) or more beneficiaries of a trust.

(ii) The person is appointed as a designated representative by the trustee or by another authorized person under procedures provided in the trust instrument or **described** under this subdivision.

(iii) The person is authorized or directed under the trust instrument to represent or bind one (1) or more beneficiaries in connection with a judicial proceeding or nonjudicial matter.

(iv) The person is appointed by a beneficiary to act as a designated representative of that beneficiary.

Notwithstanding any contrary provision in the trust instrument or in any other writing that appoints a designated representative, a designated representative is a fiduciary and has a duty to act in good faith in representing the best interests of the beneficiary being represented, and to refrain from willful misconduct.

~~(8)~~ (9) "Income", except as otherwise stated in a trust agreement, has the meaning set forth in IC 30-2-14-4.

~~(9)~~ (10) "Income beneficiary" has the meaning set forth in IC 30-2-14-5.

~~(10)~~ (11) "Inventory value" means the cost of property to the settlor or the trustee at the time of acquisition or the market value of the property at the time it is delivered to the trustee, or the value of the property as finally determined for purposes of an estate or inheritance tax.

~~(11)~~ (12) "Judicial proceeding" means a proceeding involving a trust before a court having subject matter jurisdiction of the trust, whether or not the administration of the trust is governed by Indiana law.

~~(12)~~ (13) "Minor" means any person under the age of eighteen (18) years.

~~(13)~~ (14) "No contest provision" refers to a provision of a trust instrument that, if given effect, would reduce or eliminate the interest of a beneficiary of the trust who, directly or indirectly, initiates or otherwise pursues:

(A) an action to contest the validity of:

- (i) the trust; or
- (ii) the terms of the trust;

(B) an action to set aside or vary any term of the trust; or

(C) any other act to frustrate or defeat the settlor's intent as expressed in the terms of the trust.

~~(14)~~ (15) "Nonjudicial matter" includes but is not limited to any of the following matters or actions relating to a trust or its administration:

(A) A trustee's provision of accounting statements or notices to beneficiaries under IC 30-2-14, IC 30-2-15, or this article.

(B) The solicitation, execution, and delivery of waivers of notice, consent, or objections from beneficiaries under IC 30-2-14, IC 30-2-15, or this article.

(C) The solicitation, execution, and delivery of a consent, acquiescence, ratification, release, or discharge

by a beneficiary under IC 30-4-3-19.

~~(15)~~ **(16)** "Person" has the meaning set forth in IC 30-2-14-9.

~~(16)~~ **(17)** "Personal representative" means an executor or administrator of a decedent's or absentee's estate, guardian of the person or estate, guardian ad litem or other court appointed representative, next friend, parent or custodian of a minor, attorney in fact, or custodian of an incapacitated person (as defined in IC 29-3-1-7.5).

~~(17)~~ **(18)** "Principal" has the meaning set forth in IC 30-2-14-10.

~~(18)~~ **(19)** "Qualified beneficiary" means:

(A) a beneficiary who, on the date the beneficiary's qualification is determined:

(i) is a distributee or permissible distributee of trust income or principal;

(ii) would be a distributee or permissible distributee of trust income or principal if the interest of the distributee described in item (i) terminated on that date;

(iii) would be a distributee or permissible distributee of trust income or principal if the trust terminated on that date;

(iv) is a charitable organization expressly designated to receive distributions under the terms of a charitable trust;

(v) is a person appointed to enforce a trust for the care of an animal under IC 30-4-2-18; or

(vi) is a person appointed to enforce a trust for a noncharitable purpose under IC 30-4-2-19; or

(B) the attorney general, if the trust is a charitable trust having its principal place of administration in Indiana.

~~(19)~~ **(20)** "Remainderman" means a beneficiary entitled to principal, including income which has been accumulated and added to the principal.

~~(20)~~ **(21)** "Settlor" means a person who establishes a trust including the testator of a will under which a trust is created.

~~(21)~~ **(22)** "Terms of a trust", "terms of the trust", or "terms of a charitable trust" means the manifestation of the intent of a settlor or decedent with respect to the trust, expressed in a manner that admits of its proof in a judicial proceeding, whether by written or spoken words or by conduct.

~~(22)~~ **(23)** "Trust estate" means the trust property and the income derived from its use.

~~(23)~~ **(24)** "Trust for a benevolent public purpose" means a charitable trust (as defined in subdivision (5)), a split-interest trust (as defined in Section 4947 of the Internal Revenue Code), a perpetual care fund established under IC 23-14-48-2, a prepaid funeral plan or funeral trust established under IC 30-2-9, a funeral trust established under IC 30-2-10, a trust or an escrow account created from payments of funeral, burial services, or merchandise in advance of need described in IC 30-2-13, and any other form of split-interest charitable trust that has both charitable and noncharitable beneficiaries, including but

not limited to charitable remainder trusts, charitable lead trusts, and charitable pooled income funds.

~~(24)~~ **(25)** "Trust instrument" means an instrument, agreement, or other written document executed by the settlor that contains the terms of the trust, including any amendments to the terms of the trust.

~~(25)~~ **(26)** "Trust property" means property either placed in trust or purchased or otherwise acquired by the trustee for the trust regardless of whether the trust property is titled in the name of the trustee or the name of the trust.

~~(26)~~ **(27)** "Trustee" has the meaning set forth in IC 30-2-14-13.

SECTION 22. IC 30-4-1.5-3, AS ADDED BY P.L.40-2018, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. The following terms are defined for this chapter:

(1) "Affidavit of regularity" means an affidavit executed by a custodian or other person under section 10 of this chapter with respect to the electronic record for an electronic trust instrument or a complete converted copy of an electronic trust instrument.

(2) "Complete converted copy" means a document in any format that:

(A) can be visually perceived in its entirety on a monitor or other display device;

(B) can be printed; and

(C) contains:

(i) the text of an electronic trust instrument; and

(ii) a readable copy of the document integrity evidence, if any, that is or was part of or attached to the electronic trust instrument.

(3) "Custodian" means a person other than:

(A) the settlor who executed the electronic trust instrument;

(B) an attorney;

(C) a person who is named in the electronic trust instrument as a current trustee or successor trustee of the trust; or

(D) a person who is named or defined as a beneficiary in the electronic trust instrument;

who has authorized possession or control of the electronic trust instrument. The term may include an attorney in fact serving under a living settlor's durable power of attorney who possesses general authority over records, reports, statements, electronic records, or estate planning transactions.

(4) "Custody" means the authorized possession and control of at least one (1) of the following:

(A) A complete copy of the electronic record for the electronic trust instrument.

(B) A complete converted copy of the electronic trust instrument if the complete electronic record has been lost or destroyed or if the electronic trust instrument has been revoked.

(5) "Document integrity evidence" means the part of the electronic record for the electronic trust instrument that:

(A) is created and maintained electronically;

(B) includes digital markers showing that the electronic trust instrument has not been altered after its initial execution by the settlor;

(C) is logically associated with the electronic trust instrument in a tamper evident manner so that any change made to the text of the electronic trust instrument after its execution is visibly perceptible when the electronic record is displayed or printed;

(D) ~~displays any changes made to the text of~~ **will generate an error message, invalidate an electronic signature, make the electronic record unreadable, or otherwise display evidence that some alteration was made** to the electronic trust instrument after its execution; and

(E) displays the following information:

(i) The city **and** state **in which, and the** date and time **at which**, the electronic trust instrument was executed by the settlor.

(ii) The name of the settlor.

(iii) The name and address of another person, if any, responsible for marking the settlor's electronic signature on the electronic trust instrument at the settlor's direction and in the actual presence of the settlor.

(iv) A copy of or a link to the electronic signature of the settlor on the electronic trust instrument.

(v) A general description of the type of identity verification evidence used to verify the settlor's identity.

(vi) The content of the cryptographic hash or unique code **used to complete the electronic record and make the electronic trust instrument tamper evident if a public key infrastructure or a similar secure technology was used by the settlor to sign or authenticate the electronic trust instrument in the event that public key infrastructure or a similar secure technology was used to sign or authenticate the electronic trust instrument. and if the vendor or the software for the technology makes inclusion feasible.**

Document integrity evidence may, but is not required to, contain other information about the electronic trust instrument such as a unique document number, client number, or other identifier that an attorney or custodian assigns to the electronic trust instrument or a link to a secure Internet web site where a complete copy of the electronic trust instrument is accessible. The title, heading, or label, if any, that is assigned to the document integrity evidence (such as "certificate of completion", "audit trail", or "audit ~~log~~ **log**") is ~~immaterial~~. **immaterial.**

(6) "Electronic" has the meaning set forth in IC 26-2-8-102.

(7) "Electronic record" has the meaning set forth in IC 26-2-8-102. The term may include one (1) or both of the following:

(A) The document integrity evidence associated with the electronic trust instrument.

(B) The identity verification evidence of the settlor who executed the electronic trust instrument.

(8) "Electronic signature" has the meaning set forth in IC 26-2-8-102.

(9) "Electronic trust instrument" means a trust instrument for an inter vivos trust created by a settlor or other person that:

(A) is initially created and maintained as an electronic record;

(B) contains the electronic signature of the settlor or other person creating the trust; and

(C) contains the date and time of the electronic signature of the settlor or other person creating the trust.

The term includes an amendment to or a restatement of a revocable trust instrument when the amendment or restatement is executed in accordance with the requirements of section 6 of this chapter.

(10) "Executed" means the signing of an electronic trust instrument. The term includes the use of an electronic signature.

(11) "Identity verification evidence" means either:

(A) a copy of the settlor's government issued photo identification card; or

(B) any other information that verifies the identity of the settlor if derived from one (1) or more of the following sources:

(i) A knowledge based authentication method.

(ii) A physical device.

(iii) A digital certificate using a public key infrastructure.

(iv) A verification or authorization code sent to or used by the settlor.

(v) Biometric identification.

(vi) Any other commercially reasonable method for verifying the settlor's identity using current or future technology.

(12) "Logically associated" means electronically connected, cross referenced, or linked in a reliable manner.

(13) "Sign" means valid use of a properly executed electronic signature.

(14) "Signature" means the authorized use of the settlor's name to authenticate an electronic trust instrument. The term includes an electronic signature.

(15) "Tamper evident" means the feature of an electronic record, such as an electronic trust instrument or document integrity evidence for an electronic trust instrument, that will cause **the fact of** any alteration **of** or tampering **of** **with** the electronic record, after it is created or signed, to be perceptible to any person viewing the electronic record when it is printed on paper or viewed on a monitor or other display device. **The term applies even if the nature or the specific content of the alteration is not perceptible.**

(16) "Traditional paper trust instrument" means a trust instrument or an amendment to or a restatement of a trust instrument that is signed by the settlor on paper.

SECTION 23. IC 30-4-2.1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) Except as

provided in subsection (b) and section 5 of this chapter, when a settlor fails to provide in the settlor's trust for a child who is:

- (1) born or adopted after the making of the settlor's trust; and
- (2) born before or after the settlor's death;

the child is entitled to receive a share in the trust assets. The child's share of the trust assets shall be determined by ascertaining what the child's intestate share would have been under IC 29-1-2-1 if the settlor had died intestate. The child is entitled to receive a share of the trust assets equivalent in value to the intestacy share determined under IC 29-1-2-1.

(b) Subsection (a) does not apply to a child of the settlor if:

- (1) it appears from the trust that the settlor intentionally failed to provide in the settlor's trust for the child; or
- (2) ~~the settlor: when the trust was executed:~~
 - (A) ~~the settlor~~ had at least one (1) child known to the settlor to be living ~~when the trust was executed~~; and
 - (B) ~~the settlor~~ devised substantially all of the settlor's ~~estate trust assets~~ to the settlor's surviving spouse.

SECTION 24. IC 30-4-3-6, AS AMENDED BY SEA 265-2019, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6. (a) The trustee has a duty to administer a trust according to the terms of the trust.

(b) Unless the terms of the trust or the provisions of section 1.3 of this chapter provide otherwise, the trustee also has a duty to do the following:

- (1) Administer the trust in a manner consistent with IC 30-4-3.5.
- (2) Take possession of and maintain control over the trust property.
- (3) Preserve the trust property.
- (4) Make the trust property productive for both the income and remainder beneficiary. As used in this subdivision, "productive" includes the production of income or investment for potential appreciation.
- (5) Keep the trust property separate from the trustee's individual property and separate from or clearly identifiable from property subject to another trust.
- (6) Maintain clear and accurate accounts with respect to the trust estate.
- (7) Except as provided in subsection (c), keep the following beneficiaries reasonably informed about the administration of the trust and of the material facts necessary for the beneficiaries to protect their interests:
 - (A) A current income beneficiary.
 - (B) A beneficiary who will become an income beneficiary upon the expiration of the term of the current income beneficiary, if the trust has become irrevocable by:
 - (i) the terms of the trust instrument; or
 - (ii) the death of the settlor.

A trustee satisfies the requirements of this subdivision by providing a beneficiary described in clause (A) or (B), upon the beneficiary's written request, access to the trust's accounting and financial records concerning the administration of trust property and the administration of the trust.

(8) Upon:

- (A) the trust becoming irrevocable:
 - (i) by the terms of the trust instrument; or
 - (ii) by the death of the settlor; and
- (B) the written request of an income beneficiary or remainderman;

promptly provide a copy of the complete trust instrument to the income beneficiary or remainderman. This subdivision does not prohibit the terms of the trust from requiring the trustee to separately provide each beneficiary only the portions of the trust instrument that describe or pertain to that beneficiary's interest in the trust and the administrative provision of the trust instrument that ~~pertain~~ **pertains** to all beneficiaries of the trust.

- (9) Take whatever action is reasonable to realize on claims constituting part of the trust property.
- (10) Defend actions involving the trust estate.
- (11) Supervise any person to whom authority has been delegated.
- (12) Determine the trust beneficiaries by acting on information:
 - (A) the trustee, by reasonable inquiry, considers reliable; and
 - (B) with respect to heirship, relationship, survivorship, or any other issue relative to determining a trust beneficiary.

(c) The terms of a trust may expand, restrict, eliminate, or otherwise vary the right of a beneficiary to be informed of the beneficiary's interest in a trust for a period of time, including a period of time related to:

- (1) the age of the beneficiary;
- (2) the lifetime of a settlor or the spouse of a settlor;
- (3) a term of years or a period of time ending on a specific date; or
- (4) a specific event that is certain to occur.

(d) During any period of time that the trust instrument restricts or eliminates the right of a beneficiary to be informed of the beneficiary's interest in a trust, a designated representative for the beneficiary:

- (1) shall represent that beneficiary and bind that beneficiary's interests for purposes of any judiciary proceeding or nonjudicial matter involving the trust unless the court finds, after a hearing upon notice, that a conflict of interest exists between the beneficiary and the designated representative; and
- (2) has the authority to initiate or defend and participate in any proceeding relating to the trust under this article or under IC 30-2 on behalf of the beneficiary.

An alleged conflict of interest between a beneficiary and the beneficiary's designated representative may be asserted to the court by the beneficiary whose right to be informed of the beneficiary's interest in a trust is restricted or eliminated in the trust instrument or by any other person authorized to represent and bind that beneficiary's interest under IC 30-4-6-10.5.

(e) If:

- (1) a beneficiary is an adult and has not been adjudicated to be an incapacitated person;

- (2) the trust instrument restricts or eliminates the right of the beneficiary to be informed of the beneficiary's interest in a trust; and
- (3) the beneficiary discovers information about the beneficiary's interest in the trust from sources other than the trustee;

subsections (c) and ~~(e)~~ (d) do not prohibit the beneficiary from demanding and receiving information about the trust and its administration under subsection (b)(7), including a copy of all relevant portions of the trust instrument, or an accounting or statement regarding the trust under IC 30-4-5-12(c). The beneficiary may also initiate and participate in any proceeding against or with the trustee under this chapter.

SECTION 25. IC 30-4-3-9, AS AMENDED BY SEA 265-2019, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 9. (Duty of Trustee under Control of Third Person)

(a) This section applies to directions given to a trustee before July 1, 2019, by a person who has power under the terms of the trust to direct the trustee.

(b) If the terms of the trust give a person a power to direct the trustee in the administration of the trust and those terms expressly direct the trustee to rely, or relieve the trustee from liability if he does rely, on that person's directions, the trustee may do so and will incur no liability for any loss to the trust estate.

(c) If the terms of the trust give a person a power to direct the trustee in the administration of the trust, except as provided in subsection ~~(a)~~ (b): ~~of this section:~~

- (1) ~~If~~ **if** the person holds the power as a fiduciary, the trustee has a duty to refuse to comply with any direction which he knows or should know would constitute a breach of a duty owed by that person as a fiduciary; **and**
- (2) ~~If~~ **if** the person holds the power solely for his own benefit, the trustee may refuse to comply only if the attempted exercise of the power violates the terms of the trust with respect to that power.

SECTION 26. IC 30-4-3-24.5, AS AMENDED BY SEA 265-2019, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 24.5. (a) This section does not apply to an easement for conservation or preservation.

(b) This subsection applies to a trust consisting of trust property having a total value of less than seventy-five thousand dollars (\$75,000). Unless the terms of the trust provide otherwise, the trustee may terminate the trust:

- (1) if the trustee concludes the value of the trust property is insufficient to justify the cost of administration; and
- (2) after providing notice of the trust termination to qualified beneficiaries.

(c) The trustee may propose the termination of a trust by written notice to qualified beneficiaries if the trustee, upon review of surrounding circumstances, concludes that continuation of the trust on its existing terms would be contrary to the economic best interest of the trust estate and that early termination would be in the best interests of the beneficiaries consistent with the settlor's intent. This trust termination shall occur upon receipt of written consent of all qualified

beneficiaries.

(d) The court may:

- (1) modify or terminate a trust; or
- (2) remove the trustee and appoint a different trustee;

if the court determines that the value of the trust property is insufficient to justify the cost of administration. If a trust terminates under this subsection, the court shall direct the trustee to distribute the trust property in a manner consistent with the purposes of the trust.

(e) If a trust terminates under subsection ~~(b)~~; (c), the trustee shall distribute the trust property in a manner consistent with the purposes of the trust.

SECTION 27. IC 30-4-5-14.5, AS ADDED BY SEA 265-2019, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 14.5. (a) A trustee may obtain a nonjudicial settlement of its accounts in accordance with subsection (b) when:

- (1) a trust terminates pursuant to the terms of the trust;
- (2) ~~a small trust terminates~~ **trust terminates early** pursuant to IC 30-4-3-24.5;
- (3) a trustee resigns or is removed; or
- (4) a trustee seeks discharge of an interim accounting period when the trust is continuing.

(b) A trustee who elects to proceed under this section shall provide the following to the qualified beneficiaries of the trust and a successor trustee, if applicable, within a reasonable time after termination of the trust pursuant to its terms, the resignation or removal of the trustee, or the end of the period for which the trustee is seeking discharge:

- (1) A statement showing the fair market value of the new assets to be distributed from a terminating trust or **to** a successor trustee.
- (2) A trust accounting for the prior three (3) years showing all receipts and disbursements and inventory value of the net assets.
- (3) An estimate for any items reasonably anticipated to be received or disbursed.
- (4) The amount of any fees, including trustee fees, remaining to be paid.
- (5) Notice that the trust is terminating, or that the trustee has resigned or been removed, the time period for which the trustee seeks discharge of its accounts, and a statement providing that claims against a trustee under IC 30-4-6-12 and IC 30-4-6-14, if applicable, shall be barred if no objections are received within the time period described in subsection (c).
- (6) The name and mailing address of the trustee.
- (7) The name and telephone number of a person who may be contacted for additional information.

The trustee may also provide the statement and notice described in this subsection to any other person who the trustee reasonably believes may have an interest in the trust.

(c) If, after receiving the notice and trust information described in subsection (b), a qualified beneficiary objects to a disclosed act or omission, the qualified beneficiary shall provide written notice of the objection to the trustee not later than sixty (60) days after the notice was sent by the trustee. If no written

objection is provided in the sixty (60) day time period, the information provided under subsection (b) shall be considered approved by the recipient. The trustee shall, in the case of a trust terminating pursuant to the terms of the trust or the trustee's resignation or removal, within a reasonable period of time following the expiration of the sixty (60) day time period, distribute the assets as provided in the trust or to the successor trustee. If a qualified beneficiary gives the trustee a written objection within the applicable sixty (60) day time period, the trustee or the qualified beneficiary may:

- (1) submit the written objection to the court for resolution and charge the expense of commencing a proceeding to the trust; or
- (2) resolve the objection by a nonjudicial settlement agreement under section 25 of this chapter, or otherwise.

Any agreement entered into pursuant to subdivision (2) may include a release, an indemnity clause, or both, on the part of the beneficiary against the trustee relating to the trust. If the parties agree to a nonjudicial settlement agreement under section 25 of this chapter, any related expenses shall be charged to the trust. Upon a resolution of an objection under this subsection, within a reasonable period of time, the trustee shall distribute the remaining trust assets as provided in the trust or to the successor trustee.

(d) The trustee may rely upon the written statement of a person receiving notice that the person does not object.

(e) When a trustee distributes assets of a terminating trust or to a successor trustee after complying with the provisions of this article and having received no objections, each person who received notice and either consented or failed to object pursuant to this section is barred from:

- (1) bringing a claim against the trustee or challenging the validity of the trust to the same extent and with the same preclusive effect as if the court had entered a final order approving the trustee's final account; or
- (2) bringing a claim against the trustee for the period of such interim accounts to the same extent and with the same preclusive effect as if the court had entered a final order approving the trustee's interim accounts.

(f) A trustee may not request that a beneficiary indemnify the trustee against loss in exchange for the trustee forgoing a request to the court to approve its accounts at the time that the trust terminates, or at the time the trustee resigns or is removed, except as agreed upon by the parties pursuant to subsection (c).

(g) The court that exercises probate jurisdiction shall have exclusive jurisdiction over matters under this section.

(h) IC 30-4-6-10.5 shall apply to this section.

(i) Nothing in this section shall preclude a trustee from proceeding under IC 30-4-3-18(b) to have the trustee's accounts reviewed and settled by the court.

SECTION 28. IC 30-4-5-25, AS ADDED BY SEA 265-2019, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 25. (a) As used in this section, "interested person" means a person whose consent would be required to achieve a binding settlement were the settlement to be approved by the court.

(b) Except as provided in subsection (c), an interested person

may enter into a binding nonjudicial settlement agreement with respect to any matter involving a trust. This procedure is not intended to foreclose or limit any other procedure for settlement available under other applicable law.

(c) A nonjudicial settlement agreement is valid only to the extent it does not violate a material purpose of the trust and includes terms and conditions that could be properly approved by the court under this article or other applicable law. A nonjudicial settlement may not be used to produce a result not authorized by other provisions of this article, including but not limited to terminating or modifying a trust in an impermissible manner.

(d) Subject to subsection (c), matters that may be resolved by a nonjudicial settlement agreement include the following:

- (1) The interpretation or construction of the terms of a trust.
- (2) The approval of a trustee's report or accounting or waiver of the preparation of a trustee's report or accounting.
- (3) Direction to a trustee to refrain from performing a particular act or the grant to a trustee of any necessary or desirable power.
- (4) The resignation or appointment of a trustee and the determination of a trustee's compensation.
- (5) Transfer of a trust's principal place of administration.
- (6) Liability or release of a trustee for an action relating to a trust.
- (7) The criteria for distribution to a beneficiary where a trustee is given discretion.
- (8) The resolution of a dispute arising out of the administration or distribution of a trust.
- (9) An investment action.
- (10) The appointment of and powers granted to a ~~directing party of a trust protector: trust director~~.
- (11) Direction to a ~~directing party or to a trust protector~~ **trust director** to perform or refrain from performing a particular act or the grant of a power to a ~~directing party or trust protector: trust director~~.

(e) Before or after the parties enter into a nonjudicial settlement agreement, an interested person may request the court to approve a nonjudicial settlement agreement to determine whether the representation under IC 30-4-6-10.5 was adequate and to determine whether the agreement contains terms and conditions the court would approve.

SECTION 29. IC 30-4-8-7, AS ADDED BY SEA 265-2019, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]:

Sec. 7. (a) Except as provided in section 8 of this chapter, no cause of action of any kind, including a cause of action to enforce a judgment, may be brought for:

- (1) an attachment or other provisional remedy against property that is the subject of a qualified disposition to a legacy trust; or
- (2) the avoidance of a qualified disposition to a legacy trust.

The protections provided to a qualified disposition by this subsection apply notwithstanding any law to the contrary set forth outside this chapter.

(b) If a court declines to apply Indiana law in determining the effect of a spendthrift provision in a legacy trust in an action brought against a legacy trust, the trustee of the legacy trust shall immediately resign and, without further order of any court, cease to be the trustee of the legacy trust. When a trustee resigns under this section, the trustee has the power only to convey the trust property to a successor trustee appointed under this section. A successor trustee shall succeed the resigning trustee in accordance with the terms of the legacy trust. If the trust does not provide for a successor trustee and the trust would otherwise be without a trustee, any beneficiary of the trust may petition an Indiana court to appoint a successor trustee. The Indiana court receiving the petition shall appoint a successor trustee to serve in accordance with the terms and conditions that the court determines are consistent with the purposes of the trust and this chapter.

(c) A legacy trust and its property are protected under this section regardless of whether or not the transferor:

- (1) serves as a ~~trust~~ **an investment** adviser under section 12 of this chapter; or
- (2) retains a power described in section 13 of this chapter.

(d) To the maximum extent permitted by the United States Constitution and the Indiana Constitution, a court of this state shall exercise jurisdiction over a legacy trust or a qualified disposition and shall adjudicate a case or controversy brought before the court regarding, arising out of, or related to a legacy trust or a qualified disposition if that case or controversy is otherwise within the subject matter jurisdiction of the court. Subject to the United States Constitution and the Indiana Constitution, a court of this state shall not dismiss or otherwise decline to adjudicate a case or controversy described in this subsection on the grounds that a court of another jurisdiction has acquired or may acquire proper jurisdiction over, or may provide proper venue for, the case or controversy or the parties to the case or controversy. Nothing in this subsection shall be construed to do either of the following:

- (1) Prohibit a transfer or other reassignment of a case or controversy from one court of this state to another court of this state.
- (2) Expand or limit the subject matter jurisdiction of a court of this state.

SECTION 30. IC 30-4-8-8, AS ADDED BY SEA 265-2019, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]:

Sec. 8. (a) Except as provided in subsection (e), a claim against property that is the subject of a qualified disposition to a legacy trust is barred by section 7 of this chapter unless the claim is one (1) of the following:

- (1) Except as provided in subsection (b), an action brought in Indiana under the Uniform Fraudulent Transfer Act (IC 32-18-2) in which the requirements for recovery under the act are met by clear and convincing evidence.
- (2) An action to enforce the child support obligations of the transferor under a judgment or court order.
- (3) A court judgment or order for the division of property in a dissolution of the transferor's marriage or a legal separation between the transferor and the transferor's

spouse, if the transferor's distribution to the legacy trust was made:

- (A) after the date of the transferor's marriage that is subject to the dissolution or legal separation; or
- (B) within thirty (30) days before the date of the transferor's marriage that is subject to the dissolution or legal separation unless the transferor provided written notice of the qualified disposition to the other party to the marriage at least three (3) days before making the qualified disposition.

(b) A claim brought under an action described in subsection (a)(1) is extinguished unless:

(1) the creditor's claim arose before the qualified disposition to a legacy trust was made and the action is brought not later than the later of:

- (A) two (2) years after the transfer was made; or
- (B) six (6) months after the transfer:
 - (i) was recorded or made a public record; or
 - (ii) if not recorded or made a public record, was discovered or could have reasonably been discovered by the creditor; or

(2) notwithstanding IC 32-18-2-19, the creditor's claim arose concurrent with or after the qualified disposition and the action is brought not more than two (2) years after the date of the qualified disposition.

(c) A qualified disposition made by a transferor who is a trustee is considered for purposes of this chapter to have been made on the date that the property that is subject to the qualified disposition was originally transferred in trust to the trustee or any predecessor trustee and the ~~conditions~~ **condition** set forth in section 4(3) of this chapter ~~are~~ **is** satisfied.

(d) If more than one (1) qualified disposition is made by means of the same legacy trust:

- (1) the making of a subsequent qualified disposition is disregarded when determining whether a creditor's claim with respect to a prior qualified disposition is extinguished under subsection (b); and
- (2) any distribution to a beneficiary is considered to have been made from the latest qualified disposition.

(e) If the state of Indiana is a creditor of a transferor, then notwithstanding subsection (a)(1) and subsection (b), the state of Indiana may bring an action against a qualified trustee to assert a claim against or to recover property that is the subject of a qualified disposition by proceeding under the Indiana Uniform Fraudulent Transfer Act, subject to the standard of evidence in IC 32-18-2-14 and IC 32-18-2-15, and the limitation periods in IC 32-18-2-19.

SECTION 31. IC 30-4-8-9, AS ADDED BY SEA 265-2019, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]:

Sec. 9. (a) If a creditor's claim is allowed under section 8 of this chapter, the transferor's qualified disposition to a legacy trust is subject to the claim only to the extent necessary to satisfy the transferor's debt to the creditor making the allowed claim.

(b) In the event the trustee participates in litigation brought by a lender to enforce its rights under section ~~1(b)(1)~~ **1(b)** of this chapter, the trustee may recover the fees and costs incurred in

such litigation from the trust only after the lender has been paid in full.

(c) If a creditor's claim is allowed under section 8 of this chapter and the creditor has not sought to enforce its rights under section ~~1(b)(1)~~ **1(b)** of this chapter, the claim is limited as follows:

(1) If the court is satisfied that a qualified trustee has not acted in bad faith in accepting or administering the property that is the subject of the qualified disposition:

(A) the qualified trustee has a first and paramount lien against the property that is the subject of the qualified disposition in an amount equal to the entire cost, including attorney's fees, properly incurred by the qualified trustee in the defense of the action or proceedings filed by the creditor;

(B) the creditor's claim shall be allowed subject to the proper fees, costs, preexisting rights, claims, and interests of the qualified trustee and of any predecessor qualified trustee that has not acted in bad faith; and

(C) it is presumed that the qualified trustee did not act in bad faith merely by accepting the property that is the subject of the qualified disposition.

(2) If the court is satisfied that a beneficiary of a legacy trust has not acted in bad faith, and the distribution was made to the beneficiary before the creditor made the trustee aware of its claim or commenced an action to enforce its claim, the creditor's claim is subject to the right of the beneficiary to retain any distribution made upon the exercise of a trust power or the discretion vested in the qualified trustee that was properly exercised before the trustee was made aware of the claim or an action was commenced to enforce the claim.

SECTION 32. IC 30-4-8-16, AS ADDED BY SEA 265-2019, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]:

Sec. 16. (a) Nothing in this chapter shall be construed to prohibit a lender from enforcing its rights in property identified in section 1(b) of this chapter and, to the extent necessary, naming the legacy trust or trustee of the trust as a defendant to the action or proceeding.

(b) If an asset described in ~~subsection~~ **section 1(b)(1)** of this chapter is transferred to a legacy trust or trustee of a legacy trust, the transferor of that asset must send written notice of the transfer to the pertinent lender within fifteen (15) days after that transfer. The transferor must send the notice by certified mail, return receipt requested, to the registered agent for the lender. If there is no registered agent for the lender, the transferor must send notice to one (1) of the following:

(1) The last known address of the lender.

(2) The last address specified by the lender for mailing payments on the obligations.

(3) The address specified by the lender for general inquiries by customers.

The notice must include the name of the transferor, a description of the asset transferred, the name of the trustee, and the date that the transfer was completed. Upon request, the transferor or trustee shall provide the lender with a certification of the trust

under ~~IC 30-4-4-4~~, **IC 30-4-4-5**, the names and addresses of the qualified beneficiaries of the trust, and copies of the pages from the trust instrument that identify the current trustee and describe the trustee's administrative powers and duties.

(c) Nothing in this chapter shall be construed to authorize any disposition that is prohibited by the terms of any agreements, notes, guaranties, mortgages, indentures, instruments, undertakings, or other documents. Any provisions that prohibit such transfer or disposition shall be binding and shall make this chapter inapplicable.

(d) In the event of a conflict between this section and any other provision of this chapter, this section shall control.

SECTION 33. IC 30-5-2-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 1.5. "Account", for purposes of IC 30-5-5-6.5, has the meaning set forth in IC 30-5-5-6.5(a)(1).**

SECTION 34. IC 30-5-2-1.8 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 1.8. "All other matters", for purposes of IC 30-5-5-6.5, has the meaning set forth in IC 30-5-5-19.**

SECTION 35. IC 30-5-2-3.8 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 3.8. "Financial exploitation", for purposes of IC 30-5-5-6.5, has the meaning set forth in IC 30-5-5-6.5(a)(3).**

SECTION 36. IC 30-5-2-9 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 9. "Specified adult", for purposes of IC 30-5-5-6.5, has the meaning set forth in IC 30-5-5-6.5(a)(4).**

SECTION 37. IC 30-5-2-10 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 10. "Trusted contact person", for purposes of IC 30-5-5-6.5, has the meaning set forth in IC 30-5-5-6.5(a)(5).**

SECTION 38. IC 30-5-5-6.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 6.5. (a) The following definitions apply throughout this section:**

(1) "Account" means any account that a specified adult may access or use to transact business.

(2) "All other matters" has the meaning set forth in IC 30-5-5-19.

(3) "Financial exploitation" means:

(A) the unlawful or unauthorized taking, withholding, appropriation, or use of a specified adult's funds or securities; or

(B) any:

(i) act;

(ii) omission;

(iii) use of a power of attorney;

(iv) use of a guardianship; or

(v) use of any other legal authority concerning a specified adult;

to obtain control over the specified adult's money, assets, or property or to convert the specified adult's money, assets, or property through use of deception, intimidation, or undue influence.

(4) "Specified adult" means:

(A) a person not less than sixty-five (65) years of age; or

(B) a person who:

(i) is at least eighteen (18) years of age; and

(ii) has a mental or physical impairment that prohibits the person from protecting the person's interests.

(5) "Trusted contact person" means a person who may be contacted about matters concerning a specified adult's account.

(b) Language conferring general authority concerning financial exploitation authorizes the attorney in fact to do one (1) or more of the following:

(1) Serve as the trusted contact person for the principal.

(2) Designate or change the trusted contact person for a specified adult.

(3) Authorize a person described in subdivision (1) or (2) to:

(A) receive notice of financial exploitation; or

(B) act on behalf of a specified adult in response to financial exploitation.

(4) Act to prevent, stop, correct, or remediate account losses incurred as a result of financial exploitation.

(c) A power of attorney that:

(1) is executed before July 1, 2019; and

(2) confers general authority with respect to all other matters;

also confers general authority to address any issues concerning the financial exploitation of an account.

SECTION 39. IC 30-5-11-3, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2019 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. The following terms are defined for this chapter:

(1) "Affidavit of regularity" means an affidavit executed by a custodian or other person under section 9 of this chapter with respect to the electronic record for an electronic power of attorney or a complete converted copy of an electronic power of attorney.

(2) "Complete converted copy" means a document in any format that:

(A) can be visually viewed in its entirety on a monitor or other display device;

(B) can be printed; and

(C) contains the text of an electronic power of attorney and a readable copy of any associated document integrity evidence that may be a part of or attached to the electronic power of attorney.

(3) "Custodian" means a person other than:

(A) the principal who executed the electronic power of attorney;

(B) an attorney; or

(C) a person who is named in the electronic power of

attorney as an attorney in fact or successor attorney in fact under the power of attorney.

(4) "Custody" means the authorized possession and control of at least one (1) of the following:

(A) A complete copy of the electronic record for the electronic power of attorney.

(B) A complete converted copy of the electronic power of attorney if the complete electronic record has been lost or destroyed or the electronic power of attorney has been revoked.

(5) "Document integrity evidence" means the part of the electronic record for the electronic power of attorney that:

(A) is created and maintained electronically;

(B) includes digital markers showing that the electronic power of attorney has not been altered after its initial execution by the principal;

(C) is logically associated with the electronic power of attorney in a tamper evident manner so that any change made to the text of the electronic power of attorney after its execution is visibly perceptible when the electronic record is displayed or printed;

(D) displays any changes made to the text of will generate an error message, invalidate an electronic signature, make the electronic record unreadable, or otherwise display evidence that some alteration was made to the electronic power of attorney after its execution; and

(E) displays the following information:

(i) The city **and** state **in which, and the** date and time **at which**, the electronic power of attorney was executed by the principal.

(ii) The name of the principal.

(iii) The name and address of the person responsible for marking the principal's signature on the electronic power of attorney at the principal's direction and in the principal's presence, as applicable.

(iv) A copy of or a link to the electronic signature of the principal on the electronic power of attorney.

(v) A general description of the type of identity verification evidence used to verify the principal's identity.

(vi) The content of the cryptographic hash or unique code used to complete the electronic record and make the electronic power of attorney tamper evident if a public key infrastructure or a similar secure technology was used to sign or authenticate the electronic power of attorney and if the vendor or software for the technology makes inclusion feasible.

Document integrity evidence may, but is not required to, contain other information about the electronic power of attorney such as a unique document number, client number, or other identifier that an attorney or custodian assigns to the electronic power of attorney or a link to a secure Internet web site where a complete copy of the electronic power of attorney is accessible. The title, heading, or label, if any, that is assigned to the document integrity evidence (such as "certificate of completion", "audit trail", or "audit

~~log" log") is immaterial).~~ **immaterial.**

(6) "Electronic" has the meaning set forth in IC 26-2-8-102.

(7) "Electronic power of attorney" means a power of attorney created by a principal that:

- (A) is initially created and maintained as an electronic record;
- (B) contains the electronic signature of the principal creating the power of attorney;
- (C) contains the date and time of the electronic signature of the principal creating the power of attorney; and
- (D) is notarized.

The term includes an amendment to or a restatement of the power of attorney if the amendment or restatement complies with the requirements described in section 5 of this chapter.

(8) "Electronic record" has the meaning set forth in IC 26-2-8-102. The term may include one (1) or both of the following:

- (A) The document integrity evidence associated with an electronic power of attorney.
- (B) The identity verification evidence of the principal who executed the electronic power of attorney.

(9) "Electronic signature" has the meaning set forth in IC 26-2-8-102.

(10) "Executed" means the signing of a power of attorney. The term includes the use of an electronic signature.

(11) "Identity verification evidence" means either:

- (A) a copy of a government issued photo identification card belonging to the principal; or
- (B) any other information that verifies the identity of the principal if derived from one (1) or more of the following sources:
 - (i) A knowledge based authentication method.
 - (ii) A physical device.
 - (iii) A digital certificate using a public key infrastructure.
 - (iv) A verification or authorization code sent to or used by the principal.
 - (v) Biometric identification.
 - (vi) Any other commercially reasonable method for verifying the principal's identity using current or future technology.

(12) "Logically associated" means electronically connected, cross referenced, or linked in a reliable manner.

(13) "Sign" means valid use of a properly executed electronic signature.

(14) "Signature" means the authorized use of the principal's name to authenticate a power of attorney. The term includes an electronic signature.

(15) "Tamper evident" means the feature of an electronic record, such as an electronic power of attorney or document integrity evidence for an electronic power of attorney, that will cause **the fact of** any alteration or tampering ~~of~~ **with** the electronic record, after it is created or signed, to be perceptible to any person viewing the electronic record when it is printed on paper or viewed on

a monitor or other display device. **The term applies even if the nature or specific content of the alteration is not perceptible.**

(16) "Traditional paper power of attorney" means a power of attorney or an amendment to or a restatement of a power of attorney that is signed by the principal on paper.

SECTION 40. IC 32-17-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) A conveyance of land that is:

- (1) worded in substance as "A.B. conveys and warrants to C.D." (insert a description of the premises) "for the sum of" (insert the consideration); and
- (2) dated and signed, sealed, and acknowledged by the grantor;

is a conveyance in fee simple to the grantee and the grantee's heirs and assigns with a covenant as described in subsection (b).

(b) A conveyance in fee simple under subsection (a) includes a covenant from the grantor for the grantor and the grantor's heirs and personal representatives that the grantor:

- (1) is lawfully seized of the premises;
- (2) has good right to convey the premises;
- (3) guarantees the quiet possession of the premises;
- (4) guarantees that the premises are free from all encumbrances; and
- (5) will warrant and defend the title to the premises against all lawful claims.

(c) If a transfer on death deed under IC 32-17-14 has been recorded before the death of the owner with the recorder of deeds in the county in which the real property is situated, a subsequent conveyance of the real property is void if it is not recorded before the death of the owner with the recorder of deeds in the county in which the real property is situated.

SECTION 41. IC 32-17-13-7, AS AMENDED BY P.L.163-2018, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7. **(a) This subsection applies to a proceeding commenced under this chapter and a deceased transferor who died before July 1, 2018, if the personal representative or claimant commences the proceeding before January 1, 2020. A proceeding under this chapter may not be commenced unless the personal representative of the deceased transferor's estate has received a written demand for the proceeding from the surviving spouse or a surviving child to the extent that statutory allowances or a creditor are affected.**

(b) This subsection applies to a proceeding commenced under this chapter and a deceased transferor who died before July 1, 2018, if the personal representative or claimant commences the proceeding before January 1, 2020, and the claimant files a timely claim in the deceased transferor's estate before July 1, 2018. If the personal representative declines or fails to commence a proceeding within sixty (60) days after receiving the demand, a person making the demand may commence the proceeding in the name of the decedent's estate at the expense of the person making the demand.

(c) This subsection applies to a proceeding commenced under this chapter and a deceased transferor who died before July 1, 2018, if the personal representative or

claimant commences the proceeding before January 1, 2020, and the claimant files a timely claim in the deceased transferor's estate before July 1, 2018. A personal representative who declines, in good faith, to commence a requested proceeding incurs no personal liability for declining to commence a proceeding.

(d) This subsection applies to a proceeding commenced under this chapter with respect to a deceased transferor who dies on or after June 30, 2018. ~~(a)~~ A proceeding under this chapter may not be commenced unless:

- (1) the claimant files a claim in the deceased transferor's estate and delivers a copy of the claim to each nonprobate transferee known by the claimant not later than five (5) months after the deceased transferor's death;
- (2) the claimant delivers a written demand for the proceeding to:
 - (A) the personal representative of the deceased transferor's estate; and
 - (B) each known nonprobate transferee; and
- (3) except as provided in subsection ~~(i)~~; **(j)**, the written demand has been filed in the estate not later than seven (7) months after the deceased transferor's death.

~~(b)~~ **(e) This subsection applies to a proceeding commenced under this chapter and concerning a deceased transferor who dies on or after June 30, 2018.** The written demand must include the following information:

- (1) The cause number of the deceased transferor's estate.
- (2) A statement of the claimant's interest in the deceased transferor's estate and nonprobate transfers, including the date on which the claimant filed a claim in the deceased transferor's estate.
- (3) A copy of the claim attached as an exhibit to the written demand.
- (4) A description of the nonprobate transfer, including:
 - (A) a description of the transferred asset, as the asset would be described under IC 29-1-12-1, regardless of whether the asset is part of the decedent's probate estate, subject to the redaction requirements of the Indiana administrative rules, established by the Indiana supreme court;
 - (B) a description or copy of the instrument by which the deceased transferor established the nonprobate transfer, subject to the redaction requirements of the Indiana administrative rules, established by the Indiana supreme court; and
 - (C) the name and mailing address of each nonprobate transferee known by the claimant.

~~(c)~~ A proceeding under this chapter may not be commenced on behalf of a claimant if the claimant has not filed a claim in the deceased transferor's estate by not later than nine (9) months after the deceased transferor's death.

~~(d)~~ A proceeding under this chapter may not be commenced on behalf of a claimant who has not delivered and filed the written demand under subsection (a) by the later of the following dates:

- ~~(1)~~ Thirty ~~(30)~~ days after the final allowance of the claimant's claim.
- ~~(2)~~ Nine ~~(9)~~ months after the deceased transferor's death.

~~(e)~~ **(f) This subsection applies to a proceeding commenced under this chapter and concerning a deceased transferor who dies on or after June 30, 2018.** A proceeding under this chapter may not be commenced on behalf of a claimant if the personal representative has neither allowed nor disallowed the claimant's claim within the deadlines in IC 29-1-14-10(a) and IC 29-1-14-10(b), unless the claimant's petition to set the claim for trial in the probate court under ~~IC 29-1-14-10(a)~~ **IC 29-1-14-10(e)** has been filed within thirty (30) days after the expiration of the deadlines applicable to the ~~claimant's allowance or disallowance of claim claims~~ under IC 29-1-14-10(a) and IC 29-1-14-10(b).

~~(f)~~ **(g)** If the personal representative declines or fails to commence a proceeding under this chapter within thirty (30) days after receiving the written demand required under subsection (a) **or (d)**, a person making the demand may commence the proceeding in the name of the deceased transferor's estate at the expense of the person making the demand and not of the estate.

~~(g)~~ **(h)** A personal representative who declines in good faith to commence a requested proceeding incurs no personal liability for declining.

~~(h)~~ **(i)** Nothing in this section shall affect or prevent any action or proceeding to enforce a valid and otherwise enforceable lien, warrant, mortgage, pledge, security interest, or other comparable interest against property included in a nonprobate transfer.

~~(i)~~ **(j) This subsection applies to a proceeding commenced under this chapter and concerning a deceased transferor who dies on or after June 30, 2018.** A claimant may file the written demand required in subsection (a) **or (d)** concurrently with the claimant's filing of a claim in the deceased transferor's estate, but the claimant shall deliver the written demand not later than the later of:

- (1) seven (7) months after the deceased transferor's death; or
- (2) ~~the earlier of:~~
 - ~~(A) thirty (30) days after the final allowance of the claimant's claim. or~~
 - ~~(B) if the personal representative of the deceased transferor's estate disallows the claimant's claim; two (2) years after the deceased transferor's death.~~

SECTION 42. IC 32-17-13-8, AS AMENDED BY P.L.163-2018, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 8. (a) **This subsection applies to a proceeding commenced under this chapter with respect to a deceased transferor who died before July 1, 2018, if the personal representative or claimant commences the proceeding before January 1, 2020. A proceeding under this chapter must be commenced not later than nine (9) months after the deceased transferor's death. However, a proceeding on behalf of a creditor whose claim was timely filed may be commenced within:**

- (1) sixty (60) days after the final allowance of the claim; or**
- (2) ninety (90) days after demand is made under section 7 of this chapter if the personal representative declines or fails to commence a proceeding after receiving the demand.**

(b) This subsection applies to a proceeding commenced under this chapter with respect to a deceased transferor who dies on or after June 30, 2018. A proceeding under this chapter must be commenced not later than nine (9) months after the deceased transferor's death, but a proceeding on behalf of a claimant whose claim was timely filed in the deceased transferor's estate may be commenced ~~not later than sixty (60) days after the personal representative of the deceased transferor's estate has received a timely written demand if the personal representative declines or fails to commence a proceeding under this chapter after the time limits specified in section 7 of this chapter.~~ **after the final allowance of the claim within the earlier of:**

- (1) thirty (30) days after the personal representative files in the deceased transferor's estate after final allowance of the claim a written notice that the personal representative does not intend to commence a proceeding under this chapter; or**
- (2) ninety (90) days after final allowance of the claim if:**
 - (A) the personal representative declines or fails to commence a proceeding after receiving the demand under section 7 of this chapter; and**
 - (B) the personal representative does not file a written notice in the deceased transferor's estate that the personal representative does not intend to commence a proceeding under this chapter.**

~~(b) Notwithstanding any other provision in this chapter, a proceeding under this chapter must be commenced not later than two (2) years after the deceased transferor's death.~~

SECTION 43. IC 32-17-14-3, AS AMENDED BY P.L.81-2015, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. The following definitions apply throughout this chapter:

- (1) "Beneficiary" means a person designated or entitled to receive property because of another person's death under a transfer on death transfer.
- (2) "Beneficiary designation" means a written instrument other than a will or trust that designates the beneficiary of a transfer on death transfer.
- (3) "Governing instrument" refers to a written instrument agreed to by an owner that establishes the terms and conditions of an ownership in beneficiary form.
- (4) "Intangible personal property" means incorporeal property, such as money, deposits, credits, shares of stock, bonds, notes, other evidences of indebtedness, and other evidences of property interests.
- (5) "Joint owners" refers to persons who hold property as joint tenants with a right of survivorship. However, the term does not include a husband and wife who hold property as tenants by the entirety.
- (6) "LDPS" means an abbreviation of lineal descendants per stirpes, which may be used in a beneficiary designation to designate a substitute beneficiary as provided in section 22 of this chapter.
- (7) "Owner", **except as provided in subdivision (14)**, refers to a person or persons who have a right to designate the beneficiary of a transfer on death transfer.
- (8) "Ownership in beneficiary form" means holding

property under a registration in beneficiary form or other written instrument that:

- (A) names the owner of the property;
 - (B) directs ownership of the property to be transferred upon the death of the owner to the designated beneficiary; and
 - (C) designates the beneficiary.
- (9) "Person" means an individual, a sole proprietorship, a partnership, an association, a fiduciary, a trustee, a corporation, a limited liability company, or any other business entity.
- (10) "Proof of death" means a death certificate or a record or report that is prima facie proof or evidence of an individual's death.
- (11) "Property" means any present or future interest in real property, intangible personal property, or tangible personal property. The term includes:
- (A) a right to direct or receive payment of a debt;
 - (B) a right to direct or receive payment of money or other benefits due under a contract, account agreement, deposit agreement, employment contract, or trust or by operation of law;
 - (C) a right to receive performance remaining due under a contract;
 - (D) a right to receive payment under a promissory note or a debt maintained in a written account record;
 - (E) rights under a certificated or uncertificated security;
 - (F) rights under an instrument evidencing ownership of property issued by a governmental agency; and
 - (G) rights under a document of title (as defined in IC 26-1-1-201).
- (12) "Registration in beneficiary form" means titling of an account record, certificate, or other written instrument that:
- (A) provides evidence of ownership of property in the name of the owner;
 - (B) directs ownership of the property to be transferred upon the death of the owner to the designated beneficiary; and
 - (C) designates the beneficiary.
- (13) "Security" means a share, participation, or other interest in property, in a business, or in an obligation of an enterprise or other issuer. The term includes a certificated security, an uncertificated security, and a security account.
- (14) "The death of the owner" or "the owner's death" refers to the death of the individual upon whose death the transfer on death transfer occurs.**
- ~~(14)~~ **(15)** "Tangible personal property" means corporeal personal property, such as goods, wares, and merchandise.
- ~~(15)~~ **(16)** "Transfer on death deed" means a deed that conveys an interest in real property to a grantee by beneficiary designation.
- ~~(16)~~ **(17)** "Transfer on death transfer" refers to a transfer of property that takes effect upon the death of the owner under a beneficiary designation made under this chapter.
- ~~(17)~~ **(18)** "Transferring entity" means a person who:
- (A) owes a debt or is obligated to pay money or benefits;

- (B) renders contract performance;
- (C) delivers or conveys property; or
- (D) changes the record of ownership of property on the books, records, and accounts of an enterprise or on a certificate or document of title that evidences property rights.

The term includes a governmental agency, business entity, or transfer agent that issues certificates of ownership or title to property and a person acting as a custodial agent for an owner's property. However, the term does not include a governmental office charged with endorsing, entering, or recording the transfer of real property in the public records.

SECTION 44. IC 32-17-14-16, AS AMENDED BY P.L.6-2010, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 16. (a) A beneficiary designation may be revoked or changed during the lifetime of the owner.

(b) A revocation or change of a beneficiary designation involving property owned as tenants by the entirety must be made with the agreement of both tenants for so long as both tenants are alive. After an individual dies owning as a tenant by the entirety property that is subject to a beneficiary designation, the individual's surviving spouse may revoke or change the beneficiary designation.

(c) A revocation or change of a beneficiary designation involving property owned in a form of ownership (other than as tenants by the entirety) that restricts conveyance of the interest unless another person joins in the conveyance must be made with the agreement of each living owner required to join in a conveyance.

(d) A revocation or change of a beneficiary designation involving property owned by joint owners with a right of survivorship must be made with the agreement of each living owner.

(e) A subsequent beneficiary designation revokes a prior beneficiary designation unless the subsequent beneficiary designation expressly provides otherwise.

(f) A revocation or change in a beneficiary designation must comply with the terms of any governing instrument, this chapter, and any other applicable law.

(g) A beneficiary designation may not be revoked or changed by a will or trust unless the beneficiary designation expressly grants the owner the right to revoke or change the beneficiary designation by a will or trust.

(h) A transfer during the owner's lifetime of the owner's interest in the property, with or without consideration, terminates the beneficiary designation with respect to the property transferred. **However, if the owner's interest is in real property, the deed of conveyance is void if it is not recorded before the death of the owner with the recorder of deeds in the county where the real property is situated.**

(i) The effective date of a revocation or change in a beneficiary designation is determined in the same manner as the effective date of a beneficiary designation.

(j) An owner may revoke a beneficiary designation made in a transfer on death deed by executing and recording before the death of the owner with the recorder of deeds in the county in which the real property is situated either:

- (1) a subsequent deed of conveyance revoking, omitting, or changing the beneficiary designation; or
- (2) an affidavit acknowledged or proved under IC 32-21-2-3 that revokes or changes the beneficiary designation.

A deed of conveyance or affidavit described in this subsection is void if it is not recorded before the death of the owner with the recorder of deeds in the county where the real property is situated.

(k) A physical act, such as a written modification on or the destruction of a transfer on death deed after the transfer on death deed has been recorded, has no effect on the beneficiary designation.

(l) A transfer on death deed may not be revoked or modified by will or trust.

SECTION 45. IC 32-17.5-4-1, AS AMENDED BY P.L.190-2016, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. Except for a disclaimer under IC 32-17.5-5 or IC 32-17.5-6-1, the following rules apply to a disclaimer of an interest in property:

(1) A disclaimer takes effect:

- (A) when the instrument creating the interest becomes irrevocable; or
- (B) upon the intestate's death if the interest arose under the law of intestate succession.

(2) A disclaimed interest passes according to any provision in the instrument creating the interest:

- (A) that provides for the disposition of the interest should the interest be disclaimed; or
- (B) that concerns disclaimed interests in general.

(3) If the instrument creating the disclaimed interest does not contain a provision described in subdivision (2), the following rules apply:

(A) If the disclaimant is an individual, the following rules apply:

(i) Except as provided in items (ii) and (iii), the disclaimed interest passes as if the disclaimant had died immediately before the time of distribution.

(ii) If, by law or under the instrument, the descendants of the disclaimant would share in the disclaimed interest by any method of representation had the disclaimant died before the time of distribution, the disclaimed interest passes only to the descendants of the disclaimant who survive at the time of distribution.

(iii) If the disclaimed interest would have passed to the disclaimant's estate had the disclaimant died before the time of distribution, the disclaimed interest passes by representation to the descendants of the disclaimant who survive at the time of distribution. If no descendant of the disclaimant survives the time of distribution, the disclaimed interest becomes part of the residue under the instrument creating the disclaimed interest.

(B) If the disclaimant is not an individual, the disclaimed interest passes as if the disclaimant did not exist.

(4) If the disclaimed interest arose under the law of intestate succession, the disclaimed interest passes as if the disclaimant had died immediately before the intestate's death.

(5) Upon the disclaimer of a preceding interest:

(A) a future interest held by a person other than the disclaimant takes effect as if the disclaimant had died or ceased to exist immediately before the time of distribution; and

(B) a future interest held by the disclaimant is not accelerated in possession or enjoyment.

(6) If a beneficiary of a transfer on death transfer (as defined in ~~IC 32-17-14-3(16)~~ **IC 32-17-14-3(17)**) disclaims an interest in the property, the disclaimant's interest in the property passes as follows:

(A) In the case of a disclaimant who is an individual, as if the disclaimant had died immediately before the death of the owner (as defined in IC 32-17-14-3(7)).

(B) In the case of a disclaimant who is not an individual, as if the disclaimant did not exist before the death of the owner (as defined in IC 32-17-14-3(7)).

SECTION 46. IC 32-21-1-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 13. (a) Except for a bona fide lease for a term not exceeding three (3) years, a conveyance of land or of any interest in land shall be made by a deed that is:

(1) written; and

(2) subscribed, sealed, and acknowledged by the grantor (as defined in IC 32-17-1-1) or by the grantor's attorney.

(b) If a transfer on death deed under IC 32-17-14 has been recorded before the death of the owner (as defined in IC 32-17-14-3) with the recorder of deeds in the county in which the real property is situated, a subsequent conveyance of the real property is void if it is not recorded before the death of the owner with the recorder of deeds in the county in which the real property is situated.

SECTION 47. IC 32-21-1-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 15. (a) A conveyance of land that is:

(1) worded in substance as "A.B. quitclaims to C.D." (here describe the premises) "for the sum of" (here insert the consideration); and

(2) signed, sealed, and acknowledged by the grantor (as defined in IC 32-17-1-1);

is a good and sufficient conveyance in quitclaim to the grantee and the grantee's heirs and assigns.

(b) If a transfer on death deed under IC 32-17-14 has been recorded before the death of the owner (as defined in IC 32-17-14-3) with the recorder of deeds in the county in which the real property is situated, a subsequent conveyance of the real property is void if it is not recorded before the death of the owner with the recorder of deeds in the county in which the real property is situated.

SECTION 48. **An emergency is declared for this act.**

(Reference is to ESB 518 as reprinted April 9, 2019.)

Koch, Chair	Steuerwald
Lanane	DeLaney
Senate Conferees	House Conferees

Roll Call 553: yeas 39, nays 8. Report adopted.

CONFERENCE COMMITTEE REPORT

EHB 1171-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill 1171 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 25-28.5-1-18.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 18.1. (a) An individual age seventeen (17) years or older wanting to be registered by the commission as an apprentice plumber shall, on a form provided by the commission, make application for registration. The applicant shall also provide to the commission a statement signed by a licensed plumbing contractor or journeyman plumber who is the employer of the applicant that the prospective apprentice is the employer's employee and will work under the direct and immediate personal supervision of a licensed contractor or journeyman plumber.

(b) If the commission approves the application for registration, it shall issue a certificate of registration as an apprentice plumber to the applicant.

(c) Except as provided in subsection (d), an individual may apply to be a registered apprentice plumber under this section and may work under the direct and immediate personal supervision of a licensed plumbing contractor or journeyman plumber for one (1) year, so long as the individual has applied for acceptance in a commission approved apprenticeship program. The requirements of this subsection are met even if the individual:

(1) is awaiting a response from the apprenticeship program; or

(2) has been placed on the apprenticeship program's waiting list;

at the time that the individual is working under the supervision of the licensed plumbing contractor or journeyman plumber.

(d) A registered apprentice plumber under subsection (c) shall discontinue working under the direct and immediate personal supervision of a licensed plumbing contractor or journeyman if any of the following events occurs:

(1) The registered apprentice plumber is not accepted into an apprenticeship program.

(2) The registered apprentice plumber is removed from the apprenticeship program's waiting list and does not begin the apprenticeship program.

(3) The registered apprentice plumber does not begin the apprenticeship program and remains on the apprenticeship program's waiting list for a period longer than one (1) year.

(4) The registered apprentice plumber withdraws the application submitted to the apprenticeship program.

(e) A licensed plumbing contractor or journeyman supervising a registered apprentice plumber under subsection (c) must notify the commission of the occurrence of an event described under subsection (d).

SECTION 2. [EFFECTIVE JULY 1, 2019] (a) Before September 1, 2019, the Indiana plumbing commission shall amend 860 IAC 2-1 to conform with the requirements of IC 25-28.5-1-18.1, as amended by this act. The plumbing commission may adopt emergency rules in the manner provided by IC 4-22-2-37.1 to implement this SECTION and IC 25-28.5-1-18.1, as amended by this act. An emergency rule adopted under this SECTION expires on the earliest of the following:

(1) The date specified in the emergency rule.

(2) The date another emergency rule or a permanent rule repeals or supersedes the previously adopted emergency rule.

(b) This SECTION expires July 1, 2022.

(Reference is to EHB 1171 as printed March 22, 2019.)

Morris, Chair	L. Brown
Beck	Niezgodski
House Conferees	Senate Conferees

Roll Call 554: yeas 47, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT

EHB 1284-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill 1284 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 3-7-18-2, AS AMENDED BY P.L.128-2015, SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) **Except as provided in subsection (b) and** as provided in 52 U.S.C. 20506(a)(4)(A)(i) and 52 U.S.C. 20506(a)(6)(A), an agency designated under IC 3-7-19 (board of registration offices), IC 3-7-20.5 (unemployment compensation offices **and law enforcement offices**), and IC 3-7-21 (additional designated voter registration offices) shall distribute a voter registration form prescribed under this chapter to each person applying for assistance from the agency whenever the applicant:

(1) applies for service or assistance;

(2) applies for recertification or renewal of services or assistance; or

(3) submits a change of address form relating to the service or assistance;

unless the applicant declines in writing to register to vote.

(b) **A law enforcement agency is not required to distribute**

the voter registration form described under subsection (a) unless a person is applying for a license to carry a handgun under IC 35-47-2-3.

SECTION 2. IC 3-7-20.5-1, AS AMENDED BY P.L.128-2015, SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. Each office of the department of employment and training services that provides assistance or services concerning unemployment compensation following locations is designated as a voter registration office under 52 U.S.C. 20506:

(1) Each office of the department of employment and training services that provides assistance or services concerning unemployment compensation.

(2) Each office affiliated with the Indiana state police.

(3) Each office affiliated with the sheriff of a county.

(4) Each office affiliated with a municipal law enforcement agency.

SECTION 3. IC 3-7-20.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. For purposes of this chapter, the executive director of the department of employment and training services is the following persons shall act as a "governing body" under IC 3-7-18:

(1) The executive director of the department of employment and training services.

(2) The superintendent of state police.

(3) The sheriff of a county.

(4) The chief of police or comparable law enforcement officer for a municipal law enforcement agency.

SECTION 4. IC 21-17-5-6, AS AMENDED BY P.L.17-2017, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6. Whenever a police officer retires after at least twenty (20) years of service, the police officer may retain the officer's service weapon. The officer is entitled to receive, in recognition of the service to the educational institution and the public, a badge that indicates that the officer is retired. Upon retirement, the state police department shall issue to the police officer an identification card that:

(1) states the police officer's name and rank at retirement;

(2) states the officer's retired status; and

(3) notes the officer's authority to retain the service weapon.

A retired police officer described in this section is entitled to a lifetime license to carry a handgun as described under ~~IC 35-47-2-3(e)~~: **IC 35-47-2-3(f)**.

SECTION 5. IC 21-39-4-7, AS AMENDED BY P.L.17-2017, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7. Whenever a police officer retires after at least twenty (20) years of service, the police officer may retain the officer's service weapon. The officer is entitled to receive, in recognition of the service to the state educational institution and the public, a badge that indicates that the officer is retired. Upon retirement, the state police department shall issue to the police officer an identification card that:

(1) states the police officer's name and rank at retirement;

(2) states the officer's retired status; and

(3) notes the officer's authority to retain the service weapon.

A police officer described in this section is entitled to a lifetime license to carry a handgun as described under ~~IC 35-47-2-3(e)~~. **IC 35-47-2-3(f)**.

SECTION 6. IC 34-30-31 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 31. Immunity for Justified Use of Force

Sec. 1. (a) As used in this section, "forcible felony" means:

- (1) any offense described under IC 35-31.5-2-138;
- (2) residential entry (as defined under IC 35-43-2-1.5);
- or
- (3) burglary (as defined under IC 35-43-2-1).

(b) The justified use of force described under IC 35-41-3-2 provides a complete immunity against any claim or action initiated by a person:

- (1) who alleges to have been injured or damaged by any such use of force; and
- (2) whose conduct justified the use of force.

(c) In no case shall any use of force justified under IC 35-41-3-2 give rise to any claim or action for damages or compensation against a person, employer, or estate of a person using such force by or on behalf of any person who:

- (1) was attempting to commit or committing a forcible felony at the time such force was used; or
- (2) was attempting to cause or causing unlawful serious bodily injury to any other person at the time such force was used.

This prohibition shall apply to any claim or action brought by the estate, personal representative, spouse, or family member of a person described in subdivision (1) or (2).

(d) If a defendant files a motion under Trial Rule 56 of the Indiana Rules of Trial Procedure and supports that motion with admissible evidence that establishes a prima facie basis for the application of the immunity described in subsection (b) or (c), the burden shall shift to the plaintiff to oppose the motion with admissible evidence directly contradicting the application of the immunity in order to establish a genuine issue of material fact for trial.

(e) In a civil case in which an immunity defense under subsection (b) or (c) is raised, the fact that a defendant was not prosecuted for a crime related to the defendant's use of force shall create a rebuttable presumption that the defendant's use of force was justified under IC 35-41-3-2 and the jury shall be instructed on this presumption if the case proceeds to trial. In a summary judgment proceeding described in subsection (d), the fact that a defendant was not prosecuted for a crime related to the defendant's use of force shall also create a prima facie basis for the application of the immunity described in subsection (b) or (c).

(f) In any action commenced after June 30, 2019, in which the defense described in subsection (c) is raised by a defendant, at the conclusion of the action the court shall award to the defendant or defendants, as applicable, any reasonable attorney's fees and costs incurred in defending the action if a defendant successfully moves for summary judgment on the basis of the defense set forth in subsection (c) or the trier of fact determines that the action was prohibited by subsection (c).

SECTION 7. IC 35-41-3-2, AS AMENDED BY P.L.13-2013, SECTION 139, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) In enacting this section, the general assembly finds and declares that it is the policy of this state to recognize the unique character of a citizen's home and to ensure that a citizen feels secure in his or her own home against unlawful intrusion by another individual or a public servant. By reaffirming the long standing right of a citizen to protect his or her home against unlawful intrusion, however, the general assembly does not intend to diminish in any way the other robust self defense rights that citizens of this state have always enjoyed. Accordingly, the general assembly also finds and declares that it is the policy of this state that people have a right to defend themselves and third parties from physical harm and crime. The purpose of this section is to provide the citizens of this state with a lawful means of carrying out this policy. **Provisions concerning civil immunity for the justified use of force as defined in this section are codified under IC 34-30-31.**

(b) As used in this section, "public servant" means a person described in IC 35-31.5-2-129 or IC 35-31.5-2-185.

(c) A person is justified in using reasonable force against any other person to protect the person or a third person from what the person reasonably believes to be the imminent use of unlawful force. However, a person:

- (1) is justified in using deadly force; and
- (2) does not have a duty to retreat;

if the person reasonably believes that that force is necessary to prevent serious bodily injury to the person or a third person or the commission of a forcible felony. No person, **employer, or estate of a person in this state shall be placed in legal jeopardy of any kind whatsoever for protecting the person or a third person by reasonable means necessary.**

(d) A person:

- (1) is justified in using reasonable force, including deadly force, against any other person; and
- (2) does not have a duty to retreat;

if the person reasonably believes that the force is necessary to prevent or terminate the other person's unlawful entry of or attack on the person's dwelling, curtilage, or occupied motor vehicle.

(e) With respect to property other than a dwelling, curtilage, or an occupied motor vehicle, a person is justified in using reasonable force against any other person if the person reasonably believes that the force is necessary to immediately prevent or terminate the other person's trespass on or criminal interference with property lawfully in the person's possession, lawfully in possession of a member of the person's immediate family, or belonging to a person whose property the person has authority to protect. However, a person:

- (1) is justified in using deadly force; and
- (2) does not have a duty to retreat;

only if that force is justified under subsection (c).

(f) A person is justified in using reasonable force, including deadly force, against any other person and does not have a duty to retreat if the person reasonably believes that the force is necessary to prevent or stop the other person from hijacking, attempting to hijack, or otherwise seizing or attempting to seize unlawful control of an aircraft in flight. For purposes of this

subsection, an aircraft is considered to be in flight while the aircraft is:

- (1) on the ground in Indiana:
 - (A) after the doors of the aircraft are closed for takeoff; and
 - (B) until the aircraft takes off;
 - (2) in the airspace above Indiana; or
 - (3) on the ground in Indiana:
 - (A) after the aircraft lands; and
 - (B) before the doors of the aircraft are opened after landing.
- (g) Notwithstanding subsections (c) through (e), a person is not justified in using force if:
- (1) the person is committing or is escaping after the commission of a crime;
 - (2) the person provokes unlawful action by another person with intent to cause bodily injury to the other person; or
 - (3) the person has entered into combat with another person or is the initial aggressor unless the person withdraws from the encounter and communicates to the other person the intent to do so and the other person nevertheless continues or threatens to continue unlawful action.
- (h) Notwithstanding subsection (f), a person is not justified in using force if the person:
- (1) is committing, or is escaping after the commission of, a crime;
 - (2) provokes unlawful action by another person, with intent to cause bodily injury to the other person; or
 - (3) continues to combat another person after the other person withdraws from the encounter and communicates the other person's intent to stop hijacking, attempting to hijack, or otherwise seizing or attempting to seize unlawful control of an aircraft in flight.
- (i) A person is justified in using reasonable force against a public servant if the person reasonably believes the force is necessary to:
- (1) protect the person or a third person from what the person reasonably believes to be the imminent use of unlawful force;
 - (2) prevent or terminate the public servant's unlawful entry of or attack on the person's dwelling, curtilage, or occupied motor vehicle; or
 - (3) prevent or terminate the public servant's unlawful trespass on or criminal interference with property lawfully in the person's possession, lawfully in possession of a member of the person's immediate family, or belonging to a person whose property the person has authority to protect.
- (j) Notwithstanding subsection (i), a person is not justified in using force against a public servant if:
- (1) the person is committing or is escaping after the commission of a crime;
 - (2) the person provokes action by the public servant with intent to cause bodily injury to the public servant;
 - (3) the person has entered into combat with the public servant or is the initial aggressor, unless the person withdraws from the encounter and communicates to the

public servant the intent to do so and the public servant nevertheless continues or threatens to continue unlawful action; or

- (4) the person reasonably believes the public servant is:
- (A) acting lawfully; or
 - (B) engaged in the lawful execution of the public servant's official duties.

(k) A person is not justified in using deadly force against a public servant whom the person knows or reasonably should know is a public servant unless:

- (1) the person reasonably believes that the public servant is:
 - (A) acting unlawfully; or
 - (B) not engaged in the execution of the public servant's official duties; and
- (2) the force is reasonably necessary to prevent serious bodily injury to the person or a third person.

SECTION 8. IC 35-47-2-3, AS AMENDED BY P.L.86-2018, SECTION 335, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) A person desiring a license to carry a handgun shall apply:

- (1) to the chief of police or corresponding law enforcement officer of the municipality in which the applicant resides;
- (2) if that municipality has no such officer, or if the applicant does not reside in a municipality, to the sheriff of the county in which the applicant resides after the applicant has obtained an application form prescribed by the superintendent; or
- (3) if the applicant is a resident of another state and has a regular place of business or employment in Indiana, to the sheriff of the county in which the applicant has a regular place of business or employment.

The superintendent and local law enforcement agencies shall allow an applicant desiring to obtain or renew a license to carry a handgun to submit an application electronically under this chapter if funds are available to establish and maintain an electronic application system.

(b) **This subsection applies before July 1, 2020.** The law enforcement agency which accepts an application for a handgun license shall collect the following application fees:

- (1) From a person applying for a four (4) year handgun license, a ten dollar (\$10) application fee, five dollars (\$5) of which shall be refunded if the license is not issued;
- (2) From a person applying for a lifetime handgun license who does not currently possess a valid Indiana handgun license, a fifty dollar (\$50) application fee, thirty dollars (\$30) of which shall be refunded if the license is not issued.
- (3) From a person applying for a lifetime handgun license who currently possesses a valid Indiana handgun license, a forty dollar (\$40) application fee, thirty dollars (\$30) of which shall be refunded if the license is not issued.

Except as provided in subsection ~~(h)~~ (i), the fee shall be deposited into the law enforcement agency's firearms training fund or other appropriate training activities fund and used by the agency to train law enforcement officers in the proper use of firearms or in other law enforcement duties, or to purchase firearms, firearm related equipment, or body armor (as defined

in IC 35-47-5-13(a)) for the law enforcement officers employed by the law enforcement agency. The state board of accounts shall establish rules for the proper accounting and expenditure of funds collected under this subsection.

(c) This subsection applies after June 30, 2020. The law enforcement agency which accepts an application for a handgun license shall not collect a fee from a person applying for a five (5) year handgun license and shall collect the following application fees:

(1) From a person applying for a lifetime handgun license who does not currently possess a valid Indiana handgun license, a fifty dollar (\$50) application fee, thirty dollars (\$30) of which shall be refunded if the license is not issued.

(2) From a person applying for a lifetime handgun license who currently possesses a valid Indiana handgun license, a forty dollar (\$40) application fee, thirty dollars (\$30) of which shall be refunded if the license is not issued.

Except as provided in subsection (i), the fee shall be deposited into the law enforcement agency's firearms training fund or other appropriate training activities fund and used by the agency to train law enforcement officers in the proper use of firearms or in other law enforcement duties, or to purchase firearms, firearm related equipment, or body armor (as defined in IC 35-47-5-13(a)) for the law enforcement officers employed by the law enforcement agency. The state board of accounts shall establish rules for the proper accounting and expenditure of funds collected under this subsection.

(e) (d) The officer to whom the application is made shall ascertain the applicant's name, full address, length of residence in the community, whether the applicant's residence is located within the limits of any city or town, the applicant's occupation, place of business or employment, criminal record, if any, and convictions (minor traffic offenses excepted), age, race, sex, nationality, date of birth, citizenship, height, weight, build, color of hair, color of eyes, scars and marks, whether the applicant has previously held an Indiana license to carry a handgun and, if so, the serial number of the license and year issued, whether the applicant's license has ever been suspended or revoked, and if so, the year and reason for the suspension or revocation, and the applicant's reason for desiring a license. If the applicant is not a United States citizen, the officer to whom the application is made shall ascertain the applicant's country of citizenship, place of birth, and any alien or admission number issued by the United States Citizenship and Immigration Services or United States Customs and Border Protection or any successor agency as applicable. The officer to whom the application is made shall conduct an investigation into the applicant's official records and verify thereby the applicant's character and reputation, and shall in addition verify for accuracy the information contained in the application, and shall forward this information together with the officer's recommendation for approval or disapproval and one (1) set of legible and classifiable fingerprints of the applicant to the superintendent. An investigation conducted under this section must include the consulting of available local, state, and federal criminal

history data banks, including the National Instant Criminal Background Check System (NICS), to determine whether possession of a firearm by an applicant would be a violation of state or federal law.

(d) (e) The superintendent may make whatever further investigation the superintendent deems necessary. Whenever disapproval is recommended, the officer to whom the application is made shall provide the superintendent and the applicant with the officer's complete and specific reasons, in writing, for the recommendation of disapproval.

(e) (f) If it appears to the superintendent that the applicant:

(1) has a proper reason for carrying a handgun;

(2) is of good character and reputation;

(3) is a proper person to be licensed; and

(4) is:

(A) a citizen of the United States; or

(B) not a citizen of the United States but is allowed to carry a firearm in the United States under federal law;

the superintendent shall issue to the applicant a qualified or an unlimited license to carry any handgun lawfully possessed by the applicant. The original license shall be delivered to the licensee. A copy shall be delivered to the officer to whom the application for license was made. A copy shall be retained by the superintendent for at least ~~four (4)~~ **five (5)** years in the case of a ~~four (4)~~ **five (5)** year license. The superintendent may adopt guidelines to establish a records retention policy for a lifetime license. A ~~four (4)~~ **five (5)** year license shall be valid for a period of ~~four (4)~~ **five (5)** years from the date of issue. A lifetime license is valid for the life of the individual receiving the license. The license of police officers, sheriffs or their deputies, and law enforcement officers of the United States government who have twenty (20) or more years of service shall be valid for the life of these individuals. However, a lifetime license is automatically revoked if the license holder does not remain a proper person.

(f) (g) At the time a license is issued and delivered to a licensee under subsection (e); (f), the superintendent shall include with the license information concerning handgun safety rules that:

(1) neither opposes nor supports an individual's right to bear arms; and

(2) is:

(A) recommended by a nonprofit educational organization that is dedicated to providing education on safe handling and use of firearms;

(B) prepared by the state police department; and

(C) approved by the superintendent.

The superintendent may not deny a license under this section because the information required under this subsection is unavailable at the time the superintendent would otherwise issue a license. The state police department may accept private donations or grants to defray the cost of printing and mailing the information required under this subsection.

(g) (h) A license to carry a handgun shall not be issued to any person who:

(1) has been convicted of a felony;

(2) has had a license to carry a handgun suspended, unless the person's license has been reinstated;

- (3) is under eighteen (18) years of age;
- (4) is under twenty-three (23) years of age if the person has been adjudicated a delinquent child for an act that would be a felony if committed by an adult; ~~or~~
- (5) has been arrested for a Class A or Class B felony for an offense committed before July 1, 2014, for a Level 1, Level 2, Level 3, or Level 4 felony for an offense committed after June 30, 2014, or any other felony that was committed while armed with a deadly weapon or that involved the use of violence, if a court has found probable cause to believe that the person committed the offense charged; ~~or~~
- (6) is prohibited by federal law from possessing or receiving firearms under 18 U.S.C. 922(g).**

In the case of an arrest under subdivision (5), a license to carry a handgun may be issued to a person who has been acquitted of the specific offense charged or if the charges for the specific offense are dismissed. The superintendent shall prescribe all forms to be used in connection with the administration of this chapter.

~~(h)~~ **(i)** If the law enforcement agency that charges a fee under subsection (b) ~~or~~ (c) is a city or town law enforcement agency, the fee shall be deposited in the law enforcement continuing education fund established under IC 5-2-8-2.

~~(i)~~ **(j)** If a person who holds a valid license to carry a handgun issued under this chapter:

- (1) changes the person's name;
- (2) changes the person's address; or
- (3) experiences a change, including an arrest or a conviction, that may affect the person's status as a proper person (as defined in IC 35-47-1-7) or otherwise disqualify the person from holding a license;

the person shall, not later than thirty (30) days after the date of a change described under subdivision (3), and not later than sixty (60) days after the date of the change described under subdivision (1) or (2), notify the superintendent, in writing, of the event described under subdivision (3) or, in the case of a change under subdivision (1) or (2), the person's new name or new address.

~~(j)~~ **(k)** The state police shall indicate on the form for a license to carry a handgun the notification requirements of subsection ~~(i)~~ **(j)**.

~~(k)~~ **(l)** The state police department shall adopt rules under IC 4-22-2 to:

- (1) implement an electronic application system under subsection (a); and
- (2) expedite the processing of an application made by a person described in section 2.1(b) of this chapter.

Rules adopted under this section must require the superintendent to keep on file one (1) set of classifiable and legible fingerprints from every person who has received a license to carry a handgun so that a person who applies to renew a license will not be required to submit an additional set of fingerprints.

~~(l)~~ **(m)** Except as provided in subsection ~~(m)~~; **(n)**, for purposes of IC 5-14-3-4(a)(1), the following information is confidential, may not be published, and is not open to public inspection:

- (1) Information submitted by a person under this section to:
 - (A) obtain; or

- (B) renew;

a license to carry a handgun.

(2) Information obtained by a federal, state, or local government entity in the course of an investigation concerning a person who applies to:

- (A) obtain; or
- (B) renew;

a license to carry a handgun issued under this chapter.

(3) The name, address, and any other information that may be used to identify a person who holds a license to carry a handgun issued under this chapter.

~~(m)~~ **(n)** Notwithstanding subsection ~~(i)~~; **(m)**:

(1) any information concerning an applicant for or a person who holds a license to carry a handgun issued under this chapter may be released to a federal, state, or local government entity:

- (A) for law enforcement purposes; or
- (B) to determine the validity of a license to carry a handgun; and

(2) general information concerning the issuance of licenses to carry handguns in Indiana may be released to a person conducting journalistic or academic research, but only if all personal information that could disclose the identity of any person who holds a license to carry a handgun issued under this chapter has been removed from the general information.

~~(n)~~ **(o)** A person who knowingly or intentionally violates this section commits a Class B misdemeanor.

SECTION 9. IC 35-47-2-4, AS AMENDED BY P.L.17-2017, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) Licenses to carry handguns shall be either qualified or unlimited, and are valid for:

- (1) ~~four (4)~~ **five (5)** years from the date of issue in the case of a ~~four (4)~~ **five (5)** year license; or
- (2) the life of the individual receiving the license in the case of a lifetime license.

A qualified license shall be issued for hunting and target practice.

An individual may separately apply for and simultaneously hold both a five (5) year license and a lifetime license. The superintendent may adopt rules imposing limitations on the use and carrying of handguns under a license when handguns are carried by a licensee as a condition of employment. Unlimited licenses shall be issued for the purpose of the protection of life and property.

(b) **This subsection applies before July 1, 2020.** In addition to the application fee, the fee for:

- (1) a qualified license shall be:
 - (A) five dollars (\$5) for a ~~four (4)~~ **five (5)** year qualified license;
 - (B) twenty-five dollars (\$25) for a lifetime qualified license from a person who does not currently possess a valid Indiana handgun license; or
 - (C) twenty dollars (\$20) for a lifetime qualified license from a person who currently possesses a valid Indiana handgun license; and
- (2) an unlimited license shall be:

- (A) thirty dollars (\$30) for a ~~four (4)~~ **five (5)** year unlimited license;
- (B) seventy-five dollars (\$75) for a lifetime unlimited license from a person who does not currently possess a valid Indiana handgun license; or
- (C) sixty dollars (\$60) for a lifetime unlimited license from a person who currently possesses a valid Indiana handgun license.

The superintendent shall charge a twenty dollar (\$20) fee for the issuance of a duplicate license to replace a lost or damaged license. These fees shall be deposited in accordance with subsection ~~(f)~~: **(g)**.

(c) This subsection applies after June 30, 2020. In addition to the application fee, the fee for:

(1) a qualified license is:

- (A) zero dollars (\$0) for a five (5) year qualified license;**
- (B) twenty-five dollars (\$25) for a lifetime qualified license from a person who does not currently possess a valid Indiana handgun license; and**
- (C) twenty dollars (\$20) for a lifetime qualified license from a person who currently possesses a valid Indiana handgun license; and**

(2) an unlimited license is:

- (A) zero dollars (\$0) for a five (5) year unlimited license;**
- (B) seventy-five dollars (\$75) for a lifetime unlimited license from a person who does not currently possess a valid Indiana handgun license; and**
- (C) sixty dollars (\$60) for a lifetime unlimited license from a person who currently possesses a valid Indiana handgun license.**

The superintendent shall charge a twenty dollar (\$20) fee for the issuance of a duplicate license to replace a lost or damaged license. These fees shall be deposited in accordance with subsection (g).

~~(e)~~ **(d)** Licensed dealers are exempt from the payment of fees specified in ~~subsection subsections (b) and (c)~~ for a qualified license or an unlimited license.

~~(d)~~ **(e)** The following officers of this state or the United States who have been honorably retired by a lawfully created pension board or its equivalent after at least twenty (20) years of service or because of a disability are exempt from the payment of fees specified in ~~subsection subsections (b) and (c)~~:

- (1) Police officers.
- (2) Sheriffs or their deputies.
- (3) Law enforcement officers.
- (4) Correctional officers.

~~(e)~~ **(f)** The following officers described in section ~~3(e)~~ **3(f)** of this chapter who have at least twenty (20) years of service are exempt from the payment of fees for a lifetime qualified license or a lifetime unlimited license specified in ~~subsection subsections (b) and (c)~~:

- (1) Police officers.
- (2) Sheriffs or their deputies.
- (3) Law enforcement officers of the United States government.

~~(f)~~ **(g)** Fees collected under this section shall be deposited in

the state general fund.

~~(g)~~ **(h)** The superintendent may not issue a lifetime qualified license or a lifetime unlimited license to a person who is a resident of another state. The superintendent may issue a ~~four (4)~~ **five (5)** year qualified license or a ~~four (4)~~ **five (5)** year unlimited license to a person who is a resident of another state and who has a regular place of business or employment in Indiana as described in section 3(a)(3) of this chapter.

~~(h)~~ **(i)** A person who knowingly or intentionally violates this section commits a Class B misdemeanor.

SECTION 10. IC 35-47-2-5, AS AMENDED BY P.L.158-2013, SECTION 576, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) The superintendent may suspend or revoke any license issued under this chapter if the superintendent has reasonable grounds to believe that the person's license should be suspended or revoked.

(b) Documented evidence that a person is not a "proper person" to be licensed as defined by IC 35-47-1-7, or is prohibited under section ~~3(g)(5)~~ **3(h)(5)** of this chapter from being issued a license, shall be grounds for immediate suspension or revocation of a license previously issued under this chapter. However, if a license is suspended or revoked based solely on an arrest under section ~~3(g)(5)~~ **3(h)(5)** of this chapter, the license shall be reinstated upon the acquittal of the defendant in that case or upon the dismissal of the charges for the specific offense.

(c) A person who knowingly or intentionally fails to promptly return the person's license after written notice of suspension or revocation commits a Class A misdemeanor. The observation of a handgun license in the possession of a person whose license has been suspended or revoked constitutes a sufficient basis for the arrest of that person for violation of this subsection.

(d) The superintendent shall establish rules under IC 4-22-2 concerning the procedure for suspending or revoking a person's license.

SECTION 11. IC 35-47-9-1, AS AMENDED BY P.L.157-2014, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) This chapter does not apply to the following:

- (1) A:
 - (A) federal;
 - (B) state; or
 - (C) local;

law enforcement officer.

(2) A person who may legally possess a firearm and who has been authorized by:

- (A) a school board (as defined by IC 20-26-9-4); or
- (B) the body that administers a charter school established under IC 20-24;

to carry a firearm in or on school property.

(3) Except as provided in subsection (b) or (c), a person who:

- (A) may legally possess a firearm; and
- (B) possesses the firearm in a motor vehicle.

(4) A person who is a school resource officer, as defined in IC 20-26-18.2-1.

(5) Except as provided in subsection (b) or (c), a person who:

- (A) may legally possess a firearm; and
- (B) possesses only a firearm that is:
 - (i) locked in the trunk of the person's motor vehicle;
 - (ii) kept in the glove compartment of the person's locked motor vehicle; or
 - (iii) stored out of plain sight in the person's locked motor vehicle.

(6) A person who:

- (A) may legally possess a firearm; and
- (B) possesses a firearm on school property in connection with or while:
 - (i) attending a worship service or religious ceremony conducted at a house of worship located on the school property; or
 - (ii) carrying out the person's official duties at a house of worship located on the school property, if the person is employed by or a volunteer at the house of worship.

This subdivision does not affect the right of a property owner to prohibit, in whole or in part, the possession of a firearm on a property where a school or house of worship is located.

(b) For purposes of subsection (a)(3) and (a)(5), a person does not include a person who is:

- (1) enrolled as a student in any high school except if the person is a high school student and is a member of a shooting sports team and the school's principal has approved the person keeping a firearm concealed in the person's motor vehicle on the days the person is competing or practicing as a member of a shooting sports team; or
- (2) a former student of the school if the person is no longer enrolled in the school due to a disciplinary action within the previous twenty-four (24) months.

(c) For purposes of subsection (a)(3) and (a)(5), a motor vehicle does not include a motor vehicle owned, leased, or controlled by a school or school district unless the person who possesses the firearm is authorized by the school or school district to possess a firearm.

SECTION 12. An emergency is declared for this act.

(Reference is to EHB 1284 as reprinted April 3, 2019.)

Lucas, Chair	Tomes
Goodin	Sandlin
House Conferees	Senate Conferees

Roll Call 555: yeas 37, nays 7. Report adopted.

PRESIDENT PRO TEMPORE'S REPORT OF CONFEREE ASSIGNMENTS

Pursuant to Rule 84 of the Standing Rules and Orders of the Senate, President Pro Tempore Rodric D. Bray has appointed/removed/changed the following senator(s) as Senate conferees (or advisors) on Engrossed House Bill 1427:

Add: Senator Spartz as advisor

BRAY
Date: 4/22/19
Time: 2:50 p.m.

Report adopted.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 84 of the Standing Rules and Orders of the Senate, President Pro Tempore Rodric D. Bray has appointed/removed/changed the following senator(s) as Senate conferees (or advisors) on Engrossed Senate Bill 603:

Remove: Senator Koch as advisor

BRAY
Date: 4/22/19
Time: 2:36 p.m.

Report adopted.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 84 of the Standing Rules and Orders of the Senate, President Pro Tempore Rodric D. Bray has appointed/removed/changed the following senator(s) as Senate conferees (or advisors) on Engrossed Senate Bill 603:

Conferees: Senator Koch to replace Senator Stoops

BRAY
Date: 4/22/19
Time: 2:36 p.m.

Report adopted.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Tuesday, April 23, 2019.

BRAY

Motion prevailed.

The Senate adjourned at 2:59 p.m.

JENNIFER L. MERTZ
Secretary of the Senate

SUZANNE CROUCH
President of the Senate