



# Journal of the House

State of Indiana

120th General Assembly

First Regular Session

Fiftieth Day

Thursday Morning

April 20, 2017

The invocation was offered by Minister Larry Pierson of Open Arms Christian Ministries in Switz City, a guest of Representative Ellington.

The House convened at 10:00 a.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by Representative Cherry.

The Speaker ordered the roll of the House to be called:

Arnold	Kirchhofer
Austin	Klinker
Aylesworth	Lawson
Bacon	Lehe
Baird	Lehman
Bartlett	Leonard
Bauer <input type="checkbox"/>	Lucas
Behning	Lyness
Beumer	Macer
Borders	Mahan
Braun	May
C. Brown	Mayfield
T. Brown <input type="checkbox"/>	McNamara
Burton	Miller
Candelaria Reardon <input type="checkbox"/>	Moed
Carbaugh	Morris
Cherry	Morrison
Clere	Moseley
Cook	Negele
Culver	Nisly
Davisson	Ober
DeLaney	Olthoff
DeVon	Pelath
Dvorak	Pierce
Eberhart <input type="checkbox"/>	Porter
Ellington	Pressel
Engleman	Pryor
Errington	Richardson
Forestal	Saunders
Friend	Schaibley
Frizzell	Shackleford
Frye	Siegrist
GiaQuinta <input type="checkbox"/>	Slager
Goodin	Smaltz <input type="checkbox"/>
Gutwein	M. Smith
Hamilton	V. Smith
Hamm	Soliday
Harris	Speedy <input type="checkbox"/>
Hatfield	Stemler
Heaton	Steuerwald
Heine	Sullivan
Huston <input type="checkbox"/>	Summers
Jordan	J. Taylor
Judy	Thompson
Karickhoff	Torr
Kersey	VanNatter

Washburne  
Wesco  
Wolkins  
Wright

J. Young   
Zent  
Ziemke   
Mr. Speaker

Roll Call 506: 90 present; 10 excused. The Speaker announced a quorum in attendance. [NOTE:  indicates those who were excused.]

## RESOLUTIONS ON FIRST READING

### House Resolution 72

Representative Mayfield introduced House Resolution 72:

A HOUSE RESOLUTION urging the United States House of Representatives and the United States Senate to immediately vote to repeal the medical device excise tax.

*Whereas, Indiana is home to more than 1,687 companies dedicated to the life science industry, and a significant proportion of those firms are medical device manufacturers;*

*Whereas, Indiana employs in excess of 56,198 workers in the medical technology industry and exports more than \$10 billion in products annually, the second highest value of exports by state in the United States;*

*Whereas, The life science industry accounts for 28 percent of Indiana's total manufacturing exports;*

*Whereas, Improvements in minimally invasive medical technologies have led to significant advances in the health of patients and have made it easier to diagnose and treat patients' problems;*

*Whereas, The medical device industry is one of the few U.S. industries that enjoys a net trade surplus, exporting more than the U.S. imports. The United States is the only net exporter of medical devices in the world, and the United States medical technology industry generates a \$5.4 billion trade surplus;*

*Whereas, The United States Congress passed a 2.3 percent excise tax on the sale price of the taxable medical devices, which took effect on January 1, 2013;*

*Whereas, Employment in the United States medical device industry has declined by nearly 29,000 jobs since the enactment of the medical device tax, according to the United States Department of Commerce;*

*Whereas, On December 18, 2015, Congress passed the Consolidated Appropriations Act, which included a two year moratorium on the medical device excise tax; and*

*Whereas, Without a full repeal of the medical device excise tax, there will be a substantial decline in research and development for minimally invasive, life-saving cures and treatment, an increase in patient suffering and mortality, and an exodus of jobs to low-tax nations: Therefore,*

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

SECTION 1. That the Indiana House of Representatives urges the United States House of Representatives and the United States Senate to immediately repeal in its entirety the medical device excise tax.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Paul Ryan, Speaker of the United States House of Representatives, and each member of the Indiana congressional delegation.

The resolution was read a first time and referred to the Committee on Public Health.

The House recessed until the fall of the gavel.

## RECESS

The House reconvened at 1:50 p.m. with the Speaker in the Chair.

## RESOLUTIONS ON FIRST READING

### Senate Concurrent Resolution 54

The Speaker handed down Senate Concurrent Resolution 54, sponsored by Representative Harris:

A CONCURRENT RESOLUTION to congratulate Dana Evans on her 2017 Miss Indiana Basketball nomination and her high school career accomplishments.

*Whereas, Dana Evans lives in Gary, Indiana and plays for the West Side High School girls basketball team;*

*Whereas, Dana ranks 4<sup>th</sup> in Indiana history in scoring with 2,872 points and was the leading scorer in Indiana for the 2015-16 and 2016-17 year;*

*Whereas, In the 2016-2017 season, Dana averaged 36 points, 6.2 assists, and 7.6 rebounds per game;*

*Whereas, In 2014, Dana was on the ESPN watch list, a NWI Times 1<sup>st</sup> team selection, and the Post-Tribune's Player of the Year;*

*Whereas, In 2015, Dana was a NWI Times 1<sup>st</sup> team selection, a Post-Tribune 1<sup>st</sup> team selection, and a Indiana Basketball Coaches Association (IBCA) Underclass Supreme 15 team 1<sup>st</sup> team selection;*

*Whereas, In 2016, Dana was a IBCA Underclass Supreme 15 Team 1<sup>st</sup> Team selection, 7-time IBCA player of the week, a Hoosier Basketball Magazine 1<sup>st</sup> team selection, a core member of the Indiana Junior All-Star team, and the 18 and under USA FIBA gold medalist;*

*Whereas, in 2017, Dana was a Hoosier Basketball Magazine 1<sup>st</sup> team selection, a 4-time IBCA player of the week, a Gatorade player of the year candidate, ESPN's #3 point guard and #7 overall in the country, and chosen for McDonald's All-American East team; and*

*Whereas, Dana has signed to play college basketball at the University of Louisville: Therefore,*

*Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:*

SECTION 1. That the Indiana Senate recognize Dana Evans for her contributions to Indiana basketball and for being a positive role model.

SECTION 2. That the Secretary of the Senate transmit copies of this resolution to Dana Evans.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

## House Resolution 73

Representative Bacon introduced House Resolution 73:

A HOUSE RESOLUTION congratulating the Castle High School archery team.

*Whereas, The Castle High School archery team placed first at the 2017 National Archery in the Schools Program State Tournament;*

*Whereas, The Knights were up against 29 other Hoosier schools and kept the winning tradition alive by bringing home another win for Warrick County;*

*Whereas, The team's female archers placing in the Top 10 were Ashlie Garrison, third; Gabby Pape, fourth; and Emily Buchta, seventh;*

*Whereas, The team's male archers placing in the Top 10 were Adam Cron, seventh, and Eric Shade, 10th;*

*Whereas, The Castle High School archery team has won 10 out of the 11 state titles, and placed third at the 2016 Nationals; and*

*Whereas, Castle High School offers the coed club sport to students in junior high and high school, continuing a strong archery tradition in Warrick County: Therefore,*

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

SECTION 1. That the Indiana House of Representatives congratulates the Castle High School archery team for its first place finish at the 2017 National Archery in the Schools Program State Tournament and wishes the students continued success in all their future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to all team members and coaches.

The resolution was read a first time and adopted by voice vote.

Representatives Bauer, Candelaria Reardon, Huston, Smaltz, Speedy and J. Young, who had been excused, are now present.

Representatives C. Brown, who had been present, is now excused.

The Speaker yielded the gavel to the Deputy Speaker Pro Tempore, Representative Karickhoff.

## ACTION ON RULES SUSPENSIONS AND CONFERENCE COMMITTEE REPORTS

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 161.1 and recommends that it be suspended so that the following conference committee reports are eligible for consideration after April 15, 2017; we further recommend that House Rule 163.1 be suspended so that the following conference committee reports may be laid over on the members' desks for 14 hours, so that they may be eligible to be placed before the House for action: Engrossed House Bills 1622-1 and 1154-1 and Engrossed Senate Bill 29-1.

TORR, Chair

Report adopted.

### HOUSE MOTION

Mr. Speaker: I move House Rule 161.1 be suspended so that the following conference committee reports are eligible for consideration after April 15, 2017, and that House Rule 163.1

be suspended so that the following conference committee reports may be laid over on the members' desks for 14 hours, so that they may be eligible to be placed before the House for action: Engrossed House Bills 1622-1 and 1154-1 and Engrossed Senate Bill 29-1.

TORR, Chair

Motion prevailed.

Representative C. Brown, who had been present, is now excused.

Representatives Bauer, Candelaria Reardon, Huston, Smaltz, Speedy and J. Young, who had been excused, is now present.

CONFERENCE COMMITTEE REPORT  
EHB 1154-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1154-1 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 22-4-18-1, AS AMENDED BY P.L.171-2016, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 1. (a) There is created a department under IC 22-4.1-2-1 which shall be known as the department of workforce development.

(b) The department of workforce development may **do the following**:

- (1) Administer the unemployment insurance program.
- (2) Enter into agreements with the United States government that may be required as a condition of obtaining federal funds related to activities of the department under this article.
- (3) Enter into contracts or agreements and cooperate with local governmental units or corporations, including profit or nonprofit corporations, or combinations of units and corporations to carry out the duties of the department imposed by this article, including contracts for the delegation of the department's administrative, monitoring, and program responsibilities and duties set forth in this article.

(c) The payment of unemployment insurance benefits must be made in accordance with 26 U.S.C. 3304.

(d) The department of workforce development may do all acts and things necessary or proper to carry out the powers expressly granted under this article, including the adoption of rules under IC 4-22-2.

(e) The department of workforce development may not charge any claimant for benefits for providing services under this article, except as provided in IC 22-4-17-12.

(f) The department of workforce development shall do the following:

- (1) Submit a report to the general assembly in an electronic format under IC 5-14-6 and to the governor before December 1 of each year concerning the status of the unemployment compensation system, including the following:

(A) Recommendations for maintaining the solvency of the unemployment insurance benefit fund established under IC 22-4-26-1.

(B) Information regarding expenditures from the special employment and training services fund.

(C) Information regarding money released under IC 22-4-25-1(c).

- (2) Make a presentation **before November 1 of each year**

to the ~~budget committee at each meeting of the budget committee held before November 1, 2016; interim study committee on employment and labor (established under IC 2-5-1.3-4)~~ concerning the status of the unemployment compensation system, including the following:

(A) Recommendations for maintaining the solvency of the unemployment insurance benefit fund established under IC 22-4-26-1.

(B) Information regarding expenditures from the special employment and training services fund.

(C) Information regarding money released under IC 22-4-25-1(c).

(D) Any other information requested by the ~~budget committee; interim study committee on employment and labor.~~

(g) In addition to the duties prescribed in subsections (a) through (f), the department of workforce development shall establish, implement, and maintain a training program in the nature and dynamics of domestic and family violence for training of all employees of the department who interact with a claimant for benefits to determine whether the claim of the individual for unemployment benefits is valid and to determine that employment separations stemming from domestic or family violence are reliably screened, identified, and adjudicated and that victims of domestic or family violence are able to take advantage of the full range of job services provided by the department. The training presenters shall include domestic violence experts with expertise in the delivery of direct services to victims of domestic violence, including using the staff of shelters for battered women in the presentation of the training. The initial training shall consist of instruction of not less than six (6) hours. Refresher training shall be required annually and shall consist of instruction of not less than three (3) hours.

SECTION 2. IC 22-4-19-6, AS AMENDED BY P.L.110-2010, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 6. (a) Each employing unit shall keep true and accurate records containing information the department considers necessary. These records are:

- (1) open to inspection; and
- (2) subject to being copied;

by an authorized representative of the department at any reasonable time and as often as may be necessary. The department, the review board, or an administrative law judge may require from any employing unit any verified or unverified report, with respect to persons employed by it, which is considered necessary for the effective administration of this article.

(b) Except as provided in subsections (d) and (f), information obtained or obtained from any person in the administration of this article and the records of the department relating to the unemployment tax or the payment of benefits is confidential and may not be published or be open to public inspection in any manner revealing the individual's or the employing unit's identity, except in obedience to an order of a court or as provided in this section.

(c) A claimant or an employer at a hearing before an administrative law judge or the review board shall be supplied with information from the records referred to in this section to the extent necessary for the proper presentation of the subject matter of the appearance. ~~The department may make the information necessary for a proper presentation of a subject matter before an administrative law judge or the review board available to an agency of the United States or an Indiana state agency.~~

- (d) The department may release the following information:
- (1) Summary statistical data may be released to the public.
  - (2) Employer specific information known as ~~ES 202~~ **Quarterly Census of Employment and Wages** data and

data resulting from enhancements made through the business establishment list improvement project may be released to the Indiana economic development corporation only for the following purposes:

- (A) The purpose of conducting a survey.
- (B) The purpose of aiding the officers or employees of the Indiana economic development corporation in providing economic development assistance through program development, research, or other methods.
- (C) Other purposes consistent with the goals of the Indiana economic development corporation and not inconsistent with those of the department, including the purposes of IC 5-28-6-7.

(3) Employer specific information known as ~~ES 202~~ **Quarterly Census of Employment and Wages** data and data resulting from enhancements made through the business establishment list improvement project may be released to:

- (A) the budget agency and the legislative services agency only for aiding the employees of the budget agency or the legislative services agency in forecasting tax revenues; **and**
- (B) **the Indiana department of labor for the purpose of conducting a survey and reporting to the United States Department of Labor or the federal Bureau of Labor Statistics.**

(4) Information obtained from any person in the administration of this article and the records of the department relating to the unemployment tax or the payment of benefits for use by the following governmental entities:

- (A) ~~department of state revenue; an agency of the United States; or~~
- (B) ~~state or local law enforcement agencies; an agency of the state; or~~
- (C) **a public official for use in the performance of the public official's duties;**

only if there is an agreement that the information will be kept confidential and used for legitimate governmental purposes.

(e) The department may make information available under subsection ~~(d)(1); (d)(2); or (d)(3)~~ **(d)** only:

- (1) if:
  - (A) data provided in summary form cannot be used to identify information relating to a specific employer or specific employee; or
  - (B) there is an agreement that the employer specific information released ~~to the Indiana economic development corporation; the budget agency; or the legislative services agency~~ will be treated as confidential and will be released only in summary form that cannot be used to identify information relating to a specific employer or a specific employee; and
- (2) after the cost of making the information available to the person requesting the information is paid under IC 5-14-3.

(f) In addition to the confidentiality provisions of subsection (b), the fact that a claim has been made under IC 22-4-15-1(c)(8) and any information furnished by the claimant or an agent to the department to verify a claim of domestic or family violence are confidential. Information concerning the claimant's current address or physical location shall not be disclosed to the employer or any other person. Disclosure is subject to the following additional restrictions:

- (1) The claimant must be notified before any release of information.
- (2) Any disclosure is subject to redaction of unnecessary identifying information, including the claimant's address.

(g) An employee:

- (1) of the department who recklessly violates subsection

(a), (c), (d), (e), or (f); or

(2) of any governmental entity listed in subsection (d)(4) who recklessly violates subsection (d)(4); commits a Class B misdemeanor.

(h) An employee of the Indiana economic development corporation, the budget agency, or the legislative services agency who violates subsection (d) or (e) commits a Class B misdemeanor.

(i) An employer or agent of an employer that becomes aware that a claim has been made under IC 22-4-15-1(c)(8) shall maintain that information as confidential.

(j) The department may charge a reasonable processing fee not to exceed two dollars (\$2) for each record that provides information about an individual's last known employer released in compliance with a court order under subsection (b).

**SECTION 3. IC 22-4-19-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 13. (a) An employer that is required to be provided a notice or report under this section is entitled to delivery of the notice or report by the United States Postal Service using first class mail. If an employer wants to receive notices and reports by mail, the employer shall notify the department on a form provided by the department.**

(b) Where an employer makes an offer of employment directly to a claimant, promptly giving written notice to the department of such offer, or when any such employer makes such offer of employment in writing through the department, the commissioner, the deputy, or an authorized representative of the state or the United States employment service, which offer shall specify such claimant by name, and when such claimant thereafter fails to register subsequent to the receipt of such offer of employment by the department, the commissioner, the deputy, or an authorized representative of the state or the United States employment service, then a notice in writing shall promptly be mailed to such employer of such claimant's said failure to return and to register. If such claimant thereafter, in the claimant's benefit period, again registers or renews and continues the claimant's claim for benefits, such employer shall promptly be ~~mailed~~ **provided with** notice of such fact in order that the employer may have an opportunity to renew and remake an offer of employment to such claimant.

~~(b)~~ **(c)** Upon the filing by an individual of an additional claim for benefits, a notice ~~in writing or a carbon copy of such additional claim~~ shall be ~~mailed~~ promptly ~~provided to the base period employer or employers and to the employing unit including an employer from whose employ the individual claims to have been last separated.~~

~~(c)~~ **(d)** Upon the filing by an individual of an initial claim for benefits, a notice ~~in writing or a carbon copy of such initial claim~~ shall be ~~mailed~~ promptly ~~provided to the base period employer or base period employers and to the employing unit units including an employer from whose employ the individual claims to have been last separated.~~ The computation of the benefit rights of such individual shall be made as promptly as possible and, if such claim is deemed valid, then a notice of benefit liability shall be ~~mailed~~ **provided** to each employer whose experience account is potentially chargeable with benefits to be paid to such individual. Such notice shall contain the date, the name and social security number of the individual, the ending date of the individual's base period, and the week ending date of the first week of the individual's benefit year. Such notice shall further contain information as to the proportion of benefits chargeable to the employer's experience account in ratio to the earnings of such individual from such employer and shall advise such employer of the employer's right to protest such claim and the payment of any benefits thereon and of the place and time within which protest must be made and the form and contents thereof.

~~(d)~~ **(e)** Whenever a determination is made with respect to the validity of any claim for benefits, or the eligibility of any

claimant for benefits, which involves the cancellation of wage credits or benefit rights, the imposition of any disqualification, period of ineligibility or penalty, or the denial thereof, a notice ~~in writing~~ shall promptly be ~~mailed~~ **provided** to such claimant and to each employer directly involved or connected with the issue raised as to the validity of such claim, the eligibility of such claimant for benefits, or the imposition of a disqualification period of ineligibility or penalty, or the denial thereof. Such employer or such claimant may protest any such determination within such time limits and in such manner as provided in IC 22-4-17-2 and upon said protest shall be entitled to a hearing as provided in IC 22-4-17-2 and IC 22-4-17-3.

(e) (f) Every employer shall be ~~mailed~~ **provided with** a monthly report of benefit charges which shall contain an itemized statement showing the names of individuals to whom benefits were paid and charged to the experience account of such employer, the weeks with respect to which each such individual received benefits, the amount thereof, and the total amount of benefits charged to such employer's said account during the period covered by such report.

(f) (g) Following the computation of rates of contribution for employers for each calendar year, each employer shall be ~~mailed~~ **provided with notice** not later than ninety (90) days after the effective date of such rates, a ~~notice in writing~~ setting out the employer's rate of contribution for such year, computed by the department as of the preceding June 30, together with sufficient information for such employer to determine and compute the amount of a voluntary payment required from such employer in order to qualify for and obtain a lower rate of contribution for such year and also advising such employer of the length of time within which or last date upon which said voluntary payment will be received or can be made.

SECTION 4. IC 22-4-25-1, AS AMENDED BY P.L.171-2016, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 1. (a) There is created in the state treasury a special fund to be known as the special employment and training services fund. All interest on delinquent contributions and penalties collected under this article, together with any voluntary contributions tendered as a contribution to this fund, shall be paid into this fund. The money shall not be expended or available for expenditure in any manner which would permit their substitution for (or a corresponding reduction in) federal funds which would in the absence of said money be available to finance expenditures for the administration of this article, but nothing in this section shall prevent said money from being used as a revolving fund to cover expenditures necessary and proper under the law for which federal funds have been duly requested but not yet received, subject to the charging of such expenditures against such funds when received. The money in this fund shall be used by the department for the payment of refunds of interest on delinquent contributions and penalties so collected, for the payment of costs of administration which are found not to have been properly and validly chargeable against federal grants or other funds received for or in the employment and training services administration fund, on and after July 1, 1945. Such money shall be available either to satisfy the obligations incurred by the department directly, or by transfer by the department of the required amount from the special employment and training services fund to the employment and training services administration fund. The department shall order the transfer of such funds or the payment of any such obligation or expenditure and such funds shall be paid by the treasurer of state on requisition drawn by the department directing the auditor of state to issue the auditor's warrant therefor. Any such warrant shall be drawn by the state auditor based upon vouchers certified by the commissioner. The money in this fund is hereby specifically made available to replace within a reasonable time any money received by this state pursuant to 42 U.S.C. 502, as amended, which, because of any action or contingency, has been

lost or has been expended for purposes other than or in amounts in excess of those approved by the ~~bureau of employment security~~. **United States Department of Labor.** The money in this fund shall be continuously available to the department for expenditures in accordance with the provisions of this section and for the prevention, detection, and recovery of delinquent contributions, penalties, and improper benefit payments, and shall not lapse at any time or be transferred to any other fund, except as provided in this article. **Except as provided in subsection (e),** after making the grants required under subsection (c), the department may expend an amount not to exceed five million dollars (\$5,000,000) in a state fiscal year for the purposes described in this subsection, unless an additional amount is approved by the budget committee. Nothing in this section shall be construed to limit, alter, or amend the liability of the state assumed and created by IC 22-4-28, or to change the procedure prescribed in IC 22-4-28 for the satisfaction of such liability, except to the extent that such liability may be satisfied by and out of the funds of such special employment and training services fund created by this section. **Each state fiscal year, the commissioner shall make the training grants required under subsection (c) before amounts are expended from the fund in accordance with this section for any other purpose.**

(b) ~~Whenever~~ **If on December 31** the balance in the special employment and training services fund exceeds eight million five hundred thousand dollars (\$8,500,000), the department shall order, **not later than thirty (30) days after December 31,** payment of the amount that exceeds eight million five hundred thousand dollars (\$8,500,000) into the unemployment insurance benefit fund.

(c) Subject to the availability of funds, on July 1 each year the commissioner shall release **the following amounts before expenditures are made in accordance with this section for any other purpose:**

(1) One million dollars (\$1,000,000) to the state educational institution established under IC 21-25-2-1 for training provided to participants in apprenticeship programs approved by the United States Department of Labor, Bureau of Apprenticeship and Training.

(2) Four million dollars (\$4,000,000) to the state educational institution instituted and incorporated under IC 21-22-2-1 for training provided to participants in joint labor and management apprenticeship programs approved by the United States Department of Labor, Bureau of Apprenticeship and Training.

(3) Two hundred fifty thousand dollars (\$250,000) for journeyman upgrade training to each of the state educational institutions described in subdivisions (1) and (2).

(4) Four hundred thousand dollars (\$400,000) annually for training and counseling assistance:

(A) provided by Hometown Plans under 41 CFR 60-4.5; and

(B) approved by the United States Department of Labor, Bureau of Apprenticeship and Training; to individuals who have been unemployed for at least four (4) weeks or whose annual income is less than twenty thousand dollars (\$20,000), ~~and~~

(5) Three hundred thousand dollars (\$300,000) annually for training and counseling assistance provided by the state institution established under IC 21-25-2-1 to individuals who have been unemployed for at least four (4) weeks or whose annual income is less than twenty thousand dollars (\$20,000) for the purpose of enabling those individuals to apply for admission to apprenticeship programs offered by providers approved by the United States Department of Labor, Bureau of Apprenticeship and Training.

(d) Each state educational institution described in subsection (c) is entitled to keep ten percent (10%) of the funds released

under subsection (c) for the payment of costs of administering the funds. On each June 30 following the release of the funds, any funds released under subsection (c) not used by the state educational institutions under subsection (c) shall be returned to the special employment and training services fund.

**(e) For the state fiscal year beginning July 1, 2017, and the state fiscal year beginning July 1, 2018, the five million dollar (\$5,000,000) maximum on expenditures by the department from the fund in a state fiscal year described in subsection (a) does not apply.**

SECTION 5. IC 22-4-25-2 IS REPEALED [EFFECTIVE JULY 1, 2017]. Sec. 2: (a) As used in this section, "fund" refers to the special employment and training services fund created under section 4 of this chapter.

(b) The commissioner may allocate an amount not to exceed two million dollars (\$2,000,000) annually from the fund to establish reemployment training accounts to provide training and reemployment services to department employees dislocated by:

- (1) a reduction of funding for;
- (2) a centralization or decentralization of; or
- (3) the implementation of a more efficient technology or service delivery method in connection with;

the programs and services provided under this article.

(Reference is to EHB 1154 as printed March 24, 2017.)

LEONARD	BOOTS
J. TAYLOR	NIEZGODSKI
House Conferees	Senate Conferees

Roll Call 507: yeas 93, nays 1. Report adopted.

Representatives Huston and Soliday, who had been present, are now excused.

CONFERENCE COMMITTEE REPORT  
EHB 1622-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1622 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 36-2-2-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 11. (a) The county auditor shall attend all meetings of, and record in writing the official proceedings of, the executive.

(b) If a copy of the executive's proceedings has been signed and sealed by the auditor and introduced into evidence in court, that copy is presumed to be an accurate record of the executive's proceedings.

**(c) This subsection applies only to a county having a population of more than one hundred thousand (100,000) that maintains an Internet web site. The county auditor shall post on the county's Internet web site the roll call votes of the county's executive body not later than three (3) business days after the following:**

- (1) The date the roll call vote is taken if the county's software is able to generate a roll call vote.
- (2) If the county's software is not able to generate a roll call vote, the date the county executive body is first able to approve the minutes of the meeting at which the roll call vote was taken.

The county auditor shall maintain the roll call vote information on the Internet web site for a period of four (4) years.

SECTION 2. IC 36-2-3-6, AS AMENDED BY SEA 505-2017, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 6. (a) At its regular meeting required by section 7(b)(1) of this chapter, the fiscal body shall elect a president and president pro tempore from its members.

(b) The county auditor is the clerk of the fiscal body and shall do the following:

- (1) Preserve the fiscal body's records in the county auditor's office.
- (2) Keep an accurate record of the fiscal body's proceedings.
- (3) Record the ayes and nays on each vote appropriating money or fixing the rate of a tax levy. ~~and~~
- (4) Record the ayes and nays on other votes when requested to do so by two (2) or more members.

**(5) This subdivision applies only to a county having a population of more than one hundred thousand (100,000) that maintains an Internet web site. The county auditor shall post on the county's Internet web site the roll call votes of the county fiscal body not later than three (3) business days after the following:**

- (A) The date the roll call vote is taken if the county's software is able to generate a roll call vote.**
- (B) If the county's software is not able to generate a roll call vote, the date the county fiscal body is first able to approve the minutes of the meeting at which the roll call vote was taken.**

**The county auditor shall maintain the roll call vote information on the Internet web site for a period of four (4) years.**

(c) The county sheriff or a county police officer shall attend the meetings of the fiscal body, if requested by the fiscal body, and shall execute its orders.

(d) The fiscal body may employ legal and administrative personnel necessary to assist and advise it in the performance of its functions and duties.

SECTION 3. IC 36-3-4-8, AS AMENDED BY SEA 505-2017, SECTION 114, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 8. (a) The city-county legislative body shall appoint a clerk for a term of one (1) year. The clerk serves at the pleasure of the legislative body and continues in office until the clerk's successor is appointed and qualified.

(b) The clerk is the clerk of the consolidated city. The clerk shall do the following:

- (1) Act as secretary to the legislative body.
- (2) Send out all notices of its meetings.
- (3) Keep all its records.
- (4) If the consolidated city maintains an Internet web site, post on the consolidated city's Internet web site the roll call votes of the consolidated city's legislative body not later than three (3) business days after the following:**

- (A) The date the roll call vote is taken if the consolidated city's software is able to generate a roll call vote.**
- (B) If the consolidated city's software is not able to generate a roll call vote, the date the city-county legislative body is first able to approve the minutes of the meeting at which the roll call vote was taken.**

**The clerk shall maintain the roll call vote information on the Internet web site for a period of four (4) years.**

~~(4)~~ (5) Present ordinances and resolutions to the executive under section 15 of this chapter. ~~and~~

~~(5)~~ (6) Perform other duties connected with the work of the legislative body that are delegated to the clerk by it: ~~the~~ legislative body.

SECTION 4. IC 36-4-6-9, AS AMENDED BY SEA 505-2017, SECTION 128, IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 9. The city clerk is the clerk of the legislative body. The city clerk shall **do the following:**

- (1) Preserve the legislative body's records in the clerk's office.
- (2) Keep an accurate record of the legislative body's proceedings.
- (3) Record the ayes and nays on each vote on an ordinance or resolution.
- (4) Record the ayes and nays on other votes when requested to do so by two (2) or more members.
- (5) Present ordinances, orders, or resolutions to the city executive under section 15 of this chapter. **and**
- (6) Record ordinances under section 17 of this chapter.
- (7) **This subdivision applies only to a second class city that maintains an Internet web site. The city clerk shall post on the city's Internet web site the roll call votes of the legislative body not later than three (3) business days after the following:**

(A) **The date the roll call vote is taken if the city's software is able to generate a roll call vote.**

(B) **If the city's software is not able to generate a roll call vote, the date the legislative body is first able to approve the minutes of the meeting at which the roll call vote was taken.**

**The city clerk shall maintain the roll call vote information on the Internet web site for a period of four (4) years.**

(Reference is to EHB 1622 as printed March 24, 2017.)

SPEEDY	WALKER
MOED	BREAUX
House Conferees	Senate Conferees

Roll Call 508: yeas 92, nays 0. Report adopted.

Representatives GiaQuinta, who had been excused, is now present.

Representatives Behning, Lehman and Morrison, who had been present, are now excused.

#### CONFERENCE COMMITTEE REPORT

##### ESB 29-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 29 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 20-30-5-22 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 22. (a) Each:**

- (1) **school corporation;**
- (2) **charter school; and**
- (3) **accredited nonpublic school;**

**shall offer Indiana studies as a one (1) semester elective course in its high school curriculum at least once every school year.**

**(b) The course described in subsection (a) may be offered by the school corporation, charter school, or accredited nonpublic school through a course access program administered by the department.**

SECTION 2. IC 20-32-4-12, AS ADDED BY P.L.160-2016, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 12. (a) Beginning with the 2017-2018 school year, a student who successfully completes

Spanish language courses that include the elements set forth in subsection (b) is eligible to receive a functional **and practicable** workplace Spanish designation on the student's transcript for **each** the course described in subsection (b).

(b) The department shall develop a Spanish language **courses course description and corresponding academic standards** under this section that include:

~~(1) one (1) year of basic grammar and vocabulary; with a focus on the present tense and appropriate greetings; and~~  
~~(2) one (1) year of additional vocabulary and conversation; with a focus on vocabulary that is necessary for various types of work environments.~~

**(1) appropriate salutations, structures, vocabulary, and conversation, with a focus on vocabulary that is necessary for various work environments;**

**(2) culturally appropriate communications for a variety of work related interactions; and**

**(3) skills related to all language domains, including:**

- (A) speaking;**
- (B) listening;**
- (C) reading; and**
- (D) writing.**

(c) A school corporation may ~~use the courses implement a curriculum based upon the course standards~~ developed by the department ~~or any other courses that include the elements set forth in subsection (b)~~ to allow a student to receive a functional **and practicable** workplace Spanish designation on the student's transcript **upon the successful completion of the course of study.**

SECTION 3. [EFFECTIVE UPON PASSAGE] **(a) The definitions in IC 20 apply throughout this SECTION.**

**(b) On or before November 1, 2017, the department shall conduct a survey and submit a report to the general assembly in an electronic format under IC 5-14-6. The report must include a summary of the results of the survey conducted under subsection (c).**

**(c) The department shall conduct a survey of elementary and secondary school teachers, administrators, and members of governing bodies and its equivalent for charter schools and accredited nonpublic schools. The survey must include the following:**

**(1) The role of the individual surveyed, including:**

- (A) teacher;**
- (B) administrator; or**
- (C) member of a governing body.**

**(2) Whether the school corporation, charter school, or accredited nonpublic school currently includes cursive writing instruction in its elementary school curriculum, and if so, the amount of instructional time allocated to cursive writing instruction.**

**(3) Whether the individual surveyed is in favor of or is opposed to mandatory instruction of cursive writing in elementary school.**

**(4) The reasons why an individual surveyed is in favor of or opposed to mandatory cursive writing instruction in elementary school.**

**(d) This SECTION expires January 1, 2018.**

SECTION 4. **An emergency is declared for this act.**

(Reference is to ESB 29 as printed April 3, 2017.)

KOCH	COOK
MRVAN	KLINKER
Senate Conferees	House Conferees

Roll Call 509: yeas 89, nays 1. Report adopted.

#### CONFEREES AND ADVISORS APPOINTED

The Speaker announced the appointment of Representatives to conference committees on the following Engrossed House Bills (the Representative listed first is the Chair):

HB 1243 Conferee: VanNatter replacing Pryor

HB 1540 Conferee: Ober replacing Shackelford

The House stood for a moment of silence in honor of LCPL Jacky Ray Koenig, Jr.

The House recessed until the fall of the gavel.

**RECESS**

The House reconvened at 5:12 p.m. with the Speaker in the Chair.

**MOTIONS TO DISSENT  
FROM SENATE AMENDMENTS**

HOUSE MOTION

Mr. Speaker: I move that the concurrence filed on April 18, 2017 be withdrawn and that the House do now dissent from Senate Amendments to Engrossed House Bill 1133 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

LEHMAN

Motion prevailed.

**REPORTS FROM COMMITTEES**

COMMITTEE REPORT

Mr. Speaker: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedures, to which was referred Engrossed Senate Bill 151-2017 because it conflicts with HEA 1308-2017 without properly recognizing the existence of HEA 1308-2017, has had Engrossed Senate Bill 151-2017 under consideration and begs leave to report back to the House with the recommendation that Engrossed Senate Bill 151-2017 be corrected as follows:

Page 3, line 26, after "ASSEMBLY," insert "AND AS AMENDED BY HEA 1308-2017, SECTION 25,".

Page 4, line 38, delete "(12) The state epidemiologist" and insert "(12) The state epidemiologist".

(Reference is to ESB 151 as reprinted April 4, 2017.)

TORR, Chair  
DVORAK, R.M.M.  
CLERE, Sponsor

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedures, to which was referred Engrossed Senate Bill 353-2017 because it conflicts with SEA 443-2017 without properly recognizing the existence of SEA 443-2017, has had Engrossed Senate Bill 353-2017 under consideration and begs leave to report back to the House with the recommendation that Engrossed Senate Bill 353-2017 be corrected as follows:

Page 6, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 2. IC 24-5-0.5-3, AS AMENDED BY SEA 353-2017, SECTION 1, AND AS AMENDED BY SEA 443-2017, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2018]: Sec. 3. (a) A supplier may not commit an unfair, abusive, or deceptive act, omission, or practice in connection with a consumer transaction. Such an act, omission, or practice by a supplier is a violation of this chapter whether it occurs before, during, or after the transaction. An act, omission, or practice prohibited by this section includes both implicit and explicit misrepresentations.

(b) Without limiting the scope of subsection (a), the following acts, and the following representations as to the subject matter of a consumer transaction, made orally, in writing, or by electronic communication, by a supplier, are deceptive acts:

(1) That such subject of a consumer transaction has sponsorship, approval, performance, characteristics, accessories, uses, or benefits it does not have which the supplier knows or should reasonably know it does not have.

(2) That such subject of a consumer transaction is of a particular standard, quality, grade, style, or model, if it is not and if the supplier knows or should reasonably know that it is not.

(3) That such subject of a consumer transaction is new or unused, if it is not and if the supplier knows or should reasonably know that it is not.

(4) That such subject of a consumer transaction will be supplied to the public in greater quantity than the supplier intends or reasonably expects.

(5) That replacement or repair constituting the subject of a consumer transaction is needed, if it is not and if the supplier knows or should reasonably know that it is not.

(6) That a specific price advantage exists as to such subject of a consumer transaction, if it does not and if the supplier knows or should reasonably know that it does not.

(7) That the supplier has a sponsorship, approval, or affiliation in such consumer transaction the supplier does not have, and which the supplier knows or should reasonably know that the supplier does not have.

(8) That such consumer transaction involves or does not involve a warranty, a disclaimer of warranties, or other rights, remedies, or obligations, if the representation is false and if the supplier knows or should reasonably know that the representation is false.

(9) That the consumer will receive a rebate, discount, or other benefit as an inducement for entering into a sale or lease in return for giving the supplier the names of prospective consumers or otherwise helping the supplier to enter into other consumer transactions, if earning the benefit, rebate, or discount is contingent upon the occurrence of an event subsequent to the time the consumer agrees to the purchase or lease.

(10) That the supplier is able to deliver or complete the subject of the consumer transaction within a stated period of time, when the supplier knows or should reasonably know the supplier could not. If no time period has been stated by the supplier, there is a presumption that the supplier has represented that the supplier will deliver or complete the subject of the consumer transaction within a reasonable time, according to the course of dealing or the usage of the trade.

(11) That the consumer will be able to purchase the subject of the consumer transaction as advertised by the supplier, if the supplier does not intend to sell it.

(12) That the replacement or repair constituting the subject of a consumer transaction can be made by the supplier for the estimate the supplier gives a customer for the replacement or repair, if the specified work is completed and:

(A) the cost exceeds the estimate by an amount equal to or greater than ten percent (10%) of the estimate;

(B) the supplier did not obtain written permission from the customer to authorize the supplier to complete the work even if the cost would exceed the amounts specified in clause (A);

(C) the total cost for services and parts for a single transaction is more than seven hundred fifty dollars (\$750); and

(D) the supplier knew or reasonably should have known



- that the cost would exceed the estimate in the amounts specified in clause (A).
- (13) That the replacement or repair constituting the subject of a consumer transaction is needed, and that the supplier disposes of the part repaired or replaced earlier than seventy-two (72) hours after both:
- (A) the customer has been notified that the work has been completed; and
- (B) the part repaired or replaced has been made available for examination upon the request of the customer.
- (14) Engaging in the replacement or repair of the subject of a consumer transaction if the consumer has not authorized the replacement or repair, and if the supplier knows or should reasonably know that it is not authorized.
- (15) The act of misrepresenting the geographic location of the supplier by listing a ~~fictitious~~ **an alternate** business name or an assumed business name (as described in ~~IC 23-15-1~~) **IC 23-0.5-3-4**) in a local telephone directory if:
- (A) the name misrepresents the supplier's geographic location;
- (B) the listing fails to identify the locality and state of the supplier's business;
- (C) calls to the local telephone number are routinely forwarded or otherwise transferred to a supplier's business location that is outside the calling area covered by the local telephone directory; and
- (D) the supplier's business location is located in a county that is not contiguous to a county in the calling area covered by the local telephone directory.
- (16) The act of listing a ~~fictitious~~ **an alternate** business name or assumed business name (as described in ~~IC 23-15-1~~) **IC 23-0.5-3-4**) in a directory assistance ~~database data base~~ if:
- (A) the name misrepresents the supplier's geographic location;
- (B) calls to the local telephone number are routinely forwarded or otherwise transferred to a supplier's business location that is outside the local calling area; and
- (C) the supplier's business location is located in a county that is not contiguous to a county in the local calling area.
- (17) The violation by a supplier of IC 24-3-4 concerning cigarettes for import or export.
- (18) The act of a supplier in knowingly selling or reselling a product to a consumer if the product has been recalled, whether by the order of a court or a regulatory body, or voluntarily by the manufacturer, distributor, or retailer, unless the product has been repaired or modified to correct the defect that was the subject of the recall.
- (19) The violation by a supplier of 47 U.S.C. 227, including any rules or regulations issued under 47 U.S.C. 227.
- (20) The violation by a supplier of the federal Fair Debt Collection Practices Act (15 U.S.C. 1692 et seq.), including any rules or regulations issued under the federal Fair Debt Collection Practices Act (15 U.S.C. 1692 et seq.).
- (21) A violation of IC 24-5-7 (concerning health spa services), as set forth in IC 24-5-7-17.
- (22) A violation of IC 24-5-8 (concerning business opportunity transactions), as set forth in IC 24-5-8-20.
- (23) A violation of IC 24-5-10 (concerning home consumer transactions), as set forth in IC 24-5-10-18.
- (24) A violation of IC 24-5-11 (concerning real property improvement contracts), as set forth in IC 24-5-11-14.

- (25) A violation of IC 24-5-12 (concerning telephone solicitations), as set forth in IC 24-5-12-23.
- (26) A violation of IC 24-5-13.5 (concerning buyback motor vehicles), as set forth in IC 24-5-13.5-14.
- (27) A violation of IC 24-5-14 (concerning automatic dialing-announcing devices), as set forth in IC 24-5-14-13.
- (28) A violation of IC 24-5-15 (concerning credit services organizations), as set forth in IC 24-5-15-11.
- (29) A violation of IC 24-5-16 (concerning unlawful motor vehicle subleasing), as set forth in IC 24-5-16-18.
- (30) A violation of IC 24-5-17 (concerning environmental marketing claims), as set forth in IC 24-5-17-14.
- (31) A violation of IC 24-5-19 (concerning deceptive commercial solicitation), as set forth in IC 24-5-19-11.
- (32) A violation of IC 24-5-21 (concerning prescription drug discount cards), as set forth in IC 24-5-21-7.
- (33) A violation of IC 24-5-23.5-7 (concerning real estate appraisals), as set forth in IC 24-5-23.5-9.
- (34) A violation of IC 24-5-26 (concerning identity theft), as set forth in IC 24-5-26-3.
- (35) A violation of IC 24-5.5 (concerning mortgage rescue fraud), as set forth in IC 24-5.5-6-1.
- (36) A violation of IC 24-8 (concerning promotional gifts and contests), as set forth in IC 24-8-6-3.
- (37) A violation of IC 21-18.5-6 (concerning representations made by a postsecondary credit bearing proprietary educational institution), as set forth in IC 21-18.5-6-22.5.
- (c) Any representations on or within a product or its packaging or in advertising or promotional materials which would constitute a deceptive act shall be the deceptive act both of the supplier who places such representation thereon or therein, or who authored such materials, and such other suppliers who shall state orally or in writing that such representation is true if such other supplier shall know or have reason to know that such representation was false.
- (d) If a supplier shows by a preponderance of the evidence that an act resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adopted to avoid the error, such act shall not be deceptive within the meaning of this chapter.
- (e) It shall be a defense to any action brought under this chapter that the representation constituting an alleged deceptive act was one made in good faith by the supplier without knowledge of its falsity and in reliance upon the oral or written representations of the manufacturer, the person from whom the supplier acquired the product, any testing organization, or any other person provided that the source thereof is disclosed to the consumer.
- (f) For purposes of subsection (b)(12), a supplier that provides estimates before performing repair or replacement work for a customer shall give the customer a written estimate itemizing as closely as possible the price for labor and parts necessary for the specific job before commencing the work.
- (g) For purposes of subsection (b)(15) and (b)(16), a telephone company or other provider of a telephone directory or directory assistance service or its officer or agent is immune from liability for publishing the listing of a ~~fictitious~~ **an alternate** business name or assumed business name of a supplier in its directory or directory assistance ~~database data base~~ unless the telephone company or other provider of a telephone directory or directory assistance service is the same person as the supplier who has committed the deceptive act.
- (h) For purposes of subsection (b)(18), it is an affirmative defense to any action brought under this chapter that the product has been altered by a person other than the defendant to render the product completely incapable of serving its original purpose."

Renumber all SECTIONS consecutively.  
(Reference is to ESB 353 as reprinted April 6, 2017.)

TORR, Chair  
 DVORAK, R.M.M.  
 CARBAUGH, Sponsor

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedures, to which was referred Engrossed House Bill 1005-2017 because it conflicts with SEA 442-2017 and HEA 1521-2017 without properly recognizing the existence of SEA 442-2017 and HEA 1521-2017, has had Engrossed House Bill 1005-2017 under consideration and begs leave to report back to the House with the recommendation that Engrossed House Bill 1005-2017 be corrected as follows:

- Page 2, line 25, delete "P.L.169-2015," and insert "HEA 1521-2017, SECTION 10,".
  - Page 2, line 26, delete "SECTION 58,".
  - Page 2, line 38, after "alternate" insert "presidential".
  - Page 3, line 1, after "alternate" insert "presidential".
  - Page 3, line 7, delete "P.L.216-2015," and insert "SEA 442-2017, SECTION 37,".
  - Page 3, line 8, delete "SECTION 14,".
  - Page 3, line 10, delete "2016" and insert "2020".
- (Reference is to EHB 1005 as printed March 28, 2017.)

TORR, Chair  
 DVORAK, R.M.M.  
 BOSMA, Author

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedures, to which was referred Engrossed House Bill 1281-2017 because it conflicts with HEA 1617-2017 without properly recognizing the existence of HEA 1617-2017, has had Engrossed House Bill 1281-2017 under consideration and begs leave to report back to the House with the recommendation that Engrossed House Bill 1281-2017 be corrected as follows:

- Page 1, line 11, delete "P.L.281-2013," and insert "HEA 1617-2017, SECTION 1,".
  - Page 1, line 12, delete "SECTION 27,".
  - Page 2, between lines 2 and 3, begin a new line block indented and insert:  
 "(6) IC 21-14-6.5.".
  - Page 2, line 3, delete "(6)" and insert "(7)".
  - Page 2, line 4, delete "(7)" and insert "(8)".
- (Reference is to EHB 1281 as printed March 24, 2017.)

TORR, Chair  
 DVORAK, R.M.M.  
 SULLIVAN, Author

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedures, to which was referred Engrossed House Bill 1488-2017 because it conflicts with HEA 1119-2017 AND HEA 1592-2017 without properly recognizing the existence of HEA 1119-2017 AND HEA 1592-2017, has had Engrossed House Bill 1488-2017 under consideration and begs leave to report back to the House with the recommendation that Engrossed House Bill 1488-2017 be corrected as follows:

- Page 2, line 35, delete "P.L.174-2016," and insert "HEA 1119-2017, SECTION 1,".
- Page 2, line 36, delete "SECTION 5,".
- Page 3, line 2, delete "or".
- Page 3, line 3, delete "." and insert ", or manufactured

homes.".

- Page 35, line 9, delete "P.L.174-2016," and insert "HEA 1119-2017, SECTION 2, AND HEA 1592-2017, SECTION 1,".
  - Page 35, line 10, delete "SECTION 82,".
  - Page 35, line 11, delete "The" and insert "Subject to IC 9-32-11-20, the".
  - Page 35, between lines 22 and 23, begin a new line block indented and insert:  
 "(10) A manufactured home dealer.".
- (Reference is to EHB 1488 as printed March 14, 2017.)

TORR, Chair  
 DVORAK, R.M.M.  
 SULLIVAN, Author

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedures, to which was referred Engrossed House Bill 1521-2017 because it conflicts with SEA 442-2017 without properly recognizing the existence of SEA 442-2017, has had Engrossed House Bill 1521-2017 under consideration and begs leave to report back to the House with the recommendation that Engrossed House Bill 1521-2017 be corrected as follows:

- Page 25, line 20, after "IC 3-11.5-4-23" insert ", AS AMENDED BY SEA 442-2017, SECTION 56,".
  - Page 25, line 22, delete "ten (10)" and insert "fifty (50)".
  - Page 25, line 22, delete "absentee voting begins under IC 3-11-10-26," and insert "election day,".
  - Page 25, line 31, delete "noon three".
  - Page 25, line 32, delete "(3)" and insert "forty-six (46)".
  - Page 25, line 32, delete "absentee voting begins under IC 3-11-10-26." and insert "election day.".
- (Reference is to EHB 1521 as printed March 29, 2017.)

TORR, Chair  
 DVORAK, R.M.M.  
 RICHARDSON, Author

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedures, to which was referred Engrossed House Bill 1555-2017 because it conflicts with SEA 119-2017 without properly recognizing the existence of SEA 119-2017, has had Engrossed House Bill 1555-2017 under consideration and begs leave to report back to the House with the recommendation that Engrossed House Bill 1555-2017 be corrected as follows:

- Page 2, line 38, delete "P.L.62-2015," and insert "SEA 119-2017,".
  - Page 3, between lines 39 and 40, begin a new line block indented and insert:  
 "(25) An emergency medical services provider whose employer purchases coverage under section 4.9 of this chapter.".
- (Reference is to EHB 1555 as printed March 31, 2017.)

TORR, Chair  
 DVORAK, R.M.M.  
 MAYFIELD, Author

Report adopted.

**CONFEREES AND ADVISORS APPOINTED**

The Speaker announced the following changes in appointment of Representatives as conferees and advisors:

HB 1382 Conferee: Cook replacing Moed

The Speaker announced the appointment of Representatives to conference committees on the following Engrossed House Bills (the Representative listed first is the Chair):

HB 1133 Conferees: Lehman and Dvorak  
Advisors: Torr, Pressel and Pierce

Representatives Behning, C. Brown, T. Brown, Eberhart, Huston, Lehman, Morrison and Soliday, who had been excused, are now present.

### MOTIONS TO CONCUR IN SENATE AMENDMENTS

#### HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1493.

T. BROWN

#### HOUSE MOTION

Mr. Speaker: Pursuant to House Rule 46, I request to be excused from voting on the question of Engrossed Senate Bill 1493. Pursuant to House Rule 168, the reason for the request is the following:

I have a duty to conduct my official duties in a manner that avoids the appearance of impropriety. My employer operates long term care facilities.

PORTER

Motion prevailed.

Roll Call 510: yeas 95, nays 0. Motion prevailed.

### ACTION ON RULES SUSPENSIONS AND CONFERENCE COMMITTEE REPORTS

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 161.1 and recommends that it be suspended so that the following conference committee reports are eligible for consideration after April 15, 2017; we further recommend that House Rule 163.1 be suspended so that the following conference committee reports may be laid over on the members' desks for 2 hours, so that they may be eligible to be placed before the House for action: Engrossed House Bills 1274-1 and 1406-1 and Engrossed Senate Bill 478-1.

TORR, Chair

Report adopted.

#### HOUSE MOTION

Mr. Speaker: I move House Rule 161.1 be suspended so that the following conference committee reports are eligible for consideration after April 15, 2017, and that House Rule 163.1 be suspended so that the following conference committee reports may be laid over on the members' desks for 2 hours, so that they may be eligible to be placed before the House for action: Engrossed House Bills 1274-1 and 1406-1 and Engrossed Senate Bill 478-1.

TORR, Chair

Motion prevailed.

### CONFERENCE COMMITTEE REPORT EHB 1274-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1274 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 31-9-2-122.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 122.5. "STEVE system", for purposes of IC 31-19-20, IC 31-19-22, IC 31-19-25, and IC 31-19-25.5, refers to the State and Territorial Exchange of Vital Events Exchange System, administered by the National Association for Public Health Statistics and Information Systems.**

SECTION 2. IC 31-19-2.5-3, AS AMENDED BY P.L.16-2017, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 3. (a) Except as provided in section 4 of this chapter, notice must be given to a:

- (1) person whose consent to adoption is required under IC 31-19-9-1;
- (2) putative father who is entitled to notice under IC 31-19-4; and
- (3) grandparent **described in IC 31-19-4.5-1(3)** of a child sought to be adopted. **in a form substantially similar to the form prescribed by IC 31-19-4.5-3.**

(b) If the parent-child relationship has been terminated under IC 31-35 (or IC 31-6-5 before its repeal), notice of the pendency of the adoption proceedings shall be given to the:

- (1) licensed child placing agency; or
- (2) local office;

of which the child is a ward.

SECTION 3. IC 31-19-4.5-1, AS AMENDED BY P.L.16-2017, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 1. This chapter:

- (1) shall not be construed to affect notice of an adoption provided to a putative father under IC 31-19-4;
- (2) applies to a father who has abandoned, failed to support, or failed to communicate with a child; and
- (3) **except for section 3 of this chapter**, applies to a grandparent who:

(A) is the grandparent of a child sought to be adopted; and

(B) has:

(i) an existing right to petition for visitation under IC 31-17-5; and

(ii) a right to visitation that will not be terminated after the adoption **pursuant to under** IC 31-17-5-9;

at a time prior to the date of the filing of the petition for adoption.

SECTION 4. IC 31-19-4.5-1.5, AS ADDED BY P.L.16-2017, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 1.5. A notice **described to a grandparent required under section 1(3) of this chapter IC 31-19-2.5-3(a)(3)** is:

(1) limited to the issue of visitation and may not be used to contest an adoption; and

(2) not required if the child to be adopted has been placed in the care, custody, or control of the department."

SECTION 5. IC 31-19-20-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The state department of health may charge a reasonable fee for the state registrar's search for:

(1) further medical history information under section 2(a) of this chapter; or

(2) death certificates **in the Indiana death registration system, including files sent through the STEVE system.**

(b) Fees collected under this section shall be deposited in the adoption history fund established by IC 31-19-18-6 and must be used for the automation of adoption history information and

death certificates and for improved service delivery.

SECTION 6. IC 31-19-22-3, AS AMENDED BY P.L.191-2011, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The consent of a birth parent is not required for release of identifying information under this chapter if the individual requesting the release of the identifying information under section 2 of this chapter submits:

- (1) a death certificate;
- (2) an obituary; **or**
- (3) STEVE files obtained directly from another state;**
- or**
- (3) (4) any other form of evidence approved by the state department of health;**

indicating that a birth parent is deceased to the person releasing the identifying information for each birth parent who is named on the adoptee's original birth certificate.

(b) The consent of an adoptee is not required for the release of identifying information under this chapter if the individual requesting the release of identifying information under section 2 of this chapter submits:

- (1) the death certificate of the adoptee;
- (2) an obituary for the adoptee; **or**
- (3) records from the STEVE system; or**
- (3) (4) any other form of evidence approved by the state department of health;**

indicating that the adoptee is deceased to the person releasing the identifying information.

SECTION 7. IC 31-19-22-4, AS AMENDED BY P.L.191-2011, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. If an individual submits a request for the release of identifying information under section 2 of this chapter, the state registrar shall search the death certificates in the state registrar's possession **and the STEVE system** regarding the related adoptee or a birth parent:

- (1) who has not submitted a consent for the release of information under IC 31-19-21; and
- (2) whose consent is necessary before identifying information may be released to the individual.

SECTION 8. IC 31-19-22-6, AS AMENDED BY P.L.191-2011, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. If, upon searching the death certificates **and the STEVE system** under section 4 of this chapter, the state registrar finds that the adoptee or birth parent who has not yet submitted a written consent is deceased, the state registrar shall inform the individual who submitted the request of the death and:

- (1) may not release identifying information if additional consent is required by this chapter; and
- (2) may release identifying information if additional consent is not required by this chapter.

SECTION 9. IC 31-19-25-15, AS ADDED BY P.L.191-2011, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. Except as provided in section 21 of this chapter, the consent of an adoptee is not required for the release of identifying information under this chapter if the individual requesting the release of identifying information under section 2 of this chapter submits:

- (1) a death certificate;
- (2) an obituary; **or**
- (3) records from the STEVE system; or**
- (3) (4) any other form of evidence approved by the state department of health;**

indicating that the adoptee is deceased, to the person releasing the identifying information.

SECTION 10. IC 31-19-25.5-4, AS ADDED BY P.L.191-2011, SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) This section applies to adoptions that are filed before January 1,

1994.

(b) Except as provided under subsections (d) and (e), the state registrar shall release the name and address of a pre-adoptive sibling to an adoptee who submits a written request under section 2 of this chapter if the following requirements are satisfied:

- (1) The pre-adoptive sibling of the adoptee has submitted a written request under section 2 of this chapter.
- (2) Each birth parent who is listed on the adoptee's original birth certificate has submitted a written consent for release of identifying information under IC 31-19-21.

(c) Except as provided under subsections (d) and (e), the state registrar shall release the name and address of an adoptee to a pre-adoptive sibling of the adoptee who submits a written request under section 2 of this chapter if the following requirements are satisfied:

- (1) The adoptee has submitted a written request under section 2 of this chapter.
- (2) Each birth parent who is listed on the adoptee's original birth certificate has submitted a written consent for release of identifying information under IC 31-19-21.

(d) The consent of a birth parent is not required for the release of information under this section if a person who submits a request under section 2 of this chapter provides:

- (1) a death certificate;
- (2) an obituary; **or**
- (3) records from the STEVE system; or**
- (3) (4) any other form of evidence approved by the state department of health;**

indicating that a birth parent is deceased to the state registrar for each birth parent who is named on the adoptee's original birth certificate.

(e) The state registrar shall search the death certificates in the state registrar's possession **and the STEVE system** regarding a birth parent if an adoptee and a pre-adoptive sibling of the adoptee have submitted written requests to be in contact. If the state registrar determines that a birth parent is deceased, the consent of the birth parent who is deceased is not required for the release of the information under this section.

(f) If the state registrar is prohibited under this section from releasing the name and address of a pre-adoptive sibling or an adoptee, the state registrar shall provide information on requesting the release of adoption information under IC 31-19-24 to the adoptee or pre-adoptive sibling requesting the release of the information.

SECTION 11. IC 31-19-25.5-5, AS AMENDED BY P.L.3-2016, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Except as provided under subsections (c) and (e), the state registrar shall release the name and address of a pre-adoptive sibling to an adoptee who submits a written request under section 2 of this chapter if:

- (1) the pre-adoptive sibling of the adoptee has submitted a written request under section 2 of this chapter; and
- (2) a birth parent has not filed a:
  - (A) written nonrelease form (before July 1, 2018); or
  - (B) contact preference form (after June 30, 2018) with the state registrar under IC 31-19-25 that evidences the birth parent's lack of consent to the release of identifying information.

(b) Except as provided under subsections (c) and (e), the state registrar shall release the name and address of an adoptee to a pre-adoptive sibling of the adoptee who submits a written request under section 2 of this chapter if:

- (1) the adoptee has submitted a written request under section 2 of this chapter; and
- (2) a birth parent has not filed a:
  - (A) written nonrelease form (before July 1, 2018); or
  - (B) contact preference form (after June 30, 2018) with the state registrar under IC 31-19-25 that evidences the

birth parent's lack of consent to the release of identifying information.

(c) Except as provided under subsection (f), the state registrar shall release information under this section if:

(1) both the adoptee and pre-adoptive sibling of the adoptee have submitted requests under section 2 of this chapter; and

(2) the adoptee or pre-adoptive sibling who requested information under section 2 of this chapter submits:

(A) a death certificate;

(B) an obituary; or

(C) any other form of evidence approved by the state department of health;

indicating that a birth parent is deceased to the state registrar for each birth parent who is named on the adoptee's original birth certificate.

(d) The state registrar shall search the death certificates **and the STEVE system** in the state registrar's possession regarding a birth parent if:

(1) an adoptee and a pre-adoptive sibling of the adoptee have submitted written requests to be in contact; and

(2) a birth parent has filed a contact preference form under IC 31-19-25 that evidences the birth parent's lack of consent to the release of identifying information.

(e) Except as provided under subsection (f), if, upon searching the death certificates **and the STEVE system** under subsection (d), the state registrar finds that a birth parent is deceased, the state registrar shall:

(1) inform the adoptee and pre-adoptive sibling of the death; and

(2) release the information if additional consent is not required by this chapter.

(f) The state registrar may not release information under this section to an adoptee or pre-adoptive sibling if:

(1) additional consent is required under this chapter; or

(2) a:

(A) nonrelease form (before July 1, 2018); or

(B) contact preference form (after June 30, 2018) that evidences the birth parent's lack of consent to the release of identifying information;

submitted by a birth parent specifically states that the nonrelease form or contact preference form shall remain in effect after the birth parent's death.

(g) If the state registrar is prohibited from releasing the name and address of the pre-adoptive sibling under this section, the state registrar shall provide information on requesting the release of adoption information under IC 31-19-24 to the adoptee or pre-adoptive sibling.

**SECTION 12. [EFFECTIVE UPON PASSAGE] (a) The general assembly recognizes that this act amends IC 31-19-22-3, IC 31-19-22-4, IC 31-19-22-6, and IC 31-19-25.5-4 and that SEA 91-2016 repeals those provisions. The general assembly intends to amend IC 31-19-22-3, IC 31-19-22-4, IC 31-19-22-6, and IC 31-19-25.5-4, and the general assembly intends to have the repeal of those provisions take effect July 1, 2018.**

**(b) This SECTION expires December 31, 2018.**

**SECTION 13. An emergency is declared for this act.**

(Reference is to EHB 1274 as printed March 21, 2017.)

CLERE

SUMMERS

House Conferees

BRAY

G. TAYLOR

Senate Conferees

Roll Call 511: yeas 96, nays 0. Report adopted.

Representative Wolkins, who had been excused, is now present

## CONFERENCE COMMITTEE REPORT

EHB 1406-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1406 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 16-31-3-14.5, AS AMENDED BY P.L.238-2015, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]:** Sec. 14.5. The department of homeland security may issue an order under IC 4-21.5-3-6 to deny an applicant's request for certification or licensure or permanently revoke a certificate or license under procedures provided by section 14 of this chapter if the individual who holds the certificate or license issued under this title is convicted of any of the following:

(1) Dealing in or manufacturing cocaine or a narcotic drug under IC 35-48-4-1.

(2) Dealing in methamphetamine under IC 35-48-4-1.1.

~~(3)~~ **(3) Manufacturing methamphetamine under IC 35-48-4-1.2.**

~~(4)~~ **(4)** Dealing in a schedule I, II, or III controlled substance under IC 35-48-4-2.

~~(5)~~ **(5)** Dealing in a schedule IV controlled substance under IC 35-48-4-3.

~~(6)~~ **(6)** Dealing in a schedule V controlled substance under IC 35-48-4-4.

~~(7)~~ **(7)** Dealing in a substance represented to be a controlled substance under IC 35-48-4-4.5.

~~(8)~~ **(8)** Knowingly or intentionally manufacturing, advertising, distributing, or possessing with intent to manufacture, advertise, or distribute a substance represented to be a controlled substance under IC 35-48-4-4.6.

~~(9)~~ **(9)** Dealing in a counterfeit substance under IC 35-48-4-5.

~~(10)~~ **(10)** Dealing in marijuana, hash oil, hashish, or salvia as a felony under IC 35-48-4-10.

~~(11)~~ **(11)** Dealing in a synthetic drug or synthetic drug lookalike substance under IC 35-48-4-10.5 (or under IC 35-48-4-10(b) before its amendment in 2013).

~~(12)~~ **(12)** Conspiracy under IC 35-41-5-2 to commit an offense listed in this section.

~~(13)~~ **(13)** Attempt under IC 35-41-5-1 to commit an offense listed in this section.

~~(14)~~ **(14)** A crime of violence (as defined in IC 35-50-1-2(a)).

~~(15)~~ **(15)** An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described under this section.

**SECTION 2. IC 20-28-5-8, AS AMENDED BY P.L.13-2016, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]:** Sec. 8. (a) This section applies when a prosecuting attorney knows that a licensed employee of a public school or a nonpublic school has been convicted of an offense listed in subsection (c). The prosecuting attorney shall immediately give written notice of the conviction to the following:

- (1) The state superintendent.
- (2) Except as provided in subdivision (3), the superintendent of the school corporation that employs the licensed employee or the equivalent authority if a nonpublic school employs the licensed employee.
- (3) The presiding officer of the governing body of the school corporation that employs the licensed employee, if the convicted licensed employee is the superintendent of the school corporation.

(b) The superintendent of a school corporation, presiding officer of the governing body, or equivalent authority for a nonpublic school shall immediately notify the state superintendent when the individual knows that a current or former licensed employee of the public school or nonpublic school has been convicted of an offense listed in subsection (c), or when the governing body or equivalent authority for a nonpublic school takes any final action in relation to an employee who engaged in any offense listed in subsection (c).

(c) The department, after holding a hearing on the matter, shall permanently revoke the license of a person who is known by the department to have been convicted of any of the following felonies:

- (1) Kidnapping (IC 35-42-3-2).
- (2) Criminal confinement (IC 35-42-3-3).
- (3) Rape (IC 35-42-4-1).
- (4) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
- (5) Child molesting (IC 35-42-4-3).
- (6) Child exploitation (IC 35-42-4-4(b) or IC 35-42-4-4(c)).
- (7) Vicarious sexual gratification (IC 35-42-4-5).
- (8) Child solicitation (IC 35-42-4-6).
- (9) Child seduction (IC 35-42-4-7).
- (10) Sexual misconduct with a minor (IC 35-42-4-9).
- (11) Incest (IC 35-46-1-3).
- (12) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).
- (13) Dealing in methamphetamine (IC 35-48-4-1.1).
- (14) Manufacturing methamphetamine (IC 35-48-4-1.2).**
- ~~(14)~~ (15) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).
- ~~(15)~~ (16) Dealing in a schedule IV controlled substance (IC 35-48-4-3).
- ~~(16)~~ (17) Dealing in a schedule V controlled substance (IC 35-48-4-4).
- ~~(17)~~ (18) Dealing in a counterfeit substance (IC 35-48-4-5).
- ~~(18)~~ (19) Dealing in marijuana, hash oil, hashish, or salvia as a felony (IC 35-48-4-10).
- ~~(19)~~ (20) Dealing in a synthetic drug or synthetic drug lookalike substance (IC 35-48-4-10.5, or IC 35-48-4-10(b) before its amendment in 2013).
- ~~(20)~~ (21) Possession of child pornography (IC 35-42-4-4(d) or IC 35-42-4-4(e)).
- ~~(21)~~ (22) Homicide (IC 35-42-1).
- ~~(22)~~ (23) Voluntary manslaughter (IC 35-42-1-3).
- ~~(23)~~ (24) Reckless homicide (IC 35-42-1-5).
- ~~(24)~~ (25) Battery as any of the following:
  - (A) A Class A felony (for a crime committed before July 1, 2014) or a Level 2 felony (for a crime committed after June 30, 2014).
  - (B) A Class B felony (for a crime committed before July 1, 2014) or a Level 3 felony (for a crime committed after June 30, 2014).
  - (C) A Class C felony (for a crime committed before July 1, 2014) or a Level 5 felony (for a crime committed after June 30, 2014).
- ~~(25)~~ (26) Aggravated battery (IC 35-42-2-1.5).
- ~~(26)~~ (27) Robbery (IC 35-42-5-1).

- ~~(27)~~ (28) Carjacking (IC 35-42-5-2) (before its repeal).
- ~~(28)~~ (29) Arson as a Class A felony or Class B felony (for a crime committed before July 1, 2014) or as a Level 2, Level 3, or Level 4 felony (for a crime committed after June 30, 2014) (IC 35-43-1-1(a)).
- ~~(29)~~ (30) Burglary as a Class A felony or Class B felony (for a crime committed before July 1, 2014) or as a Level 1, Level 2, Level 3, or Level 4 felony (for a crime committed after June 30, 2014) (IC 35-43-2-1).
- ~~(30)~~ (31) Attempt under IC 35-41-5-1 to commit an offense listed in this subsection.
- ~~(31)~~ (32) Conspiracy under IC 35-41-5-2 to commit an offense listed in this subsection.

(d) The department, after holding a hearing on the matter, shall permanently revoke the license of a person who is known by the department to have been convicted of a federal offense or an offense in another state that is comparable to a felony listed in subsection (c).

(e) A license may be suspended by the state superintendent as specified in IC 20-28-7.5.

(f) The department shall develop a data base of information on school corporation employees who have been reported to the department under this section.

SECTION 3. IC 22-15-5-16, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2017 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 16. (a) A practitioner shall comply with the standards established under this licensing program. A practitioner is subject to the exercise of the disciplinary sanctions under subsection (b) if the department finds that a practitioner has:

- (1) engaged in or knowingly cooperated in fraud or material deception in order to obtain a license to practice, including cheating on a licensing examination;
- (2) engaged in fraud or material deception in the course of professional services or activities;
- (3) advertised services or goods in a false or misleading manner;
- (4) falsified or knowingly allowed another person to falsify attendance records or certificates of completion of continuing education courses provided under this chapter;
- (5) been convicted of a crime that has a direct bearing on the practitioner's ability to continue to practice competently;
- (6) knowingly violated a state statute or rule or federal statute or regulation regulating the profession for which the practitioner is licensed;
- (7) continued to practice although the practitioner has become unfit to practice due to:
  - (A) professional incompetence;
  - (B) failure to keep abreast of current professional theory or practice;
  - (C) physical or mental disability; or
  - (D) addiction to, abuse of, or severe dependency on alcohol or other drugs that endanger the public by impairing a practitioner's ability to practice safely;
- (8) engaged in a course of lewd or immoral conduct in connection with the delivery of services to the public;
- (9) allowed the practitioner's name or a license issued under this chapter to be used in connection with an individual or business who renders services beyond the scope of that individual's or business's training, experience, or competence;
- (10) had disciplinary action taken against the practitioner or the practitioner's license to practice in another state or jurisdiction on grounds similar to those under this chapter;
- (11) assisted another person in committing an act that would constitute a ground for disciplinary sanction under this chapter; or
- (12) allowed a license issued by the department to be:

- (A) used by another person; or
- (B) displayed to the public when the license has expired, is inactive, is invalid, or has been revoked or suspended.

For purposes of subdivision (10), a certified copy of a record of disciplinary action constitutes prima facie evidence of a disciplinary action in another jurisdiction.

(b) The department may impose one (1) or more of the following sanctions if the department finds that a practitioner is subject to disciplinary sanctions under subsection (a):

- (1) Permanent revocation of a practitioner's license.
- (2) Suspension of a practitioner's license.
- (3) Censure of a practitioner.
- (4) Issuance of a letter of reprimand.
- (5) ~~Assess~~ **Assessment of** a civil penalty against the practitioner in accordance with the following:
  - (A) The civil penalty may not be more than one thousand dollars (\$1,000) for each violation listed in subsection (a), except for a finding of incompetency due to a physical or mental disability.
  - (B) When imposing a civil penalty, the department shall consider a practitioner's ability to pay the amount assessed. If the practitioner fails to pay the civil penalty within the time specified by the department, the department may suspend the practitioner's license without additional proceedings. However, a suspension may not be imposed if the sole basis for the suspension is the practitioner's inability to pay a civil penalty.
- (6) ~~Place~~ **Placement of** a practitioner on probation status and ~~require~~ **requirement of** the practitioner to:
  - (A) report regularly to the department upon the matters that are the basis of probation;
  - (B) limit practice to those areas prescribed by the department;
  - (C) continue or renew professional education approved by the department until a satisfactory degree of skill has been attained in those areas that are the basis of the probation; or
  - (D) perform or refrain from performing any acts, including community restitution or service without compensation, that the department considers appropriate to the public interest or to the rehabilitation or treatment of the practitioner.

The department may withdraw or modify this probation if the department finds after a hearing that the deficiency that required disciplinary action has been remedied or that changed circumstances warrant a modification of the order.

(c) If an applicant or a practitioner has engaged in or knowingly cooperated in fraud or material deception to obtain a license to practice, including cheating on the licensing examination, the department may rescind the license if it has been granted, void the examination or other fraudulent or deceptive material, and prohibit the applicant from reapplying for the license for a length of time established by the department.

(d) The department may deny licensure to an applicant who has had disciplinary action taken against the applicant or the applicant's license to practice in another state or jurisdiction or who has practiced without a license in violation of the law. A certified copy of the record of disciplinary action is conclusive evidence of the other jurisdiction's disciplinary action.

(e) The department may order a practitioner to submit to a reasonable physical or mental examination if the practitioner's physical or mental capacity to practice safely and competently is at issue in a disciplinary proceeding. Failure to comply with a department order to submit to a physical or mental examination makes a practitioner liable to temporary suspension under subsection (j).

(f) Except as provided under subsection (g) or (h), a license

may not be denied, revoked, or suspended because the applicant or holder has been convicted of an offense. The acts from which the applicant's or holder's conviction resulted may, however, be considered as to whether the applicant or holder should be entrusted to serve the public in a specific capacity.

(g) The department may deny, suspend, or revoke a license issued under this chapter if the individual who holds the license is convicted of any of the following:

- (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
  - (2) Possession of methamphetamine under IC 35-48-4-6.1.
  - (3) Possession of a controlled substance under IC 35-48-4-7(a).
  - (4) Fraudulently obtaining a controlled substance under IC 35-48-4-7(b) (for a crime committed before July 1, 2014) or IC 35-48-4-7(c) (for a crime committed after June 30, 2014).
  - (5) Manufacture of paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.1(b).
  - (6) Dealing in paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.5(b).
  - (7) Possession of paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.3(b) **(before its amendment on July 1, 2015)**.
  - (8) Possession of marijuana, hash oil, hashish, or salvia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-11.
  - (9) Possession of a synthetic drug or synthetic drug lookalike substance as a:
    - (A) Class D felony for a crime committed before July 1, 2014, under:
      - (i) IC 35-48-4-11, before its amendment in 2013; or
      - (ii) IC 35-48-4-11.5; or
    - (B) Level 6 felony for a crime committed after June 30, 2014, under IC 35-48-4-11.5.
  - (10) Maintaining a common nuisance under IC 35-48-4-13 (repealed) or IC 35-45-1-5, if the common nuisance involves a controlled substance.
  - (11) An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.
  - (12) Conspiracy under IC 35-41-5-2 to commit an offense listed in this subsection.
  - (13) Attempt under IC 35-41-5-1 to commit an offense listed in this subsection.
  - (14) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described in this subsection.
- (h) The department shall deny, revoke, or suspend a license issued under this chapter if the individual who holds the license is convicted of any of the following:
- (1) Dealing in cocaine or a narcotic drug under IC 35-48-4-1.
  - (2) Dealing in methamphetamine under IC 35-48-4-1.1.
  - (3) Manufacturing methamphetamine under IC 35-48-4-1.2.**
  - ~~(4)~~ **(4)** Dealing in a schedule I, II, or III controlled substance under IC 35-48-4-2.
  - ~~(5)~~ **(5)** Dealing in a schedule IV controlled substance under IC 35-48-4-3.
  - ~~(6)~~ **(6)** Dealing in a schedule V controlled substance under IC 35-48-4-4.
  - ~~(7)~~ **(7)** Dealing in a substance represented to be a

controlled substance under IC 35-48-4-4.5.

~~(7)~~ **(8)** Knowingly or intentionally manufacturing, advertising, distributing, or possessing with intent to manufacture, advertise, or distribute a substance represented to be a controlled substance under IC 35-48-4-4.6.

~~(8)~~ **(9)** Dealing in a counterfeit substance under IC 35-48-4-5.

~~(9)~~ **(10)** Dealing in marijuana, hash oil, hashish, or salvia as a felony under IC 35-48-4-10.

~~(10)~~ **(11)** Dealing in a synthetic drug or synthetic drug lookalike substance under IC 35-48-4-10.5 (or under IC 35-48-4-10(b) before its amendment in 2013).

~~(11)~~ **(12)** Conspiracy under IC 35-41-5-2 to commit an offense listed in this subsection.

~~(12)~~ **(13)** Attempt under IC 35-41-5-1 to commit an offense listed in this subsection.

~~(13)~~ **(14)** An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described in this subsection.

~~(14)~~ **(15)** A violation of any federal or state drug law or rule related to wholesale legend drug distributors licensed under IC 25-26-14.

(i) A decision of the department under subsections (b) through (h) may be appealed to the commission under IC 4-21.5-3-7.

(j) The department may temporarily suspend a practitioner's license under IC 4-21.5-4 before a final adjudication or during the appeals process if the department finds that a practitioner represents a clear and immediate danger to the public's health, safety, or property if the practitioner is allowed to continue to practice.

(k) On receipt of a complaint or an information alleging that a person licensed under this chapter has engaged in or is engaging in a practice that jeopardizes the public health, safety, or welfare, the department shall initiate an investigation against the person.

(l) Any complaint filed with the office of the attorney general alleging a violation of this licensing program shall be referred to the department for summary review and for its general information and any authorized action at the time of the filing.

(m) The department shall conduct a fact finding investigation as the department considers proper in relation to the complaint.

(n) The department may reinstate a license that has been suspended under this section if, after a hearing, the department is satisfied that the applicant is able to practice with reasonable skill, safety, and competency to the public. As a condition of reinstatement, the department may impose disciplinary or corrective measures authorized under this chapter.

(o) The department may not reinstate a license that has been revoked under this chapter. An individual whose license has been revoked under this chapter may not apply for a new license until seven (7) years after the date of revocation.

(p) The department shall seek to achieve consistency in the application of sanctions authorized in this chapter. Significant departures from prior decisions involving similar conduct must be explained in the department's findings or orders.

(q) A practitioner may petition the department to accept the surrender of the practitioner's license instead of having a hearing before the commission. The practitioner may not surrender the practitioner's license without the written approval of the department, and the department may impose any conditions appropriate to the surrender or reinstatement of a surrendered license.

(r) A practitioner who has been subjected to disciplinary sanctions may be required by the commission to pay the costs of the proceeding. The practitioner's ability to pay shall be considered when costs are assessed. If the practitioner fails to pay the costs, a suspension may not be imposed solely upon the

practitioner's inability to pay the amount assessed. The costs are limited to costs for the following:

- (1) Court reporters.
- (2) Transcripts.
- (3) Certification of documents.
- (4) Photo duplication.
- (5) Witness attendance and mileage fees.
- (6) Postage.
- (7) Expert witnesses.
- (8) Depositions.
- (9) Notarizations.

SECTION 4. IC 25-1-1.1-3, AS AMENDED BY P.L.238-2015, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 3. A board, a commission, or a committee shall revoke or suspend a license or certificate issued under this title by the board, the commission, or the committee if the individual who holds the license or certificate is convicted of any of the following:

(1) Dealing in or manufacturing cocaine or a narcotic drug under IC 35-48-4-1.

(2) Dealing in methamphetamine under IC 35-48-4-1.1.

**(3) Manufacturing methamphetamine under IC 35-48-4-1.2.**

~~(3)~~ **(4)** Dealing in a schedule I, II, or III controlled substance under IC 35-48-4-2.

~~(4)~~ **(5)** Dealing in a schedule IV controlled substance under IC 35-48-4-3.

~~(5)~~ **(6)** Dealing in a schedule V controlled substance under IC 35-48-4-4.

~~(6)~~ **(7)** Dealing in a substance represented to be a controlled substance under IC 35-48-4-4.5.

~~(7)~~ **(8)** Knowingly or intentionally manufacturing, advertising, distributing, or possessing with intent to manufacture, advertise, or distribute a substance represented to be a controlled substance under IC 35-48-4-4.6.

~~(8)~~ **(9)** Dealing in a counterfeit substance under IC 35-48-4-5.

~~(9)~~ **(10)** Dealing in marijuana, hash oil, hashish, or salvia as a felony under IC 35-48-4-10.

~~(10)~~ **(11)** Dealing in a synthetic drug or synthetic drug lookalike substance under IC 35-48-4-10.5 (or under IC 35-48-4-10(b) before its amendment in 2013).

~~(11)~~ **(12)** Conspiracy under IC 35-41-5-2 to commit an offense listed in this section.

~~(12)~~ **(13)** Attempt under IC 35-41-5-1 to commit an offense listed in this section.

~~(13)~~ **(14)** An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described in this section.

~~(14)~~ **(15)** A violation of any federal or state drug law or rule related to wholesale legend drug distributors licensed under IC 25-26-14.

SECTION 5. IC 33-23-1-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 4.5. "Drug related felony" has the meaning set forth in IC 35-48-1-16.3.**

SECTION 6. IC 33-24-6-3, AS AMENDED BY P.L.9-2016, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 3. (a) The division of state court administration shall do the following:

(1) Examine the administrative and business methods and systems employed in the offices of the clerks of court and other offices related to and serving the courts and make recommendations for necessary improvement.

(2) Collect and compile statistical data and other information on the judicial work of the courts in Indiana. All justices of the supreme court, judges of the court of appeals, judges of all trial courts, and any city or town



courts, whether having general or special jurisdiction, court clerks, court reporters, and other officers and employees of the courts shall, upon notice by the executive director and in compliance with procedures prescribed by the executive director, furnish the executive director the information as is requested concerning the nature and volume of judicial business. The information must include the following:

- (A) The volume, condition, and type of business conducted by the courts.
  - (B) The methods of procedure in the courts.
  - (C) The work accomplished by the courts.
  - (D) The receipt and expenditure of public money by and for the operation of the courts.
  - (E) The methods of disposition or termination of cases.
- (3) Prepare and publish reports, not less than one (1) or more than two (2) times per year, on the nature and volume of judicial work performed by the courts as determined by the information required in subdivision (2).
- (4) Serve the judicial nominating commission and the judicial qualifications commission in the performance by the commissions of their statutory and constitutional functions.
- (5) Administer the civil legal aid fund as required by IC 33-24-12.
- (6) Administer the judicial technology and automation project fund established by section 12 of this chapter.
- (7) By December 31, 2013, develop and implement a standard protocol for sending and receiving court data:

- (A) between the protective order registry, established by IC 5-2-9-5.5, and county court case management systems;
  - (B) at the option of the county prosecuting attorney, for:
    - (i) a prosecuting attorney's case management system;
    - (ii) a county court case management system; and
    - (iii) a county court case management system developed and operated by the division of state court administration;
 to interface with the electronic traffic tickets, as defined by IC 9-30-3-2.5; and
  - (C) between county court case management systems and the case management system developed and operated by the division of state court administration.
- The standard protocol developed and implemented under this subdivision shall permit private sector vendors, including vendors providing service to a local system and vendors accessing the system for information, to send and receive court information on an equitable basis and at an equitable cost.

- (8) Establish and administer an electronic system for receiving information that relates to certain individuals who may be prohibited from possessing a firearm and transmitting this information to the Federal Bureau of Investigation for inclusion in the NICS.
- (9) Establish and administer an electronic system for receiving **drug related** felony conviction information ~~for each felony described in IC 35-48-4-14.5(h)(1)~~ from courts. The division shall notify NPLEx of each **drug related** felony ~~described in IC 35-48-4-14.5(h)(1)~~ entered after June 30, 2012, and do the following:

- (A) Provide NPLEx with the following information:
  - (i) The convicted individual's full name.
  - (ii) The convicted individual's date of birth.
  - (iii) The convicted individual's driver's license number, state personal identification number, or other unique number, if available.
  - (iv) The date the individual was convicted of the felony.

Upon receipt of the information from the division, a

stop sale alert must be generated through NPLEx for each individual reported under this clause.

(B) Notify NPLEx if the felony of an individual reported under clause (A) has been:

- (i) set aside;
- (ii) reversed;
- (iii) expunged; or
- (iv) vacated.

Upon receipt of information under this clause, NPLEx shall remove the stop sale alert issued under clause (A) for the individual.

(10) Staff the judicial technology oversight committee established by IC 33-23-17-2.

(b) All forms to be used in gathering data must be approved by the supreme court and shall be distributed to all judges and clerks before the start of each period for which reports are required.

(c) The division may adopt rules to implement this section.

SECTION 7. IC 34-24-1-1, AS AMENDED BY P.L.237-2015, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 1. (a) The following may be seized:

(1) All vehicles (as defined by IC 35-31.5-2-346), if they are used or are intended for use by the person or persons in possession of them to transport or in any manner to facilitate the transportation of the following:

(A) A controlled substance for the purpose of committing, attempting to commit, or conspiring to commit any of the following:

(i) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).

(ii) Dealing in methamphetamine (IC 35-48-4-1.1).

**(iii) Manufacturing methamphetamine (IC 35-48-4-1.2).**

~~(iii)~~ (iv) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).

~~(iv)~~ (v) Dealing in a schedule IV controlled substance (IC 35-48-4-3).

~~(v)~~ (vi) Dealing in a schedule V controlled substance (IC 35-48-4-4).

~~(vi)~~ (vii) Dealing in a counterfeit substance (IC 35-48-4-5).

~~(vii)~~ (viii) Possession of cocaine or a narcotic drug (IC 35-48-4-6).

~~(viii)~~ (ix) Possession of methamphetamine (IC 35-48-4-6.1).

~~(ix)~~ (x) Dealing in paraphernalia (IC 35-48-4-8.5).

~~(x)~~ (xi) Dealing in marijuana, hash oil, hashish, or salvia (IC 35-48-4-10).

~~(xi)~~ (xii) Dealing in a synthetic drug or synthetic drug lookalike substance (IC 35-48-4-10.5, or IC 35-48-4-10 before its amendment in 2013).

(B) Any stolen (IC 35-43-4-2) or converted property (IC 35-43-4-3) if the retail or repurchase value of that property is one hundred dollars (\$100) or more.

(C) Any hazardous waste in violation of IC 13-30-10-1.5.

(D) A bomb (as defined in IC 35-31.5-2-31) or weapon of mass destruction (as defined in IC 35-31.5-2-354) used to commit, used in an attempt to commit, or used in a conspiracy to commit an offense under IC 35-47 as part of or in furtherance of an act of terrorism (as defined by IC 35-31.5-2-329).

(2) All money, negotiable instruments, securities, weapons, communications devices, or any property used to commit, used in an attempt to commit, or used in a conspiracy to commit an offense under IC 35-47 as part of or in furtherance of an act of terrorism or commonly used as consideration for a violation of IC 35-48-4 (other than items subject to forfeiture under IC 16-42-20-5 or

IC 16-6-8.5-5.1, before its repeal):

- (A) furnished or intended to be furnished by any person in exchange for an act that is in violation of a criminal statute;
  - (B) used to facilitate any violation of a criminal statute; or
  - (C) traceable as proceeds of the violation of a criminal statute.
- (3) Any portion of real or personal property purchased with money that is traceable as a proceed of a violation of a criminal statute.
- (4) A vehicle that is used by a person to:
- (A) commit, attempt to commit, or conspire to commit;
  - (B) facilitate the commission of; or
  - (C) escape from the commission of;
- murder (IC 35-42-1-1), kidnapping (IC 35-42-3-2), criminal confinement (IC 35-42-3-3), rape (IC 35-42-4-1), child molesting (IC 35-42-4-3), or child exploitation (IC 35-42-4-4), or an offense under IC 35-47 as part of or in furtherance of an act of terrorism.
- (5) Real property owned by a person who uses it to commit any of the following as a Level 1, Level 2, Level 3, Level 4, or Level 5 felony:
- (A) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).
  - (B) Dealing in methamphetamine (IC 35-48-4-1.1).
  - (C) Manufacturing methamphetamine (IC 35-48-4-1.2).**
  - ~~(D)~~ (D) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).
  - ~~(E)~~ (E) Dealing in a schedule IV controlled substance (IC 35-48-4-3).
  - ~~(F)~~ (F) Dealing in marijuana, hash oil, hashish, or salvia (IC 35-48-4-10).
  - ~~(G)~~ (G) Dealing in a synthetic drug or synthetic drug lookalike substance (IC 35-48-4-10.5, or IC 35-48-4-10 before its amendment in 2013).
- (6) Equipment and recordings used by a person to commit fraud under IC 35-43-5-4(10).
- (7) Recordings sold, rented, transported, or possessed by a person in violation of IC 24-4-10.
- (8) Property (as defined by IC 35-31.5-2-253) or an enterprise (as defined by IC 35-45-6-1) that is the object of a corrupt business influence violation (IC 35-45-6-2).
- (9) Unlawful telecommunications devices (as defined in IC 35-45-13-6) and plans, instructions, or publications used to commit an offense under IC 35-45-13.
- (10) Any equipment, including computer equipment and cellular telephones, used for or intended for use in preparing, photographing, recording, videotaping, digitizing, printing, copying, or disseminating matter in violation of IC 35-42-4.
- (11) Destructive devices used, possessed, transported, or sold in violation of IC 35-47.5.
- (12) Tobacco products that are sold in violation of IC 24-3-5, tobacco products that a person attempts to sell in violation of IC 24-3-5, and other personal property owned and used by a person to facilitate a violation of IC 24-3-5.
- (13) Property used by a person to commit counterfeiting or forgery in violation of IC 35-43-5-2.
- (14) After December 31, 2005, if a person is convicted of an offense specified in IC 25-26-14-26(b) or IC 35-43-10, the following real or personal property:
- (A) Property used or intended to be used to commit, facilitate, or promote the commission of the offense.
  - (B) Property constituting, derived from, or traceable to the gross proceeds that the person obtained directly or indirectly as a result of the offense.
- (15) Except as provided in subsection (e), a vehicle used

by a person who operates the vehicle:

- (A) while intoxicated, in violation of IC 9-30-5-1 through IC 9-30-5-5, if in the previous five (5) years the person has two (2) or more prior unrelated convictions:
    - (i) for operating a motor vehicle while intoxicated in violation of IC 9-30-5-1 through IC 9-30-5-5; or
    - (ii) for an offense that is substantially similar to IC 9-30-5-1 through IC 9-30-5-5 in another jurisdiction; or
  - (B) on a highway while the person's driving privileges are suspended in violation of IC 9-24-19-2 through IC 9-24-19-3, if in the previous five (5) years the person has two (2) or more prior unrelated convictions:
    - (i) for operating a vehicle while intoxicated in violation of IC 9-30-5-1 through IC 9-30-5-5; or
    - (ii) for an offense that is substantially similar to IC 9-30-5-1 through IC 9-30-5-5 in another jurisdiction.
- If a court orders the seizure of a vehicle under this subdivision, the court shall transmit an order to the bureau of motor vehicles recommending that the bureau not permit a vehicle to be registered in the name of the person whose vehicle was seized until the person possesses a current driving license (as defined in IC 9-13-2-41).
- (16) The following real or personal property:
- (A) Property used or intended to be used to commit, facilitate, or promote the commission of an offense specified in IC 23-14-48-9, IC 30-2-9-7(b), IC 30-2-10-9(b), or IC 30-2-13-38(f).
  - (B) Property constituting, derived from, or traceable to the gross proceeds that a person obtains directly or indirectly as a result of an offense specified in IC 23-14-48-9, IC 30-2-9-7(b), IC 30-2-10-9(b), or IC 30-2-13-38(f).
- (17) An automated sales suppression device (as defined in IC 35-43-5-4.6(a)(1) or phantom-ware (as defined in IC 35-43-5-4.6(a)(3)).
- (18) Real or personal property, including a vehicle, that is used by a person to:
- (A) commit, attempt to commit, or conspire to commit;
  - (B) facilitate the commission of; or
  - (C) escape from the commission of;
- a violation of IC 35-42-3.5-1 (human trafficking) or IC 35-45-4-4 (promoting prostitution).
- (b) A vehicle used by any person as a common or contract carrier in the transaction of business as a common or contract carrier is not subject to seizure under this section, unless it can be proven by a preponderance of the evidence that the owner of the vehicle knowingly permitted the vehicle to be used to engage in conduct that subjects it to seizure under subsection (a).
- (c) Equipment under subsection (a)(10) may not be seized unless it can be proven by a preponderance of the evidence that the owner of the equipment knowingly permitted the equipment to be used to engage in conduct that subjects it to seizure under subsection (a)(10).
- (d) Money, negotiable instruments, securities, weapons, communications devices, or any property commonly used as consideration for a violation of IC 35-48-4 found near or on a person who is committing, attempting to commit, or conspiring to commit any of the following offenses shall be admitted into evidence in an action under this chapter as prima facie evidence that the money, negotiable instrument, security, or other thing of value is property that has been used or was to have been used to facilitate the violation of a criminal statute or is the proceeds of the violation of a criminal statute:
- (1) IC 35-48-4-1 (dealing in or manufacturing cocaine or a narcotic drug).
  - (2) IC 35-48-4-1.1 (dealing in methamphetamine).

**(3) IC 35-48-4-1.2 (manufacturing methamphetamine).**

~~(3)~~ **(4)** IC 35-48-4-2 (dealing in a schedule I, II, or III controlled substance).

~~(4)~~ **(5)** IC 35-48-4-3 (dealing in a schedule IV controlled substance).

~~(5)~~ **(6)** IC 35-48-4-4 (dealing in a schedule V controlled substance) as a Level 4 felony.

~~(6)~~ **(7)** IC 35-48-4-6 (possession of cocaine or a narcotic drug) as a Level 3, Level 4, or Level 5 felony.

~~(7)~~ **(8)** IC 35-48-4-6.1 (possession of methamphetamine) as a Level 3, Level 4, or Level 5 felony.

~~(8)~~ **(9)** IC 35-48-4-10 (dealing in marijuana, hash oil, hashish, or salvia) as a Level 5 felony.

~~(9)~~ **(10)** IC 35-48-4-10.5 (dealing in a synthetic drug or synthetic drug lookalike substance) as a Level 5 felony or Level 6 felony (or as a Class C felony or Class D felony under IC 35-48-4-10 before its amendment in 2013).

(e) A vehicle operated by a person who is not:

(1) an owner of the vehicle; or

(2) the spouse of the person who owns the vehicle;

is not subject to seizure under subsection (a)(15) unless it can be proven by a preponderance of the evidence that the owner of the vehicle knowingly permitted the vehicle to be used to engage in conduct that subjects it to seizure under subsection (a)(15).

SECTION 8. IC 35-31.5-2-38, AS ADDED BY P.L.126-2012, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 38. "Child", for purposes of IC 35-46-1-8, IC 35-47-10, and IC 35-44.1-5-5, has the meaning set forth in IC 35-47-10-3.

SECTION 9. IC 35-31.5-2-217, AS ADDED BY P.L.114-2012, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 217. "Offense relating to controlled substances" means the following:

(1) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).

(2) Dealing in methamphetamine (IC 35-48-4-1.1).

**(3) Manufacturing methamphetamine (IC 35-48-4-1.2).**

~~(3)~~ **(4)** Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).

~~(4)~~ **(5)** Dealing in a schedule IV controlled substance (IC 35-48-4-3).

~~(5)~~ **(6)** Dealing in a schedule V controlled substance (IC 35-48-4-4).

~~(6)~~ **(7)** Possession of cocaine or a narcotic drug (IC 35-48-4-6).

~~(7)~~ **(8)** Possession of methamphetamine (IC 35-48-4-6.1).

~~(8)~~ **(9)** Possession of a controlled substance (IC 35-48-4-7).

~~(9)~~ **(10)** Possession of paraphernalia (IC 35-48-4-8.3).

~~(10)~~ **(11)** Dealing in paraphernalia (IC 35-48-4-8.5).

~~(11)~~ **(12)** Offenses relating to registration (IC 35-48-4-14).

SECTION 10. IC 35-42-1-1, AS AMENDED BY P.L.168-2014, SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 1. A person who:

(1) knowingly or intentionally kills another human being;

(2) kills another human being while committing or attempting to commit arson, burglary, child molesting, consumer product tampering, criminal deviate conduct (under IC 35-42-4-2 before its repeal), kidnapping, rape, robbery, human trafficking, promotion of human trafficking, sexual trafficking of a minor, or carjacking (before its repeal);

(3) kills another human being while committing or attempting to commit:

(A) dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1);

(B) dealing in ~~or manufacturing~~ methamphetamine (IC 35-48-4-1.1);

**(C) manufacturing methamphetamine (IC**

**35-48-4-1.2);**

~~(C)~~ **(D)** dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2);

~~(D)~~ **(E)** dealing in a schedule IV controlled substance (IC 35-48-4-3); or

~~(E)~~ **(F)** dealing in a schedule V controlled substance; or

(4) knowingly or intentionally kills a fetus that has attained viability (as defined in IC 16-18-2-365);

commits murder, a felony.

SECTION 11. IC 35-42-2-9, AS AMENDED BY P.L.158-2013, SECTION 432, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 9. (a) This section does not apply to a medical procedure.

**(b) As used in this section, "torso" means any part of the upper body from the collarbone to the hips.**

~~(b)~~ **(c)** A person who, in a rude, angry, or insolent manner, knowingly or intentionally:

(1) applies pressure to the throat or neck of another person; ~~or~~

(2) obstructs the nose or mouth of the another person; ~~or~~

**(3) applies pressure to the torso of another person;** in a manner that impedes the normal breathing or the blood circulation of the other person commits strangulation, a Level 6 felony.

**(d) However, the offense under subsection (c) is a Level 5 felony if:**

**(1) the offense is committed against a pregnant woman; and**

**(2) the person who committed the offense knew the victim was pregnant at the time of the offense.**

SECTION 12. IC 35-43-1-2, AS AMENDED BY P.L.76-2016, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 2. (a) A person who recklessly, knowingly, or intentionally damages or defaces property of another person without the other person's consent commits criminal mischief, a Class B misdemeanor. However, the offense is:

(1) a Class A misdemeanor if the pecuniary loss is at least seven hundred fifty dollars (\$750) but less than fifty thousand dollars (\$50,000); and

(2) a Level 6 felony if:

(A) the pecuniary loss is at least fifty thousand dollars (\$50,000);

(B) the damage causes a substantial interruption or impairment of utility service rendered to the public;

(C) the damage is to a public record; or

(D) the damage is to a law enforcement animal (as defined in IC 35-46-3-4.5).

(b) A person who recklessly, knowingly, or intentionally damages:

(1) a structure used for religious worship without the consent of the owner, possessor, or occupant of the property that is damaged;

(2) a school or community center without the consent of the owner, possessor, or occupant of the property that is damaged;

(3) the property of an agricultural operation (as defined in IC 32-30-6-1) without the consent of the owner, possessor, or occupant of the property that is damaged;

(4) the grounds:

(A) adjacent to; and

(B) owned or rented in common with;

a structure or facility identified in subdivisions (1) through (3) without the consent of the owner, possessor, or occupant of the property that is damaged;

(5) personal property contained in a structure or located at a facility identified in subdivisions (1) through (3) without the consent of the owner, possessor, or occupant of the property that is damaged;

(6) property that is vacant real property (as defined in

IC 36-7-36-5) or a vacant structure (as defined in IC 36-7-36-6); or

(7) property after the person has been denied entry to the property by a court order that was issued:

(A) to the person; or

(B) to the general public by conspicuous posting on or around the property in areas where a person could observe the order when the property has been designated by a municipality or county enforcement authority to be a vacant property, an abandoned property, or an abandoned structure (as defined in IC 36-7-36-1);

commits institutional criminal mischief, a Class A misdemeanor. However, the offense is a Level 6 felony if the pecuniary loss (or property damage, in the case of an agricultural operation) is at least seven hundred fifty dollars (\$750) but less than fifty thousand dollars (\$50,000), and a Level 5 felony if the pecuniary loss (or property damage, in the case of an agricultural operation) is at least fifty thousand dollars (\$50,000).

(c) A person who recklessly, knowingly, or intentionally damages property:

(1) during

(A) the dealing or manufacture of or attempted dealing or manufacture of ~~cocaine or a narcotic drug (IC 35-48-4-1)~~; **a controlled substance; or**

(B) the dealing or manufacture of or attempted dealing or manufacture of ~~methamphetamine (IC 35-48-4-1.1)~~; and

(2) by means of a fire or an explosion;

commits controlled substances criminal mischief, a Level 6 felony. However, the offense is a Level 5 felony if the offense results in moderate bodily injury to any person other than a defendant.

(d) If a person is convicted of an offense under this section that involves the use of graffiti, the court may, in addition to any other penalty, order that the person's operator's license be suspended or invalidated by the bureau of motor vehicles for not more than one (1) year.

(e) The court may rescind an order for suspension or invalidation under subsection (d) and allow the person to receive a license or permit before the period of suspension or invalidation ends if the court determines that the person has removed or painted over the graffiti or has made other suitable restitution.

(f) For purposes of this section, "pecuniary loss" includes:

(1) the total costs incurred in inspecting, cleaning, and decontaminating property contaminated by a pollutant; and

(2) a reasonable estimate of all additional costs not already incurred under subdivision (1) that are necessary to inspect, clean, and decontaminate property contaminated by a pollutant, to the extent that the property has not already been:

(A) cleaned;

(B) decontaminated; or

(C) both cleaned and decontaminated.

The term includes inspection, cleaning, or decontamination conducted by a person certified under IC 13-14-1-15.

SECTION 13. IC 35-43-1-2.1, AS AMENDED BY P.L.158-2013, SECTION 454, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 2.1. (a) This section does not apply to the following:

(1) A person who acts in a proper and acceptable manner as authorized by IC 14-21 other than a person who disturbs the earth for an agricultural purpose under the exemption to IC 14-21 that is provided in IC 14-21-1-24.

(2) A person who acts in a proper and acceptable manner as authorized by IC 23-14.

(b) A person who recklessly, knowingly, or intentionally:

(1) damages a cemetery, a burial ground (as defined in IC 14-21-1-3), or a facility used for memorializing the dead;

(2) damages the grounds owned or rented by a cemetery or facility used for memorializing the dead; or

(3) disturbs, defaces, or damages a cemetery monument, grave marker, grave artifact, grave ornamentation, or cemetery enclosure;

commits cemetery mischief, a Class A misdemeanor. However, the offense is a Level 6 felony if the pecuniary loss is at least ~~two thousand five hundred dollars (\$2,500)~~; **seven hundred fifty dollars (\$750) but less than fifty thousand dollars (\$50,000), and a Level 5 felony if the pecuniary loss is at least fifty thousand dollars (\$50,000).**

SECTION 14. IC 35-43-4-2.5, AS AMENDED BY P.L.168-2014, SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 2.5. (a) As used in this section, "motor vehicle" has the meaning set forth in IC 9-13-2-105(a).

(b) A person who knowingly or intentionally exerts unauthorized control over the motor vehicle of another person, with intent to deprive the owner of:

(1) the vehicle's value or use; or

(2) a component part (as defined in IC 9-13-2-34) of the vehicle;

commits auto theft, a Level 6 felony.

(c) A person who knowingly or intentionally receives, retains, or disposes of a motor vehicle or any part of a motor vehicle of another person that has been the subject of theft commits receiving stolen auto parts, a Level 6 felony. **However, the offense is a Level 5 felony if the person has a prior conviction under this subsection or under subsection (b).**

SECTION 15. IC 35-44.1-2-2, AS AMENDED BY P.L.158-2013, SECTION 502, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 2. (a) A person who:

(1) knowingly or intentionally induces, by threat, coercion, false statement, or offer of goods, services, or anything of value, a witness or informant in an official proceeding or investigation to:

(A) withhold or unreasonably delay in producing any testimony, information, document, or thing;

(B) avoid legal process summoning the person to testify or supply evidence; or

(C) absent the person from a proceeding or investigation to which the person has been legally summoned;

(2) knowingly or intentionally in an official criminal proceeding or investigation:

(A) withholds or unreasonably delays in producing any testimony, information, document, or thing after a court orders the person to produce the testimony, information, document, or thing;

(B) avoids legal process summoning the person to testify or supply evidence; or

(C) absents the person from a proceeding or investigation to which the person has been legally summoned;

(3) alters, damages, or removes any record, document, or thing, with intent to prevent it from being produced or used as evidence in any official proceeding or investigation;

(4) makes, presents, or uses a false record, document, or thing with intent that the record, document, or thing, material to the point in question, appear in evidence in an official proceeding or investigation to mislead a public servant; or

(5) communicates, directly or indirectly, with a juror otherwise than as authorized by law, with intent to influence the juror regarding any matter that is or may be

brought before the juror;  
 commits obstruction of justice, a Level 6 felony, **except as provided in subsection (b).**

**(b) Except as provided in subsection (e), the offense described in subsection (a) is a Level 5 felony if, during the investigation or pendency of a domestic violence or child abuse case under subsection (c), a person knowingly or intentionally:**

- (1) offers, gives, or promises any benefit to;**
- (2) communicates a threat as defined by IC 35-45-2-1(c) to; or**
- (3) intimidates, unlawfully influences, or unlawfully persuades;**

**any witness to abstain from attending or giving testimony at any hearing, trial, deposition, probation, or other criminal proceeding or from giving testimony or other statements to a court or law enforcement officer under IC 35-31.5-2-185.**

**(c) As used in this section, "domestic violence or child abuse case" means any case involving an allegation of:**

- (1) the commission of a crime involving domestic or family violence under IC 35-31.5-2-76 involving a family or household member under IC 35-31.5-2-128;**
- (2) the commission of a crime of domestic violence under IC 35-31.5-2-78 involving a family or household member under IC 35-31.5-2-128; or**
- (3) physical abuse, sexual abuse, or child neglect, including crimes listed under IC 35-31.5-2-76 involving a victim who was less than eighteen (18) years of age at the time of the offense, whether or not the person is a family or household member under IC 35-31.5-2-128.**

~~(b)~~ **(d) Subsection (a)(2)(A) does not apply to:**

- (1) a person who qualifies for a special privilege under IC 34-46-4 with respect to the testimony, information, document, or thing; or**
- (2) a person who, as:**
  - (A) an attorney;**
  - (B) a physician;**
  - (C) a member of the clergy; or**
  - (D) a husband or wife;**

is not required to testify under IC 34-46-3-1.

**(e) Subsection (b) does not apply to:**

- (1) an attorney;**
- (2) an investigator;**
- (3) a law enforcement officer; or**
- (4) a judge;**

**engaged in that person's professional or official duties.**

SECTION 16. IC 35-45-6-1, AS AMENDED BY P.L.168-2014, SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 1. (a) The definitions in this section apply throughout this chapter.

(b) "Documentary material" means any document, drawing, photograph, recording, or other tangible item containing compiled data from which information can be either obtained or translated into a usable form.

(c) "Enterprise" means:

- (1) a sole proprietorship, corporation, limited liability company, partnership, business trust, or governmental entity; or**
- (2) a union, an association, or a group, whether a legal entity or merely associated in fact.**

(d) "Pattern of racketeering activity" means engaging in at least two (2) incidents of racketeering activity that have the same or similar intent, result, accomplice, victim, or method of commission, or that are otherwise interrelated by distinguishing characteristics that are not isolated incidents. However, the incidents are a pattern of racketeering activity only if at least one (1) of the incidents occurred after August 31, 1980, and if the last of the incidents occurred within five (5) years after a prior incident of racketeering activity.

(e) "Racketeering activity" means to commit, to attempt to

commit, to conspire to commit a violation of, or aiding and abetting in a violation of any of the following:

- (1) A provision of IC 23-19, or of a rule or order issued under IC 23-19.**
- (2) A violation of IC 35-45-9.**
- (3) A violation of IC 35-47.**
- (4) A violation of IC 35-49-3.**
- (5) Murder (IC 35-42-1-1).**
- (6) Battery as a Class C felony before July 1, 2014, or a Level 5 felony after June 30, 2014 (IC 35-42-2-1).**
- (7) Kidnapping (IC 35-42-3-2).**
- (8) Human and sexual trafficking crimes (IC 35-42-3.5).**
- (9) Child exploitation (IC 35-42-4-4).**
- (10) Robbery (IC 35-42-5-1).**
- (11) Carjacking (IC 35-42-5-2) (before its repeal).**
- (12) Arson (IC 35-43-1-1).**
- (13) Burglary (IC 35-43-2-1).**
- (14) Theft (IC 35-43-4-2).**
- (15) Receiving stolen property (IC 35-43-4-2).**
- (16) Forgery (IC 35-43-5-2).**
- (17) Fraud (IC 35-43-5-4(1) through IC 35-43-5-4(10)).**
- (18) Bribery (IC 35-44.1-1-2).**
- (19) Official misconduct (IC 35-44.1-1-1).**
- (20) Conflict of interest (IC 35-44.1-1-4).**
- (21) Perjury (IC 35-44.1-2-1).**
- (22) Obstruction of justice (IC 35-44.1-2-2).**
- (23) Intimidation (IC 35-45-2-1).**
- (24) Promoting prostitution (IC 35-45-4-4).**
- (25) Professional gambling (IC 35-45-5-3).**
- (26) Maintaining a professional gambling site (IC 35-45-5-3.5(b)).**
- (27) Promoting professional gambling (IC 35-45-5-4).**
- (28) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).**
- (29) Dealing in or manufacturing methamphetamine (IC 35-48-4-1.1).**
- (30) Manufacturing methamphetamine (IC 35-48-4-1.2).**
- ~~(30)~~ **(31) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).**
- ~~(31)~~ **(32) Dealing in a schedule IV controlled substance (IC 35-48-4-3).**
- ~~(32)~~ **(33) Dealing in a schedule V controlled substance (IC 35-48-4-4).**
- ~~(33)~~ **(34) Dealing in marijuana, hash oil, hashish, or salvia (IC 35-48-4-10).**
- ~~(34)~~ **(35) Money laundering (IC 35-45-15-5).**
- ~~(35)~~ **(36) A violation of IC 35-47.5-5.**
- ~~(36)~~ **(37) A violation of any of the following:**
  - (A) IC 23-14-48-9.**
  - (B) IC 30-2-9-7(b).**
  - (C) IC 30-2-10-9(b).**
  - (D) IC 30-2-13-38(f).**

~~(37)~~ **(38) Practice of law by a person who is not an attorney (IC 33-43-2-1).**

~~(38)~~ **(39) Dealing in a synthetic drug or synthetic drug lookalike substance (IC 35-48-4-10.5, or IC 35-48-4-10 before its amendment in 2013).**

SECTION 17. IC 35-46-1-4, AS AMENDED BY SEA 332-2017, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 4. (a) A person having the care of a dependent, whether assumed voluntarily or because of a legal obligation, who knowingly or intentionally:

- (1) places the dependent in a situation that endangers the dependent's life or health;**
- (2) abandons or cruelly confines the dependent;**
- (3) deprives the dependent of necessary support; or**
- (4) deprives the dependent of education as required by law;**

commits neglect of a dependent, a Level 6 felony.

- (b) However, the offense is:
  - (1) a Level 5 felony if it is committed under subsection (a)(1), (a)(2), or (a)(3) and:
    - (A) results in bodily injury; or
    - (B) is:
      - (i) committed in a location where a person is violating IC 35-48-4-1 (dealing in cocaine or a narcotic drug), ~~or~~ IC 35-48-4-1.1 (dealing in methamphetamine), ~~or~~ **IC 35-48-4-1.2 (manufacturing methamphetamine);** or
      - (ii) the result of a violation of IC 35-48-4-1 (dealing in cocaine or a narcotic drug), ~~or~~ IC 35-48-4-1.1 (dealing in methamphetamine), ~~or~~ **IC 35-48-4-1.2 (manufacturing methamphetamine);**
  - (2) a Level 3 felony if it is committed under subsection (a)(1), (a)(2), or (a)(3) and results in serious bodily injury;
  - (3) a Level 1 felony if it is committed under subsection (a)(1), (a)(2), or (a)(3) by a person at least eighteen (18) years of age and results in the death of a dependent who is less than fourteen (14) years of age; and
  - (4) a Level 5 felony if it is committed under subsection (a)(2) and consists of cruel confinement or abandonment that:
    - (A) deprives a dependent of necessary food, water, or sanitary facilities;
    - (B) consists of confinement in an area not intended for human habitation; or
    - (C) involves the unlawful use of handcuffs, a rope, a cord, tape, or a similar device to physically restrain a dependent.
- (c) It is a defense to a prosecution based on an alleged act under this section that:
  - (1) the accused person left a dependent child who was, at the time the alleged act occurred, not more than thirty (30) days of age with an emergency medical provider who took custody of the child under IC 31-34-2.5 when:
    - (A) the prosecution is based solely on the alleged act of leaving the child with the emergency medical services provider; and
    - (B) the alleged act did not result in bodily injury or serious bodily injury to the child; or
  - (2) the accused person, in the legitimate practice of the accused person's religious belief, provided treatment by spiritual means through prayer, in lieu of medical care, to the accused person's dependent.
- (d) Except for property transferred or received:
  - (1) under a court order made in connection with a proceeding under IC 31-15, IC 31-16, IC 31-17, or IC 31-35 (or IC 31-1-11.5 or IC 31-6-5 before their repeal); or
  - (2) under section 9(d) of this chapter;

a person who transfers or receives any property in consideration for the termination of the care, custody, or control of a person's dependent child commits child selling, a Level 6 felony.

SECTION 18. IC 35-46-1-8, AS AMENDED BY P.L.158-2013, SECTION 554, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 8. (a) A person at least eighteen (18) years of age who knowingly or intentionally encourages, aids, induces, or causes a ~~person less than eighteen (18) years of age child~~ to commit an act of delinquency (as defined by IC 31-37-1 or IC 31-37-2) commits contributing to delinquency, a Class A misdemeanor, **except as provided in subsections (b) through (e).**

**(b) If the delinquent act described in subsection (a) would be a felony if committed by an adult, the offense described in subsection (a) is a felony of the same level as the delinquent act would be if committed by an adult.**

- (b) (c) ~~However,~~ The offense described in subsection (a) is:
  - (~~+~~) a Level 5 felony if:
    - (~~A~~) (1) the person committing the offense is at least

twenty-one (21) years of age and knowingly or intentionally furnishes:

- (~~+~~) (A) an alcoholic beverage to a ~~person less than eighteen (18) years of age child~~ in violation of IC 7.1-5-7-8 when the person committing the offense knew or reasonably should have known that the person furnished the alcoholic beverage was ~~less than eighteen (18) years of age a child~~; or
- (~~+~~) (B) a controlled substance (as defined in IC 35-48-1-9) or a drug (as defined in IC 9-13-2-49.1) in violation of Indiana law; and
- (~~+~~) (2) the consumption, ingestion, or use of the alcoholic beverage, controlled substance, or drug is the proximate cause of the death of any person. ~~and~~
- (~~+~~) (d) **Except as provided in subsection (c), the offense described in subsection (a) is a Level 6 felony if:**
  - (1) the person committing the offense ~~knowingly or intentionally encourages, aids, induces, or causes a person less than eighteen (18) years of age is at least twenty-one (21) years of age;~~
  - (2) ~~the child who commits the delinquent act is less than sixteen (16) years of age; to commit an and~~
  - (3) ~~the act that would be a felony misdemeanor if committed by an adult. under any of the following:~~
    - (A) ~~IC 35-48-4-1.~~
    - (B) ~~IC 35-48-4-1.1.~~
    - (C) ~~IC 35-48-4-2.~~
    - (D) ~~IC 35-48-4-3.~~
    - (E) ~~IC 35-48-4-4.~~
    - (F) ~~IC 35-48-4-4.5.~~
    - (G) ~~IC 35-48-4-4.6.~~
    - (H) ~~IC 35-48-4-5.~~

**(e) If the person who commits the offense described in subsection (a) is at least twenty-one (21) years of age, and the child who commits the delinquent act is less than sixteen (16) years of age, the offense is:**

- (1) a Level 5 felony if the delinquent act would be a Level 6 felony if committed by an adult;
- (2) a Level 4 felony if the delinquent act would be a Level 5 felony if committed by an adult;
- (3) a Level 3 felony if the delinquent act would be a Level 4 felony if committed by an adult;
- (4) a Level 2 felony if the delinquent act would be a Level 3 felony if committed by an adult;
- (5) a Level 1 felony if the delinquent act would be a Level 1 or 2 felony if committed by an adult; or
- (6) punishable under IC 35-50-2-3(a) (penalty for murder) if the delinquent act would be murder if committed by an adult.

SECTION 19. IC 35-47-4-5, AS AMENDED BY P.L.65-2016, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 5. (a) As used in this section, "serious violent felon" means a person who has been convicted of:

- (1) committing a serious violent felony in:
  - (A) Indiana; or
  - (B) any other jurisdiction in which the elements of the crime for which the conviction was entered are substantially similar to the elements of a serious violent felony; or
- (2) attempting to commit or conspiring to commit a serious violent felony in:
  - (A) Indiana as provided under IC 35-41-5-1 or IC 35-41-5-2; or
  - (B) any other jurisdiction in which the elements of the crime for which the conviction was entered are substantially similar to the elements of attempting to commit or conspiring to commit a serious violent felony.

(b) As used in this section, "serious violent felony" means:

- (1) murder (IC 35-42-1-1);
- (2) voluntary manslaughter (IC 35-42-1-3);
- (3) reckless homicide not committed by means of a vehicle (IC 35-42-1-5);
- (4) battery (IC 35-42-2-1) as a:
- (A) Class A felony, Class B felony, or Class C felony, for a crime committed before July 1, 2014; or
- (B) Level 2 felony, Level 3 felony, Level 4 felony, or Level 5 felony, for a crime committed after June 30, 2014;
- (5) domestic battery (IC 35-42-2-1.3) as a Level 2 felony, Level 3 felony, Level 4 felony, or Level 5 felony;
- (6) aggravated battery (IC 35-42-2-1.5);
- (7) kidnapping (IC 35-42-3-2);
- (8) criminal confinement (IC 35-42-3-3);
- (9) rape (IC 35-42-4-1);
- (10) criminal deviate conduct (IC 35-42-4-2) (before its repeal);
- (11) child molesting (IC 35-42-4-3);
- (12) sexual battery (IC 35-42-4-8) as a:
- (A) Class C felony, for a crime committed before July 1, 2014; or
- (B) Level 5 felony, for a crime committed after June 30, 2014;
- (13) robbery (IC 35-42-5-1);
- (14) carjacking (IC 5-42-5-2) (before its repeal);
- (15) arson (IC 35-43-1-1(a)) as a:
- (A) Class A felony or Class B felony, for a crime committed before July 1, 2014; or
- (B) Level 2 felony, Level 3 felony, or Level 4 felony, for a crime committed after June 30, 2014;
- (16) burglary (IC 35-43-2-1) as a:
- (A) Class A felony or Class B felony, for a crime committed before July 1, 2014; or
- (B) Level 1 felony, Level 2 felony, Level 3 felony, or Level 4 felony, for a crime committed after June 30, 2014;
- (17) assisting a criminal (IC 35-44.1-2-5) as a:
- (A) Class C felony, for a crime committed before July 1, 2014; or
- (B) Level 5 felony, for a crime committed after June 30, 2014;
- (18) resisting law enforcement (IC 35-44.1-3-1) as a:
- (A) Class B felony or Class C felony, for a crime committed before July 1, 2014; or
- (B) Level 2 felony, Level 3 felony, or Level 5 felony, for a crime committed after June 30, 2014;
- (19) escape (IC 35-44.1-3-4) as a:
- (A) Class B felony or Class C felony, for a crime committed before July 1, 2014; or
- (B) Level 4 felony or Level 5 felony, for a crime committed after June 30, 2014;
- (20) trafficking with an inmate (IC 35-44.1-3-5) as a:
- (A) Class C felony, for a crime committed before July 1, 2014; or
- (B) Level 5 felony, for a crime committed after June 30, 2014;
- (21) criminal organization intimidation (IC 35-45-9-4);
- (22) stalking (IC 35-45-10-5) as a:
- (A) Class B felony or Class C felony, for a crime committed before July 1, 2014; or
- (B) Level 4 felony or Level 5 felony, for a crime committed after June 30, 2014;
- (23) incest (IC 35-46-1-3);
- (24) dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1);
- (25) dealing in methamphetamine (IC 35-48-4-1.1) **or manufacturing methamphetamine (IC 35-48-4-1.2)**;
- (26) dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2);
- (27) dealing in a schedule IV controlled substance (IC 35-48-4-3); or
- (28) dealing in a schedule V controlled substance (IC 35-48-4-4).
- (c) A serious violent felon who knowingly or intentionally possesses a firearm commits unlawful possession of a firearm by a serious violent felon, a Level 4 felony.
- SECTION 20. IC 35-48-1-16.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 16.3. "Drug related felony" means a felony conviction for an offense described in:**
- (1) **IC 35-48-4-1 through IC 35-48-4-11.5; or**
- (2) **IC 35-48-4-13 through IC 35-48-4-14.7.**
- SECTION 21. IC 35-48-4-1, AS AMENDED BY P.L.44-2016, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 1. (a) A person who:
- (1) knowingly or intentionally:
- (A) manufactures;
- (B) finances the manufacture of;
- (C) delivers; or
- (D) finances the delivery of;
- cocaine or a narcotic drug, pure or adulterated, classified in schedule I or II; or
- (2) possesses, with intent to:
- (A) manufacture;
- (B) finance the manufacture of;
- (C) deliver; or
- (D) finance the delivery of;
- cocaine or a narcotic drug, pure or adulterated, classified in schedule I or II;
- commits dealing in cocaine or a narcotic drug, a Level 5 felony, except as provided in subsections (b) through (e).
- (b) A person may be convicted of an offense under subsection (a)(2) only if:
- (1) there is evidence in addition to the weight of the drug that the person intended to manufacture, finance the manufacture of, deliver, or finance the delivery of the drug; or
- (2) the amount of the drug involved is at least twenty-eight (28) grams.
- (c) The offense is a Level 4 felony if:
- (1) the amount of the drug involved is at least one (1) gram but less than five (5) grams; **or**
- (2) the amount of the drug involved is less than one (1) gram and an enhancing circumstance applies; **or**
- (3) **the drug is heroin and the amount of heroin involved, aggregated over a period of not more than ninety (90) days, is at least three (3) grams but less than seven (7) grams.**
- (d) The offense is a Level 3 felony if:
- (1) the amount of the drug involved is at least five (5) grams but less than ten (10) grams; **or**
- (2) the amount of the drug involved is at least one (1) gram but less than five (5) grams and an enhancing circumstance applies;
- (3) **the drug is heroin and the amount of heroin involved, aggregated over a period of not more than ninety (90) days, is at least seven (7) grams but less than twelve (12) grams; or**
- (4) **the drug is heroin and:**
- (A) **the amount of heroin involved, aggregated over a period of not more than ninety (90) days, is at least three (3) grams but less than seven (7) grams; and**
- (B) **an enhancing circumstance applies.**
- (e) The offense is a Level 2 felony if:
- (1) the amount of the drug involved is at least ten (10) grams; **or**

(2) the amount of the drug involved is at least five (5) grams but less than ten (10) grams and an enhancing circumstance applies;

**(3) the drug is heroin and the amount of heroin involved, aggregated over a period of not more than ninety (90) days, is at least twelve (12) grams; or**

**(4) the drug is heroin and:**

**(A) the amount of heroin involved, aggregated over a period of not more than ninety (90) days, is at least seven (7) grams but less than twelve (12) grams; and**

**(B) an enhancing circumstance applies.**

SECTION 22. IC 35-48-4-1.1, AS AMENDED BY P.L.44-2016, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 1.1. (a) A person who:

(1) knowingly or intentionally:

~~(A) manufactures;~~

~~(B) finances the manufacture of;~~

~~(C) (A) delivers; or~~

~~(D) (B) finances the delivery of;~~

methamphetamine, pure or adulterated; or

(2) possesses, with intent to:

~~(A) manufacture;~~

~~(B) finance the manufacture of;~~

~~(C) (A) deliver; or~~

~~(D) (B) finance the delivery of;~~

methamphetamine, pure or adulterated;

commits dealing in methamphetamine, a Level 5 felony, except as provided in subsections (b) through (e).

(b) A person may be convicted of an offense under subsection (a)(2) only if:

(1) there is evidence in addition to the weight of the drug that the person intended to ~~manufacture, finance the manufacture of,~~ deliver or finance the delivery of the drug; or

(2) the amount of the drug involved is at least twenty-eight (28) grams.

(c) The offense is a Level 4 felony if:

(1) the amount of the drug involved is at least one (1) gram but less than five (5) grams; or

(2) the amount of the drug involved is less than one (1) gram and an enhancing circumstance applies.

(d) The offense is a Level 3 felony if:

(1) the amount of the drug involved is at least five (5) grams but less than ten (10) grams; or

(2) the amount of the drug involved is at least one (1) gram but less than five (5) grams and an enhancing circumstance applies.

(e) The offense is a Level 2 felony if:

(1) the amount of the drug involved is at least ten (10) grams; or

(2) the amount of the drug involved is at least five (5) grams but less than ten (10) grams and an enhancing circumstance applies. or

~~(3) the person is manufacturing the drug and the manufacture results in an explosion causing serious bodily injury to a person other than the manufacturer.~~

SECTION 23. IC 35-48-4-1.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 1.2. (a) A person who knowingly or intentionally manufactures or finances the manufacture of methamphetamine, pure or adulterated, commits manufacturing methamphetamine, a Level 4 felony, except as provided in subsections (b) and (c).

(b) The offense is a Level 3 felony if:

**(1) the amount of the drug involved is at least five (5) grams but less than ten (10) grams; or**

**(2) the amount of the drug involved is at least one (1) gram but less than five (5) grams and an enhancing**

**circumstance applies.**

**(c) The offense is a Level 2 felony if:**

**(1) the amount of the drug involved is at least ten (10) grams;**

**(2) the amount of the drug involved is at least five (5) grams but less than ten (10) grams and an enhancing circumstance applies;**

**(3) the manufacture of the drug results in serious bodily injury to a person other than the manufacturer; or**

**(4) the manufacture of the drug results in the death of a person other than the manufacturer.**

SECTION 24. IC 35-48-4-14.5, AS AMENDED BY P.L.168-2014, SECTION 105, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 14.5. (a) As used in this section, "chemical reagents or precursors" refers to one (1) or more of the following:

(1) Ephedrine.

(2) Pseudoephedrine.

(3) Phenylpropanolamine.

(4) The salts, isomers, and salts of isomers of a substance identified in subdivisions (1) through (3).

(5) Anhydrous ammonia or ammonia solution (as defined in IC 22-11-20-1).

(6) Organic solvents.

(7) Hydrochloric acid.

(8) Lithium metal.

(9) Sodium metal.

(10) Ether.

(11) Sulfuric acid.

(12) Red phosphorous.

(13) Iodine.

(14) Sodium hydroxide (lye).

(15) Potassium dichromate.

(16) Sodium dichromate.

(17) Potassium permanganate.

(18) Chromium trioxide.

(19) Benzyl cyanide.

(20) Phenylacetic acid and its esters or salts.

(21) Piperidine and its salts.

(22) Methylamine and its salts.

(23) Isosafrole.

(24) Safrole.

(25) Piperonal.

(26) Hydriodic acid.

(27) Benzaldehyde.

(28) Nitroethane.

(29) Gamma-butyrolactone.

(30) White phosphorus.

(31) Hypophosphorous acid and its salts.

(32) Acetic anhydride.

(33) Benzyl chloride.

(34) Ammonium nitrate.

(35) Ammonium sulfate.

(36) Hydrogen peroxide.

(37) Thionyl chloride.

(38) Ethyl acetate.

(39) Pseudoephedrine hydrochloride.

(b) A person who possesses more than ten (10) grams of ephedrine, pseudoephedrine, or phenylpropanolamine, pure or adulterated, commits a Level 6 felony. However, the offense is a Level 5 felony if the person possessed:

(1) a firearm while possessing more than ten (10) grams of ephedrine, pseudoephedrine, or phenylpropanolamine, pure or adulterated; or

(2) more than ten (10) grams of ephedrine, pseudoephedrine, or phenylpropanolamine, pure or adulterated, in, on, or within five hundred (500) feet of:

(A) school property while a person under eighteen (18) years of age was reasonably expected to be present; or



(B) a public park while a person under eighteen (18) years of age was reasonably expected to be present.

(c) A person who possesses anhydrous ammonia or ammonia solution (as defined in IC 22-11-20-1) with the intent to manufacture methamphetamine or amphetamine, schedule II controlled substances under IC 35-48-2-6, commits a Level 6 felony. However, the offense is a Level 5 felony if the person possessed:

(1) a firearm while possessing anhydrous ammonia or ammonia solution (as defined in IC 22-11-20-1) with intent to manufacture methamphetamine or amphetamine, schedule II controlled substances under IC 35-48-2-6; or  
(2) anhydrous ammonia or ammonia solution (as defined in IC 22-11-20-1) with intent to manufacture methamphetamine or amphetamine, schedule II controlled substances under IC 35-48-2-6, in, on, or within five hundred (500) feet of:

(A) school property while a person under eighteen (18) years of age was reasonably expected to be present; or  
(B) a public park while a person under eighteen (18) years of age was reasonably expected to be present.

(d) Subsection (b) does not apply to a:

(1) licensed health care provider, pharmacist, retail distributor, wholesaler, manufacturer, warehouseman, or common carrier or an agent of any of these persons if the possession is in the regular course of lawful business activities; or

(2) person who possesses more than ten (10) grams of a substance described in subsection (b) if the substance is possessed under circumstances consistent with typical medicinal or household use, including:

(A) the location in which the substance is stored;  
(B) the possession of the substance in a variety of:  
(i) strengths;  
(ii) brands; or  
(iii) types; or  
(C) the possession of the substance:  
(i) with different expiration dates; or  
(ii) in forms used for different purposes.

(e) A person who possesses two (2) or more chemical reagents or precursors with the intent to manufacture a controlled substance commits a Level 6 felony.

(f) An offense under subsection (e) is a Level 5 felony if the person possessed:

(1) a firearm while possessing two (2) or more chemical reagents or precursors with intent to manufacture a controlled substance; or  
(2) two (2) or more chemical reagents or precursors with intent to manufacture a controlled substance in, on, or within five hundred (500) feet of:

(A) school property while a person under eighteen (18) years of age was reasonably expected to be present; or  
(B) a public park while a person under eighteen (18) years of age was reasonably expected to be present.

(g) A person who sells, transfers, distributes, or furnishes a chemical reagent or precursor to another person with knowledge or the intent that the recipient will use the chemical reagent or precursors to manufacture a controlled substance commits unlawful sale of a precursor, a Level 6 felony. However, the offense is a Level 5 felony if the person sells, transfers, distributes, or furnishes more than ten (10) grams of ephedrine, pseudoephedrine, or phenylpropanolamine.

(h) This subsection does not apply to a drug containing ephedrine, pseudoephedrine, or phenylpropanolamine that is dispensed under a prescription. A person who:

(1) has been convicted of a **drug related felony (as defined in IC 35-48-1-16.3); and**

(A) **dealing in methamphetamine (IC 35-48-4-1.1);**  
(B) **possession of more than ten (10) grams of ephedrine, pseudoephedrine, or phenylpropanolamine**

**(subsection (b));**

**(C) possession of anhydrous ammonia or ammonia solution (as defined in IC 22-11-20-1) with intent to manufacture methamphetamine or amphetamine (subsection (c));**

**(D) possession of two (2) or more chemical reagents or precursors with the intent to manufacture a controlled substance (subsection (e)); or**

**(E) unlawful sale of a precursor (subsection (g)); and**

(2) not later than seven (7) years from the date the person was sentenced for the offense;

knowingly or intentionally possesses ephedrine, pseudoephedrine, or phenylpropanolamine, pure or adulterated, commits possession of a precursor by a **methamphetamine drug** offender, a Level 6 felony.

SECTION 25. IC 35-48-4-14.7, AS AMENDED BY P.L.5-2016, SECTION 6, AND AS AMENDED BY P.L.9-2016, SECTION 3, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec.

14.7. (a) This section does not apply to the following:

(1) Ephedrine or pseudoephedrine dispensed pursuant to a prescription. *Nothing in this section prohibits a person who is denied the sale of a nonprescription product containing pseudoephedrine or ephedrine from obtaining pseudoephedrine or ephedrine pursuant to a prescription.*

(2) The sale of a drug containing ephedrine or pseudoephedrine to a licensed health care provider, pharmacist, retail distributor, wholesaler, manufacturer, or an agent of any of these persons if the sale occurs in the regular course of lawful business activities. However, a retail distributor, wholesaler, or manufacturer is required to report a suspicious order to the state police department in accordance with subsection (g).

(3) The sale of a drug containing ephedrine or pseudoephedrine by a person who does not sell exclusively to walk-in customers for the personal use of the walk-in customers. However, if the person described in this subdivision is a retail distributor, wholesaler, or manufacturer, the person is required to report a suspicious order to the state police department in accordance with subsection (g).

(b) The following definitions apply throughout this section:

(1) "Constant video monitoring" means the surveillance by an automated camera that:

(A) records at least one (1) photograph or digital image every ten (10) seconds;

(B) retains a photograph or digital image for at least seventy-two (72) hours;

(C) has sufficient resolution and magnification to permit the identification of a person in the area under surveillance; and

(D) stores a recorded photograph or digital image at a location that is immediately accessible to a law enforcement officer.

(2) "Convenience package" means a package that contains a drug having as an active ingredient not more than sixty (60) milligrams of ephedrine or pseudoephedrine, or both.

(3) "Ephedrine" means pure or adulterated ephedrine.

(4) "Pharmacy or NPLEx retailer" means:

(A) a pharmacy, as defined in IC 25-26-13-2;

(B) a retailer containing a pharmacy, as defined in IC 25-26-13-2; or

(C) a retailer that electronically submits the required information to the National Precursor Log Exchange (NPLEx).

(5) "Pseudoephedrine" means pure or adulterated pseudoephedrine.

(6) "Retailer" means a grocery store, general merchandise store, or other similar establishment. The term does not include a pharmacy or NPLEx retailer.

(7) "Suspicious order" means a sale or transfer of a drug containing ephedrine or pseudoephedrine if the sale or transfer:

- (A) is a sale or transfer that the retail distributor, wholesaler, or manufacturer is required to report to the United States Drug Enforcement Administration;
- (B) appears suspicious to the retail distributor, wholesaler, or manufacturer in light of the recommendations contained in Appendix A of the report to the United States attorney general by the suspicious orders task force under the federal Comprehensive Methamphetamine Control Act of 1996; or
- (C) is for cash or a money order in a total amount of at least two hundred dollars (\$200).

(8) "Unusual theft" means the theft or unexplained disappearance from a particular pharmacy or NPLeX retailer of drugs containing ten (10) grams or more of ephedrine, pseudoephedrine, or both in a twenty-four (24) hour period.

(c) A drug containing ephedrine or pseudoephedrine may be sold only by a pharmacy or NPLeX retailer. *Except as provided in subsection (f), a retailer may not sell a drug containing ephedrine or pseudoephedrine.*

(d) A pharmacy or NPLeX retailer may sell a drug that contains the active ingredient of ephedrine, pseudoephedrine, or both only if the pharmacy or NPLeX retailer complies with the following conditions:

- (1) The pharmacy or NPLeX retailer does not sell the drug to a person less than eighteen (18) years of age.
- (2) The pharmacy or NPLeX retailer does not sell drugs containing more than:
  - (A) three and six-tenths (3.6) grams of ephedrine or pseudoephedrine, or both, to one (1) individual on one (1) day;
  - (B) seven and two-tenths (7.2) grams of ephedrine or pseudoephedrine, or both, to one (1) individual in a thirty (30) day period; or
  - (C) sixty-one and two-tenths (61.2) grams of ephedrine or pseudoephedrine, or both, to one (1) individual in a three hundred sixty-five (365) day period.

(3) *Except as provided in subsection (f), before the sale occurs the pharmacist or the pharmacy technician (as defined by IC 25-26-19-2) has determined that the purchaser has a relationship on record with the pharmacy, in compliance with rules adopted by the board under IC 25-26-13-4. If it has been determined that the purchaser does not have a relationship on record with the pharmacy, the pharmacist shall make a professional determination as to whether there is a legitimate medical or pharmaceutical need for ephedrine or pseudoephedrine before selling ephedrine or pseudoephedrine to an individual. The pharmacist's professional determination must comply with the rules adopted under IC 25-26-13-4 and may include the following:*

- (A) *Prior medication filling history of the individual.*
- (B) *Consulting with the individual.*
- (C) *Other tools that provide professional reassurance to the pharmacist that a legitimate medical or pharmaceutical need for ephedrine or pseudoephedrine exists.*

*A pharmacist who in good faith does not sell ephedrine or pseudoephedrine to an individual under this subdivision is immune from civil liability unless the refusal to sell constitutes gross negligence or intentional, wanton, or willful misconduct.*

~~(3)~~ (4) The pharmacy or NPLeX retailer requires:
 

- (A) the purchaser to produce a valid government issued photo identification card showing the date of birth of

the person;

- (B) the purchaser to sign a written or electronic log attesting to the validity of the information; and
- (C) the clerk who is conducting the transaction to initial or electronically record the clerk's identification on the log.

Records from the completion of a log must be retained for at least two (2) years. A law enforcement officer has the right to inspect and copy a log or the records from the completion of a log in accordance with state and federal law. A pharmacy or NPLeX retailer may not sell or release a log or the records from the completion of a log for a commercial purpose. The Indiana criminal justice institute may obtain information concerning a log or the records from the completion of a log from a law enforcement officer if the information may not be used to identify a specific individual and is used only for statistical purposes. A pharmacy or NPLeX retailer that in good faith releases information maintained under this subsection is immune from civil liability unless the release constitutes gross negligence or intentional, wanton, or willful misconduct.

~~(4)~~ (5) The pharmacy or NPLeX retailer maintains a record of information for each sale of a nonprescription product containing pseudoephedrine or ephedrine. Required information includes:

- (A) the name and address of each purchaser;
- (B) the type of identification presented;
- (C) the governmental entity that issued the identification;
- (D) the identification number; and
- (E) the ephedrine or pseudoephedrine product purchased, including the number of grams the product contains and the date and time of the transaction.

~~(5)~~ (6) *Beginning January 1, 2012,* A pharmacy or NPLeX retailer shall, except as provided in subdivision ~~(6)~~ (7), before completing a sale of an over-the-counter product containing pseudoephedrine or ephedrine, electronically submit the required information to the National Precursor Log Exchange (NPLeX), if the NPLeX system is available to pharmacies or NPLeX retailers in the state without a charge for accessing the system. The pharmacy or NPLeX retailer may not complete the sale if the system generates a stop sale alert, including a stop sale alert for a person convicted of a **drug related** felony reported under IC 33-24-6-3.

~~(6)~~ (7) If a pharmacy or NPLeX retailer selling an over-the-counter product containing ephedrine or pseudoephedrine experiences mechanical or electronic failure of the electronic sales tracking system and is unable to comply with the electronic sales tracking requirement, the pharmacy or NPLeX retailer shall maintain a written log or an alternative electronic ~~recordkeeping~~ **record keeping** mechanism until the pharmacy or NPLeX retailer is able to comply with the electronic sales tracking requirement.

~~(7)~~ (8) The pharmacy or NPLeX retailer stores the drug behind a counter in an area inaccessible to a customer or in a locked display case that makes the drug unavailable to a customer without the assistance of an employee.

- (e) A person may not purchase drugs containing more than:
  - (1) three and six-tenths (3.6) grams of ephedrine or pseudoephedrine, or both, on one (1) day;
  - (2) seven and two-tenths (7.2) grams of ephedrine or pseudoephedrine, or both, in a thirty (30) day period; or
  - (3) sixty-one and two-tenths (61.2) grams of ephedrine or pseudoephedrine, or both, in a three hundred sixty-five (365) day period.

These limits apply to the total amount of base ephedrine and pseudoephedrine contained in the products and not to the

overall weight of the products.

*(f) This subsection only applies to convenience packages. A retailer may sell convenience packages under this section without complying with the conditions listed in subsection (d):*  
*(1) after June 30, 2013; and*  
*(2) before January 1, 2014.*

*A retailer may not sell drugs containing more than sixty (60) milligrams of ephedrine or pseudoephedrine, or both in any one (1) transaction. A retailer who sells convenience packages must secure the convenience packages behind the counter in an area inaccessible to a customer or in a locked display case that makes the drug unavailable to a customer without the assistance of an employee. A retailer may not sell a drug containing ephedrine or pseudoephedrine after December 31, 2013.*

*(f) If a purchaser does not have a relationship on record with the pharmacy, as determined by rules adopted by the board under IC 25-26-13-4, or the pharmacist has made a professional determination that there is not a legitimate medical or pharmaceutical need for ephedrine or pseudoephedrine under subsection (d), the purchaser may, at the pharmacist's discretion, purchase only the following:*

- (1) A product that has been determined under section 14.3 of this chapter to be an extraction resistant or a conversion resistant form of ephedrine or pseudoephedrine.*
- (2) A product that contains not more than:*
  - (A) a total of seven hundred twenty (720) milligrams of ephedrine or pseudoephedrine per package; and*
  - (B) thirty (30) milligrams of ephedrine or pseudoephedrine per tablet.*

*The pharmacist may not sell more than one (1) package of ephedrine or pseudoephedrine to a purchaser under this subdivision per day.*

*However, if the pharmacist believes that the ephedrine or pseudoephedrine purchase will be used to manufacture methamphetamine, the pharmacist may refuse to sell ephedrine or pseudoephedrine to the purchaser.*

*(g) A retail distributor, wholesaler, or manufacturer shall report a suspicious order to the state police department in writing.*

*(h) Not later than three (3) days after the discovery of an unusual theft at a particular retail store, the pharmacy or NPLeX retailer shall report the unusual theft to the state police department in writing. If three (3) unusual thefts occur in a thirty (30) day period at a particular pharmacy or NPLeX retailer, the pharmacy or NPLeX retailer shall, for at least one hundred eighty (180) days after the date of the last unusual theft, locate all drugs containing ephedrine or pseudoephedrine at that particular pharmacy or NPLeX retailer behind a counter in an area inaccessible to a customer or in a locked display case that makes the drug unavailable to customers without the assistance of an employee.*

*(i) A unit (as defined in IC 36-1-2-23) may not adopt an ordinance after February 1, 2005, that is more stringent than this section.*

*(j) A person who knowingly or intentionally violates this section commits a Class C misdemeanor. However, the offense is a Class A misdemeanor if the person has a prior unrelated conviction under this section.*

*(k) A pharmacy or NPLeX retailer that uses the electronic sales tracking system in accordance with this section is immune from civil liability for any act or omission committed in carrying out the duties required by this section, unless the act or omission was due to ~~negligence~~, recklessness or deliberate or wanton misconduct. A pharmacy or NPLeX retailer is immune from liability to a third party unless the pharmacy or NPLeX retailer has violated a provision of this section and the third party brings an action based on the pharmacy's or NPLeX retailer's violation of this section.*

(l) The following requirements apply to the NPLeX:

- (1) Information contained in the NPLeX may be shared only with law enforcement officials.
- (2) A law enforcement official may access Indiana transaction information maintained in the NPLeX for investigative purposes.
- (3) NADDI may not modify sales transaction data that is shared with law enforcement officials.
- (4) At least one (1) time per day, Indiana data contained in the NPLeX for the previous calendar day shall be forwarded to the state police department.

*(m) A person or corporate entity may not mandate a protocol or procedure that interferes with the pharmacist's ability to exercise the pharmacist's independent professional judgment under this section, including whether to deny the sale of ephedrine or pseudoephedrine under subsection (f).*

SECTION 26. IC 35-48-4-15, AS AMENDED BY P.L.217-2014, SECTION 194, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 15. If a person is convicted of an offense under section 1, 1.1, 1.2, 2, 3, 4, or 10 of this chapter, and the court finds that a motor vehicle was used in the commission of the offense, the court may, in addition to any other order the court enters, order that the person's driving privileges be suspended by the bureau of motor vehicles for a period specified by the court of not more than two (2) years.

SECTION 27. IC 35-50-2-2.2, AS AMENDED BY P.L.10-2016, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 2.2. (a) Except as provided in subsection (b), (c), ~~or~~ (d), ~~or~~ (e), the court may suspend any part of a sentence for a felony.

(b) **Except as provided in subsection (d)**, if a person is convicted of a Level 2 felony or a Level 3 felony, except a Level 2 felony or a Level 3 felony concerning a controlled substance under IC 35-48-4, and has any prior unrelated felony conviction, the court may suspend only that part of a sentence that is in excess of the minimum sentence for the:

- (1) Level 2 felony; or
- (2) Level 3 felony.

(c) If:

- (1) a person has a prior unrelated felony conviction in any jurisdiction for dealing in a controlled substance that is not marijuana, hashish, hash oil, salvia divinorum, or a synthetic drug, including an attempt or conspiracy to commit the offense; and
- (2) the person is convicted of a Level 2 felony under

~~(A) IC 35-48-4-1 and the offense involves the:~~

- ~~(i) manufacture;~~
- ~~(ii) delivery; or~~
- ~~(iii) financing of the manufacture or delivery;~~

~~of heroin; or~~

~~(B) IC 35-48-4-1.1 or IC 35-48-4-1.2;~~

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

**(d) If a person:**

- (1) is convicted of dealing in heroin as a Level 2 or Level 3 felony under IC 35-48-4-1 or IC 35-48-4-2; and**
- (2) has a prior unrelated felony conviction;**

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

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

SECTION 28. IC 35-50-5-3, AS AMENDED BY P.L.180-2014, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 3. (a) Except as provided in subsection (i), (j), (l), or (m), in addition to any sentence imposed under this article for a felony or misdemeanor, the court may, as a condition of probation or without placing the person on probation, order the person to

make restitution to the victim of the crime, the victim's estate, or the family of a victim who is deceased. The court shall base its restitution order upon a consideration of:

- (1) property damages of the victim incurred as a result of the crime, based on the actual cost of repair (or replacement if repair is inappropriate);
- (2) medical and hospital costs incurred by the victim (before the date of sentencing) as a result of the crime;
- (3) the cost of medical laboratory tests to determine if the crime has caused the victim to contract a disease or other medical condition;
- (4) earnings lost by the victim (before the date of sentencing) as a result of the crime including earnings lost while the victim was hospitalized or participating in the investigation or trial of the crime; and
- (5) funeral, burial, or cremation costs incurred by the family or estate of a homicide victim as a result of the crime.

(b) A restitution order under subsection (a), (i), (j), (l), or (m), is a judgment lien that:

- (1) attaches to the property of the person subject to the order;
- (2) may be perfected;
- (3) may be enforced to satisfy any payment that is delinquent under the restitution order by the person in whose favor the order is issued or the person's assignee; and
- (4) expires;

in the same manner as a judgment lien created in a civil proceeding.

(c) When a restitution order is issued under subsection (a), the issuing court may order the person to pay the restitution, or part of the restitution, directly to:

- (1) the victim services division of the Indiana criminal justice institute in an amount not exceeding:
  - (A) the amount of the award, if any, paid to the victim under IC 5-2-6.1; and
  - (B) the cost of the reimbursements, if any, for emergency services provided to the victim under IC 16-10-1.5 (before its repeal) or IC 16-21-8; or
- (2) a probation department that shall forward restitution or part of restitution to:
  - (A) a victim of a crime;
  - (B) a victim's estate; or
  - (C) the family of a victim who is deceased.

The victim services division of the Indiana criminal justice institute shall deposit the restitution it receives under this subsection in the violent crime victims compensation fund established by IC 5-2-6.1-40.

(d) When a restitution order is issued under subsection (a), (i), (j), (l), or (m), the issuing court shall send a certified copy of the order to the clerk of the circuit court in the county where the felony or misdemeanor charge was filed. The restitution order must include the following information:

- (1) The name and address of the person that is to receive the restitution.
- (2) The amount of restitution the person is to receive.

Upon receiving the order, the clerk shall enter and index the order in the circuit court judgment docket in the manner prescribed by IC 33-32-3-2. The clerk shall also notify the department of insurance of an order of restitution under subsection (i).

(e) An order of restitution under subsection (a), (i), (j), (l), or (m), does not bar a civil action for:

- (1) damages that the court did not require the person to pay to the victim under the restitution order but arise from an injury or property damage that is the basis of restitution ordered by the court; and
- (2) other damages suffered by the victim.

(f) Regardless of whether restitution is required under

subsection (a) as a condition of probation or other sentence, the restitution order is not discharged by the completion of any probationary period or other sentence imposed for a felony or misdemeanor.

(g) A restitution order under subsection (a), (i), (j), (l), or (m), is not discharged by the liquidation of a person's estate by a receiver under IC 32-30-5 (or IC 34-48-1, IC 34-48-4, IC 34-48-5, IC 34-48-6, IC 34-1-12, or IC 34-2-7 before their repeal).

(h) The attorney general may pursue restitution ordered by the court under subsections (a) and (c) on behalf of the victim services division of the Indiana criminal justice institute established under IC 5-2-6-8.

(i) The court may order the person convicted of an offense under IC 35-43-9 to make restitution to the victim of the crime. The court shall base its restitution order upon a consideration of the amount of money that the convicted person converted, misappropriated, or received, or for which the convicted person conspired. The restitution order issued for a violation of IC 35-43-9 must comply with subsections (b), (d), (e), and (g), and is not discharged by the completion of any probationary period or other sentence imposed for a violation of IC 35-43-9.

(j) The court may order the person convicted of an offense under IC 35-43-5-3.5 to make restitution to the victim of the crime, the victim's estate, or the family of a victim who is deceased. The court shall base its restitution order upon a consideration of the amount of fraud or harm caused by the convicted person and any reasonable expenses (including lost wages) incurred by the victim in correcting the victim's credit report and addressing any other issues caused by the commission of the offense under IC 35-43-5-3.5. If, after a person is sentenced for an offense under IC 35-43-5-3.5, a victim, a victim's estate, or the family of a victim discovers or incurs additional expenses that result from the convicted person's commission of the offense under IC 35-43-5-3.5, the court may issue one (1) or more restitution orders to require the convicted person to make restitution, even if the court issued a restitution order at the time of sentencing. For purposes of entering a restitution order after sentencing, a court has continuing jurisdiction over a person convicted of an offense under IC 35-43-5-3.5 for five (5) years after the date of sentencing. Each restitution order issued for a violation of IC 35-43-5-3.5 must comply with subsections (b), (d), (e), and (g), and is not discharged by the completion of any probationary period or other sentence imposed for an offense under IC 35-43-5-3.5.

(k) The court shall order a person convicted of an offense under IC 35-42-3.5 to make restitution to the victim of the crime in an amount equal to the greater of the following:

- (1) The gross income or value to the person of the victim's labor or services.
- (2) The value of the victim's labor as guaranteed under the minimum wage and overtime provisions of:
  - (A) the federal Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201-209); or
  - (B) IC 22-2-2 (Minimum Wage);
 whichever is greater.

(l) The court shall order a person who:

- (1) is convicted of dealing in methamphetamine under IC 35-48-4-1.1 or **manufacturing methamphetamine under IC 35-48-4-1.2**; and
- (2) manufactured the methamphetamine on property owned by another person, without the consent of the property owner;

to pay liquidated damages to the property owner in the amount of ten thousand dollars (\$10,000) or to pay actual damages to the property owner, including lost rent and the costs of decontamination by an inspector approved under IC 13-14-1-15.

(m) The court shall order a person who:

- (1) is convicted of dealing in marijuana under

IC 35-48-4-10(a)(1)(A); and

(2) manufactured the marijuana on property owned by another person, without the consent of the property owner; to pay liquidated damages to the property owner in the amount of two thousand dollars (\$2,000).

SECTION 29. IC 35-50-10-1, AS AMENDED BY SEA 64-2017, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 1. (a) If an individual is a teacher in a primary or secondary school, including a public or nonpublic school, and is convicted of:

- (1) kidnapping (IC 35-42-3-2);
- (2) criminal confinement (IC 35-42-3-3);
- (3) rape (IC 35-42-4-1);
- (4) criminal deviate conduct (IC 35-42-4-2) (before its repeal);
- (5) child molesting (IC 35-42-4-3);
- (6) child exploitation (IC 35-42-4-4(b));
- (7) vicarious sexual gratification (IC 35-42-4-5);
- (8) child solicitation (IC 35-42-4-6);
- (9) child seduction (IC 35-42-4-7);
- (10) sexual misconduct with a minor (IC 35-42-4-9);
- (11) incest (IC 35-46-1-3);
- (12) dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1);
- (13) dealing in methamphetamine (IC 35-48-4-1.1);
- (14) manufacturing methamphetamine (IC 35-48-4-1.2);**
- ~~(14)~~ **(15)** dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2);
- ~~(15)~~ **(16)** dealing in a schedule IV controlled substance (IC 35-48-4-3);
- ~~(16)~~ **(17)** dealing in a schedule V controlled substance (IC 35-48-4-4);
- ~~(17)~~ **(18)** dealing in a counterfeit substance (IC 35-48-4-5);
- ~~(18)~~ **(19)** dealing in marijuana, hash oil, hashish, or salvia as a felony (IC 35-48-4-10);
- ~~(19)~~ **(20)** dealing in a synthetic drug or synthetic drug lookalike substance (IC 35-48-4-10.5, or IC 35-48-4-10(b) before its amendment in 2013);
- ~~(20)~~ **(21)** possession of child pornography (IC 35-42-4-4(c));
- ~~(21)~~ **(22)** homicide (IC 35-42-1);
- ~~(22)~~ **(23)** voluntary manslaughter (IC 35-42-1-3);
- ~~(23)~~ **(24)** reckless homicide (IC 35-42-1-5);
- ~~(24)~~ **(25)** battery (IC 35-42-2-1) as:
  - (A) a Class A felony (for a crime committed before July 1, 2014) or a Level 2 felony (for a crime committed after June 30, 2014);
  - (B) a Class B felony (for a crime committed before July 1, 2014) or a Level 3 felony (for a crime committed after June 30, 2014); or
  - (C) a Class C felony (for a crime committed before July 1, 2014) or a Level 5 felony (for a crime committed after June 30, 2014);
- ~~(25)~~ **(26)** aggravated battery (IC 35-42-2-1.5);
- ~~(26)~~ **(27)** robbery (IC 35-42-5-1);
- ~~(27)~~ **(28)** carjacking (IC 35-42-5-2) (before its repeal);
- ~~(28)~~ **(29)** arson as a Class A felony or Class B felony (for a crime committed before July 1, 2014) or as a Level 2, Level 3, or Level 4 felony (for a crime committed after June 30, 2014) (IC 35-43-1-1(a));
- ~~(29)~~ **(30)** burglary as a Class A felony or Class B felony (for a crime committed before July 1, 2014) or as a Level 1, Level 2, Level 3, or Level 4 felony (for a crime committed after June 30, 2014) (IC 35-43-2-1);
- ~~(30)~~ **(31)** attempt under IC 35-41-5-1 to commit an offense listed in this subsection; or
- ~~(31)~~ **(32)** conspiracy under IC 35-41-5-2 to commit an offense listed in this subsection;

the judge who presided over the trial or accepted a plea agreement shall give written notice of the conviction to the state superintendent of public instruction and the chief administrative officer of the primary or secondary school, including a public or nonpublic school, or, if the individual is employed in a public school, the superintendent of the school district in which the individual is employed.

(b) Notice under subsection (a) must occur not later than seven (7) days after the date the judgment is entered.

(c) The notification sent to a school or school district under subsection (a) must include only the felony for which the individual was convicted.

(d) If a judge later modifies the individual's sentence after giving notice under this section, the judge shall notify the school or the school district of the modification.

(e) After receiving a notification under subsection (a), the state superintendent of public instruction shall initiate procedures to revoke the individual's license to teach.

(Reference is to EHB 1406 as reprinted April 5, 2017.)

WASHBURNE	KOCH
HATFIELD	M. YOUNG
House Conferees	Senate Conferees

Roll Call 512: yeas 87, nays 11. Report adopted.

#### CONFERENCE COMMITTEE REPORT ESB 478-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 478 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 32-30-16 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

#### **Chapter 16. Utility Easements**

**Sec. 1. (a) This chapter applies only to an electricity supplier (as defined in section 6 of this chapter).**

**(b) This chapter applies to an action by a property owner against an electricity supplier that:**

- (1) installs;**
- (2) permits the installation of; or**
- (3) intends to install;**

**communications infrastructure within an existing electric easement.**

**(c) This chapter does not apply to the following:**

**(1) A negotiation between an electricity supplier and a property owner for:**

- (A) a new electric easement; or**
- (B) the siting, installation, or attachment of any facilities or infrastructure other than communications infrastructure.**

**(2) An easement that by its terms expressly provides for the installation of communications infrastructure within the easement.**

**(3) Communications infrastructure that is within an electric easement and that is used only to support the transmission, transformation, or distribution of electricity to consumers.**

**(4) Any physical damage to property that occurs during the installation, maintenance, or servicing of communications infrastructure under this chapter.**

**(5) Property owned by a railroad company.**

**(6) The installation of new poles, towers, or other**

structures that are required for the exclusive support of communications infrastructure that is intended to provide communications service.

(7) The attachment or installation of communications infrastructure on underground or buried electric facilities within an electric easement.

(d) This chapter supersedes any conflicting statute or administrative rule, or any conflicting ordinance, rule, or other policy of a local unit.

(e) Except as otherwise provided by the terms of the easement or by the terms of any contractual or other agreement between an electricity supplier and a property owner, this chapter provides the exclusive remedy to a property owner with respect to the attachment or installation of communications infrastructure on above ground electric facilities within an electric easement, regardless of whether the attachment or installation occurs before, contemporaneously with, or after:

- (1) the granting of the easement; or
- (2) the attachment or installation of electric facilities or of other communications infrastructure within the easement;

without regard to the statutory or common law basis of the property owner's claim for damages or request for relief that would otherwise apply.

Sec. 2. As used in this chapter, "communications infrastructure" includes all wires, cable, and other similar facilities used to provide communications service. The term includes fiber optic cable and any requisite or useful ancillary equipment that is in use or may be used to provide communications service.

Sec. 3. As used in this chapter, "communications service" has the meaning set forth in IC 8-1-32.5-3.

Sec. 4. As used in this chapter, "electric easement" means any recorded or unrecorded easement held by an electricity supplier for the siting of electric facilities, regardless of whether the easement is for the exclusive benefit of the electricity supplier or for use in connection with other utility services, regardless of whether the electricity supplier provides the other utility services.

Sec. 5. As used in this chapter, "electric facilities" means any product, equipment, or technology necessary or useful in the transmission, transformation, or distribution of electricity, including wires, cables, poles, transformers, anchors, guys, grounding systems, insulators, and any other related or ancillary materials.

Sec. 6. (a) As used in this chapter, "electricity supplier" means:

- (1) a corporation organized under IC 8-1-13; or
- (2) a corporation organized under IC 23-17 whose members are primarily organized under IC 8-1-13.

(b) The term includes third parties with whom the electricity supplier contracts, licenses, or otherwise enters into agreements with for the installation, service, or maintenance of communications infrastructure.

(c) The term does not include investor owned utilities or municipal utilities.

Sec. 7. As used in this chapter, "property owner" means a person with a recorded fee simple interest in land upon which an electric easement is located.

Sec. 8. (a) This section applies to an electricity supplier that:

- (1) installs new communications infrastructure; or
- (2) makes capacity available for communications service through existing communications infrastructure;

within an electric easement under this chapter.

(b) As used in this section, "notice" means a written letter:

- (1) that is sent by first class mail by the electricity supplier to the property owner; and

(2) that includes the following information:

(A) The name, address, and telephone number of the electricity supplier, along with a named point of contact for the electricity supplier.

(B) Either:

(i) the address and name associated with the impacted property; or

(ii) if the name of the property owner is not known by the electricity supplier, the address associated with the affected property, with the letter addressed to "The property owner of (street address, city, state, and ZIP code of the affected property)".

(C) A citation to this chapter.

(D) A statement indicating the electricity supplier's intent to:

- (i) install new communications infrastructure; or
- (ii) make capacity available for communications service through existing communications infrastructure;

as applicable, within the electric easement.

(E) An estimate of when:

(i) installation of new communications infrastructure will occur; or

(ii) communications service will be made available through existing communications infrastructure;

as applicable, within the electric easement.

(F) A statement explaining the electricity supplier's right to record a new easement under section 14 of this chapter.

(G) A summary of the property owner's right to obtain an appraisal under section 11 of this chapter and to bring an action under section 12 of this chapter, including:

(i) a statement of the time limit for bringing an action, as set forth in section 10 of this chapter; and

(ii) a statement explaining that the property owner is precluded from exercising the rights that are otherwise available to the property owner under sections 11 and 12 of this chapter if the property owner signs an agreement, a master agreement, or an affidavit described in section 9 of this chapter.

(H) Subject to subsections (f) and (g), a written plan for making broadband Internet service available within the electricity supplier's electric service territory, including the following information, to the extent the information is available to and known by the electricity supplier:

(i) A description of the proposed area or areas in which the broadband Internet service is to be made available.

(ii) A map of the proposed area or areas identified under item (i).

(iii) A proposed timetable for making broadband Internet service available in the area or areas identified under item (i).

(iv) A statement as to whether the electricity supplier, an affiliated entity, or a third party would provide the broadband Internet service to be made available.

(v) The anticipated costs to the electricity supplier's members of any infrastructure necessitated by the plan.

(c) An electricity supplier shall provide notice to a property owner upon whose property the electricity supplier will:

- (1) install new communications infrastructure; or
- (2) make capacity available for communications

service through existing communications infrastructure;  
within an electric easement under this chapter. An electricity supplier's provision of a notice that substantially conforms to the requirements set forth in subsection (b) constitutes the provision of notice for purposes of this section.

(d) Delivery of notice under this section occurs on the date upon which the notice is mailed by an electricity supplier to a property owner. An electricity supplier may prove delivery of notice under this section by any official or generally accepted time stamped document, whether maintained in physical form or electronically by the electricity supplier. A court shall accept proof described in this section in a proceeding under section 12 of this chapter.

(e) If:

- (1) installation of new communications infrastructure does not occur; or
- (2) communications service is not made available through existing communications infrastructure;

within the electric easement within one hundred eighty (180) days after notice under this section is delivered, as determined under subsection (d), the electricity supplier shall resend notice under this section to the property owner, and the time period set forth in section 10 of this chapter restarts based on the date the subsequent notice is delivered, as determined under subsection (d). A property owner's exclusive remedy for an electricity supplier's failure to provide notice as required under this section is the resetting of the time period set forth in section 10 of this chapter.

(f) This section does not require an electricity supplier, an affiliated entity of an electricity supplier, or a communications service provider to disclose confidential and proprietary business plans and other confidential information.

(g) The failure of an electricity supplier to:

- (1) make broadband Internet service available in any area identified in the plan required by subsection (b)(2)(H);
- (2) meet the proposed timetable for making broadband Internet service available in any area identified in the plan required by subsection (b)(2)(H);
- (3) accurately estimate the costs to the electricity supplier's members of any infrastructure necessitated by the plan required by subsection (b)(2)(H); or
- (4) otherwise take any actions described in, or related to, the plan required by subsection (b)(2)(H);

does not create any liability with respect to the electricity supplier beyond that which would otherwise apply under applicable law and, except as provided in section 1(c) of this chapter, does not preclude the electricity supplier from using the procedures set forth in this chapter.

Sec. 9. (a) An electricity supplier that makes communications service available to a property owner through communications infrastructure that is installed or will be installed within an electric easement shall include in any:

- (1) member agreement;
- (2) customer agreement; or
- (3) other similar agreement;

related to the communications service a provision notifying a property owner that takes or will take communications service from the electricity supplier, or from any affiliated entity, that by signing the agreement for communications service, the property owner expressly consents to the expansion of the electric easement that the electricity supplier has with the property owner to include communications infrastructure.

(b) Subject to subsection (c), the agreement that includes the notice described in subsection (a) must:

- (1) be signed by the property owner or the property

owner's designated agent; and

(2) include a statement that anyone other than the property owner or the property owner's designated agent may be:

(A) subject to penalties for perjury; and

(B) liable for any just compensation provided for by law;

for signing the agreement without the consent of the property owner or the property owner's designated agent.

(c) In the case of tenant occupied property, the owner of the property that is leased or rented, or the owner's designated agent, may sign a master agreement that:

(1) includes the statement described in subsection (b)(2); and

(2) gives consent to the electricity supplier to expand an electric easement on the property owner's property to include communications infrastructure for all units on the property owner's property.

A tenant may not sign a master agreement under this subsection on behalf of the property owner. However, a tenant may provide to the electricity supplier a notarized affidavit that is signed by the property owner or the property owner's designated agent and that gives consent to the expansion of an electric easement to include communications infrastructure on the property owner's property. This subsection may not be interpreted as imposing on the property owner any duty, liability, or other obligation that may exist between the electricity supplier and the tenant customer with respect to the provision of communications service.

(d) Upon signing:

(1) an agreement under subsection (a) to take communications service from the electricity supplier, or from any affiliated entity; or

(2) a master agreement or a notarized affidavit under subsection (c) that gives consent to the expansion of an electric easement to include communications infrastructure for all units or for a particular unit on the property owner's property, as applicable;

the property owner is not entitled to any additional compensation for the expansion of the electric easement to include communications infrastructure, other than the value of being provided access to any communications service that the electricity supplier may offer and to which the property owner may elect to subscribe.

(e) This section may not be interpreted as affecting the terms of any member agreement an electricity supplier has with the electricity supplier's members with respect to the provision of:

(1) electric service; or

(2) communications service;

within an easement that by its terms expressly provides for the installation of communications infrastructure, as described in section 1(c)(2) of this chapter.

Sec. 10. Subject to sections 8(e) and 13 of this chapter, and except as provided by section 9 of this chapter, a property owner may bring a cause of action under section 12 of this chapter against an electricity supplier for damages relating to a decrease in value of the property owner's real property caused by the attachment or installation of communications infrastructure within the electric easement, not later than two (2) years from the later of:

(1) July 1, 2017; or

(2) the date upon which the notice under section 8 of this chapter is delivered to the property owner, as determined under section 8(d) of this chapter.

Sec. 11. (a) In order to prove damages relating to a decrease in value of the property owner's real property caused by the attachment or installation of communications infrastructure within the electric easement, a property



owner shall, at the property owner's expense and without reimbursement from the electricity supplier, provide the electricity supplier with an appraisal comparing the value of the property before and after the attachment or installation of communications infrastructure within the electric easement. The appraisal must:

- (1) be performed by a real estate appraiser licensed under IC 25-34.1-3-8;
- (2) be conducted within the period specified in section 10 of this chapter; and
- (3) take into account any increase in value to the property resulting from the availability of broadband Internet service provided through the communications infrastructure.

(b) If an electricity supplier disputes an appraisal provided by the property owner under subsection (a), the electricity supplier may:

- (1) not later than thirty (30) days after the date of the electricity supplier's receipt of the property owner's appraisal, send to the property owner by certified mail a notice stating that the electricity supplier disputes the property owner's appraisal; and
- (2) not later than ninety (90) days from the date on which the notice of the dispute is sent by certified mail to the property owner under subdivision (1):
  - (A) obtain at the electricity supplier's expense an appraisal by a real estate appraiser licensed under IC 25-34.1-3-8; and
  - (B) send a copy of the appraisal by certified mail to the property owner.

A property owner shall make reasonable accommodations for the electricity supplier to perform an appraisal under this subsection. If a property owner fails to make such reasonable accommodations available within the ninety (90) day period described in subdivision (2), the electricity supplier may not be found liable for any asserted reduction in property value of the property owner's real property as a result of the installation of communications infrastructure within the electric easement.

(c) A property owner may review and either accept or reject, in writing, the electricity supplier's appraisal not later than thirty (30) calendar days after it is sent by certified mail from the electricity supplier to the property owner.

(d) If the electricity supplier:

- (1) receives a written response from the property owner accepting the electricity supplier's appraisal; or
- (2) does not receive a written response within thirty (30) calendar days after the appraisal is sent by the electricity supplier under subsection (c);

the electricity supplier shall consider its appraisal accepted by the property owner and shall remit payment in accordance with the appraisal to the property owner not later than sixty (60) days after the expiration of the thirty (30) day period described in this subsection.

Sec. 12. (a) Subject to section 13 of this chapter, if:

- (1) the electricity supplier receives written notice from a property owner timely rejecting the electricity supplier's appraisal; and
- (2) the electricity supplier and property owner are unable to reach an agreement concerning damages;

the property owner may file an action against the electricity supplier in a court with jurisdiction to determine the reduction in value of the property owner's real property, if any, as a result of the attachment or installation of communications infrastructure within the electric easement.

(b) If damages are assessed for the electricity supplier's use of the electric easement for communications infrastructure, the electricity supplier shall, not later than sixty (60) days after the assessment, deposit with the court or pay to the property owner the amount assessed, including

costs as determined by the court.

Sec. 13. (a) The amount of damages payable to a property owner for the use of an electric easement by an electricity supplier for communications infrastructure is limited to an amount sufficient to compensate the property owner for the reduction in value of the property owner's real property caused by the attachment or installation of communications infrastructure within the electric easement. Evidence of revenues, profits, or any other fees derived by an electricity supplier from installing communications infrastructure in an existing easement, or evidence of the revenues, profits, or any other fees derived from the operation of such equipment, is not admissible for any purpose in any proceeding under this chapter.

(b) If an appraisal performed under this chapter proves no reduction in value to the property owner's real property, the property owner is not entitled to damages.

Sec. 14. The acceptance by a property owner of payment for damages as a result of any acts of an electricity supplier under this chapter operates to modify the electric easement to allow for the installation, servicing, maintenance, and use of communications infrastructure within the easement.

Sec. 15. (a) This section applies only to an electric easement that:

- (1) is located outside a public right-of-way;
- (2) does not expressly allow for the installation of communications infrastructure within the easement; and
- (3) involves land on which a manufacturing facility is located.

(b) When installing, inspecting, or maintaining communications infrastructure within an electric easement described in subsection (a), an electricity supplier shall make a reasonable, good faith effort to notify the property owner of the installation, inspection, or maintenance of the communications infrastructure. With respect to the installation of communications infrastructure within an electric easement described in subsection (a), the electricity supplier shall provide the property owner with the notice required under section 8 of this chapter.

(c) The failure of an electricity supplier to comply with the notification requirement set forth in subsection (b) does not:

- (1) create any liability with respect to the electricity supplier beyond that which would otherwise apply under applicable law; or
- (2) create for the property owner a duty of care beyond what is owed by the property owner under IC 34-31-11.

Sec. 16. When installing communications infrastructure under this chapter, an electricity supplier shall comply with all applicable rules and standards included in the National Electric Safety Code most recently adopted by the state.

Sec. 17. (a) This section:

- (1) applies only to an electricity supplier that uses the procedures set forth in this chapter; and
- (2) does not apply to:
  - (A) an electricity supplier;
  - (B) a subsidiary of an electricity supplier; or
  - (C) any other affiliated entity of an electricity supplier;

that does not use the procedures set forth in this chapter.

(b) An electricity supplier described in subsection (a)(1) shall, either acting by itself or in conjunction with one (1) or more other entities:

- (1) form a separate legal entity; or
- (2) maintain a separate accounting system;

with respect to the provision of broadband Internet service that is made available by the electricity supplier, alone or in conjunction with one (1) or more other legal entities, within



all or any part of the electricity supplier's electric service territory in accordance with this chapter.

(c) An entity that provides broadband Internet service under subsection (b), whether that entity is a separate legal entity formed under subsection (b)(1) or an electricity supplier acting alone or in conjunction with one or more other legal entities, shall cause to be performed an annual audit of the entity's financial records concerning only the provision of broadband Internet service by the entity. A summary of the audit results required under this subsection shall be made available to a member of the electricity supplier described in subsection (a)(1) upon request. An entity that provides broadband Internet service under this chapter, including any affiliated electricity supplier of the electricity supplier described in subsection (a)(1), has discretion in choosing an allocation method for recording any:

- (1) expenses;
- (2) income;
- (3) assets;
- (4) liabilities; or
- (5) other financial items;

including those related to electric facilities that are or may be used for the provision of broadband Internet service in accordance with this chapter.

(d) This section may not be construed to require an electricity supplier or an entity that provides broadband Internet service under subsection (b) to disclose to any person, member, or entity any confidential or proprietary information that is not otherwise available in the public domain.

SECTION 2. [EFFECTIVE JULY 1, 2017] (a) As used in this SECTION, "commission" refers to the Indiana utility regulatory commission created by IC 8-1-1-2.

(b) As used in this SECTION, "committee" refers to the interim study committee on energy, utilities, and telecommunications established by IC 2-5-1.3-4(8).

(c) As used in this SECTION, "electricity supplier" means:

- (1) a corporation organized under IC 8-1-13; or
- (2) a corporation organized under IC 23-17 whose members are primarily organized under IC 8-1-13.

(d) As used in this SECTION, "legislative council" refers to the legislative council established by IC 2-5-1.1-1.

(e) The legislative council is urged to assign to the committee during the 2017 legislative interim the topic of rental rates and other fees for the attachment of communications service facilities on utility poles that are owned or controlled by electricity suppliers.

(f) If the topic described in subsection (e) is assigned to the committee, the committee may:

- (1) consider, as part of its study:
  - (A) the range of rental rates charged by electricity suppliers in Indiana for the attachment of communications service facilities on utility poles owned or controlled by the electricity suppliers;
  - (B) the various formulas used by electricity suppliers in Indiana to determine rental rates for the attachment of communications service facilities on utility poles owned or controlled by the electricity suppliers;
  - (C) the role and jurisdiction of the commission with respect to the rental rates charged by electricity suppliers for the attachment of communications service facilities on utility poles owned or controlled by the electricity suppliers;
  - (D) whether the rental rates and other fees charged by electricity suppliers in Indiana for the attachment of communications service facilities on utility poles owned or controlled by the electricity suppliers create a barrier to:

(i) the deployment of broadband Internet infrastructure; and

(ii) the provision of broadband Internet service; in rural areas in Indiana; and

(E) any other matter that the committee considers appropriate with respect to rental rates and other fees for the attachment of communications service facilities on utility poles that are owned or controlled by electricity suppliers; and

(2) request information from:

- (A) electricity suppliers and customers;
- (B) communications service providers and customers;
- (C) the commission;
- (D) local government officials and representatives; and
- (E) any experts, stakeholders, or other interested parties;

concerning the issues set forth in subdivision (1).

(g) If the topic described in subsection (e) is assigned to the committee, the committee shall issue a final report to the legislative council containing the committee's findings and recommendations, including any recommended legislation concerning the topic described in subsection (e) or the specific issues described in subsection (f)(1), in an electronic format under IC 5-14-6 not later than November 1, 2017.

(h) This SECTION expires December 31, 2017.

SECTION 3. An emergency is declared for this act.

(Reference is to ESB 478 as reprinted April 6, 2017.)

KOCH	OBER
STOOPS	HATFIELD
Senate Conferees	House Conferees

Roll Call 513: yeas 96, nays 2. Report adopted.

#### HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Friday, April 21, 2017, at 9:00 a.m.

LEHMAN

The motion was adopted by a constitutional majority.

#### MESSAGE FROM THE GOVERNOR

Mr. Speaker and Members of the House of Representatives: On April 20, 2017, I signed into law House Enrolled Acts 1007, 1102, 1136, 1174, 1178, 1181, 1218, 1287, 1344, 1369, 1370, 1519 and 1537.

ERIC HOLCOMB  
Governor

#### ENROLLED ACTS SIGNED

The Speaker announced that he had signed House Enrolled Acts 1395 and 1495 on April 20.

#### OTHER BUSINESS ON THE SPEAKER'S TABLE

##### MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that pursuant to Rule 84(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David Long has made the following change in conferees appointments to Engrossed Senate Bill 128:

Conferees: Senator Tallian replacing Melton

JENNIFER L. MERTZ  
Principal Secretary of the Senate

##### MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that pursuant to Rule 84(b) of the Standing Rules and Orders of

the Senate, President Pro Tempore David Long has made the following change in conferees appointments to Engrossed House Bill 1004:

Conferees Senator Raatz replacing Senator Melton

JENNIFER L. MERTZ  
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that pursuant to Rule 84(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David Long has made the following change in conferees appointments to Engrossed House Bill 1071:

Conferees: Senator Tomes replacing Senator Randolph

JENNIFER L. MERTZ  
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that pursuant to Rule 84(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David Long has made the following change in conferees appointments to Engrossed House Bill 1133:

Conferees: Senator Buck replacing Senator Tallian

JENNIFER L. MERTZ  
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that pursuant to Rule 84(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David Long has made the following change in conferees appointments to Engrossed House Bill 1243:

Conferees: Senator Breaux replacing Senator Randolph

JENNIFER L. MERTZ  
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that pursuant to Rule 84(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David Long has made the following change in conferees appointments to Engrossed House Bill 1406:

Conferees: Senator M. Young replacing Senator Lanane

JENNIFER L. MERTZ  
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has accepted and approved the Joint Rule 20 correction on Engrossed Senate Bill 151.

JENNIFER L. MERTZ  
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has accepted and approved the Joint Rule 20 correction on Engrossed Senate Bill 353.

JENNIFER L. MERTZ  
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has accepted and approved the Joint Rule 20 correction on Engrossed House Bill 1005.

JENNIFER L. MERTZ  
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has accepted and approved the Joint Rule 20 correction on Engrossed House Bill 1281.

JENNIFER L. MERTZ  
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has accepted and approved the Joint Rule 20 correction on Engrossed House Bill 1488.

JENNIFER L. MERTZ  
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has concurred in the House amendments to Engrossed Senate Bills 190 and 507.

JENNIFER L. MERTZ  
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report 1 on Engrossed Senate Bills 29, 129, 248, 413 and 425.

JENNIFER L. MERTZ  
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report 1 on Engrossed House Bills 1031, 1148, 1154, 1495 and 1622.

JENNIFER L. MERTZ  
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 54 and the same is herewith transmitted to the House for further action.

JENNIFER L. MERTZ  
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 85 and 86 and the same are herewith returned to the House.

JENNIFER L. MERTZ  
Principal Secretary of the Senate

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Friday, April 21, 2017, at 9:00 a.m.

LEHMAN

The motion was adopted by a constitutional majority.

*[Journal Clerk's Note: the Speaker announced that the conference committee report on Engrossed House Bill 1001 was being drafted and that an electronic version was expected to be posted around 1 or 2 a.m. Each member will be notified of that posting. The Speaker asked consent of the members to regard the posting time as the time of filing for purposes of the 24 hour rule. Consent granted.]*

On the motion of Representative Soliday, the House adjourned at 5:38 p.m., this twentieth day of April, 2017, until Friday, April 21, 2017, at 9:00 a.m.

BRIAN C. BOSMA  
Speaker of the House of Representatives

M. CAROLINE SPOTTS  
Principal Clerk of the House of Representatives