Journal of the House

State of Indiana

118th General Assembly Second Regular Session

Thirty-second Day **Wednesday Morning** **March 12, 2014**

The invocation was offered by Pastor Eric Gale of the First Presbyterian Church of Noblesville, a guest of Representative Kathy Kreag Richardson.

The House convened at 10:30 a..m. with Speaker Brian C. Bosma in the Chair.

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

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

Arnold
Austin
Bacon
Baird
Bartlett
Battles
Bauer
Behning
Beumer
Braun
C. Brown
T. Brown
Burton
Candelaria Reardon
Carbaugh
Cherry
Clere
Cox
Culver
Davisson
DeLaney
Dermody
DeVon
Dvorak
Eberhart
Errington
Forestal
Friend
Frizzell
Frye
GiaQuinta
Goodin
Gutwein
Hale
Hamm
Harman
Harris
Heaton
Heuer
Huston
Karickhoff
Kersey
Kirchhofer
Klinker
Koch
Kubacki
Lawson
Lehe
Lehman
Leonard
Lucas
Lutz
Macer
Mahan
Mayfield
McMillan
McNamara
Messmer
Moed
Morris
Morrison
Moseley
Neese
Negele
Niemeyer
Niezgodski
Ober
Pelath □
Pierce
Porter
Price
Pryor
Rhoads
Richardson
Riecken
Saunders
Shackleford
Slager
Smaltz
M. Smith
V. Smith
Soliday
Speedy
Stemler
Steuerwald
Sullivan
Summers
Thompson
Torr
Truitt
Turner
Ubelhor
VanDenburgh
VanNatter
Washburne
Wesco
Wolkins
Zent
Ziemke
Mr. Speaker

Roll Call 448: 99 present; 1 excused. The Speaker announced a quorum in attendance. [*NOTE*: □ *indicates those who were excused*.]

RESOLUTIONS ON FIRST READING

House Resolution 72

Representative Macer introduced House Resolution 72:

A HOUSE RESOLUTION urging the legislative council to assign to the appropriate study committee the topic of job sharing working conditions and benefits, especially work sharing unemployment benefits.

Whereas, During these times of economic downturn, employers may be forced to reduce worker hours to help keep all workers employed;

Whereas, Work sharing programs help reduce the ranks of unemployed Hoosiers and provides a practical alternative to layoffs;

Whereas, Work sharing programs allows two people to share the responsibilities of one full-time position and divide the hours, salary, and benefits;

Whereas, A work sharing unemployment insurance program should be designed to allow the payment of benefits to individuals whose wages and hours have been reduced; and

Whereas, If a work sharing benefit payable to an employee for work performed under a work sharing plan is established, the work sharing benefit should be equal to the employee's unemployment benefit reduced by a percentage that is equivalent to the number of hours by which the employee's work hours are reduced under the work sharing program: Therefore,

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

SECTION 1. That the legislative council is urged to assign to the appropriate study committee the topic of job sharing working conditions and benefits, especially work sharing unemployment benefits.

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

House Resolution 73

Representative Errington introduced House Resolution 73:

A HOUSE RESOLUTION recognizing the Ball State University Singers on the occasion of the 50th anniversary of the group's creation.

Whereas, The Ball State University Singers are celebrating the group's 50th anniversary with almost 1,000 student singers,

dancers, instrumentalists, technicians, choreographers, costume and set designers, writers, and arrangers having participated;

Whereas, In 1964 the music faculty voted to establish a popular vocal ensemble named in the recognition of the elevation of Ball State to university status under Don Neuen, founding director;

Whereas, In 1966 the First Spectacular was held in Emens Auditorium and over $7,000 was raised for the School of Music Scholarship fund;

Whereas, The University Singers have been fortunate to have had many outstanding directors, including Larry Boye, Fritz Mountford, and Jeffrey Richard Carter and Acting Directors Jack Trussel, Rob Lawrence and Michael Davis;

Whereas, In 1971 the Indiana General Assembly proclaims University Singers to be "Indiana's Official Goodwill Ambassadors";

Whereas, The University Singers have performed nationally and internationally and for such distinguished guests as former President Jimmy Carter and former First Lady Nancy Reagan;

Whereas, The University Singers' philosophy is quality, good taste, honesty, sincerity and fun;

Whereas, Under current Director Dr. Alan Alder's direction, the University Singers received a Gold ranking at the 2012 World Choir Games and the World's No. 1 Collegiate Entertainment Organization; and

Whereas, Former members have gone on to reach notoriety in television, film and stage: 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 Ball State University Singers on the occasion of the group's 50th anniversary and thanks them for all the pleasure they have given us.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to the Ball State University Singers Director Dr. Alan Alder.

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

House Resolution 74

Representative Austin introduced House Resolution 74:

A HOUSE RESOLUTION recognizing the importance of all schools and libraries being equipped with high-capacity, high-speed broadband connectivity.

Whereas, February 5, 2014, marked national Digital Learning Day, bringing to the forefront the broadband imperative currently facing schools and libraries in all communities across Indiana;

Whereas, Broadband has become the enabling technology of the modern learning environment, is now as vital to schools as brick and mortar infrastructure and utilities, and has the power to transform classrooms and transmit information, helping to support students in acquiring 21st century skills and making learning environments more engaging and relevant;

Whereas, Broadband and other technology tools have the ability to increase education capacity as well through online academies, project-based and personalized learning, AP and dual credit, and STEM initiatives;

Whereas, Increased broadband capacity will also improve the efficiency of data management and information sharing by schools with parents and community stakeholders, as teacher evaluations can be moved online to provide immediate feedback to help improve classroom instruction, and parents can be more readily informed about their students' academic progress;

Whereas, Libraries benefit from high-capacity, high-speed broadband connectivity as well, as they have notably become community resource centers of digital information where people can learn about healthcare, e-government services, search for available jobs, and more;

Whereas, While reliable internet connectivity has become a necessity of schools and libraries, the current capacity of the broadband connections is inadequate;

Whereas, Despite this need, school and library budgets are constrained by inflation and other expenses, the state school and library connectivity grant only addresses 10 percent of the costs for the local portion of the requests for these services, and thus affordability and funding remain a barrier to securing adequate bandwidth capacity; and

Whereas, If Indiana's bold educational initiatives, including creating thriving students and a high-tech workforce, are to become successful and sustainable, the state must prioritize in terms of investing in a robust, fiber-based network of internet broadband to connect the demand for this technology with the necessary funding: 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 recognizes the broadband imperative facing schools and libraries in all communities across Indiana.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to the executive directors of the Indiana State Library, the Indiana Library Federation, the Indiana Association of School Business Officials, the Indiana Association of Public School Superintendents, the Indiana School Boards Association, the Indiana Urban Schools Association, the Indiana Rural and Small Schools Association, the Indiana Association of School Principals, the Consortium on School Networking, the Indiana Chief Technology Officers Council, the Indiana Federation of Teachers, and the Indiana State Teachers Association.

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

Senate Concurrent Resolution 51

The Speaker handed down Senate Concurrent Resolution 51, sponsored by Representative Turner:

A CONCURRENT RESOLUTION honoring SCORE on its 50th anniversary of helping small businesses.

Whereas, In 1964, the first chapter of Service Corps of Retired Executives, now known as SCORE, was founded by a handful of members with the goal of assisting entrepreneurs and small business owners with advice on managing their business challenges;

Whereas, SCORE has since grown to a job-creating, nationwide powerhouse with 330 chapters and 12,000 volunteers and continues to provide confidential, no-cost counseling to small businesses;

Whereas, Over its 50-year history, SCORE has provided assistance to more than 10 million aspiring entrepreneurs;

Whereas, Almost 300 volunteers and 10 chapters serve the state of Indiana in a broad range of industries, including accounting, business planning, customer service, general

management, manufacturing, marketing, retail, public relations, purchasing, sales, technology, and more, and in 2013 alone, Indiana SCORE mentored and provided workshops for over 6,000 small business entities; and

Whereas, The work and ingenuity of private organizations such as SCORE is invaluable to the state's business community, the emergence of new entrepreneurs, and is a part of what makes Indiana great: 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 General Assembly honors and congratulates SCORE on a successful 50 years of helping small businesses.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to SCORE's Indiana District Director, R.C. Miramonti.

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.

Senate Concurrent Resolution 52

The Speaker handed down Senate Concurrent Resolution 52, sponsored by Representative Niezgodski:

A CONCURRENT RESOLUTION recognizing the International Brotherhood of Electrical Workers (IBEW) Local 153 on their 100th anniversary.

Whereas, IBEW Local 153 was chartered on April 21, 1914 by 18 electrical workers;

Whereas, The charter members were Fred Champaigne, Louis J. Brehmer, Omer C. Naftzger, Roy Watt, Calvin Beatty, William Weber, C. Sinnoth, Rob Elliott, R.J. Suabedissen, W.A. Henry, Walter A. Stickley, Lester E. Beatty, E.A. Nimtz, R.M. Dice, Leo A. Mathis, Frank Hamer, Oliver Davis, and B.J. Doehmer;

Whereas, IBEW Local 153 now covers Berrien and Cass counties in Michigan and St. Joseph, Elkhart, Marshall, and Kosciusko counties in Indiana;

Whereas, IBEW Local 153 has promoted reasonable methods of work, cultivated feelings of friendship among their contractors and those in the electrical industry, settled disputes between parties in a reasonable manner, and assisted each other in time of need;

Whereas, IBEW Local 153 has worked to achieve higher standards of quality, safer working conditions, adequate compensation, individual security, and the elevation of moral, intellectual and social conditions because of the Local Union's high standard of quality and productivity; and

Whereas, IBEW Local 153 has endeavored to achieve each of its goals with tremendous passion: Therefore,

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

SECTION 1. The Indiana State Senate recognizes IBEW Local 153 on their 100th anniversary.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Mike Compton, business manager of IBEW Local 153.

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.

Representatives Lawson, McMillin and Steuerwald are excused.

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 161.2 and recommends that it be suspended so that the following conference committee reports are eligible for consideration after March 3, 2014; we further recommend that House Rule 163.3 be suspended so that the following conference committee reports may be laid over on the members' desks for 16 hours, so that they may be eligible to be placed before the House for action: Engrossed House Bills 1141-01, 1237-01, 1361-01 and Engrossed Senate Bill 255-01.

TORR, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move House Rule 161.2 be suspended so that the following conference committee reports are eligible for consideration after March 3, 2014, and that House Rule 163.3 be suspended so that the following conference committee reports may be laid over on the members' desks for 16 hours, so that they may be eligible to be placed before the House for action: Engrossed House Bills 1141-01, 1237-01, 1361-01 and Engrossed Senate Bill 255-01.

TORR, Chair

Motion prevailed.

CONFERENCE COMMITTEE REPORT
EHB 1141–1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1141 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 5-2-6-3, AS AMENDED BY P.L.85-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. The institute is established to do the following:

(1) Evaluate state and local programs associated with:
(A) the prevention, detection, and solution of criminal offenses;
(B) law enforcement; and
(C) the administration of criminal and juvenile justice.
(2) Improve and coordinate all aspects of law enforcement, juvenile justice, and criminal justice in this state.
(3) Stimulate criminal and juvenile justice research.
(4) Develop new methods for the prevention and reduction of crime.
(5) Prepare applications for funds under the Omnibus Act and the Juvenile Justice Act.
(6) Administer victim and witness assistance funds.
(7) Administer the traffic safety functions assigned to the institute under IC 9-27-2.
(8) Compile and analyze information and disseminate the information to persons who make criminal justice decisions in this state.
(9) Serve as the criminal justice statistical analysis center

for this state.

(10) Identify grants and other funds that can be used by the department of correction to carry out its responsibilities concerning sex or violent offender registration under IC 11-8-8.

(11) Administer the application and approval process for designating an area of a consolidated or second class city as a public safety improvement area under IC 36-8-19.5.

(12) Develop and maintain a meth watch program to inform retailers and the public about illicit methamphetamine production, distribution, and use in Indiana.

~~(13) Establish, maintain, and operate, subject to specific appropriation by the general assembly, a web site containing a list of properties (as defined in IC 5-2-6-19(b)) that have been used as the site of a methamphetamine laboratory.~~

~~(14)~~ **(13)** Develop and manage the gang crime witness protection program established by section 21 of this chapter.

~~(15)~~ **(14)** Identify grants and other funds that can be used to fund the gang crime witness protection program.

~~(16)~~ **(15)** Administer any sexual offense services.

~~(17)~~ **(16)** Administer domestic violence programs.

~~(18)~~ **(17)** Administer assistance to victims of human sexual trafficking offenses as provided in IC 35-42-3.5-4.

~~(19)~~ **(18)** Administer the domestic violence prevention and treatment fund under IC 5-2-6.7.

~~(20)~~ **(19)** Administer the family violence and victim assistance fund under IC 5-2-6.8.

SECTION 2. IC 5-2-6-19, AS ADDED BY P.L.186-2007, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 19. (a) As used in this section, ~~"institute"~~ **"department"** refers to the ~~Indiana criminal justice institute established by section 3 of this chapter.~~ **state police department.**

(b) As used in this section, "property" refers to a structure or part of a structure that is used as a home, residence, or sleeping unit.

(c) Subject to specific appropriation by the general assembly, the ~~institute~~ **department** shall establish, maintain, and operate a web site containing a list of properties that have been used as the site of a methamphetamine laboratory. The list of properties shall be based on information received from a law enforcement agency under IC 5-2-15-3.

(d) Subject to specific appropriation by the general assembly, and in accordance with ~~subsections (h) and (i),~~ **subsection (g),** the ~~institute~~ **department** shall publish the list of properties that have been used as the site of a methamphetamine laboratory on a web site maintained by the ~~institute.~~ **department. If methamphetamine is manufactured in an apartment that is a unit of a multi-unit apartment complex, the department shall publish only the address, including the apartment number, of the particular apartment in which the methamphetamine was manufactured.** The ~~institute~~ **department** shall design the web site to enable a user to easily determine whether a particular property has been used as the site of a methamphetamine laboratory. ~~The web site shall be referred to as the "methamphetamine laboratory web site".~~

(e) **Except as provided in subsection (h),** the ~~institute~~ **department** shall remove a listed property from the web site **not later than ninety (90) days** after the property has been certified as decontaminated by an inspector approved under IC 13-14-1-15. ~~or not more than two (2) years after the date the methamphetamine laboratory was seized by a law enforcement agency.~~

(f) ~~Notwithstanding subsection (c),~~ If property has been certified as decontaminated by an inspector approved under IC 13-14-1-15 before it is placed on the list required under subsection (c), the ~~institute~~ **department** may not place the property on the list.

~~(g) Records concerning a listed property that has been removed from the web site under subsection (e) are confidential.~~

~~(h)~~ **(g)** ~~This subsection only applies to a rental unit (as defined in IC 32-31-3-8).~~ The ~~institute~~ **department** may not list a ~~rental unit~~ **property** that has been used as the site of a methamphetamine laboratory on the web site until ~~the~~ **one hundred eighty (180) days after the date on which the department receives information from a law enforcement agency that the property has been the site of a methamphetamine laboratory.** ~~later of the following:~~

~~(1) Thirty (30) days after the date on which the institute receives information from a law enforcement agency under IC 5-2-15-3 that the rental unit has been the site of a methamphetamine laboratory, if the owner or operator of the rental property has not provided documentation to the institute showing:~~

~~(A) that the property has been inspected by a person certified to inspect property that is polluted by a contaminant under IC 13-14-1-15; and~~

~~(B) that the owner or operator has begun the process of decontaminating the property.~~

~~(2) If the owner or operator of the rental unit provides the documentation described in subdivision (1)(A) and (1)(B) not later than thirty (30) days after the date on which the institute receives information from a law enforcement agency under IC 5-2-15-3 that the rental unit has been the site of a methamphetamine laboratory, one hundred eighty (180) days after the date on which the institute receives information from a law enforcement agency that the rental unit has been the site of a methamphetamine laboratory. However, if the owner or operator provides documentation to the institute within the appropriate time period described in subdivision (1) or (2) that a person authorized to inspect property that is polluted by a contaminant under IC 13-14-1-15 has certified that the property is decontaminated or was not contaminated by a methamphetamine laboratory, the institute may not list the property on the web site.~~

~~(i) This subsection only applies to a rental unit (as defined in IC 32-31-3-8). The institute shall remove a rental unit listed on the web site not more than five (5) days after receiving documentation from the owner or operator of the rental~~ property that:

~~(1) the property has been inspected by a person certified to inspect property that is polluted by a contaminant under IC 13-14-1-15; and~~

~~(2) that the owner or operator has begun the process of decontaminating the property.~~

~~The institute shall relist the rental unit on the web site not less than one hundred fifty (150) days after receiving documentation described in subdivisions (1) and (2), unless the owner or operator of the rental property provides documentation to the institute that a person authorized to inspect property that is polluted by a contaminant under IC 13-14-1-15 has certified that the property is decontaminated or was not contaminated by a methamphetamine laboratory.~~

SECTION 3. IC 10-11-2-31.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 31.1. (a) The superintendent shall adopt:**

(1) guidelines; and

(2) a reporting form or a specified electronic format, or both;

for receiving an approved certificate of cleanup from the department of environmental management that property used for the manufacture of methamphetamine or polluted by waste from the manufacture of methamphetamine has been certified as decontaminated by an inspector approved under IC 13-14-1-15.

(b) Guidelines adopted under this section must require

that the department remove, in accordance with the time periods described in IC 5-2-6-19, the decontaminated property from any publicly available list of methamphetamine contaminated properties compiled or made available by the department.

SECTION 4. IC 13-14-1-15, AS ADDED BY P.L.192-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 15. (a) The department shall maintain a list of persons certified to inspect and clean property that is polluted by a contaminant. The list may specifically note persons with particular expertise or experience in the inspection or cleanup of property contaminated by chemicals used in the illegal manufacture of a controlled substance (as defined in IC 35-48-1-9) or by waste produced from the illegal manufacture of a controlled substance.

(b) The department may specify by rule that a person who meets certain qualifications prescribed by the department is a person certified to inspect and clean property that is polluted by a contaminant.

(c) The department shall specify by rule that any person:

(1) certified under this section to inspect and clean contaminated property; and

(2) who has decontaminated property polluted by the manufacture of methamphetamine or by waste from the manufacture of methamphetamine;

shall notify the department when the person has decontaminated a property polluted by the manufacture of methamphetamine or by waste from the manufacture of methamphetamine.

~~(c)~~ **(d)** The department shall adopt rules under IC 4-22-2:

(1) to implement this section; and

(2) concerning the inspection and remediation of contaminated property.

SECTION 5. IC 32-21-5-7, AS AMENDED BY P.L.159-2011, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. The Indiana real estate commission established by IC 25-34.1-2-1 shall adopt a specific disclosure form that contains the following:

(1) Disclosure by the owner of the known condition of the following:

(A) The foundation.

(B) The mechanical systems.

(C) The roof.

(D) The structure.

(E) The water and sewer systems.

(F) Additions that may require improvements to the sewage disposal system.

(G) Other areas that the Indiana real estate commission determines are appropriate.

(2) Disclosure by the owner of known:

(A) contamination caused by the manufacture of a controlled substance on the property that has not been certified as decontaminated by an inspector approved under IC 13-14-1-15; **or**

(B) manufacture of methamphetamine or dumping of waste from the manufacture of methamphetamine in a residential structure on the property.

(3) A notice to the prospective buyer that contains substantially the following language:

"The prospective buyer and the owner may wish to obtain professional advice or inspections of the property and provide for appropriate provisions in a contract between them concerning any advice, inspections, defects, or warranties obtained on the property.".

(4) A notice to the prospective buyer that contains substantially the following language:

"The representations in this form are the representations of the owner and are not the representations of the agent, if any. This information is for disclosure only and is not intended to be a part of any contract between the buyer and owner.".

(5) A disclosure by the owner that an airport is located within a geographical distance from the property as determined by the Indiana real estate commission. The commission may consider the differences between an airport serving commercial airlines and an airport that does not serve commercial airlines in determining the distance to be disclosed.

SECTION 6. IC 35-50-5-3, AS AMENDED BY P.L.73-2012, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: 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(a)(1)(A);~~ **IC 35-48-4-1.1;** 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).

(Reference is to EHB 1141 as reprinted February 28, 2014.)

MCNAMARA	HEAD
MACER	ARNOLD
House Conferees	Senate Conferees

Roll Call 449: yeas 95, nays 0. Report adopted.

The Speaker yielded the gavel to the Acting Speaker Representative Neese.

Representatives Lawson, McMillin and Steuerwald, who were excused are now present.

Representatives Moed, Wolkins and Ziemke are excused.

CONFERENCE COMMITTEE REPORT
EHB 1237–1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1237 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 5-16-9-1, AS AMENDED BY P.L.2-2007, SECTION 104, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 1. (a) The definitions in this section apply throughout this chapter.

(b) "Accessible parking space" refers to a parking space that conforms with the standards of section 4 of this chapter.

(c) "Motor vehicle" has the meaning set forth in IC 9-13-2-105.

(d) "Parking facility" means any facility or combination of facilities for motor vehicle parking which contains parking spaces for the public.

(e) "Person with a physical disability" means a person who has been issued a placard under IC 9-14-5, **a person who has been issued a modified Purple Heart plate under IC 9-18-19-1(b),** or a person with a disability registration plate for a motor vehicle by the bureau of motor vehicles under IC 9-18-22.

(f) "Public agency" means:

(1) the state of Indiana, its departments, agencies, boards, commissions, and institutions, including state educational institutions; and

(2) a county, city, town, township, school or conservancy

district, other governmental unit or district, or any department, board, or other subdivision of the unit of government.

SECTION 2. IC 5-16-9-5, AS AMENDED BY P.L.50-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 5. (a) Any person who parks a motor vehicle which does not have displayed a placard of a person with a physical disability or a disabled veteran, issued under IC 9-14-5 or under the laws of another state, or a registration plate of a person with a physical disability or a disabled veteran, issued under IC 9-18-18, **IC 9-18-19-1(b),** IC 9-18-22, or under the laws of another state, in a parking space reserved under this chapter for a vehicle of a person with a physical disability commits a Class C infraction.

(b) Any person who knowingly parks in a parking space reserved for a person with a physical disability while displaying a placard to which neither the person nor the person's passenger is entitled commits a Class C infraction.

(c) Any person who displays for use in parking in a parking space reserved for a person with a physical disability a placard or a special license plate that was not issued under IC 9-14-5, IC 9-18-18, **IC 9-18-19-1(b),** IC 9-18-22, or under the laws of another state commits a Class C misdemeanor.

(d) A person who, in a parking space reserved for a person with a physical disability, parks a vehicle that displays a placard or special registration plate entitling a person to park in a parking space reserved for a person with a physical disability commits a Class C infraction if that person is not, at that time, in the process of transporting a person with a physical disability or disabled veteran.

(e) Notwithstanding IC 34-28-5-4(c), a civil judgment of not less than one hundred dollars ($100) must be imposed for an infraction committed in violation of this section.

SECTION 3. IC 5-16-9-8, AS AMENDED BY P.L.50-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 8. (a) As used in this section, "owner" means a person in whose name a motor vehicle is registered under:

(1) IC 9-18;
(2) the laws of another state; or
(3) the laws of a foreign country.

(b) As used in this section, "lessee" means a person who has care, custody, or control of a motor vehicle under a written agreement for the rental or lease of the motor vehicle for less than sixty-one (61) days. The term does not include an employee of the owner of the motor vehicle.

(c) An owner or lessee of a motor vehicle commits a Class C infraction if the motor vehicle:

(1) is located in a parking space in a parking facility that is marked under section 2 of this chapter as a parking space reserved for a person with a physical disability; and
(2) does not display:
(A) an unexpired parking permit for a person with a physical disability issued under IC 9-14-5;
(B) an unexpired disabled veteran's registration plate issued under IC 9-18-18 **or an unexpired modified Purple Heart license plate under IC 9-18-19-1(b);**
(C) an unexpired registration plate or decal for a person with a physical disability issued under IC 9-18-22; or
(D) an unexpired parking permit for a person with a physical disability, an unexpired disabled veteran's registration plate, or an unexpired registration plate or decal for a person with a physical disability issued under the laws of another state.

(d) It is a defense that IC 9-30-11-8 applies to the violation.

(e) It is a defense that the motor vehicle was the subject of an offense described in IC 35-43-4 at the time of the violation of this section.

(f) Notwithstanding IC 34-28-5-4(c), a civil judgment of not less than one hundred dollars ($100) must be imposed for an infraction committed in violation of this section.

SECTION 4. IC 5-16-9-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 9. (a) This chapter does not prohibit a county, city, or town from adopting and enforcing an ordinance that regulates standing or parking of motor vehicles in a space reserved for a person with a physical disability under section 2 of this chapter, IC 9-21-1-3, or IC 9-21-18-4.

(b) An ordinance described in subsection (a) may not conflict with this chapter.

(c) An ordinance described in subsection (a) may not require a person to obtain or display any permit, registration plate, or registration decal to stand or park in a space reserved for a person with a physical disability under section 2 of this chapter, except the following:

(1) A parking permit for a person with a physical disability issued under IC 9-14-5.
(2) A disabled veteran's registration plate issued under IC 9-18-18 **or a modified Purple Heart license plate under IC 9-18-19-1(b).**
(3) A registration plate or decal for a person with a physical disability issued under IC 9-18-22.

(d) An ordinance described in subsection (a) must permit a motor vehicle displaying an unexpired parking permit for a person with a physical disability, an unexpired disabled veteran's registration plate, or an unexpired registration plate or decal for a person with a physical disability issued under the laws of another state to stand or park in a space reserved for a person with a physical disability but only when the vehicle is being used to transport a person with a physical disability.

SECTION 5. IC 5-26-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 1. (a) The integrated public safety communications fund is established to be used only to carry out the purposes of this article. The fund shall be administered by the commission.

(b) The fund consists of:

(1) appropriations from the general assembly;
(2) gifts;
(3) federal grants;
(4) fees and contributions from user agencies that the commission considers necessary to maintain and operate the system;
(5) amounts distributed to the fund under IC 9-29; and
~~(5)~~ **(6)** money from any other source permitted by law.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the fund.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(e) If federal funds are not sufficient to pay for the system, the commission shall transfer money from the fund to the communications system infrastructure fund established by IC 5-26-5-4 in amounts sufficient to pay rentals and other obligations under use and occupancy agreements or other contracts or leases relating to the financing of the system under IC 4-13.5.

SECTION 6. IC 6-6-5.5-7, AS AMENDED BY P.L.293-2013(ts), SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 7.(a) The annual excise tax for a commercial vehicle will be determined by the motor carrier services division on or before October 1 of each year in accordance with the following formula:

STEP ONE: Determine the total amount of base revenue for all taxing units using the base revenue determined for each taxing unit under section 19 of this chapter.

STEP TWO: Determine the sum of **registration** fees paid **and collected under IC 9-29-5** to register the following commercial vehicles in Indiana under the following statutes during the fiscal year that ends June 30

immediately preceding the calendar year for which the tax is first due and payable:

(A) ~~Total registration fees collected under IC 9-29-5-3 for~~ Commercial vehicles with a declared gross weight in excess of eleven thousand (11,000) pounds, including trucks, tractors not used with semitrailers, traction engines, and other similar vehicles used for hauling purposes.

(B) ~~Total registration fees collected under IC 9-29-5-5 for~~ Tractors used with semitrailers.

(C) ~~Total registration fees collected under IC 9-29-5-6 for~~ Semitrailers used with tractors.

(D) ~~Total registration fees collected under IC 9-29-5-4 for~~ Trailers having a declared gross weight in excess of three thousand (3,000) pounds. ~~and~~

(E) ~~Total registration fees collected under IC 9-29-5-13 for~~ Trucks, tractors and semitrailers used in connection with agricultural pursuits usual and normal to the user's farming operation, multiplied by two hundred percent (200%).

STEP THREE: Determine the tax factor by dividing the STEP ONE result by the STEP TWO result.

(b) Except as otherwise provided in this chapter, the annual excise tax for commercial vehicles with a declared gross weight in excess of eleven thousand (11,000) pounds, including trucks, tractors not used with semitrailers, traction engines, and other similar vehicles used for hauling purposes, shall be determined by multiplying the registration fee under ~~IC 9-29-5-3~~ **IC 9-29-5-3.2** by the tax factor determined in subsection (a).

(c) Except as otherwise provided in this chapter, the annual excise tax for tractors used with semitrailers shall be determined by multiplying the registration fee under IC 9-29-5-5 by the tax factor determined in subsection (a).

(d) Except as otherwise provided in this chapter, the annual excise tax for trailers having a declared gross weight in excess of three thousand (3,000) pounds shall be determined by multiplying the registration fee under IC 9-29-5-4 by the tax factor determined in subsection (a).

(e) The annual excise tax for a semitrailer shall be determined by multiplying the average annual registration fee under IC 9-29-5-6 by the tax factor determined in subsection (a). The average annual registration fee for a semitrailer under IC 9-29-5-6 is sixteen dollars and seventy-five cents ($16.75).

(f) The annual excise tax determined under this section shall be rounded upward to the next full dollar amount.

SECTION 7. IC 6-6-11-29, AS AMENDED BY P.L.261-2013, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 29. (a) The bureau of motor vehicles shall transfer the department of natural resources fee, the lake and river enhancement fee, the delinquent excise taxes, and the delinquent fees collected under this chapter during the preceding month as follows:

(1) On or before the eleventh day of each month, the bureau of motor vehicles shall transfer to the ~~state license branch~~ **bureau of motor vehicles commission** fund an amount equal to five percent (5%) of each excise tax transaction completed by the bureau. The money is to be used to cover the expenses incurred by the bureau of motor vehicles and the license branches for returns, decals, collecting the fees and excise taxes and ~~to cover any service charges by the commission under IC 9-29-3.~~ **for amounts deposited in the commission fund.** An additional charge may not be imposed for the services of the license branches under this chapter.

(2) At least quarterly, the bureau of motor vehicles shall set aside for the department of natural resources the fees and the delinquent fees collected under this chapter to use as provided in section 35 of this chapter.

(3) On or before the tenth day of each month, the bureau of motor vehicles shall distribute to each county the excise tax collections, including delinquent tax collections, for the county for the preceding month. The bureau of motor vehicles shall include a report with each distribution showing the information necessary for the county auditor to allocate the revenue among the taxing units of the county.

(4) The bureau of motor vehicles shall deposit the revenue from the lake and river enhancement fee imposed by section 12(b) of this chapter in the lake and river enhancement fund established by section 12.5 of this chapter.

(b) Money credited to each county's account in the state general fund is appropriated to make the distributions and the transfers required by subsection (a). The distributions shall be made upon warrants drawn from the state general fund.

SECTION 8. IC 8-14-1-1, AS AMENDED BY P.L.145-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 1. As used in this chapter:

(1) "Motor vehicle highway account" means the account of the general fund of the state known as the "motor vehicle highway account" to which is credited collections from motor vehicle registration fees, licenses, driver's and chauffeur's license fees, gasoline taxes, auto transfer fees, certificate of title fees, weight taxes or excise taxes and all other similar special taxes, duties or excises of all kinds on motor vehicles, trailers, motor vehicle fuel, or motor vehicle owners or operators. The account also includes ~~fees collected under IC 9-27-6-9(d).~~ **amounts distributed to the fund under IC 9-29.**

(2) The term "department" refers to the Indiana department of transportation.

(3) The term "highways" includes roadway, rights of way, bridges, drainage structures, signs, guard rails, protective structures in connection with highways, drains, culverts, and bridges and the substructure and superstructure of bridges and approaches thereto and streets and alleys of cities or towns.

(4) The term "construction" means the planning, supervising, inspecting, actual building, draining, and all expenses incidental to the construction of a highway.

(5) The term "reconstruction" means a widening or a rebuilding of the highway or any portion thereof.

(6) The term "maintenance" when used in reference to cities, towns, and counties as applied to that part of the highway other than bridges, means the constant making of needed repairs, to preserve a smooth surfaced highway, adequately drained, marked and guarded by protective structures for public safety and, as to bridges, means the constant making of needed repairs to preserve a smooth surfaced highway thereon and the safety and preservation of the bridge and its approaches, together with the substructure and superstructure thereof; and such term also means and includes the acquisition and use, in any manner, of all needed equipment, fuel, materials, and supplies essential and incident thereto.

(7) The term "vehicle registration" means the number of vehicles subject to registration under IC 9-18 which are registered thereunder, and, when used with respect to the state, shall mean the number of vehicles registered in the state and, when used in respect to a county, city, or town, shall mean the number of vehicles registered by owners resident in the county, city, or town.

SECTION 9. IC 8-14-2-2.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 2.1. The auditor shall create a special fund to be known as the "Highway, Road and Street Fund" for the deposit of the revenues from:

(1) the gasoline and special fuel taxes dedicated to the fund under IC 6-6-1.1-802 and IC 6-6-2.5; and

(2) ~~the increases in fees levied under IC 9-29-4, IC 9-29-5,~~

~~IC 9-29-9, and IC 9-29-11, which increases are attributable to Acts 1969, Chapter 321, SECTION 1.~~ **amounts deposited in or distributed to the fund under IC 9-29.**

SECTION 10. IC 8-14-10-9, AS AMENDED BY P.L.92-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 9. (a) The crossroads 2000 fund is established for the purpose of constructing or reconstructing state highways. The crossroads 2000 fund consists of distributions received under ~~IC 9-29-1-2, IC 9-29-15-1, IC 9-29-15-3, IC 9-29-15-4, and IC 9-29-17-14.~~ **IC 9-29.**

(b) The crossroads 2000 fund shall be administered by the department. The treasurer of state shall invest the money in the crossroads 2000 fund not currently needed to meet the obligations of the crossroads 2000 fund in the same manner as other public funds may be invested.

(c) Money in the crossroads 2000 fund at the end of a state fiscal year does not revert to the state general fund.

(d) The department may use the money in the crossroads 2000 fund only to pay the following costs:

(1) The cost of construction or reconstruction of a state highway.

(2) The cost of acquisition of all land, rights-of-way, property, rights, easements, and any other legal or equitable interests acquired by the department for the construction or reconstruction of a state highway, including the cost of any relocations incident to the acquisition.

(3) The cost of demolishing or removing any buildings, structures, or improvements on property acquired by the department for the construction or reconstruction of a state highway.

(4) Engineering and legal expenses and the costs of plans, specifications, surveys, estimates, and any necessary feasibility studies.

(5) Payment of rentals and performance of other obligations under contracts or leases securing bonds issued under IC 8-14.5-6.

SECTION 11. IC 9-13-2-32.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 32.7. "Commission fund" refers to the bureau of motor vehicles commission fund established by IC 9-29-14-1.**

SECTION 12. IC 9-13-2-39.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 39.8. "Crossroads 2000 fund" refers to the crossroads 2000 fund established by IC 8-14-10-9.**

SECTION 13. IC 9-13-2-73.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 73.3. "Highway, road and street fund" refers to the highway, road and street fund established by IC 8-14-2-2.1.**

SECTION 14. IC 9-13-2-82.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 82.5. "Integrated public safety communications fund" refers to the integrated public safety communications fund established by IC 5-26-4-1.**

SECTION 15. IC 9-13-2-94.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 94.3. "Local road and street account" refers to the local road and street account established by IC 8-14-2-4.**

SECTION 16. IC 9-13-2-102.3, AS ADDED BY P.L.6-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 102.3. "Metered space", for purposes of IC 9-18-17, ~~and~~ IC 9-18-18, **and IC 9-18-19,** means a public parking space at which parking is regulated by:

(1) a parking meter; or

(2) an official traffic control device that imposes a maximum parking time for the public parking space.

The term does not include parking spaces or areas regulated under IC 9-21-18.

SECTION 17. IC 9-13-2-105.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 105.3. "Motor vehicle highway account" refers to the motor vehicle highway account as defined in IC 8-14-1-1(1).**

SECTION 18. IC 9-13-2-108.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 108.3. "Motorcycle operator safety education fund" refers to the motorcycle operator safety education fund established by IC 9-27-7-7.**

SECTION 19. IC 9-13-2-144.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 144.5. "Pull service charge" ~~for purposes of IC 9-29-3-19, has the meaning set forth in IC 9-29-3-19.~~ **refers to the charge that the commission or bureau may require for a motor vehicle registration plate requested for issuance out of its established numerical sequence.**

SECTION 20. IC 9-13-2-150 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 150. (a) "Recreational vehicle" means a vehicle with or without motive power equipped exclusively for living quarters for persons traveling upon the highways. **The term does not include a truck camper.**

(b) "Recreational vehicle", for purposes of IC 9-18-2-8, does not include a mobile structure (as defined in IC 22-12-1-17).

SECTION 21. IC 9-13-2-170.5 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 170.5. "Special numbered motor vehicle registration plate" for purposes of IC 9-29-3-19, has the meaning set forth in IC 9-29-3-19.~~

SECTION 22. IC 9-13-2-173.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 173.3. "State highway fund" refers to the state highway fund established by IC 8-23-9-54. The term is synonymous with the primary highway system special account described in IC 8-14-2-1(1).**

SECTION 23. IC 9-13-2-173.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 173.5. "State police building account" refers to the state police building account established by IC 9-29-1-4.**

SECTION 24. IC 9-13-2-173.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 173.7. "State motor vehicle technology fund" refers to the state motor vehicle technology fund established by IC 9-29-16-1.**

SECTION 25. IC 9-14-3-4, AS AMENDED BY P.L.125-2012, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 4. (a) **Upon request,** the bureau shall prepare and deliver ~~upon request and payment of the fees prescribed in IC 9-29-2-1,~~ a certified copy of any record of the bureau that is not otherwise declared by law to be confidential. **The fee for a certified copy is the amount set forth in IC 9-29-2-1.**

(b) A certified copy of a record obtained under subsection (a) is admissible in a court proceeding as if the copy were the original.

(c) An electronic record of the bureau obtained from the bureau that bears an electronic signature is admissible in a court proceeding as if the copy were the original.

SECTION 26. IC 9-14-5-7, AS AMENDED BY P.L.262-2013, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 7. A

placard issued under this chapter must be displayed on the dashboard or rear view mirror of a motor vehicle that is parked in a parking space reserved for persons with physical disabilities under this chapter unless the motor vehicle bears a license plate for a person with a disability issued under IC 9-18-22, a disabled Hoosier veteran's license plate issued under IC 9-18-18, **a modified Purple Heart license plate issued under IC 9-18-19-1(b),** or an equivalent parking permit issued under the laws of another state. If a placard is lost, stolen, damaged, or destroyed, the bureau shall provide a duplicate placard upon the application of the person who was issued the placard.

SECTION 27. IC 9-14-5-8, AS AMENDED BY P.L.125-2012, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 8. **(a)** The ~~bureau may establish by rule and charge a fee of not more than five dollars ($5) to cover the cost of issuing~~ **fee to issue** a placard or duplicate placard under this chapter to an individual having a temporary disability **is five dollars ($5). The fee shall be deposited in the commission fund.**

~~However, the bureau may not establish or charge a~~ **(b) There is no** fee for ~~issuing~~ a placard or duplicate placard **issued** under this chapter to an individual having a permanent disability.

SECTION 28. IC 9-15-2-1, AS AMENDED BY P.L.125-2012, SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 1. The commission board shall do the following:

(1) Recommend legislation needed to operate the license branches.

(2) Recommend rules needed to operate the license branches.

(3) Review budget proposals for the commission and the license branches operated under IC 9-16, including the budget required by IC 9-16-3-3.

(4) Establish the determination criteria and determine the number and location of license branches to be operated under IC 9-16. However, there must be at least one (1) full service license branch in each county.

(5) Establish and adopt minimum standards for the operation and maintenance of each full or partial service license branch operated under IC 9-16.

(6) Administer the ~~state license branch~~ **commission** fund established under IC 9-29-14.

SECTION 29. IC 9-16-1-5, AS AMENDED BY P.L.210-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 5. Each license branch, full service provider, or partial services provider shall:

(1) collect the service charges ~~prescribed by IC 9-29-3 and deposit the service charges in the state license branch fund established under IC 9-29-14.~~ **and fees as set forth in IC 9-29 and in policies and other documents of the bureau; and**

(2) remit the amounts collected to the bureau for deposit as set forth in this title.

SECTION 30. IC 9-16-3-2, AS AMENDED BY P.L.125-2012, SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 2. The commission shall develop a statewide license branch budget. If the commission board determines that the total of:

(1) revenues from license branch operations; and

(2) appropriations received by the commission;

are insufficient to support license branch operations, the commission ~~shall increase the branch service charges under IC 9-29-3.~~ **may increase fees by rule under IC 9-29-1-12.**

SECTION 31. IC 9-17-3-8, AS AMENDED BY P.L.262-2013, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 8. The bureau shall ~~(1)~~ enable the owner of a motor vehicle titled in Indiana to determine:

~~(A)~~ **(1)** whether that motor vehicle has previously been titled in Indiana; and

~~(B)~~ **(2)** if the motor vehicle has previously been titled in Indiana, whether the title was issued as a salvage title under IC 9-22-3. ~~and~~

~~(2) impose a service charge under IC 9-29 for services performed by the bureau under this section.~~

SECTION 32. IC 9-18-2-8, AS AMENDED BY SEA 238-2014, SECTION 1, AND AS AMENDED BY HEA 1343-2014, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 8. (a) Except as provided in section 7(h) of this chapter and subsection (f), the bureau shall determine the schedule for registration for the following categories of vehicles:

(1) Passenger motor vehicles.

(2) Recreational vehicles.

(3) Motorcycles.

(4) Trucks that:

(A) are regularly rented to others for not more than twenty-nine (29) days in the regular course of the corporation's business; and

(B) have a declared gross weight of not more than eleven thousand (11,000) pounds.

(5) Motor driven cycles.

(b) Except as provided in IC 9-18-12-2.5, a person that owns a vehicle shall receive a license plate, renewal ~~tag,~~ **sticker,** or other indicia upon registration of the vehicle. The bureau may determine the indicia required to be displayed.

(c) A corporation that owns a vehicle that is regularly rented to others for periods of not more than twenty-nine (29) days in the regular course of the corporation's business must register the vehicle on the date prescribed by the bureau.

(d) A person that owns a vehicle in a category required to be registered under this section and desires to register the vehicle for the first time must apply to the bureau for a certificate of registration. The bureau shall do the following:

(1) Administer the certificate of registration.

(2) Issue the license plate according to the bureau's central fulfillment processes.

(3) Collect the proper ~~registration and service fees~~ **fee** in accordance with the procedure established by the bureau.

(e) Except as provided in IC 9-18-12-2.5, the bureau shall issue a semipermanent plate under section 30 of this chapter, or:

(1) an annual renewal ~~tag;~~ **sticker;** or

(2) other indicia;

to be affixed on the semipermanent plate.

(f) After June 30, 2011, the registration of a vehicle under IC 9-18-16-1(a)(1) or IC 9-18-16-1(a)(2) expires on December 14 of each year. However, if a vehicle is registered under IC 9-18-16-1(a)(1) or IC 9-18-16-1(a)(2) and the registration of the vehicle is in effect on June 30, 2011, the registration of the vehicle remains valid:

(1) throughout calendar year 2011; and

(2) during the period that:

(A) begins January 1, 2012; and

(B) ends on the date on which the vehicle was due for reregistration under the law in effect before this subsection took effect.

(g) After December 31, 2015, a person that:

(1) owns a private bus; and

(2) desires to:

(A) register for the first time; or

(B) reregister;

the private bus;

must present to the bureau an unexpired certificate indicating compliance with an inspection program established under IC 9-19-22-3, in addition to any other information required by the bureau.

SECTION 33. IC 9-18-2-8.5, AS AMENDED BY P.L.286-2013, SECTION 7, IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 8.5. (a) Notwithstanding section 8 of this chapter, a school bus owned by a person other than a school corporation shall be registered before September 28 of each year.

(b) Registration and reregistration for a school bus under this section is for one (1) year.

(c) A certificate of inspection as described under IC 20-27-7-3 must accompany a registration and reregistration application of a school bus under this section.

(d) A person registering a school bus under this section shall pay the annual registration fee required under IC 9-29-5-8 and any **other applicable** fees. ~~and service charges required of a vehicle registered under this chapter.~~

(e) Upon registration of a school bus under this section, the bureau shall issue a license plate under section 30 of this chapter, including:

(1) an annual renewal ~~tag;~~ **sticker;** or

(2) other indicia;

to be attached on the semipermanent plate.

(f) A license plate with a renewal ~~tag~~ **sticker** or other indicia of registration issued under this section may be displayed during:

(1) the calendar year for which the school bus is registered; and

(2) the period:

(A) after the calendar year; and

(B) before September 28 of the subsequent year.

SECTION 34. IC 9-18-2-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 20. (a) The bureau, upon registering a vehicle required to be registered by this chapter, shall issue a certificate of registration.

(b) The certificate of registration shall be delivered to the person leasing the vehicle or to the person who owns the vehicle and shall contain upon the face of the card the following information:

(1) The name and address of the person leasing the vehicle or the person who owns the vehicle.

(2) The date the card was issued.

(3) The registration number assigned to the vehicle.

(4) A description of the vehicle as determined by the bureau.

(c) If a certificate of registration is mutilated, destroyed, or lost, a duplicate certificate of registration must be purchased. The application for a duplicate certificate of registration must be accompanied by the ~~service charge~~ **fee** prescribed under IC 9-29.

SECTION 35. IC 9-18-2-48 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 48. (a) The commissioner may enter into a contract or an agreement authorizing a person to create and use a reproduction of a license plate issued under this article.

(b) A person may not create or use a reproduction of a license plate issued under this article unless the creation or use of the reproduction is expressly authorized in writing by the commissioner. The commissioner may impose under IC 4-21.5 a civil penalty upon a person who violates this subsection. The amount of a civil penalty imposed under this subsection:

(1) shall be determined by the commissioner; and

(2) may not exceed ten thousand dollars ($10,000).

(c) Money paid to the bureau as:

(1) compensation to the state under a contract or an agreement entered into under subsection (a); or

(2) a civil penalty imposed under subsection (b);

shall be collected and deposited ~~according to IC 9-29-1-1.~~ **in the motor vehicle highway account.**

SECTION 36. IC 9-18-6-2, AS AMENDED BY P.L.262-2013, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 2. (a) Except as provided in subsection (b), if a license plate is:

(1) lost or stolen;

(2) damaged as to not be legible; or

(3) destroyed;

the person in whose name the license plate was issued may obtain from the bureau a duplicate or ~~a~~ replacement license plate by filing with the bureau an application on a form provided by the bureau duly sworn to as provided in IC 9-18-2.

(b) If a license plate is lost or stolen, the bureau may not issue a duplicate or replacement license plate until the person in whose name the plate was issued has first notified:

(1) the Indiana law enforcement agency that has jurisdiction where the loss or theft occurred; or

(2) the law enforcement agency that has jurisdiction over the address listed on the registration;

that the original license plate has been lost or stolen.

(c) A law enforcement agency to whom a loss or theft is reported shall complete and present to the person reporting the loss or theft a form provided by the bureau indicating that the loss or theft has been reported.

(d) The person must present the form described under subsection (c) to the bureau before a **duplicate or** replacement license plate may be obtained.

(e) The bureau shall charge a fee for a **duplicate or** replacement license plate as set forth in IC 9-29-5-17.

(f) A **duplicate or** replacement license plate must be displayed in the same manner as the original license plate was displayed.

SECTION 37. IC 9-18-6-2.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 2.1. (a) Except as provided in subsection (b), if a certificate of registration:**

(1) is lost or stolen;

(2) is damaged as to not be legible;

(3) is destroyed; or

(4) requires changes to the information included on the certificate;

the person to whom the certificate is issued may obtain from the bureau a duplicate, an amended, or a replacement certificate by filing with the bureau an application on a form provided by the bureau duly sworn to as provided in IC 9-18-2.

(b) If a certificate of registration is lost or stolen, the bureau may not issue a duplicate or replacement certificate of registration until the person to whom the lost or stolen certificate was issued has first notified:

(1) the Indiana law enforcement agency that has jurisdiction where the loss or theft occurred; or

(2) the law enforcement agency that has jurisdiction over the address listed on the registration;

that the original certificate of registration has been lost or stolen.

(c) A law enforcement agency to which a loss or theft is reported shall complete and present to the person reporting the loss or theft a form provided by the bureau indicating that the loss or theft has been reported.

(d) The person must present the form described under subsection (c) to the bureau before a duplicate or replacement certificate of registration may be obtained.

(e) The bureau shall charge a fee for a duplicate, an amended, or a replacement certificate of registration as set forth in IC 9-29-5-17.1.

(f) A duplicate, an amended, or a replacement certificate of registration must be carried in the manner required by IC 9-18-2-21.

SECTION 38. IC 9-18-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 4. (a) If the ownership of a vehicle registered under this article is transferred, except a transfer from a manufacturer or dealer:

(1) the registration of the vehicle expires; and

(2) the person transferring the vehicle shall remove the

license plates and certificate of registration from the vehicle.

(b) A person who transfers to another person the ownership of a registered vehicle owned by the person, upon the filing of an application for the transfer of the registration and the payment of a fee under IC 9-29-5-23, may have another vehicle registered in the person's name either individually or jointly with another for the remainder of the registration year if the vehicle to which the registration ~~is~~ **and license plate are** transferred is:

(1) of the same type; and

(2) in the same fee class;

as the vehicle for which the registration ~~was~~ **and license plate were** originally issued.

(c) If a vehicle to which the registration ~~is~~ **and license plate are** transferred is in a ~~higher~~ **different** fee class than the vehicle for which the registration ~~was~~ **and license plate were** originally issued, the person applying for the transfer shall pay ~~in addition to~~ the transfer fee **under IC 9-29-5-23(b). If the vehicle to which the registration and license plate are transferred is in a higher fee class than the vehicle for which the registration and license plate were originally issued, the person shall also pay** the difference between the fee paid for the registration of the vehicle to which the registration is transferred.

(d) If a person who owns a vehicle wants to change the ownership of the vehicle by the addition of another person as owner, the person shall be issued a certificate of registration with the name of the other person included after the person who owns the vehicle has complied with IC 9-17.

(e) If at least one (1) person who is a joint owner transfers the person's ownership interest in a vehicle to at least one (1) remaining joint owner, the certification of registration shall be issued to the remaining joint owner or owners if the transferring owner or owners relinquish any interest in the use of the registration.

(f) If a person who owns a vehicle wants to display on the vehicle a license plate that is different from the license plate that was issued upon registration of the vehicle, the person shall:

(1) apply to the bureau on a form prescribed by the bureau;

(2) pay the fee under IC 9-29-5-23(c); and

(3) comply with any other requirements, including payment of fees under IC 9-29, associated with the license plate.

SECTION 39. IC 9-18-15-10, AS AMENDED BY P.L.262-2013, SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 10. (a) In addition to the applicable excise tax imposed under IC 6-6-5, the regular registration fees, and any additional fee required to receive a special recognition license plate described in section 1(b) of this chapter, a person applying for or renewing the registration of a personalized license plate shall pay the personalized license plate fee under IC 9-29-5-32.5 upon an original application or registration renewal, as provided in this chapter.

(b) The bureau shall collect the personalized license plate fee at the time of application or registration renewal for the personalized license plate.

(c) Upon the payment of the required fee ~~and service charges~~ for an original application or renewal of a personalized license plate, the bureau shall issue a receipt.

~~(d) The bureau shall collect the service charge prescribed under IC 9-29 for each initial or renewal application for a personalized license plate as a reservation and special processing fee.~~

SECTION 40. IC 9-18-15-13.5 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 13.5. The bureau shall:~~

~~(1) deduct thirty-seven dollars ($37) of the fee collected for an initial or a renewal application for a personalized license plate; and~~

~~(2) deposit:~~

~~(A) seven dollars ($7) of the fee described in subdivision (1) in the motor vehicle highway account established under IC 8-14-1; and~~

~~(B) thirty dollars ($30) of the fee described in subdivision (1) as a service charge into the state license branch fund established by IC 9-29-14-1.~~

SECTION 41. IC 9-18-17-5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 5. A vehicle for a which a license plate is issued under section 1 of this chapter is exempt from the following fees:**

(1) The applicable annual registration fee for the vehicle under IC 9-29-5.

(2) The annual supplemental fee under IC 9-29-5-38(a).

(3) A special group recognition license plate fee under IC 9-18-25-17.5 or IC 9-18-25-17.7.

However, the vehicle is subject to a service charge under IC 9-29-5-38(c).

SECTION 42. IC 9-18-19-1, AS AMENDED BY P.L.262-2013, SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 1. (a) The bureau shall design a license plate that will designate a vehicle as being registered to a person who has received a Purple Heart decoration that is awarded to a person who suffers an injury while serving as a member of the armed forces of the United States.

(b) Upon proper application, the bureau may modify a license plate designed under subsection (a) to designate a vehicle as being registered to a person who is:

(1) described in subsection (a); and

(2) eligible to be issued:

(A) a placard under IC 9-14-5; or

(B) a person with a disability registration plate under IC 9-18-22.

~~(b)~~ **(c)** The bureau may issue a license plate designed under subsection (a) **or modified under subsection (b)** to the following types of vehicles:

(1) A passenger motor vehicle.

(2) A truck with a declared gross weight of at least seven thousand (7,000) pounds but less than eleven thousand (11,000) pounds.

(3) A recreational vehicle.

(4) A motorcycle.

SECTION 43. IC 9-18-19-4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 4. (a) A person who knowingly and falsely professes to have the qualifications to obtain a license plate under section 1(b) of this chapter commits a Class C misdemeanor.**

(b) A person who owns a motor vehicle bearing a license plate issued under section 1(b) of this chapter when the person knows that the person is not entitled to a license plate issued under section 1(b) of this chapter commits a Class C misdemeanor.

SECTION 44. IC 9-18-24-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 3. The bureau may adopt rules under IC 4-22-2 to establish the following:

(1) The term of a civic event license plate.

(2) The qualifications of a person applying for a civic event license plate.

(3) The conditions that apply to the use of a civic event license plate.

~~(4) The fee for a civic event license plate, which must be reasonably related to the cost to the bureau for the manufacture and distribution of the plate.~~

SECTION 45. IC 9-18-25-17.5, AS AMENDED BY P.L.117-2006, SECTION 2, IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 17.5. (a) This section applies to a special group if at least five thousand (5,000) of the special group's license plates are issued under this chapter during one (1) calendar year beginning after December 31, 2004.

(b) Notwithstanding section 2 of this chapter, the representatives of the special group may petition the bureau to design a distinctive license plate that identifies a vehicle as being registered to a person who is a member of the special group.

(c) The design of the special group license plate must include a basic design for the special group recognition license plate with consecutive numerals or letters, or both, to properly identify the vehicle.

(d) A special group license plate must be treated with special reflective material designed to increase the visibility and legibility of the special group license plate.

(e) Beginning with the calendar year following the year in which the representatives petition the bureau under subsection (b), the bureau shall issue the special group's license plate to a person who is eligible to register a vehicle under this title who:

(1) completes an application for the license plate; and

(2) pays the following fees:

(A) The appropriate fee under IC 9-29-5-38(a).

(B) An annual **special group recognition license plate** fee of twenty-five dollars ($25).

(f) The annual fee referred to in subsection (e)(2)(B) shall be collected by the bureau and deposited in a trust fund for the special group established under subsection (g). However, the bureau shall retain two dollars ($2) for each license plate issued until the cost of designing and issuing the special group license plate is recovered by the bureau.

(g) The treasurer of state shall establish a trust fund for each special group for which the bureau collects fees under this section.

(h) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds are invested. Interest that accrues from these investments shall be deposited in the fund. Money in the fund is continuously appropriated for the purposes of this section. Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(i) The commissioner shall administer the fund. Expenses of administering the fund shall be paid from money in the fund.

(j) On June 30 of each year, the commissioner shall distribute the money from the fund to the special group for which the bureau has collected fees under this section.

(k) The bureau may not disclose information that identifies the persons to whom special group license plates have been issued under this section.

SECTION 46. IC 9-18-25-17.7, AS AMENDED BY P.L.87-2010, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 17.7. (a) Notwithstanding any other law, representatives of a special group that participates in the special group recognition plate program may request that the bureau collect an annual fee of twenty-five dollars ($25) **or less** on behalf of the special group.

(b) If a request is made under subsection (a), the bureau shall collect the following fees:

(1) The appropriate fee under IC 9-29-5-38(a).

(2) An annual fee of twenty-five dollars ($25) **or less, as requested by the special group.**

(c) The annual fee referred to in subsection (b)(2) shall be collected by the bureau and deposited in a trust fund for the special group established under subsection (d).

(d) The treasurer of state shall establish a trust fund for each special group for which the bureau collects fees under this section.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds are invested. Interest that accrues from these investments shall be deposited in the fund. Money in the fund is continuously appropriated for the purposes of this section. Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(f) The commissioner shall administer the fund. Expenses of administering the fund shall be paid from money in the fund.

(g) Before June 30 of each year, the commissioner shall distribute the money from the fund to the special group for which the bureau has collected fees under this section.

(h) Subject to section 18 of this chapter, the bureau may not disclose information that identifies the persons to whom special group license plates have been issued under this section.

(i) If:

(1) representatives of a special group have collected an annual fee as set forth in subsection (a) from purchasers of the special group recognition license plates that was paid directly to the special group; and

(2) the representatives of the special group request the bureau to collect the annual fee on behalf of the special group as set forth in subsection (a);

representatives of the special group may request the bureau to change the method of collection of the annual fee for the following calendar year. The representatives of the special group must make a request under this subsection by July 1 of the year preceding the year for which the change has been requested. The group may request only one (1) change in the method of collection in a plate cycle.

(j) If:

(1) the bureau collects an annual fee as set forth in subsection (a) on behalf of a special group; and

(2) representatives of the special group request the bureau to cease collection of the annual fee as set forth in subsection (a) on behalf of the special group as the annual fee will be paid directly to the special group by purchasers of the special group recognition license plates;

representatives of the special group may request the bureau to change the method of collection of the annual fee for the following calendar year. The representatives of the special group must make a request under this subsection by July 1 of the year preceding the year for which the change has been requested. The group may request only one (1) change in the method of collection in a plate cycle.

SECTION 47. IC 9-18-29-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 6. (a) A corporation (as defined in IC 6-5.5-1-6), a municipal corporation (as defined in IC 36-1-2-10), a partnership (as defined in IC 6-3-1-19), or a sole proprietor that registers a vehicle under this title is eligible to receive an environmental license plate under this chapter.

(b) A corporation, partnership, or sole proprietor must comply with section 3 of this chapter to receive an environmental license plate.

(c) This subsection applies only to a license plate issued under IC 9-18-3-5(b). If an officer or employee of a municipal corporation requests an environmental license plate for a vehicle that is assigned to or customarily used by the officer or employee, the officer or employee is responsible for paying the annual fee for the environmental license plate under section 4(2) of this chapter, the annual supplemental fee under IC 9-29-5-38, and all annual registration fees under ~~IC 9-29-1-4, IC 9-29-3-17, IC 9-29-5-1, and IC 9-29-5-3.~~ **IC 9-29.**

(d) Notwithstanding subsection (c):

(1) an environmental license plate that is issued under this section; and

(2) all fees and taxes that have been paid to have the plate issued;

are considered issued to and paid by the corporation, municipal corporation, partnership, or sole proprietor that registered the vehicle for which the plate was issued, and the corporation,

municipal corporation, partnership, or sole proprietor is entitled to retain possession of the plate.

SECTION 48. IC 9-18-30-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 6. (a) This section applies only to a license plate issued under IC 9-18-3-5(b).

(b) A municipal corporation (as defined in IC 36-1-2-10) that registers a vehicle under this title is eligible to receive a kids first trust license plate under this chapter.

(c) If an officer or employee of a municipal corporation requests a kids first trust license plate for a vehicle that is assigned to or customarily used by the officer or employee, the officer or employee is responsible for paying the annual fee for the kids first trust license plate under section 4(a)(2) of this chapter, the annual supplemental fee under IC 9-29-5-38, and all **applicable** annual registration fees under ~~IC 9-29-1-4, IC 9-29-3-17, IC 9-29-5-1, and IC 9-29-5-3.~~ **IC 9-29.**

(d) Notwithstanding subsection (c):

(1) a kids first trust license plate that is issued under this section; and

(2) all fees and taxes that have been paid to have the plate issued;

are considered issued to and paid by the municipal corporation that registered the vehicle for which the license plate was issued, and the municipal corporation is entitled to retain possession of the license plate.

SECTION 49. IC 9-19-10-1, AS AMENDED BY P.L.214-2007, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 1. This chapter does not apply to an occupant of a motor vehicle who meets any of the following conditions:

(1) For medical reasons should not wear safety belts, provided the occupant has written documentation of the medical reasons from a physician.

(2) Is a child required to be restrained by a child restraint system under IC 9-19-11.

(3) Is traveling in a commercial or a United States Postal Service vehicle that makes frequent stops for the purpose of pickup or delivery of goods or services.

(4) Is a rural carrier of the United States Postal Service and is operating a vehicle while serving a rural postal route.

(5) Is a newspaper motor route carrier or newspaper bundle hauler who stops to make deliveries from a vehicle.

(6) Is a driver examiner designated and appointed under IC 9-14-2-3 and is conducting an examination of an applicant for a permit or license under IC 9-24-10.

(7) Is an occupant of a farm truck being used on a farm in connection with agricultural pursuits that are usual and normal to the farming operation, as set forth in ~~IC 9-29-5-13(b)(2).~~ **IC 9-21-21-1.**

(8) Is an occupant of a motor vehicle participating in a parade.

(9) Is an occupant of the living quarters area of a recreational vehicle.

(10) Is an occupant of the treatment area of an ambulance (as defined in IC 16-18-2-13).

(11) Is an occupant of the sleeping area of a tractor.

(12) Is an occupant other than the operator of a vehicle described in IC 9-20-11-1(1).

(13) Is an occupant other than the operator of a truck on a construction site.

(14) Is a passenger other than the operator in a cab of a Class A recovery vehicle or a Class B recovery vehicle who is being transported in the cab because the motor vehicle of the passenger is being towed by the recovery vehicle.

(15) Is an occupant other than the operator of a motor vehicle being used by a public utility in an emergency as set forth in IC 9-20-6-5.

SECTION 50. IC 9-21-21-3, AS AMENDED BY HEA 1219-2014, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 3. Except as provided in section 4.3 of this chapter, if the owner of a farm truck, farm trailer, or farm semitrailer and tractor begins to operate the farm truck, farm trailer, or farm semitrailer and tractor or permits the farm truck, farm trailer, or farm semitrailer and tractor to be operated:

(1) in the conduct of a commercial enterprise; or

(2) for the transportation of farm products after the commodities have entered the channels of commerce during a registration year for which the ~~license~~ **applicable registration** fee under ~~IC 9-29-5-13~~ **IC 9-29-5** has been paid;

the owner shall pay the amount computed under IC 9-29-5-13.5(b) due for the remainder of the registration year for the license fee.

SECTION 51. IC 9-21-21-4.3, AS AMENDED BY HEA 1219-2014, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 4.3. (a) Notwithstanding section 3 of this chapter, subsection (b), and IC 9-18-2-4, a farm truck, farm trailer, or farm semitrailer and tractor may be operated intrastate for the transportation of seasonal, perishable, fruit or vegetables to the first point of processing for not more than one (1) thirty (30) day period in a registration year established by IC 9-18-2-7. Before a vehicle may be operated as provided in this subsection, the owner shall pay to the bureau:

(1) the **applicable** license fee due under ~~IC 9-29-5-13(b);~~ **IC 9-29-5;** and

(2) eight and one-half percent (8.5%) of the **applicable** license fee paid under ~~IC 9-29-5-13(b);~~ **IC 9-29-5;**

for the farm truck, farm trailer, or farm semitrailer and tractor.

(b) Notwithstanding section 3 of this chapter, subsection (a), and IC 9-18-2-4, a farm truck, farm trailer, or farm semitrailer and tractor may be operated intrastate for the transportation of tomatoes or silage to the first point of processing for a period of not more than one (1) seventy-one (71) day period in a registration year established by IC 9-18-2-7. Before a vehicle may be operated as provided in this subsection, the owner shall pay to the bureau:

(1) the **applicable** license fee due under ~~IC 9-29-5-13(b);~~ **IC 9-29-5;** and

(2) seventeen percent (17%) of the **applicable** license fee paid under ~~IC 9-29-5-13(b);~~ **IC 9-29-5;**

for the farm truck, farm trailer, or farm semitrailer and tractor.

(c) The bureau shall adopt rules under IC 4-22-2 to authorize the operation of a farm truck, farm trailer, or farm semitrailer and tractor in the manner provided in this section.

SECTION 52. IC 9-24-11-5, AS AMENDED BY P.L.85-2013, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 5. (a) Except as provided in subsection (h), a permit or license issued under this chapter must contain the following information:

(1) The full legal name of the permittee or licensee.

(2) The date of birth of the permittee or licensee.

(3) The address of the principal residence of the permittee or licensee.

(4) The hair color and eye color of the permittee or licensee.

(5) The date of issue and expiration date of the permit or license.

(6) The gender of the permittee or licensee.

(7) The unique identifying number of the permit or license.

(8) The weight of the permittee or licensee.

(9) The height of the permittee or licensee.

(10) A reproduction of the signature of the permittee or licensee.

(11) If the permittee or licensee is less than eighteen (18)

years of age at the time of issuance, the dates on which the permittee or licensee will become:

(A) eighteen (18) years of age; and

(B) twenty-one (21) years of age.

(12) If the permittee or licensee is at least eighteen (18) years of age but less than twenty-one (21) years of age at the time of issuance, the date on which the permittee or licensee will become twenty-one (21) years of age.

(13) Except as provided in subsections (b), ~~and~~ (c), **and (j),** a digital **color** photograph of the permittee or licensee.

(b) A motorcycle learner's permit issued under IC 9-24-8 does not require a digital photograph.

(c) The bureau may provide for the omission of a photograph or computerized image from any license or permit if there is good cause for the omission. However, a license issued without a digital photograph must include the language described in subsection (f).

(d) The information contained on the permit or license as required by subsection (a)(11) or (a)(12) for a permittee or licensee who is less than twenty-one (21) years of age at the time of issuance shall be printed prominently on the permit or license.

(e) This subsection applies to a permit or license issued after January 1, 2007. If the applicant for a permit or license submits information to the bureau concerning the applicant's medical condition, the bureau shall place an identifying symbol on the face of the permit or license to indicate that the applicant has a medical condition of note. The bureau shall include information on the permit or license that briefly describes the medical condition of the holder of the permit or license. The information must be printed in a manner that alerts a person reading the permit or license to the existence of the medical condition. The permittee or licensee is responsible for the accuracy of the information concerning the medical condition submitted under this subsection. The bureau shall inform an applicant that submission of information under this subsection is voluntary.

(f) Any license or permit issued by the state that does not require a digital photograph must include a statement that indicates that the license or permit may not be accepted by any federal agency for federal identification or any other federal purpose.

(g) A license or permit issued by the state to an individual who:

(1) has a valid, unexpired nonimmigrant visa or has nonimmigrant visa status for entry in the United States;

(2) has a pending application for asylum in the United States;

(3) has a pending or approved application for temporary protected status in the United States;

(4) has approved deferred action status; or

(5) has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent residence status in the United States;

must be clearly identified as a temporary license or permit. A temporary license or permit issued under this subsection may not be renewed without the presentation of valid documentary evidence proving that the licensee's or permittee's temporary status has been extended.

(h) The bureau may adopt rules under IC 4-22-2 to carry out this section.

(i) For purposes of subsection (a), an individual certified as a program participant in the address confidentiality program under IC 5-26.5 is not required to provide the address of the individual's principal residence, but may provide an address designated by the office of the attorney general under IC 5-26.5 as the address of the individual's principal residence.

(j) Subsection (a)(13) does not apply to temporary paper credentials or paper extension credentials issued by the bureau.

SECTION 53. IC 9-24-18-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 11. (a) The commissioner may enter into a contract or an agreement authorizing a person to create and use a reproduction of a driver's license issued under this article.

(b) A person may not create or use a reproduction of a driver's license issued under this article unless the creation or use of the reproduction is expressly authorized in writing by the commissioner. The commissioner may impose under IC 4-21.5 a civil penalty upon a person who violates this subsection. The amount of a civil penalty imposed under this subsection:

(1) shall be determined by the commissioner; and

(2) may not exceed ten thousand dollars ($10,000).

(c) Money paid to the bureau as:

(1) compensation to the state under a contract or an agreement entered into under subsection (a); or

(2) a civil penalty imposed under subsection (b);

shall be collected and deposited ~~according to IC 9-29-1-1.~~ **in the motor vehicle highway account.**

SECTION 54. IC 9-29-1-1 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 1. Except as provided in sections 2 through 4 of this chapter, all money collected by the bureau under IC 9-14-5, IC 9-18-2, IC 9-18-5, IC 9-18-6, IC 9-18-7, IC 9-18-9, IC 9-18-10, IC 9-18-11, IC 9-18-16, IC 9-24-3, IC 9-24-4, IC 9-24-5, IC 9-24-7, IC 9-24-8, IC 9-24-10, IC 9-24-11, IC 9-24-12, IC 9-24-13, and IC 9-24-14 shall be deposited daily with the treasurer of state and credited to the motor vehicle highway account established under IC 8-14-1.~~

SECTION 55. IC 9-29-1-2 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 2. (a) Money from the increases in fees levied by the 1969 regular session of the general assembly in IC 9-18-2, IC 9-18-5, IC 9-18-6, IC 9-18-7, IC 9-18-9, IC 9-18-10, IC 9-18-16, IC 9-24-3, IC 9-24-4, IC 9-24-5, IC 9-24-7, IC 9-24-8, IC 9-24-10, IC 9-24-11, IC 9-24-12, IC 9-24-13, IC 9-24-14, and IC 9-29-9-15 (IC 9-1-4 before its repeal on July 1, 1991) shall be deposited daily with the treasurer of state and credited to the highway, road, and street fund established under IC 8-14-2-2.1.~~

~~(b) For the purpose of providing adequate and sufficient funds for the crossroads 2000 fund established under IC 8-14-10-9, and subject to subsection (c), after June 30, 1997, with the approval of the bureau of motor vehicles commission the bureau of motor vehicles may adopt rules under IC 4-22-2 to increase, by an amount that is in addition to the fees specified by statute, the fees under the following:~~

~~IC 9-29-4-3~~
~~IC 9-29-5 (excluding fees under IC 9-29-5-44)~~
~~IC 9-29-9-1~~
~~IC 9-29-9-2~~
~~IC 9-29-9-3~~
~~IC 9-29-9-4~~
~~IC 9-29-9-5~~
~~IC 9-29-9-7~~
~~IC 9-29-9-8~~
~~IC 9-29-9-9~~
~~IC 9-29-9-11~~
~~IC 9-29-9-13~~
~~IC 9-29-9-14~~
~~IC 9-29-15-1~~
~~IC 9-29-15-2~~
~~IC 9-29-15-3~~
~~IC 9-29-15-4~~
~~IC 9-29-17-1~~
~~IC 9-29-17-2~~
~~IC 9-29-17-3~~
~~IC 9-29-17-4.~~

~~The amount of fees increased under this section shall first be deposited into the crossroads 2000 fund established under IC 8-14-10-9.~~

~~(c) The bureau's authority to adopt rules under subsection (b)~~

~~is subject to the condition that a fee increase must be uniform throughout all license branches and at all partial service locations in Indiana.~~

~~(d) If a fee imposed by a statute listed in subsection (b) is eliminated, the amount of the fee increase set forth in a rule adopted under this section before July 1, 2007, with respect to the fee must be:~~

~~(1) collected by the bureau notwithstanding the elimination of the underlying fee;~~

~~(2) collected in addition to all other fees collected at the time of the underlying transaction; and~~

~~(3) deposited in the crossroads 2000 fund established under IC 8-14-10-9.~~

~~However, this subsection does not apply to a fee imposed under IC 9-29-5-14, IC 9-29-5-14.5, IC 9-29-5-15, or IC 9-29-5-39, which were repealed by legislation enacted in 2013.~~

SECTION 56. IC 9-29-1-4, AS AMENDED BY P.L.259-2013, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 4. ~~(a) A public service fee of twenty-five cents ($0.25) is imposed. The public service fee shall be collected in addition to all registration fees collected under IC 9-18 (excluding fees under IC 9-18-2.5) and IC 9-32.~~

~~(b) Money collected under subsection (a) shall be deposited in~~ **(a)** The state police building account is established. **The account consists of amounts deposited in the account under this article. The state police department shall administer the account.**

(b) Money in the account:

(1) does not revert to the state general fund or the motor vehicle highway account under IC 8-14-1, except as provided under subsection (c); and

(2) shall be expended for the following:

(A) The construction, maintenance, leasing, and equipping of state police facilities.

(B) Other projects provided for by law.

(c) At the end of each state fiscal year, the auditor of state shall transfer to the state general fund the balance in the state police building account that is in excess of appropriations made for the construction, maintenance, leasing, or equipping of state police facilities and other projects provided for by law.

(d) Transfers under subsection (c) shall be made until one million five hundred thousand dollars ($1,500,000) has been transferred to the state general fund.

SECTION 57. IC 9-29-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 5. **(a) The motor vehicle odometer fund is established. The fund consists of the following:**

(1) Amounts deposited in the fund under this article.

(2) Money deposited in the fund from any other source.

(b) All money in the motor vehicle odometer fund shall be allocated each July as follows:

(1) Forty percent (40%) is to be deposited in the motor vehicle highway account (IC 8-14-1).

(2) Thirty percent (30%) is to be appropriated to the bureau for use in enforcing odometer laws.

(3) Twenty percent (20%) is to be appropriated to the state police for use in enforcing odometer laws.

(4) Ten percent (10%) is to be appropriated to the attorney general for use in enforcing odometer laws.

SECTION 58. IC 9-29-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 6. If a person who holds a certificate of registration and a license plate under this title has:

(1) been charged by the bureau a fee higher than that required by law; and

(2) ~~has~~ paid the higher fee;

the person shall be refunded the amount of the overcharge ~~by a warrant issued by the auditor of state drawn on the treasurer of state~~ after the person presents a request for the refund of the overcharge on a form furnished by the bureau. **The bureau shall determine the manner of a refund under this section in consultation with the auditor of state.** The amount of the refund shall be charged to the motor vehicle highway account.

SECTION 59. IC 9-29-1-10 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 10. The bureau may impose a service charge of one dollar and seventy cents ($1.70) for each excise tax collection made under IC 6-6-5, IC 6-6-5.1, or IC 6-6-5.5. The service charge shall be deposited in the commission fund.**

SECTION 60. IC 9-29-1-11 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 11. Money distributed to or deposited in the highway, road and street fund under this article shall be allocated as follows:**

(1) Fifty-five percent (55%) to the state highway fund as provided in IC 8-14-2-3.

(2) Forty-five percent (45%) to the local road and street account as provided in IC 8-14-2-4.

SECTION 61. IC 9-29-1-12 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 12. With the approval of the commission, the bureau may adopt rules under IC 4-22-2 to do the following:**

(1) Increase or decrease any fee or charge imposed under this article.

(2) Impose a fee on any other license branch service for which a fee is not imposed under this article.

(3) Increase or decrease a fee imposed under subdivision (2).

(4) Designate the fund or account in which a:

(A) fee increase under subdivision (1) or (3); or

(B) new fee under subdivision (2);

shall be deposited.

SECTION 62. IC 9-29-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 1. (a) The fee to obtain:

(1) a certified copy of a record; or

(2) an electronic record;

of the bureau under IC 9-14-3-4 is four dollars ($4) for each document. This fee is in addition to the uniform copying fee established under IC 5-14-3-8. **The fee shall be deposited in the motor vehicle highway account.**

(b) The fee imposed by this section does not apply to a law enforcement agency and an agency of government.

(c) The bureau shall give precedence to requests from law enforcement agencies and agencies of government for certified copies of records.

SECTION 63. IC 9-29-2-2, AS AMENDED BY P.L.198-2007, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 2. (a) The fee to obtain information regarding vehicle titles under IC 9-14-3-5 is ~~(1)~~ four dollars ($4) for each record requested, ~~in writing; and (2) a fee to be determined by the bureau not to exceed four dollars ($4), in conformance with IC 5-14-3-8, for each record requested electronically through the computer gateway administered under IC 4-13.1-2-2(a)(5) by the office of technology;~~ plus any service fee charged by the office of technology established by IC 4-13.1-2-1.

(b) **Except as provided in subsection (c),** the fee to obtain information regarding a license, vehicle registration, or permit under IC 9-14-3-5 is four dollars ($4) for ~~a~~ **each** record requested, ~~either: (1) in writing; or (2) electronically through the computer gateway administered under IC 4-13.1-2-2(a)(5) by the office of technology;~~ plus any service fee charged by the office of technology established by IC 4-13.1-2-1.

(c) The fee to obtain a driver's license history under IC 9-14-3 is eight dollars ($8) for each history requested,

plus any service fee charged by the office of technology established by IC 4-13.1-2-1.

~~(c) The~~ **(d) A** fee imposed by this section and paid to the bureau is in lieu of fees established under IC 5-14-3-8 and does not apply to a law enforcement agency or an agency of government.

(e) A fee imposed by this section shall be deposited in the motor vehicle highway account.

SECTION 64. IC 9-29-2-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 3.5. The fee to obtain a driving record maintained under IC 9-14-3-7 is four dollars ($4). The fee shall be deposited in the motor vehicle highway account.**

SECTION 65. IC 9-29-3 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. (Fees Under IC 9-16).

SECTION 66. IC 9-29-4-1 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 1. The fees imposed under this chapter are in addition to a service fee imposed under IC 9-29-3.~~

SECTION 67. IC 9-29-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 3. **(a)** The fee for a certificate of title is ~~five dollars ($5).~~ **fifteen dollars ($15). Except as provided in subsection (b), the fee shall be distributed as follows:**

(1) Fifty cents ($0.50) to the state motor vehicle technology fund.

(2) One dollar ($1) to the motor vehicle highway account.

(3) Three dollars ($3) to the highway, road and street fund.

(4) Five dollars ($5) to the crossroads 2000 fund.

(5) For amounts collected before July 1, 2019 as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Four dollars and twenty-five cents ($4.25) to the commission fund.

(6) For amounts collected after June 30, 2019, five dollars and fifty cents ($5.50) to the commission fund.

(b) This subsection applies to a dealer who titles a vehicle in the dealership's name for purposes of selling the vehicle or putting the vehicle in rental, leasing, or demonstrating service. The dealer shall pay the fee described in subsection (a). However, the fee shall be distributed as set forth in section 7 of this chapter.

SECTION 68. IC 9-29-4-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 3.5. The fee for a certificate of title issued under IC 9-17-6 for a manufactured home is fifteen dollars ($15). The fee shall be distributed as follows:**

(1) Fifty cents ($0.50) to the state motor vehicle technology fund.

(2) One dollar ($1) to the motor vehicle highway account.

(3) Three dollars ($3) to the highway road and street fund.

(4) Five dollars ($5) to the crossroads 2000 fund.

(5) For amounts collected before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Four dollars and twenty-five cents ($4.25) to the commission fund.

(6) For amounts collected after June 30, 2019, five dollars and fifty cents ($5.50) to the commission fund.

SECTION 69. IC 9-29-4-4, AS AMENDED BY P.L.83-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 4. (a) ~~The fee for a delinquent title is ten dollars ($10). Except as provided in subsections (b), (c), (d), and (e), the bureau shall collect this fee~~ **For purposes of this section, and except as provided in subsection (e), a title is considered delinquent** when a purchaser or transferee **of a vehicle** fails to apply for an original certificate of title or a transfer of title, by assignment, **for the vehicle** within thirty-one (31) days after the vehicle is purchased or otherwise acquired.

(b) The fee for a delinquent title is twenty-one dollars and fifty cents ($21.50). The fee shall be distributed as follows:

(1) Twenty-five cents ($0.25) to the crossroads 2000 fund.

(2) Fifty cents ($0.50) to the state motor vehicle technology fund.

(3) Three dollars ($3) to the highway, road and street fund.

(4) Five dollars ($5) to the motor vehicle highway account.

(5) For an application received before July 1, 2019, as follows:

(A) One dollar and fifty cents ($1.50) to the integrated public safety communications fund.

(B) Eleven dollars and twenty-five cents ($11.25) to the commission fund.

(6) For an application received after June 30, 2019, twelve dollars and seventy-five cents ($12.75) to the commission fund.

This fee is in addition to all other fees imposed for the issuance of a certificate of title.

~~(b)~~ **(c)** A dealer who titles a vehicle in the dealership's name for purposes of putting the vehicle in rental, leasing, or demonstrating service is not required to pay a delinquent title fee under this section. ~~but shall pay the following for each title:~~

~~(1) The title fee under section 3 of this chapter.~~

~~(2) A service charge under IC 9-29-3.~~

~~(c) A dealer who titles a vehicle in the dealership's name for the purpose of selling the vehicle shall pay the following:~~

~~(1) The title fee under section 3 of this chapter.~~

~~(2) A service charge under IC 9-29-3.~~

(d) IC 9-17-2-1.5 applies to the purchase or acquisition of an off-road vehicle that is less than five (5) model years old.

(e) An individual who acquires a vehicle by a conveyance subject to IC 9-17-3-9 is not required to pay a delinquent title fee under this section unless the individual fails to apply for a certificate of title within sixty (60) days after the vehicle is acquired.

SECTION 70. IC 9-29-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 5. The fee for a duplicate certificate of title is ~~three dollars ($3).~~ **eight dollars ($8). The fee shall be distributed as follows:**

(1) One dollar ($1) to the motor vehicle highway account.

(2) One dollar ($1) to the highway, road and street fund.

(3) Six dollars ($6) to the commission fund.

SECTION 71. IC 9-29-4-5.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 5.5. The fee for an affidavit of transfer to real estate furnished by the bureau under IC 9-17-6-15.1 is ~~ten dollars ($10).~~ **twenty dollars ($20). The fee shall be distributed as follows:**

(1) Ten dollars ($10) to the motor vehicle highway account.

(2) Ten dollars ($10) to the commission fund.

SECTION 72. IC 9-29-4-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 7. ~~(a) Except as provided in subsection (b), fees for titles collected or documents furnished under this chapter shall be paid into the state general fund for credit to the motor vehicle highway account.~~

~~(b)~~ Fees from dealers for titles collected under this chapter shall be credited to the motor vehicle odometer fund and

allocated under IC 9-29-1-5.

SECTION 73. IC 9-29-4-8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 8. (a) The bureau may impose an additional fee of twenty-five dollars ($25) if the bureau processes a motor vehicle title in a period of time that is substantially shorter than the normal processing period. The bureau shall deposit the fee in the commission fund.**

(b) A fee imposed under this section is in addition to any other fee imposed under this chapter.

SECTION 74. IC 9-29-4-9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 9. (a) The fee for a sale certificate for a vehicle described in IC 9-22-6-2 is fifteen dollars ($15). The fee shall be distributed as follows:**

(1) Fifty cents ($0.50) to the state motor vehicle technology fund.

(2) Four dollars ($4) to the motor vehicle highway account.

(3) Five dollars ($5) to the crossroads 2000 fund.

(4) For amounts collected before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Four dollars and twenty-five cents ($4.25) to the commission fund.

(5) For amounts collected after June 30, 2019, five dollars and fifty cents ($5.50) to the commission fund.

(b) A fee under this section is in addition to any other fee imposed under this chapter.

SECTION 75. IC 9-29-5-0.5 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 0.5. (a) This section applies after December 31, 2008.~~

~~(b) In addition to the fees to be collected for the registration of a vehicle as set forth in:~~

~~(1) IC 9-29-5-1; and~~

~~(2) IC 9-29-5-2;~~

~~the bureau shall collect an additional fee of thirty cents ($0.30) at the time of the registration. The fee collected under this subsection shall be deposited into the spinal cord and brain injury fund under IC 16-41-42.2-3.~~

~~(c) In addition to the fees to be collected for the registration of a truck greater than zero (0) pounds declared gross weight but equal to or less than ten thousand (10,000) pounds declared gross weight, as set forth in section 3 of this chapter, the bureau shall collect an additional fee of thirty cents ($0.30) at the time of the registration. The fee collected under this subsection shall be deposited into the spinal cord and brain injury fund under IC 16-41-42.2-3.~~

SECTION 76. IC 9-29-5-1, AS AMENDED BY P.L.97-2008, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 1. The ~~annual registration~~ fee ~~for~~ **to register** a passenger motor vehicle is ~~twelve dollars and thirty cents ($12.30), including after December 31, 2008, the fee set forth in section 0.5(b) of this chapter.~~ **twenty-one dollars and thirty-five cents ($21.35). The fee shall be distributed as follows:**

(1) Twenty-five cents ($0.25) to the state police building account.

(2) Thirty cents ($0.30) to the spinal cord and brain injury fund.

(3) Fifty cents ($0.50) to the state motor vehicle technology fund.

(4) Three dollars ($3) to the crossroads 2000 fund.

(5) For a passenger motor vehicle registered before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Five dollars ($5) to the commission fund.

(6) For a passenger motor vehicle registered after June 30, 2019, six dollars and twenty-five cents ($6.25) to the commission fund.

(7) Eleven dollars and five cents ($11.05) to the motor vehicle highway account.

SECTION 77. IC 9-29-5-1.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 1.2. The fee for a duplicate certificate of registration issued under IC 9-18 is six dollars and twenty-five cents ($6.25). The fee shall be distributed as follows:**

(1) Twenty-five cents ($0.25) to the state police building account.

(2) Fifty cents ($0.50) to the state motor vehicle technology fund.

(3) For amounts collected before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Four dollars and twenty-five cents ($4.25) to the commission fund.

(4) For amounts collected after June 30, 2019, five dollars and fifty cents ($5.50) to the commission fund.

SECTION 78. IC 9-29-5-2, AS AMENDED BY HEA 1343-2014, SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 2. The fee ~~for the registration of~~ **to register** a motorcycle or motor driven cycle is ~~seventeen dollars and thirty cents ($17.30). The revenue from this fee shall be allocated as follows: (1) Seven dollars ($7) to the motorcycle operator safety education fund established by IC 9-27-7-7. (2) An amount prescribed as a license branch service charge under IC 9-29-3. (3) Thirty cents ($0.30) to the spinal cord and brain injury fund under IC 16-41-42.2-3, as provided under section 0.5 of this chapter. (4) The balance to the state general fund for credit to the motor vehicle highway account.~~ **twenty-six dollars and thirty-five cents ($26.35). The fee shall be distributed as follows:**

(1) Twenty-five cents ($0.25) to the state police building account.

(2) Thirty cents ($0.30) to the spinal cord and brain injury fund.

(3) Fifty cents ($0.50) to the state motor vehicle technology fund.

(4) Three dollars ($3) to the crossroads 2000 fund.

(5) For a motorcycle or motor driven cycle registered before July 1, 2019, as follows:

(A) One dollar and fifty-five cents ($1.55) to the integrated public safety communications fund.

(B) Five dollars ($5) to the commission fund.

(6) For a motorcycle or motor driven cycle registered after June 30, 2019, six dollars and fifty-five cents ($6.55) to the commission fund.

(7) Seven dollars ($7) to the motorcycle operator safety education fund.

(8) Eight dollars and seventy-five cents ($8.75) to the motor vehicle highway account.

SECTION 79. IC 9-29-5-3 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 3. (a) Except as otherwise provided in this chapter, the annual registration fee for:~~

~~(1) a truck subject to registration under IC 9-18; and~~

~~(2) a tractor not used with a semitrailer, a traction engine, or other similar vehicle used for hauling purposes;~~

~~is as follows:~~

~~Declared Gross Weight (Pounds)~~		~~Fee~~
~~Greater than~~	~~Equal to or less than~~	
~~0~~	~~7,000~~	~~$ 20~~
~~7,000~~	~~9,000~~	~~40~~
~~9,000~~	~~10,000~~	~~70~~
~~10,000~~	~~11,000~~	~~75~~
~~11,000~~	~~16,000~~	~~135~~

~~16,000 . . . . . 20,000 . . . . . 175~~
~~20,000 . . . . . 23,000 . . . . . 235~~
~~23,000 . . . . . 26,000 . . . . . 235~~
~~26,000 . . . . . 30,000 . . . . . 295~~
~~30,000 . . . . . 36,000 . . . . . 413~~
~~36,000 . . . . . 42,000 . . . . . 506~~
~~42,000 . . . . . 48,000 . . . . . 627~~
~~48,000 . . . . . 54,000 . . . . . 730~~
~~54,000 . . . . . 60,000 . . . . . 810~~
~~60,000 . . . . . 66,000 . . . . . 858~~
~~66,000 . . . . . 956~~

~~(b) In addition to the annual registration fee set forth in subsection (a), an additional registration fee of thirty cents ($0.30) shall be collected after December 31, 2008, for a truck greater than zero (0) pounds declared gross weight but equal to or less than ten thousand (10,000) pounds declared gross weight.~~

SECTION 80. IC 9-29-5-3.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 3.1. (a) The fee to register a truck weighing ten thousand (10,000) pounds or less is as follows:**

Declared Gross Weight (Pounds)

Greater than	Equal to or less than	Fee ($)
0	7,000	30.35
7,000	9,000	50.35
9,000	10,000	80.35

(b) A fee described in subsection (a) shall be distributed as follows:

(1) Twenty-five cents ($0.25) to the state police building account.

(2) Thirty cents ($0.30) to the spinal cord and brain injury fund.

(3) Fifty cents ($0.50) to the state motor vehicle technology fund.

(4) Four dollars and thirty cents ($4.30) to the crossroads 2000 fund.

(5) For a truck registered before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Five dollars ($5) to the commission fund.

(6) For a truck registered after June 30, 2019, six dollars and twenty-five cents ($6.25) to the commission fund.

(7) For a truck with a declared gross weight equal to or less than seven thousand (7,000) pounds, three dollars and fifty cents ($3.50) to the highway, road and street fund.

(8) Any remaining portion of the applicable fee to the motor vehicle highway account.

SECTION 81. IC 9-29-5-3.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 3.2. (a) The fee to register a truck weighing more than ten thousand (10,000) pounds is as follows:**

Declared Gross Weight (Pounds)

Greater than	Equal to or less than	Fee ($) if registered before August 1	Fee ($) if registered after July 31
10,000	11,000	84.75	84.75
11,000	16,000	144.75	75.25
16,000	20,000	184.75	95.25
20,000	23,000	244.75	125.25
23,000	26,000	244.75	125.25
26,000	30,000	304.75	155.25
30,000	36,000	422.75	214.25
36,000	42,000	515.75	260.75
42,000	48,000	636.75	321.75
48,000	54,000	739.75	372.75
54,000	60,000	819.75	412.75
60,000	66,000	867.75	436.75
66,000		965.75	485.75

(b) A fee described in subsection (a) shall be distributed as follows:

(1) Twenty-five cents ($0.25) to the state police building account.

(2) Fifty cents ($0.50) to the state motor vehicle technology fund.

(3) Four dollars ($4) to the crossroads 2000 fund.

(4) For a truck registered before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Five dollars ($5) to the commission fund.

(5) For a truck registered after June 30, 2019, six dollars and twenty-five cents ($6.25) to the commission fund.

(6) To the highway, road and street fund as follows:

Declared Gross Weight (Pounds)

Greater than	Equal to or less than	Distribution if registered before August 1	Distribution if registered after July 31
11,000	16,000	19.50	9.75
16,000	20,000	49.50	24.75
20,000	23,000	0	0
23,000	26,000	44.50	22.25
26,000	30,000	64.50	32.25
30,000	36,000	24.50	12.25
36,000	42,000	74.50	37.25
42,000	48,000	124.50	62.25
48,000	54,000	174.50	87.25
54,000	60,000	199.50	99.75
60,000	66,000	224.50	112.25
66,000		249.50	124.75

A distribution to the highway, road and street fund under this subdivision shall be credited to the state highway fund as provided in IC 8-14-2-3 and to the local road and street account as provided in IC 8-14-2-4.

(7) Any remaining portion of the applicable fee to the motor vehicle highway account.

SECTION 82. IC 9-29-5-3.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 3.3. The fee for a tractor not for use with a semitrailer, a traction engine, or other similar vehicle used for hauling purposes is the fee under section 3.1 or 3.2 of this chapter for a truck with the same declared gross weight.**

SECTION 83. IC 9-29-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 4. ~~Except as otherwise provided in this chapter, the annual registration~~ **(a) The** fee ~~for~~ **to register** a trailer used with a motor vehicle is as follows: ~~based on the declared gross weight of the trailer:~~

~~Declared Gross Weight (Pounds)~~

~~Greater than . . . . . Equal to or less than . . . . . Fee~~
~~0 . . . . . 3,000 . . . . . $ 7~~
~~3,000 . . . . . 5,000 . . . . . 16~~
~~5,000 . . . . . 7,000 . . . . . 22~~
~~7,000 . . . . . 9,000 . . . . . 27~~
~~9,000 . . . . . 12,000 . . . . . 70~~
~~12,000 . . . . . 16,000 . . . . . 110~~
~~16,000 . . . . . 22,000 . . . . . 170~~
~~22,000 . . . . . 230~~

Declared Gross Weight (Pounds)

Greater than	Equal to or less than	Fee ($) if registered before August 1	Fee ($) if registered after July 31
0	3,000	16.75	11.25
3,000	5,000	25.75	15.75

5,000	7,000	31.75	18.75
7,000	9,000	36.75	21.25
9,000	12,000	79.75	42.75
12,000	16,000	119.75	62.75
16,000	22,000	179.75	92.75
22,000		239.75	122.75

(b) A fee described in subsection (a) shall be distributed as follows:

(1) Twenty-five cents ($0.25) to the state police building account.

(2) Fifty cents ($0.50) to the state motor vehicle technology fund.

(3) For a trailer registered before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Five dollars ($5) to the commission fund.

(4) For a trailer registered after June 30, 2019, six dollars and twenty-five cents ($6.25) to the commission fund.

(5) To the crossroads 2000 fund as follows:

(A) For a trailer registered before August 1 of a year, four dollars ($4).

(B) For a trailer registered after July 31 of a year, two dollars ($2).

(6) To the highway, road and street fund as follows:

Declared Gross Weight Distribution

Greater than	Equal to or less than	Distribution if registered before August 1	Distribution if registered after July 31
0	3,000	$1.50	$1.50
3,000	5,000	3.50	1.75
5,000	7,000	4.50	2.25
7,000	9,000	0	0
9,000	12,000	18.50	9.25
12,000	16,000	24.50	12.25
16,000	22,000	44.50	22.25
22,000		59.50	19.75

(7) Any remaining amount to the motor vehicle highway account.

SECTION 84. IC 9-29-5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 5. ~~Except as otherwise provided in this chapter, the annual registration~~ **(a) The** fee ~~for~~ **to register** a tractor used with a semitrailer is as follows: ~~based on the declared gross weight of the tractor semitrailer combination:~~

~~Declared Gross Weight (Pounds)~~ ~~Fee~~

~~Greater than Equal to or less than~~

~~0 . . . . . 20,000 . . . . . $ 170~~
~~20,000 . . . . . 26,000 . . . . . 310~~
~~26,000 . . . . . 30,000 . . . . . 390~~
~~30,000 . . . . . 36,000 . . . . . 495~~
~~36,000 . . . . . 42,000 . . . . . 545~~
~~42,000 . . . . . 48,000 . . . . . 660~~
~~48,000 . . . . . 54,000 . . . . . 715~~
~~54,000 . . . . . 60,000 . . . . . 800~~
~~60,000 . . . . . 66,000 . . . . . 865~~
~~66,000 . . . . . 72,000 . . . . . 975~~
~~72,000 . . . . . 74,000 . . . . . 1,050~~
~~74,000 . . . . . 76,000 . . . . . 1,165~~
~~76,000 . . . . . 78,000 . . . . . 1,240~~
~~78,000 . . . . . 1,350~~

Declared Gross Weight (Pounds)

Greater than	Equal to or less than	Fee ($) if registered before August 1	Fee ($) if registered after July 31
0	20,000	179.75	92.75
20,000	26,000	319.75	162.75
26,000	30,000	399.75	202.75
30,000	36,000	504.75	255.25
36,000	42,000	554.75	280.25
42,000	48,000	669.75	337.75
48,000	54,000	724.75	365.25
54,000	60,000	809.75	407.75
60,000	66,000	874.75	440.25
66,000	72,000	984.75	495.25
72,000	74,000	1,059.75	532.75
74,000	76,000	1,174.75	590.25
76,000	78,000	1,249.75	627.75
78,000		1,359.75	682.75

(b) A fee described in subsection (a) shall be distributed as follows:

(1) Twenty-five cents ($0.25) to the state police building account.

(2) Fifty cents ($0.50) to the state motor vehicle technology fund.

(3) For a tractor registered before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Five dollars ($5) to the commission fund.

(4) For a tractor registered after June 30, 2019, six dollars and twenty-five cents ($6.25) to the commission fund.

(5) To the crossroads 2000 fund as follows:

(A) For a tractor registered before August 1 of a year, four dollars ($4).

(B) For a tractor registered after July 31 of a year, two dollars ($2).

(6) To the highway, road and street fund as follows:

Declared Gross Weight

Greater than	Equal to or less than	Distribution if registered before August 1	Distribution if registered after July 31
0	20,000	$24.50	$17.25
20,000	26,000	44.50	22.25
26,000	30,000	64.50	32.25
30,000	36,000	84.50	42.25
36,000	42,000	94.50	47.25
42,000	48,000	122.50	61.25
48,000	54,000	102.00	51.00
54,000	60,000	109.50	54.75
60,000	66,000	134.50	67.25
66,000	72,000	184.50	95.25

(7) Any remaining amount to the motor vehicle highway account.

SECTION 85. IC 9-29-5-6, AS AMENDED BY P.L.63-2007, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 6. **(a)** The ~~registration~~ fee ~~for each~~ **to register a** semitrailer to be used with a tractor ~~licensed under this section~~ **for a calendar year** is as follows:

~~(1) Thirty dollars ($30) for a one (1) year registration.~~

~~(2) Sixty dollars ($60) for a five (5) year registration. However, the five (5) year registration fee shall be reduced by twelve dollars ($12) for each full year after the initial year of the five (5) year period provided in IC 9-18. However, the reduced fee may not be less than the registration fee for a one (1) year registration.~~

~~(3) Sixty-five dollars ($65) for a permanent registration.~~

(1) For a semitrailer registered before August 1 of a year, forty-one dollars and seventy-five cents ($41.75).

(2) For a semitrailer registered after July 31 of a year, twenty-three dollars and seventy-five cents ($23.75).

(b) A fee described in subsection (a) shall be distributed as follows:

(1) Twenty-five cents ($0.25) to the state police building account.

(2) Fifty cents ($0.50) to the state motor vehicle

technology fund.

(3) For a semitrailer registered before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Five dollars ($5) to the commission fund.

(4) For a semitrailer registered after June 30, 2019, six dollars and twenty-five cents ($6.25) to the commission fund.

(5) To the crossroads 2000 fund as follows:

(A) For a semitrailer registered before August 1 of a year, six dollars ($6).

(B) For a semitrailer registered after July 31 of a year, three dollars ($3).

(6) Any remaining amount to the motor vehicle highway account.

SECTION 86. IC 9-29-5-6.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 6.1. (a) The fee to register a semitrailer on a five (5) year cycle is as follows:**

Year of cycle	Amount
1	$77.75
2	63.75
3	49.75
4	41.75
5	41.75

(b) A fee under subsection (a) shall be distributed as follows:

(1) Twenty-five cents ($0.25) to the state police building account.

(2) Fifty cents ($0.50) to the state motor vehicle technology fund.

(3) For a semitrailer registered before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Five dollars ($5) to the commission fund.

(4) For a semitrailer registered after June 30, 2019, six dollars and twenty-five cents ($6.25) to the commission fund.

(5) To the crossroads 2000 fund as follows:

(A) For a semitrailer registered in year one (1), two (2), or three (3) of a cycle, five dollars ($5).

(B) For a semitrailer registered in year four (4) of a cycle, ten dollars ($10).

(C) For a semitrailer registered in year five (5) of a cycle, twelve dollars ($12).

(6) Any remaining amount to the motor vehicle highway account.

SECTION 87. IC 9-29-5-6.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 6.2. (a) The fee for a permanent registration of a semitrailer is eighty-two dollars and seventy-five cents ($82.75). The fee shall be distributed as follows:**

(1) Twenty-five cents ($0.25) to the state police building account.

(2) Fifty cents ($0.50) to the state motor vehicle technology fund.

(3) For a semitrailer registered before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Five dollars ($5) to the commission fund.

(4) For a semitrailer registered after June 30, 2019, six dollars and twenty-five cents ($6.25) to the commission fund.

(5) Twelve dollars ($12) to the crossroads 2000 fund.

(6) Sixty-three dollars and seventy-five cents ($63.75) to the motor vehicle highway account.

(b) The fee to renew a permanent registration of a semitrailer is eight dollars and seventy-five cents ($8.75). The fee shall be distributed as follows:

(1) Twenty-five cents ($0.25) to the state police building account.

(2) Fifty cents ($0.50) to the state motor vehicle technology fund.

(3) Three dollars ($3) to the crossroads 2000 fund.

(4) Five dollars ($5) to the commission fund.

SECTION 88. IC 9-29-5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 7. (a) ~~Except as provided in subsection (b), the annual registration~~ **The** fee ~~for each~~ **to register an** intercity bus ~~or intracity bus is as follows:~~

~~Declared Gross Weight (Pounds)~~		~~Intercity Fee~~	~~Intracity Fee~~
~~Greater than~~	~~Equal to or less than~~		
~~0~~	~~11,000~~	~~$ 50~~	~~$ 10~~
~~11,000~~	~~16,000~~	~~100~~	~~20~~
~~16,000~~	~~20,000~~	~~125~~	~~25~~
~~20,000~~	~~26,000~~	~~150~~	~~30~~
~~26,000~~	~~30,000~~	~~220~~	~~44~~
~~30,000~~	~~36,000~~	~~294~~	~~59~~
~~36,000~~	~~42,000~~	~~382~~	~~72~~
~~42,000~~	~~48,000~~	~~445~~	~~89~~
~~48,000~~	~~54,000~~	~~540~~	~~108~~
~~54,000~~	~~60,000~~	~~600~~	~~120~~
~~60,000~~		~~660~~	~~132~~

~~(b) An owner or a lessee of a fleet of intercity buses may register the fleet under and pay the fees provided in IC 9-18.~~ **is as follows:**

Declared Gross Weight			
Greater than	**Equal to or less than**	**Fee ($) if registered before August 1**	**Fee ($) if registered after July 31**
0	**11,000**	**59.75**	**32.75**
11,000	**16,000**	**109.75**	**57.75**
16,000	**20,000**	**134.75**	**70.25**
20,000	**26,000**	**159.75**	**82.75**
26,000	**30,000**	**229.75**	**117.75**
30,000	**36,000**	**303.75**	**154.75**
36,000	**42,000**	**391.75**	**198.75**
42,000	**48,000**	**454.75**	**230.25**
48,000	**54,000**	**549.75**	**277.75**
54,000	**60,000**	**609.75**	**307.75**
60,000		**669.75**	**337.75**

(b) A fee described in subsection (a) shall be distributed as follows:

(1) Twenty-five cents ($0.25) to the state police building account.

(2) Fifty cents ($0.50) to the state motor vehicle technology fund.

(3) For an intercity bus registered before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Five dollars ($5) to the commission fund.

(4) For an intercity bus registered after June 30, 2019, six dollars and twenty-five cents ($6.25) to the commission fund.

(5) To the crossroads 2000 fund as follows:

(A) For an intercity bus registered before August 1 of a year, four dollars ($4).

(B) For an intercity bus registered after July 31 of a year, two dollars ($2).

(6) Any remaining amount to the motor vehicle highway account.

SECTION 89. IC 9-29-5-7.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS

[EFFECTIVE JANUARY 1, 2015]: **Sec. 7.5. (a) The fee to register an intracity bus is as follows:**

Declared Gross Weight (Pounds)		
Greater than	**Equal to or less than**	**Fee ($)**
0	**16,000**	**18.75**
16,000	**36,000**	**28.75**
36,000		**67.76**

(b) A fee described in subsection (a) shall be distributed as follows:

(1) Twenty-five cents ($0.25) to the state police building account.

(2) Fifty cents ($0.50) to the state motor vehicle technology fund.

(3) For an intracity bus registered before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Five dollars ($5) to the commission fund.

(4) For an intracity bus registered after June 30, 2019, six dollars and twenty-five cents ($6.25) to the commission fund.

(5) Four dollars ($4) to the crossroads 2000 fund.

(6) Any remaining amount to the motor vehicle highway account.

SECTION 90. IC 9-29-5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 8. **(a)**The ~~annual registration~~ fee ~~for~~ **to register** a school bus is ~~twenty dollars ($20).~~ **as follows:**

(1) For a school bus registered before August 1 of a year, twenty-nine dollars and seventy-five cents ($29.75).

(2) For a school bus registered after July 31 of a year, seventeen dollars and seventy-five cents ($17.75).

(b) A fee described in subsection (a) shall be distributed as follows:

(1) Twenty-five cents ($0.25) to the state police building account.

(2) Fifty cents ($0.50) to the state motor vehicle technology fund.

(3) Four dollars ($4) to the crossroads 2000 fund.

(4) For a school bus registered before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the state police building account.

(B) Five dollars and seventy-five cents ($5.75) to the commission fund.

(5) For a school bus registered after June 30, 2019, seven dollars ($7) to the commission fund.

(6) Six dollars ($6) to the highway, road and street fund.

(7) Any remaining amount to the motor vehicle highway account.

SECTION 91. IC 9-29-5-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 9. (a) As used in this section, "church bus" means a bus that is:

(1) owned and operated by a religious or nonprofit youth organization; and

(2) used to transport persons to religious services or used for the benefit of the members of the religious or nonprofit youth organization.

(b) The ~~annual registration~~ fee ~~for~~ **to register** a church bus is ~~twenty dollars ($20).~~ **as follows:**

(1) For a church bus registered before August 1 of a year, twenty-nine dollars and seventy-five cents ($29.75).

(2) For a church bus registered after July 31 of a year, seventeen dollars and seventy-five cents ($17.75).

(c) A fee described in subsection (b) shall be distributed as follows:

(1) Twenty-five cents ($0.25) to the state police building account.

(2) Fifty cents ($0.50) to the state motor vehicle technology fund.

(3) To the crossroads 2000 fund as follows:

(A) For a church bus registered before August 1 of a year, four dollars ($4).

(B) For a church bus registered after July 31 of a year, two dollars ($2).

(4) For a church bus registered before July 1, 2019:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Five dollars ($5) to the commission fund.

(5) For a church bus registered after June 30, 2019, six dollars and twenty-five cents ($6.25) to the commission fund.

(6) Any remaining amount to the motor vehicle highway account.

SECTION 92. IC 9-29-5-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 10. (a) As used in this section, "other bus" means a bus that is not a church bus, an intercity bus, an intracity bus, or a school bus.

(b) The ~~annual registration~~ fee ~~for~~ **to register** any other bus is ~~thirty dollars ($30).~~ **as follows:**

(1) For an other bus registered before August 1 of a year, thirty-nine dollars and seventy-five cents ($39.75).

(2) For an other bus registered after July 31 of a year, twenty-two dollars and seventy-five cents ($22.75).

(c) A fee described in subsection (b) shall be distributed as follows:

(1) Twenty-five cents ($0.25) to the state police building account.

(2) Fifty cents ($0.50) to the state motor vehicle technology fund.

(3) Four dollars ($4) to the crossroads 2000 fund.

(4) For a bus registered before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Five dollars ($5) to the commission fund.

(5) For a bus registered after June 30, 2019, six dollars and twenty-five cents ($6.25) to the commission fund.

(6) Any remaining amount to the motor vehicle highway account.

SECTION 93. IC 9-29-5-11, AS AMENDED BY P.L.125-2012, SECTION 314, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 11. (a) This section does not apply to a vehicle or person exempted from registration under IC 9-18.

(b) The registration fee for a piece of special machinery is ~~five dollars ($5).~~ **sixteen dollars and seventy-five cents ($16.75). The fee shall be distributed as follows:**

(1) Twenty-five cents ($0.25) to the state police building account.

(2) Fifty cents ($0.50) to the state motor vehicle technology fund.

(3) For a piece of special machinery registered before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Three dollars and seventy-five cents ($3.75) to the commission fund.

(4) For a piece of special machinery registered after June 30, 2019, five dollars ($5) to the commission fund.

(5) Five dollars ($5) to the motor vehicle highway account.

(6) Six dollars ($6) to the crossroads 2000 fund.

The ~~motor vehicle~~ **piece of special machinery** is exempt from other fees provided under IC 9-18 or this article.

~~(c) The owner of a vehicle listed in this section is not entitled to a reduction in the five dollar ($5) registration fee because the license is granted at a time that the license period is less than a year.~~

SECTION 94. IC 9-29-5-13, AS AMENDED BY HEA 1219-2014, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 13. (a) This section does not apply to a vehicle or person exempt from registration under IC 9-18.

(b) The ~~registration~~ fee ~~for~~ **to register** a farm truck ~~farm trailer, or farm semitrailer and tractor: (1) having a declared gross weight of at least eleven thousand (11,000) pounds; and (2)~~ used by the owner or guest occupant in connection with agricultural pursuits usual and normal to the user's farming operation is ~~fifty percent (50%) of the amount listed in this chapter for a truck, trailer, or semitrailer and tractor of the same declared gross weight.~~ **as follows:**

Declared Gross Weight			
Greater than	**Equal to or less than**	**Fee ($) if registered before August 1**	**Fee ($) if registered after July 31**
0	**11,000**	**45.25**	**45.25**
11,000	**16,000**	**75.25**	**40.50**
16,000	**20,000**	**95.25**	**50.50**
20,000	**23,000**	**125.25**	**65.50**
23,000	**26,000**	**125.25**	**65.50**
26,000	**30,000**	**155.25**	**80.50**
30,000	**36,000**	**214.25**	**110.00**
36,000	**42,000**	**260.75**	**133.25**
42,000	**48,000**	**321.25**	**163.50**
48,000	**54,000**	**372.75**	**189.25**
54,000	**60,000**	**412.75**	**209.25**
60,000	**66,000**	**436.75**	**221.25**
66,000		**485.75**	**245.75**

(c) A fee described in subsection (b) shall be distributed as follows:

(1) Twenty-five cents ($0.25) to the state police building account.

(2) Fifty cents ($0.50) to the state motor vehicle technology fund.

(3) For a farm truck registered before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Five dollars ($5) to the commission fund.

(4) For a farm truck registered after June 30, 2019, six dollars and twenty-five cents ($6.25) to the commission fund.

(5) Two dollars ($2) to the crossroads 2000 fund.

(6) Any remaining amount to the motor vehicle highway account.

SECTION 95. IC 9-29-5-13.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 13.1. (a) The fee to register a farm trailer is as follows:**

Declared Gross Weight			
Greater than	**Equal to or less than**	**Fee ($) if registered before August 1**	**Fee ($) if registered after July 31**
0	**12,000**	**42.75**	**24.25**
12,000	**16,000**	**62.75**	**34.25**
16,000	**22,000**	**92.75**	**49.25**
22,000		**122.75**	**64.25**

(b) A fee described in subsection (a) shall be distributed as follows:

(1) Twenty-five cents ($0.25) to the state police building account.

(2) Fifty cents ($0.50) to the state motor vehicle technology fund.

(3) To the crossroads 2000 fund as follows:

(A) For a farm trailer registered before August 1 of a year, two dollars ($2).

(B) For a farm trailer registered after July 31 of a year, one dollar ($1).

(4) For a farm trailer registered before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Five dollars ($5) to the commission fund.

(5) For a farm trailer registered after June 30, 2019, six dollars and twenty-five cents ($6.25) to the commission fund.

(6) Any remaining amount to the motor vehicle highway account.

SECTION 96. IC 9-29-5-13.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 13.2. (a) The fee to register a farm semitrailer for a calendar year is as follows:**

(1) For a farm semitrailer registered before August 1 of a year, twenty-three dollars and seventy-five cents ($23.75).

(2) For a farm semitrailer registered after July 31 of a year,

fourteen dollars and seventy-five cents ($14.75).

(b) A fee described in subsection (a) shall be distributed as follows:

(1) Twenty-five cents ($0.25) to the state police building account.

(2) Fifty cents ($0.50) to the state motor vehicle technology fund.

(3) To the crossroads 2000 fund as follows:

(A) For a farm semitrailer registered before July 1 of a year, three dollars ($3).

(B) For a farm semitrailer registered after June 30 of a year, one dollar and fifty cents ($1.50).

(4) For a farm semitrailer registered before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Five dollars ($5) to the commission fund.

(5) For a farm semitrailer registered after June 30, 2019, six dollars and twenty-five cents ($6.25) to the commission fund.

(6) Any remaining amount to the motor vehicle highway account.

(c) The fee to register a farm semitrailer on a five (5) year cycle is as follows:

Year of cycle	Amount
1	**$41.75**
2	**34.75**
3	**27.75**
4	**23.75**
5	**23.75**

(d) A fee described in subsection (c) shall be distributed as follows:

(1) Twenty-five cents ($0.25) to the state police building account.

(2) Fifty cents ($0.50) to the state motor vehicle technology fund.

(3) For a farm semitrailer registered before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Five dollars ($5) to the commission fund.

(4) For a farm semitrailer registered after June 30, 2019, six dollars and twenty-five cents ($6.25) to the commission fund.

(5) To the crossroads 2000 fund as follows:

(A) For a farm semitrailer registered in year one (1), year two (2), year three (3), or year four (4) of a cycle, five dollars ($5).

(B) For a farm semitrailer registered in year five (5) of a cycle, six dollars ($6).

(6) Any remaining amount to the motor vehicle highway account.

(e) The fee for a permanent registration of a farm semitrailer is forty-four dollars and twenty-five cents ($44.25). The fee shall be distributed as follows:

(1) Twenty-five cents ($0.25) to the state police building account.

(2) Fifty cents ($0.50) to the state motor vehicle technology fund.

(3) For a farm semitrailer registered before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Four dollars ($4) to the commission fund.

(4) For a farm semitrailer registered after June 30, 2019, five dollars and twenty-five cents ($5.25) to the commission fund.

(5) Six dollars ($6) to the crossroads 2000 fund.

(6) Thirty-two dollars and twenty-five cents ($32.25) to the motor vehicle highway account.

(f) The fee to renew a permanent registration of a farm semitrailer is eight dollars and seventy-five cents ($8.75). The fee shall be distributed as follows:

(1) Twenty-five cents ($0.25) to the state police building account.

(2) Fifty cents ($0.50) to the state motor vehicle technology fund.

(3) Three dollars ($3) to the crossroads 2000 fund.

(4) Five dollars ($5) to the commission fund.

SECTION 97. IC 9-29-5-13.4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 13.4. (a) The fee to register a farm semitractor is as follows:**

Declared Gross Weight			
Greater than	**Equal to or less than**	**Fee ($) if registered after June 30**	**Fee ($) if registered before July 1**
0	**20,000**	**92.75**	**49.25**
20,000	**26,000**	**162.75**	**84.25**
26,000	**30,000**	**202.75**	**104.25**
30,000	**36,000**	**255.25**	**130.50**
36,000	**42,000**	**280.25**	**143.00**
42,000	**48,000**	**337.75**	**171.75**
48,000	**54,000**	**365.25**	**185.50**
54,000	**60,000**	**407.75**	**206.75**
60,000	**66,000**	**440.25**	**223.00**
66,000	**72,000**	**495.25**	**250.50**
72,000	**74,000**	**532.75**	**269.25**
74,000	**76,000**	**590.25**	**298.00**
76,000	**78,000**	**627.75**	**316.75**
78,000		**682.75**	**344.25**

(b) A fee described in subsection (a) shall be distributed as follows:

(1) Twenty-five cents ($0.25) to the state police building account.

(2) Fifty cents ($0.50) to the state motor vehicle technology fund.

(3) For a farm semitractor registered before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Five dollars ($5) to the commission fund.

(4) For a farm semitractor registered after June 30, 2019, six dollars and twenty-five cents ($6.25) to the commission fund.

(5) To the crossroads 2000 fund as follows:

(A) For a farm semitractor registered before July 1 of a year, two dollars ($2).

(B) For a farm semitractor registered after June 30 of a year, one dollar ($1).

(6) Any remaining amount to the motor vehicle highway account.

SECTION 98. IC 9-29-5-13.5, AS AMENDED BY P.L.125-2012, SECTION 317, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 13.5. (a) This section applies to a truck, trailer, or semitrailer and tractor for which a registration fee provided in section ~~13(b)~~ **13, 13.1, 13.2, or 13.4** of this chapter has been paid.

(b) Except as provided in subsections (d) and (e), if the owner of a truck, trailer, or semitrailer and tractor described in subsection (a) begins to operate the truck, trailer, or semitrailer and tractor in the conduct of a commercial enterprise or for the transportation of farm products after the commodities have entered the channels of commerce during a registration year for which the registration fee under section ~~13(b)~~ **13, 13.1, 13.2, or 13.4** of this chapter has been paid, the owner shall pay the amount listed in this chapter for a truck, trailer, or semitrailer and tractor of the same declared gross weight reduced by a credit determined under subsection (c) to license the truck, trailer, or semitrailer and tractor.

(c) The credit provided in subsection (b) equals:

(1) the registration fee paid under section ~~13(b)~~ **13, 13.1, 13.2, or 13.4** of this chapter; reduced by

(2) eight and thirty-three hundredths percent (8.33%) for each full or partial calendar month that has elapsed in the registration year for which the registration fee has been paid.

The credit may not exceed ninety percent (90%) of the registration fee paid under section ~~13(b)~~ **13, 13.1, 13.2, or 13.4** of this chapter.

(d) Notwithstanding subsections (b) and (e) and IC 9-18-2-4, a truck, trailer, or semitrailer and tractor described in subsection (a) may be operated intrastate for the transportation of seasonal, perishable fruit or vegetables to the first point of processing for a period that consists of not more than a thirty (30) day period in a registration year as provided by IC 9-21-21-4.3(a). Before a vehicle may be operated as provided in this subsection, the owner shall pay to the bureau:

(1) any registration fee due under section ~~13(b)~~ **13, 13.1, 13.2, or 13.4** of this chapter; and

(2) eight and one-half percent (8.5%) of the registration fee paid under section ~~13(b)~~ **13, 13.1, 13.2, or 13.4** of this chapter.

(e) Notwithstanding subsections (b) and (d) and IC 9-18-2-4, a truck, trailer, or semitrailer and tractor described in subsection (a) may be operated intrastate for the transportation of tomatoes or silage to the first point of processing for a period that consists of not more than one (1) seventy-one (71) day period in a registration year as provided by IC 9-21-21-4.3(b). Before a vehicle may be operated as provided in this subsection, the owner shall pay to the bureau:

(1) any registration fee due under section ~~13(b)~~ **13, 13.1, 13.2, or 13.4** of this chapter; and

(2) seventeen percent (17%) of the registration fee paid under section ~~13(b)~~ **13, 13.1, 13.2, or 13.4** of this chapter.

SECTION 99. IC 9-29-5-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 16. **(a) The fee for one (1) set of license plates for each transport operator is one hundred thirty-nine dollars and twenty-five cents ($139.25). The fee shall be distributed as follows:**

(1) Twenty-five cents ($0.25) to the state police building account.

(2) Five dollars ($5) to the crossroads 2000 fund.

(3) Nine dollars ($9) to the commission fund.

(4) Thirty dollars ($30) to the highway, road and street fund.

(5) Ninety-five dollars ($95) to the motor vehicle highway account.

~~(a)~~ **(b)** The fee for the first two (2) sets of license plates for each transport operator is ~~one hundred twenty-five dollars~~

~~($125).~~ **one hundred fifty-eight dollars and twenty-five cents ($158.25). The fee shall be distributed as follows:**

(1) Twenty-five cents ($0.25) to the state police building account.

(2) Fifteen dollars ($15) to the crossroads 2000 fund.

(3) Eighteen dollars ($18) to the commission fund.

(4) Thirty dollars ($30) to the highway, road and street fund.

(5) Ninety-five dollars ($95) to the motor vehicle highway account.

~~(b)~~ **(c)** The fee for each additional set of license plates for a transport operator is ~~fifteen dollars ($15).~~ **thirty-four dollars and twenty-five cents ($34.25). The fee shall be distributed as follows:**

(1) Twenty-five cents ($0.25) to the state police building account.

(2) Nine dollars ($9) to the commission fund.

(3) Ten dollars ($10) to the crossroads 2000 fund.

(4) Fifteen dollars ($15) to the motor vehicle highway account.

SECTION 100. IC 9-29-5-17, AS AMENDED BY P.L.262-2013, SECTION 118, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 17. The fee for each duplicate or replacement license plate **or sticker** is ~~three dollars ($3).~~ **ten dollars and twenty-five cents ($10.25). The fee shall be distributed as follows:**

(1) Twenty-five cents ($0.25) to the state police building account.

(2) Fifty cents ($0.50) to the state motor vehicle technology fund.

(3) One dollar and seventy-five cents ($1.75) to the motor vehicle highway account.

(4) Three dollars ($3) to the crossroads 2000 fund.

(5) For a license plate or sticker issued before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Three dollars and fifty cents ($3.50) to the commission fund.

(6) For a license plate or sticker issued after June 30, 2019, four dollars and seventy-five cents ($4.75) to the commission fund.

SECTION 101. IC 9-29-5-17.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 17.1. (a) Except as provided in subsection (b), the fee for a duplicate, an amended, or a replacement certificate of registration is six dollars and twenty-five cents ($6.25). The fee shall be distributed as follows:**

(1) Twenty-five cents ($0.25) to the state police building account.

(2) Fifty cents ($0.50) to the state motor vehicle technology fund.

(3) For a certificate issued before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Four dollars and twenty-five cents ($4.25) to the commission fund.

(4) For a certificate issued after June 30, 2019, five dollars and fifty cents ($5.50) to the commission fund.

(b) The bureau may not impose or collect a fee for a duplicate, an amended, or a replacement certificate of registration that is a result of an error on the part of the bureau.

SECTION 102. IC 9-29-5-18, AS AMENDED BY P.L.125-2012, SECTION 318, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 18. The fee ~~for~~ **to register** a recreational vehicle ~~which does not include truck campers (as defined in IC 6-6-5.1-8), is twenty dollars ($20).~~ **is twenty-nine dollars and seventy-five cents ($29.75). The fee shall be distributed as follows:**

(1) Twenty-five cents ($0.25) to the state police building account.

(2) Fifty cents ($0.50) to the state motor vehicle technology fund.

(3) For a recreational vehicle registered before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Five dollars ($5) to the commission fund.

(4) For a recreational vehicle registered after June 30, 2019, six dollars and twenty-five cents ($6.25) to the commission fund.

(5) Four dollars ($4) to the crossroads 2000 fund.

(6) Five dollars and fifty cents ($5.50) to the highway, road and street fund.

(7) Thirteen dollars and twenty-five cents ($13.25) to the motor vehicle highway account.

SECTION 103. IC 9-29-5-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 20. **(a)** The fee for a temporary permit **issued under IC 9-18-7-4 that is valid for not more than ninety-six (96) hours** is ~~two dollars ($2).~~ **eighteen dollars and seventy-five cents ($18.75). The fee shall be distributed as follows:**

(1) Twenty-five cents ($0.25) to the state police building account.

(2) One dollar ($1) to the crossroads 2000 fund.

(3) Two dollars and fifty cents ($2.50) to the state motor vehicle technology fund.

(4) For a temporary permit issued before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Five dollars ($5) to the commission fund.

(5) For a temporary permit issued after June 30, 2019, six dollars and twenty-five cents ($6.25) to the commission fund.

(6) Eight dollars and seventy-five cents ($8.75) to the motor vehicle highway account.

(b) The fee for a temporary permit issued under IC 9-18-7-1 that is valid for a period of thirty (30) days is eighteen dollars and seventy-five cents ($18.75). The fee shall be distributed as follows:

(1) Twenty-five cents ($0.25) to the state police building account.

(2) One dollar ($1) to the crossroads 2000 fund.

(3) Two dollars and fifty cents ($2.50) to the state motor vehicle technology fund.

(4) For a temporary permit issued before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Five dollars ($5) to the commission fund.

(5) For a temporary permit issued after June 30, 2019, six dollars and twenty-five cents ($6.25) to the commission fund.

(6) Eight dollars and seventy-five cents ($8.75) to the motor vehicle highway account.

SECTION 104. IC 9-29-5-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 22. The fee for a special serial number is ~~two dollars ($2).~~ **thirteen dollars ($13). The fee shall be distributed as follows:**

(1) Fifty cents ($0.50) to the state motor vehicle technology fund.

(2) One dollar ($1) to the highway, road and street fund.

(3) One dollar ($1) to the motor vehicle highway account.

(4) One dollar and fifty cents ($1.50) to the integrated public safety communications fund.

(5) Four dollars ($4) to the crossroads 2000 fund.

(6) Five dollars ($5) to the commission fund.

SECTION 105. IC 9-29-5-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 23. (a) The fee to transfer a vehicle registration and register another vehicle of the same class under ~~IC 9-18-6 is three dollars ($3).~~ **IC 9-18-6-4(b) is nine dollars and seventy-five cents ($9.75). The fee shall be distributed as follows:**

(1) Twenty-five cents ($0.25) to the state police building account.

(2) One dollar ($1) to the highway, road and street fund.

(3) One dollar ($1) to the motor vehicle highway account.

(4) Two dollars ($2) to the crossroads 2000 fund.

(5) Five dollars and fifty cents ($5.50) to the commission fund.

(b) The fee to transfer a vehicle registration and register another vehicle in a ~~higher~~ **different** fee class ~~is described in~~ **under** IC 9-18-6-4(c) **is sixteen dollars and twenty-five cents ($16.25). The fee shall be distributed as follows:**

(1) Twenty-five cents ($0.25) to the state police building account.

(2) One dollar ($1) to the highway, road and street fund.

(3) Two dollars ($2) to the crossroads 2000 fund.

(4) Five dollars and fifty cents ($5.50) to the commission fund.

(5) Any remaining amount to the motor vehicle highway account.

(c) The fee to display a license plate described in IC 9-18-6-4(f) is ten dollars and twenty-five cents ($10.25). The fee shall be distributed as follows:

(1) Twenty-five cents ($0.25) to the state police building account.

(2) Fifty cents ($0.50) to the state motor vehicle technology fund.

(3) One dollar and seventy-five cents ($1.75) to the motor vehicle highway account.

(4) Two dollars ($2) to the crossroads 2000 fund.

(5) Five dollars and seventy-five cents ($5.75) to the commission fund.

SECTION 106. IC 9-29-5-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 24. The fee for a nonresident transport vehicle decal under IC 9-18 is ~~twenty dollars ($20).~~ **twenty-three dollars and seventy-five cents ($23.75). The fee shall be distributed as follows:**

(1) Twenty-five cents ($0.25) to the state police building account.

(2) Fifty cents ($0.50) to the state motor vehicle technology fund.

(3) One dollar ($1) to the motor vehicle highway account.

(4) Two dollars ($2) to the crossroads 2000 fund.

(5) Twenty dollars ($20) to the commission fund.

SECTION 107. IC 9-29-5-27 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 27. The fee for a license plate, sticker, or device issued for each proportionally registered bus is one dollar ($1).~~

SECTION 108. IC 9-29-5-28, AS AMENDED BY P.L.1-2010, SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 28. ~~Except as provided in IC 9-18-12-2.5(c) and section 32.5 of this chapter,~~ **(a)** The registration fee for an antique motor vehicle under IC 9-18-12 is ~~twelve dollars ($12).~~ **twenty dollars and seventy-five cents ($20.75). The fee shall be distributed as follows:**

(1) Twenty-five cents ($0.25) to the state police building account.

(2) Fifty cents ($0.50) to the state motor vehicle technology fund.

(3) Three dollars ($3) to the crossroads 2000 fund.

(4) For an antique motor vehicle registered before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Five dollars ($5) to the commission fund.

(5) For an antique motor vehicle registered after June 30, 2019, six dollars and twenty-five cents ($6.25) to the commission fund.

(6) Any remaining amount to the motor vehicle highway account.

(b) The fee imposed under subsection (a) is in addition to the fee to register and display an authentic license plate from the model year of the antique motor vehicle under section 32.5 of this chapter.

SECTION 109. IC 9-29-5-28.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 28.1. The fee to register an antique motorcycle is twenty dollars and seventy-five cents ($20.75). The fee shall be distributed as follows:**

(1) Twenty-five cents ($0.25) to the state police building account.

(2) Fifty cents ($0.50) to the state motor vehicle technology fund.

(3) Three dollars ($3) to the crossroads 2000 fund.

(4) For an antique motorcycle registered before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Five dollars ($5) to the commission fund.

(5) For an antique motorcycle registered after June 30, 2019, six dollars and twenty-five cents ($6.25) to the commission fund.

(6) Any remaining amount to the motor vehicle highway account.

SECTION 110. IC 9-29-5-28.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 28.2. The fee to register an antique truck is twenty-one dollars and seventy-five cents ($21.75). The fee shall be distributed as follows:**

(1) Twenty-five cents ($0.25) to the state police building account.

(2) Fifty cents ($0.50) to the state motor vehicle technology fund.

(3) Four dollars ($4) to the crossroads 2000 fund.

(4) For an antique truck registered before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Five dollars ($5) to the commission fund.

(5) For an antique truck registered after June 30, 2019, six dollars and twenty-five cents ($6.25) to the commission fund.

(6) Any remaining amount to the motor vehicle highway account.

SECTION 111. IC 9-29-5-30 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 30. (a) The ~~registration~~ fee ~~for~~ **to register** a **Class A** recovery vehicle under IC 9-18-13 is as follows:

(1) ~~Class A recovery vehicle, five hundred dollars ($500).~~ **For a Class A recovery vehicle registered before August 1 of a year, five hundred nine dollars and seventy-five cents ($509.75).**

(2) ~~Class B recovery vehicle, seventy-five dollars ($75).~~ **For a Class A recovery vehicle registered after July 31 of a year, two hundred fifty-seven dollars and seventy-five cents ($257.75).**

(b) ~~A vehicle registered under IC 9-18-13 is not subject to any other registration fee under IC 9-18. However, a vehicle registered under IC 9-18-13 is subject to a tax or service charge~~

~~imposed on a vehicle registered under this title.~~ **A fee described in subsection (a) shall be distributed as follows:**

(1) Twenty-five cents ($0.25) to the state police building account.

(2) Fifty cents ($0.50) to the state motor vehicle technology fund.

(3) To the crossroads 2000 fund as follows:

(A) For a Class A recovery vehicle registered before August 1 of a year, four dollars ($4).

(B) For a Class A recovery vehicle registered after July 31 of a year, two dollars ($2).

(4) For a Class A recovery vehicle registered before July 1, 2019:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Five dollars ($5) to the commission fund.

(5) For a Class A recovery vehicle registered after June 30, 2019, six dollars and twenty-five cents ($6.25) to the commission fund.

(6) Any remaining amount to the motor vehicle highway account.

SECTION 112. IC 9-29-5-30.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 30.1. (a) The fee to register a Class B recovery vehicle under IC 9-18-13 is as follows:**

(1) For a Class B recovery vehicle registered before August 1 of a year, eighty-three dollars and seventy-five cents ($83.75).

(2) For a Class B recovery vehicle registered after July 31 of a year, forty-four dollars and seventy-five cents ($44.75).

(b) A fee described in subsection (a) shall be distributed as follows:

(1) Twenty-five cents ($0.25) to the state police building account.

(2) Fifty cents ($0.50) to the state motor vehicle technology fund.

(3) To the crossroads 2000 fund as follows:

(A) For a Class B recovery vehicle registered before August 1 of a year, three dollars ($3).

(B) For a Class B recovery vehicle registered after July 31 of a year, one dollar and fifty cents ($1.50).

(4) For a Class B recovery vehicle registered before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Five dollars ($5) to the commission fund.

(5) For a Class B recovery vehicle registered after June 30, 2019, six dollars and twenty-five cents ($6.25) to the commission fund.

(6) Any remaining amount to the motor vehicle highway account.

SECTION 113. IC 9-29-5-32.5, AS AMENDED BY P.L.79-2006, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 32.5. **(a)** The fee for a personalized license plate under IC 9-18-15 ~~or for the registration and display of an authentic license plate for the model year of an antique motor vehicle under IC 9-18-12-2.5~~ is ~~as follows:~~

~~(1) The applicable excise tax imposed under IC 6-6-5.~~

~~(2) The regular vehicle registration fee imposed under this chapter.~~

~~(3) A state fee of seven dollars ($7) for the motor vehicle highway account established under IC 8-14-1.~~

~~(4) A service charge of thirty dollars ($30) for the state license branch fund established by IC 9-29-14-1.~~ **forty-five dollars ($45). The fee shall be distributed as follows:**

(1) Four dollars ($4) to the crossroads 2000 fund.

(2) Seven dollars ($7) to the motor vehicle highway account.

(3) Thirty-four dollars ($34) to the commission fund.

(b) The fee for the registration and display of an authentic license plate for the model year of an antique motor vehicle under IC 9-18-12-2.5 is thirty-seven dollars ($37). The fee shall be distributed as follows:

(1) Seven dollars ($7) to the motor vehicle highway account.

(2) Thirty dollars ($30) to the commission fund.

SECTION 114. IC 9-29-5-33 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 33. The fee ~~for the registration of~~ **to register** a vehicle **owned by an eligible person** under IC 9-18-18 is ~~equal to the fees assessed~~ **the applicable fee** for a vehicle of the same class under this chapter. **There is no additional fee for a license plate issued under IC 9-18-18.**

SECTION 115. IC 9-29-5-34.5, AS AMENDED BY P.L.87-2010, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 34.5. A vehicle registered under IC 9-18-24.5 is subject to an annual registration fee and any other fee or tax required of a person registering a vehicle under this title. **There is no additional fee for a license plate issued under IC 9-18-24.5.**

SECTION 116. IC 9-29-5-36 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 36. The fee to register a vehicle under IC 9-18-23 is as follows:

(1) The applicable excise tax imposed under IC 6-6-5.

(2) The regular vehicle registration fee imposed under this chapter.

(3) ~~Two dollars ($2).~~ **Eight dollars ($8), distributed as follows:**

(A) Two dollars ($2) to the motor vehicle highway account.

(B) Two dollars ($2) to the crossroads 2000 fund.

(C) For a vehicle registered before July 1, 2019, as follows:

(i) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(ii) Two dollars and seventy-five cents ($2.75) to the commission fund.

(D) For a vehicle registered after June 30, 2019, four dollars ($4) to the commission fund.

SECTION 117. IC 9-29-5-38, AS AMENDED BY P.L.214-2005, SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 38. (a) Except as provided in subsections (c) and (d), vehicles registered under IC 9-18-25 are subject to the following:

(1) ~~An~~ **The** appropriate annual registration fee **under this chapter for the vehicle.**

(2) An annual supplemental fee of ~~ten dollars ($10)~~ **fifteen dollars ($15)**.

(3) The applicable special group recognition license plate fee under IC 9-18-25-17.5 or IC 9-18-25-17.7.

~~(3)~~ **(4)** Any other fee or tax required ~~of a person registering~~ **to register** a vehicle under this title.

(b) The bureau shall distribute ~~all~~ **the** money collected under the annual supplemental fee under subsection (a)(2) or (d)(2) as follows:

(1) Five dollars ($5) from each registration is appropriated to the bureau of motor vehicles for the purpose of administering IC 9-18-25.

(2) Five dollars ($5) from each registration shall be deposited in the ~~state license branch~~ **commission** fund under IC 9-29-14.

(3) Five dollars ($5) from each supplemental fee under subsection (a)(2) shall be distributed as follows:

(A) One dollar ($1) to the crossroads 2000 fund.

(B) For a vehicle registered before July 1, 2019, as follows:

(i) One dollar and twenty-five cents ($1.25) to the

integrated public safety communications fund.

(ii) Two dollars and seventy-five cents ($2.75) to the commission fund.

(C) For a vehicle registered after June 30, 2019, four dollars ($4) to the commission fund.

(c) A vehicle registered under IC 9-18-25 that is owned by a former prisoner of war or by the prisoner's surviving spouse is exempt from the ~~annual registration fee and the annual supplemental fee.~~ **fees described in subsection (a). However, the vehicle is subject to a service charge of five dollars and seventy-five cents ($5.75). The fee shall be distributed as follows:**

(1) Twenty-five cents ($0.25) to the state police building account.

(2) Fifty cents ($0.50) to the state motor vehicle technology fund.

(3) For a vehicle registered before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Three dollars and seventy-five cents ($3.75) to the commission fund.

(4) For a vehicle registered after June 30, 2019, five dollars ($5) to the commission fund.

(d) A motor vehicle that is registered and for which is issued a special group recognition license plate under IC 9-18-25 and IC 9-18-49 is subject to the following:

(1) ~~An~~ **The** appropriate annual registration fee **under this chapter for the vehicle.**

(2) An annual supplemental fee of ten dollars ($10).

~~(3) Any other fee or tax required of a person registering a vehicle under this title.~~

(3) The applicable special group recognition license plate fee under IC 9-18-25-17.5 or IC 9-18-25-17.7.

(4) The annual fee of twenty dollars ($20) imposed by IC 9-18-49-4(a)(2).

(5) Any other fee or tax required to register a vehicle under this title.

SECTION 118. IC 9-29-5-42, AS AMENDED BY P.L.107-2008, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 42. (a) Except as provided in subsection (c), vehicles not subject to IC 9-18-2-8 or IC 9-18-2-8.5 shall be registered at ~~one-half (1/2) of the regular rate,~~ **the appropriate rate established in this chapter,** subject to IC 9-18-2-7, if the vehicle is registered after July 31 of any year. This subsection does not apply to the following:

(1) Special machinery.

(2) Semitrailers registered on a five (5) year or permanent basis under IC 9-18-10-2.

(3) An implement of agriculture designed to be operated primarily on a highway.

(b) Except as provided in subsection (c), subsection (a) and IC 9-18-2-7 determine the registration fee for the registration of a vehicle subject to registration under IC 9-18-2-8(c) and acquired by an owner subsequent to the date required for the annual registration of vehicles by an owner set forth in IC 9-18-2-8.

(c) Subject to subsection (d), a vehicle subject to the International Registration Plan that is registered after September 30 shall be registered at a rate determined by the following formula:

STEP ONE: Determine the number of months before April 1 of the following year beginning with the date of registration. A partial month shall be rounded to one (1) month.

STEP TWO: Multiply the STEP ONE result by one-twelfth (1/12).

STEP THREE: Multiply the annual registration fee for the vehicle by the STEP TWO result.

(d) If the department of state revenue adopts rules under IC 9-18-2-7 to implement staggered registration for motor vehicles subject to the International Registration Plan, a motor vehicle subject to the International Registration Plan that is registered after the date designated for registration of the motor vehicle in rules adopted under IC 9-18-2-7 shall be registered at a rate determined by the following formula:

STEP ONE: Determine the number of months before the motor vehicle must be re-registered. A partial month shall be rounded to one (1) month.

STEP TWO: Multiply the STEP ONE result by one-twelfth (1/12).

STEP THREE: Multiply the annual registration fee for the vehicle by the STEP TWO result.

(e) A school bus subject to registration under IC 9-18-2-8.5 that is registered after January 31 for the prior calendar year shall be registered at one-half (1/2) the regular rate.

SECTION 119. IC 9-29-5-43 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 43. (a) Except as otherwise provided by this chapter, subsection (b), and IC 9-29-1-2, registration fees collected under this chapter shall be paid into the state general fund for credit to the motor vehicle highway account under IC 8-14-1.~~

~~(b) Fees collected for the registration of off-road vehicles and snowmobiles under IC 9-18-2.5 and collected as set forth in section 44 of this chapter shall be deposited in the off-road vehicle and snowmobile fund established under IC 14-16-1-30.~~

SECTION 120. IC 9-29-5-45 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 45. The bureau may adopt rules under IC 4-22-2 to impose a pull service charge. However, the bureau may not impose a pull service charge of more than fifteen dollars ($15) for a requested motor vehicle registration plate issued under IC 9-18-25 for a special group recognition license plate that commemorates the Lewis and Clark expedition.**

SECTION 121. IC 9-29-7-2.3, AS ADDED BY P.L.110-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 2.3. (a) The fee for a certificate of salvage title is four dollars ($4). **The fee shall be deposited in the motor vehicle highway account.**

(b) The fee for a delinquent certificate of salvage title is ten dollars ($10). The bureau shall collect this fee if:

(1) a purchaser or transferee **of a salvage motor vehicle** fails to apply for a certificate of salvage title or a transfer of title, by assignment, not later than thirty-one (31) days after the salvage motor vehicle is purchased or otherwise acquired; or

(2) the owner of a salvage motor vehicle retains possession of the salvage motor vehicle and the owner fails to apply for a certificate of salvage title not later than thirty-one (31) days after the settlement of loss with the insurance company.

The fee shall be deposited in the motor vehicle highway account.

SECTION 122. IC 9-29-7-2.5 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 2.5. The fee for a duplicate or corrected certificate of salvage title is four dollars ($4).~~

SECTION 123. IC 9-29-7-7 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 7. The revenues from the certificate of salvage titles collected under IC 9-22-3 shall be deposited in the motor vehicle highway account under IC 8-14-1-3.~~

SECTION 124. IC 9-29-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 1. **(a)** The fee for ~~a~~ **an original** learner's permit issued under IC 9-24-7 is ~~two dollars ($2).~~ **nine dollars and fifty cents ($9.50). The fee shall be distributed as follows:**

(1) Fifty cents ($0.50) to the motor vehicle highway account.

(2) Fifty cents ($0.50) to the state motor vehicle

technology fund.

(3) Two dollars ($2) to the crossroads 2000 fund.

(4) For an original learner's permit issued before July 1, 2019, as follows:

(A) One dollar and seventy-five cents ($1.75) to the integrated public safety communications fund.

(B) Four dollars and seventy-five cents ($4.75) to the commission fund.

(5) For an original learner's permit issued after June 30, 2019, six dollars and fifty cents ($6.50) to the commission fund.

(b) The fee for a duplicate learner's permit issued under IC 9-24-7 is ten dollars and fifty cents ($10.50). The fee shall be distributed as follows:

(1) Fifty cents ($0.50) to the state motor vehicle technology fund.

(2) Two dollars ($2) to the motor vehicle highway account.

(3) Two dollars ($2) to the crossroads 2000 fund.

(4) For a duplicate learner's permit issued before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Four dollars and seventy-five cents ($4.75) to the commission fund.

(5) For a duplicate learner's permit issued after June 30, 2019, six dollars ($6) to the commission fund.

SECTION 125. IC 9-29-9-2 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 2. (a) Except as provided in subsection (c), the fee for an operator's license issued under IC 9-24-3 or renewed under IC 9-24-12 to an individual who is:~~

~~(1) less than seventy-five (75) years of age is nine dollars ($9); and~~

~~(2) at least seventy-five (75) years of age is six dollars ($6).~~

~~(b) The fee for a probationary license issued under IC 9-24-11-3 or IC 9-24-11-3.3 is six dollars ($6).~~

~~(c) Notwithstanding subsection (a), the fee for the renewal of an operator's license issued under IC 9-24 that contains a 2012 expiration date is as follows:~~

~~(1) If the license was previously issued or renewed after May 14, 2007, and before January 1, 2008, the fee is seven dollars and fifty cents ($7.50).~~

~~(2) If the license was previously issued or renewed after December 31, 2007, and before January 1, 2009, the fee is nine dollars ($9).~~

~~(3) If the license was previously issued or renewed after December 31, 2005, and before January 1, 2007, the fee is six dollars ($6).~~

~~This subsection does not apply to the issuance or renewal of an operator's license that contains an expiration date after 2012.~~

SECTION 126. IC 9-29-9-2.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 2.1. (a) The fee for an operator's license issued under IC 9-24-3 or renewed under IC 9-24-12 to an individual who is less than seventy-five (75) years of age is seventeen dollars and fifty cents ($17.50). The fee shall be distributed as follows:**

(1) Fifty cents ($0.50) to the state motor vehicle technology fund.

(2) Two dollars ($2) to the crossroads 2000 fund.

(3) Four dollars and fifty cents ($4.50) to the motor vehicle highway account.

(4) For an operator's license issued or renewed before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Nine dollars and twenty-five cents ($9.25) to the commission fund.

(5) For an operator's license issued or renewed after June 30, 2019, ten dollars and fifty cents ($10.50) to the commission fund.

(b) The fee for an operator's license issued under IC 9-24-3 or renewed under IC 9-24-12 to an individual who is at least seventy-five (75) years of age and less than eighty-five (85) years of age is eleven dollars ($11). The fee shall be distributed as follows:

(1) Fifty cents ($0.50) to the state motor vehicle technology fund.

(2) One dollar and fifty cents ($1.50) to the crossroads 2000 fund.

(3) Three dollars ($3) to the motor vehicle highway account.

(4) For an operator's license issued or renewed before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Four dollars and seventy-five cents ($4.75) to the commission fund.

(5) For an operator's license issued or renewed after June 30, 2019, six dollars ($6) to the commission fund.

(c) The fee for an operator's license issued under IC 9-24-3 or renewed under IC 9-24-12 to an individual who is at least eighty-five (85) years of age is seven dollars ($7). The fee shall be distributed as follows:

(1) Fifty cents ($0.50) to the state motor vehicle technology fund.

(2) One dollar ($1) to the crossroads 2000 fund.

(3) Two dollars ($2) to the motor vehicle highway account.

(4) For an operator's license issued or renewed before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Two dollars and twenty-five cents ($2.25) to the commission fund.

(5) For an operator's license issued or renewed after June 30, 2019, three dollars and fifty cents ($3.50) to the commission fund.

SECTION 127. IC 9-29-9-2.5, AS AMENDED BY P.L.109-2011, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 2.5. **(a) Except as provided in subsection (b),** the ~~bureau may adopt rules under IC 4-22-2 to impose a service charge for the issuance of~~ **fee for** an amended ~~operator's~~ license or permit issued under IC 9-24-13-4 **is ten dollars and fifty cents ($10.50). The fee shall be distributed as follows:**

(1) Fifty cents ($0.50) to the state motor vehicle technology fund.

(2) One dollar and fifty cents ($1.50) to the crossroads 2000 fund.

(3) One dollar and fifty cents ($1.50) to the motor vehicle highway account.

(4) For an amended or duplicate license or permit issued before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Five dollars and seventy-five cents ($5.75) to the commission fund.

(5) For an amended or duplicate license or permit issued after June 30, 2019, seven dollars ($7) to the commission fund.

(b) The fee for an amended or a duplicate commercial driver's license is five dollars and fifty cents ($5.50). The fee shall be distributed as follows:

(1) Fifty cents ($0.50) to the state motor vehicle technology fund.

(2) One dollar ($1) to the crossroads 2000 fund.

(3) One dollar and fifty cents ($1.50) to the motor vehicle highway account.

(4) Two dollars and fifty cents ($2.50) to the commission fund.

SECTION 128. IC 9-29-9-3 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 3. The fee for a three (3) year operator's license issued under IC 9-24-3 is three dollars ($3).~~

SECTION 129. IC 9-29-9-4, AS AMENDED BY P.L.1-2007, SECTION 89, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 4. **(a)** The fee for a chauffeur's license issued under IC 9-24-4 or renewed under IC 9-24-12 to an individual who is ~~(1) at least seventy-five (75) years of age is eight dollars ($8); and (2)~~ less than seventy-five (75) years of age is ~~twelve dollars ($12).~~ **twenty-two dollars and fifty cents ($22.50). The fee shall be distributed as follows:**

(1) Fifty cents ($0.50) to the state motor vehicle technology fund.

(2) Four dollars ($4) to the crossroads 2000 fund.

(3) For a chauffeur's license issued or renewed before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Seven dollars and seventy-five cents ($7.75) to the commission fund.

(4) For a chauffeur's license issued or renewed after June 30, 2019, nine dollars ($9) to the commission fund.

(5) Nine dollars ($9) to the motor vehicle highway account.

(b) The fee for a chauffeur's license issued under IC 9-24-4 or renewed under IC 9-24-12 to an individual who is at least seventy-five (75) years of age and less than eighty-five (85) years of age is eighteen dollars and fifty cents ($18.50). The fee shall be distributed as follows:

(1) Fifty cents ($0.50) to the state motor vehicle technology fund.

(2) Four dollars ($4) to the crossroads 2000 fund.

(3) Six dollars ($6) to the motor vehicle highway account.

(4) For a chauffeur's license issued or renewed before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Six dollars and seventy-five cents ($6.75) to the commission fund.

(5) For a chauffeur's license issued or renewed after June 30, 2019, eight dollars ($8) to the commission fund.

SECTION 130. IC 9-29-9-5, AS AMENDED BY P.L.206-2007, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 5. The fee for a public passenger chauffeur's license issued under IC 9-24-5 is ~~eight dollars ($8).~~ **eighteen dollars and fifty cents ($18.50). The fee shall be distributed as follows:**

(1) Fifty cents ($0.50) to the state motor vehicle technology fund.

(2) Four dollars ($4) to the crossroads 2000 fund.

(3) Six dollars ($6) to the motor vehicle highway account.

(4) For a public passenger chauffeur's license issued or renewed before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Six dollars and seventy-five cents ($6.75) to the commission fund.

(5) For a public passenger chauffeur's license issued or renewed after June 30, 2019, eight dollars ($8) to the commission fund.

SECTION 131. IC 9-29-9-7, AS AMENDED BY HEA 1343-2014, SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 7. **(a)** The fee for validation of a motorcycle endorsement or motorcycle endorsement with a Class A motor driven cycle restriction under IC 9-24-8-4 and IC 9-24-12-7 of an operator's license issued to an individual who is ~~(1) at least seventy-five (75) years of age is three dollars ($3); and (2)~~ less than seventy-five (75) years of age is ~~four dollars and fifty cents ($4.50).~~ **twelve dollars ($12). The fee shall be distributed as follows:**

(1) One dollar ($1) to the crossroads 2000 fund.

(2) Two dollars and twenty-five cents ($2.25) to the motor vehicle highway account.

(3) One dollar ($1) to the state motor vehicle technology fund.

(4) For a motorcycle endorsement or motorcycle endorsement with a Class A motor driven cycle restriction validated before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Six dollars and fifty cents ($6.50) to the commission fund.

(5) For a motorcycle endorsement or motorcycle endorsement with a Class A motor driven cycle restriction validated after June 30, 2019, seven dollars and seventy-five cents ($7.75) to the commission fund.

(b) The fee for validation of a motorcycle endorsement or motorcycle endorsement with a Class A motor driven cycle restriction under IC 9-24-8-4 and IC 9-24-12-7 of an operator's license issued to an individual who is at least seventy-five (75) years of age is ten dollars and fifty cents ($10.50). The fee shall be distributed as follows:

(1) Seventy-five cents ($0.75) to the motor vehicle highway account.

(2) One dollar ($1) to the state motor vehicle technology fund.

(3) One dollar ($1) to the crossroads 2000 fund.

(4) For a motorcycle endorsement or motorcycle endorsement with a Class A motor driven cycle restriction validated before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Six dollars and fifty cents ($6.50) to the commission fund.

(5) For a motorcycle endorsement or motorcycle endorsement with a Class A motor driven cycle restriction validated after June 30, 2019, seven dollars and seventy-five cents ($7.75) to the commission fund.

SECTION 132. IC 9-29-9-8, AS AMENDED BY HEA 1343-2014, SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 8. **(a)** The fee for validation of a motorcycle endorsement or motorcycle endorsement with a Class A motor driven cycle restriction under IC 9-24-8-4 and IC 9-24-12-7 of a chauffeur's license issued to an individual who is ~~(1) at least seventy-five (75) years of age is three dollars ($3); and (2)~~ less than seventy-five (75) years of age is ~~four dollars and fifty cents ($4.50).~~ **twelve dollars ($12). The fee shall be distributed as follows:**

(1) One dollar ($1) to the crossroads 2000 fund.

(2) Two dollars and twenty-five cents ($2.25) to the motor vehicle highway account.

(3) Fifty cents ($0.50) to the state motor vehicle technology fund.

(4) For a motorcycle endorsement or motorcycle endorsement with a Class A motor driven cycle restriction validated before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Seven dollars ($7) to the commission fund.

(5) For a motorcycle endorsement or motorcycle endorsement with a Class A motor driven cycle restriction validated after June 30, 2019, eight dollars and twenty-five cents ($8.25) to the commission fund.

(b) The fee for validation of a motorcycle endorsement or motorcycle endorsement with a Class A motor driven cycle

restriction under IC 9-24-8-4 and IC 9-24-12-7 of a chauffeur's license issued to an individual who is at least seventy-five (75) years of age is ten dollars and fifty cents ($10.50). The fee shall be distributed as follows:

(1) Seventy-five cents ($0.75) to the motor vehicle highway account.

(2) One dollar ($1) to the crossroads 2000 fund.

(3) One dollar ($1) to the state motor vehicle technology fund.

(4) For a motorcycle endorsement or motorcycle endorsement with a Class A motor driven cycle restriction validated before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Six dollars and fifty cents ($6.50) to the commission fund.

(5) For a motorcycle endorsement or motorcycle endorsement with a Class A motor driven cycle restriction validated after June 30, 2019, seven dollars and seventy-five cents ($7.75) to the commission fund.

SECTION 133. IC 9-29-9-9, AS AMENDED BY HEA 1343-2014, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 9. The fee for **validation of** a motorcycle endorsement or motorcycle endorsement with a Class A motor driven cycle restriction of a public passenger chauffeur's license is ~~one dollar and fifty cents ($1.50).~~ **eight dollars and fifty cents ($8.50). The fee shall be distributed as follows:**

(1) Fifty cents ($0.50) to the state motor vehicle technology fund.

(2) One dollar ($1) to the crossroads 2000 fund.

(3) One dollar and fifty cents ($1.50) to the motor vehicle highway account.

(4) Five dollars and fifty cents ($5.50) to the commission fund.

SECTION 134. IC 9-29-9-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 11. The fee for a motorcycle learner's permit issued under IC 9-24-8 is ~~two dollars ($2).~~ **nine dollars and fifty cents ($9.50). The fee shall be distributed as follows:**

(1) One dollar ($1) to the state motor vehicle technology fund.

(2) One dollar ($1) to the motor vehicle highway account.

(3) Two dollars ($2) to the crossroads 2000 fund.

(4) For a motorcycle learner's permit issued before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Four dollars and twenty-five cents ($4.25) to the commission fund.

(5) For a motorcycle learner's permit issued after June 30, 2019, five dollars and fifty cents ($5.50) to the commission fund.

SECTION 135. IC 9-29-9-15, AS AMENDED BY P.L.109-2011, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 15. ~~The fees~~ **(a) Except as provided in subsection (b) or (c), the fee** for the issuance, renewal, amendment, or replacement of an identification card under IC 9-24-16 ~~are as follows: (1) For an individual at least sixty-five (65) years of age or an individual with a physical disability and not entitled to obtain a driver's license, three dollars and fifty cents ($3.50). (2) For any other individual, six dollars ($6).~~ **is eleven dollars and fifty cents ($11.50). The fee shall be distributed as follows:**

(1) Fifty cents ($0.50) to the state motor vehicle technology fund.

(2) One dollar and twenty-five cents ($1.25) deposited as follows:

(A) For an identification card issued, renewed, amended, or replaced before July 1, 2019, into the integrated public safety communications fund.

(B) For an identification card issued, renewed, amended, or replaced after June 30, 2019, into the commission fund.

(3) Two dollars and seventy-five cents ($2.75) to the motor vehicle highway account.

(4) Seven dollars ($7) to the commission fund.

(b) The fee for the issuance, renewal, amendment, or replacement of an identification card under IC 9-24-16 issued to an individual who is at least sixty-five (65) years of age or to an individual with a physical disability who is not entitled to obtain a driver's license is nine dollars ($9). The fee shall be distributed as follows:

(1) Fifty cents ($0.50) to the state motor vehicle technology fund.

(2) One dollar and fifty cents ($1.50) to the motor vehicle highway account.

(3) For an identification card issued, renewed, amended, or replaced before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Five dollars and seventy-five cents ($5.75) to the commission fund.

(4) For an identification card issued, renewed, amended, or replaced after June 30, 2019, seven dollars ($7) to the commission fund.

(c) There is no fee for an identification card issued under IC 9-24-16-10 for purposes of voting in an election.

SECTION 136. IC 9-29-9-15.1 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 15.1. The fee and charge provisions of IC 9-24-16-10 apply notwithstanding IC 9-29-3-14 and section 15 of this chapter.~~

SECTION 137. IC 9-29-9-16 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 16. The fee for a commercial driver's license issued under IC 9-24-6 is thirty-six dollars ($36). The fee shall be distributed as follows:**

(1) One dollar and fifty cents ($1.50) to the state motor vehicle technology fund.

(2) Fifteen dollars ($15) to the motor vehicle highway account.

(3) For a commercial driver's license issued before July 1, 2019, as follows:

(A) Five dollars ($5) to the integrated public safety communications fund.

(B) Fourteen dollars and fifty cents ($14.50) to the commission fund.

(4) For a commercial driver's license issued after June 30, 2019, nineteen dollars and fifty cents ($19.50) to the commission fund.

SECTION 138. IC 9-29-9-17 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 17. The fee for a commercial driver's license learner's permit issued under IC 9-24-6 is seventeen dollars ($17). The fee shall be distributed as follows:**

(1) Fifty cents ($0.50) to the motor vehicle highway account.

(2) Fifty cents ($0.50) to the state motor vehicle technology fund.

(3) Two dollars ($2) to the crossroads 2000 fund.

(4) For a commercial driver's license learner's permit issued before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Twelve dollars and seventy-five cents ($12.75) to the commission fund.

(5) For a commercial driver's license learner's permit issued after June 30, 2019, fourteen dollars ($14) to the commission fund.

SECTION 139. IC 9-29-14-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 1. The ~~state license branch~~ **bureau of motor vehicles commission** fund is established for the purpose of paying the expenses incurred in administering IC 9-16. The fund shall be administered by the commission.

SECTION 140. IC 9-29-14-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 5. The fund consists of the following:

(1) ~~Service charges collected by license branches.~~ **Money deposited in or distributed to the fund under this article.**

(2) Money received from any other source, including appropriations.

SECTION 141. IC 9-29-15-0.3 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 0.3. If P.L.291-2001 imposes an additional service fee under section 1 or 4 of this chapter that is payable into a fund other than the state motor vehicle technology fund established by IC 9-29-16, the general assembly intends that both the service fees imposed under P.L.291-2001 and P.L.176-2001 shall be collected.~~

SECTION 142. IC 9-29-15-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 1. (a) The fee for a certificate of title or a duplicate certificate of title under IC 9-31-2 is ~~nine~~ **fifteen** dollars and fifty cents ~~($9.50).~~ **($15.50).**

(b) The fee is distributed as follows:

(1) Fifty cents ($0.50) to the state motor vehicle technology fund.

(2) Two dollars ($2) to the crossroads 2000 fund.

(3) For a certificate of title issued before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Four dollars and seventy-five cents ($4.75) to the commission fund.

(4) For a certificate of title issued after June 30, 2019, six dollars ($6) to the commission fund.

~~(1)~~ **(5)** Seven dollars ($7) to the department of natural resources.

~~(2) Two dollars and fifty cents ($2.50) to the bureau.~~

~~(c) Fifty cents ($0.50) of each fee distributed under subsection (b)(2) shall be deposited in the state motor vehicle technology fund established by IC 9-29-16-1.~~

SECTION 143. IC 9-29-15-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 2. (a) The fee for the assignment of a hull identification number under IC 9-31-2-8 is ~~two~~ **ten** dollars and fifty cents ~~($2.50).~~ **($10.50).**

(b) The fee ~~is retained by the bureau.~~ **shall be distributed as follows:**

(1) Two dollars and fifty cents ($2.50) to the department of natural resources.

(2) Four dollars ($4) to the crossroads 2000 fund.

(3) Four dollars ($4) to the commission fund.

SECTION 144. IC 9-29-15-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 3. (a) The fee for a late application for title under IC 9-31-2-17 is ~~ten dollars ($10).~~ **twenty dollars ($20).**

(b) The fee is distributed as follows:

(1) Eight dollars ($8) to the department of natural resources.

(2) ~~Two dollars ($2) to the bureau.~~ **Three dollars ($3) to the crossroads 2000 fund.**

(3) Nine dollars ($9) to the commission fund.

SECTION 145. IC 9-29-15-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 4. (a) The fees to register a motorboat under IC 9-31-3 are as follows:

(1) ~~Twelve~~ **Sixteen** dollars and fifty cents ~~($12.50)~~ **($16.50)** for a Class 1 motorboat.

(2) ~~Fourteen~~ **Eighteen** dollars and fifty cents ~~($14.50)~~ **($18.50)** for a Class 2, Class 3, or Class 4 motorboat.

(3) ~~Seventeen~~ **Twenty-one** dollars and fifty cents ~~($17.50)~~ **($21.50)** for a Class 5 motorboat.

(4) ~~Twenty-two~~ **Twenty-six** dollars and fifty cents ~~($22.50)~~ **($26.50)** for a Class 6 or Class 7 motorboat.

~~(b) The department of natural resources receives:~~

~~(1) twelve dollars ($12) for a Class 1 motorboat;~~

~~(2) fourteen dollars ($14) for a Class 2, Class 3, or Class 4 motorboat;~~

~~(3) seventeen dollars ($17) for a Class 5 motorboat; and~~

~~(4) twenty-two dollars ($22) for a Class 6 or Class 7 motorboat;~~

~~of the fee collected under subsection (a).~~

~~(c) Fifty cents ($0.50) of each fee collected under subsection (a) shall be deposited in the state motor vehicle technology fund established by IC 9-29-16-1.~~

(b) A fee described in subsection (a) shall be distributed as follows:

(1) Fifty cents ($0.50) to the state motor vehicle technology fund.

(2) One dollar ($1) to the commission fund.

(3) Three dollars ($3) to the crossroads 2000 fund.

(4) Any remaining amount to the department of natural resources.

SECTION 146. IC 9-29-15-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 5. (a) The fee for the reissuance of a certificate of registration under IC 9-31-3-13 is one dollar ($1).

(b) The fee ~~is retained by the bureau.~~ **shall be deposited in the commission fund.**

SECTION 147. IC 9-29-15-6 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 6. (a) The fee to obtain a dealer certificate of number under IC 9-31-3-19 is ten dollars ($10).~~

~~(b) The fee is retained by the bureau.~~

SECTION 148. IC 9-29-15-9, AS ADDED BY P.L.46-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 9. (a) The fee to collect the excise tax on a motorboat registered in another state under IC 6-6-11-13(4) is two dollars ($2).

(b) The fee shall be deposited in the ~~state license branch~~ **commission** fund established under IC 9-29-14.

SECTION 149. IC 9-29-16-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 5. The fund consists of the following:

~~(1) Fifty cents ($0.50) of each service charge or fee collected by license branches under the following:~~

~~(A) IC 9-29-3-4.~~

~~(B) IC 9-29-3-6.~~

~~(C) IC 9-29-3-7.~~

~~(D) IC 9-29-3-8.~~

~~(E) IC 9-29-3-9.~~

~~(F) IC 9-29-3-10.~~

~~(G) IC 9-29-3-11.~~

~~(H) IC 9-29-3-12.~~

~~(I) IC 9-29-3-14.~~

~~(J) IC 9-29-3-18.~~

~~(K) IC 9-29-15-1.~~

~~(L) IC 9-29-15-4.~~

(1) Money deposited in or distributed to the fund under this article.

~~(2) Money deposited with the approval of the budget agency in the fund from any part of:~~

~~(A) a service fee established under IC 9-29-3-19; or~~

~~(B) an increase of a service fee increased under IC 9-29-3-19.~~

~~(3)~~ **(2)** Money received from any other source, including appropriations.

SECTION 150. IC 9-29-17-1, AS ADDED BY P.L.92-2013, SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 1. (a) Except as

provided in section 3 of this chapter, the fee for the first two (2) license plates issued under IC 9-32-6-1 to a manufacturer or dealer is forty dollars ($40). **There is an additional service charge of five dollars ($5).**

(b) The fee for each additional license plate under IC 9-32-6-5 for a manufacturer or dealer is fifteen dollars ($15). **There is an additional service charge of five dollars ($5).**

(c) The fee for a dealer promotional license plate established under IC 9-32-6-2(b) is forty dollars ($40).

(d) The fee for the first two (2) dealer-wholesale license plates issued to an applicant under IC 9-32-6-2(a)(4) is one hundred twenty-five dollars ($125). The fee for each additional dealer-wholesale license plate issued to the applicant is fifteen dollars ($15).

(e) Fees collected under this section shall be deposited as set forth in section 14(b) of this chapter.

(f) Service charges collected under this section shall be deposited in the crossroads 2000 fund.

SECTION 151. IC 9-29-17-3, AS ADDED BY P.L.92-2013, SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 3. (a) The fee for the first two (2) license plates under IC 9-32-6-1 for a manufacturer or dealer of motorcycles is fifteen dollars ($15). **There is an additional service charge of five dollars ($5).**

(b) The fee for each additional license plate under IC 9-32-6-5 for a manufacturer or dealer of motorcycles is seven dollars and fifty cents ($7.50). **There is an additional service charge of two dollars and fifty cents ($2.50).**

(c) Fees collected under this section shall be deposited as set forth in section 14(b) of this chapter.

(d) Service charges collected under this section shall be deposited in the crossroads 2000 fund.

SECTION 152. IC 9-29-17-4, AS ADDED BY P.L.92-2013, SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 4. (a) The fee for the issuance of an interim dealer license plate under IC 9-32-6-11 is three dollars ($3). **There is an additional service charge of two dollars ($2).**

(b) Fees collected under subsection (a) shall be deposited as set forth in section 14(c) of this chapter.

(c) Service charges collected under this section shall be deposited in the crossroads 2000 fund.

SECTION 153. IC 9-29-17-11, AS ADDED BY P.L.92-2013, SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 11. The fee for a business name or location change under IC 9-32-11-6 is five dollars ($5). ~~The fees collected shall be deposited as set forth in IC 9-32-7-3.~~ **The secretary of state shall retain the fees collected.**

SECTION 154. IC 9-29-17-14, AS ADDED BY P.L.92-2013, SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 14. (a) Except as otherwise provided in ~~subsection (b), subsection (c), and IC 9-29-1-2,~~ **subsections (b) and (c),** registration fees collected under IC 9-32 and fees collected under section 7 of this chapter shall be paid into the state general fund for credit to the motor vehicle highway account under IC 8-14-1.

(b) Fees collected under this chapter for license plates issued under IC 9-32-6 by the secretary of state shall be deposited as follows:

(1) The following shall be deposited in the dealer compliance account established by IC 9-32-7-1:

(A) Thirty percent (30%) of the fees collected for license plates issued under IC 9-32-6, except for license plates issued under IC 9-32-6-2(b).

(B) One hundred percent (100%) of the fees collected for license plates issued under IC 9-32-6-2(b).

(2) Seventy percent (70%) of the fees collected for license plates issued under IC 9-32-6, except for license plates issued under IC 9-32-6-2(b), shall be deposited in the motor vehicle highway account.

(c) Notwithstanding subsection (b), fees collected under this chapter for interim license plates issued under IC 9-32-6-11 by the secretary of state shall be deposited as follows:

(1) ~~Sixty-six and seven-tenths percent (66.7%)~~ **Forty percent (40%)** to the crossroads 2000 fund established by IC 8-14-10-9.

(2) ~~Thirty percent (30%)~~ **Forty-nine percent (49%)** to the dealer compliance account established by IC 9-32-7-1.

(3) ~~Three and three-tenths percent (3.3%)~~ **Eleven percent (11%)** to the motor vehicle highway account under IC 8-14-1.

SECTION 155. IC 9-29-17-16 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 16. (a) The fee to obtain a dealer plate under IC 9-31-3-19 is ten dollars ($10).**

(b) The fee is retained by the secretary of state.

SECTION 156. IC 9-30-10-18, AS AMENDED BY HEA 1279-2014, SECTION 145, AND AS AMENDED BY HEA 1343-2014, SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 18. (a) In a criminal action brought under section 16 or 17 of this chapter, it is a defense that the operation of a motor vehicle was necessary to save life or limb in an extreme emergency. The defendant must bear the burden of proof by a preponderance of the evidence to establish this defense.

(b) In an action brought under section 16 **or** 17 ~~or 17.5~~ of this chapter, it is a defense that the defendant was operating a Class B motor driven cycle, unless the defendant was operating the Class B motor driven cycle in violation of IC 9-21-11-12. The defendant must bear the burden of proof by a preponderance of the evidence to establish this defense.

SECTION 157. IC 9-31-3-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 13. The bureau shall charge and collect the fee provided under IC 9-29-15-5 for the reissuance of a certificate of registration if:

(1) the original certificate has been lost or destroyed;

(2) a duplicate certificate is needed; or

(3) an amendment or a correction is needed to the registration information.

SECTION 158. IC 9-32-3-3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 3. (a) Notwithstanding any other law or rules, and not later than October 1, 2014, the secretary shall adopt emergency rules under IC 4-22-2-37.1 to do the following:**

(1) Eliminate dealer-wholesale license plates and wholesale dealer licenses.

(2) Administer the transition process from wholesale dealer to dealer.

(b) This section expires July 1, 2015.

SECTION 159. IC 9-32-16-1, AS AMENDED BY SEA 24-2014, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 1. (a) This chapter shall be administered by the secretary.

(b) The secretary:

(1) shall employ employees, including a director, investigators, or attorneys, necessary for the administration of this article; and

(2) shall fix the compensation of the employees with the approval of the budget agency.

(c) It is unlawful for the director or an officer, employee, or designee of the secretary to use for personal benefit or the benefit of others records or other information obtained by or filed with the dealer services division under this article that are confidential. This article does not authorize the director or an officer, employee, or designee of the secretary to disclose the record or information, except in accordance with this chapter.

(d) This article does not create or diminish a privilege or

exemption that exists at common law, by statute or rule, or otherwise.

(e) The secretary may develop and implement dealer's and vehicle purchaser's education initiatives to inform dealers and the public about the offer or sale of vehicles, with particular emphasis on the prevention and detection of fraud involving vehicle sales. In developing and implementing these initiatives, the secretary may collaborate with public and nonprofit organizations with an interest in consumer education. The secretary may accept a grant or donation from a person that is not affiliated with the dealer industry or from a nonprofit organization, regardless of whether the organization is affiliated with the dealer industry, to develop and implement consumer education initiatives. This subsection does not authorize the secretary to require participation or monetary contributions of a registrant in an education program.

(f) Fees and funds accruing from the administration of this article:

(1) described in IC 9-32-7-1(d) shall be accounted for by the secretary and shall be deposited with the treasurer of state to be deposited in the dealer compliance account established by IC 9-32-7-1(a);

(2) described in IC 9-32-7-2(b) shall be accounted for by the secretary and shall be deposited with the treasurer of state to be deposited in the dealer enforcement account established by IC 9-32-7-2(a);

(3) described in IC 9-29-17-14(b)(2), ~~IC 9-29-17-14(c)(2),~~ **IC 9-29-17-14(c)(3),** IC 9-29-17-15, and IC 9-32-7-3(2) shall be accounted for by the secretary and shall be deposited with the treasurer of state to be deposited in the motor vehicle highway account under IC 8-14-1;

(4) described in IC 9-32-7-3(3) shall be accounted for by the secretary and shall be deposited with the treasurer of state to be deposited with the state police department, and these fees and funds are continuously appropriated to the department for its use in enforcing odometer laws;

(5) described in IC 9-32-7-3(4) shall be accounted for by the secretary and shall be deposited with the treasurer of state to be deposited with the attorney general, and these fees and funds are continuously appropriated to the attorney general for use in enforcing odometer laws; and

(6) described in IC 9-29-1-4(a) **(before its amendment January 1, 2015)** shall be accounted for by the secretary and shall be deposited with the treasurer of state to be deposited in the state police building account.

Expenses incurred in the administration of this article shall be paid from the state general fund upon appropriation being made for the expenses in the manner provided by law for the making of those appropriations. However, grants and donations under subsection (e), costs of investigations, and civil penalties recovered under this chapter shall be deposited by the treasurer of state in the dealer enforcement account established by IC 9-32-7-2. The funds in the dealer compliance account established by IC 9-32-7-1 must be available, with the approval of the budget agency, to augment and supplement the funds appropriated for the administration of this article.

(g) In connection with the administration and enforcement of this article, the attorney general shall render all necessary assistance to the director upon the request of the director. To that end, the attorney general shall employ legal and other professional services as are necessary to adequately and fully perform the service under the direction of the director as the demands of the division require. Expenses incurred by the attorney general for the purposes stated under this subsection are chargeable against and shall be paid out of funds appropriated to the attorney general for the administration of the attorney general's office. The attorney general may authorize the director and the director's designee to represent the director and the division in any proceeding involving enforcement or defense of this article.

(h) The secretary, director, and employees of the division are not liable in an individual capacity, except to the state, for an act done or omitted in connection with the performance of their duties under this article.

(i) The director and each attorney or investigator designated by the secretary:

(1) are police officers of the state;

(2) have all the powers and duties of police officers in conducting investigations for violations of this article, or in serving any process, notice, or order issued by an officer, authority, or court in connection with the enforcement of this article; and

(3) comprise the enforcement department of the division.

The division is a criminal justice agency for purposes of IC 5-2-4-1(3) and IC 10-13-3-6.

(j) The provisions of this article delegating and granting power to the secretary, division, and director shall be liberally construed to the end that:

(1) the practice or commission of fraud may be prohibited and prevented; and

(2) disclosure of sufficient and reliable information in order to afford reasonable opportunity for the exercise of independent judgment of the persons involved may be assured.

(k) Copies of any statements and documents filed in the office of the secretary and of any records of the secretary certified by the director are admissible in any prosecution, action, suit, or proceeding based on, arising out of, or under this article to the same effect as the original of the statement, document, or record would be if actually produced.

SECTION 160. IC 35-51-9-1, AS AMENDED BY P.L.262-2013, SECTION 143, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 1. The following statutes define crimes in IC 9:

IC 9-14-3.5-15 (Concerning bureau of motor vehicles).
IC 9-14-5-9 (Concerning parking placards for persons with physical disabilities).
IC 9-17-2-15 (Concerning certificates of title).
IC 9-17-2-16 (Concerning certificates of title).
IC 9-17-3-3.2 (Concerning certificates of title).
IC 9-17-3-7 (Concerning certificates of title).
IC 9-17-4-14 (Concerning special identification numbers).
IC 9-17-4-15 (Concerning special identification numbers).
IC 9-17-4-16 (Concerning special identification numbers).
IC 9-17-4-17 (Concerning identification numbers).
IC 9-17-4-18 (Concerning identification numbers).
IC 9-18-2-42 (Concerning motor vehicle registration and license plates).
IC 9-18-2-44 (Concerning motor vehicle registration and license plates).
IC 9-18-2-45 (Concerning motor vehicle registration and license plates).
IC 9-18-2.5-16 (Concerning off-road vehicles and snowmobiles).
IC 9-18-4-8 (Concerning motor vehicle registration and license plates).
IC 9-18-13-9 (Concerning motor vehicle registration and license plates).
IC 9-18-19-4 (Concerning vehicle registration and license plates).
IC 9-18-22-6 (Concerning motor vehicle registration and license plates).
IC 9-19-9-5 (Concerning motor vehicle equipment).
IC 9-19-10.5-4 (Concerning motor vehicle equipment).
IC 9-19-10.5-5 (Concerning motor vehicle equipment).
IC 9-20-18-4 (Concerning motor vehicle size and weight regulation).
IC 9-21-5-13 (Concerning traffic regulation).
IC 9-21-6-3 (Concerning traffic regulation).
IC 9-21-8-50 (Concerning traffic regulation).

IC 9-21-8-52 (Concerning traffic regulation).
IC 9-21-8-55 (Concerning traffic regulation).
IC 9-21-8-56 (Concerning traffic regulation).
IC 9-21-8-58 (Concerning traffic regulation).
IC 9-21-12-9 (Concerning traffic regulation).
IC 9-21-12-11 (Concerning traffic regulation).
IC 9-22-3-31 (Concerning abandoned, salvaged, and scrap vehicles).
IC 9-22-3-32 (Concerning abandoned, salvaged, and scrap vehicles).
IC 9-22-3-33 (Concerning abandoned, salvaged, and scrap vehicles).
IC 9-22-5-18.2 (Concerning buying a motor vehicle without a certificate of title).
IC 9-22-5-19 (Concerning scrapping and dismantling vehicles).
IC 9-22-6-3 (Concerning mechanic's liens for vehicles).
IC 9-24-1-8 (Concerning driver's licenses).
IC 9-24-6-16 (Concerning driver's licenses).
IC 9-24-6-17 (Concerning driver's licenses).
IC 9-24-11-8 (Concerning driver's licenses).
IC 9-24-15-11 (Concerning driver's licenses).
IC 9-24-16-12 (Concerning driver's licenses).
IC 9-24-16-13 (Concerning driver's licenses).
IC 9-24-18-1 (Concerning driver's licenses).
IC 9-24-18-2 (Concerning driver's licenses).
IC 9-24-18-7 (Concerning driver's licenses).
IC 9-24-19-2 (Concerning driver's licenses).
IC 9-24-19-3 (Concerning driver's licenses).
IC 9-24-19-4 (Concerning driver's licenses).
IC 9-25-6-18 (Concerning financial responsibility).
IC 9-25-8-2 (Concerning financial responsibility).
IC 9-26-1-8 (Concerning accidents and accident reports).
IC 9-26-1-9 (Concerning accidents and accident reports).
IC 9-26-6-4 (Concerning accidents and accident reports).
IC 9-30-4-7 (Concerning licenses and registrations).
IC 9-30-4-8 (Concerning licenses and registrations).
IC 9-30-4-13 (Concerning licenses and registrations).
IC 9-30-5-1 (Concerning operating a vehicle while intoxicated).
IC 9-30-5-2 (Concerning operating a vehicle while intoxicated).
IC 9-30-5-3 (Concerning operating a vehicle while intoxicated).
IC 9-30-5-4 (Concerning operating a vehicle while intoxicated).
IC 9-30-5-5 (Concerning operating a vehicle while intoxicated).
IC 9-30-5-7 (Concerning operating a vehicle while intoxicated).
IC 9-30-5-8 (Concerning operating a vehicle while intoxicated).
IC 9-30-6-8.7 (Concerning implied consent).
IC 9-30-9-7.5 (Concerning alcohol abuse deterrent programs).
IC 9-30-10-16 (Concerning habitual violator of traffic laws).
IC 9-30-10-17 (Concerning habitual violator of traffic laws).
IC 9-30-10-17.5 (Concerning habitual violator of traffic laws).
IC 9-31-2-26 (Concerning watercraft titling and registration).
IC 9-31-2-27 (Concerning watercraft titling and registration).
IC 9-31-2-28 (Concerning watercraft titling and registration).
IC 9-32-17-2 (Concerning certificates of title).
IC 9-32-17-3 (Concerning dealer license plates).
IC 9-32-17-4 (Concerning licensing of vehicle salvaging).
IC 9-32-17-5 (Concerning regulation of vehicle merchandising).
IC 9-32-17-6 (Concerning unfair practices by dealers).

SECTION 161. [EFFECTIVE JANUARY 1, 2015] **(a) The following rules are void:**

140 IAC 8-3-3 (forms service charge)
140 IAC 8-3-4 (speed title service charge)
140 IAC 8-3-5 (duplicate or corrected registration service charges)
140 IAC 8-3-8 (vehicle registration service charge)
140 IAC 8-3-9 (operator's license service charge)
140 IAC 8-3-11 (excise tax collection service charges)
140 IAC 8-3-12 (title service charges and fees)
140 IAC 8-3-13 (delinquent title service charge)
140 IAC 8-3-15 (transfer of vehicle registration service charge)
140 IAC 8-3-16 (miscellaneous special license plate service charge)
140 IAC 8-3-17 (civic event license plate fee and service charge)
140 IAC 8-3-18 (additional service charge for permits and licenses)
140 IAC 8-3-19 (commercial driver's license service charge)
140 IAC 8-3-20 (identification card service charge)
140 IAC 8-3-21 (duplicate or replacement license plate service charge increase)
140 IAC 8-3-22 (duplicate title service charge increase)
140 IAC 8-3-23 (watercraft certificate of title service charge)
140 IAC 8-3-24 (late application for watercraft certificate of title service charge)
140 IAC 8-3-25 (hull identification number service charge)
140 IAC 8-3-26 (delinquent registration service charge)
140 IAC 8-3-27 (delinquent license renewal service charge)
140 IAC 8-3-28 (transactions service charge)
140 IAC 8-3-30 (commercial driver's license fees)
140 IAC 8-4-1 (vehicle certificate of title fee increase)
140 IAC 8-4-2 (passenger motor vehicle registration fee increase)
140 IAC 8-4-3 (motorcycle registration fee increase)
140 IAC 8-4-4 (truck or tractor registration fee increase)
140 IAC 8-4-5 (trailer used with motor vehicle fee increase)
140 IAC 8-4-6 (semitrailer used with tractor registration fee increase)
140 IAC 8-4-7 (bus registration fee increase)
140 IAC 8-4-8 (special machinery registration fee increase)
140 IAC 8-4-9 (qualified IC 9-29-5-13 farm vehicle fee increase)
140 IAC 8-4-10 (manufacturer or dealer license plate fee increase)
140 IAC 8-4-11 (motorcycle manufacturer or dealer license plate fee increase)
140 IAC 8-4-12 (transport operator fee increase)
140 IAC 8-4-13 (duplicate or replacement license plate fee increase)
140 IAC 8-4-14 (recreational vehicle registration fee increase)
140 IAC 8-4-15 (farm tractor used in transportation fee increase)
140 IAC 8-4-16 (temporary registration fee increase)
140 IAC 8-4-17 (special motor vehicle identification number fee increase)
140 IAC 8-4-18 (transfer of vehicle registration fee increase)

140 IAC 8-4-19 (recovery vehicle registration fee increase)
140 IAC 8-4-20 (personalized license plate registration fee increase)
140 IAC 8-4-21 (amateur radio operator license plate fee increase)
140 IAC 8-4-22 (civic event license plate fee increase)
140 IAC 8-4-23 (special group recognition license plate fee increase)
140 IAC 8-4-24 (interim dealer or manufacturer transport license plate fee increase)
140 IAC 8-4-25 (permit or license fee increase)
140 IAC 8-4-26 (motorcycle endorsement fee increase)
140 IAC 8-4-27 (watercraft certificate of title fee increase)
140 IAC 8-4-28 (hull identification number fee increase)
140 IAC 8-4-29 (late application for watercraft certificate of title fee increase)
140 IAC 8-4-30 (watercraft registration fee increase). The publisher of the Indiana Administrative Code and Indiana Register shall remove these provisions from the Indiana Administrative Code.

(b) A rule that the bureau of motor vehicles determines is contrary to this act is void. The bureau of motor vehicles shall submit a statement to the publisher of the Indiana Administrative Code and Indiana Register under IC 4-22-7-7 indicating which rules the bureau determines are contrary to this act and void. These rules, if any, are void effective thirty (30) days after submission of the statement. The bureau of motor vehicles must make the determination under this subsection not later than August 31, 2015.

(c) This SECTION expires December 31, 2015.

SECTION 162. [EFFECTIVE JANUARY 1, 2015] **(a) This act applies to transactions under IC 9 that occur after December 31, 2014.**

(b) This SECTION expires December 31, 2015.

SECTION 163. [EFFECTIVE JANUARY 1, 2015] **(a) The general assembly recognizes that HEA 1343-2014 amends IC 9-24-8-6 and that HEA 1279-2014 repeals that section. The general assembly intends to repeal IC 9-24-8-6.**

(b) The general assembly recognizes that HEA 1279-2014 amends IC 9-29-1-2 and that this act repeals that section. The general assembly intends to repeal IC 9-29-1-2.

(c) The general assembly recognizes that:
(1) HEA 1019-2014 amends IC 9-29-3-19;
(2) HEA 1343-2014 amends IC 9-29-3-10 and IC 9-29-3-11; and
(3) this act repeals IC 9-29-3.
The general assembly intends to repeal IC 9-29-3.

(d) The general assembly recognizes that SEA 24-2014 amends IC 9-29-5-43 and that this act repeals that section. The general assembly intends to repeal IC 9-29-5-43.

(e) The general assembly recognizes that HEA 1343-2014 amends IC 9-30-10-9 and that HEA 1279-2014 repeals that section. The general assembly intends to repeal IC 9-30-10-9.

(f) The general assembly recognizes that HEA 1343-2014 amends IC 9-30-10-13 and that HEA 1279-2014 repeals that section. The general assembly intends to repeal IC 9-30-10-13.

(g) The general assembly recognizes that HEA 1343-2014 amends IC 9-30-10-15 and that HEA 1279-2014 repeals that section. The general assembly intends to repeal IC 9-30-10-15.

(h) The general assembly recognizes that HEA 1343-2014 amends IC 9-30-10-17.5 and that HEA 1279-2014 repeals that section. The general assembly intends to repeal IC 9-30-10-17.5.

SECTION 164. **An emergency is declared for this act.**

(Reference is to EHB 1237 as printed February 19, 2014.)

SOLIDAY	WYSS
SMALTZ	ARNOLD
House Conferees	Senate Conferees

Roll Call 450: yeas 69, nays 26. Report adopted.

The Acting Speaker yielded the gavel to the Speaker.

Representative Moed, who was excused is now present.

CONFERENCE COMMITTEE REPORT
EHB 1361–1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1361 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:
Page 6, line 13, strike "other than Ivy".
Page 6, line 14, strike "Tech Community College".
Page 6, strike lines 25 through 28.
Page 6, line 40, delete "eight (8)" and insert "**ten (10)**".
(Reference is to EHB 1361 as printed February 21, 2014.)

MORRISON	KENLEY
PIERCE	TALLIAN
House Conferees	Senate Conferees

Roll Call 451: yeas 96, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT
ESB 255–1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 255 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:
Page 6, delete lines 17 through 42.
Page 7, delete lines 1 through 16.
Renumber all SECTIONS consecutively.
(Reference is to ESB 255 as reprinted February 25, 2014.)

PAT MILLER	CLERE
LANANE	LAWSON
Senate Conferees	House Conferees

Roll Call 452: yeas 95, nays 0. Report adopted.

RESOLUTIONS ON SECOND READING

Senate Concurrent Resolution 19

The Speaker handed down on its passage Senate Concurrent Resolution 19, sponsored by Representative Hamm:

A CONCURRENT RESOLUTION urging the Indiana Department of Transportation to rename that part of U.S. Highway 27 North at Richmond the "Bing Welch Memorial Highway".

The resolution was read a second time and adopted. Roll Call 453: yeas 93, nays 0. The Clerk was directed to inform the Senate of the passage of the resolution.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 4:15 p.m. with the Speaker in the Chair.

Upon request of Representative C. Brown, the Speaker ordered the roll of the House to be called to determine the presence or absence of a quorum. Roll Call 454: 68 present. The Speaker declared a quorum present.

Representatives Ziemke and Wolkins, who had been excused are now present.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedures, to which was referred Engrossed House Bill 1253-2014 because it conflicts with HEA 1190-2014 without properly recognizing the existence of HEA 1190-2014, has had Engrossed House Bill 1253-2014 under consideration and begs leave to report back to the House with the recommendation that Engrossed House Bill 1253-2014 be corrected as follows:

Page 1, line 15, delete "IC 16-21-11," and insert "**IC 16-21-11.2,**".

Page 2, line 7, delete "IC 16-21-11," and insert "**IC 16-21-11.2,**".

Page 2, line 8, delete "IC 16-21-11-1." and insert "**IC 16-21-11.2-1.**".

Page 2, line 12, delete "IC 16-21-11" and insert "IC 16-21-11.2".

Page 2, line 15, delete "11." and insert "**11.2.**".

Page 6, line 6, delete "IC 16-21-11-5" and insert "**IC 16-21-11.2-5**".

Page 6, line 13, delete "(IC 16-21-11," and insert "**(IC 16-21-11.2,**".

Page 6, line 19, delete "(IC 16-21-11," and insert "**(IC 16-21-11.2,**".

Page 6, line 23, delete "(IC 16-21-11," and insert "**(IC 16-21-11.2,**".

(Reference is to EHB 1253 as printed February 14, 2014.)

TORR, Chair
PIERCE, R.M.M.
ZENT, 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 1279-2014 because it conflicts with SEA 24-2014 without properly recognizing the existence of SEA 24-2014, has had Engrossed House Bill 1279-2014 under consideration and begs leave to report back to the House with the recommendation that Engrossed House Bill 1279-2014 be corrected as follows:

Page 73, line 12, delete "P.L.207-2013,".

Page 73, delete lines 13 through 14.

Page 73, line 15, delete "AND" and insert "SEA 24-2014, SECTION 46, IS".

(Reference is to EHB 1279 as reprinted March 4, 2014.)

TORR, Chair
PIERCE, R.M.M.
MCMILLIN, 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 1290-2014 because it conflicts with SEA 31-2014 without properly recognizing the existence of SEA 31-2014, has had Engrossed House Bill 1290-2014 under consideration and begs leave to report back to the House with the recommendation that Engrossed House Bill 1290-2014 be corrected as follows:

Page 8, delete lines 3 through 42, begin a new paragraph and insert:

"SECTION 5. IC 25-0.5-1-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 2.5. IC 25-1-1.1-4 applies to an individual licensed or certified under IC 25-5.1 (athletic trainers).**".

Delete page 9.

Renumber all SECTIONS consecutively.

(Reference is to EHB 1290 as reprinted March 4, 2014.)

TORR, Chair
PIERCE, R.M.M.
BACON, Author

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 334-2014 because it conflicts with HEA 1245-2014 without properly recognizing the existence of HEA 1245-2014, has had Engrossed Senate Bill 334-2014 under consideration and begs leave to report back to the House with the recommendation that Engrossed Senate Bill 334-2014 be corrected as follows:

Page 1, line 1, delete "P.L.13-2013," and insert "HEA 1245-2014, SECTION 2,".

Page 1, line 2, delete "SECTION 65,".

Page 3, line 22, after "Subsidiaries" insert "that are not licensed under this article and".

Page 6, line 28, delete "P.L.216-2013," and insert "HEA 1245-2014, SECTION 4,".

Page 6, line 29, delete "SECTION 3,".

Page 7, line 2, delete "licensed" and insert "licensed".

(Reference is to ESB 334 as printed February 21, 2014.)

TORR, Chair
PIERCE, R.M.M.
BURTON, 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 343-2014 because it conflicts with SEA 227-2014 without properly recognizing the existence of SEA 227-2014, has had Engrossed Senate Bill 343-2014 under consideration and begs leave to report back to the House with the recommendation that Engrossed Senate Bill 343-2014 be corrected as follows:

Page 10, line 39, delete "P.L.77-2012," and insert "SEA 227-2014, SECTION 7,".

Page 10, line 40, delete "SECTION 18,".

Page 11, between lines 11 and 12, begin a new line block indented and insert:

"(5) Standards for distribution, administration, use, and training in the use of an overdose intervention drug.".

Page 11, line 12, delete "(5)" and insert "**(6)**".

(Reference is to ESB 343 as reprinted February 28, 2014.)

TORR, Chair
PIERCE, R.M.M.
COX, Sponsor

Report adopted.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 59

Representative Koch introduced House Concurrent Resolution 59:

A CONCURRENT RESOLUTION congratulating the Bedford North Lawrence High School girls basketball team for winning the Class 4A state basketball championship.

Whereas, The Bedford North Lawrence High School Lady Stars, under first year head coach Damon Bailey, completed the 2013-14 season with a perfect record in the Hoosier Hills Conference and a 27-1 overall record;

Whereas, The Bedford North Lawrence Lady Stars faced the Penn Kingsmen in the state final after emerging victorious in an overtime win in the semi-state game;

Whereas, Juniors Dominique McBryde and Jenna Allen each achieved a double-double and Senior Brittani Rizzi scored a game-high 17 points in the championship game;

Whereas, In the game, the Lady Stars never surrendered the lead, from the opening tip-off through the final buzzer, to secure the 51-41 win;

Whereas, The Bedford North Lawrence High School Lady Stars have now won back-to-back 4A basketball championships, joining the membership of the few elite teams that have won consecutive state titles;

Whereas, Whitney Wilson brought additional honor to the team by winning the Indiana High School Athletic Association Executive Committee's 2014 Patricia L. Roy Mental Attitude Award; and

Whereas, The Bedford North Lawrence Lady Stars return many talented players next year to bring excitement to high school basketball and to defend their state title: Therefore,

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

SECTION 1. That on behalf of the people of Indiana, we congratulate the Bedford North Lawrence High School girls basketball team, its managers, and its coaches on their outstanding season, capped by winning the IHSAA Girls Class 4A Championship.

SECTION 2. That the Principal Clerk of the House of Representatives transmit copies of this resolution to players Kennedy Wall, Lauren Boshears, Sammy Dillman, Whitney Wilson, Dominique McBryde, Erin Bradley, Alexa Bailey, Brittani Rizzi, Loren Bailey, Emily Riley, Abbie Price, Jenna Allen, and Kaitlyn Poole; team managers Allen Lewis, Callie Schulenburg, Patricia Garland, Kaleb Figg, and Cody Martin; head coach Damon Bailey; assistant coaches Jeff Allen, Brett Holtz, Mandy Harrell, D.J. Horton, and Mike Dowell; athletic director Jeff Callahan; and principal Roger Dean of Bedford North Lawrence High School.

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. Senate sponsor: Senator Steele.

House Concurrent Resolution 60

Representatives Riecken, Bacon, McNamara and Washburne introduced House Concurrent Resolution 60:

A CONCURRENT RESOLUTION honoring Scott Haffner.

Whereas, The University of Evansville Athletics Department announced that it retired Scott Haffner's basketball jersey at the men's basketball game against Southern Illinois on Saturday, February 22, 2014;

Whereas, Scott Haffner wore jersey number 3 and played at the University of Evansville from 1986 through 1989, scoring 1,686 points in three seasons;

Whereas, Scott Haffner scored a program-best 65 points in a 109-83 victory over Dayton at Roberts Stadium;

Whereas, Scott Haffner also led the Evansville Aces to their first NCAA Division I Tournament victory in the school's history that same year;

Whereas, February 18, 2014, marked the 25th anniversary of that monumental victory over Dayton;

Whereas, Haffner was awarded numerous accolades, including Midwestern Collegiate Conference Player of the Year;

Whereas, Scott Haffner was selected by the Miami Heat in the second round of the 1989 National Basketball Association draft and later played for Charlotte; and

Whereas, Scott Haffner's post-basketball career has been equally successful, working for Eli Lilly and Company as a District Sales Manager, as well as being inducted into the Indiana Basketball Hall of Fame: Therefore,

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

SECTION 1. That the Indiana General Assembly congratulates Scott Haffner for his life's work and accomplishments.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to Scott Haffner and his family.

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. Senate sponsor: Senator Becker.

MOTIONS TO CONCUR IN SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House reconsider its actions whereby it dissented from the Senate amendments to Engrossed House Bill 1242 and that the House now concur in the Senate amendments to said bill.

CARBAUGH

Roll Call 455: yeas 97, nays 0. Motion prevailed.

Representative Behning is excused.

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 161.2 and recommends that it be suspended so that the following conference committee reports are eligible for consideration after March 3, 2014; we further recommend that House Rule 163.3

be suspended so that the following conference committee reports may be laid over on the members' desks for 18 hours, so that they may be eligible to be placed before the House for action: Engrossed House Bill 1235-01 and Engrossed Senate Bills 59-01, 111-01, 222-01, 375-01and 421-01.

TORR, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move House Rule 161.2 be suspended so that the following conference committee reports are eligible for consideration after March 3, 2014, and that House Rule 163.3 be suspended so that the following conference committee reports may be laid over on the members' desks for 18 hours, so that they may be eligible to be placed before the House for action: Engrossed House Bill 1235-01 and Engrossed Senate Bills 59-01, 111-01, 222-01, 375-01and 421-01.

TORR, Chair

Motion prevailed.

CONFERENCE COMMITTEE REPORT
EHB 1235–1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1235 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 4-32.2-1-1, AS AMENDED BY P.L.95-2008, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) This article applies only to a qualified organization.

(b) This article applies only to the following approved gambling events conducted as fundraising activities by qualified organizations:

(1) Bingo events, charity game nights, door prize events, raffle events, festivals, and other gaming events approved by the commission.

(2) The sale of pull tabs, punchboards, and tip boards:

(A) at bingo events, charity game nights, door prize events, raffle events, and festivals conducted by qualified organizations; or

(B) at any time on the premises owned or leased by a qualified organization and regularly used for the activities of the qualified organization.

This article does not apply to any other sale of pull tabs, punchboards, and tip boards.

(c) This article does not apply to a promotion offer subject to IC 24-8.

(d) This article does not apply to the following:

(1) A type II gambling game authorized by IC 4-36.

(2) A raffle or other gambling game authorized by IC 4-36-5-1(b).

(e) This article does not apply to a prize linked savings program that:

(1) is offered or conducted by an eligible financial institution under IC 28-1-23.2; or

(2) is:

(A) offered or conducted by a credit union organized or reorganized under United States law; and

(B) conducted in the same manner as a prize linked savings program under IC 28-1-23.2.

SECTION 2. IC 24-8-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. **(a)** This article applies to a promotion offer made:

(1) by a person in Indiana; or

(2) to a person in Indiana.

(b) This article does not apply to a prize linked savings program that:

(1) is offered or conducted by an eligible financial institution under IC 28-1-23.2; or

(2) is:

(A) offered or conducted by a credit union organized or reorganized under United States law; and

(B) conducted in the same manner as a prize linked savings program under IC 28-1-23.2.

SECTION 3. IC 28-1-23.2 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 23.2. Prize Linked Savings Programs

Sec. 1. As used in this chapter, "director" refers to the director of the department of financial institutions.

Sec. 2. As used in this chapter, "eligible depository financial institution" means a credit union that is organized or reorganized under Indiana law with the express power to receive and accept deposits of money subject to withdrawal by any of the methods set forth in IC 28-1-23-16.

Sec. 3. As used in this chapter, "eligible individual", with respect to a prize linked savings program, means an individual who:

(1) is at least eighteen (18) years of age;

(2) is a member of the eligible depository financial institution conducting the prize linked savings program; and

(3) maintains a qualified account with the eligible depository financial institution conducting the prize linked savings program.

Sec. 4. (a) As used in this chapter, "qualified account", for purposes of a prize linked savings program, means:

(1) a savings account;

(2) a time deposit; or

(3) a savings program;

that is offered by an eligible depository financial institution to an eligible individual.

(b) The term includes:

(1) an account described in subsection (a) that is a share account; and

(2) an account described in subsection (a) in which an eligible individual has an interest:

(A) individually; or

(B) jointly with another eligible individual.

Sec. 5. (a) As used in this chapter, "qualified financial program", for purposes of a prize linked savings program, means any savings, debt reduction, or financial education program or product that an eligible depository financial institution offers to eligible individuals for the purpose of:

(1) educating eligible individuals in the concepts of thrift;

(2) encouraging savings by eligible individuals; or

(3) providing eligible individuals the opportunity to use and control their own money in order to improve their economic and social condition.

(b) Subject to the approval of the director, and of the eligible depository financial institution's board of directors, the term includes the following:

(1) Programs or products that encourage or require eligible individuals to open one (1) or more qualified accounts or to increase deposits or contributions to one (1) or more qualified accounts.

(2) Programs or products that encourage or require eligible individuals to deposit or transfer money into one (1) or more qualified accounts on a recurring or automatic basis.

(3) Programs or products that encourage an eligible individual to:

(A) refinance or consolidate existing debt to obtain a lower interest rate;

(B) lower the eligible individual's total debt ratio or revolving debt ratio by paying off or reducing outstanding balances; or

(C) prepare a budget or a debt reduction plan.

(4) Programs that encourage eligible individuals to:

(A) attend financial education seminars or counseling sessions sponsored by the eligible financial institution and offered free of charge; or

(B) use free online financial education, budgeting, or debt reduction tools.

(5) Any other similar savings, debt reduction, or financial education program or product that an eligible depository financial institution offers to eligible individuals for any of the purposes set forth in subsection (a).

Sec. 6. As used in this chapter, "prize linked savings program" means a contest:

(1) that is associated with one (1) or more qualified accounts or one (1) or more qualified financial programs offered by an eligible depository financial institution to eligible individuals;

(2) that is conducted by an eligible depository financial institution, alone or together with one (1) or more other businesses;

(3) that offers eligible individuals one (1) or more chances to win designated prizes; and

(4) in which:

(A) the sole consideration for a chance to win a designated prize is obtained by:

(i) depositing a minimum specified amount of money in a qualified account; or

(ii) participating in one (1) or more qualified financial programs; and

(B) each entry has an equal chance of being drawn.

Sec. 7. (a) Subject to subsections (b) and (c) and section 8 of this chapter, and subject to any rules, policies, or guidance adopted by the director under section 9 of this chapter, an eligible depository financial institution may offer and conduct a prize linked savings program if the following conditions are met:

(1) The terms and conditions of the prize linked savings program must allow an eligible individual to obtain one (1) or more entries to win a specified prize. Subject to any limits that the eligible depository financial institution may place on the number of entries that an eligible individual is permitted to obtain for any given prize linked savings program, as set forth in the terms and conditions of the prize linked savings program, the eligible depository financial institution must allow an eligible individual to obtain an entry for a prize linked savings program only by doing either or both of the following:

(A) Depositing a minimum specified amount of money in a qualified account in accordance with the terms and conditions of the prize linked savings program.

(B) Participating in one (1) or more qualified financial programs in accordance with the terms and conditions of the prize linked savings program.

(2) Each entry in the prize linked savings program must have an equal chance of being drawn.

(3) The prize linked savings program must be approved by:

(A) the director; and

(B) the eligible depository financial institution's board of directors;

before it is offered or promoted to eligible individuals by the eligible depository financial institution.

(b) An eligible depository financial institution may not conduct a prize linked savings program if the prize linked savings program will:

(1) harm the eligible depository financial institution's ability to operate in a safe and sound manner; or

(2) mislead eligible individuals or the public.

(c) An eligible depository financial institution that conducts a prize linked savings program under this chapter shall maintain books and records relating to the conduct of the prize linked savings program in the manner and for the length of time that the director may prescribe in rules, policies, or guidance adopted under section 9 of this chapter.

Sec. 8. (a) An eligible depository financial institution that offers a prize linked savings program under this chapter shall:

(1) post in any location where entries may be submitted; and

(2) disclose in any:

(A) printed materials; or

(B) electronic media;

promoting the prize linked savings program;

a statement describing the terms and conditions of the prize linked savings program.

(b) The statement required under subsection (a) must include language specifying the following:

(1) That, except for:

(A) making a deposit described in section 7(a)(1)(A) of this chapter; or

(B) participating in one (1) or more qualified financial programs, as described in section 7(a)(1)(B) of this chapter;

no other action, and no purchase or other consideration, is necessary for an entry into the prize linked savings program.

(2) That, except for:

(A) making a deposit described in section 7(a)(1)(A) of this chapter; or

(B) participating in one (1) or more qualified financial programs, as described in section 7(a)(1)(B) of this chapter;

taking any other action, or purchasing any goods or services, will not improve the odds of winning.

(3) That the odds of winning are determined based on the number of entries received.

Sec. 9. The director may do any of the following:

(1) Prescribe the form or manner in which an eligible depository financial institution may seek approval from the department to offer a prize linked savings program to eligible individuals.

(2) Adopt rules, policies, or guidance concerning the conduct of prize linked savings programs in Indiana.

(3) Examine the conduct of an eligible depository financial institution's prize linked savings program.

(4) Issue cease and desist orders or otherwise exercise the department's enforcement powers under IC 28-11-4 for a violation of this chapter.

SECTION 4. IC 35-45-5-7, AS AMENDED BY P.L.233-2007, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. This chapter does not apply to the publication or broadcast of an advertisement, a list of prizes, or other information concerning:

(1) pari-mutuel wagering on horse races or a lottery authorized by the law of any state;

(2) a game of chance operated in accordance with IC 4-32.2; ~~or~~

(3) a gambling game operated in accordance with IC 4-35; **or**

(4) a prize linked savings program that:

(A) is offered or conducted by an eligible financial institution under IC 28-1-23.2; or

(B) is:

(i) offered or conducted by a credit union organized or reorganized under United States law; and

(ii) conducted in the same manner as a prize linked savings program under IC 28-1-23.2.

SECTION 5. IC 35-45-5-13 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 13. This chapter does not apply to a prize linked savings program that:**

(1) is offered or conducted by an eligible financial institution under IC 28-1-23.2; or

(2) is:

(A) offered or conducted by a credit union organized or reorganized under United States law; and

(B) conducted in the same manner as a prize linked savings program under IC 28-1-23.2.

SECTION 6. **An emergency is declared for this act.**

(Reference is to EHB 1235 as reprinted March 4, 2014.)

DERMODY	HOLDMAN
RIECKEN	TAYLOR
House Conferees	Senate Conferees

Roll Call 456: yeas 97, nays 0. Report adopted.

The Speaker yielded the gavel to the Acting Speaker Representative Messmer.

CONFERENCE COMMITTEE REPORT
ESB 59–1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 59 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 29-3-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) At any time after the appointment of a guardian or the issuance of a protective order, any person may, in person or by the person's attorney, serve upon the guardian or the guardian's attorney, and file with the clerk of the court where the proceedings are pending, a written request together with a written admission or proof of service stating that the person desires written notice of all hearings and copies of all pleadings or other papers in connection with:

(1) the settlement of accounts;

(2) the sale, mortgage, lease, or exchange of any property of the protected person;

(3) allowances of any nature payable from the protected person's property;

(4) the investment of funds of the protected person;

(5) a petition to request the authority to petition for dissolution of marriage, legal separation, or annulment of marriage on behalf of the protected person as provided under IC 29-3-9-12.2;

~~(5)~~ **(6)** the removal, suspension, or discharge of the guardian;

~~(6)~~ **(7)** the final termination of the guardianship; or

~~(7)~~ **(8)** any other notice or matter as specified in the request.

The applicant requesting special notice must include in the written request the applicant's post office address or that of the applicant's attorney. The court may determine that any person requesting notice under this section has no interest in the proceeding, either generally or with respect to a particular matter, and is not entitled to the notice requested. Unless the court otherwise directs, upon filing the request, the guardian or the guardian's attorney shall comply with the request.

(b) Failure to comply with a request for notice under this section does not affect the validity of the proceeding.

SECTION 2. IC 29-3-8-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. A guardian (other than a temporary guardian) may exercise all of the powers required to perform the guardian's responsibilities, including the following:

(1) To receive and issue a receipt for property payable to the protected person or the protected person's parent, guardian, or custodian from any source, including any statutory benefit, insurance system, or any private contract, devise, trust, guardianship, or custodianship.

(2) If reasonable, to delegate to the protected person certain responsibilities for decisions affecting the protected person's business affairs and well-being.

(3) To invest and reinvest the property of the protected person in accordance with powers vested in, and according to the standards imposed upon, trustees under IC 30-4-3-3(c).

(4) To secure the appointment of a guardian or co-guardian in any other state, when needed, with respect to any part or all of the guardianship property located in another state, to confer upon the appointed guardian any or all of the guardian's powers as guardian with respect to the property.

(5) To continue any business of the protected person, whether in corporate, partnership, or proprietorship form, according to the rules for continuing the business of a decedent specified in IC 29-1-13-11.

(6) To pay to the person, guardian, department, bureau, or agency having care and custody of the protected person, or to the protected person if at least fourteen (14) years of age, a reasonable amount to be expended for the support of the protected person and the protected person's dependents, with due regard to the following:

(A) The size of the guardianship property, the probable duration of the guardianship, and the extent to which the protected person in the future may be self-sufficient and able to manage the protected person's financial affairs and property.

(B) The accustomed standard of living of the protected person and the protected person's dependents.

(C) Other funds or sources used for the support of the protected person and the protected person's dependents.

(7) To distribute income and discretionary amounts of principal in one (1) or more of the following ways as the guardian believes to be in the best interests of the protected person:

(A) Directly to the protected person.

(B) To a guardian of the protected person appointed in another state.

(C) To a custodian for the protected person under IC 30-2-8.5.

(D) To an adult relative of the protected person.

(E) By expending the money or using the property directly for the benefit of the protected person.

(8) To apply the guardianship property to or for the benefit of any person, including the protected person, in reimbursement for reasonable expenditures made in good faith on behalf of the protected person that the guardian might have made, or in advance for services to be rendered to the protected person if it is reasonable to expect that the services will be performed and advance payments are reasonably necessary under the circumstances.

(9) To bind all or any part of the guardianship property in

a transaction for the benefit of the protected person, unless the third party dealing with the guardian is acting in bad faith.

(10) Except as provided in IC 29-3-2-6(d), powers conferred upon trustees and personal representatives respectively by IC 30-4-3-3 and IC 29-1-7.5-3. However, if there is a conflict, the broader power controls.

(11) To exercise on behalf of the protected person powers that are the same as those granted to the parent of a minor under IC 29-3-3-3.

(12) To petition the court to request the authority to petition for dissolution of marriage, legal separation, or annulment of marriage on behalf of the protected person, if the protected person is an incapacitated person, as provided under IC 29-3-9-12.2.

SECTION 3. IC 29-3-8.5-4, AS AMENDED BY P.L.72-2010, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) A volunteer advocates for seniors program or a volunteer advocates for incapacitated adults program may:

(1) consent to medical and other professional care and treatment for the incapacitated person's or senior's health and welfare;

(2) secure the appointment of a guardian or coguardian in another state;

(3) take custody of the incapacitated person or senior and establish the incapacitated person's or senior's residence within Indiana or another state in accordance with IC 29-3-9-2;

(4) institute proceedings or take other appropriate action to compel the performance by any person of a duty to support the incapacitated person's or senior's health or welfare;

(5) protect and preserve the property of the incapacitated person or senior and preserve any property in excess of the incapacitated person's or senior's current needs; ~~and~~

(6) delegate to the incapacitated person or senior certain responsibilities for decisions affecting the incapacitated person's or senior's business affairs and well-being; **and**

(7) petition the court to request the authority to petition for dissolution of marriage, legal separation, or annulment of marriage on behalf of an incapacitated person as provided under IC 29-3-9-12.2.

(b) A volunteer advocates for seniors program or a volunteer advocates for incapacitated adults program may exercise the powers of a guardian of a minor listed in IC 29-3-8-2 and IC 29-3-8-4.

SECTION 4. IC 29-3-9-1, AS AMENDED BY P.L.178-2011, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) **Except as provided in subsection (b),** by a properly executed power of attorney, a parent of a minor or a guardian (other than a temporary guardian) of a protected person may delegate to another person for:

(1) any period during which the care and custody of the minor or protected person is entrusted to an institution furnishing care, custody, education, or training; or

(2) a period not exceeding twelve (12) months;

any powers regarding support, custody, or property of the minor or protected person. ~~except the power to consent to the marriage or adoption of a protected person who is a minor.~~ A delegation described in this subsection is effective immediately unless otherwise stated in the power of attorney.

(b) A parent of a minor or a guardian of a protected person may not delegate under subsection (a) the power to:

(1) consent to the marriage or adoption of a protected person who is a minor; or

(2) petition the court to request the authority to petition for dissolution of marriage, legal separation, or annulment of marriage on behalf of a protected person as provided under IC 29-3-9-12.2.

~~(b)~~ **(c)** A person having a power of attorney executed under subsection (a) has and shall exercise, for the period during which the power is effective, all other authority of the parent or guardian respecting the support, custody, or property of the minor or protected person except any authority expressly excluded in the written instrument delegating the power. However, the parent or guardian remains responsible for any act or omission of the person having the power of attorney with respect to the affairs, property, and person of the minor or protected person as though the power of attorney had never been executed.

~~(c)~~ **(d)** Except as otherwise stated in the power of attorney delegating powers under this section, a delegation of powers under this section may be revoked by a written instrument of revocation that:

(1) identifies the power of attorney revoked; and

(2) is signed by the:

(A) parent of a minor; or

(B) guardian of a protected person;

who executed the power of attorney.

SECTION 5. IC 29-3-9-12, AS ADDED BY SEA 36-2014, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. (a) This section applies only to a guardianship of the property of a minor or an incapacitated adult.

(b) If a third party fails to comply with a guardian's written demand or instruction that:

(1) was issued within the scope of the guardian's authority; and

(2) is consistent with this article;

the guardian may bring an enforcement proceeding to compel compliance in the court having jurisdiction over the guardianship.

(c) A court may award attorney's fees and costs to the guardian in an enforcement proceeding under subsection (b), if the person indebted to the guardianship estate or holding property of the guardianship estate:

(1) acted in bad faith in failing to comply with the guardian's written demand or instruction; or

(2) refused to respond within ~~ten (10)~~ **thirty (30)** business days after receiving the guardian's written demand or instruction, if the demand or instruction is consistent with this article.

(d) A court may, upon notice and hearing, award attorney's fees and costs to an estate bringing an enforcement proceeding under subsection (a) against an insurer regulated under IC 27 if:

(1) the insurer failed to respond under IC 27 after receiving a written demand or instruction from the personal guardian; and

(2) the written demand or instruction is consistent with this article.

SECTION 6. IC 29-3-9-12.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 12.2. (a) If a guardian of an incapacitated person determines that:**

(1) a dissolution of the incapacitated person's marriage;

(2) a legal separation of the incapacitated person and the incapacitated person's spouse; or

(3) an annulment of the incapacitated person's marriage;

is in the best interests of the incapacitated person, the guardian shall petition the court to request the authority to petition for a dissolution of marriage, a legal separation, or an annulment of marriage on behalf of the incapacitated person.

(b) The petition to request authority described in

subsection (a) must set forth the following:

(1) The purpose for petitioning for dissolution of marriage, legal separation, or annulment of marriage.

(2) The names and addresses of all the following:

(A) The incapacitated person's spouse.

(B) If the incapacitated person has adult children, any adult children of the incapacitated person who are not guardians of the incapacitated person.

(C) If the incapacitated person is a minor, a parent of the incapacitated person whose parental rights have not been terminated.

(c) A guardian that petitions the court to request authority as described in subsection (a) shall provide a copy of the petition, on or before the date the petition is filed, to all the following:

(1) The individuals listed in subsection (b)(2).

(2) Any other interested person as ordered by the court.

(d) The court shall:

(1) set a date for a hearing on the petition to request authority described in subsection (a);

(2) notify:

(A) all the parties; and

(B) any other individual listed in subsection (c);

of the hearing at least thirty (30) days before the hearing; and

(3) hold a hearing on the petition to request authority described in subsection (a).

(e) If the court determines by clear and convincing evidence that petitioning for:

(1) a dissolution of the incapacitated person's marriage;

(2) a legal separation of the incapacitated person and the incapacitated person's spouse; or

(3) an annulment of the incapacitated person's marriage;

is in the best interests of the incapacitated person, considering the totality of the circumstances, including the desire and interests of the spouse in remaining married, the court shall grant the petition and authorize the guardian to petition for dissolution of marriage, legal separation, or annulment of marriage on behalf of the incapacitated person.

(f) In making a determination under subsection (e), the court shall consider the risk of harm to the incapacitated person's physical or mental health, safety, or property if the court does not grant the petition and authorize the guardian to petition for dissolution of marriage, legal separation, or annulment of marriage on behalf of the incapacitated person.

(g) In making a determination under subsection (e), the court shall also give appropriate weight to evidence of:

(1) the incapacitated person's intent or preferences; or

(2) a prior decision of the incapacitated person;

for or against a dissolution of marriage, a legal separation, or an annulment of marriage. The court may reduce the weight given to evidence of the intent, preferences, or prior decisions of the incapacitated person if the court concludes, from all of the relevant facts and circumstances, that the passage of time, the relevant circumstances at the time of a prior statement or action by the incapacitated person, or changed circumstances after a prior statement or action make the prior statement or action less reliable evidence of the incapacitated person's best interests and current preferences. The court may give no weight to evidence considered under this subsection that the court concludes is unreliable evidence of the incapacitated person's best interests and current preferences.

(h) This section does not require a guardian of an incapacitated person to file a petition under this section in order to:

(1) defend the incapacitated person against a petition for dissolution, legal separation, or annulment of marriage that was filed before or after the filing of the petition for guardianship; or

(2) finalize:

(A) a dissolution of the incapacitated person's marriage;

(B) a legal separation between the incapacitated person and the incapacitated person's spouse; or

(C) an annulment of the incapacitated person's marriage;

if the petition for dissolution of marriage, legal separation, or annulment of marriage was filed by the incapacitated person or the incapacitated person's spouse before the appointment of the guardian.

SECTION 7. IC 29-3-9-13 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 13. (a) This section applies if a court has authorized a guardian to petition for dissolution of marriage, legal separation, or annulment of marriage on behalf of an incapacitated person under section 12.2 of this chapter.**

(b) A guardian may file a petition for dissolution on behalf of an incapacitated person under IC 31-15-2 in the county where the guardian resides in accordance with IC 31-15-2-6.

(c) A guardian may file a petition for legal separation on behalf of an incapacitated person under IC 31-15-3-4 in the county where the guardian resides in accordance with IC 31-15-3-6.

(d) A guardian may file an action to annul a marriage under IC 31-11-10 in the county where the guardian resides in accordance with IC 31-11-10-4.

SECTION 8. IC 30-4-3-6, AS AMENDED BY SEA 36-2014, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: (a) The trustee has a duty to administer a trust according to the terms of the trust.

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

(1) Administer the trust in a manner consistent with IC 30-4-3.5.

(2) Take possession of and maintain control over the trust property.

(3) Preserve the trust property.

(4) Make the trust property productive for both the income and remainder beneficiary. As used in this subdivision, "productive" includes the production of income or investment for potential appreciation.

(5) Keep the trust property separate from the trustee's individual property and separate from or clearly identifiable from property subject to another trust.

(6) Maintain clear and accurate accounts with respect to the trust estate.

(7) Keep the following beneficiaries reasonably informed about the administration of the trust and of the material facts necessary for the beneficiaries to protect their interests:

(A) A current income beneficiary.

(B) A beneficiary who will become an income beneficiary upon the expiration of the term of the current income beneficiary, if the trust has become irrevocable by:

(i) the terms of the trust instrument; or

(ii) the death of the settlor.

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

the trust.
(8) Upon:
(A) the trust becoming irrevocable:
(i) by the terms of the trust instrument; or
(ii) by the death of the settlor; and
(B) the written request of an income beneficiary or remainderman;
promptly provide a copy of the complete trust instrument to the income beneficiary or remainderman.
(9) Take whatever action is reasonable to realize on claims constituting part of the trust property.
(10) Defend actions involving the trust estate.
(11) Supervise any person to whom authority has been delegated.
(12) Determine the trust beneficiaries by acting on information:
(A) the trustee, by reasonable inquiry, considers reliable; and
(B) with respect to heirship, relationship, survivorship, or any other issue relative to determining a trust beneficiary.

SECTION 9. IC 31-9-2-49 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 49. **(a) "Guardian", for purposes of IC 31-11-10-1, IC 31-15-2-5, and IC 31-15-3-4, has the meaning set forth in IC 29-3-1-6.**

(b) "Guardian", for purposes of the juvenile law, means a person appointed by a court to have the care and custody of a child or the child's estate, or both.

SECTION 10. IC 31-9-2-54.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 54.5. "Incapacitated person", for purposes of IC 31-11-10-1, IC 31-15-2-5, and IC 31-15-3-4, has the meaning set forth in IC 29-3-1-7.5.**

SECTION 11. IC 31-11-10-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) This section applies to a marriage that is voidable under IC 31-11-9-2 on the ground that a party to the marriage was incapable because of age or mental incompetency of contracting the marriage.

(b) The incapable party described in subsection (a) may file an action to annul the marriage in a court that has jurisdiction over the action under section 3 of this chapter.

(c) If a guardian of an incapacitated person is filing a petition for annulment of a marriage on behalf of the incapacitated person, the petition for annulment must set forth the name and address of the guardian.

(d) If a guardian of an incapacitated person files a petition for annulment of a marriage on behalf of the incapacitated person, the guardian shall file with the petition a copy of the court order granting authority to petition for annulment of marriage described in IC 29-3-9-12.2.

SECTION 12. IC 31-11-10-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. **(a)** An action to annul a voidable marriage under this chapter must be conducted in accordance with IC 31-15.

(b) If a court has authorized a guardian to file an action to annul a marriage on behalf of an incapacitated person under IC 29-3-9-12.2, the guardian may file an action to annul a marriage in the guardian's county of residence if the guardian has resided in that county for at least three (3) months immediately preceding the filing of the action.

SECTION 13. IC 31-15-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. **(a)** A petition for dissolution of marriage must:
(1) be verified; and
(2) set forth the following:
(A) The residence of each party and the length of residence in the state and county.
(B) The date of the marriage.
(C) The date on which the parties separated.
(D) The name, age, and address of:
(i) any living child less than twenty-one (21) years of age; and
(ii) any incapacitated child;
of the marriage and whether the wife is pregnant.
(E) The grounds for dissolution of the marriage.
(F) The relief sought.
(G) If a guardian of an incapacitated person is filing the petition for dissolution of marriage on behalf of the incapacitated person, the name and address of the guardian.

(b) If a guardian of an incapacitated person files a petition for dissolution of a marriage on behalf of the incapacitated person, the guardian shall file with the petition a copy of the court order granting authority to petition for dissolution of marriage described in IC 29-3-9-12.2.

SECTION 14. IC 31-15-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) At the time of the filing of a petition under section 4 of this chapter, at least one (1) of the parties must have been:
(1) a resident of Indiana; or
(2) stationed at a United States military installation within Indiana;
for six (6) months immediately preceding the filing of the petition.

(b) **Except as provided in subsection (c),** at the time of the filing of a petition under section 4 of this chapter, at least one (1) of the parties must have been:
(1) a resident of the county; or
(2) stationed at a United States military installation within the county;
where the petition is filed for three (3) months immediately preceding the filing of the petition.

(c) If a court has authorized a guardian to file a petition under section 4 of this chapter on behalf of an incapacitated person under IC 29-3-9-12.2, the guardian may file the petition for dissolution in the guardian's county of residence if the guardian has resided in that county for at least three (3) months immediately preceding the filing of the petition.

SECTION 15. IC 31-15-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. **(a)** A proceeding for legal separation is commenced by the filing of a petition entitled, "In Re the legal separation of _____ and _____". The petition must:
(1) be verified; and
(2) set forth the following:
(A) The residence of each party and the length of residence in the state and county.
(B) The date of the marriage.
(C) The date on which the parties separated.
(D) The names, ages, and addresses of:
(i) any living child less than twenty-one (21) years of age; and
(ii) any incapacitated child;
of the marriage and whether the wife is pregnant.
(E) The grounds for legal separation.
(F) The relief sought.
(G) If a guardian of an incapacitated person is filing the petition for legal separation on behalf of the incapacitated person, the name and address of the guardian.

(b) If a guardian of an incapacitated person files a petition for legal separation on behalf of the incapacitated person, the guardian shall file with the petition a copy of the court order granting authority to petition for legal separation described in IC 29-3-9-12.2.

SECTION 16. IC 31-15-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) At the

time of the filing of a petition for legal separation under section 4 of this chapter, at least one (1) of the parties must have been:

(1) a resident of Indiana; or

(2) stationed at a United States military installation within Indiana;

for six (6) months immediately preceding the filing of each petition.

(b) **Except as provided in subsection (c),** at the time of the filing of a petition for legal separation under section 4 of this chapter, at least one (1) of the parties must have been:

(1) a resident of the county; or

(2) stationed at a United States military installation within the county;

where the petition is filed for three (3) months immediately preceding the filing of the petition.

(c) If a court has authorized a guardian to file a petition for legal separation under section 4 of this chapter on behalf of an incapacitated person under IC 29-3-9-12.2, the guardian may file the petition in the guardian's county of residence if the guardian has resided in that county for at least three (3) months immediately preceding the filing of the petition.

(Reference is to ESB 59 as reprinted February 28, 2014.)

BRAY	MAYFIELD
BRODEN	BAUER
Senate Conferees	House Conferees

Roll Call 457: yeas 97, nays 0. Report adopted.

Representative Messmer yielded the gavel to the Speaker.

CONFERENCE COMMITTEE REPORT
ESB 111–1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 111 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 6-1.1-4-13, AS AMENDED BY P.L.1-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2014 (RETROACTIVE)]: Sec. 13. (a) In assessing or reassessing land, the land shall be assessed as agricultural land only when it is devoted to agricultural use.

(b) The department of local government finance shall give written notice to each county assessor of:

(1) the availability of the United States Department of Agriculture's soil survey data; and

(2) the appropriate soil productivity factor for each type or classification of soil shown on the United States Department of Agriculture's soil survey map.

All assessing officials and the property tax assessment board of appeals shall use the data in determining the true tax value of agricultural land. However, notwithstanding the availability of new soil productivity factors and the department of local government finance's notice of the appropriate soil productivity factor for each type or classification of soil shown on the United States Department of Agriculture's soil survey map for the March 1, 2012, assessment date, the soil productivity factors used for the March 1, 2011, assessment date shall be used for the March 1, 2012, assessment date, ~~and for~~ the March 1, 2013, assessment date, **and the March 1, 2014, assessment date.** New soil productivity factors shall be used for assessment dates occurring after March 1, ~~2013.~~ **2014.**

(c) The department of local government finance shall by rule provide for the method for determining the true tax value of each parcel of agricultural land.

(d) This section does not apply to land purchased for industrial, commercial, or residential uses.

SECTION 2. **An emergency is declared for this act.**

(Reference is to ESB 111 as reprinted February 28, 2014.)

LEISING	LEHE
SKINNER	GOODIN
Senate Conferees	House Conferees

Roll Call 458: yeas 97, nays 0. Report adopted.

The Speaker yielded the gavel to the Acting Speaker Representative Niemeyer.

CONFERENCE COMMITTEE REPORT
ESB 222–1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 222 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 20-34-7-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 1.5. As used in this chapter, "organizing entity" means any person that:**

(1) operates:

(A) a recreational;

(B) an intramural; or

(C) an extracurricular;

athletic or sports program for individuals who are less than twenty (20) years of age; and

(2) uses a facility, field, park, or other property that is owned, leased, operated, or maintained by any of the following:

(A) The state.

(B) A political subdivision (as defined in IC 36-1-2-13).

(C) An agency or instrumentality of an entity described in clause (A) or (B).

SECTION 2. IC 20-34-7-5, AS ADDED BY P.L.144-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) A high school student athlete who has been removed from play under section 4 of this chapter may not return to play until:

(1) the student athlete:

~~(1)~~ **(A)** is evaluated by a licensed health care provider trained in the evaluation and management of concussions and head injuries; and

~~(2)~~ **(B)** receives a written clearance to return to play from the health care provider who evaluated the student athlete; **and**

(2) not less than twenty-four (24) hours have passed since the student athlete was removed from play.

(b) A licensed health care provider who evaluates a student athlete under subsection (a) may conduct the evaluation as a volunteer. A volunteer health care provider who in good faith and gratuitously authorizes a student athlete to return to play is not liable for civil damages resulting from an act or omission in the rendering of an evaluation, except for acts or omissions that constitute gross negligence or willful or wanton misconduct.

SECTION 3. IC 20-34-7-6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 6. (a) As used in this section, "football" does not include flag football.**

(b) Beginning July 1, 2014, prior to coaching football to

individuals who are less than twenty (20) years of age, each head football coach and assistant football coach shall complete a certified coaching education course that:

(1) is sport specific;

(2) contains player safety content, including content on:

(A) concussion awareness;

(B) equipment fitting;

(C) heat emergency preparedness; and

(D) proper technique;

(3) requires a coach to complete a test demonstrating comprehension of the content of the course; and

(4) awards a certificate of completion to a coach who successfully completes the course.

(c) For a coach's completion of a course to satisfy the requirement imposed by subsection (b), the course must have been approved by the department.

(d) A coach shall complete a course not less than once during a two (2) year period. However, if the coach receives notice from the organizing entity that new information has been added to the course before the end of the two (2) year period, the coach must:

(1) complete instruction; and

(2) successfully complete a test;

concerning the new information to satisfy the requirement imposed by subsection (b).

(e) An organizing entity shall maintain a file of certificates of completion awarded under subsection (b)(4) to any of the organizing entity's head coaches and assistant coaches.

(f) A coach who complies with this section and provides coaching services in good faith is not personally liable for damages in a civil action as a result of a concussion or head injury incurred by an athlete participating in an athletic activity in which the coach provided coaching services, except for an act or omission by the coach that constitutes gross negligence or willful or wanton misconduct.

SECTION 4. IC 34-30-2-85.9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 85.9. IC 20-34-7-6 (Concerning coaches).**

(Reference is to ESB 222 as printed February 25, 2014.)

HOLDMAN	ARNOLD
STOOPS	MCNAMARA
Senate Conferees	House Conferees

Roll Call 459: yeas 94, nays 2. Report adopted.

Representative Niemeyer yielded the gavel to the Speaker.

CONFERENCE COMMITTEE REPORT
ESB 375–1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 375 respectfully reports that said two committees have conferred and agreed as follows to wit:

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

Page 21, delete lines 14 through 24, begin a new line triple block indented and insert:

"**(iv) Provide the commissioner a copy of an escrow agreement with a bank, regulated trust company or corporate fiduciary, savings bank, savings and loan association, or credit union authorized to do business in Indiana in which the issuer will deposit the investor funds or cause the investor funds to be deposited. The bank, regulated trust company or corporate fiduciary, savings bank, savings and loan association, or credit union in which the investor funds are deposited is only responsible to act at the direction of the party establishing the escrow agreement and does not have any duty or liability, contractual or otherwise, to any investor or other person.**

(v) The issuer shall not access the escrow funds until the aggregate funds raised from all investors equals or exceeds the minimum amount specified in the escrow agreement.

(vi) An investor may cancel the investor's commitment to invest if the target offering amount is not raised before the time stated in the escrow agreement.".

(Reference is to ESB 375 as reprinted February 26, 2014.)

HOLDMAN	HEUER
TAYLOR	SHACKLEFORD
Senate Conferees	House Conferees

Roll Call 460: yeas 96, nays 1. Report adopted.

CONFERENCE COMMITTEE REPORT
ESB 421–1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 421 respectfully reports that said two committees have conferred and agreed as follows to wit:

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

Page 11, delete lines 10 through 18, begin a new paragraph and insert:

"SECTION 9. IC 25-1-16-13, AS AMENDED BY SEA 80-2014, SECTION 135, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. The committee shall submit a report to the:

(1) governor; **and**

~~(2) interim study committee on public health, behavioral health, and human services established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6; and~~

~~(3)~~ **(2)** legislative services agency;

not later than July 1 of each year. The report submitted to the legislative services agency must be in an electronic format under IC 5-14-6.".

Page 11, line 37, strike "financial statement".

Renumber all SECTIONS consecutively.

(Reference is to ESB 421 as reprinted February 28, 2014.)

HEAD	MCMILLIN
TAYLOR	MOSELEY
Senate Conferees	House Conferees

Roll Call 461: yeas 96, nays 0. Report adopted.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 6:25 p.m. with the Speaker in the Chair.

Upon request of Representative C. Brown, the Speaker ordered the roll of the House to be called to determine the presence or absence of a quorum. Roll Call 462: 72 present. The Speaker declared a quorum present.

Representative Behning and Ziemke, who had been excused is present.

Representative DeLaney and Frizzell are excused.

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 161.2 and recommends that it be suspended so that the following conference committee reports are eligible for consideration after March 3, 2014; we further recommend that House Rule 163.3 be suspended so that the following conference committee reports may be laid over on the members' desks for 2.5 hours, so that they may be eligible to be placed before the House for action: Engrossed House Bills 1036-01, 1116-01, 1204-01, 1217-01, 1218-01, 1258-01, 1266-01 and Engrossed Senate Bills 4-01, 44-01, 106-01, 180-01, 235-01, 266-01, 349-01, 357-01 and 408-01.

TORR, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move House Rule 161.2 be suspended so that the following conference committee reports are eligible for consideration after March 3, 2014, and that House Rule 163.3 be suspended so that the following conference committee reports may be laid over on the members' desks for 2.5 hours, so that they may be eligible to be placed before the House for action: Engrossed House Bills 1036-01, 1116-01, 1204-01, 1217-01, 1218-01, 1258-01, 1266-01 and Engrossed Senate Bills 4-01, 44-01, 106-01, 180-01, 235-01, 266-01, 349-01, 357-01 and 408-01.

TORR, Chair

Motion prevailed.

CONFERENCE COMMITTEE REPORT
EHB 1036–1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1036 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 12-7-2-98.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 98.2. "Group size", for purposes of IC 12-17.2-3.5, means the number of children who routinely work, learn, eat, sleep, and play together inside and outside a facility where a provider operates a child care program.**

SECTION 2. IC 12-17.2-3.5-4, AS AMENDED BY P.L.225-2013, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) A provider is ineligible to receive a voucher payment if the provider:

(1) has been convicted of a:
(A) felony:
(i) related to the health or safety of a child;
(ii) that is a sex offense (as defined in IC 11-8-8-5.2);
(iii) that is a dangerous felony; or
(iv) that is not a felony otherwise described in items (i) through (iii), and less than ten (10) years have elapsed from the date the person was discharged from probation, imprisonment, or parole, whichever discharge date is latest;
(B) misdemeanor related to:
(i) the health or safety of a child; or
(ii) welfare fraud;
(C) misdemeanor for operating a child care center without a license under IC 12-17.2-4-35, or of a substantially similar offense committed in another jurisdiction if the offense is directly or indirectly related to jeopardizing the health or safety of a child; or
(D) misdemeanor for operating a child care home without a license under IC 12-17.2-5-35, or of a substantially similar offense committed in another jurisdiction if the offense is directly or indirectly related to jeopardizing the health or safety of a child;
(2) allows an individual who has been convicted of a crime specified under subdivision (1) to reside with the provider, if the provider operates a child care program in the provider's home;
(3) employs an individual or allows an individual to volunteer who:
(A) has direct contact with a child who is receiving child care from the provider; and
(B) has been convicted of a crime specified in subdivision (1);
(4) has had a revocation of eligibility under this chapter during the immediately preceding two (2) years; or
(5) fails to meet the requirements of this chapter.

(b) A provider whose:
(1) license under IC 12-17.2-4 or IC 12-17.2-5; or
(2) compliance with this chapter;

is subject to an enforcement action is ineligible to receive a voucher payment, regardless of whether the provider meets the requirements of this chapter, until the outcome of any proceeding under IC 4-21.5 reflects a final determination that the provider's license or eligibility is in good standing.

(c) If the division decertifies a provider under this chapter, the provider:
(1) may reapply for eligibility to receive a voucher payment at any time that the provider is able to demonstrate compliance with this chapter; and
(2) is not eligible to receive a voucher payment under this chapter until the provider receives notice from the division that the provider's application under subdivision (1) has been approved.

(d) In determining whether a provider meets the requirements of this chapter, the division may not consider religious instruction or activities.

SECTION 3. IC 12-17.2-3.5-5, AS AMENDED BY P.L.225-2013, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) A provider shall have:
(1) working smoke detectors that meet the standards adopted by rule for smoke detectors in licensed child care homes; and
(2) hot and cold running water;

in the area of the facility where the provider operates a child care program.

(b) A provider shall meet sanitation standards for bathrooms and handwashing, as established by the division.

(c) Beginning July 1, 2015, a provider shall have, and maintain compliance with, a written policy describing the practice of the provider concerning the following:
(1) Safe conditions in the facility and on the grounds.
(2) Safety of motor vehicles used to transport children.

(d) At the time a provider establishes the written policy required by subsection (c), and at the time of any subsequent change to the written policy, the provider shall:
(1) file with the division;
(2) post in a public location in the facility where the

provider operates a child care program; and

(3) provide to the parent or guardian of each child in the care of the provider;

a copy of the written policy or change. The written policy required by subsection (c) is not subject to approval by the division.

(e) Beginning July 1, 2015, a provider shall make available daily activities appropriate to the age, developmental needs, interests, and number of children in the care of the provider, including the following:

(1) Both active and quiet play. The provider may include the use of safe, age-appropriate toys, games, and equipment for indoor and outdoor play.

(2) Daily outdoor play, unless one (1) of the following applies:

(A) Severity of the weather poses a safety or health hazard.

(B) A health related reason for a child to remain indoors is documented by the child's parent, guardian, or physician.

(f) Beginning July 1, 2015, a provider shall make available to each child in the provider's care the following:

(1) Appropriately timed, nutritious meals and snacks in a quantity sufficient to meet the needs of the child.

(2) Drinking water at all times.

(g) The division may make available to a provider educational materials related to quality of child care, as follows:

(1) The materials are available at no cost to the provider.

(2) The materials are appropriate to the ages of children cared for by the provider.

(3) The materials are current.

(4) The materials are available electronically.

(5) Use of the materials by the provider is voluntary.

SECTION 4. IC 12-17.2-3.5-5.5, AS AMENDED BY P.L.225-2013, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5.5. (a) A provider shall ensure that a child in the provider's care is continually supervised by a caregiver.

(b) A provider ~~who~~ **that** cares for children who are less than twelve (12) months of age shall:

(1) complete the training course provided or approved by the division under IC 12-17.2-2-1(10) concerning safe sleeping practices; and

(2) ensure that all caregivers of children who are less than twelve (12) months of age follow safe sleeping practices.

(c) After June 30, 2015, a provider that cares for:

(1) not more than sixteen (16) children at a facility where the provider operates a child care program shall maintain:

(A) a ratio of children to caregivers in the same proportions as specified in the child to staff ratio requirements; and

(B) the same group sizes as specified in the group size requirements;

that apply to a child care home under IC 12-17.2-5; and

(2) more than sixteen (16) children at a facility where the provider operates a child care program shall maintain:

(A) a ratio of children to caregivers in the same proportions as specified in the child to staff ratio requirements; and

(B) the same group sizes as specified in the group size requirements;

that apply to a child care center under IC 12-17.2-4.

SECTION 5. IC 12-17.2-3.5-8, AS AMENDED BY P.L.225-2013, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) At least one (1) adult individual who maintains annual certification in a course of cardiopulmonary resuscitation applicable to all age groups of children cared for by a provider shall be present at all times when a child is in the care of the provider.

(b) The following apply to an individual who is employed or volunteers as a caregiver at a facility where a provider operates a child care program:

(1) The individual shall maintain current certification in first aid applicable to all age groups of children cared for by the provider.

(2) If the individual is:

(A) at least eighteen (18) years of age, the individual may act as a caregiver without supervision of another caregiver; or

(B) less than eighteen (18) years of age, the individual may act as a caregiver only if the individual:

(i) is at least fourteen (14) years of age; and

(ii) is, at all times when child care is provided, directly supervised by a caregiver who is at least eighteen (18) years of age.

~~(3) The provider must verify that an employee or a volunteer has received training concerning child abuse detection and prevention.~~

~~(4)~~ **(3)** Before beginning employment or volunteer duties, the individual must receive a formal orientation to the facility and the child care program.

(4) Beginning July 1, 2015, unless the provider is a parent, stepparent, guardian, custodian, or other relative to each child in the care of the provider, the individual annually must receive at least twelve (12) hours of continuing education approved by the division and related to the age appropriate educational development, care, and safety of children. The hours of continuing education required by this subdivision may include the training described in this chapter concerning child abuse detection and prevention, first aid, cardiopulmonary resuscitation, and safe sleeping practices.

(5) Not more than three (3) months after the individual begins employment or volunteer duties, the individual must receive training approved by the division concerning child abuse detection and prevention.

(c) A provider shall:

(1) maintain at the facility where the provider operates a child care program documentation of all training **and completion of continuing education** required by this section; and

(2) make the documentation available to the division upon request.

SECTION 6. IC 12-17.2-3.5-8.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 8.5. (a) A provider shall provide to all employees and volunteers of the provider the written material prepared and made available by the division under subsection (c).**

(b) An employee or a volunteer of a provider who has reason to believe that a child in the provider's care is a victim of child abuse or neglect shall make a report as required under IC 31-33-5.

(c) The division shall do the following:

(1) Prepare written material specifying the following:

(A) The duty to report known or suspected child abuse or neglect under IC 31-33-5.

(B) That knowing failure to make a report required by:

(i) IC 31-33-5-1; or

(ii) IC 31-33-5-2;

is a Class B misdemeanor under IC 31-33-22-1.

(2) Make the written material under subdivision (1) available to providers.

SECTION 7. IC 12-17.2-3.5-9 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. **(a)** A provider shall have at least one (1) working telephone in each facility where the provider operates a child care program.

(b) A provider shall, in each facility where the provider operates a child care program, have a communication device (which may be the telephone required by subsection (a)) that is:

(1) approved by the division; and

(2) compatible with an automated time and attendance tracking system approved by the division.

SECTION 8. IC 12-17.2-3.5-16, AS ADDED BY P.L.225-2013, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 16. **(a) The division may, according to rules adopted under IC 4-22-2, decertify a provider for any of the following reasons:**

(1) The provider fails to comply with this chapter.

(2) The provider refuses to allow, during normal business hours, the division or an agent of the division to inspect the facility where the provider operates a child care program.

(b) A provider is ineligible, and the division may revoke for a period of not less than two (2) years from the date on which a final determination is made under IC 4-21.5 a provider's eligibility, to receive a voucher payment under this chapter for any of the following reasons:

(1) The provider is determined by the division to have made false statements in the provider's:

(A) application for eligibility to receive a voucher payment; or

(B) records required by the division;

under this chapter.

(2) Credible allegations of fraud have been made against the provider, as determined by the division.

(3) Criminal charges of welfare fraud have been filed against the provider.

(4) Allegations of welfare fraud committed by the provider have been substantiated by the division.

SECTION 9. IC 12-17.2-3.5-19 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 19. (a) A provider shall immediately notify the parent or legal guardian of a child in the care of the provider concerning any of the following that occur during the hours that the child is in the care of the provider:**

(1) A:

(A) bodily injury (as defined in IC 35-31.5-2-29); or

(B) serious bodily injury (as defined in IC 35-31.5-2-292);

of the child that requires the attention of a physician, dentist, registered nurse, licensed practical nurse, paramedic, or emergency medical technician.

(2) The death of the child.

(b) A provider shall:

(1) not more than twenty-four (24) hours after the occurrence of an incident described in subsection (a)(1); and

(2) immediately after the occurrence of an incident described in subsection (a)(2);

notify the division of the occurrence of the incident.

(c) Information that:

(1) is obtained under subsection (b);

(2) concerns a bodily injury or serious bodily injury described in subsection (a)(1); and

(3) could be used to identify an individual child;

is confidential.

SECTION 10. IC 16-38-5-3, AS AMENDED BY P.L.122-2012, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) Records maintained as part of the immunization data registry are confidential.

(b) The state department may release information from the immunization data registry to the individual or to the individual's parent or guardian if the individual is less than eighteen (18) years of age.

(c) Subject to subsection (d), the state department may release information in the immunization data registry concerning an individual to the following persons or entities:

(1) The immunization data registry of another state.

(2) A provider or a provider's designee.

(3) A local health department.

(4) An elementary or secondary school that is attended by the individual.

(5) A child care center that is licensed under IC 12-17.2-4 in which the individual is enrolled.

(6) A child care home that is licensed under IC 12-17.2-5 in which the individual is enrolled.

(7) A child care ministry that is registered under IC 12-17.2-6 in which the individual is enrolled.

~~(6)~~ **(8)** The office of Medicaid policy and planning or a contractor of the office of Medicaid policy and planning.

~~(7)~~ **(9)** A child placing agency licensed under IC 31-27.

~~(8)~~ **(10)** A college or university (as defined in IC 21-7-13-10) that is attended by the individual.

(d) Before immunization data may be released to a person or an entity, the person or entity must enter into a data use agreement with the state department that provides that information that identifies a patient will not be released to any other person or entity without the written consent of the patient unless the release is to a person or entity described in subsection (c).

(e) The state department may release summary statistics regarding information in the immunization data registry to a person or entity that has entered into a data use agreement with the state department.

(Reference is to EHB 1036 as printed February 28, 2014.)

MAHAN	WALKER
RIECKEN	TAYLOR
House Conferees	Senate Conferees

Roll Call 463: yeas 75, nays 21. Report adopted.

CONFERENCE COMMITTEE REPORT
EHB 1204–1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1204 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 16-39-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) As used in this section, "primary caregiver" means an individual who provides for the physical, emotional, and social needs of another individual who cannot provide for the other individual's own needs.

(b) Upon the written request of a patient's:

(1) spouse;

(2) parent if:

(A) the patient does not have a spouse; or

(B) the parent is the primary caregiver to the patient;

(3) adult child if the patient has neither a spouse nor a parent;

(4) sibling if the patient has neither a spouse, a parent, nor an adult child; or

(5) guardian, guardian ad litem, or court appointed special

guardian;

who is involved in the planning, provision, and monitoring of mental health services delivered to the patient and the written consent of the treating physician for the patient, the provider shall provide the individual described in subdivision (1), (2), (3), (4), or (5) with the information described in section 3 of this chapter.

(c) Upon the written request of the parent, guardian, or court appointed special guardian who is involved in the planning, provision, and monitoring of the mental health of a child enrolled in a school, the provider shall provide the child's school principal or school leader with information described in section 3 of this chapter without charge.

(d) A parent, guardian, guardian ad litem, or court appointed special guardian who prepares a written request under this section shall sign an authorization for the release of mental health records, as may be requested by the provider in satisfaction of any requirements under the federal Health Insurance Portability and Accountability Act (42 U.S.C. 201 et seq., as amended and including governing regulations) and state law. A provider that discloses information and records to a school principal or school leader as requested under this chapter is immune from civil, criminal, and administrative liability for the disclosure to the school principal or school leader. The authorization required by the provider may confirm the provider's immunity.

SECTION 2. IC 16-39-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. **(a)** If a provider has received a written request under section ~~2~~ **2(b)** of this chapter, the provider shall provide **the following information to** the individual who made the request **or, if the request is made under section 2(c) of this chapter, the patient's school principal or school leader:** ~~with the following information:~~

(1) A summary of the patient's diagnosis.

(2) A summary of the information required to be given to the patient under IC 12-27-6-2 and IC 12-27-6-3.

(3) The types of medication that have been prescribed for the patient.

(4) A summary of the patient's prognosis.

If the information is provided after a request is made under section 2(c) of this chapter, the provider shall limit the information provided to information concerning the patient's mental health. The school principal or school leader shall keep the information the principal or school leader receives under this section confidential.

(b) A school principal or school leader who receives information and mental health records under this chapter shall sign a confidentiality agreement prescribed by the provider confirming that the information and mental health records released by the provider may not be disclosed by the principal except to the minimum necessary extent required to:

(1) inform necessary school staff of the principal's or school leader's decision regarding the student's fitness for school attendance and participation in services; or

(2) satisfy duties imposed upon the principal or school leader by law.

(c) A school principal or school leader who receives information and mental health records under this chapter is immune from civil, criminal, and administrative liability for disclosures made pursuant to this chapter.

SECTION 3. IC 20-33-2-46, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 46. (a) ~~With the approval of the state board,~~ **Except as provided in subsection (c),** a superintendent **or school leader** may exclude or excuse a student found mentally or physically unfit for school attendance. An exclusion or excuse under this section is valid only for the school year during which it is issued **and shall not violate a student's right to a free and appropriate public education under federal law.**

~~(b) A superintendent's action under this section must be in accordance with limitations and regulations established by the state board concerning the procedures and requirements for the complete examination of students.~~

~~(c)~~ **(b)** A student may not be compelled to undergo any examination or treatment under this chapter when the student's parent objects on religious grounds, which consists of a good faith reliance on spiritual means or prayer for healing. The objection is not effective unless it is:

(1) made in writing;

(2) signed by the student's parent; and

(3) delivered to the student's teacher or to the individual who might order an examination or treatment absent the objection.

~~A student may not be excluded under this section except as provided under IC 20-33-8.~~

(c) If a physician, psychologist, or psychiatrist certifies that a student is fit for school attendance, the superintendent or school leader may not exclude or excuse that student. However, nothing in this section shall prohibit a school from disciplining a student pursuant to any legal authority, including but not limited to IC 20-33-8.

SECTION 4. IC 33-37-10-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) **Except as provided in section 3.5 of this chapter,** a witness in a criminal action may receive a fee if the witness:

(1) is summoned by the state;

(2) is named on the indictment or information; and

(3) testifies under oath to a material fact in aid of the prosecution.

(b) A fee paid under subsection (a) is the sum of the following:

(1) An amount for mileage at the mileage rate paid to state officers for each mile necessarily traveled to and from the court.

(2) For each day of attendance in court equal to:

(A) fifteen dollars ($15) for witnesses subpoenaed under IC 35-37-5-4; or

(B) five dollars ($5) for all other witnesses.

SECTION 5. IC 33-37-10-3, AS AMENDED BY P.L.1-2007, SECTION 222, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. **Except as provided in section 3.5 of this chapter,** a witness in an action listed in IC 33-37-4-2, IC 33-37-4-3, IC 33-37-4-4, IC 33-37-4-6, and IC 33-37-4-7 is entitled to the sum of the following:

(1) An amount for mileage at the mileage rate paid to state officers for each mile necessarily traveled to and from the court.

(2) Five dollars ($5) for each day of attendance in court.

SECTION 6. IC 33-37-10-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 3.5. A witness in any civil or criminal action who is employed by a school in Indiana is entitled to the sum of the following if the witness is called to testify on a regular school day of the school district that employs the witness:**

(1) An amount for mileage at the mileage rate paid to state officers for each mile necessarily traveled to and from the court.

(2) One hundred dollars ($100) for each day of attendance in court.

SECTION 7. IC 34-30-2-77.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 77.6. IC 16-39-4-3 (Concerning school principals and school leaders who receive**

information and mental health records).

SECTION 8. IC 34-30-2-77.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 77.7. IC 16-39-4-2 (Concerning providers that disclose information and records to a school principal or school leader).**

SECTION 9. IC 34-30-28 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

Chapter 28. Immunity for Schools, School Employees, and School Boards Concerning Student Health

Sec. 1. A school, school employee, or school board is not liable for civil damages as a result of:

(1) an injury to a child or family members of the child if the injury is a result of a student's mental health issue that has not been disclosed to the school by the parents or guardian; or

(2) any referrals the school made or services the school offered concerning evaluations or treatment of the student's health, including mental health.

(Reference is to EHB 1204 as reprinted March 4, 2014.)

HUSTON	YODER
BATTLES	BRODEN
House Conferees	Senate Conferees

Roll Call 464: yeas 96, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT
EHB 1217–1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1217 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 14-8-2-199 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 199. **(a) "Permit", for purposes of IC 14-28-1-38, has the meaning set forth in IC 14-28-1-38(a).**

(b) "Permit", for purposes of IC 14-34, means a permit issued under IC 14-34 to conduct a surface coal mining and reclamation operation.

SECTION 2. IC 14-28-1-37 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 37. The department and the department of environmental management shall, not later than January 1, 2015, develop and implement a process to improve efficiency and transparency in programs for:**

(1) water quality certifications from the department of environmental management under IC 13-13-5-1(1) and Section 401 of the federal Clean Water Act (33 U.S.C. 1341);

(2) permits from the department of environmental management for wetland activity in a state regulated wetland under IC 13-18-22; and

(3) permits from the director for a structure, obstruction, deposit, or excavation in a floodway under IC 14-28-1.

SECTION 3. IC 14-28-1-38 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 38. (a) As used in this section, "permit" means any of the following:**

(1) A water quality certification from the department of environmental management under IC 13-13-5-1(1) and Section 401 of the federal Clean Water Act (33 U.S.C. 1341).

(2) A permit from the department of environmental management for wetland activity in a state regulated wetland under IC 13-18-22.

(3) A permit from the director for a structure, obstruction, deposit, or excavation in a floodway under IC 14-28-1.

(b) In establishing the process required under section 37 of this chapter, the department and the department of environmental management shall do the following:

(1) Determine:

(A) how to inform a person who proposes to perform work for which a permit is required of the need to seek a permit for the work; and

(B) how to ensure that a person proposing to perform work for which a permit is required is informed of every state permit the person needs in order to do the work.

(2) Change the:

(A) application forms;

(B) application processes; or

(C) application forms and application processes;

used by the department and the department of environmental management for purposes of permits as necessary to ensure that a person proposing to perform work for which a permit is required is not required to provide the same information separately to the department and the department of environmental management.

(3) Determine how either the department or the department of environmental management may serve as the single point of contact, for purposes of:

(A) distributing and receiving permit applications;

(B) obtaining information needed to complete the processing of permit applications; and

(C) issuing permits;

for an applicant who does not need to have independent contact with the department that is not serving as the single point of contact.

(4) Create an internal process to ensure that the appropriate office within the department and the department of environmental management receives and timely reviews each permit application.

(5) Ensure that the processing of each permit application is monitored.

(Reference is to EHB 1217 as reprinted February 28, 2014.)

DAVISSON	YODER
BAUER	RANDOLPH
House Conferees	Senate Conferees

Roll Call 465: yeas 96, nays 0. Report adopted.

Representative Frizzell, who had been excused is now present.

CONFERENCE COMMITTEE REPORT
EHB 1218–1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1218 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 12-7-2-67.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2014]: **Sec. 67.5. "Dispense", for purposes of IC 12-23-18-8, has the meaning set forth in IC 12-23-18-8(a).**

SECTION 2. IC 12-23-18-2.5, AS ADDED BY P.L.116-2008, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2.5. (a) An opioid treatment program must periodically and randomly test, including before receiving treatment, a patient for the following during the patient's treatment by the program:

(1) Methadone.
(2) Cocaine.
(3) Opiates.
(4) Amphetamines.
(5) Barbiturates.
(6) Tetrahydrocannabinol.
(7) Benzodiazepines.
(8) Any other suspected or known drug that may have been abused by the patient.

(b) If a patient tests positive under a test described in subsection (a) for:

(1) a controlled substance other than a drug for which the patient has a prescription or that is part of the patient's treatment plan at the opioid treatment program; or
(2) an illegal drug other than the drug that is part of the patient's treatment plan at the opioid treatment program;

the opioid treatment program and the patient must comply with the requirements under subsection (c).

(c) If a patient tests positive under a test for a controlled substance or illegal drug that is not allowed under subsection ~~(b),~~ **(a),** the following conditions must be met:

(1) The opioid treatment program must refer the patient to the onsite physician for a clinical evaluation that must be conducted not more than ten (10) days after the date of the patient's positive test. The physician shall consult with medical and behavioral staff to conduct the evaluation. The clinical evaluation must recommend a remedial action for the patient that may include discharge from the opioid treatment program or amending the treatment plan to require a higher level of supervision.
(2) The opioid treatment program may not allow the patient to take any opioid treatment medications from the treatment facility until the patient has completed a clinical assessment under subdivision (1) and has passed a random test. The patient must report to the treatment facility daily, except when the facility is closed, until the onsite physician, after consultation with the medical and behavioral staff, determines that daily treatment is no longer necessary.
(3) The patient must take a weekly random test until the patient passes a test under subsection ~~(b).~~ **(a).**

(d) An opioid treatment program must conduct all tests required under this section in an observed manner to assure that a false sample is not provided by the patient.

SECTION 3. IC 12-23-18-5, AS AMENDED BY P.L.116-2008, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) The division shall adopt rules under IC 4-22-2 to establish the following:

(1) Standards for operation of an opioid treatment program in Indiana, including the following requirements:
(A) An opioid treatment program shall obtain prior authorization from the division for any patient receiving more than ~~fourteen (14)~~ **seven (7)** days of opioid treatment medications at one (1) time **and the division may approve the authorization only under the following circumstances:**
(i) A physician licensed under IC 25-22.5 has issued an order for the opioid treatment medication.
(ii) The patient has not tested positive under a drug test for a drug for which the patient does not have a prescription for a period of time set forth by the division.
(iii) The opioid treatment program has determined that the benefit to the patient in receiving the take home opioid treatment medication outweighs the potential risk of diversion of the take home opioid treatment medication.
(B) Minimum requirements for a licensed physician's regular:
(i) physical presence in the opioid treatment facility; and
(ii) physical evaluation and progress evaluation of each opioid treatment program patient.
(C) Minimum staffing requirements by licensed and unlicensed personnel.
(D) Clinical standards for the appropriate tapering of a patient on and off of an opioid treatment medication.
(2) A requirement that, not later than February 28 of each year, a current diversion control plan that meets the requirements of 21 CFR Part 291 and 42 CFR Part 8 be submitted for each opioid treatment facility.
(3) Fees to be paid by an opioid treatment program for deposit in the fund for annual certification under this chapter as described in section 3 of this chapter.

The fees established under this subsection must be sufficient to pay the cost of implementing this chapter.

(b) The division shall conduct an annual onsite visit of each opioid treatment program facility to assess compliance with this chapter.

(c) Not later than April 1 of each year, the division shall report to the general assembly in electronic format under IC 5-14-3 the number of prior authorizations that were approved under subsection (a)(1)(A) in the previous year and the time frame for each approval.

SECTION 4. IC 12-23-18-7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 7. (a) The division shall adopt rules under IC 4-22-2 to establish standards and protocols for opioid treatment programs to do the following:**

(1) Assess new opioid treatment program patients to determine the most effective opioid treatment medications to start the patient's opioid treatment.
(2) Ensure that each patient voluntarily chooses maintenance treatment and that relevant facts concerning the use of opioid treatment medications are clearly and adequately explained to the patient.
(3) Have appropriate opioid treatment program patients who are receiving methadone for opioid treatment move to receiving other approved opioid treatment medications.

(b) An opioid treatment program shall follow the standards and protocols adopted under subsection (a) for each opioid treatment program patient.

(c) Subject to subsection (a), an opioid treatment program may use any of the following medications as an alternative for methadone for opioid treatment:

(1) Buprenorphine.
(2) Buprenorphine combination products containing naloxone.
(3) Any other medication that has been approved by:
(A) the federal Food and Drug Administration for use in the treatment of opioid addiction; and
(B) the division under subsection (e).

(d) Before starting a patient on a new opioid treatment medication, the opioid treatment program shall explain to the patient the potential side effects of the new medication.

(e) The division may adopt rules under IC 4-22-2 to provide for other medications as alternatives to methadone

that may be used under subsection (a).

SECTION 5. IC 12-23-18-8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 8. (a) As used in this section, "dispense" means to deliver a controlled substance to an ultimate user.**

(b) Subject to the federal patient confidentiality requirements under 42 CFR Part 2, when an opioid treatment program dispenses a controlled substance designated by the Indiana board of pharmacy under IC 35-48-2-5 through 35-48-2-10, the opioid treatment program shall provide the following information upon request from the division:

(1) The medications dispensed by the program.

(2) The medication delivery process, which includes whether the medication was in liquid, film, or another form.

(3) The number of doses dispensed of each medication.

(4) The dosage quantities for each medication.

(5) The number of patients receiving take home medications.

(6) The number of days of supply dispensed.

(7) Patient demographic information for each medication, including gender, age, and time in treatment.

(8) The dispenser's United States Drug Enforcement Agency registration number.

(c) An opioid treatment program shall provide the information required under this section to the division in a manner prescribed by the division.

(d) The division shall annually report the information collected under this section to the legislative council in an electronic format under IC 5-14-6 not later than October 1.

SECTION 6. IC 16-18-2-199 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 199. "Legend drug", for purposes of IC 16-42, means a drug that is:

(1) subject to 21 U.S.C. 353(b)(1); ~~or~~

(2) listed in the Prescription Drug Product List as:

(A) published in United States Department of Health and Human Services Approved Drug Products with Therapeutic Equivalence Evaluations, Tenth Edition, (1990); and

(B) revised in United State Department of Health and Human Services, Approved Drug Products with Therapeutic Equivalence Evaluations, Cumulative Supplement to the Tenth Edition, Number 10 (1990); **or**

(3) insulin.

SECTION 7. IC 16-39-2-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. **(a)** The court may order the release of the patient's mental health record without the patient's consent upon the showing of good cause following a hearing under IC 16-39-3 or in a proceeding under IC 31-30 through IC 31-40 following a hearing held under the Indiana Rules of Trial Procedure.

(b) A provider shall, upon the request of a court that has committed a patient under IC 12-26-7, IC 12-26-8, IC 35-36-2-4, or IC 35-36-3, release to the court any information from the patient's mental health record that is required by the Federal Bureau of Investigation for transmission to NICS (as defined in IC 35-47-2.5-2.5) in accordance with IC 33-24-6-3.

SECTION 8. IC 16-42-19-29 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 29. A legend drug that is composed wholly or partly of insulin may be sold for retail sale by a pharmacy only to an individual who possesses a prescription from one (1) of the following:**

(1) A physician licensed under IC 25-22.5.

(2) A veterinarian licensed to practice veterinary medicine in Indiana.

(3) An advanced practice nurse who meets the requirements of IC 25-23-1-19.5.

(4) A physician assistant licensed under IC 25-27.5 who is delegated prescriptive authority under IC 25-27.5-5-6.

SECTION 9. IC 35-48-7-8.1, AS AMENDED BY P.L.152-2012, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8.1. (a) The board shall provide for a controlled substance prescription monitoring program that includes the following components:

(1) Each time a controlled substance designated by the board under IC 35-48-2-5 through IC 35-48-2-10 is dispensed, the dispenser shall transmit to the INSPECT program the following information:

(A) The controlled substance recipient's name.

(B) The controlled substance recipient's or the recipient representative's identification number or the identification number or phrase designated by the INSPECT program.

(C) The controlled substance recipient's date of birth.

(D) The national drug code number of the controlled substance dispensed.

(E) The date the controlled substance is dispensed.

(F) The quantity of the controlled substance dispensed.

(G) The number of days of supply dispensed.

(H) The dispenser's United States Drug Enforcement Agency registration number.

(I) The prescriber's United States Drug Enforcement Agency registration number.

(J) An indication as to whether the prescription was transmitted to the pharmacist orally or in writing.

(K) Other data required by the board.

(2) The information required to be transmitted under this section must be transmitted **as follows:**

(A) Before July 1, 2015, not more than seven (7) days after the date on which a controlled substance is dispensed.

(B) Beginning July 1, 2015, and until December 31, 2015, not more than three (3) days after the date on which a controlled substance is dispensed.

(C) Beginning January 1, 2016, and thereafter, not more than twenty-four (24) hours after the date on which a controlled substance is dispensed.

(3) A dispenser shall transmit the information required under this section by:

(A) uploading to the INSPECT web site;

(B) a computer diskette; or

(C) a CD-ROM disk;

that meets specifications prescribed by the board.

(4) The board may require that prescriptions for controlled substances be written on a one (1) part form that cannot be duplicated. However, the board may not apply such a requirement to prescriptions filled at a pharmacy with a Category II permit (as described in IC 25-26-13-17) and operated by a hospital licensed under IC 16-21, or prescriptions ordered for and dispensed to bona fide enrolled patients in facilities licensed under IC 16-28. The board may not require multiple copy prescription forms for any prescriptions written. The board may not require different prescription forms for any individual drug or group of drugs. Prescription forms required under this subdivision must be approved by the Indiana board of pharmacy established by IC 25-26-13-3.

(5) The costs of the program.

(b) This subsection applies only to a retail pharmacy. A pharmacist, pharmacy technician, or person authorized by a pharmacist to dispense a controlled substance may not dispense a controlled substance to a person who is not personally known to the pharmacist, pharmacy technician, or person authorized by

a pharmacist to dispense a controlled substance unless the person taking possession of the controlled substance provides documented proof of the person's identification to the pharmacist, pharmacy technician, or person authorized by a pharmacist to dispense a controlled substance.

SECTION 10. IC 35-48-7-11.1, AS AMENDED BY P.L.84-2010, SECTION 99, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11.1. (a) Information received by the INSPECT program under section 8.1 of this chapter is confidential.

(b) The board shall carry out a program to protect the confidentiality of the information described in subsection (a). The board may disclose the information to another person only under subsection (c), (d), or (g).

(c) The board may disclose confidential information described in subsection (a) to any person who is authorized to engage in receiving, processing, or storing the information.

(d) Except as provided in subsections (e) and (f), the board may release confidential information described in subsection (a) to the following persons:

(1) A member of the board or another governing body that licenses practitioners and is engaged in an investigation, an adjudication, or a prosecution of a violation under any state or federal law that involves a controlled substance.

(2) An investigator for the consumer protection division of the office of the attorney general, a prosecuting attorney, the attorney general, a deputy attorney general, or an investigator from the office of the attorney general, who is engaged in:

(A) an investigation;

(B) an adjudication; or

(C) a prosecution;

of a violation under any state or federal law that involves a controlled substance.

(3) A law enforcement officer who is an employee of:

(A) a local, state, or federal law enforcement agency; or

(B) an entity that regulates controlled substances or enforces controlled substances rules or laws in another state;

that is certified to receive **controlled substance prescription drug** information from the INSPECT program.

(4) A practitioner or practitioner's agent certified to receive information from the INSPECT program.

(5) A controlled substance monitoring program in another state with which Indiana has established an interoperability agreement.

(6) The state toxicologist.

(7) A certified representative of the Medicaid retrospective and prospective drug utilization review program.

(8) A substance abuse assistance program for a licensed health care provider who:

(A) has prescriptive authority under IC 25; and

(B) is participating in the assistance program.

(e) Information provided to an individual under:

(1) subsection (d)(3) is limited to information:

(A) concerning an individual or proceeding involving the unlawful diversion or misuse of a schedule II, III, IV, or V controlled substance; and

(B) that will assist in an investigation or proceeding; and

(2) subsection (d)(4) may be released only for the purpose of:

(A) providing medical or pharmaceutical treatment; or

(B) evaluating the need for providing medical or pharmaceutical treatment to a patient.

(f) Before the board releases confidential information under subsection (d), the applicant must be approved by the INSPECT program in a manner prescribed by the board.

(g) The board may release to:

(1) a member of the board or another governing body that licenses practitioners;

(2) an investigator for the consumer protection division of the office of the attorney general, a prosecuting attorney, the attorney general, a deputy attorney general, or an investigator from the office of the attorney general; or

(3) a law enforcement officer who is:

(A) authorized by the state police department to receive ~~the type of~~ **controlled substance prescription drug** information; ~~released;~~ and

(B) approved by the board to receive the type of information released;

confidential information generated from computer records that identifies practitioners who are prescribing or dispensing large quantities of a controlled substance.

(h) The information described in subsection (g) may not be released until it has been reviewed by:

(1) a member of the board who is licensed in the same profession as the prescribing or dispensing practitioner identified by the data; or

(2) the board's designee;

and until that member or the designee has certified that further investigation is warranted. However, failure to comply with this subsection does not invalidate the use of any evidence that is otherwise admissible in a proceeding described in subsection (i).

(i) An investigator or a law enforcement officer receiving confidential information under subsection (c), (d), or (g) may disclose the information to a law enforcement officer or an attorney for the office of the attorney general for use as evidence in the following:

(1) A proceeding under IC 16-42-20.

(2) A proceeding under any state or federal law that involves a controlled substance.

(3) A criminal proceeding or a proceeding in juvenile court that involves a controlled substance.

(j) The board may compile statistical reports from the information described in subsection (a). The reports must not include information that identifies any practitioner, ultimate user, or other person administering a controlled substance. Statistical reports compiled under this subsection are public records.

(k) **Except as provided in IC 25-22.5-13,** this section may not be construed to require a practitioner to obtain information about a patient from the data base.

(l) A practitioner is immune from civil liability for an injury, death, or loss to a person solely due to a practitioner seeking or not seeking information from the INSPECT program. The civil immunity described in this subsection does not extend to a practitioner if the practitioner receives information directly from the INSPECT program and then negligently misuses this information. This subsection does not apply to an act or omission that is a result of gross negligence or intentional misconduct.

(m) The board may review the records of the INSPECT program. If the board determines that a violation of the law may have occurred, the board shall notify the appropriate law enforcement agency or the relevant government body responsible for the licensure, regulation, or discipline of practitioners authorized by law to prescribe controlled substances.

(n) A practitioner who in good faith discloses information based on a report from the INSPECT program to a law enforcement agency is immune from criminal or civil liability. A practitioner that discloses information to a law enforcement agency under this subsection is presumed to have acted in good faith.

SECTION 11. IC 35-48-7-12.1, AS AMENDED BY P.L.42-2011, SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12.1. (a) The

board shall adopt rules under IC 4-22-2 to implement this chapter, including the following:

(1) Information collection and retrieval procedures for the INSPECT program, including the controlled substances to be included in the program required under section 8.1 of this chapter.

(2) Design for the creation of the data base required under section 10.1 of this chapter.

(3) Requirements for the development and installation of online electronic access by the board to information collected by the INSPECT program.

(4) Identification of emergency situations or other circumstances in which a practitioner may prescribe, dispense, and administer a prescription drug specified in section 8.1 of this chapter without a written prescription or on a form other than a form specified in section 8.1(a)(4) of this chapter.

(5) Requirements for a practitioner providing treatment for a patient at an opioid treatment program operating under IC 12-23-18 to check the INSPECT program:

(A) before initially prescribing a controlled substance to a patient; and

(B) periodically during the course of treatment that uses a controlled substance.

(b) The board may:

(1) set standards for education courses for individuals authorized to use the INSPECT program;

(2) identify treatment programs for individuals addicted to controlled substances monitored by the INSPECT program; and

(3) work with impaired practitioner associations to provide intervention and treatment.

SECTION 12. IC 35-48-7-16 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 16. (a) Before October 1, 2014, the Indiana professional licensing agency shall:**

(1) study the impact of including all prescription drugs in the INSPECT program; and

(2) report the findings to the legislative council in an electronic format under IC 5-14-6.

(b) The study under subsection (a) must include the following:

(1) The efficacy of including drugs other than controlled substances in the INSPECT program.

(2) Recommended parameters for the inclusion of drugs other than controlled substances.

(3) Analysis of any security concerns related to patient and provider privacy.

(4) Technology requirements.

(5) Regulatory impact analysis.

(6) Fiscal impact analysis.

(c) The:

(1) state department of health;

(2) office of the secretary of family and social services;

(3) department of homeland security; and

(4) Indiana office of technology (IC 4-13.1-2);

shall assist the Indiana professional licensing agency with the study required by this section.

SECTION 13. [EFFECTIVE JULY 1, 2014] **(a) During the 2014 interim of the general assembly, the legislative council shall assign to an appropriate interim committee the study of the integrity and security of the INSPECT program (IC 35-48-7). The interim committee shall make findings and recommendations, including recommendations to the Indiana professional licensing agency established by IC 25-1-5-3 to ensure that data collected by the INSPECT program may be used only for lawful purposes.**

(b) This SECTION expires January 1, 2015.

SECTION 14. [EFFECTIVE UPON PASSAGE] **(a) During the 2014 interim of the general assembly, the legislative council shall assign to an appropriate interim committee the study of whether opioid treatment programs should be prohibited from allowing patients to take home a multiple day supply of opioid treatment medication.**

(b) This SECTION expires December 31, 2014.

SECTION 15. **An emergency is declared for this act.**

(Reference is to EHB 1218 as reprinted March 4, 2014.)

DAVISSON	PAT MILLER
C. BROWN	MRVAN
House Conferees	Senate Conferees

Roll Call 466: yeas 97, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT

EHB 1266–1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1266 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 5-3-1-2, AS AMENDED BY P.L.141-2009, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) This section applies only when notice of an event is required to be given by publication in accordance with this chapter.

(b) If the event is a public hearing or meeting concerning any matter not specifically mentioned in subsection (c), (d), (e), (f), (g), or (h) notice shall be published one (1) time, at least ten (10) days before the date of the hearing or meeting.

(c) If the event is an election, notice shall be published one (1) time, at least ten (10) days before the date of the election.

(d) If the event is a sale of bonds, notes, or warrants, notice shall be published two (2) times, at least one (1) week apart, with:

(1) the first publication made at least fifteen (15) days before the date of the sale; and

(2) the second publication made at least three (3) days before the date of the sale.

(e) If the event is the receiving of bids, notice shall be published two (2) times, at least one (1) week apart, with the second publication made at least seven (7) days before the date the bids will be received.

(f) If the event is the establishment of a cumulative or sinking fund, notice of the proposal and of the public hearing that is required to be held by the political subdivision shall be published two (2) times, at least one (1) week apart, with the second publication made at least three (3) days before the date of the hearing.

(g) If the event is the submission of a proposal adopted by a political subdivision for a cumulative or sinking fund for the approval of the department of local government finance, the notice of the submission shall be published one (1) time. The political subdivision shall publish the notice when directed to do so by the department of local government finance.

(h) If the event is the required publication of an ordinance, notice of the passage of the ordinance shall be published one (1) time within thirty (30) days after the passage of the ordinance.

(i) If the event is one about which notice is required to be published after the event, notice shall be published one (1) time within thirty (30) days after the date of the event.

(j) If the event is anything else, notice shall be published two (2) times, at least one (1) week apart, with the second

publication made at least three (3) days before the event.

(k) If any officer charged with the duty of publishing any notice required by law is unable to procure advertisement:

(1) at the price fixed by law;

(2) because the newspaper refuses to publish the advertisement; or

(3) because the newspaper refuses to post the advertisement on the newspaper's Internet web site (if required under section 1.5 of this chapter);

it is sufficient for the officer to post printed notices in three (3) prominent places in the political subdivision, instead of publication of the notice in newspapers and on an Internet web site (if required under section 1.5 of this chapter).

(l) If a notice of budget estimates for a political subdivision is published as required in IC 6-1.1-17-3, and the published notice contains an error due to the fault of a newspaper, the notice as presented for publication is a valid notice under this chapter. **This subsection expires January 1, 2015.**

(m) Notwithstanding subsection (j), if a notice of budget estimates for a political subdivision is published as required in IC 6-1.1-17-3, and if the notice is not published at least ten (10) days before the date fixed for the public hearing on the budget estimate due to the fault of a newspaper, the notice is a valid notice under this chapter if it is published one (1) time at least three (3) days before the hearing. **This subsection expires January 1, 2015.**

SECTION 2. IC 5-3-1-2.3, AS AMENDED BY P.L.169-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2.3. (a) A notice published in accordance with this chapter or any other Indiana statute is valid even though the notice contains errors or omissions, as long as:

(1) a reasonable person would not be misled by the error or omission; and

(2) the notice is in substantial compliance with the time and publication requirements applicable under this chapter or any other Indiana statute under which the notice is published.

(b) This subsection applies if:

(1) a county auditor publishes a notice concerning a tax rate, tax levy, or budget of a political subdivision in the county;

(2) the notice contains an error or omission that causes the notice to inaccurately reflect the tax rate, tax levy, or budget actually proposed or fixed by the political subdivision; and

(3) the county auditor is responsible for the error or omission described in subdivision (2).

Notwithstanding any other law, the department of local government finance may correct an error or omission described in subdivision (2) at any time. If an error or omission described in subdivision (2) occurs, the county auditor must publish, at the county's expense, a notice containing the correct tax rate, tax levy, or budget as proposed or fixed by the political subdivision. **This subsection expires January 1, 2015.**

SECTION 3. IC 6-1.1-8-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 19. **(a)** Each year a public utility company shall file a statement concerning the value and description of the property which is either owned or used by the company on the assessment date of that year. The company shall file this statement with the department of local government finance ~~on the form~~ **in the manner** prescribed by the department. ~~The department of local government finance may extend the due date for a statement. Unless the department of local government finance grants an extension,~~ A public utility company shall file its statement for a year:

(1) on or before March 1st of that year unless the company is a railroad car company; or

(2) on or before ~~May~~ **July** 1st of that year if the company is a railroad car company.

(b) A public utility company may, not later than sixty (60) days after filing a valid and timely statement under subsection (a), file an amended statement:

(1) for distribution purposes;

(2) to correct errors; or

(3) for any other reason, except:

(A) obsolescence; or

(B) the credit for railroad car maintenance and improvements provided under IC 6-1.1-8.2.

SECTION 4. IC 6-1.1-8-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 20. (a) If a public utility company does not file a statement with the department of local government finance on or before the date prescribed under section 19 of this chapter, the company shall pay a penalty of one hundred dollars ($100) per day for each day that the statement is late. **However, a penalty under this subsection may not exceed one thousand dollars ($1,000).**

(b) The department of local government finance shall notify the attorney general if a public utility company fails to file a statement on or before the due date. The attorney general shall then bring an action in the name of this state to collect the penalty due under this section.

(c) The state auditor shall deposit amounts collected under this section in the state treasury for credit to the state general fund.

SECTION 5. IC 6-1.1-8-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 22. **(a)** The department of local government finance shall assess the property of a public utility company based upon the information available to the department if the company:

(1) does not file a statement which is required under section 19 of this chapter;

(2) does not permit the department to examine the company's property, books, or records; or

(3) does not comply with a summons issued by the department.

~~An assessment which is made by the department of local government finance under this section is final unless the company establishes that the department committed actual fraud in making the assessment.~~

(b) A public utility company may provide the department with a statement under section 19 of this chapter not later than one (1) year after the department makes the department's assessment under this section. If a public utility company does so, the department may amend the assessment it makes under this section in reliance on the public utility company's statement filed under this subsection.

SECTION 6. IC 6-1.1-11-4, AS AMENDED BY P.L.173-2011, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) The exemption application referred to in section 3 of this chapter is not required if the exempt property is owned by the United States, the state, an agency of this state, or a political subdivision (as defined in IC 36-1-2-13). However, this subsection applies only when the property is used, and in the case of real property occupied, by the owner.

(b) The exemption application referred to in section 3 of this chapter is not required if the exempt property is a cemetery:

(1) described by IC 6-1.1-2-7; or

(2) maintained by a township executive under IC 23-14-68.

(c) The exemption application referred to in section 3 of this chapter is not required if the exempt property is owned by the bureau of motor vehicles commission established under IC 9-15-1.

(d) The exemption application referred to in section 3 or 3.5 of this chapter is not required if:

(1) the exempt property is:

(A) tangible property used for religious purposes

described in IC 6-1.1-10-21;

(B) tangible property owned by a church or religious society used for educational purposes described in IC 6-1.1-10-16;

(C) other tangible property owned, occupied, and used by a person for educational, literary, scientific, religious, or charitable purposes described in IC 6-1.1-10-16; or

(D) other tangible property owned by a fraternity or sorority (as defined in IC 6-1.1-10-24).

(2) the exemption application referred to in section 3 or 3.5 of this chapter was filed properly at least once for a religious use under IC 6-1.1-10-21, an educational, literary, scientific, religious, or charitable use under IC 6-1.1-10-16, or use by a fraternity or sorority under IC 6-1.1-10-24; and

(3) the property continues to meet the requirements for an exemption under IC 6-1.1-10-16, IC 6-1.1-10-21, or IC 6-1.1-10-24.

~~A change in ownership of property does not terminate an exemption of the property if after the change in ownership the property continues to meet the requirements for an exemption under IC 6-1.1-10-16, IC 6-1.1-10-21, or IC 6-1.1-10-24. However, if title to any of the real property subject to the exemption changes or any of the tangible property subject to the exemption is used for a nonexempt purpose after the date of the last properly filed exemption application, the person that obtained the exemption or the current owner of the property shall notify the county assessor for the county where the tangible property is located of the change in the year that the change occurs. The notice must be in the form prescribed by the department of local government finance. If the county assessor discovers that title to property granted an exemption described in IC 6-1.1-10-16, IC 6-1.1-10-21, or IC 6-1.1-10-24 has changed, the county assessor shall notify the persons entitled to a tax statement under IC 6-1.1-22-8.1 for the property of the change in title and indicate that the county auditor will suspend the exemption for the property until the persons provide the county assessor with an affidavit, signed under penalties of perjury, that identifies the new owners of the property and indicates that the property continues to meet the requirements for an exemption under IC 6-1.1-10-21, IC 6-1.1-10-16, or IC 6-1.1-10-24. Upon receipt of the affidavit, the county assessor shall reinstate the exemption for the years for which the exemption was suspended and each year thereafter that the property continues to meet the requirements for an exemption under IC 6-1.1-10-21, IC 6-1.1-10-16, or IC 6-1.1-10-24.~~

(e) If, after an assessment date, an exempt property is transferred or its use is changed resulting in its ineligibility for an exemption under IC 6-1.1-10, the county assessor shall terminate the exemption for that assessment date. However, if the property remains eligible for an exemption under IC 6-1.1-10 following the transfer or change in use, the exemption shall be left in place for that assessment date. For the following assessment date, the person that obtained the exemption or the current owner of the property, as applicable, shall, under section 3 of this chapter and except as provided in this section, file a certified application in duplicate with the county assessor of the county in which the property that is the subject of the exemption is located. In all cases, the person that obtained the exemption or the current owner of the property shall notify the county assessor for the county where the tangible property is located of the change in ownership or use in the year that the change occurs. The notice must be in the form prescribed by the department of local government finance.

(f) If the county assessor discovers that title to or use of property granted an exemption under IC 6-1.1-10 has changed, the county assessor shall notify the persons entitled to a tax statement under IC 6-1.1-22-8.1 for the property of the change in title or use and indicate that the county auditor will suspend the exemption for the property until the persons provide the county assessor with an affidavit, signed under penalties of perjury, that identifies the new owners or use of the property and indicates whether the property continues to meet the requirements for an exemption under IC 6-1.1-10. Upon receipt of the affidavit, the county assessor shall reinstate the exemption under IC 6-1.1-15-12. However, a claim under IC 6-1.1-26-1 for a refund of all or a part of a tax installment paid and any correction of error under IC 6-1.1-15-12 must be filed not later than three (3) years after the taxes are first due.

SECTION 7. IC 6-1.1-12-10.1, AS AMENDED BY P.L.144-2008, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10.1. (a) Except as provided in section 17.8 of this chapter and subject to section 45 of this chapter, an individual who desires to claim the deduction provided by section 9 of this chapter must file a sworn statement, on forms prescribed by the department of local government finance, with the auditor of the county in which the real property, mobile home, or manufactured home is located. With respect to real property, the statement must be ~~filed during the year for which the individual wishes to obtain the deduction.~~ **completed and dated in the calendar year for which the individual wishes to obtain the deduction and filed with the county auditor on or before January 5 of the immediately succeeding calendar year.** With respect to a mobile home that is not assessed as real property or a manufactured home that is not assessed as real property, the statement must be filed during the twelve (12) months before March 31 of each year for which the individual wishes to obtain the deduction. The statement may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing.

(b) The statement referred to in subsection (a) shall be in affidavit form or require verification under penalties of perjury. The statement must be filed in duplicate if the applicant owns, or is buying under a contract, real property, a mobile home, or a manufactured home subject to assessment in more than one (1) county or in more than one (1) taxing district in the same county. The statement shall contain:

(1) the source and exact amount of gross income received by the individual and the individual's spouse during the preceding calendar year;

(2) the description and assessed value of the real property, mobile home, or manufactured home;

(3) the individual's full name and complete residence address;

(4) the record number and page where the contract or memorandum of the contract is recorded if the individual is buying the real property, mobile home, or manufactured home on contract; and

(5) any additional information which the department of local government finance may require.

(c) In order to substantiate the deduction statement, the applicant shall submit for inspection by the county auditor a copy of the applicant's and a copy of the applicant's spouse's income tax returns for the preceding calendar year. If either was not required to file an income tax return, the applicant shall subscribe to that fact in the deduction statement.

SECTION 8. IC 6-1.1-12-12, AS AMENDED BY P.L.1-2009, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) Except as provided in section 17.8 of this chapter and subject to section 45 of this chapter, a person who desires to claim the deduction provided in section 11 of this chapter must file an application, on forms prescribed by the department of local government finance, with the auditor of the county in which the real property, mobile home not assessed as real property, or manufactured home not assessed as real property is located. With respect to real property, the application must be ~~filed~~

~~during the year for which the individual wishes to obtain the deduction.~~ **completed and dated in the calendar year for which the person wishes to obtain the deduction and filed with the county auditor on or before January 5 of the immediately succeeding calendar year.** With respect to a mobile home that is not assessed as real property or a manufactured home that is not assessed as real property, the application must be filed during the twelve (12) months before March 31 of each year for which the individual wishes to obtain the deduction. The application may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing.

(b) Proof of blindness may be supported by:

(1) the records of the division of family resources or the division of disability and rehabilitative services; or

(2) the written statement of a physician who is licensed by this state and skilled in the diseases of the eye or of a licensed optometrist.

(c) The application required by this section must contain the record number and page where the contract or memorandum of the contract is recorded if the individual is buying the real property, mobile home, or manufactured home on a contract that provides that the individual is to pay property taxes on the real property, mobile home, or manufactured home.

SECTION 9. IC 6-1.1-12-15, AS AMENDED BY P.L.293-2013(ts), SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) Except as provided in section 17.8 of this chapter and subject to section 45 of this chapter, an individual who desires to claim the deduction provided by section 13 or 14 of this chapter must file a statement with the auditor of the county in which the individual resides. With respect to real property, the statement must be ~~filed during the year for which the individual wishes to obtain the deduction.~~ **completed and dated in the calendar year for which the individual wishes to obtain the deduction and filed with the county auditor on or before January 5 of the immediately succeeding calendar year.** With respect to a mobile home that is not assessed as real property or a manufactured home that is not assessed as real property, the statement must be filed during the twelve (12) months before March 31 of each year for which the individual wishes to obtain the deduction. The statement may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing. The statement shall contain a sworn declaration that the individual is entitled to the deduction.

(b) In addition to the statement, the individual shall submit to the county auditor for the auditor's inspection:

(1) a pension certificate, an award of compensation, or a disability compensation check issued by the United States Department of Veterans Affairs if the individual claims the deduction provided by section 13 of this chapter;

(2) a pension certificate or an award of compensation issued by the United States Department of Veterans Affairs if the individual claims the deduction provided by section 14 of this chapter; or

(3) the appropriate certificate of eligibility issued to the individual by the Indiana department of veterans' affairs if the individual claims the deduction provided by section 13 or 14 of this chapter.

(c) If the individual claiming the deduction is under guardianship, the guardian shall file the statement required by this section. If a deceased veteran's surviving spouse is claiming the deduction, the surviving spouse shall provide the documentation necessary to establish that at the time of death the deceased veteran satisfied the requirements of section 13(a)(1) through 13(a)(4) of this chapter or section 14(a)(1) through 14(a)(4) of this chapter, whichever applies.

(d) If the individual claiming a deduction under section 13 or 14 of this chapter is buying real property, a mobile home not assessed as real property, or a manufactured home not assessed as real property under a contract that provides that the individual is to pay property taxes for the real estate, mobile home, or manufactured home, the statement required by this section must contain the record number and page where the contract or memorandum of the contract is recorded.

SECTION 10. IC 6-1.1-12-17, AS AMENDED BY P.L.144-2008, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. Except as provided in section 17.8 of this chapter and subject to section 45 of this chapter, a surviving spouse who desires to claim the deduction provided by section 16 of this chapter must file a statement with the auditor of the county in which the surviving spouse resides. With respect to real property, the statement must be ~~filed during the year for which the surviving spouse wishes to obtain the deduction.~~ **completed and dated in the calendar year for which the person wishes to obtain the deduction and filed with the county auditor on or before January 5 of the immediately succeeding calendar year.** With respect to a mobile home that is not assessed as real property or a manufactured home that is not assessed as real property, the statement must be filed during the twelve (12) months before March 31 of each year for which the individual wishes to obtain the deduction. The statement may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing. The statement shall contain:

(1) a sworn statement that the surviving spouse is entitled to the deduction; and

(2) the record number and page where the contract or memorandum of the contract is recorded, if the individual is buying the real property on a contract that provides that the individual is to pay property taxes on the real property.

In addition to the statement, the surviving spouse shall submit to the county auditor for the auditor's inspection a letter or certificate from the United States Department of Veterans Affairs establishing the service of the deceased spouse in the military or naval forces of the United States before November 12, 1918.

SECTION 11. IC 6-1.1-12-17.5, AS AMENDED BY P.L.144-2008, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17.5. (a) Except as provided in section 17.8 of this chapter and subject to section 45 of this chapter, a veteran who desires to claim the deduction provided in section 17.4 of this chapter must file a sworn statement, on forms prescribed by the department of local government finance, with the auditor of the county in which the real property, mobile home, or manufactured home is assessed. With respect to real property, the veteran must ~~file the statement during the year for which the veteran wishes to obtain the deduction.~~ **complete and date the statement in the calendar year for which the veteran wishes to obtain the deduction and file the statement with the county auditor on or before January 5 of the immediately succeeding calendar year.** With respect to a mobile home that is not assessed as real property or a manufactured home that is not assessed as real property, the statement must be filed during the twelve (12) months before March 31 of each year for which the individual wishes to obtain the deduction. The statement may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing.

(b) The statement required under this section shall be in affidavit form or require verification under penalties of perjury. The statement shall be filed in duplicate if the veteran has, or is buying under a contract, real property in more than one (1) county or in more than one (1) taxing district in the same county. The statement shall contain:

(1) a description and the assessed value of the real property, mobile home, or manufactured home;

(2) the veteran's full name and complete residence address;

(3) the record number and page where the contract or

memorandum of the contract is recorded, if the individual is buying the real property, mobile home, or manufactured home on a contract that provides that the individual is to pay property taxes on the real property, mobile home, or manufactured home; and

(4) any additional information which the department of local government finance may require.

SECTION 12. IC 6-1.1-12-27.1, AS AMENDED BY P.L.137-2012, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 27.1. Except as provided in sections 36 and 44 of this chapter and subject to section 45 of this chapter, a person who desires to claim the deduction provided by section 26 or 26.1 of this chapter must file a certified statement in duplicate, on forms prescribed by the department of local government finance, with the auditor of the county in which the real property, mobile home, manufactured home, or solar power device is subject to assessment. With respect to real property or a solar power device that is assessed as distributable property under IC 6-1.1-8 or as personal property, the person must ~~file the statement during the year for which the person desires to obtain the deduction.~~ **complete and date the certified statement in the calendar year for which the person wishes to obtain the deduction and file the certified statement with the county auditor on or before January 5 of the immediately succeeding calendar year.** Except as provided in sections 36 and 44 of this chapter and subject to section 45 of this chapter, with respect to a mobile home which is not assessed as real property, the person must file the statement during the twelve (12) months before March 31 of each year for which the person desires to obtain the deduction. The person must:

(1) own the real property, mobile home, or manufactured home or own the solar power device;

(2) be buying the real property, mobile home, manufactured home, or solar power device under contract; or

(3) be leasing the real property from the real property owner and be subject to assessment and property taxation with respect to the solar power device;

on the date the statement is filed under this section. The statement may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing. On verification of the statement by the assessor of the township in which the real property, mobile home, manufactured home, or solar power device is subject to assessment, or the county assessor if there is no township assessor for the township, the county auditor shall allow the deduction.

SECTION 13. IC 6-1.1-12-30, AS AMENDED BY P.L.1-2009, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 30. Except as provided in sections 36 and 44 of this chapter and subject to section 45 of this chapter, a person who desires to claim the deduction provided by section 29 of this chapter must file a certified statement in duplicate, on forms prescribed by the department of local government finance, with the auditor of the county in which the real property or mobile home is subject to assessment. With respect to real property, the person must ~~file the statement during the year for which the person desires to obtain the deduction.~~ **complete and date the statement in the calendar year for which the person desires to obtain the deduction and file the statement with the county auditor on or before January 5 of the immediately succeeding calendar year.** With respect to a mobile home which is not assessed as real property, the person must file the statement during the twelve (12) months before March 31 of each year for which the person desires to obtain the deduction. The person must:

(1) own the real property, mobile home, or manufactured home; or

(2) be buying the real property, mobile home, or manufactured home under contract;

on the date the statement is filed under this section. On verification of the statement by the assessor of the township in which the real property or mobile home is subject to assessment, or the county assessor if there is no township assessor for the township, the county auditor shall allow the deduction.

SECTION 14. IC 6-1.1-12-35.5, AS AMENDED BY P.L.1-2009, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 35.5. (a) Except as provided in section 36 or 44 of this chapter and subject to section 45 of this chapter, a person who desires to claim the deduction provided by section 31, 33, 34, or 34.5 of this chapter must file a certified statement in duplicate, on forms prescribed by the department of local government finance and proof of certification under subsection (b) or (f) with the auditor of the county in which the property for which the deduction is claimed is subject to assessment. Except as provided in subsection (e), with respect to property that is not assessed under IC 6-1.1-7, the person must ~~file the statement during the year for which the person wishes to obtain the deduction. The person must file the statement in each year for which the person desires to obtain the deduction.~~ **complete and date the certified statement in the calendar year for which the person wishes to obtain the deduction and file the certified statement with the county auditor on or before January 5 of the immediately succeeding calendar year.** With respect to a property which is assessed under IC 6-1.1-7, the person must file the statement during the twelve (12) months before March 31 of each year for which the person desires to obtain the deduction. The statement may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing. On verification of the statement by the assessor of the township in which the property for which the deduction is claimed is subject to assessment, or the county assessor if there is no township assessor for the township, the county auditor shall allow the deduction.

(b) This subsection does not apply to an application for a deduction under section 34.5 of this chapter. The department of environmental management, upon application by a property owner, shall determine whether a system or device qualifies for a deduction provided by section 31, 33, or 34 of this chapter. If the department determines that a system or device qualifies for a deduction, it shall certify the system or device and provide proof of the certification to the property owner. The department shall prescribe the form and manner of the certification process required by this subsection.

(c) This subsection does not apply to an application for a deduction under section 34.5 of this chapter. If the department of environmental management receives an application for certification, the department shall determine whether the system or device qualifies for a deduction. If the department fails to make a determination under this subsection before December 31 of the year in which the application is received, the system or device is considered certified.

(d) A denial of a deduction claimed under section 31, 33, 34, or 34.5 of this chapter may be appealed as provided in IC 6-1.1-15. The appeal is limited to a review of a determination made by the township assessor county property tax assessment board of appeals, or department of local government finance.

(e) A person who timely files a personal property return under IC 6-1.1-3-7(a) for an assessment year and who desires to claim the deduction provided in section 31 of this chapter for property that is not assessed under IC 6-1.1-7 must file the statement described in subsection (a) during the year in which the personal property return is filed.

(f) This subsection applies only to an application for a deduction under section 34.5 of this chapter. The center for coal technology research established by IC 21-47-4-1, upon receiving an application from the owner of a building, shall determine whether the building qualifies for a deduction under section 34.5 of this chapter. If the center determines that a

building qualifies for a deduction, the center shall certify the building and provide proof of the certification to the owner of the building. The center shall prescribe the form and procedure for certification of buildings under this subsection. If the center receives an application for certification of a building under section 34.5 of this chapter:

(1) the center shall determine whether the building qualifies for a deduction; and

(2) if the center fails to make a determination before December 31 of the year in which the application is received, the building is considered certified.

SECTION 15. IC 6-1.1-12-38, AS AMENDED BY P.L.1-2009, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 38. (a) A person is entitled to a deduction from the assessed value of the person's property in an amount equal to the difference between:

(1) the assessed value of the person's property, including the assessed value of the improvements made to comply with the fertilizer storage rules adopted by the state chemist under IC 15-16-2-44 and the pesticide storage rules adopted by the state chemist under IC 15-16-4-52; minus

(2) the assessed value of the person's property, excluding the assessed value of the improvements made to comply with the fertilizer storage rules adopted by the state chemist under IC 15-16-2-44 and the pesticide storage rules adopted by the state chemist under IC 15-16-4-52.

(b) To obtain the deduction under this section, a person must file a certified statement in duplicate, on forms prescribed by the department of local government finance, with the auditor of the county in which the property is subject to assessment. In addition to the certified statement, the person must file a certification by the state chemist listing the improvements that were made to comply with the fertilizer storage rules adopted under IC 15-16-2-44 and the pesticide storage rules adopted by the state chemist under IC 15-16-4-52. Subject to section 45 of this chapter, the statement ~~and certification must be filed during the year preceding the year the deduction will first be applied.~~ **must be completed and dated in the calendar year for which the person wishes to obtain the deduction, and the statement and certification must be filed with the county auditor on or before January 5 of the immediately succeeding calendar year.** Upon the verification of the statement and certification by the assessor of the township in which the property is subject to assessment, or the county assessor if there is no township assessor for the township, the county auditor shall allow the deduction.

(c) The deduction provided by this section applies only if the person:

(1) owns the property; or

(2) is buying the property under contract;

on the assessment date for which the deduction applies.

SECTION 16. IC 6-1.1-12-45, AS ADDED BY P.L.144-2008, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 45. (a) Subject to subsections (b) and (c), a deduction under this chapter applies for an assessment date and for the property taxes due and payable based on the assessment for that assessment date, regardless of whether with respect to the real property or mobile home or manufactured home not assessed as real property:

(1) the title is conveyed one (1) or more times; or

(2) one (1) or more contracts to purchase are entered into;

after that assessment date and on or before the next succeeding assessment date.

(b) Subsection (a) applies

~~(1) only if the title holder or the contract buyer on that next succeeding assessment date is eligible for the deduction for that next succeeding assessment date; and~~

~~(2)~~ regardless of whether:

~~(A)~~ **(1)** one (1) or more grantees of title under subsection (a)(1); or

~~(B)~~ **(2)** one (1) or more contract purchasers under subsection (a)(2);

~~files~~ **file** a statement under this chapter to claim the deduction.

(c) A deduction applies under subsection (a) for only one (1) year. The requirements of this chapter for filing a statement to apply for a deduction under this chapter apply to subsequent years.

(d) If:

(1) a statement is filed under this chapter ~~in~~ **on or before January 5 of** a calendar year to claim a deduction under this chapter with respect to real property; and

(2) the eligibility criteria for the deduction are met;

the deduction applies for the assessment date in ~~that~~ **the preceding** calendar year and for the property taxes due and payable based on the assessment for that assessment date.

(e) If:

(1) a statement is filed under this chapter in a twelve (12) month filing period designated under this chapter to claim a deduction under this chapter with respect to a mobile home or a manufactured home not assessed as real property; and

(2) the eligibility criteria for the deduction are met;

the deduction applies for the assessment date in that twelve (12) month period and for the property taxes due and payable based on the assessment for that assessment date.

SECTION 17. IC 6-1.1-12.6-3, AS ADDED BY P.L.70-2008, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) A property owner that qualifies for the deduction under this chapter **and that desires to receive the deduction** must ~~file a statement containing the information required by subsection (b) with the county auditor to claim the deduction for each assessment date for which the property owner wishes to receive the deduction~~ **complete and date a statement containing the information required by subsection (b) in the calendar year for which the person desires to obtain the deduction and file the statement with the county auditor on or before January 5 of the immediately succeeding calendar year,** in the manner prescribed in rules adopted under section 9 of this chapter. The township assessor shall verify each statement filed under this section, and the county auditor shall:

(1) make the deductions; and

(2) notify the county property tax assessment board of appeals of all deductions approved;

under this section.

(b) The statement referred to in subsection (a) must be verified under penalties for perjury and must contain the following information:

(1) The assessed value of the real property for which the person is claiming the deduction.

(2) The full name and complete business address of the person claiming the deduction.

(3) The complete address and a brief description of the real property for which the person is claiming the deduction.

(4) The name of any other county in which the person has applied for a deduction under this chapter for that assessment date.

(5) The complete address and a brief description of any other real property for which the person has applied for a deduction under this chapter for that assessment date.

SECTION 18. IC 6-1.1-12.8-4, AS ADDED BY P.L.175-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) A property owner that qualifies for the deduction under this chapter **and that desires to receive the deduction** must ~~file a statement containing the information required by subsection (b) with the county auditor to claim the deduction for each~~

~~assessment date for which the property owner wishes to receive the deduction~~ **complete and date a statement containing the information required by subsection (b) in the calendar year for which the person desires to obtain the deduction and file the statement with the county auditor on or before January 5 of the immediately succeeding calendar year,** in the manner prescribed in rules adopted under section 8 of this chapter. The township assessor, or the county assessor if there is no township assessor for the township, shall verify each statement filed under this section, and the county auditor shall:

(1) make the deductions; and

(2) notify the county property tax assessment board of appeals of all deductions approved;

under this section.

(b) The statement referred to in subsection (a) must be verified under penalties for perjury and must contain the following information:

(1) The assessed value of the real property for which the person is claiming the deduction.

(2) The full name and complete business address of the person claiming the deduction.

(3) The complete address and a brief description of the real property for which the person is claiming the deduction.

(4) The name of any other county in which the person has applied for a deduction under this chapter for that assessment date.

(5) The complete address and a brief description of any other real property for which the person has applied for a deduction under this chapter for that assessment date.

(6) An affirmation by the owner that the owner is receiving not more than three (3) deductions under this chapter, including the deduction being applied for by the owner, either:

(A) as the owner of the residence in inventory; or

(B) as an owner that is part of an affiliated group.

(7) An affirmation that the real property has not been leased and will not be leased for any purpose during the term of the deduction.

SECTION 19. IC 6-1.1-15-12, AS AMENDED BY P.L.172-2011, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) Subject to the limitations contained in subsections (c), ~~and~~ (d), **and (i),** a county auditor shall correct errors which are discovered in the tax duplicate for any one (1) or more of the following reasons:

(1) The description of the real property was in error.

(2) The assessment was against the wrong person.

(3) Taxes on the same property were charged more than one (1) time in the same year.

(4) There was a mathematical error in computing the taxes or penalties on the taxes.

(5) There was an error in carrying delinquent taxes forward from one (1) tax duplicate to another.

(6) The taxes, as a matter of law, were illegal.

(7) There was a mathematical error in computing an assessment.

(8) Through an error of omission by any state or county officer, the taxpayer was not given:

(A) the proper credit under IC 6-1.1-20.6-7.5 for property taxes imposed for an assessment date after January 15, 2011;

(B) any other credit permitted by law;

(C) an exemption permitted by law; or

(D) a deduction permitted by law.

(b) **Subject to subsection (i),** the county auditor shall correct an error described under subsection (a)(1), (a)(2), (a)(3), (a)(4), or (a)(5) when the county auditor finds that the error exists.

(c) If the tax is based on an assessment made or determined by the department of local government finance, the county auditor shall not correct an error described under subsection (a)(6), (a)(7), or (a)(8) until after the correction is either approved by the department of local government finance or ordered by the tax court.

(d) If the tax is not based on an assessment made or determined by the department of local government finance, the county auditor shall correct an error described under subsection (a)(6), (a)(7), or (a)(8) only if the correction is first approved by at least two (2) of the following officials:

(1) The township assessor (if any).

(2) The county auditor.

(3) The county assessor.

If two (2) of these officials do not approve such a correction, the county auditor shall refer the matter to the county board for determination. The county board shall provide a copy of the determination to the taxpayer and to the county auditor.

(e) A taxpayer may appeal a determination of the county board to the Indiana board for a final administrative determination. An appeal under this section shall be conducted in the same manner as appeals under sections 4 through 8 of this chapter. The Indiana board shall send the final administrative determination to the taxpayer, the county auditor, the county assessor, and the township assessor (if any).

(f) If a correction or change is made in the tax duplicate after it is delivered to the county treasurer, the county auditor shall transmit a certificate of correction to the county treasurer. The county treasurer shall keep the certificate as the voucher for settlement with the county auditor.

(g) A taxpayer that files a personal property tax return under IC 6-1.1-3 may not petition under this section for the correction of an error made by the taxpayer on the taxpayer's personal property tax return. If the taxpayer wishes to correct an error made by the taxpayer on the taxpayer's personal property tax return, the taxpayer must instead file an amended personal property tax return under IC 6-1.1-3-7.5.

(h) A taxpayer that files a statement under IC 6-1.1-8-19 may not petition under this section for the correction of an error made by the taxpayer on the taxpayer's statement. If the taxpayer wishes to correct an error made by the taxpayer on the taxpayer's statement, the taxpayer must instead initiate an objection under IC 6-1.1-8-28 or an appeal under IC 6-1.1-8-30.

(i) A taxpayer is not entitled to relief under this section unless the taxpayer files a petition to correct an error:

(1) with the auditor of the county in which the taxes were originally paid; and

(2) within three (3) years after the taxes were first due.

SECTION 20. IC 6-1.1-17-3, AS AMENDED BY P.L.137-2012, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) The proper officers of a political subdivision shall formulate its estimated budget and its proposed tax rate and tax levy on the form prescribed by the department of local government finance and approved by the state board of accounts. The political subdivision or appropriate fiscal body, if the political subdivision is subject to section 20 of this chapter, shall **(before January 1, 2015) at least ten (10) days before the public hearing,** give notice ~~by publication~~ to taxpayers of:

(1) the estimated budget;

(2) the estimated maximum permissible levy;

(3) the current and proposed tax levies of each fund; and

(4) the amounts of excessive levy appeals to be requested.

The political subdivision or appropriate fiscal body shall also state the time and place at which the political subdivision or appropriate fiscal body will hold a public hearing on these items. The political subdivision or appropriate fiscal body shall **(before January 1, 2015)** publish the notice twice in accordance with IC 5-3-1 with the first publication at least ten (10) days before the date fixed for the public hearing. The first publication must be before September 14, and the second publication must be before September 21 of the year. The

political subdivision shall pay for the publishing of the notice. **The political subdivision shall submit this information to the department's computer gateway before September 14 of each year and at least ten (10) days before the public hearing required by this subsection in the manner prescribed by the department. The department shall make this information available to taxpayers, at least ten (10) days before the public hearing, through its computer gateway and provide a telephone number through which taxpayers may request mailed copies of a political subdivision's information under this subsection. The department's computer gateway must allow a taxpayer to search for the information under this subsection by the taxpayer's address. The department shall review only the submission to the department's computer gateway for compliance with this section.**

(b) For taxes due and payable in 2015 and 2016, each county shall publish a notice in accordance with IC 5-3-1 in two (2) newspapers published in the county stating the Internet address at which the information under subsection (a) is available and the telephone number through which taxpayers may request copies of a political subdivision's information under subsection (a). If only one (1) newspaper is published in the county, publication in that newspaper is sufficient. The department of local government finance shall prescribe the notice. Notice under this subsection shall be published before September 14. Counties may seek reimbursement from the political subdivisions within their legal boundaries for the cost of the notice required under this subsection. The actions under this subsection shall be completed in the manner prescribed by the department.

~~(b)~~ **(c)** The board of directors of a solid waste management district established under IC 13-21 or IC 13-9.5-2 (before its repeal) may conduct the public hearing required under subsection (a):

(1) in any county of the solid waste management district; and

(2) in accordance with the annual notice of meetings published under IC 13-21-5-2.

~~(c)~~ **(d)** The trustee of each township in the county shall estimate the amount necessary to meet the cost of township assistance in the township for the ensuing calendar year. The township board shall adopt with the township budget a tax rate sufficient to meet the estimated cost of township assistance. The taxes collected as a result of the tax rate adopted under this subsection are credited to the township assistance fund.

(e) A political subdivision for which any of the information under subsection (a) is not (before January 1, 2015) published and is not submitted to the department's computer gateway in the manner prescribed by the department shall have its most recent annual appropriations and annual tax levy continued for the ensuing budget year.

(f) If a political subdivision or appropriate fiscal body timely publishes (before January 1, 2015) and timely submits the information under subsection (a) but subsequently discovers the information contains a typographical error, the political subdivision or appropriate fiscal body may request permission from the department to submit amended information to the department's computer gateway and (before January 1, 2015) to publish the amended information. However, such a request must occur not later than seven (7) days before the public hearing held under subsection (a). Acknowledgment of the correction of an error shall be posted on the department's computer gateway and communicated by the political subdivision or appropriate fiscal body to the fiscal body of the county in which the political subdivision and appropriate fiscal body are located.

SECTION 21. IC 6-1.1-17-16, AS AMENDED BY P.L.218-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 16. (a) Subject to the limitations and requirements prescribed in this section, the department of local government finance may revise, reduce, or increase a political subdivision's budget by fund, tax rate, or tax levy which the department reviews under section 8 or 10 of this chapter.

(b) Subject to the limitations and requirements prescribed in this section, the department of local government finance may review, revise, reduce, or increase the budget by fund, tax rate, or tax levy of any of the political subdivisions whose tax rates compose the aggregate tax rate within a political subdivision whose budget, tax rate, or tax levy is the subject of an appeal initiated under this chapter.

(c) Except as provided in section 16.1 of this chapter, the department of local government finance is not required to hold a public hearing before the department of local government finance reviews, revises, reduces, or increases a political subdivision's budget by fund, tax rate, or tax levy under this section.

(d) Except as provided in subsection (i), IC 20-46, or IC 6-1.1-18.5, the department of local government finance may not increase a political subdivision's budget by fund, tax rate, or tax levy to an amount which exceeds the amount originally fixed by the political subdivision. However, if the department of local government finance determines that IC 5-3-1-2.3(b) **(before its expiration)** applies to the tax rate, tax levy, or budget of the political subdivision, the maximum amount by which the department may increase the tax rate, tax levy, or budget is the amount originally fixed by the political subdivision, and not the amount that was incorrectly published or omitted in the notice described in IC 5-3-1-2.3(b) **(before its expiration).** The department of local government finance shall give the political subdivision notification electronically in the manner prescribed by the department of local government finance specifying any revision, reduction, or increase the department proposes in a political subdivision's tax levy or tax rate. The political subdivision has ten (10) calendar days from the date the political subdivision receives the notice to provide a response electronically in the manner prescribed by the department of local government finance. The response may include budget reductions, reallocation of levies, a revision in the amount of miscellaneous revenues, and further review of any other item about which, in the view of the political subdivision, the department is in error. The department of local government finance shall consider the adjustments as specified in the political subdivision's response if the response is provided as required by this subsection and shall deliver a final decision to the political subdivision.

(e) The department of local government finance may not approve a levy for lease payments by a city, town, county, library, or school corporation if the lease payments are payable to a building corporation for use by the building corporation for debt service on bonds and if:

(1) no bonds of the building corporation are outstanding; or

(2) the building corporation has enough legally available funds on hand to redeem all outstanding bonds payable from the particular lease rental levy requested.

(f) The department of local government finance shall certify its action to:

(1) the county auditor;

(2) the political subdivision if the department acts pursuant to an appeal initiated by the political subdivision;

(3) the taxpayer that initiated an appeal under section 13 of this chapter, or, if the appeal was initiated by multiple taxpayers, the first ten (10) taxpayers whose names appear on the statement filed to initiate the appeal; and

(4) a taxpayer that owns property that represents at least ten percent (10%) of the taxable assessed valuation in the political subdivision.

(g) The following may petition for judicial review of the final

determination of the department of local government finance under subsection (f):

(1) If the department acts under an appeal initiated by a political subdivision, the political subdivision.

(2) If the department:

(A) acts under an appeal initiated by one (1) or more taxpayers under section 13 of this chapter; or

(B) fails to act on the appeal before the department certifies its action under subsection (f);

a taxpayer who signed the statement filed to initiate the appeal.

(3) If the department acts under an appeal initiated by the county auditor under section 14 of this chapter, the county auditor.

(4) A taxpayer that owns property that represents at least ten percent (10%) of the taxable assessed valuation in the political subdivision.

The petition must be filed in the tax court not more than forty-five (45) days after the department certifies its action under subsection (f).

(h) The department of local government finance is expressly directed to complete the duties assigned to it under this section not later than February 15 of each year for taxes to be collected during that year.

(i) Subject to the provisions of all applicable statutes, the department of local government finance ~~may~~ **shall, unless the department finds extenuating circumstances,** increase a political subdivision's tax levy to an amount that exceeds the amount originally ~~fixed~~ **advertised or adopted** by the political subdivision if:

(1) the increase is ~~(1)~~ requested in writing by the officers of the political subdivision;

(2) ~~either:~~ **the requested increase is published on the department's advertising Internet web site and (before January 1, 2015) is published by the political subdivision according to a notice provided by the department; and**

~~(A) based on information first obtained by the political subdivision after the public hearing under section 3 of this chapter; or~~

~~(B) results from an inadvertent mathematical error made in determining the levy; and~~

(3) ~~published by the political subdivision according to a notice provided by the department.~~ **notice is given to the county fiscal body of the error and the department's correction.**

If the department increases a levy beyond what was advertised or adopted under this subsection, it shall, unless the department finds extenuating circumstances, reduce the certified levy affected below the maximum allowable levy by the lesser of five percent (5%) of the difference between the advertised or adopted levy and the increased levy, or one hundred thousand dollars ($100,000).

(j) The department of local government finance shall annually review the budget by fund of each school corporation not later than April 1. The department of local government finance shall give the school corporation written notification specifying any revision, reduction, or increase the department proposes in the school corporation's budget by fund. A public hearing is not required in connection with this review of the budget.

SECTION 22. IC 6-1.1-18-22 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 22. (a) As used in this section, "qualified taxing unit" refers to the following taxing units:**

(1) DeKalb County.

(2) The town of Middlebury in Elkhart County.

(3) The town of Lewisville in Henry County.

(4) The town of Mooreland in Henry County.

(b) Before July 1, 2014, the department shall calculate and certify to the fiscal body of a qualified taxing unit the result of:

(1) the amount of the property tax levy that could have been imposed for property taxes first due and payable in 2014, if the budgets and levies of the qualified taxing unit had been properly advertised; minus

(2) the amount of the property tax levy approved by the department under IC 6-1.1-17 for property taxes first due and payable in calendar year 2014, after reducing the qualified taxing unit's budget and property tax levy because the qualified taxing unit's budget and property tax levy information were not properly advertised.

(c) After receiving the certifications required under subsection (b), the fiscal body of a qualified taxing unit may adopt an ordinance authorizing the qualified taxing unit to borrow money to replace part or all of the amount certified under subsection (b).

(d) If a qualified taxing unit receives a loan under this section, the fiscal officer of the qualified taxing unit shall deposit the loan in each fund affected by the reduction of the qualified taxing unit's budget and property tax levy. The amount deposited may be used for any of the lawful purposes of that fund.

(e) If a qualified taxing unit borrows money under subsection (c), the qualified taxing unit shall impose a property tax levy in calendar year 2015 for the qualified taxing unit's debt service fund to repay the total amount borrowed. The property tax levy under this subsection must be treated as:

(1) protected taxes (as defined in IC 6-1.1-20.6-9.8); and

(2) property taxes that are exempt from the levy limitations of IC 6-1.1-18.5.

(f) This section expires June 30, 2016.

SECTION 23. IC 6-1.1-18.5-8, AS AMENDED BY P.L.218-2013, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) The ad valorem property tax levy limits imposed by section 3 of this chapter do not apply to ad valorem property taxes imposed by a civil taxing unit if the civil taxing unit is committed to levy the taxes to pay or fund either:

(1) bonded indebtedness; or

(2) lease rentals under a lease with an original term of at least five (5) years.

~~However, this section does not apply to ad valorem property taxes imposed by a township to repay money borrowed under IC 36-6-6-14.~~

(b) Except as provided by subsections (g) and (h), a civil taxing unit must file a petition requesting approval from the department of local government finance to incur bonded indebtedness or execute a lease with an original term of at least five (5) years not later than twenty-four (24) months after the first date of publication of notice of a preliminary determination under IC 6-1.1-20-3.1(2) (as in effect before July 1, 2008), unless the civil taxing unit demonstrates that a longer period is reasonable in light of the civil taxing unit's facts and circumstances. A civil taxing unit must obtain approval from the department of local government finance before the civil taxing unit may:

(1) incur the bonded indebtedness; or

(2) enter into the lease.

(c) The department of local government finance shall render a decision within three (3) months after the date it receives a request for approval under subsection (b). However, the department of local government finance may extend this three (3) month period by an additional three (3) months if, at least ten (10) days before the end of the original three (3) month period, the department sends notice of the extension to the

executive officer of the civil taxing unit. A civil taxing unit may petition for judicial review of the final determination of the department of local government finance under this section. The petition must be filed in the tax court not more than forty-five (45) days after the department enters its order under this section.

(d) A civil taxing unit does not need approval under subsection (b) to obtain temporary loans made in anticipation of and to be paid from current revenues of the civil taxing unit actually levied and in the course of collection for the fiscal year in which the loans are made.

(e) For purposes of computing the ad valorem property tax levy limits imposed on a civil taxing unit by section 3 of this chapter, the civil taxing unit's ad valorem property tax levy for a calendar year does not include that part of its levy that is committed to fund or pay bond indebtedness or lease rentals with an original term of five (5) years in subsection (a).

(f) A taxpayer may petition for judicial review of the final determination of the department of local government finance under this section. The petition must be filed in the tax court not more than thirty (30) days after the department enters its order under this section.

(g) This subsection applies only to bonds, leases, and other obligations for which a civil taxing unit:

(1) after June 30, 2008, makes a preliminary determination as described in IC 6-1.1-20-3.1 or IC 6-1.1-20-3.5 or a decision as described in IC 6-1.1-20-5; or

(2) in the case of bonds, leases, or other obligations payable from ad valorem property taxes but not described in subdivision (1), adopts a resolution or ordinance authorizing the bonds, lease rental agreement, or other obligations after June 30, 2008.

Notwithstanding any other provision, review by the department of local government finance and approval by the department of local government finance is not required before a civil taxing unit may issue or enter into bonds, a lease, or any other obligation.

(h) This subsection applies after June 30, 2008. Notwithstanding any other provision, review by the department of local government finance and approval by the department of local government finance is not required before a civil taxing unit may construct, alter, or repair a capital project.

SECTION 24. IC 36-1-8-17.5, AS ADDED BY P.L.205-2013, SECTION 345, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 17.5. ~~(a) As used in this section, "OPEB" means a post-employment benefit that is considered to be an "other post employment benefit" under the standards of the Governmental Accounting Standards Board.~~

~~(b) Each political subdivision must, before February 1 of each year, report to the department of local government finance the political subdivision's:~~

~~(1) OPEB liability;~~

~~(2) unfunded OPEB liability;~~

~~(3) OPEB assets;~~

~~(4) OPEB contributions; and~~

~~(5) OPEB expenses and expenditures;~~

~~for the preceding year.~~

~~(c)~~ A political subdivision must report, ~~the information required by subsection (b)~~ in the manner specified by the department of local government finance, **information and data on its retiree benefits and expenditures by March 1 of each year.**

SECTION 25. IC 36-4-7-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. Before the publication **(before January 1, 2015) and before the submission** of notice of budget estimates required by IC 6-1.1-17-3, each city shall formulate a budget estimate for the ensuing budget year in the following manner:

(1) Each department head shall prepare for ~~his~~ **the department head's** department an estimate of the amount of money required for the ensuing budget year, stating in detail each category and item of expenditure ~~he~~ **the department head** anticipates.

(2) The city fiscal officer shall prepare an itemized estimate of revenues available for the ensuing budget year, and shall prepare an itemized estimate of expenditures for other purposes above the money proposed to be used by the departments.

(3) The city executive shall meet with the department heads and the fiscal officer to review and revise their various estimates.

(4) After the executive's review and revision, the fiscal officer shall prepare for the executive a report of the estimated department budgets, miscellaneous expenses, and revenues necessary or available to finance the estimates.

SECTION 26. IC 36-5-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. Before the publication **(before January 1, 2015) and before the submission** of notice of budget estimates required by IC 6-1.1-17-3, each town shall formulate a budget estimate for the ensuing budget year in the following manner, unless it provides by ordinance for a different manner:

(1) Each department head shall prepare for ~~his~~ **the department head's** department an estimate of the amount of money required for the ensuing budget year, stating in detail each category and item of expenditure ~~he~~ **the department head** anticipates.

(2) The town fiscal officer shall prepare an itemized estimate of revenues available for the ensuing budget year, and shall prepare an itemized estimate of expenditures for other purposes above the money proposed to be used by the departments.

(3) The town executive shall meet with the department heads and the fiscal officer to review and revise their various estimates.

(4) After the executive's review and revision, the fiscal officer shall prepare for the executive a report of the estimated department budgets, miscellaneous expenses, and revenues necessary or available to finance the estimates.

SECTION 27. IC 36-8-19-8, AS AMENDED BY P.L.182-2009(ss), SECTION 443, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) Upon the adoption of identical ordinances or resolutions, or both, by the participating units under section 6 of this chapter, the designated provider unit must establish a fire protection territory fund from which all expenses of operating and maintaining the fire protection services within the territory, including repairs, fees, salaries, depreciation on all depreciable assets, rents, supplies, contingencies, and all other expenses lawfully incurred within the territory shall be paid. The purposes described in this subsection are the sole purposes of the fund, and money in the fund may not be used for any other expenses. Except as allowed in subsections (d) and (e) and section 8.5 of this chapter, the provider unit is not authorized to transfer money out of the fund at any time.

(b) The fund consists of the following:

(1) All receipts from the tax imposed under this section.

(2) Any money transferred to the fund by the provider unit as authorized under subsection (d).

(3) Any receipts from a false alarm fee or service charge imposed by the participating units under IC 36-8-13-4.

(4) Any money transferred to the fund by a participating unit under section 8.6 of this chapter.

(c) The provider unit, with the assistance of each of the other participating units, shall annually budget the necessary money to meet the expenses of operation and maintenance of the fire protection services within the territory. ~~plus~~ **The provider unit may maintain** a reasonable ~~operating~~ balance, not to exceed

one hundred twenty percent ~~(20%)~~ **(120%)** of the budgeted expenses. Except as provided in IC 6-1.1-18.5-10.5, after estimating expenses and receipts of money, the provider unit shall establish the tax levy required to fund the estimated budget. The amount budgeted under this subsection shall be considered a part of each of the participating unit's budget.

(d) If the amount levied in a particular year is insufficient to cover the costs incurred in providing fire protection services within the territory, the provider unit may transfer from available sources to the fire protection territory fund the money needed to cover those costs. In this case:

(1) the levy in the following year shall be increased by the amount required to be transferred; and

(2) the provider unit is entitled to transfer the amount described in subdivision (1) from the fund as reimbursement to the provider unit.

(e) If the amount levied in a particular year exceeds the amount necessary to cover the costs incurred in providing fire protection services within the territory, the levy in the following year shall be reduced by the amount of surplus money that is not transferred to the equipment replacement fund established under section 8.5 of this chapter. The amount that may be transferred to the equipment replacement fund may not exceed five percent (5%) of the levy for that fund for that year. Each participating unit must agree to the amount to be transferred by adopting an ordinance (if the unit is a county or municipality) or a resolution (if the unit is a township) that specifies an identical amount to be transferred.

(f) The tax under this section is subject to the tax levy limitations imposed under IC 6-1.1-18.5-10.5.

SECTION 28. [EFFECTIVE UPON PASSAGE] **(a) IC 6-1.1-12-10.1, IC 6-1.1-12-12, IC 6-1.1-12-15, IC 6-1.1-12-17, IC 6-1.1-12-17.5, IC 6-1.1-12-27.1, IC 6-1.1-12-30, IC 6-1.1-12-35.5, IC 6-1.1-12-38, IC 6-1.1-12-45, IC 6-1.1-12.6-3, and IC 6-1.1-12.8-4, all as amended by this act, apply to deductions claimed for assessment dates after February 28, 2014.**

(b) This SECTION expires July 1, 2018.

SECTION 29. **An emergency is declared for this act**

(Reference is to EHB 1266 as reprinted March 4, 2014.)

LEONARD	HERSHMAN
PRYOR	BRODEN
House Conferees	Senate Conferees

Roll Call 467: yeas 97, nays 0. Report adopted.

Representative Beumer is excused.

CONFERENCE COMMITTEE REPORT
ESB 4–1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 4 respectfully reports that said two committees have conferred and agreed as follows to wit:

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

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 14-22-11-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) As used in this section, "farmland" means agricultural land that is:

(1) devoted or best adaptable for the production of crops, fruits, timber, and the raising of livestock; or

(2) assessed as agricultural land for property tax purposes.

(b) An individual may not take or chase, with or without dogs, a wild animal without having a license, except as follows:

(1) An individual who is a resident or nonresident of Indiana while participating in a field trial that has been sanctioned by the director is not required to possess a license while participating in the trial.

(2) Subject to subsection (d), an owner of farmland located in Indiana who is a resident or nonresident of Indiana and the spouse and children living with the owner may hunt, fish, and trap without a license on the land that the owner owns.

(3) A lessee of farmland who farms that land and is a resident of Indiana and the spouse and children living with the lessee may hunt, fish, and trap without a license on the leased land. This subdivision does not apply to land that is:

(A) owned, leased, or controlled by; and

(B) leased from;

the department.

(4) An individual who:

(A) is less than thirteen (13) years of age;

(B) does not possess a bow or firearm; and

(C) is accompanying an individual who:

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

(ii) holds a valid license;

may chase a wild animal without having a license.

(5) The manager of a public use airport (as defined by 49 U.S.C. 47102(22)), or the manager's designee, may chase or take, except by trapping, at any time, without a license, a white-tailed deer, coyote, wild turkey, or migratory bird that poses a threat to aircraft within the airport operations area.

(c) The exceptions provided in this section do not apply to a commercial license issued under this article.

(d) The right of a nonresident who owns farmland in Indiana (and of the spouse and children who reside with the nonresident) to hunt, fish, and trap on the farmland without a license under subsection (b)(2) is subject to the following conditions:

(1) The nonresident may hunt, fish, and trap on the farmland without a license only if the state in which the nonresident resides allows residents of Indiana who own land in that state to hunt, fish, and trap on their land without a license.

(2) While hunting, fishing, or trapping on the farmland, the nonresident must keep proof that the nonresident owns the farmland (for example, a tax receipt identifying the nonresident as owner) in a place where the proof is readily accessible by the nonresident.

(e) The manager of a public use airport (as defined by 49 U.S.C. 47102(22)), or the manager's designee, shall report annually to the department the following:

(1) The number of animals killed under subsection (b)(5) by species.

(2) The date the animal was taken.

(3) The name and address of the person who took the animal, other than a migratory bird.

(4) The disposition of the animal.

(5) The name and address of the person to whom the animal was given as a gift or donated (if applicable).

A copy of the report must be kept at the public use airport (as defined by 49 U.S.C. 47102(22)) and be available upon request to an employee of the department. White-tailed deer and wild turkeys must be tagged or accompanied by a piece of paper that includes the name and address of the person who took the deer or wild turkey, the date the deer or wild turkey was taken, and the location where the deer or wild turkey was taken before processing of the deer or wild turkey begins. However, it is not a violation of this subsection if the manager of a public use airport (as defined by 49 U.S.C. 47102(22)), or the manager's designee, fails to submit an annual report under this subsection, as long as the manager of a public use airport (as defined by 49 U.S.C. 47102(22)), or the manager's designee, provides the relevant information requested by the department not later than

fourteen (14) calendar days after receiving a request from the department. If the manager of a public use airport (as defined by 49 U.S.C. 47102(22)) or the manager's designee does not provide the information requested by the department within the required fourteen (14) day period, the manager of the public use airport (as defined by 49 U.S.C. 47102(22)) and any designee of the manager are required to obtain a permit from the department to chase or take a wild animal during the following calendar year.

(Reference is to ESB 4 as reprinted February 28, 2014.)

STEELE	FRYE
HUME	KERSEY
Senate Conferees	House Conferees

Roll Call 468: yeas 95, nays 0. Report adopted.

Representative Beumer, who had been excused is now present.

CONFERENCE COMMITTEE REPORT
ESB 44–1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 44 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. [EFFECTIVE UPON PASSAGE] **(a) As used in this SECTION, "state department" refers to the state department of health.**

(b) The state department and the office of the secretary of family and social services shall establish a work group to study the following:

(1) Patient and legal consent for the sharing of information.

(2) Public health integration into the health care sector.

(3) Patient and caregiver access to health data.

(4) Health care provider use of health information technology.

(5) Uniform access to electronic health data by health providers in Indiana.

(6) The sharing of health data between the state department and office of the secretary, and opportunities to improve sharing and collaboration.

(7) Potential opportunities to use health data to improve health and to make the delivery of health services, including within the Medicaid program, more efficient and cost effective.

(8) Potential opportunities to facilitate and encourage entrepreneurial uses of health data.

(9) Potential need for legislation to implement any recommendations determined under subdivisions (1) through (3).

(10) Any other health data issues the state department and the office of the secretary determine would improve the provision of health care in Indiana.

(c) Before August 1, 2014, the state department shall report to the legislative council in writing in an electronic format under IC 5-14-6 with the findings of the work group described in this SECTION. The findings must include the cost for any recommendation.

(d) This SECTION expires December 31, 2014.

SECTION 2. **An emergency is declared for this act.**

(Reference is to ESB 44 as printed February 24, 2014.)

PAT MILLER	CLERE
BREAUX	BARTLETT
Senate Conferees	House Conferees

Roll Call 469: yeas 96, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT
ESB 106–1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 106 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 4-9.1-1-7, AS AMENDED BY P.L.205-2013, SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) The board may transfer money between state funds, and the board may transfer money between appropriations for any board, department, commission, office, or benevolent or penal institution of the state. After the transfer is made, the money of the fund or appropriation transferred is not available to the fund or the board, department, commission, office, or benevolent or penal institution from which it was transferred.

(b) In addition to a transfer under subsection (a), the board may transfer money from an appropriation for any board, department, commission, office, or benevolent or penal institution of the state to the Indiana economic development corporation.

(c) An order by the board to make a transfer under this section is sufficient authority for the making of appropriate entries showing the transfer on the books of the auditor of state and treasurer of state.

(d) The authority given the board under this section to make transfers does not apply to trust funds. For the purposes of this section, "trust fund" means a fund which by the constitution or by statute has been designated as a trust fund or a fund which has been determined by the board to be a trust fund.

(e) Whenever the board takes action to transfer money out of a dedicated fund that is attributable to fees credited to the fund, the budget agency shall notify the budget committee within thirty (30) days and state the reason for the transfer.

(f) Within thirty (30) days after approving a transfer, the board shall post on the Indiana transparency Internet web site:

(1) a narrative description of each approved transfer under this section; and

(2) the reason for the transfer.

SECTION 2. IC 5-14-3.7-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2.5. As used in this chapter, "school corporation" has the meaning set forth in IC 36-1-2-17.**

SECTION 3. IC 5-14-3.7-3, AS ADDED BY P.L.172-2011, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The department, working with the office of technology established by IC 4-13.1-2-1 or another organization that is part of a state educational institution, the state board of accounts established by IC 5-11-1-1, the department of local government finance established under IC 6-1.1-30-1.1, and the office of management and budget established by IC 4-3-22-3, shall post on the Indiana transparency Internet web site a data base that lists expenditures and fund balances, including expenditures for contracts, grants, and leases, for public schools. The web site must be electronically searchable by the public.

(b) The data base must include for public schools:
(1) the amount, date, payer, and payee of expenditures;
(2) a listing of expenditures by:
(A) personal services;
(B) other operating expenses; or
(C) total operating expenses;
(3) a listing of fund balances;
(4) a listing of real and personal property owned by the public school; ~~and~~
(5) the report required under IC 6-1.1-33.5-7; **and**
(6) information for evaluating the fiscal health of each school corporation in the format required by section 16(b) of this chapter.

SECTION 4. IC 5-14-3.7-16 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 16. (a) The department of local government finance shall develop indicators of fiscal health for evaluating the fiscal health of a school corporation. The department of local government finance may consider including any of the following in the indicators developed under this subsection:**
(1) The cash balance of a school corporation.
(2) The debt to revenue ratio of a school corporation.
(3) The condition of a school corporation's property tax base as measured by both the assessed value of the school corporation and the amount of per capita revenue generated from the school corporation's tax base.
(4) The per capita amount of a school corporation's general fund operating revenue.
(5) Any trends in the amount of a school corporation's tax revenue.
(6) Whether a school corporation maintains a structural deficit or a structural surplus.
(7) The extent that the school corporation is affected by tax increment financing districts.
(8) The extent that the school corporation's property tax base is affected by exempt properties.
(9) The school corporation's bond rating.
(10) The amount of retiree benefits paid by the school corporation.
(11) The amount of pension contributions paid on behalf of the school corporation's employees.
(12) Any other factor that the department of local government finance considers relevant to evaluating the fiscal health of a school corporation.

(b) The department of local government finance shall use the indicators developed under subsection (a) and the associated fiscal data to present the information for evaluating the fiscal health of each school corporation on the Indiana transparency Internet web site. The information must be presented in a manner that:
(1) can be conveniently and easily accessed from a single web page; and
(2) is commonly known as an Internet dashboard.
The information must be available on the Indiana transparency Internet web site in the format required by this subsection before July 1, 2015.

(c) Neither the department of local government finance nor any other state agency may use the fiscal health indicators developed under this section to assign a school corporation a summative grade.

SECTION 5. IC 5-14-3.8-3, AS AMENDED BY P.L.229-2013, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. The department, working with the office of technology established by IC 4-13.1-2-1, or another organization that is part of a state educational institution, the office of management and budget established by IC 4-3-22-3, and the state board of accounts established by IC 5-11-1-1, shall post on the Indiana transparency Internet web site the following:
(1) The financial reports required by IC 5-11-1-4.
(2) The report on expenditures per capita prepared under IC 6-1.1-33.5-7.
(3) A listing of the property tax rates certified by the department.
(4) An index of audit reports prepared by the state board of accounts.
(5) Local development agreement reports prepared under IC 4-33-23-10 and IC 4-33-23-17.
(6) Information for evaluating the fiscal health of a political subdivision in the format required by section 8(b) of this chapter.
~~(6)~~ **(7)** Any other financial information deemed appropriate by the department.

SECTION 6. IC 5-14-3.8-8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 8. (a) The department shall develop indicators of fiscal health for evaluating the fiscal health of a political subdivision. The department may consider including any of the following in the indicators developed under this subsection:**
(1) The cash balance of a political subdivision.
(2) The debt to revenue ratio of a political subdivision.
(3) The condition of a political subdivision's property tax base and income tax base, if any, as measured by both the assessed value of the political subdivision and the amount of per capita revenue generated from the political subdivision's tax bases.
(4) The per capita amount of a political subdivision's general fund operating revenue.
(5) Any trends in the amount of a political subdivision's tax revenue.
(6) Whether a political subdivision maintains a structural deficit or a structural surplus.
(7) The number and size of the tax increment financing districts designated by a redevelopment commission established by the political subdivision, if any.
(8) The extent that the political subdivision is affected by tax increment financing districts.
(9) The extent that the political subdivision's property tax base is affected by exempt properties.
(10) The political subdivision's bond rating.
(11) The amount of retiree benefits paid by the political subdivision.
(12) The amount of pension contributions paid on behalf of the political subdivision's employees.
(13) Any other factor that the department considers relevant to evaluating the fiscal health of a political subdivision.

(b) The department shall use the indicators developed under subsection (a) and the associated fiscal data to present the information for evaluating the fiscal health of a political subdivision on the Indiana transparency Internet web site. The information must be presented in a manner that:
(1) can be conveniently and easily accessed from a single web page; and
(2) is commonly known as an Internet dashboard.
The information must be available on the Indiana transparency Internet web site in the format required by this subsection before July 1, 2015.

(c) Neither the department of local government finance nor any other state agency may use the fiscal health indicators developed under this section to assign a political subdivision a summative grade.

SECTION 7. IC 6-1.1-20.3-14 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 14. (a) The office of management and budget shall:**
(1) review the board's organizational structure, the board's composition, the number of board members, and the staffing, policies, procedures, and capabilities

of the board; and

(2) determine whether the board requires any additional powers or resources to carry out section 15 of this chapter.

(b) The office of management and budget may:

(1) recommend any legislation necessary to provide the board with sufficient powers and resources to carry out section 15 of this chapter; and

(2) submit the recommended legislation to the general assembly for consideration in the 2015 legislative session.

The office of management and budget shall submit the recommended legislation under subdivision (2) in an electronic format under IC 5-14-6.

SECTION 8. IC 6-1.1-20.3-15 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 15. (a) After June 30, 2015, the executive of a political subdivision may request technical assistance from the board in helping prevent the political subdivision from becoming a distressed political subdivision. The board, by using the health fiscal indicators developed under IC 5-14-3.7-16 or IC 5-14-3.8-8, shall determine whether to provide assistance to the political subdivision.**

(b) The board may do any of the following for a political subdivision that receives assistance under subsection (a):

(1) Provide information and technical assistance with respect to the data management, accounting, or other aspects of the fiscal management of the political subdivision.

(2) Assist the political subdivision in obtaining assistance from state agencies and other resources.

SECTION 9. **An emergency is declared for this act.**

(Reference is to ESB 106 as reprinted February 25, 2014.)

CHARBONNEAU	NEGELE
ROGER	HALE
Senate Conferees	House Conferees

Roll Call 470: yeas 97, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT
ESB 180–1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 180 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 the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning veterans.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 10-17-12.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

Chapter 12.5. Veterans Disability Clinic Fund

Sec. 1. As used in this chapter, "commission" refers to the Indiana veterans' affairs commission established by IC 10-17-13-4.

Sec. 2. As used in this chapter, "department" refers to the Indiana department of veterans' affairs established by IC 10-17-1-2.

Sec. 3. As used in this chapter, "director" refers to the director of veterans' affairs.

Sec. 4. As used in this chapter, "fund" refers to the veterans disability clinic fund established by section 7 of this chapter.

Sec. 5. As used in this chapter, "qualified law school" means a law school:

(1) located in Indiana; and

(2) approved by the American Bar Association;

that operates a veterans disability clinic.

Sec. 6. As used in this chapter, "veterans disability clinic" means a law school clinical program that:

(1) offers practice opportunities to law students to counsel or represent veterans in claims for veterans disability compensation;

(2) is part of the educational curriculum of the law school;

(3) is under the direction of a law school faculty member who is recognized by the United States Department of Veterans Affairs under 38 U.S.C. 5904; and

(4) provides legal services at no cost or nominal cost to veterans.

Sec. 7. (a) The veterans disability clinic fund is established to provide funding for grants to qualified law schools that establish or maintain a veterans disability clinic.

(b) The fund shall be administered by the commission.

(c) The fund consists of the following:

(1) Appropriations made by the general assembly.

(2) Donations to the fund.

(3) Interest.

(4) Money from any other source authorized or appropriated for the fund.

Sec. 8. A qualifying law school that wishes to receive a grant to establish or maintain a veterans disability clinic under this chapter shall consult with the department to:

(1) identify veterans in need of counsel or representation in a claim for veterans disability compensation;

(2) inform veterans about the availability of legal services through the veterans disability clinic; and

(3) develop an educational outreach program as part of the veterans disability clinic to advise veterans of their rights in the claims process for veterans disability compensation.

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

SECTION 2. [EFFECTIVE UPON PASSAGE] **(a) As used in this SECTION, "department" refers to the state department of health.**

(b) As used in this SECTION, "veteran" refers to any individual in Indiana who has a United States military service related injury or disability, regardless of active, reserve, or retired status.

(c) Not later than September 1, 2014, the department, in consultation with the Indiana department of veterans' affairs and the division of mental health and addiction, shall:

(1) conduct a study; and

(2) report, in an electronic format under IC 5-14-6, the department's findings and recommendations to the legislative council;

concerning the implementation of a program for the specific treatment of veterans who have traumatic brain injury or posttraumatic stress disorder.

(d) Findings and recommendations made under subsection (c) must include the following:

(1) After consideration by the department of treatment protocols and therapies for traumatic brain injury and posttraumatic stress disorder, including:

(A) resource facilitation;

(B) cognitive rehabilitation; and

(C) hyperbaric therapy;

recommendations concerning the best peer reviewed, evidence based protocols and therapies to be used to

provide the treatment described in subsection (c).

(2) Recommendations concerning the types of health care providers necessary for implementation and any certification of the program.

(3) The estimated number of veterans who have traumatic brain injury or posttraumatic stress disorder.

(4) An analysis of available federal and state funding for the program.

(5) An analysis of the costs of traumatic brain injury and posttraumatic stress disorder among veterans and the economic impact of implementation of the program.

(e) This SECTION expires January 1, 2015.

SECTION 3. [EFFECTIVE UPON PASSAGE] **(a) The general assembly urges the legislative council to assign to an appropriate interim committee during the 2014 interim a study of veterans' benefits. The study must include the following:**

(1) How transforming Indiana's veterans' benefit services can increase benefits to veterans and beneficiaries in compensation, pensions, education, medical care, and other areas.

(2) How Indiana compares to other states in each component of benefits, as reported annually by the Veterans Benefits Administration, including the following:

(A) Total expenditures, compensation, and pensions.

(B) Education.

(C) Medical and related care.

(3) How Indiana's structure of assisting beneficiaries in obtaining veterans' benefits and tools may be restructured, including reviewing the following areas:

(A) Management, organization, staffing, and information technology.

(B) Education.

(C) Employment.

(D) Compensation, pensions, and other benefits.

(E) Health care education and delivery.

(b) This SECTION expires December 31, 2014.

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

(Reference is to ESB 180 as reprinted February 28, 2014.)

HERSHMAN	ZENT
STOOPS	MACER
Senate Conferees	House Conferees

Roll Call 471: yeas 97, nays 0. Report adopted.

Representative DeLaney, who had been excused is now present.

CONFERENCE COMMITTEE REPORT

ESB 235–1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 235 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 11-12-1-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2.5. (a) The community corrections programs described in section 2 of this chapter ~~may include the following:~~

~~(1) Residential or work release programs.~~

~~(2) House arrest, home detention, and electronic monitoring programs.~~

~~(3) Community restitution or service programs.~~

~~(4) Victim-offender reconciliation programs.~~

~~(5) Jail services programs.~~

~~(6) Jail work crews.~~

~~(7) Community work crews.~~

~~(8) Juvenile detention alternative programs.~~

~~(9) Day reporting programs.~~

~~(10) Faith based programs.~~

~~(11) Other community corrections programs approved by the department.~~

shall use evidence based services, programs, and practices that reduce the risk for recidivism among persons who participate in the community corrections programs.

(b) The community corrections board may also coordinate ~~and~~ **or** operate:

(1) educational;

(2) mental health;

(3) drug or alcohol abuse counseling; **and**

(4) housing;

~~as a part of any of these programs or~~ **programs. In addition, the board may provide** supervision services for persons described in section 2 of this chapter.

SECTION 2. IC 11-12-3.8, AS ADDED BY HEA 1268-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

Chapter 3.8. Mental Health and Addiction Forensic Treatment Services

Sec. 1. As used in this chapter, "mental health and addiction forensic treatment services" means evidence based treatment and recovery wraparound support services provided to individuals who have entered the criminal justice system as a felon or with a prior felony conviction. The term includes:

(1) mental health and substance abuse treatment;

(2) vocational services;

(3) housing assistance;

(4) community support services;

(5) care coordination; and

(6) transportation assistance.

Sec. 2. An individual is eligible for mental health and addiction forensic treatment services if the individual:

(1) is a member of a household with an annual income that does not exceed two hundred percent (200%) of the federal income poverty level;

(2) is a resident of Indiana;

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

(4) has entered the criminal justice system as a felon or with a prior felony conviction.

Sec. 3. Mental health and addiction forensic treatment services may be administered or coordinated only by a provider certified by the division of mental health and addiction.

Sec. 4. (a) As used in this section, "account" refers to the mental health and addiction forensic treatment services account established in subsection (b).

(b) The mental health and addiction forensic treatment services account is established for the purpose of providing grants or vouchers for the provision of mental health and addiction forensic treatment services. The account shall be administered by the division of mental health and addiction. Money in the account shall be used to fund grants and vouchers under this chapter.

(c) The account consists of:

(1) appropriations made by the general assembly;

(2) grants; and

(3) gifts and bequests.

(d) The expenses of administering the account shall be paid from money in the account.

(e) The treasurer of state shall invest the money in the account not currently needed to meet the obligations of the account in the same manner as other public money may be invested. Interest that accrues from these investments shall be

deposited in the account.

(f) Money in the account at the end of a state fiscal year does not revert to the state general fund.

Sec. 5. (a) The commissioner may award financial assistance to a community corrections program based on the proposed implementation of evidence based practices or the proposed coordination of services with other community supervision agencies operating in the same county.

(b) Before providing financial assistance under this section, the commissioner shall consult with the judicial conference of Indiana and the division of mental health and addiction:

(1) for the purpose of more effectively addressing the need for:

(A) substance abuse treatment;

(B) mental health services; and

(C) other services for offenders placed on community supervision; and

(2) to avoid duplication of services.

(c) Mental health and addiction forensic treatment services may be provided by grants under this section. Evidence based treatment and recovery wraparound support services may be provided to individuals who have entered the criminal justice system as a felon or with a prior felony conviction. Services provided under this section may include:

(1) mental health and ~~addiction~~ **substance abuse** treatment;

(2) vocational services;

(3) housing assistance;

(4) community support services;

(5) care coordination; and

(6) transportation assistance.

(d) Mental health and addiction forensic treatment services provided under this section shall be administered or coordinated by a provider certified by the division of mental health and addiction to provide mental health or ~~addiction~~ **substance abuse** treatment.

(e) The commissioner may award financial assistance under this chapter to the Marion County recidivism reduction pilot project established under section 6 of this chapter. This subsection expires June 30, 2017.

Sec. 6. (a) The Marion superior court may, in consultation with the department of correction, establish a three (3) year pilot project to provide mental health and addiction forensic treatment services to reduce the risk of recidivism among persons whose participation in the program is an alternative to commitment to the department of correction.

(b) Except as provided in subsection (c), the pilot project must provide evidence based services for persons participating in the following programs:

(1) A diversion program.

(2) An alternate misdemeanor sentencing program.

(3) Probation, if the person is placed on probation as an alternative to being committed to the department of correction.

(4) Community corrections, if the person is placed in a community corrections program as an alternative to being committed to the department of correction.

(5) Home detention, if the person is placed in home detention as an alternative to being committed to the department of correction.

(6) Any other program involving community supervision as an alternative to commitment to the department of correction, if the program is approved by the court and the department of correction.

(c) The following persons may not participate in the pilot project:

(1) A sex or violent offender (as defined in IC 11-8-8-5).

(2) A person convicted of a felony described in:

(A) IC 35-42-1;

(B) IC 35-42-3.5; or

(C) IC 35-42-4.

(d) Mental health and addiction forensic treatment services provided as part of the pilot project may be administered or coordinated only by a provider certified by the division of mental health and addiction with expertise in providing evidence based forensic treatment services.

(e) The Marion superior court shall, if a pilot project is established under this section, provide a report to the legislative council before October 1 of each year, beginning on October 1, 2015. The report must include the following data:

(1) Recidivism rates for persons in the program.

(2) The cost of the program.

(3) Cost savings of the program.

(4) Opportunities for replication.

(5) Other information requested by the legislative council.

The report must be in an electronic format under IC 5-14-6.

(f) This section expires June 30, 2017.

SECTION 3. IC 11-13-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. **(a)** There is established a program of state financial aid to be used for the support of court probation services. The financial aid program shall be administered by the judicial conference of Indiana. Funds appropriated to the conference for purposes of this chapter shall be distributed by the conference upon approval of the state budget committee **to make grants to Indiana probation departments for the purposes outlined in section 2 of this chapter.**

(b) Appropriations intended for this purpose may not be used by the judicial conference of Indiana for any other purpose. The judicial conference of Indiana may expend up to three percent (3%) of the money appropriated under this chapter to provide technical assistance, consultation, and training to counties and to monitor and evaluate the operation of the program. Money appropriated to the judicial conference of Indiana for the purpose of making grants under this chapter does not revert to the state general fund at the close of any fiscal year, but remains available to the judicial conference of Indiana for its use in making grants under this chapter.

SECTION 4. IC 11-13-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. Funds appropriated under this program may be made available to any court administering probation in order to finance expenditures incurred for ~~either~~ **any** of the following purposes:

(1) Salaries for existing or new probation officer positions.

(2) Maintenance or establishment of administrative support services to probation officers.

(3) Development and implementation of:

(A) incentives and sanctions;

(B) policies;

(C) programs; and

(D) services;

to address compliance with community supervision following the schedule adopted by the judicial conference of Indiana under IC 11-13-1-8.

(4) Development and use of evidence based services, programs, and practices that reduce probationers' risk for recidivism.

(5) Establishment of a coordinated system of community supervision to improve the efficiency and coordination of offender services within a county.

SECTION 5. IC 11-13-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) ~~State financial aid for support of probation services may be made only to courts meeting the minimum standards adopted by the judicial conference of Indiana and may not exceed fifty percent (50%) of the cost of the positions or services being financed.~~

Any court having probation jurisdiction may apply for financial assistance under this chapter by submitting an application to the **judicial** conference **of Indiana** for review. The application shall be accompanied by detailed plans regarding the use of the financial aid.

(b) **The judicial conference of Indiana shall develop a plan for the application process and the funding requirements for courts seeking financial aid.** ~~The conference may recommend changes or modifications necessary to effect compliance with the minimum standards.~~ The **judicial** conference and the state budget committee must approve all financial aid granted under this chapter. ~~Any court receiving financial assistance under this chapter may be declared ineligible to receive that assistance if the court fails to maintain the minimum standards.~~

(c) Two (2) or more courts may jointly apply for financial assistance under this chapter.

(d) The judicial conference of Indiana shall award financial assistance based on the proposed implementation of evidence based practices or the proposed coordination of services with other community supervision agencies operating in the same county.

(e) Before providing financial assistance under this chapter, the judicial conference of Indiana shall consult with the department of correction and the division of mental health and addiction:

(1) for the purpose of more effectively addressing the need for:

(A) substance abuse treatment;

(B) mental health services; and

(C) other services for offenders placed on community supervision; and

(2) to avoid duplication of services.

(f) Mental health and substance abuse treatment services provided by financial assistance under this section shall be provided by a provider certified by the division of mental health and addiction to provide mental health or substance abuse treatment.

SECTION 6. IC 12-14-29-2, AS ADDED BY HEA 1268-2014, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. Under this chapter, an individual is eligible for food stamps if the individual meets all the following requirements:

(1) The individual is a resident of: ~~a county:~~

(A) **a county** having a reentry court program; ~~or~~

(B) **a county** that offers individuals on probation or in a community corrections program evidence-based mental health and addiction forensic treatment services administered or coordinated by a provider certified by the division of mental health and addiction to provide mental health or addiction treatment; **or**

(C) Marion County.

(2) The individual was convicted of an offense under IC 35-48 (controlled substances) for conduct occurring after August 22, 1996.

(3) Except for 21 U.S.C. 862a(a), the individual meets the federal and Indiana food stamp program requirements.

(4) The individual is successfully participating in:

(A) a reentry court program; ~~or~~

(B) an evidence-based mental health and addiction forensic treatment services program administered or coordinated by a provider certified by the division of mental health and addiction to provide mental health or addiction treatment as part of the person's probation or community corrections; **or**

(C) the Marion County superior court pilot project described in IC 11-12-3.8-6.

SECTION 7. IC 12-14-29-3, AS ADDED BY HEA 1268-2014, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. Under this chapter, an individual is eligible for the TANF program if the individual meets all the following requirements:

(1) The individual is a resident of: ~~a county:~~

(A) **a county** having a reentry court program; ~~or~~

(B) **a county** that offers individuals on probation or in a community corrections program evidence-based mental health and addiction forensic treatment services administered or coordinated by a provider certified by the division of mental health and addiction to provide mental health or addiction treatment; **or**

(C) Marion County.

(2) The individual was convicted of an offense under IC 35-48 (controlled substances) for conduct occurring after August 22, 1996.

(3) Except for 21 U.S.C. 862a(a), the individual meets the federal and Indiana TANF program requirements.

(4) The individual is successfully participating in:

(A) a reentry court program; ~~or~~

(B) an evidence-based mental health and addiction forensic treatment services program administered or coordinated by a provider certified by the division of mental health and addiction to provide mental health or addiction treatment as part of the person's probation or community corrections; **or**

(C) the Marion County superior court pilot project described in IC 11-12-3.8-6.

SECTION 8. IC 12-14-29-4, AS ADDED BY P.L.92-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. In accordance with 21 U.S.C. 862a(d)(1), the state elects to opt out of the application of 21 U.S.C. 862a(a) for individuals participating in:

(1) a reentry court program;

(2) a program that offers individuals on probation or in a community corrections program evidence-based mental health and addiction forensic treatment services administered or coordinated by a provider certified by the division of mental health and addiction to provide mental health or addiction treatment; or

(3) the Marion County superior court pilot project described in IC 11-12-3.8-6.

SECTION 9. IC 12-14-29-6, AS ADDED BY P.L.92-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. A court may modify or revoke an order issued under this chapter concerning a ~~food stamp~~ **federal Supplemental Nutrition Assistance Program** eligible individual or a TANF eligible individual at any time.

SECTION 10. IC 12-14-29-7, AS ADDED BY HEA 1268-2014, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. A court shall immediately notify the division of family resources local office:

(1) upon the court's finding of probable cause that an individual has committed a felony offense during the period in which the individual is eligible for TANF or the federal Supplemental Nutrition Assistance Program; or

(2) when an individual has been terminated from:

(A) a reentry court program; ~~or~~

(B) an evidence-based mental health and addiction forensic treatment services program administered or coordinated by a provider certified by the division of mental health and addiction to provide mental health or addiction treatment as part of the person's probation or community corrections; **or**

(C) the Marion County superior court pilot project described in IC 11-12-3.8-6;

during the period in which the individual is eligible for TANF or the federal Supplemental Nutrition Assistance Program.

(Reference is to Engrossed Senate Bill 235 as printed February 24, 2014.)

R. MICHAEL YOUNG	STEUERWALD
TAYLOR	PIERCE
Senate Conferees	House Conferees

Roll Call 472: yeas 98, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT
ESB 266–1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 266 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 6-1.1-4-4.3 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 4.3. (a) This section applies to real property for which the gross assessed value of the real property was reduced by the property tax assessment board of appeals in an appeal conducted under IC 6-1.1-15. However, this section does not apply for an assessment date if the real property was valued using the income capitalization approach in the appeal.~~

~~(b) This section applies to assessment dates after 2013.~~

~~(c) If the gross assessed value of real property for an assessment date that follows the latest assessment date that was the subject of an appeal described in subsection (a) is increased above the gross assessed value of the real property for the latest assessment date covered by the appeal, the county assessor or township assessor (if any) making the assessment has the burden of proving that the assessment is correct.~~

SECTION 2. IC 6-1.1-15-17.2, AS ADDED BY P.L.6-2012, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17.2. **(a) Except as provided in subsection (d),** this section applies to any review or appeal of an assessment under this chapter if the assessment that is the subject of the review or appeal ~~increased the assessed value of the assessed property by more than~~ **is an increase of more than** five percent (5%) over the ~~assessed value determined by the county assessor or township assessor (if any) for the immediately preceding assessment date~~ **assessment** for the same property **for the prior tax year. In calculating the change in the assessment for purposes of this section, the assessment to be used for the prior tax year is the original assessment for that prior tax year or, if applicable, the assessment for that prior tax year:**

(1) as last corrected by an assessing official;

(2) as stipulated or settled by the taxpayer and the assessing official; or

(3) as determined by the reviewing authority.

(b) Under this section, the county assessor or township assessor making the assessment has the burden of proving that the assessment is correct in any review or appeal under this chapter and in any appeals taken to the Indiana board of tax review or to the Indiana tax court. **If a county assessor or township assessor fails to meet the burden of proof under this section**, **the taxpayer may introduce evidence to prove the correct assessment. If neither the assessing official nor the taxpayer meets the burden of proof under this section, the assessment reverts to the assessment for the prior tax year, which is the original assessment for that prior tax year or, if applicable, the assessment for that prior tax year:**

(1) as last corrected by an assessing official;

(2) as stipulated or settled by the taxpayer and the assessing official; or

(3) as determined by the reviewing authority.

(c) This section does not apply to an assessment if the assessment that is the subject of the review or appeal is based on:

(1) structural improvements;

(2) zoning; or

(3) uses;

that were not considered in the assessment for the prior tax year.

(d) This subsection applies to real property for which the gross assessed value of the real property was reduced by the assessing official or reviewing authority in an appeal conducted under IC 6-1.1-15. However, this subsection does not apply for an assessment date if the real property was valued using the income capitalization approach in the appeal. If the gross assessed value of real property for an assessment date that follows the latest assessment date that was the subject of an appeal described in this subsection is increased above the gross assessed value of the real property for the latest assessment date covered by the appeal, regardless of the amount of the increase, the county assessor or township assessor (if any) making the assessment has the burden of proving that the assessment is correct.

(e) This section, as amended in the 2014 regular session of the Indiana general assembly, applies:

(1) to all appeals or reviews pending on the effective date of the amendments made to this section in the 2014 regular session of the Indiana general assembly; and

(2) to all appeals or reviews filed thereafter.

SECTION 3. **An emergency is declared for this act.**

(Reference is to ESB 266 as printed February 21, 2014.)

SCHNEIDER	OBER
RANDOLPH	PRYOR
Senate Conferees	House Conferees

Roll Call 473: yeas 98, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT
ESB 349–1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 349 respectfully reports that said two committees have conferred and agreed as follows to wit:

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

Page 2, line 16, after "the" insert "**telephone solicitor, supplier, or caller knows that the**".

(Reference is to ESB 349 as reprinted February 27, 2014.)

MERRITT	HUSTON
TAYLOR	BAUER
Senate Conferees	House Conferees

Roll Call 474: yeas 98, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT
ESB 357–1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 357 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 the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 15-15-13 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 13. Industrial Hemp

Sec. 0.5. The state seed commissioner shall administer this chapter.

Sec. 1. Nothing in this chapter authorizes any person to violate any federal law or regulation.

Sec. 2. As used in this chapter, "agricultural hemp seed" means Cannabis sativa seed that meets any labeling, quality, and other standards set by the state seed commissioner and that is intended for sale or is sold to, or purchased by, licensed growers for planting.

Sec. 3. As used in this chapter, "crop" means any industrial hemp grown under a single license.

Sec. 4. As used in this chapter, "grower" means:

(1) an individual, a partnership, a company, or a corporation that produces industrial hemp for commercial purposes; or

(2) a person, as part of an industrial hemp research program conducted by a state educational institution (as defined by IC 21-7-13-32).

Sec. 5. As used in this chapter, "handler" means an individual, a partnership, a company, or a corporation that receives industrial hemp for scientific research, or for processing into commodities, products, or agricultural hemp seed.

Sec. 6. As used in this chapter, "industrial hemp" means:

(1) all nonseed parts and varieties of the Cannabis sativa plant, whether growing or not, that contain a crop wide average tetrahydrocannabinol (THC) concentration that does not exceed the lesser of:

(A) three-tenths of one percent (0.3%) on a dry weight basis; or

(B) the percent based on a dry weight basis determined by the federal Controlled Substances Act (21 U.S.C. 801 et seq.); or

(2) any Cannabis sativa seed that is:

(A) part of a growing crop;

(B) retained by a grower for future planting; or

(C) for processing into, or use as, agricultural hemp seed.

The term does not include industrial hemp commodities or products.

Sec. 7. (a) Subject to section 15 of this chapter, the production of, possession of, scientific study of, and commerce in industrial hemp is authorized in Indiana. Industrial hemp is an agricultural product that is subject to regulation by the state seed commissioner. The state seed commissioner shall adopt rules to oversee the licensing, production, and management of:

(1) industrial hemp; and

(2) agricultural hemp seed;

to ensure integrity of audits and security of field sites of each commodity.

(b) All growers and handlers must have an industrial hemp license issued by the state seed commissioner. Growers and handlers engaged in the production of agricultural hemp seed must also have an agricultural hemp seed production license.

(c) An application for an industrial hemp license or agricultural hemp seed production license must include the following:

(1) The name and address of the applicant.

(2) The name and address of the industrial hemp operation of the applicant.

(3) The global positioning system coordinates and legal description of the property used for the industrial hemp operation.

(4) If the industrial hemp license or agricultural hemp seed production license application is made by a grower, the acreage size of the field where the industrial hemp will be grown.

(5) A statement signed by the applicant, under penalty of perjury, that the person applying for the industrial hemp license or agricultural hemp seed production license has not been convicted of a drug related felony or misdemeanor in the previous ten (10) years.

(6) A written consent allowing the state police department to conduct a state or national criminal history background check.

(7) A written consent allowing the state police department, if a license is issued to the applicant, to enter the premises on which the industrial hemp is grown to conduct physical inspections of industrial hemp planted and grown by the applicant, and to ensure the plants meet the definition of industrial hemp as set forth in section 6 of this chapter. Not more than two (2) physical inspections may be conducted under this subdivision per year, unless a valid search warrant for an inspection has been issued by a court of competent jurisdiction.

(8) A nonrefundable application fee, which must include the amount necessary to conduct a state or national criminal history background check, in an amount determined by the state seed commissioner.

(9) Any other information required by the state seed commissioner.

Sec. 8. (a) Each license application received under this chapter must be processed as follows:

(1) Upon receipt of a license application, the state seed commissioner shall forward a copy of the application to the state police department. The state police department shall do the following:

(A) Perform a state or national criminal history background check of the applicant.

(B) Determine if the requirements under section 7(c)(5) of this chapter concerning prior criminal convictions have been met.

(C) Return the application to the state seed commissioner along with the state police department's determinations and a copy of the state or national criminal history background check.

(2) The state seed commissioner shall review the license application returned from the state police department.

(b) If the state seed commissioner determines that all the requirements under this chapter have been met and that a license should be granted to the applicant, the state seed commissioner shall approve the application for issuance of a license.

(c) An industrial hemp license or agricultural hemp seed production license is valid for a one (1) year term unless revoked. An industrial hemp license or agricultural hemp seed production license may be renewed in accordance with rules adopted by the state seed commissioner and is nontransferable.

Sec. 9. (a) An agricultural hemp seed production license issued under this chapter authorizes a grower or handler to produce and handle agricultural hemp seed for sale to licensed industrial hemp growers and handlers. A seller of agricultural hemp seed shall ensure that the seed complies with any standards set by the state seed commissioner. The state seed commissioner shall make available to growers information that identifies sellers of agricultural hemp seed.

(b) Subject to rules adopted by the state seed commissioner, a grower may retain seed from each industrial hemp crop to ensure a sufficient supply of seed for that grower for the following year. A grower does not need an agricultural hemp seed production license in order to retain seed for future planting. Seed retained by a grower may not be sold or transferred and is not required to meet the state seed commissioner's agricultural hemp seed

standards.

(c) All growers and handlers must keep records in accordance with rules adopted by the state seed commissioner. Upon at least three (3) days notice, the state seed commissioner may audit the required records during normal business hours. The state seed commissioner may conduct an audit for the purpose of ensuring compliance with:

(1) this chapter;

(2) rules adopted by the state seed commissioner; or

(3) industrial hemp license or agricultural hemp seed production license requirements, terms, and conditions.

(d) In addition to an audit conducted in accordance with subsection (c), the state seed commissioner may inspect independently, or in cooperation with the state police department, a federal law enforcement agency, or a local law enforcement agency, any industrial hemp crop during the crop's growth phase and take a representative composite sample for field analysis. If a crop contains an average tetrahydrocannabinol (THC) concentration exceeding the lesser of:

(1) three-tenths of one percent (0.3%) on a dry weight basis; or

(2) the percent based on a dry weight basis determined by the federal Controlled Substance Act (21 U.S.C. 801 et seq.);

the state seed commissioner may detain, seize, or embargo the crop.

Sec. 10. The amount of any fees charged growers and handlers by the state seed commissioner under this chapter must be sufficient to cover the cost of the administration of this chapter, including the cost of conducting audits and testing.

Sec. 11. Only an industrial hemp licensee, the licensee's designee, or the licensee's agents may be permitted to transport industrial hemp off a production site. When transporting industrial hemp off the production site, the industrial hemp licensee, designee, or agent shall have in the licensee's, designee's, or agent's possession the licensing documents from the state seed commissioner evidencing that the industrial hemp is from certified seed produced by a licensed grower.

Sec. 12. The state seed commissioner is responsible for the following:

(1) Monitoring the industrial hemp grown by any license holder.

(2) Conducting random testing of the industrial hemp for compliance with tetrahydrocannabinol (THC) levels.

(3) Establishing necessary testing criteria and protocols.

(4) Establishing the minimum number of acres to be planted under each license issued under this chapter.

Sec. 13. (a) In addition to any other liability or penalty provided by law, the state seed commissioner may revoke or refuse to issue or renew an industrial hemp license or an agricultural hemp seed production license and may impose a civil penalty for a violation of:

(1) a license requirement;

(2) license terms or conditions; or

(3) a rule relating to growing or handling industrial hemp.

(b) The state seed commissioner may not impose a civil penalty under this section that exceeds two thousand five hundred dollars ($2,500).

(c) The state seed commissioner may revoke or refuse to issue or renew an industrial hemp license or an agricultural hemp seed production license for a violation of any rule of the state seed commissioner that pertains to agricultural operations or activities other than industrial hemp growing or handling.

Sec. 14. The state seed commissioner shall adopt rules under IC 4-22-2 to implement and administer this chapter.

Sec. 15. (a) Notwithstanding any other law, the state seed commissioner may not grant any license until the state seed commissioner has secured any necessary permissions, waivers, or other form of legal status by the United States Drug Enforcement Agency or other appropriate federal agency concerning industrial hemp.

(b) The state seed commissioner shall apply for any necessary permissions, waivers, or other forms of legal status by the United States Drug Enforcement Agency or other appropriate federal agency that are necessary to implement this chapter before January 1, 2015.

(c) The state seed commissioner may not implement a waiver under this section until the state seed commissioner files an affidavit with the governor attesting that the federal permission or waiver applied for under this section is in effect. The state seed commissioner shall file the affidavit under this subsection not later than five (5) days after the state seed commissioner is notified that the waiver is approved.

(d) If the state seed commissioner receives a waiver permission under this section from all the appropriate federal agencies and the governor receives the affidavit filed under subsection (c), the state seed commissioner shall implement this chapter, subject to the terms and conditions of the permission or waiver received, not more than sixty (60) days after the governor receives the affidavit.

Sec. 16. (a) The state seed commissioner shall pay all fees collected under this chapter to the treasurer of Purdue University.

(b) The board of trustees of Purdue University shall expend the fees on proper vouchers filed with the treasurer of Purdue University. The treasurer shall pay vouchers for the following expenses:

(1) The employment of inspectors and seed analysts.

(2) Procuring samples.

(3) Printing bulletins giving the results of inspection.

(4) Any other expenses of the Purdue University agricultural programs authorized by law and for implementing this chapter.

(c) The dean of agriculture of Purdue University shall make and submit a financial report to the governor in such form as the state board of accounts requires, showing the total receipts and expenditures of all fees received under this chapter.

(d) Excess funds from the collection of fees under this chapter are subject to IC 15-16-2-36.

SECTION 2. IC 15-16-2-36, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 36. (a) Notwithstanding any other law, all excess funds accumulated from the fees collected by:

(1) the state chemist, under this chapter, IC 15-15-2, IC 15-16-4, and IC 15-19-7; and

(2) the state seed commissioner under IC 15-15-1 **and IC 15-15-13;**

shall be paid to the treasurer of Purdue University. The funds shall be administered by the board of trustees of Purdue University.

(b) On approval of the governor and the budget agency, the board of trustees may spend the excess funds for the construction, operation, rehabilitation, and repair of buildings, structures, or other facilities used for:

(1) carrying out the purposes of those chapters referred to in subsection (a) under which the fees are collected; or

(2) the agricultural programs authorized by law and in support of the purposes of the chapters referred to in subsection (a).

SECTION 3. IC 35-48-1-19 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19. **(a)** "Marijuana" means any part of the plant genus Cannabis whether growing or not; the seeds thereof; the resin extracted from any part of the plant, including hashish and hash oil; any compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. ~~It~~

(b) The term does not include:

(1) the mature stalks of the plant;

(2) fiber produced from the stalks;

(3) oil or cake made from the seeds of the plant;

(4) any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom); ~~or~~

(5) the sterilized seed of the plant which is incapable of germination; **or**

(6) industrial hemp (as defined by IC 15-15-13-6).

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

(Reference is to ESB 357 as reprinted February 28, 2014.)

YODER	LEHE
R. YOUNG	MOED
Senate Conferees	House Conferees

Roll Call 475: yeas 92, nays 6. Report adopted.

CONFERENCE COMMITTEE REPORT
ESB 408–1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 408 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 16-18-2-244.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 244.8. "Neonatal abstinence syndrome" and "NAS", for purposes of IC 16-19-16, refer to the various adverse effects that occur in a newborn infant who was exposed to addictive illegal or prescription drugs while in the mother's womb.**

SECTION 2. IC 16-19-16 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 16. Neonatal Abstinence Syndrome (NAS)

Sec. 1. The state department shall meet with representatives of at least the following associations to study and make recommendations on issues concerning Neonatal Abstinence Syndrome (NAS):

(1) The Indiana Hospital Association.

(2) The Indiana Perinatal Network.

(3) The Indiana State Medical Association.

(4) The Indiana Chapter of the American Academy of Pediatrics.

(5) The Indiana Section of the American Congress of Obstetricians and Gynecologists.

(6) The Indiana Chapter of the March of Dimes.

Sec. 2. (a) Before November 1, 2014, the state department, in consultation with the persons described in section 1 of this chapter, shall report the following to the legislative council in an electronic format under IC 5-14-6 for distribution to the appropriate interim study committee:

(1) The appropriate standard clinical definition of "Neonatal Abstinence Syndrome".

(2) The development of a uniform process of identifying Neonatal Abstinence Syndrome.

(3) The estimated time and resources needed to educate hospital personnel in implementing an appropriate and uniform process for identifying Neonatal Abstinence Syndrome.

(4) The identification and review of appropriate data reporting options available for the reporting of Neonatal Abstinence Syndrome data to the state department, including recommendations for reporting of Neonatal Abstinence Syndrome using existing data reporting options or new data reporting options.

(5) The identification of whether payment methodologies for identifying Neonatal Abstinence Syndrome and the reporting of Neonatal Abstinence Syndrome data are currently available or needed.

(b) Before June 1, 2015, the state department may establish one (1) or more pilot programs with hospitals that consent to participate in the pilot programs to implement appropriate and effective models for Neonatal Abstinence Syndrome identification, data collection, and reporting determined under this chapter.

SECTION 3. **An emergency is declared for this act.**

(Reference is to ESB 408 as reprinted February 27, 2014.)

BECKER	KUBACKI
BREAUX	RIECKEN
Senate Conferees	House Conferees

Roll Call 476: yeas 98, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT
EHB 1116–1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1116 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 7.1-3-13-2.5, AS AMENDED BY P.L.186-2011, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2.5. All premises to be used by an applicant for a wine wholesaler's permit must be described in the application for the permit and in the permit, if the permit is issued. A wine wholesaler may not keep or store wine at any place other than the premises described in the wine wholesaler's application and permit. A person who holds a wine wholesaler's permit and who also holds a beer wholesaler's permit is not disqualified from using multiple premises for the storage of wine because the person holds a beer wholesaler's permit. The holder of a wine wholesaler's permit ~~issued under~~ **described in** IC 7.1-4-4.1-13(c) may enter into an agreement to:

(1) locate the wine wholesaler's business within the licensed premises of a farm winery or a farm winery brandy distiller; or

(2) use goods and services provided by a farm winery or a farm winery brandy distiller;

or both.

SECTION 2. IC 7.1-3-27-6, AS ADDED BY P.L.109-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. **(a)** A holder of an artisan distiller's permit may also hold one (1) of the following:

(1) A farm winery permit.

(2) A brewer's permit for a brewery described in IC 7.1-3-2-7(5).

(3) A distiller's permit under IC 7.1-3-7.

(b) A holder of an artisan distiller's permit who also holds a permit described under subsection (a)(2) may hold a beer retailer's permit, a wine retailer's permit, or a liquor retailer's permit for a restaurant as described in

IC 7.1-3-2-7(5)(C).

SECTION 3. IC 7.1-5-9-10, AS AMENDED BY P.L.71-2012, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. (a) Except as provided in subsection (b), it is unlawful for a holder of a retailer's permit of any type to acquire, hold, own, or possess an interest of any type in a manufacturer's or wholesaler's permit of any type.

(b) It is lawful for a holder of a retailer's permit of any type to acquire, hold, own, or possess an interest of any type in:

(1) a brewer's permit for a brewery that manufactures not more than thirty thousand (30,000) barrels of beer in a calendar year for sale or distribution within Indiana; **and**

(2) an artisan distiller's permit if the holder of the retailer's permit also holds a brewer's permit described in subdivision (1).

SECTION 4. IC 7.1-5-12-4, AS ADDED BY P.L.141-2012, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) Except as provided in section 5 of this chapter, smoking is prohibited in the following:

(1) A public place.

(2) A place of employment.

(3) A vehicle owned, leased, or operated by the state if the vehicle is being used for a governmental function.

(4) The area within eight (8) feet of a public entrance to:

(A) a public place; or

(B) a place of employment.

(b) An employer shall inform each of the employer's employees and prospective employees of the smoking prohibition applying to the place of employment.

(c) An owner, operator, manager, or official in charge of a public place or place of employment shall remove ashtrays or other smoking paraphernalia from areas of the public place or place of employment where smoking is prohibited under this chapter. However, this subsection does not prohibit the display of ashtrays or other smoking paraphernalia that are intended only for retail sale.

(d) **This subsection does not apply to an owner, an operator, a manager, or an official in charge of a public place or place of employment in which smoking is allowed under section 5 of this chapter.** An owner, operator, manager, or official in charge of a public place or place of employment shall post conspicuous signs at each public entrance that read "State Law Prohibits Smoking Within 8 Feet of this Entrance" or other similar language.

SECTION 5. IC 7.1-5-12-5, AS ADDED BY P.L.141-2012, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) Except as provided in subsection (c) and subject to section 13 of this chapter, smoking may be allowed in the following:

(1) A horse racing facility operated under a permit under IC 4-31-5 and any other permanent structure on land owned or leased by the owner of the facility that is adjacent to the facility.

(2) A riverboat (as defined in IC 4-33-2-17) and any other permanent structure that is:

(A) owned or leased by the owner of the riverboat; and

(B) located on land that is adjacent to:

(i) the dock to which the riverboat is moored; or

(ii) the land on which the riverboat is situated in the case of a riverboat described in IC 4-33-2-17(2).

(3) A facility that operates under a gambling game license under IC 4-35-5 and any other permanent structure on land owned or leased by the owner of the facility that is adjacent to the facility.

(4) A satellite facility licensed under IC 4-31-5.5.

(5) An establishment owned or leased by a business that meets the following requirements:

(A) The business was in business and permitted smoking on December 31, 2012.

(B) The business prohibits entry by an individual who is less than twenty-one (21) years of age.

(C) The owner or operator of the business holds a beer, liquor, or wine retailer's permit.

(D) The business limits smoking in the establishment to either:

(i) cigar smoking; or

(ii) smoking with a waterpipe or hookah device.

(E) During the preceding calendar year, at least ten percent (10%) of the business's annual gross income was from:

(i) the sale of cigars and the rental of onsite humidors; or

(ii) the sale of loose tobacco for use in a waterpipe or hookah device.

(F) The person in charge of the business posts in the establishment conspicuous signs that display the message that cigarette smoking is prohibited.

(6) A premises owned or leased by and regularly used for the activities of a business that meets all of the following:

(A) The business is exempt from federal income taxation under 26 U.S.C. 501(c).

(B) The business:

(i) meets the requirements to be considered a club under IC 7.1-3-20-1; or

(ii) is a fraternal club (as defined in IC 7.1-3-20-7).

(C) The business provides food or alcoholic beverages only to its bona fide members and their guests.

(D) The business, during a meeting of the business's members, voted within the previous two (2) years to allow smoking on the premises.

(E) The business:

(i) provides a separate, enclosed, designated smoking room or area that is adequately ventilated to prevent migration of smoke to nonsmoking areas of the premises;

(ii) allows smoking only in the room or area described in item (i); and

(iii) does not allow an individual who is less than eighteen (18) years of age to enter into the room or area described in item (i).

(7) A retail tobacco store used primarily for the sale of tobacco products and tobacco accessories that meets the following requirements:

(A) The owner or operator of the store held a valid tobacco sales certificate issued under IC 7.1-3-18.5 on June 30, 2012.

(B) The store prohibits entry by an individual who is less than eighteen (18) years of age.

(C) The sale of products other than tobacco products and tobacco accessories is merely incidental.

(D) The sale of tobacco products accounts for at least eighty-five percent (85%) of the store's annual gross sales.

(E) Food or beverages are not sold ~~for~~ **in a manner that requires** consumption on the premises, and there is not an area set aside for customers to consume food or beverages on the premises.

(8) A bar or tavern:

(A) for which a permittee holds:

(i) a beer retailer's permit under IC 7.1-3-4;

(ii) a liquor retailer's permit under IC 7.1-3-9; or

(iii) a wine retailer's permit under IC 7.1-3-14;

(B) that does not employ an individual who is less than eighteen (18) years of age;

(C) that does not allow an individual who:

(i) is less than twenty-one (21) years of age; and

(ii) is not an employee of the bar or tavern;

to enter any area of the bar or tavern; and

(D) that is not located in a business that would

otherwise be subject to this chapter.

(9) A cigar manufacturing facility that does not offer retail sales.

(10) A premises of a cigar specialty store to which all of the following apply:

(A) The owner or operator of the store held a valid tobacco sales certificate issued under IC 7.1-3-18.5 on June 30, 2012.

(B) The sale of tobacco products and tobacco accessories account for at least fifty percent (50%) of the store's annual gross sales.

(C) The store has a separate, enclosed, designated smoking room that is adequately ventilated to prevent migration of smoke to nonsmoking areas.

(D) Smoking is allowed only in the room described in clause (C).

(E) Individuals who are less than eighteen (18) years of age are prohibited from entering into the room described in clause (C).

(F) Cigarette smoking is not allowed on the premises of the store.

(G) The owner or operator of the store posts a conspicuous sign on the premises of the store that displays the message that cigarette smoking is prohibited.

(H) Food or beverages are not sold ~~for~~ **in a manner that requires** consumption on the premises, and there is not an area set aside for customers to consume food or beverages on the premises.

(11) The premises of a business that is located in the business owner's private residence (as defined in IC 3-5-2-42.5) if the only employees of the business who work in the residence are the owner and other individuals who reside in the residence.

(b) The owner, operator, manager, or official in charge of an establishment or premises in which smoking is allowed under this section shall post conspicuous signs in the establishment that read "WARNING: Smoking Is Allowed In This Establishment" or other similar language.

(c) This section does not allow smoking in the following enclosed areas of an establishment or premises described in subsection (a)(1) through (a)(10):

(1) Any hallway, elevator, or other common area where an individual who is less than eighteen (18) years of age is permitted.

(2) Any room that is intended for use by an individual who is less than eighteen (18) years of age.

(d) The owner, operator, or manager of an establishment or premises that is listed under subsection (a) and that allows smoking shall provide a verified statement to the commission that states that the establishment or premises qualifies for the exemption. The commission may require the owner, operator, or manager of an establishment or premises to provide documentation or additional information concerning the exemption of the establishment or premises.

SECTION 6. IC 14-18-2-3, AS AMENDED BY P.L.71-2012, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) As used in this section, "inn" means a public facility that has the following:

(1) At least twenty (20) rooms for the accommodation of overnight guests.

(2) A dining room that offers table service for at least forty (40) individuals at one (1) time during normal dining hours.

(b) A lease and contract authorized by this chapter must include in its terms the following provisions and conditions:

(1) The legal description of the leasehold. A survey for the description is not required.

(2) The term of the lease. The term may not exceed forty (40) years with two (2) additional options to renew of thirty (30) years each.

(3) Provision for the submission of complete plans and specifications to the department for review and written approval before beginning any construction.

(4) The manner of payment of rental.

(5) The facilities provided will be available to the public without discrimination and at charges designed to make the facilities available to a maximum number of the citizens of Indiana.

(6) That the rates and fees charged for goods and services on the leased area will be in accord with those charged at similar developments in the area.

(7) The disposition of the leasehold and improvements at the termination of the lease.

(8) Except as provided in ~~subsection~~ **subsections (c) and** (e), if the lease and contract concerns state owned land under the management and control of the department, including state parks, a prohibition on the sale or public display of alcoholic beverages on the premises.

(c) A lease and contract authorized by this chapter may permit in its terms the retail sale of alcoholic beverages for consumption on the licensed premises of an inn if

~~(1) the lease and contract concerns federally owned land under the control and management of the department; and (2)~~ the lessee or concessionaire applies for and secures the necessary permits required by IC 7.1.

(d) A lease and contract authorized by this chapter may permit in its terms the retail sale of alcoholic beverages for consumption on the licensed premises of a public golf course if:

(1) the lease and contract concerns federally owned land that is:

(A) under the control and management of the department; and

(B) located on Brookville Reservoir; and

(2) the lessee or concessionaire applies for and secures the necessary permits required by IC 7.1.

(e) A lease and contract authorized by this chapter may permit in its terms the retail sale of alcoholic beverages for consumption on the licensed premises of a pavilion located within Indiana Dunes State Park if the lessee or concessionaire applies for and secures the necessary permits required by IC 7.1.

(f) The retail sale of alcoholic beverages on licensed premises described in subsections (c), (d), and (e) is subject to any other applicable alcoholic beverage provisions under the Indiana Code and any rule adopted to implement any other applicable alcoholic beverage provisions under the Indiana Code.

(g) A lease and contract may prescribe other terms and conditions that the department considers necessary and advisable to carry out the intent and purposes of this chapter.

(Reference is to EHB 1116 as reprinted March 4, 2014.)

DERMODY	YODER
GIAQUINTA	RANDOLPH
House Conferees	Senate Conferees

Roll Call 477: yeas 93, nays 5. Report adopted.

CONFERENCE COMMITTEE REPORT
EHB 1258–1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1258 respectfully reports that said two committees have conferred and agreed as follows to wit:

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

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 25-22.5-14 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 14. Indiana Telehealth Services Pilot Program

Sec. 1. As used in this chapter, "telehealth services" means the use of telecommunications and information technology to provide access to health assessment, diagnosis, intervention, consultation, treatment, supervision, and information across a distance.

Sec. 2. (a) Before August 1, 2014, the board shall establish a pilot program to provide telehealth services to patients in Indiana without the establishment of an in person patient-physician relationship.

(b) The pilot program must include the following:

(1) Requirement that the services be provided by a physician licensed under IC 25-22.5 who has an established physical practice in Indiana.

(2) Standards and procedures determined by the board for physicians to practice in providing services in the pilot program, including the following:

(A) The documentation and storage of a patient's medical records.

(B) Secure technology that complies with the federal Health Insurance Portability and Accountability Act.

(3) A requirement that the pilot program include the issuance of a prescription when medically necessary. However, the pilot program may not include the issuance of a prescription for a controlled substance.

(4) The types of services that may be provided under the pilot program, including a prohibition on the provision of emergency care.

(5) The geographic area that will be served under the pilot program.

(6) The duration of the pilot program.

(c) The board may continue the operation of a program after the expiration of the pilot program as determined under subsection (b)(6) until:

(1) the board changes administrative rules to allow a practitioner to prescribe for a patient without seeing the patient in person;

(2) the general assembly takes action to terminate the program; or

(3) the expiration of this chapter.

Sec. 3. Before the earlier of six (6) months after the completion of the pilot program, or February 1, 2015, the board shall report to the general assembly in an electronic format under IC 5-14-6 concerning the outcomes of the pilot program, including the following:

(1) The number of patients served.

(2) The number of prescriptions issued.

(3) The number of in-person follow up care required.

(4) Overall physician and patient satisfaction.

Sec. 4. This chapter expires July 1, 2016.

SECTION 2. **An emergency is declared for this act.**

(Reference is to EHB 1258 as printed February 28, 2014.)

CLERE	PAT MILLER
SHACKLEFORD	BREAUX
House Conferees	Senate Conferees

Roll Call 478: yeas 98, nays 0. Report adopted.

RESOLUTIONS ON FIRST READING

House Resolution 78

Representative Karickhoff introduced House Resolution 78:

A HOUSE RESOLUTION urging the legislative council to assign to the appropriate study committee the topic of the shift of the business personal property tax burden.

Whereas, Many factors contribute to the shift of the business personal property tax burden throughout the state of Indiana; and

Whereas, These factors must be studied thoroughly: Therefore,

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

SECTION 1. That the legislative council is urged to assign to the appropriate study committee the topic of the factors contributing to the shift of the business personal property tax burden including the following:

(1) Issues concerning the taxation of business personal property in Indiana and business taxation in general in Indiana.

(2) Issues related to the share of the overall tax burden borne by businesses in Indiana.

(3) The competitive advantages and disadvantages for businesses in Indiana that result from the structure of state and local taxation of business.

(4) Any special elements of the taxation of business personal property.

(5) Issues related to property taxes paid by taxpayers (including individual taxpayers) other than business taxpayers, and the relative share of the overall tax burden borne by these taxpayers.

(6) The impact on local government of reducing business personal property taxes.

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

House Resolution 79

Representative Thompson introduced House Resolution 79:

A HOUSE RESOLUTION honoring the Tri-West High School softball team.

Whereas, The Tri-West High School softball team defeated Yorktown by a score of 7-4 to win the Class 3A softball state championship held at Ben Davis High School in Indianapolis;

Whereas, The game saw the lead change hands three times;

Whereas, Trailing 4-3, the Bruins scored two runs in the sixth inning and two more runs in the seventh to secure the school's first softball state championship title for second-year coach Stacey Rogers;

Whereas, The state championship victory topped off a 14-game winning streak and a 25-4 season;

Whereas, Alyssa Clark was chosen as the winner of this year's Mental Attitude Award in Class 3A Softball by members of the Indiana High School Athletic Association's Executive Committee; and

Whereas, Outstanding athletic accomplishments such as this deserve special recognition: 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 members of the Tri-West High School softball team on the occasion of their Indiana High School Athletic Association Class 3A state softball championship and to wish them continued success in all their future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to each team member, head coach Stacey Rogers, athletic director Don Dorrell, principal Adam Benner, and superintendent Rusty King.

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

Senate Concurrent Resolution 54

The Speaker handed down Senate Concurrent Resolution 54, sponsored by Representatives VanNatter and Karickhoff:

A CONCURRENT RESOLUTION congratulating the Western High School girls basketball team.

Whereas, The Western High School girls basketball team celebrated a 38-35 victory over Evansville Mater Dei High School to win the Class 3A state girls basketball championship;

Whereas, This victory represented the first state girls basketball championship for the Western Panthers;

Whereas, Throughout the tournament, the Panthers faced stiff opposition and quality teams but persevered to reach the championship game at Hulman Center in Terre Haute;

Whereas, A close game throughout, the outcome of the game depended on the final seconds;

Whereas, The team worked as one to earn this victory which is deserving of such a dedicated season from the coaching staff, public support, and team effort; and

Whereas, Outstanding accomplishments such as this deserve special recognition: 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 General Assembly congratulates the Western High School girls basketball team on its Class 3A state championship and wishes continued success in all its future endeavors.

SECTION 2. That the copies of this resolution be transmitted by the Secretary of the Senate to team members Sarah Connolly, Kiersten Durbin, Jessica Givens, Caitlyn O'Neal, Carley O'Neal, Siera Daniel, Kaylee Penning, Hayley Mills, Clair Lechner, Kaysie Mulkey, Brooklyn Campbell, and Raven Black; head coach Chris Keisling; principal Rick Davis; and superintendent Randy McCracken.

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.

Senate Concurrent Resolution 55

The Speaker handed down Senate Concurrent Resolution 55, sponsored by Representatives VanNatter and Karickhoff:

A CONCURRENT RESOLUTION honoring Raven Black.

Whereas, The Indiana High School Athletic Association Executive Committee named Raven Black as the winner of the Patricia L. Roy Mental Attitude Award, presented annually to a senior girls basketball player who has been nominated by her principal and coach and has demonstrated excellence in mental attitude, scholarship, leadership, and athletic ability;

Whereas, Raven Black ranks among the top students in her class at Western High School in Russiaville, with a 4.471 grade point average in rigorous honors level and advanced placement classes;

Whereas, Raven is a member of the National Honor Society and the "W Club" at her school and has raised money to fund mission trips to New York following Hurricane Sandy and Joplin, Missouri, following the tornadoes;

Whereas, Raven has been named All-Conference twice and earned her team's rebounding and mental attitude awards twice;

Whereas, Raven also participated two years with the Western softball team and plans to study pre-med at Indiana University in the fall; and

Whereas, She has outstanding accomplishments both on and off the court: 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 General Assembly congratulates Raven Black on her selection as the Patricia L. Roy Mental Attitude Award winner for girls Class 3A basketball.

SECTION 2. That copies of this resolution be transmitted by the Secretary of the Senate to Raven Black and her family, Head Coach Chris Keisling, Principal Rick Davis, and Superintendent Randy McCracken.

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.

CONFEREES AND ADVISORS APPOINTED

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

EHB 1083 Conferees: Leonard replacing Moseley

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 9:45 p.m. with the Speaker in the Chair.

Upon request of Representative Errington, the Speaker ordered the roll of the House to be called to determine the presence or absence of a quorum. Roll Call 479: 83 present. The Speaker declared a quorum present.

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 161.2 and recommends that it be suspended so that the following conference committee reports are eligible for consideration after March 3, 2014; we further recommend that House Rule 163.3 be suspended so that the following conference committee reports may be laid over on the members' desks for 2.5 hours, so that they may be eligible to be placed before the House for action: Engrossed House Bills 1006-01, 1139-01, 1187-01, 1196-01, 1216-01 and 1307-01.

TORR, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move House Rule 161.2 be suspended so that the following conference committee reports are eligible for consideration after March 3, 2014, and that House Rule 163.3 be suspended so that the following conference committee reports may be laid over on the members' desks for 2.5 hours, so that they may be eligible to be placed before the House for action: Engrossed House Bills 1006-01, 1139-01, 1187-01, 1196-01, 1216-01 and 1307-01.

TORR, Chair

Motion prevailed.

CONFERENCE COMMITTEE REPORT
EHB 1139–1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1139 respectfully reports that said two committees have conferred and agreed as follows to wit:

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

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 25-20-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. Except as the context requires otherwise:

"Board" shall mean the medical licensing board.

"Committee" means the committee of hearing aid dealer examiners.

"Hearing aid" shall mean any instrument or device worn on the human body, designed ~~for or represented as aiding, improving or correcting defective human~~ **and fit for an individual with a** hearing **loss** and any parts, attachments or accessories of such an instrument or device. **The term does not include a personal sound amplifier.**

"Personal sound amplifier" means a device that simply magnifies sound and does not address an individual's specific hearing loss.

"Fit hearing aids" shall mean the hearing aid dealer's or salesman's evaluation or measurement of the powers or range of human hearing for the subsequent selection or adaption or sale of hearing aids.

"Dispense hearing aids" shall mean the sale, lease or rental of a hearing aid to anyone other than a hearing aid dealer.

"Hearing aid dealer" shall mean any person who fits or dispenses hearing aids and who receives a commission or salary derived from the sale of such devices or maintenance of such devices except any person who serves said dealer only in an administrative or clerical manner and who does not evaluate, fit or dispense hearing aids shall be excluded.

"Audiologist" means an individual holding a license to practice audiology issued under IC 25-35.6.

"Registration" shall refer to the legal privilege given a person who holds a hearing aid dealer certificate of registration; and "Temporary Registration" shall refer to the legal privilege given a person who holds a temporary hearing aid dealer certificate of registration.

SECTION 2. IC 25-20-1-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 25. (a) This section applies only to a registrant who has held a certificate issued under this chapter for at least eighteen (18) months.

(b) To renew a hearing aid dealer certificate of registration issued under this chapter, a registrant must complete at least twenty (20) hours of credit in continuing education courses.

(c) To satisfy the requirements of subsection (b), a registrant may use only credit hours earned in continuing education courses completed by the registrant:

(1) after the last date the registrant renewed a certificate under this chapter; or

(2) if the registrant is renewing a certificate for the first time, after the date the registrant was issued the certificate under this chapter.

(d) A registrant may receive credit only for completing continuing education courses that have been approved by the committee, the American Speech-Language-Hearing Association, or the ~~National~~ **International** Institute for Hearing Instrument Studies.

(e) When a registrant renews a certificate issued under this chapter, the registrant must comply with IC 25-1-4-3.

SECTION 3. IC 25-20-1-26 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 26. A person may not sell, lease, or rent a hearing aid in Indiana unless the person complies with the requirements under IC 25-35.6-4-1.**

SECTION 4. IC 25-35.6-4 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

Chapter 4. Unlawful Practices

Sec. 1. (a) This section does not apply to a prescription or order by a person who:

(1) is licensed, certified, registered, or regulated by a board listed in IC 25-1-9-1; and

(2) has authority to issue a prescription or order for a hearing aid.

(b) A person may not sell, lease, or rent a hearing aid (as defined in IC 25-20-1-1) in Indiana unless the hearing aid has been fitted in person by any of the following:

(1) A hearing aid dealer who has been issued a certificate of registration under IC 25-20.

(2) An audiologist who is licensed under this article.

(c) A person who violates this section commits a Class B infraction.

SECTION 5. [EFFECTIVE JULY 1, 2014] **(a) Before September 1, 2014, the state department of health shall, with assistance from the center for deaf and hard of hearing education:**

(1) determine the number of Indiana residents who are less than nineteen (19) years of age and are hearing impaired; and

(2) determine the estimated cost for:

(A) a state program; and

(B) a health insurance requirement;

to provide hearing aids to the individuals identified in subdivision (1).

(b) The state department of health shall report its findings under this SECTION in an electronic format under IC 5-14-6 to the legislative council before October 15, 2014.

(c) This SECTION expires December 31, 2014.

(Reference is to EHB 1139 as reprinted February 28, 2014.)

CLERE	PAT MILLER
BAUER	BREAUX
House Conferees	Senate Conferees

Roll Call 480: yeas 93, nays 1. Report adopted.

CONFERENCE COMMITTEE REPORT
EHB 1187–1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1187 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 8-1-2-61.7, AS ADDED BY P.L.251-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 61.7. (a) As used in this section, "utility" refers to a wastewater utility that:

(1) is owned or operated by a political subdivision (as defined in IC 36-1-2-13); and

(2) is not under the jurisdiction of the commission for the approval of rates and charges.

(b) As used in this section, "wholesale sewage service" means the collection, treatment, purification, and disposal in a sanitary manner of liquid and solid waste, sewage, night soil, and

industrial waste provided by a utility to another utility.

(c) A utility that:

(1) either provides or receives wholesale sewage service; and

(2) negotiates to renew or enter into a new contract for wholesale sewage service on expiration of a contract for the same wholesale sewage service;

may file a petition for review of rates and charges for wholesale sewage service with the commission or the circuit or superior court with jurisdiction in the county where the utility has its principal office.

(d) If a utility files a petition under subsection (c), the following apply:

(1) The utility that provides the wholesale sewage service has the burden of proving that the rates and charges are just and reasonable.

(2) A petition concerning the same rates and charges may not be filed with both the commission and a court.

(3) If multiple petitions concerning the same rates and charges are filed, all petitions filed after the first petition filed must be:

(A) consolidated with the first petition filed; and

(B) heard in the forum in which the first petition was filed.

(4) The petition is not subject to IC 36-9-23 or IC 36-9-25. **However, the petition may be subject to IC 8-1.5-6.**

(5) If the petition is heard by a court, the court shall hear the petition de novo.

(e) After notice and hearing, the commission may issue an order determining whether the rates and charges that are the subject of a petition filed with the commission under subsection (c) are just and reasonable. The order of the commission is a final order for purposes of IC 8-1-3.

(f) This section does not:

(1) authorize the commission to revise rates and charges of a utility for any other purpose other than as stated in this section; or

(2) otherwise return or subject a utility to the jurisdiction of the commission.

(g) The commission may adopt rules under IC 4-22-2 to implement this section.

SECTION 2. IC 8-1-2-70, AS AMENDED BY P.L.251-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 70. In its order upon any investigation made under the provisions of this chapter, ~~or~~ IC 8-1.5-3, **or IC 8-1.5-6,** either upon complaint against any municipal utility, ~~or~~ upon the petition of any such municipal utility, or upon the initiation of the commission, the commission shall ascertain and declare the expenses incurred by it upon such investigation, and the municipal utility affected thereby shall pay into the commission public utility fund account described in IC 8-1-6-2 the amount of the expenses, so ascertained and declared, within a time to be fixed in the order, not exceeding twenty (20) days from the date thereof. The commission shall cause a certified copy of all such orders to be delivered to an officer or agent of the municipal utility affected thereby, and all such orders shall, of their own force, take effect and become operative twenty (20) days after service thereof unless a different time be provided in said order. Any order of the commission as may increase any rate of such municipal utility shall not take effect until such expenses are paid into the commission public utility fund account described in IC 8-1-6-2.

SECTION 3. IC 8-1-2-86.5 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 86.5. (a) As used in this section, "four (4) mile area" means the area within four (4) miles of a municipality's corporate boundaries.~~

~~(b) Except as provided in subsection (c), the commission, after notice and hearing, may, by order, determine territorial disputes between all water utilities.~~

~~(c) This subsection applies only to a municipality:~~

~~(1) having a population of less than seven thousand five hundred (7,500); and~~

~~(2) that, as of January 1, 2007, has adopted an ordinance exercising the power to regulate the furnishing of water to the public granted by IC 36-9-2-14 within a four (4) mile area.~~

~~The commission may not determine a territorial dispute within a four (4) mile area unless the territorial dispute concerns a geographic area located in more than one (1) four (4) mile area.~~

SECTION 4. IC 8-1-13-18.5, AS AMENDED BY P.L.42-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18.5. (a) Except as provided in subsection (i), a corporation organized under this chapter or a corporation organized under IC 23-17 whose membership includes one (1) or more corporations organized under this chapter may withdraw from the jurisdiction of the commission. A corporation organized under this chapter that withdraws from the jurisdiction of the commission must comply with all provisions of this chapter that do not directly concern the commission and must continue to pay the public utility fee required under IC 8-1-6. A member of a corporation that has withdrawn from the commission's jurisdiction shall have reasonable access to the meetings and the minutes of the meetings of the corporation's board of directors, except for executive sessions that concern personnel matters and confidential or proprietary matters that may:

(1) invade the privacy of a member or an employee of the corporation; or

(2) impair the corporation's bargaining, legal, or competitive position;

if the matter is disclosed to the member.

(b) A corporation that proposes to withdraw under this chapter from the jurisdiction of the commission must first obtain the approval of the members.

(c) The board of a corporation that proposes to withdraw under this chapter from the jurisdiction of the commission must conduct a referendum of the members of the corporation to determine whether the members approve of the removal of the corporation from the jurisdiction of the commission.

(d) A board must send written notice of the board's intent to conduct a referendum to the commission before the board may conduct the referendum.

(e) A referendum may be conducted at an annual or special meeting of the members held under section 8 of this chapter if a quorum is present.

(f) Written notice of a meeting at which a referendum is to be conducted must be sent to every member not less than thirty (30) days before the date of the meeting. The notice must contain the following information:

(1) The place, date, and hour of the meeting.

(2) The fact that a referendum will be conducted at the meeting to determine whether the members approve of the removal of the corporation from the jurisdiction of the commission.

(3) The fact that no proxies will be permitted to determine whether the members approve of the removal of the corporation from the jurisdiction of the commission.

(g) A board shall distribute secret ballots to the members present at the meeting. The ballots must be in a form substantially equivalent to the following:

___ YES. I want the corporation to withdraw from the jurisdiction of the commission.

___ NO. I want the corporation to remain under the jurisdiction of the commission.

Only those members present in person at the meeting may vote. Each member is entitled to one (1) vote on the question of the corporation's withdrawal from jurisdiction of the commission. If a majority of the members present vote in favor of withdrawing from the jurisdiction of the commission, the

withdrawal is effective thirty (30) days after the date of the vote. If less than a majority of the members vote in favor of withdrawing the corporation from jurisdiction of the commission, the corporation is prohibited from conducting another referendum concerning withdrawal for eighteen (18) months following the date of the meeting at which the vote was taken. Parties aggrieved by the conduct of the referendum must file an action in the circuit or superior court with jurisdiction in the county where the corporation has the corporation's principal office to allege noncompliance with this section not more than thirty (30) days after the date of the vote.

(h) If a corporation withdraws from jurisdiction of the commission, the corporation's secretary shall not more than five (5) days after the date of the vote send a verified certification of the vote to the commission affirming that all the requirements of this section were met and include all of the following:

(1) The total membership of the corporation.

(2) The total number of members voting in the referendum.

(3) The actual vote, for and against withdrawal.

(i) If a corporation withdraws from the jurisdiction of the commission, the commission shall continue to exercise jurisdiction over the corporation only as to the following:

(1) Electric service area assignments under IC 8-1-2.3.

(2) Certificates of public convenience and necessity, certificates of territorial authority, and indeterminate permits under IC 8-1-2, IC 8-1-8.5, or IC 8-1-8.7.

~~(3) Water utility disputes under IC 8-1-2-86.5.~~

(j) Whenever two (2) or more corporations organized under this chapter consolidate or merge under section 16 of this chapter, and one (1) but not all of the corporations has withdrawn from the jurisdiction of the commission under this section, the consolidated or merged corporation is under the jurisdiction of the commission until the consolidated or merged corporation withdraws from jurisdiction of the commission under this section, unless the agreement for consolidation or merger approved under section 16 of this chapter includes the withdrawal from the jurisdiction of the commission under this section.

(k) A board of a corporation that has withdrawn from the jurisdiction of the commission under this section must conduct a referendum of the corporation's members to determine whether the corporation should return to the jurisdiction of the commission upon receipt of:

(1) a petition for a referendum signed by not less than fifteen percent (15%) of the corporation's members; or

(2) a resolution ordering a referendum adopted by a majority vote of the board of directors of the corporation.

Upon receipt of the petition or adoption of the resolution by the board, the board shall inform the commission of the petition or resolution and shall thereafter conduct a referendum at the next annual meeting of the corporation held under section 8 of this chapter, or if the next annual meeting is more than ninety (90) days after the date the petition was received or resolution for referendum was adopted by the board, then at a special meeting called by the board and held not more than ninety (90) days after receipt of the petition or adoption of the resolution. The process provided in subsections (d), (e), (f), (g), and (h) shall be followed when conducting a referendum under this subsection, except the form of the ballots must be as follows:

___ YES. I want the corporation to return to the jurisdiction of the commission.

___ NO. I want the corporation to remain outside the jurisdiction of the commission.

If a corporation returns to the jurisdiction of the commission, the commission shall resume all the jurisdiction it would have if the corporation had not withdrawn, effective thirty (30) days following the date the referendum was conducted. If less than a majority of the members voting at the referendum vote in favor of returning to the jurisdiction of the commission, a referendum on the question presented at the referendum may not be conducted for eighteen (18) months following the date of the vote.

SECTION 5. IC 8-1-17.5-25, AS AMENDED BY P.L.256-2013, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 25. Notwithstanding any other law, the commission may exercise jurisdiction over a surviving corporation or successor corporation formed under this chapter only to do the following:

(1) Ensure compliance with IC 8-1-2.8 concerning the provision of dual party relay services to deaf, hard of hearing, and speech impaired persons in Indiana.

(2) Perform the commission's duties under IC 8-1-19.5 concerning the administration of the 211 dialing code for communications service used to provide access to human services information and referrals.

(3) Enforce rules adopted under IC 8-1-29 to ensure that a customer of a telecommunications provider is not:

(A) switched to another telecommunications provider unless the customer authorizes the switch; or

(B) billed for services by a telecommunications provider that without the customer's authorization added the services to the customer's service order.

(4) Conduct proceedings under:

(A) the federal Telecommunications Act of 1996 (47 U.S.C. 151 et seq.); and

(B) IC 20-20-16;

concerning universal service and access to telecommunications service and equipment, including the designation of eligible telecommunications carriers under 47 U.S.C. 214.

(5) Perform the commission's duties under IC 8-1-2.6-1.5 or IC 8-1-2-5.

(6) Issue or maintain certificates of territorial authority for communications service providers under IC 8-1-32.5.

(7) Perform the commission's duties under IC 8-1-34 to issue and maintain certificates of franchise authority to multichannel video programming distributors offering video service to Indiana customers.

(8) Perform the commission's duties under IC 8-1-2.6-13(c)(9) concerning the reporting of information by communications service providers.

(9) Fulfill the commission's duties under any state or federal law concerning the administration of any universally applicable dialing code for any communications service.

(10) Perform the commission's duties under IC 8-1-2.3 with respect to assigned service areas for electricity suppliers.

(11) Issue:

(A) certificates of public convenience and necessity, certificates of territorial authority, and indeterminate permits under IC 8-1-2;

(B) certificates of public convenience and necessity under IC 8-1-8.5; or

(C) certificates of public convenience and necessity under IC 8-1-8.7.

(12) Determine territorial disputes between water utilities under ~~IC 8-1-2-86.5.~~ **IC 8-1.5-6.**

SECTION 6. IC 8-1-32-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. This chapter does not reduce or supersede the commission's jurisdiction under IC 8-1-2-86 and ~~IC 8-1-2-86.5.~~ **IC 8-1.5-6.**

SECTION 7. IC 8-1.5-6 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 6. Utility Service in Regulated Territories

Sec. 1. As used in this chapter, "municipal utility" refers to a municipally owned:

(1) water utility;

(2) wastewater utility; or
(3) combined water and wastewater utility;
regardless of whether the municipal utility is under the jurisdiction of the commission for the approval of rates and charges.

Sec. 2. As used in this chapter, "regulated territory" means the area outside the corporate boundaries of a municipality described in:
(1) IC 36-9-2-18;
(2) IC 36-9-2-19; or
(3) IC 36-9-23-36.

Sec. 3. As used in this chapter, "regulatory ordinance" means an ordinance adopted by a municipality that:
(1) asserts the exclusive authority of a municipal utility to provide service within a regulated territory; or
(2) prohibits another utility from providing utility service in the regulated territory.

Sec. 4. As used in this chapter, "utility" means a utility that provides:
(1) water service;
(2) wastewater service; or
(3) combined water and wastewater service;
regardless of whether the utility is under the jurisdiction of the commission for the approval of rates and charges. The term includes a municipal utility.

Sec. 5. As used in this chapter, "wholesale sewage petition" refers to a petition filed under IC 8-1-2-61.7 for review of rates and charges for wholesale sewage service.

Sec. 6. Notwithstanding any other provision in this title or IC 36, the offering or provision of service by a utility in a regulated territory is under the jurisdiction of the commission as set forth in sections 7, 8, 9, and 10 of this chapter.

Sec. 7. (a) This section applies if:
(1) a municipality adopts a regulatory ordinance before January 1, 2013;
(2) a dispute arises or exists between a utility owned by the municipality and another utility as to which utility provides service to customers that connected to service provided by one (1) of the utilities:
(A) after the date on which the regulatory ordinance was adopted; and
(B) before March 15, 2014; and
(3) the utilities are unable to resolve a dispute described in subdivision (2) through mutual agreement.

(b) Not later than October 1, 2014, a utility shall petition the commission for resolution of the dispute. The petition must be in the form and manner prescribed by the commission. Upon the filing of the petition, the commission shall assume immediate and exclusive jurisdiction over the utilities for purposes of resolving the dispute.

(c) Upon assuming jurisdiction under subsection (b) and after notice and hearing, the commission shall issue an order resolving all issues presented in the petition described in subsection (b), including determining the manner in which the utilities shall provide service to the customers that are the subject of the dispute, in the manner that the commission determines is in the public interest. In making the determination, the commission shall consider the criteria set forth in section 8(g) of this chapter. The commission shall issue the order within three hundred (300) days after the petition described in subsection (b) is filed.

Sec. 8. (a) This section applies if:
(1) a municipality adopts a regulatory ordinance after December 31, 2012; and
(2) a utility owned by the municipality files a wholesale sewage petition.

(b) A municipality may not enforce a regulatory ordinance until all the following conditions are satisfied:
(1) There is a final judgment on the wholesale sewage petition that concludes all administrative and judicial proceedings. For purposes of this subdivision, a final judgment includes an order of the commission under subsection (f).
(2) The commission has issued an order under subsection (f) that resolves all issues included in a petition filed under subsection (d) in a manner that the commission determines is in the public interest.
(3) The municipality has modified the regulatory ordinance to comply with the order of the commission described in subdivision (2), if necessary.

(c) A utility may file with the commission a petition alleging that the final judgment of a court on the wholesale sewage petition does not resolve all issues included in the wholesale sewage petition that are related to:
(1) the service territory of the municipality; or
(2) rates and charges for wholesale sewage service.
The commission shall assume immediate and exclusive jurisdiction over the municipal utility upon the filing of the petition for purposes of resolving the remaining issues. After notice and hearing, the commission shall issue an order within three hundred (300) days after the petition is filed resolving all issues presented in the petition in the manner that the commission determines is in the public interest. In making a determination of the public interest, the commission shall consider the factors set forth in subsection (g). The commission may combine a hearing under this subsection with a hearing under subsection (f) and issue a single order on the combined hearing.

(d) Not later than October 1, 2014, a municipal utility shall petition the commission for approval of the regulatory ordinance. The petition must include the following:
(1) A description of the service territory established in the regulatory ordinance.
(2) Proposed rates and charges for the services to be provided in the service territory.
(3) A list of any administrative or judicial proceedings involving the regulatory ordinance or the wholesale sewage petition.
(4) A list of any utilities actually or potentially affected by the regulatory ordinance.

(e) Upon the filing of a petition described in subsection (d), the commission shall do the following:
(1) Encourage all utilities listed under subsection (d)(4) to reach a mutual agreement that apportions the provision of service in the regulated territory among the utilities. A mutual agreement described in this subdivision is the preferred method of establishing service territories in a regulated territory. To take effect, a mutual agreement must be approved by the commission in an order issued under subsection (f), and the commission may approve a mutual agreement only if the commission determines that the mutual agreement is in the public interest.
(2) If the utilities are unable to reach a mutual agreement under subdivision (1), the commission shall assume immediate and exclusive jurisdiction over the municipal utility, including the wholesale sewage petition if there is no final judgment from a court on the wholesale sewage petition.

(f) Upon assuming jurisdiction under subsection (e)(2) and after notice and hearing, the commission shall issue an order resolving:
(1) all issues presented in the petition described in subsection (d), including the enforceability of the regulatory ordinance; and
(2) any applicable issues presented in the wholesale sewage petition;
in the manner that the commission determines is in the public interest. The commission shall issue the order within three hundred (300) days after the petition described in

subsection (d) is filed.

(g) In making a determination under subsection (f), the commission shall consider the following:

(1) The ability of another utility to provide service in the regulated territory.

(2) The effect of a commission order on customer rates and charges for service provided in the regulated territory.

(3) The effect of the commission's order on present and future economic development in the regulated territory.

(4) The history of utility service in the regulated territory, including any contracts for utility service entered into by the municipality that adopted the regulatory ordinance and any other municipalities, municipal utilities, or utilities.

(5) Any other factors the commission considers necessary.

Sec. 9. (a) This section applies if:

(1) a municipality adopts a regulatory ordinance after December 31, 2012; and

(2) a utility owned by the municipality does not, or is not eligible to, file a wholesale sewage petition.

(b) A municipality may not enforce a regulatory ordinance until the commission issues an order under subsection (c). The municipality shall petition the commission for approval of the regulatory ordinance. The petition must include the following:

(1) A description of the service territory established in the regulatory ordinance.

(2) Proposed rates and charges for the services to be provided in the service territory.

(3) A list of any administrative or judicial proceedings involving the regulatory ordinance.

(4) A list of any utilities actually or potentially affected by the regulatory ordinance.

(c) After notice and hearing, the commission shall issue an order resolving all issues presented in the petition described in subsection (b), including the enforceability of the regulatory ordinance in the manner that the commission determines is in the public interest. In making a determination of the public interest, the commission shall consider the factors set forth in section 8(g) of this chapter. The commission shall issue the order within three hundred (300) days after the petition described in subsection (b) is filed.

(d) If the commission does not approve the petition, the municipality may modify and resubmit the petition in the manner prescribed by the commission. After notice and hearing, the commission shall review the petition as set forth in subsection (c). If the commission does not approve the resubmitted petition, the regulatory ordinance is void.

(e) The municipality may petition the commission to rescind or modify an order issued under subsection (c) not earlier than five (5) years after the date on which the order was issued.

Sec. 10. (a) This section applies to a dispute, other than a dispute described in section 7, 8, or 9 of this chapter, that:

(1) arises between two (2) or more utilities as to which utility will provide utility service in a regulated territory; and

(2) is not the subject of an action initially filed in a court before January 1, 2014.

A dispute shall be resolved by the commission under this section.

(b) A proceeding under this section may be initiated:

(1) by a utility that is a party to a dispute described in subsection (a); or

(2) by the commission on its own initiative.

(c) Throughout a proceeding under this section, the commission shall, where feasible, promote the resolution of the dispute described in subsection (a) through a mutual agreement between the utilities that apportions the provision of utility service in the regulated territory. A mutual agreement described in this subsection is the preferred way of resolving a dispute described in subsection (a). However, to resolve the dispute, a mutual agreement must be approved by the commission in an order issued under subsection (e), and the commission may approve a mutual agreement only if the commission determines that the mutual agreement is in the public interest.

(d) If the utilities are unable to reach a mutual agreement under subsection (c), the commission shall determine the manner in which utilities shall provide service in the regulated territory. In making the determination, the commission shall consider the criteria set forth in section 8(g) of this chapter.

(e) After notice and hearing, the commission shall issue an order:

(1) approving a mutual agreement under subsection (c); or

(2) making a final determination under subsection (d).

Sec. 11. This section applies to a municipality that:

(1) after December 31, 2012, adopts a regulatory ordinance that establishes a service territory that is smaller than the regulated territory; and

(2) either:

(A) amends the ordinance described in subdivision (1); or

(B) adopts a new ordinance;

to establish a service territory that is larger than the service territory described in subdivision (1).

Before an ordinance described in subdivision (2) may take effect, the municipality shall submit the ordinance to the commission for approval under section 10 of this chapter.

Sec. 12. An order issued by the commission under this chapter is a final order for purposes of IC 8-1-3 and is enforceable in court.

Sec. 13. A petition filed under this chapter is not subject to the following:

(1) IC 8-1.5-3.

(2) IC 36-9-23.

(3) IC 36-9-25.

SECTION 8. **An emergency is declared for this act.**

(Reference is to EHB 1187 as reprinted February 28, 2014.)

BACON	CHARBONNEAU
GIAQUINTA	STOOPS
House Conferees	Senate Conferees

Roll Call 481: yeas 95, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT
EHB 1196–1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1196 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 5-32 IS ADDED TO THE INDIANA CODE AS A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

ARTICLE 32. EMPLOYMENT OF CONSTRUCTION MANAGERS AS CONSTRUCTORS FOR PROJECTS

Chapter 1. General Provisions

Sec. 1. This article applies only to the following:

(1) A public works project of a state educational

institution that begins after June 30, 2014.

(2) A public works project of a public agency, other than a state educational institution, that begins after June 30, 2017.

Sec. 2. Except as provided in this article, the applicable public works statute applies to the construction projects of the particular public agency performed under this article.

Sec. 3. This article expires July 1, 2020.

Chapter 2. Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

Sec. 2. "Applicable public works statute" refers to whichever of the following statutes is applicable to public works projects of the public agency:

(1) IC 4-13.6.

(2) IC 5-16.

(3) IC 36-1-12.

(4) Any other statute applicable to the public works projects of the public agency.

Sec. 3. "Applicable contract award standard" refers to the following:

(1) If the applicable public works statute is IC 4-13.6 or IC 36-1-12, the applicable contract award standard is "lowest responsive and responsible".

(2) If the applicable public works statute is IC 5-16, the applicable contract award standard is "lowest and best".

(3) If the applicable public works statute is a statute other than the statutes referred to in subdivision (1) or (2), the applicable contract award standard is the standard prescribed by the other public works statute that is the equivalent to "lowest responsive and responsible" or "lowest and best".

Sec. 4. "Architect" refers to a person registered under IC 25-4-1.

Sec. 5. "CMc" or "construction manager as constructor" means a person that provides CMc services.

Sec. 6. "CMc contract" refers to a contract for CMc services.

Sec. 7. "CMc services" includes the following:

(1) Preconstruction phase services, including advice during the preconstruction phase of the project as described in the RFP.

(2) Consultation, collaboration, project construction management, and other services as described in the RFP, regarding the construction during and after the design and construction phases. However, the CMc may not procure the project professional architectural and engineering design services. The public agency must directly contract for the services of the architect and engineer of record.

(3) Development of a construction schedule, estimated cost of construction, and analysis of qualifications of first tier subcontractors.

(4) Subject to the CMc contract, a guarantee of:

(A) the cost of the project; and

(B) the project schedule.

Sec. 8. "Engineer" refers to a person registered under IC 25-31-1.

Sec. 9. "Evaluation committee" refers to a group of individuals who are responsible for evaluating the responses of offerors to the RFP.

Sec. 10. "First tier subcontractor" refers to a subcontractor who contracts directly with the CMc.

Sec. 11. "GMP" refers to the guaranteed maximum price for the work as may be established in the CMc contract.

Sec. 12. "Offeror" refers to a person who submits a response to an RFP.

Sec. 13. "Person" refers to a natural person, a partnership, a limited liability company, or a corporation.

Sec. 14. (a) "Project" means the construction, remodeling, rehabilitation, or repair of buildings or other facilities owned by a public agency as described in the RFP.

(b) The term does not include the construction, remodeling, rehabilitation, or repair of roads, highways, bridges, or potable water or wastewater infrastructure.

Sec. 15. "Public agency" has the meaning set forth in IC 5-30-1-11.

Sec. 16. "Request for proposals" or "RFP" refers to the process by which a public agency solicits persons to provide CMc services under this article.

Chapter 3. Request for Proposals

Sec. 1. If a public agency chooses to use the procedures set forth in this article when performing a public works project, the public agency shall select a CMc as provided in this chapter.

Sec. 2. (a) The public agency shall issue a request for proposals.

(b) Notice of a request for proposals shall be given as other notices are required to be given under the applicable public works statute.

Sec. 3. (a) A request for proposals must include at least the following:

(1) A statement of the criteria, process, and procedures, which must include consideration of qualifications and fees, by which:

(A) an offeror will be evaluated;

(B) a CMc will be selected; and

(C) a CMc contract will be awarded.

(2) Information about how the GMP may be established as part of the contract.

(3) A description of the insurance requirements for the CMc.

(b) The statement of the criteria for evaluation of offerors under subsection (a) must include a statement that each offeror's:

(1) history of contracting with or hiring minority, women, and veteran business enterprises; and

(2) good faith efforts to fulfill the state's goals for contracting with or hiring minority, women, and veteran business enterprises;

will be considered in the evaluation of the offeror's proposal.

Sec. 4. Each offeror selected to meet with the evaluation committee, based on the evaluation committee's review of the RFP responses, must be given an equal opportunity to meet and communicate with the evaluation committee.

Sec. 5. A summary of the evaluation committee's evaluation of each offeror is subject to disclosure under IC 5-14-3, but only after the CMc contract has been awarded.

Sec. 6. If the public agency determines to proceed with the project, the public agency shall enter into negotiations with the offeror whose proposal has been selected by the evaluation committee considering:

(1) the responses to the RFP;

(2) any interviews with selected offerors; and

(3) evaluation of fees.

Sec. 7. A CMc may perform a part of the work only if:

(1) the public agency approves of the CMc's performance of the work;

(2) the CMc would be awarded a contract for the work under the applicable contract award standard; and

(3) the CMc performs only such work that equals not more than twenty percent (20%) of the total value of the project.

Chapter 4. CMc Contract

Sec. 1. After the public agency has selected an offeror to be the CMc, the public agency and that offeror may negotiate the final terms and conditions of the contract for CMc services for the project.

Sec. 2. (a) Subject to this article, the CMc contract must

require the CMc to provide payment and performance bonds in an amount not less than the estimated construction costs of the project or the GMP, as provided by the RFP.

(b) Construction may not be performed until the CMc has provided the bonds for that construction as required in the RFP and IC 5-32-6.

Sec. 3. A CMc contract must describe the details of any adjustment of compensation or other incentives negotiated between the public agency and the CMc.

Sec. 4. A CMc contract may describe whether the CMc and the public agency agree to any cost overrun or delay damages or early completion incentives.

Sec. 5. Changes in the contract for CMc services may be made as provided in the CMc contract.

Sec. 6. A public agency or CMc may terminate the CMc contract before the GMP has been determined, if the RFP provides for a GMP.

Sec. 7. (a) If any of the following occur, the public agency may proceed as described in subsection (b):

(1) The CMc contract is terminated under section 6 of this chapter.

(2) The public agency and the selected offeror are unable to reach agreement on a CMc contract.

(3) The selected offeror does not provide the required bonds as provided in the RFP or this article.

(b) If any of the events described in subsection (a)(1), (a)(2), or (a)(3) occur, the public agency may do any of the following:

(1) Negotiate a contract with another offeror.

(2) Award contracts and complete the project under any other applicable public works statute.

(3) Terminate the project.

Sec. 8. A CMc contract may describe if and when the GMP will be determined. If a GMP is established, the contract must describe all clarifications and assumptions on which the GMP is based.

Chapter 5. CMc Award of First Tier Subcontracts

Sec. 1. The CMc shall comply with all notice, bidding, construction, and contract administration requirements relating to public works contracts that the public agency must comply with under the applicable public works statutes.

Sec. 2. (a) A first tier subcontract shall be awarded to the bidder for that contract that would be awarded the contract under the applicable contract award standard.

(b) Before award of a first tier subcontract, the CMc may prequalify potential bidders based on written criteria established and published by the public agency. Otherwise, the applicable public works statute applies.

Sec. 3. Each bidder must submit under oath as a part of the bid a statement of the following information:

(1) The bidder's professional experience.

(2) The bidder's proposed plan for performing the work.

(3) The equipment and personnel available for the performance of the work.

(4) The bidder's current financial status.

(5) The bidder's best estimate of the cost of each item of work to be performed, including a breakdown of all labor and materials required to complete the work.

Sec. 4. Once a bidder is selected, the CMc's contract with that bidder must include terms and conditions that are designed to accomplish the work at the lowest possible cost to the public agency.

Sec. 5. (a) Except as provided in subsection (b), a bid is a public record subject to public inspection under IC 5-14-3.

(b) A bid is not subject to inspection and copying under IC 5-14-3 until a contract has been awarded or the solicitation of bids has been canceled.

Chapter 6. Bonds

Sec. 1. The CMc shall execute a payment bond to the public agency, approved by the public agency, in an amount equal to the GMP, if established, or the proposed construction cost. The payment bond must be conditioned for payment by the CMc, the CMc's successors and assigns, and by the first tier subcontractors, their successors and assigns, of all indebtedness that may accrue to any person for any labor or service performed, materials furnished, or service rendered in the project. The bond by its terms must be conditioned to directly inure to the benefit of subcontractors, laborers, suppliers of materials, and those performing service who have furnished or supplied labor, material, or service for the project.

Sec. 2. (a) The CMc shall furnish proof of its ability to obtain a valid performance bond that is acceptable to the public agency in an amount equal to the GMP, if established, or the proposed construction cost.

(b) The CMc shall furnish the bond at the time of an early release construction package or when the GMP is determined and provided to the public agency.

(c) If the bond is acceptable to the public agency, the performance bond may provide for incremental bonding in the form of multiple or chronological bonds that, when taken as a whole, equal the GMP, if established, or the proposed construction cost. The surety on the bond shall not be released for a period of one (1) year after final settlement with the CMc. A change, modification, omission, or addition in and to the terms or conditions of the contract, plans, specifications, drawings, or profile or any irregularity or defect in the contract or in the proceedings preliminary to the letting and awarding of the CMc contract does not in any way affect or operate to release or discharge the surety.

(Reference is to EHB 1196 as printed February 19, 2014.)

TRUITT	HERSHMAN
LAWSON	TAYLOR
House Conferees	Senate Conferees

Roll Call 482: yeas 92, nays 5. Report adopted.

Representatives Moed was excused.

CONFERENCE COMMITTEE REPORT

EHB 1216–1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1216 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 36-7-4-1015, AS AMENDED BY P.L.126-2011, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1015. (a) As a condition to the:

(1) adoption of a rezoning proposal;

(2) primary approval of a proposed subdivision plat or development plan;

(3) approval of a vacation of all or part of the plat; or

(4) approval of an application for a:

(A) special exception;

(B) special use;

(C) contingent use;

(D) conditional use; or

(E) variance;

the owner of a parcel of real property may be required or allowed to make a commitment ~~to the plan commission or board of zoning appeals, as applicable,~~ concerning the use or development of that parcel.

(b) Commitments are subject to the following provisions:

(1) A commitment must be in writing.

(2) Unless the written commitment is modified or terminated in accordance with this subsection, a written commitment is binding on the owner of the parcel.

(3) A commitment shall be recorded in the office of the county recorder. After a commitment is recorded, it is binding on a subsequent owner or any other person who acquires an interest in the parcel. However, a commitment is binding on the owner who makes the commitment even if the commitment is unrecorded. An unrecorded commitment is binding on a subsequent owner or other person acquiring an interest in the parcel only if that subsequent owner or other person has actual notice of the commitment.

(4) A commitment may contain terms providing for its own expiration. A commitment may also contain terms providing that the commitment automatically terminates:

(A) if the zoning district or classification applicable to the parcel is changed;

(B) if the land use to which the commitment relates is changed; or

(C) otherwise in accordance with the rules of the plan commission, ~~or~~ board of zoning appeals, **or legislative body** to which the commitment is made.

(5) Except for a commitment that expires or automatically terminates under subdivision (4), **or except as provided in subdivision (10),** a commitment may be modified or terminated:

(A) ~~only~~ by a decision of the plan commission or board of zoning appeals to which the commitment was made; **or**

(B) by the decision of the legislative body, if the commitment is made as part of a rezoning proposal being considered by the legislative body under the 600 or 1500 series of this chapter.

~~The~~ **A** decision **by a plan commission or board of zoning appeals** must be made at a public hearing after notice of the hearing has been provided under the rules of the plan commission or board of zoning appeals, as the case may be.

(6) During the time a rezoning proposal is being considered by the legislative body under the 600 or 1500 series of this chapter, the owner may make a new commitment to the ~~plan commission~~ **legislative body** or modify the terms of a commitment that was made when the proposal was being considered by the plan commission. **This subdivision does not apply to a commitment to which subdivision (10) applies.**

(7) **Except as provided in subdivision (8),** no further action of the plan commission is required for ~~a new commitment made~~ **an action taken by the legislative body** under subdivision (6) to be effective.

(8) If a commitment is modified under subdivision (6)

~~(A) no further action is required by the plan commission for the commitment to be effective if the effect of the modification is to make the commitment more stringent; or~~

~~(B) the modified commitment must be ratified by the plan commission if~~ **and** the effect of the modification is to make the commitment less stringent, **the modified commitment shall be referred to the plan commission for further review. The plan commission shall, not later than forty-five (45) days after referral of the modified commitment:**

(A) ratify the modified commitment; or

(B) certify a recommendation to the legislative body that the commitment be further modified.

After considering the recommendation of the plan commission, the legislative body shall then make the final decision on the terms of the modified commitment.

(9) Requiring or allowing a commitment to be made does not obligate the plan commission, board of zoning appeals, or legislative body, as applicable, to adopt, approve, or favorably recommend the proposal or application to which the commitment relates.

(10) This subdivision applies only to a commitment that is made before the parcel subject to the commitment is annexed by a municipality and after the annexation, the parcel becomes subject to the jurisdiction of a plan commission, board of zoning appeals, or legislative body other than the plan commission, board of zoning appeals, or legislative body to which the commitment was made. A commitment may be modified or terminated only by a decision of the legislative body of the annexing municipality. The decision must be made by the legislative body of the annexing municipality after considering the recommendation of the municipal plan commission certified to the legislative body after a public hearing held by the plan commission in accordance with the commission's rules. The rules of the municipal plan commission must include a provision requiring notice to be sent by certified mail at least ten (10) days before the date of the hearing to the following:

(A) The plan commission, board of zoning appeals, or legislative body to which the commitment was made.

(B) Each owner of real property, as shown on the county auditor's current tax list, whose real property is located within three hundred (300) feet of the parcel subject to the commitment.

(c) The plan commission or board of zoning appeals may adopt rules:

(1) governing the creation, form, recording, effectiveness, modification, and termination of commitments **that are made before the plan commission or board of zoning appeals;** and

(2) designating which specially affected persons and classes of specially affected persons are entitled to enforce commitments.

(d) An action to enforce a commitment may be brought in the circuit or superior court of the county by:

(1) the plan commission, ~~or~~ **the** board of zoning appeals, ~~to~~ **or the legislative body before** which the commitment was made;

(2) in the case of a commitment:

(A) modified under subsection (b)(10); or

(B) continued in effect upon annexation;

the legislative body of the municipality that annexed the real property subject to the commitment, if the annexation is effective after the date the commitment was made;

~~(2)~~ **(3)** any person who was entitled to enforce a commitment under the rules of the plan commission or board of zoning appeals in force at the time the commitment was made; or

~~(3)~~ **(4)** any other specially affected person who was designated in the commitment.

(e) A person bringing an action to enforce a commitment may request mandatory or prohibitory injunctive relief through the granting of a temporary restraining order, preliminary injunction, or permanent injunction. If an action to enforce a commitment is successful, the respondent shall bear the costs of the action. A change of venue from the county may not be granted in such an action.

(f) In an action to enforce a commitment, it is not a defense that:

(1) no consideration was given for the commitment;
(2) the commitment does not benefit any designated parcel of property;
(3) the document setting forth the commitment lacks a seal;
(4) there is no privity of estate;
(5) there is not privity of contract; or
(6) there is no proof of damages.

(g) The following types of conditions, as authorized by this chapter, are not considered commitments and are not subject to subsection (b):

(1) A condition imposed upon primary approval of a plat that must be met before secondary approval of the plat may be granted under the 700 series of this chapter.
(2) A condition imposed upon the approval of an exception, a use, a variance, or a development plan that must be met before an improvement location permit may be issued under the 800 series of this chapter.
(3) A condition imposed upon an approval relative to any other development requirement that must be met before any other secondary approval may be granted or building permit may be issued under this chapter.
(4) A condition that was imposed before July 1, 2011, on an approval relative to any development requirement. However, this subdivision applies only if a copy of the condition has been filed and permanently maintained as a public record in the office of the plan commission or board of zoning appeals that imposed the condition.

(h) Covenants, easements, equitable servitudes, and other land use restrictions created in accordance with law are not considered commitments and are not subject to subsection (b).

(i) This subsection applies only to a commitment made as part of a rezoning proposal being considered by the legislative body under the 600 or 1500 series of this chapter. A written commitment may not abrogate the authority of a legislative body to modify or terminate a commitment under this section.

SECTION 2. IC 36-7-4-1016, AS AMENDED BY P.L.126-2011, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1016. (a) Final decisions of the board of zoning appeals under:

(1) the 900 series of this chapter (administrative appeals, exceptions, uses, and variances); or
(2) section 1015 of this chapter (appeals of commitment modifications or terminations);

are considered zoning decisions for purposes of this chapter and are subject to judicial review in accordance with the 1600 series of this chapter.

(b) The following decisions of the plan commission are considered zoning decisions for purposes of this chapter and are subject to judicial review in the same manner as that provided for the appeal of a final decision of the board of zoning appeals under subsection (a):

(1) A final decision under the 700 series of this chapter (subdivision control).
(2) A final decision under section 1015 of this chapter (appeal of a commitment modification or termination).
(3) A final decision under the 1400 series of this chapter (development plans).
(4) A final decision under the 1500 series of this chapter (planned unit development), when authority to make a final decision is delegated to the plan commission by the legislative body under section 1511 of this chapter.

(c) Notwithstanding subsection (b)(2), decisions of a legislative body under section 1015(b)(6) or 1015(b)(10) of this chapter are not considered zoning decisions for purposes of this chapter and are not subject to judicial review in accordance with the 1600 series of this chapter.

~~(c)~~ **(d)** Final decisions of preservation commissions under IC 36-7-11, IC 36-7-11.1, IC 36-7-11.2, or IC 36-7-11.3 (certificates of appropriateness) are considered zoning decisions for purposes of this chapter and are subject to judicial review in the same manner as that provided for the appeal of a final decision of the board of zoning appeals under subsection (a).

~~(d)~~ **(e)** Final decisions of zoning administrators under IC 14-28-4-18 (improvement location permits within flood plain areas) are considered zoning decisions for purposes of this chapter and are subject to judicial review in the same manner as that provided for the appeal of a final decision of the board of zoning appeals under subsection (a).

~~(e)~~ **(f)** The following actions are legislative acts and are not considered zoning decisions for purposes of this chapter:

(1) Adopting or approving a comprehensive plan under the 500 series of this chapter.
(2) Certifying with or without a recommendation a proposal under the 600 series of this chapter.
(3) Adopting, rejecting, or amending a zoning ordinance under the 600 series of this chapter.
(4) Adopting, rejecting, or amending an impact fee ordinance under the 1300 series of this chapter.
(5) Designating a zoning district where a development plan is required under the 1400 series of this chapter.
(6) Adopting, rejecting, or amending a PUD district ordinance under the 1500 series of this chapter.
(7) Adopting, rejecting, or amending a flood plain zoning ordinance under IC 14-28-4.
(8) Certifying a recommendation, or modifying or terminating a commitment, under section 1015(b)(6) or 1015(b)(10) of this chapter.

(Reference is to EHB 1216 as reprinted February 26, 2014.)

TRUITT	HEAD
KLINKER	STOOPS
House Conferees	Senate Conferees

Roll Call 483: yeas 97, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT
EHB 1307–1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1307 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 6-1.1-6-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 0.5. As used in this chapter, "geo-referenced" means a photo with a minimum horizontal accuracy of plus or minus six (6) meters at one (1) meter resolution.**

SECTION 2. IC 6-1.1-6-9, AS AMENDED BY P.L.57-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. (a) Except as provided in subsections (b) and (c), a person who:

(1) wishes to have a parcel of land classified as native forest land, a forest plantation, or wildlands; or
(2) submits a revised application due to:
(A) the partial withdrawal of existing classified land;
(B) division of the parcel related to a conveyance; or
(C) the combination of contiguous lands;

must have the parcel described by a professional surveyor. The parcel must be described by metes and bounds or other professionally accepted practices and must locate the parcel with reference to an established corner. In addition, the description must identify the parcel by section, township, range,

and county references. The professional surveyor shall prepare plats of the parcel in ink, and the professional surveyor shall prepare the plats on the scale, and in the number, prescribed by the department of natural resources.

(b) The professional surveyor may use ~~an~~ **a geo-referenced** aerial photograph in order to prepare a description of the parcel. However, the professional surveyor's description must be accurate, and it must meet the requirements specified in subsection (a). If ~~an~~ **a geo-referenced** aerial photograph is used, that fact shall be noted on the application referred to in section 11 of this chapter.

(c) The natural resources commission may adopt rules to allow other means ~~to describe and plat a parcel~~ **of depicting and identifying parcels classified as native forest land, forest plantation, or wildlands** under this section **provided that the means do not result in a real property description of the parcel.**

SECTION 3. IC 6-6-11-9, AS AMENDED BY P.L.146-2008, SECTION 356, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. A boat is exempt from the boat excise tax imposed for a year if the boat is:

(1) owned by the United States;

(2) owned by the state or one (1) of its political subdivisions (as defined in IC 36-1-2-13);

(3) owned by an organization exempt from federal income taxation under 501(c)(3) of the Internal Revenue Code;

(4) a human powered vessel, as determined by the department of natural resources;

(5) held by a boat manufacturer, distributor, or dealer for sale in the ordinary course of business;

(6) used by a person for the production of income and subject to assessment under IC 6-1.1;

(7) stored in Indiana for less than twenty-two (22) consecutive days and not operated, used, or docked in Indiana;

(8) **except as provided in subdivision (9),** registered outside Indiana and operated, used, or docked in Indiana for a combined total of less than twenty-two (22) consecutive days during the boating year;

(9) a motorboat (as defined by IC 9-13-2-103.5) and is registered outside Indiana and docked on the Indiana part of Lake Michigan for a combined total of not more than one hundred eighty (180) consecutive days; or

~~(9)~~ **(10)** subject to the commercial vessel tonnage tax under IC 6-6-6.

SECTION 4. IC 6-6-11-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 14. (a) For a boat which has been acquired, or brought into Indiana, or for any other reason becomes subject to the excise tax after the regular annual tax payment date in the boating year on or before which the owner is required to pay the tax on boats under this chapter, the tax imposed by this chapter shall become due and payable no later than:

(1) the thirty-second day after the boat is operated in Indiana, if the boat is registered in Indiana; ~~or~~

(2) **except as provided in subdivision (3),** the twenty-second consecutive day during the boating year that the boat is:

(A) stored in Indiana; or

(B) operated, used, or docked in Indiana waters if the boat is registered outside Indiana; **or**

(3) the one hundred eighty-first day that the motorboat (as defined by IC 9-13-2-103.5) is docked on the Indiana part of Lake Michigan if the motorboat is registered outside Indiana.

(b) The amount of excise tax to be paid by the owner for the remainder of the year shall be reduced by ten percent (10%) for each full calendar month which has elapsed since the regular annual tax payment date in the year fixed by the bureau of motor vehicles for tax payment by the owner.

SECTION 5. IC 14-8-2-5.7, AS ADDED BY P.L.86-2010, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5.7. "All-terrain vehicle", for purposes of IC 14-8-2-185, means a motorized, off-highway vehicle that:

(1) is fifty (50) inches or less in width;

(2) has a dry weight of twelve hundred (1,200) pounds or less;

(3) is designed for travel on at least three (3) nonhighway or off-highway tires; **and**

(4) is designed for recreational use by one (1) or more individuals.

~~(5) has a seat or saddle designed to be straddled by the operator; and~~

~~(6) has handlebars for steering control.~~

The term includes parts, equipment, or attachments sold with the vehicle.

SECTION 6. IC 14-8-2-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 27. "Boundary waters", for purposes of **IC 14-9-9 and** IC 14-22, means the following:

(1) The part of the Wabash River that forms the boundary between Illinois and Indiana.

(2) The part of the Ohio River that forms the boundary between Kentucky and Indiana.

(3) The part of the Great Miami River that forms the boundary between Ohio and Indiana.

(4) The part of Lake Michigan that is under the jurisdiction of Indiana.

(5) The lakes other than Lake Michigan that are on the boundary between Indiana and bordering states.

SECTION 7. IC 14-8-2-49.2, AS AMENDED BY P.L.4-2008, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 49.2. ~~(a)~~ "Compact", for purposes of ~~IC 14-24-4.5, has the meaning set forth in IC 14-24-4.5-2(8).~~

~~(b) "Compact", for purposes of~~ IC 14-25-15, has the meaning set forth in IC 14-25-15-1.

SECTION 8. IC 14-8-2-86.5 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 86.5. "Executive committee", for purposes of IC 14-24-4.5, has the meaning set forth in IC 14-24-4.5-2(7).~~

SECTION 9. IC 14-8-2-107, AS AMENDED BY P.L.133-2012, SECTION 164, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 107. "Fund" has the following meaning:

(1) For purposes of IC 14-9-5, the meaning set forth in IC 14-9-5-1.

(2) For purposes of IC 14-9-8-21, the meaning set forth in IC 14-9-8-21.

(3) For purposes of IC 14-9-8-21.5, the meaning set forth in IC 14-9-8-21.5.

(4) For purposes of IC 14-9-9, the meaning set forth in IC 14-9-9-3.

(5) For purposes of IC 14-12-1, the meaning set forth in IC 14-12-1-1.

(6) For purposes of IC 14-12-2, the meaning set forth in IC 14-12-2-2.

(7) For purposes of IC 14-12-3, the meaning set forth in IC 14-12-3-2.

(8) For purposes of IC 14-13-1, the meaning set forth in IC 14-13-1-2.

(9) For purposes of IC 14-13-2, the meaning set forth in IC 14-13-2-3.

(10) For purposes of IC 14-16-1, the meaning set forth in IC 14-16-1-30.

(11) For purposes of IC 14-19-8, the meaning set forth in IC 14-19-8-1.

(12) For purposes of IC 14-20-11, the meaning set forth in

IC 14-20-11-2.

(13) For purposes of IC 14-22-3, the meaning set forth in IC 14-22-3-1.

(14) For purposes of IC 14-22-4, the meaning set forth in IC 14-22-4-1.

(15) For purposes of IC 14-22-5, the meaning set forth in IC 14-22-5-1.

(16) For purposes of IC 14-22-8, the meaning set forth in IC 14-22-8-1.

(17) For purposes of IC 14-22-34, the meaning set forth in IC 14-22-34-2.

(18) For purposes of IC 14-23-3, the meaning set forth in IC 14-23-3-1.

~~(19) For purposes of IC 14-24-4.5, the meaning set forth in IC 14-24-4.5-2(5).~~

~~(20)~~ **(19)** For purposes of IC 14-25-2-4, the meaning set forth in IC 14-25-2-4.

~~(21)~~ **(20)** For purposes of IC 14-25-10, the meaning set forth in IC 14-25-10-1.

~~(22)~~ **(21)** For purposes of IC 14-25.5, the meaning set forth in IC 14-25.5-1-3.

~~(23)~~ **(22)** For purposes of IC 14-28-5, the meaning set forth in IC 14-28-5-2.

~~(24)~~ **(23)** For purposes of IC 14-31-2, the meaning set forth in IC 14-31-2-5.

~~(25)~~ **(24)** For purposes of IC 14-25-12, the meaning set forth in IC 14-25-12-1.

~~(26)~~ **(25)** For purposes of IC 14-32-8, the meaning set forth in IC 14-32-8-1.

~~(27)~~ **(26)** For purposes of IC 14-33-14, the meaning set forth in IC 14-33-14-3.

~~(28)~~ **(27)** For purposes of IC 14-33-21, the meaning set forth in IC 14-33-21-1.

~~(29)~~ **(28)** For purposes of IC 14-34-6-15, the meaning set forth in IC 14-34-6-15.

~~(30)~~ **(29)** For purposes of IC 14-34-14, the meaning set forth in IC 14-34-14-1.

~~(31)~~ **(30)** For purposes of IC 14-34-19-1.3, the meaning set forth in IC 14-34-19-1.3(a).

~~(32)~~ **(31)** For purposes of IC 14-34-19-1.5, the meaning set forth in IC 14-34-19-1.5(a).

~~(33)~~ **(32)** For purposes of IC 14-37-10, the meaning set forth in IC 14-37-10-1.

SECTION 10. IC 14-8-2-117, AS AMENDED BY P.L.225-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 117. "Governing board", ~~has the following meaning:~~

~~(1) For purposes of IC 14-24-4.5, the meaning set forth in IC 14-24-4.5-2(6).~~

~~(2)~~ for purposes of IC 14-28-5, **has** the meaning set forth in IC 14-28-5-3.

SECTION 11. IC 14-8-2-118.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 118.5. "Guide services", for purposes of IC 14-22-38-6, has the meaning set forth in IC 14-22-38-6.**

SECTION 12. IC 14-8-2-203, AS AMENDED BY P.L.17-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 203. "Pest or pathogen", ~~has the following meaning:~~

~~(1) Except as provided in IC 14-24-4.5,~~ for purposes of IC 14-24, means:

~~(A)~~ **(1)** an arthropod;

~~(B)~~ **(2)** a nematode;

~~(C)~~ **(3)** a microorganism;

~~(D)~~ **(4)** a fungus;

~~(E)~~ **(5)** a parasitic plant;

~~(F)~~ **(6)** a mollusk;

~~(G)~~ **(7)** a plant disease; or

~~(H)~~ **(8)** an exotic weed;

that may be injurious to nursery stock, agricultural crops, other vegetation, natural resources, or bees.

~~(2) For purposes of IC 14-24-4.5, the meaning set forth in IC 14-24-4.5-2(4).~~

SECTION 13. IC 14-8-2-233.5, AS ADDED BY P.L.86-2010, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 233.5. "Recreational off-road vehicle", for purposes of IC 14-8-2-185, means a motorized, off-highway vehicle that:

(1) is ~~sixty-four (64)~~ **sixty-five (65)** inches or less in width;

(2) has a dry weight of two thousand (2,000) pounds or less;

(3) is designed for travel on at least four (4) nonhighway or off-highway tires; **and**

(4) is designed for recreational use by one (1) or more individuals.

~~(5) has a nonstraddle seat or saddle; and~~

~~(6) has a steering wheel for steering control.~~

SECTION 14. IC 14-8-2-239.5 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 239.5. "Requesting state", for purposes of IC 14-24-4.5, has the meaning set forth in IC 14-24-4.5-2(2).~~

SECTION 15. IC 14-8-2-242.5 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 242.5. "Responding state", for purposes of IC 14-24-4.5, has the meaning set forth in IC 14-24-4.5-2(3).~~

SECTION 16. IC 14-8-2-265, AS AMENDED BY P.L.225-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 265. "State", ~~has the following meaning:~~

~~(1) For purposes of IC 14-24-4.5, the meaning set forth in IC 14-24-4.5-2(1).~~

~~(2)~~ for purposes of IC 14-28-1, IC 14-28-3, and IC 14-32, means the following:

~~(A)~~ **(1)** The Indiana state government.

~~(B)~~ **(2)** An agency, a subdivision, an officer, a board, a bureau, a commission, a department, a division, or an instrumentality of the state.

SECTION 17. IC 14-9-9-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) The counties with special boat patrol needs fund is established exclusively to provide grants to certain counties to provide law enforcement services on lakes **or boundary waters** located within the counties.

(b) The department shall administer the fund. Money in the fund includes money transferred from the conservation officers marine enforcement fund (IC 14-9-8-21.5). Money in the fund is annually appropriated to the department and shall be used exclusively for the enforcement of laws pertaining to watercraft on lakes **or boundary waters** located in counties with special boat patrol needs as described in this chapter.

(c) The expenses of administering the fund shall be paid from money in the fund.

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

(e) Money in the fund at the end of a fiscal year does not revert to the state general fund.

SECTION 18. IC 14-9-9-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. The department shall develop a formula for the distribution of grants from the fund. The formula must take into account at least the following factors:

(1) The number of lakes **or boundary waters** located within the county.

(2) The extent of boat usage for each lake **or boundary waters** in the county.

(3) The total number of acres of lake **or boundary waters** surface within the county.

(4) The extent to which law enforcement services on the lakes **or boundary waters** located within the county are provided by the county.

(5) Any other pertinent factor that affects the extent to which law enforcement services are provided on lakes **or boundary waters** located within the county.

SECTION 19. IC 14-9-9-7, AS AMENDED BY P.L.217-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. For a county to be eligible to receive a grant from the fund, each year in which a grant is sought the following must occur:

(1) The county sheriff must submit to the fiscal body an estimated budget request to provide special needs boat patrol on lakes **or boundary waters** located within the county. If the county sheriff does not request a grant from the fund, the fiscal body may complete an estimated budget.

(2) If the budget request is approved, the fiscal body must timely apply to the department, on forms provided by the department, for a grant under this chapter.

(3) The department must certify the information on the application and, based on the formula developed under section 6 of this chapter, determine:

(A) whether the county may receive a grant; and

(B) the amount of the grant the county may receive;

under this chapter.

SECTION 20. IC 14-9-9-8, AS AMENDED BY P.L.217-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) If a county is awarded a grant under this chapter, the county must establish a special account within the county's general fund. The grant must be deposited in the special account for the county sheriff's or fiscal body's exclusive use in providing law enforcement services on lakes **or boundary waters** located within the county.

(b) The county sheriff or fiscal body may use grant money as authorized under this chapter without appropriation. However, itemized receipts for expenditures of money granted from the fund must be submitted for inspection and review upon request of the department. At the request of the department, the county auditor of the participating county shall conduct an audit of the account.

(c) The receipt of a grant under this chapter may not be used as a basis for lowering the county's maximum permissible ad valorem property tax levy.

(d) All individuals providing law enforcement services using a grant under this chapter, whether under the authority of the county sheriff or under a contract with the fiscal body, must meet the minimum training requirement set forth in IC 5-2-1-9.

SECTION 21. IC 14-9-9-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. The department shall adopt rules under IC 4-22-2 to implement this chapter, including rules governing:

(1) the deadlines for applying for a grant under this chapter; and

(2) the types of expenses incurred by a county sheriff's department in providing the law enforcement services on lakes **or boundary waters** in the county for which grant money may be used.

SECTION 22. IC 14-19-10.3 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

Chapter 10.3. Recreational Trail Maintenance Fund

Sec. 1. The following definitions apply throughout this chapter:

(1) "Fund" refers to the recreational trail maintenance fund established by section 2 of this chapter.

(2) "Recreational trail" has the meaning set forth in IC 8-4.5-1-16.

(3) "Responsible party" has the meaning set forth in IC 8-4.5-1-17.

Sec. 2. (a) The recreational trail maintenance fund is established for the purpose of receiving money from the sources listed in subsection (b) for ultimate distribution to responsible parties to defray the costs of maintaining recreational trails. The department shall administer the fund.

(b) The fund consists of the following:

(1) Appropriations by the general assembly.

(2) Donations, gifts, and money received from any other source, including transfers from other funds or accounts.

(3) Federal grants or other federal appropriations.

(c) Expenses of administering the fund shall be paid from money in the fund.

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

SECTION 23. IC 14-22-6-13, AS AMENDED BY P.L.140-2013, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. ~~(a)~~ If the director:

(1) determines that a species of wild animal present within a state park poses an unusual hazard to the health or safety of one (1) or more individuals;

(2) determines, based upon the opinion of a professional biologist, that it is likely that:

(A) a species of wild animal present within a state park will cause obvious and measurable damage to the ecological balance within the state park; and

(B) the ecological balance within the state park will not be maintained unless action is taken to control the population of the species within the state park; or

(3) is required under a condition of a lease from the federal government to manage a particular wild animal species;

the director shall ~~establish a controlled hunt for the~~ **authorize the taking of a** species within the state park **under rules adopted under IC 4-22-2.**

~~(b) An order issued by the director under this section must set forth the conditions of the hunt.~~

~~(c) The director may issue an order under this section under IC 4-21.5-4.~~

SECTION 24. IC 14-22-9-11, AS AMENDED BY P.L.151-2012, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. (a) As used in this section, "motorboat" means a watercraft propelled by:

(1) an internal combustion, steam, or electrical inboard or outboard motor or engine; or

(2) any mechanical means.

The term does not include a personal watercraft.

(b) The ~~department~~ **director** shall establish and implement a **demonstration** program for the purpose of containing and reducing invasive animal species in the Wabash River. In administering this program, the ~~department~~ **director** may **do any of the following:**

(1) Allow the taking of a specific invasive animal species by a means described in section 1(a)(2) of this chapter.

(2) ~~may~~ Require the use of ammunition described in 50 CFR 20.21(j). ~~or~~

(3) Require a hunting or fishing license under IC 14-22-12-1.

(4) Allow the taking of a specific invasive animal species to be taken from a motorboat.

(5) Establish any other limitations concerning the time, place, or participants of a demonstration program.

(c) 312 IAC 9-2-2(d), as in effect July 1, 2011, does not apply to this section.

SECTION 25. IC 14-22-10-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) A person who, whether or not the person has been issued a certificate of approval, license, permit, or other document of approval authorized by this article or any other Indiana law, discharges, sprays, or releases waste materials, chemicals, or other substances:

(1) either accidentally, negligently, or willfully;

(2) in any quantity, concentration, or manner onto or in any water of Indiana, the boundary waters of the state, or onto or in public or private land; and

(3) so that wild animals are killed as a result;

is responsible for the kill.

(b) The director shall, in the name of the state, recover damages, **including the cost of restoration,** from the person. Upon receipt of the estimates of the damages caused, the director shall notify the ~~attorney general.~~ **person responsible within ninety (90) days after the kill to the wild animals, and the director may enter into a proper and reasonable settlement with the person. In determining the damages caused, the director may consider the following:**

(1) The direct value of the wild animals killed.

(2) The direct value of law enforcement costs, including wages of investigating officers, cost of any materials used, and travel expenses.

(3) The value of damage to habitat, including injured vegetation, contaminated sediment, and dead invertebrate prey species.

(c) If the total sum of the values under subsection (b)(1), (b)(2), and (b)(3) exceeds five thousand dollars ($5,000) in damages, the director may consider the following in addition to the damages calculated under subsection (b):

(1) The decreased value of the habitat for the number of years necessary for the habitat to recover to predamaged conditions.

(2) The value of lost recreational fishing and hunting time, including future decreased value for the number of years necessary for the recreational use to recover to predamaged conditions.

~~(c) The attorney general shall notify the persons responsible for the destruction of wild animals in question and may effect a settlement that the attorney general and the director consider proper and reasonable.~~

(d) If a settlement is not reached within a reasonable time, the ~~attorney general~~ **department** shall ~~bring a civil action to recover the damage in an appropriate court in the county in which the discharge of material responsible for the death of wild animals took place.~~ **initiate a proceeding under IC 4-21.5 and IC 14-10-2 to recover damages.**

~~(d)~~ **(e)** The proceeds of a recovery shall be used to replace, as far as and as promptly as possible, in whatever manner the director considers proper, the wild animal population or habitat in the waters or lands in question. If the improvement of the wild animal population or habitat in question is not practicable, the proceeds shall be deposited into the fish and wildlife fund.

SECTION 26. IC 14-22-12-7.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 7.3. (a) Subject to the commission adopting fees under subsection (b), the department may issue to residents of Indiana lifetime licenses to hunt, fish, or trap.**

(b) The commission may adopt rules under IC 4-22-2 and IC 14-10-2-4 to establish fees for lifetime licenses to hunt, fish, or trap.

SECTION 27. IC 14-22-24.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

Chapter 24.5. Dog Training Ground Permit

Sec. 1. The department may issue a dog training ground permit without charge to a person to train dogs at any time of year inside or outside of an enclosure under rules adopted under IC 4-22-2 for the protection of wild animals.

Sec. 2. An enclosure used under this chapter does not constitute possession of the wild animal if the enclosure does not meet the requirements for an enclosure for that species under:

(1) a game breeder's license issued under IC 14-22-20; or

(2) a wild animal permit issued under IC 14-22-26.

SECTION 28. IC 14-22-28-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. The director may issue to a person that owns or has an interest in property:

(1) being damaged; ~~or~~

(2) threatened with damage; **or**

(3) on which a health or safety threat to persons or domestic animals is posed;

by a wild animal protected by this article a free permit to take ~~kill, or capture~~ the wild animal.

SECTION 29. IC 14-22-28-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. The director may have an investigation made of a complaint that wild animals are causing damage **or posing a health or safety threat to persons or domestic animals.** If it is found that:

(1) the damage has not been caused by wild animals; or

(2) the person ~~would abuse the privileges;~~ **has not complied with the requirements under this chapter or a rule adopted under this chapter;**

a permit shall be denied **according to the procedures in IC 4-21.5.**

SECTION 30. IC 14-22-31-6 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 6. Upon receipt of a license, the licensee shall post the licensed area at intervals of not more than five hundred (500) feet with signs to be prescribed by rule. The boundaries of the shooting preserve shall be clearly defined by fences of at least one (1) strand of wire.~~

SECTION 31. IC 14-22-38-6, AS AMENDED BY P.L.158-2013, SECTION 204, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. **(a) As used in this section, "guide services" means fishing or hunting guide or outfitter services that are offered or provided for money or other consideration.**

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

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

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

(1) A living or dead wild animal.

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

~~(d)~~ **(e)** A person who knowingly or intentionally:

(1) sells or ships wild animals, nests, or eggs; **or**

(2) provides guide services to take, acquire, receive, transport, or possess wild animals;

that ~~(1)~~ are protected by law and ~~(2)~~ have an aggregate market value of less than five hundred dollars ($500) commits a Class C misdemeanor.

~~(e)~~ **(f)** A person who knowingly or intentionally:

(1) sells or ships wild animals, nests, or eggs; **or**

(2) provides guide services to take, acquire, receive, transport, or possess wild animals;

that ~~(1)~~ are protected by law and ~~(2)~~ have an aggregate market value of at least five hundred dollars ($500) but less than five thousand dollars ($5,000) commits a Level 6 felony.

~~(f)~~ **(g)** A person who knowingly or intentionally:

(1) sells or ships wild animals, nests, or eggs; **or**

(2) provides guide services to take, acquire, receive, transport, or possess wild animals;

that ~~(1)~~ are protected by law and ~~(2)~~ have an aggregate market value of at least five thousand dollars ($5,000) commits a Level 5 felony.

SECTION 32. IC 14-24-4.5 IS REPEALED [EFFECTIVE JULY 1, 2014]. (Pest Control Compact).

SECTION 33. IC 14-28-1-22, AS AMENDED BY P.L.76-2010, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 22. (a) As used in subsection (b)(1) with respect to a stream, "total length" means the length of the stream, expressed in miles, from the confluence of the stream with the receiving stream to the upstream or headward extremity of the stream, as indicated by the solid or dashed, blue or purple line depicting the stream on the most current edition of the seven and one-half (7 1/2) minute topographic quadrangle map published by the United States Geological Survey, measured along the meanders of the stream as depicted on the map.

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

(1) A reconstruction or maintenance project (as defined in IC 36-9-27) on a stream or an open regulated drain if the total length of the stream or open drain is not more than ten (10) miles.

(2) A construction or reconstruction project on a state or county highway bridge in a rural area that crosses a stream having an upstream drainage area of not more than fifty (50) square miles and the relocation of utility lines associated with the construction or reconstruction project if confined to an area not more than one hundred (100) feet from the limits of the highway construction right-of-way.

(3) The performance of an activity described in subsection (c)(1) or (c)(2) by a surface coal mining operation that is operated under a permit issued under IC 14-34.

(4) Any other activity that is determined by the commission, according to rules adopted under IC 4-22-2, to pose not more than a minimal threat to floodway areas.

(5) An activity in a boundary river floodway to which section 26.5 of this chapter applies.

(6) The removal of a logjam or mass of wood debris that has accumulated in a river or stream, subject to the following conditions:

(A) Work must not be within a salmonid stream designated under 327 IAC 2-1.5-5 without the prior written approval of the department's division of fish and wildlife.

(B) Work must not be within a natural, scenic, or recreational river or stream designated under 312 IAC 7-2.

(C) Except as otherwise provided in Indiana law, free logs or affixed logs that are crossways in the channel must be cut, relocated, and removed from the floodplain. Logs may be maintained in the floodplain if properly anchored or otherwise secured so as to resist flotation or dislodging by the flow of water and placement in an area that is not a wetland. Logs must be removed and secured with a minimum of damage to vegetation.

(D) Isolated or single logs that are embedded, lodged, or rooted in the channel, and that do not span the channel or cause flow problems, must not be removed unless the logs are either of the following:

(i) Associated with or in close proximity to larger obstructions.

(ii) Posing a hazard to navigation.

(E) A leaning or severely damaged tree that is in immediate danger of falling into the waterway may be cut and removed if the tree is associated with or in close proximity to an obstruction. The root system and stump of the tree must be left in place.

(F) To the extent practicable, the construction of access roads must be minimized, and should not result in the elevation of the floodplain.

(G) To the extent practicable, work should be performed exclusively from one (1) side of a waterway. Crossing the bed of a waterway is prohibited.

(H) To prevent the flow of sediment laden water back into the waterway, appropriate sediment control measures must be installed.

(I) Within fifteen (15) days, all bare and disturbed areas must be revegetated with a mixture of grasses and legumes. Tall fescue must not be used under this subdivision, except that low endophyte tall fescue may be used in the bottom of the waterway and on side slopes.

(c) A person who desires to:

(1) erect, make, use, or maintain a structure, an obstruction, a deposit, or an excavation; or

(2) suffer or permit a structure, an obstruction, a deposit, or an excavation to be erected, made, used, or maintained;

in or on a floodway must file with the director a verified written application for a permit accompanied by a nonrefundable fee of two hundred dollars ($200).

(d) The application for a permit must set forth the material facts together with plans and specifications for the structure, obstruction, deposit, or excavation.

(e) An applicant must receive a permit from the director for the work before beginning construction. The director shall issue a permit only if in the opinion of the director the applicant has clearly proven that the structure, obstruction, deposit, or excavation will not do any of the following:

(1) Adversely affect the efficiency of or unduly restrict the capacity of the floodway.

(2) Constitute an unreasonable hazard to the safety of life or property.

(3) Result in unreasonably detrimental effects upon fish, wildlife, or botanical resources.

(f) In deciding whether to issue a permit under this section, the director shall consider the cumulative effects of the structure, obstruction, deposit, or excavation. The director may incorporate in and make a part of an order of authorization conditions and restrictions that the director considers necessary for the purposes of this chapter.

(g) A permit issued under this section:

(1) is ~~void if construction is not commenced within~~ **valid for** two (2) years after the issuance of the permit; and

(2) to:

(A) the Indiana department of transportation or a county highway department if there is any federal funding for the project; or

(B) an electric utility for the construction of a power generating facility;

is valid for five (5) years from the date of issuance. ~~and remains valid indefinitely if construction is commenced within five (5) years after the permit is issued.~~

A permit that is active and was issued under subdivision (1) before July 1, 2014, is valid for two (2) years beginning July 2014, and a permit that is active and was issued under subdivision (2) before July 1, 2014, is valid for five (5) years beginning July 2014.

(h) A permit issued under this section may be renewed one (1) time for a period not to exceed two (2) additional years.

~~(h)~~ **(i)** The director shall send a copy of each permit issued under this section to each river basin commission organized under:

(1) IC 14-29-7 or IC 13-2-27 (before its repeal); or

(2) IC 14-30-1 or IC 36-7-6 (before its repeal);

that is affected.

~~(i)~~ **(j)** The permit holder shall post and maintain a permit issued under this section at the authorized site.

~~(j)~~ **(k)** For the purposes of this chapter, the lowest floor of a building, including a residence or abode, that is to be constructed or reconstructed in the one hundred (100) year floodplain of an area protected by a levee that is:

(1) inspected; and

(2) found to be in good or excellent condition;

by the United States Army Corps of Engineers shall not be lower than the one hundred (100) year frequency flood elevation plus one (1) foot.

SECTION 34. IC 14-28-1-34 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 34. A person who knowingly fails to comply with section ~~22(i)~~ **22(j)** of this chapter commits a Class B infraction. Each day a person violates section ~~22(i)~~ **22(j)** of this chapter constitutes a separate infraction.

SECTION 35. IC 25-21.5-1-7, AS AMENDED BY SEA 24-2014, SECTION 106, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) "Practice of surveying" means providing, or offering to provide, professional services involving:

(1) the making of geometric measurements of, and gathering related information pertaining to, the physical or legal features of the earth, improvements on the earth, the space above the earth, or any part of the earth; and

(2) the use and development of the measurements and information gathered under subdivision (1) into survey products, including graphics, digital data, maps, plats, plans, reports, and descriptions and projects.

(b) Professional services provided under the practice of surveying include consultation, investigation, testimony evaluation, expert technical testimony, planning, mapping, assembling, and interpreting gathered measurements and information related to any of the following:

(1) Determining the configuration or contour of the earth's surface or the position of fixed objects thereon by measuring lines and angles and applying the principles of mathematics or photogrammetry.

(2) Determining the size and shape of the earth, or any point on the earth, by performing geodetic surveys using angular and linear measurements through spatially oriented spherical geometry.

(3) Determining, by the use of principles of surveying, the position for any nonboundary related survey control monument or reference point, or setting, resetting, or replacing any nonboundary related monument or reference point.

(4) Locating, relocating, establishing, reestablishing, laying out, retracing, or marking any property or boundary line or corner of any tract of land or of any right-of-way or easement.

(5) Making any survey or preparing any plat for the subdivision of any tract of land.

(6) Determining, by the use of principles of surveying, the position for any boundary related survey monument or reference point, or setting, resetting, or replacing any monument or reference point.

(7) Preparing a description for any parcel or boundary of land, or for any right-of-way or easement, except when prepared by an attorney who is licensed to practice law in Indiana.

(8) Determining the amount of acreage contained in any parcel of land, except when determined by an attorney who is licensed to practice law in Indiana.

(9) Performing construction staking or layout of the control for any elements of an engineering, building, or construction project, if the position of an element is:

(A) dependent on;

(B) in specific relation to; or

(C) in close proximity to;

a boundary, ~~or~~ property line, or corner, including easements and rights-of-way.

(10) For and within subdivisions being designed by a professional surveyor, the preparation and furnishing of plats, plans, and profiles for roads, storm drainage, sanitary sewer extensions, and the location of residences or dwellings where the work involves the use and application of standards prescribed by local, state, or federal authorities.

(11) All work incidental to cleaning out, reconstructing, or maintaining existing open and tile drains.

(12) Creating, preparing, or modifying electronic or computerized data relative to the performance of the activities described in this subsection.

(c) Activities included within the practice of surveying that must be accomplished under the responsible charge of a professional surveyor, unless specifically exempted under subsection (d), include the following:

(1) The creation of maps and geo-referenced data bases representing authoritative locations for boundaries, fixed works, or topography, either by terrestrial surveying methods or by photogrammetric or GNSS locations. This includes maps and geo-referenced data bases prepared by any person, firm, or government agency if that data is provided to the public as a survey product.

(2) Original data acquisition, or the resolution of conflicts between multiple data sources, when used for the authoritative location of features within the following data themes:

(A) Geodetic control.

(B) Orthoimagery.

(C) Elevation and bathymetry.

(D) Fixed works.

(E) Government boundaries.

(F) Cadastral information.

(3) Certification of positional accuracy of maps or measured survey data.

(4) Measurement, adjustment, and authoritative interpretation of raw survey data.

(5) GIS-based parcel or cadastral mapping used for authoritative boundary definition purposes wherein land title or development rights for individual parcels are, or may be, affected.

(6) Interpretation of maps, deeds, or other land title documents to resolve conflicting data elements within cadastral documents of record.

(7) Acquisition of field data required to authoritatively position fixed works or cadastral data to geodetic control.

(8) Adjustment or transformation of cadastral data to improve the positional accuracy of the parcel layer or layers with respect to the geodetic control layer within a GIS for purposes of affirming positional accuracy.

(d) A distinction is made in this subsection, in the use of electronic systems, between making or documenting original measurements in the creation of survey products and the copying, interpretation, or representation of those measurements in systems. Further, a distinction is made according to the intent, use, or purpose of measurement products in electronic systems, between the determination of authoritative locations and the use of those products as a locational reference for planning, infrastructure management, and general information. The following items are not included as activities within the definition of the practice of surveying:

(1) The creation of general maps:

(A) prepared by private firms or government agencies for use as guides to motorists, boaters, aviators, or pedestrians;

(B) prepared for publication in a gazetteer or atlas as an educational tool or reference publication;

(C) prepared for or by educational institutions for use in the curriculum of any course of study;

(D) produced by any electronic or print media firm as an illustrative guide to the geographic location of any event; or

(E) prepared by lay persons for conversational or illustrative purposes, including advertising material and users' guides.

(2) The transcription of previously geo-referenced data into a geographic information system by manual or electronic means, and the maintenance thereof, if the data are clearly not intended to indicate the authoritative location of property boundaries, the precise definition of the shape or contour of the earth, and the precise location of fixed works of humans.

(3) The transcription of public record data, without modification except for graphical purposes, into geographic information systems-based cadastres, including tax maps, zoning maps, and associated records by manual or electronic means, and the maintenance of that cadastre, if the data are clearly not intended to authoritatively represent property boundaries.

(4) The preparation of any document by any agency of the federal government that does not define real property boundaries, including civilian and military versions of quadrangle topographic maps, military maps, satellite imagery, and other similar documents.

(5) The incorporation or use of documents or data bases prepared by any federal agency into a geographic information system, including federal census and demographic data, quadrangle topographic maps, and military maps.

(6) Inventory maps and data bases created by any organization, in either hard copy or electronic form, of physical features, facilities, or infrastructure that are wholly contained within properties to which the organization has rights or for which the organization has management responsibility. The distribution of these maps and data bases outside the organization must contain appropriate metadata describing, at a minimum, the accuracy, method of compilation, data source or sources, and date or dates, and disclaimers of use clearly indicating that the data are not intended to be used as a survey product.

(7) Maps, cross-sections, graphics, and data bases depicting the distribution of natural resources or phenomena prepared by foresters, geologists, soil scientists, geophysicists, biologists, archeologists, historians, or other persons qualified to document and interpret the data in the context of their respective practices.

(8) Maps and geo-referenced data bases depicting physical features and events prepared by any government agency if the access to that data is restricted by statute, including geo-referenced data generated by law enforcement agencies involving crime statistics and criminal activities.

(9) Classified parcels developed in accordance with IC 6-1.1-6-9(c).

(e) The use of photogrammetric methods or similar remote sensing technology to perform any part of the practice of surveying as defined in this section may be performed only under the direct control and supervision of a professional surveyor or professional photogrammetrists who maintain a current title of "Certified Photogrammetrist" from a national scientific organization having a process for certifying photogrammetrists.

(f) The practice of surveying encompasses a number of disciplines, including geodetic surveying, hydrographic surveying, cadastral surveying, construction staking, route surveying, photogrammetric surveying, and topographic surveying. A professional surveyor may practice only within the surveyor's area of expertise.

SECTION 36. IC 36-7-13.5-11, AS AMENDED BY P.L.197-2011, SECTION 132, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. (a) The commission ~~shall~~ **may** do the following:

(1) Identify qualifying properties.

(2) Prepare a comprehensive environmental master plan for development and redevelopment within the corridor that:

(A) plans for remediation of environmental contamination;

(B) accounts for economic development and transportation issues relating to environmental contamination; and

(C) establishes priorities for development or redevelopment of qualifying properties.

(3) Establish guidelines for the evaluation of applications for environmental grants from the environmental fund.

(4) After reviewing a report from the department of environmental management under section 22 of this chapter, make decisions on applications for environmental grants from the environmental fund under section 21 of this chapter.

(5) Prepare and provide information to political subdivisions on the availability of financial assistance from the environmental fund.

(6) Coordinate the implementation of the comprehensive environmental master plan.

(7) Monitor the progress of implementation of the comprehensive environmental master plan.

(8) Report ~~at least once every two (2) years~~ to the governor, the lieutenant governor, the Indiana economic development corporation, the legislative council, the budget committee, and all political subdivisions that have territory within the corridor on:

(A) the activities of the commission; and

(B) the progress of implementation of the comprehensive environmental master plan.

~~An annual~~ **A** report **provided** under this subdivision to the legislative council must be in an electronic format under IC 5-14-6.

(9) Study various plans and recommendations that are proposed concerning marina development along the corridor. Based on these studies, the commission shall do the following:

(A) Prepare a comprehensive marina plan.

(B) Recommend state and local legislation for the development of marinas along the corridor.

(C) Coordinate the implementation of the marina plan and legislation.

(10) Make marina grants of money to units of local government for the construction or improvement of a marina in the corridor if the grants are consistent with the marina plans, standards, and criteria established by the commission.

(b) It is the goal of marina projects under this chapter to create employment in the private sector.

SECTION 37. [EFFECTIVE JULY 1, 2014] **(a) As used in this SECTION, "committee" refers to the natural resources study committee established by IC 2-5-5-1.**

(b) As used in this SECTION, "legislative council" refers to the legislative council established by IC 2-5-1.1-1.

(c) The general assembly urges the legislative council to assign to the committee or another appropriate study committee the following topics:

(1) A statewide policy for recreational trails and the maintenance of recreational trails.

(2) A method to distribute the money deposited into the recreational trail maintenance fund established by IC 14-19-10.3, as added by this act.

(d) If the committee or another appropriate study

committee is assigned the topics described in subsection (c), the assigned committee shall issue to the legislative council in an electronic format under IC 5-14-6 a final report, containing the assigned committee's findings and recommendations, including any recommended legislation concerning the topics, not later than September 1, 2014.

(e) This SECTION expires January 1, 2015.

(Reference is to EHB 1307 as reprinted February 28, 2014.)

EBERHART	YODER
KERSEY	R. YOUNG
House Conferees	Senate Conferees

Roll Call 484: yeas 87, nays 10. Report adopted.

CONFERENCE COMMITTEE REPORT
EHB 1006–1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1006 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 2-8.2-4-6, AS ADDED BY P.L.205-2013, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. A delegate or alternate delegate who knowingly or intentionally votes or attempts to vote outside the scope of:

(1) the instructions established by a joint resolution adopted under section 1 of this chapter; or

(2) the limits placed by the general assembly in a joint resolution that calls for an Article V convention for the purpose of proposing amendments to the Constitution of the United States on the subjects and amendments that may be considered by the Article V convention;

commits a ~~Class D~~ **Level 6** felony.

SECTION 2. IC 3-7-29-1, AS AMENDED BY P.L.258-2013, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) Except as provided in subsection (f), this section does not apply to a county that:

(1) has adopted an order under section 6 of this chapter; or

(2) is a vote center county under IC 3-11-18.1.

(b) Not later than ten (10) days before the election at which the registration record is to be used, the county voter registration office shall prepare certified copies of the list of registered voters for each precinct in the county.

(c) The lists must contain the following information concerning each registered voter:

(1) The full name of the voter.

(2) The address of the voter.

(3) The assigned voter identification number.

(4) Whether the voter is required to provide additional identification before voting either in person or by absentee ballot.

(5) The date of birth of the voter, including an indication whether the voter is less than eighteen (18) years of age for a poll list used in a primary election.

(6) The scanned signature of the voter.

(7) Whether the voter is required to provide an affirmation of the voter's residence.

(8) A bar code that allows the county voter registration office to efficiently record whether the voter has signed the poll list.

(9) For a poll list used in a primary election, a letter abbreviation of the name of the major political party whose ballot the voter has requested.

(10) A space for a poll clerk to indicate when a voter has cast an absentee ballot.

(11) A space for a poll clerk to indicate when a voter has cast a provisional ballot.

(12) For a voter required to submit additional documentation required under IC 3-7-33-4.5, a space for a poll clerk to insert letters serving as an abbreviation for the type of documentation provided by the voter.

(d) The names shall be arranged in the same order as they are in the registration record of the precinct.

(e) The poll list must also contain a statement at the top of each page indicating that an individual who knowingly makes a false statement:

(1) by signing a poll list; or

(2) on a poll list concerning the individual's name or residence address;

commits a ~~Class D~~ **Level 6** felony as provided by IC 3-14-2-11.

(f) This subsection applies to a county that has adopted an order under section 6 of this chapter or is a vote center county under IC 3-11-18.1. The precinct election board shall post in a location within the precinct or vote center a notice that:

(1) is clearly visible to an individual (or to an individual providing assistance under IC 3-11-9) who is providing information to a precinct election officer using an electronic poll list; and

(2) indicates that an individual commits a ~~Class D~~ **Level 6** felony under IC 3-14-2-11, if the individual knowingly makes a false statement to a precinct election officer concerning:

(A) the individual's name; or

(B) the individual's residence address.

SECTION 3. IC 3-14-1-17, AS ADDED BY P.L.219-2013, SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 17. (a) As used in this section, "government employee" refers to any of the following:

(1) An employee of the state.

(2) An employee of a political subdivision.

(3) A special state appointee (as defined in IC 4-2-6-1).

(4) An employee of a charter school (as defined in IC 20-24-1-4).

(b) As used in this section, "government employer" refers to the state or a political subdivision.

(c) As used in this section, "property" refers only to the following:

(1) Equipment, goods, and materials, including mail and messaging systems.

(2) Money.

(d) A government employee may not knowingly or intentionally use the property of the employee's government employer to do any of the following:

(1) Solicit a contribution.

(2) Advocate the election or defeat of a candidate.

(3) Advocate the approval or defeat of a public question.

(e) A government employee may not knowingly or intentionally distribute campaign materials advocating:

(1) the election or defeat of a candidate; or

(2) the approval or defeat of a public question;

on the government employer's real property during regular working hours.

(f) This section does not prohibit the following:

(1) Activities permitted under IC 6-1.1-20.

(2) A government employee from carrying out administrative duties under the direction of an elected official who is the government employee's supervisor.

(g) A government employee who knowingly or intentionally performs several actions described in subsection (d) or (e) in a connected series that are closely related in time, place, and circumstance may be charged with only one (1) violation of this section for that connected series of actions.

(h) A government employee who violates this section commits a Class A misdemeanor. However, the offense is a ~~Class D~~ **Level 6** felony if the person has a prior unrelated conviction under this section.

SECTION 4. IC 3-14-2-3, AS AMENDED BY P.L.194-2013, SECTION 94, AND AS AMENDED BY P.L.158-2013, SECTION 8, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. A person who:

(1) subscribes the name of another person to an affidavit of registration, *a petition of nomination, a declaration of candidacy,* or application for an absentee ballot knowing that the *affidavit, petition, declaration, or* application contains a false statement; or

(2) subscribes the name of another person to an affidavit of registration, *a petition of nomination, a declaration of candidacy,* or application for an absentee ballot without writing on it the person's own name and address as an attesting witness;

commits a ~~*Class D*~~ *Level 6* felony.

SECTION 5. IC 3-14-2-11, AS AMENDED BY P.L.194-2013, SECTION 96, AND AS AMENDED BY P.L.158-2013, SECTION 10, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. ~~*Except as provided by IC 3-10-10, IC 3-10-11, or IC 3-10-12,*~~ *(a) A* person who knowingly votes or offers to vote in a precinct except the one in which the person is registered and resides commits a ~~*Class D*~~ *Level 6* felony*, except when permitted under IC 3-10-10, IC 3-10-11, or IC 3-10-12.*

(b) A person who knowingly makes a false statement concerning the name, address, or voter identification number of the person by:

(1) signing a person's signature on a poll list to affirm false information concerning a voter printed on the poll list; or

(2) making a written or oral affirmation under IC 3-7-39-7, IC 3-10-1-24, or IC 3-11-8-25.1 to provide false information concerning a voter in addition to the information concerning the voter printed on the poll list;

commits a ~~*Class D*~~ *Level 6 felony.*

SECTION 6. IC 3-14-2-29, AS AMENDED BY P.L.194-2013, SECTION 97, AND AS AMENDED BY P.L.158-2013, SECTION 28, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 29. A person who knowingly inspects a voting system under IC 3-12-4-18 without: ~~*obtaining authorization from the state recount commission:*~~

(1) the adoption of an order under IC 3-12-4-18 to conduct the inspection; *or*

(2) the filing of an order adopted under IC 3-12-4-18 with the secretary of state;

commits a ~~*Class D*~~ *Level* 6 felony.

SECTION 7. IC 4-13-2-14.7, AS AMENDED BY P.L.214-2013, SECTION 1, AND AS AMENDED BY P.L.158-2013, SECTION 59, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 14.7. A person employed, appointed, or under contract with a state agency, who works with or around children, shall be dismissed (after the appropriate pre-deprivation procedure has occurred) if that person is, or has ever been, convicted of any of the following:

(1) Rape (IC 35-42-4-1), if the victim is less than eighteen (18) years of age.

(2) Criminal deviate conduct (IC 35-42-4-2) ~~*(for an act committed before its IC 35-42-4-2 repeal on July 1, 2014), was repealed),*~~ **(before its repeal),** if the victim is less than eighteen (18) years of age.

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

(4) Child exploitation (IC 35-42-4-4(b)).

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

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

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

(8) Sexual misconduct with a minor **(IC 35-42-4-9)** as a Class A or *Class* B *felony (for a crime committed before July 1, 2014) or a Level 1, Level 2, or Level 4* felony *(for a crime committed after June 30, 2014)*. ~~(IC 35-42-4-9).~~

(9) Incest (IC 35-46-1-3), if the victim is less than eighteen (18) years of age.

SECTION 8. IC 5-2-6-3, AS AMENDED BY P.L.85-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. The institute is established to do the following:

(1) Evaluate state and local programs associated with:

(A) the prevention, detection, and solution of criminal offenses;

(B) law enforcement; and

(C) the administration of criminal and juvenile justice.

(2) Improve and coordinate all aspects of law enforcement, juvenile justice, and criminal justice in this state.

(3) Stimulate criminal and juvenile justice research.

(4) Develop new methods for the prevention and reduction of crime.

(5) Prepare applications for funds under the Omnibus Act and the Juvenile Justice Act.

(6) Administer victim and witness assistance funds.

(7) Administer the traffic safety functions assigned to the institute under IC 9-27-2.

(8) Compile and analyze information and disseminate the information to persons who make criminal justice decisions in this state.

(9) Serve as the criminal justice statistical analysis center for this state.

(10) Identify grants and other funds that can be used by the department of correction to carry out its responsibilities concerning sex or violent offender registration under IC 11-8-8.

(11) Administer the application and approval process for designating an area of a consolidated or second class city as a public safety improvement area under IC 36-8-19.5.

(12) Develop and maintain a meth watch program to inform retailers and the public about illicit methamphetamine production, distribution, and use in Indiana.

(13) Establish, maintain, and operate, subject to specific appropriation by the general assembly, a web site containing a list of properties (as defined in IC 5-2-6-19(b)) that have been used as the site of a methamphetamine laboratory.

(14) Develop and manage the gang crime witness protection program established by section 21 of this chapter.

(15) Identify grants and other funds that can be used to fund the gang crime witness protection program.

(16) Administer any sexual offense services.

(17) Administer domestic violence programs.

(18) Administer assistance to victims of human sexual trafficking offenses as provided in IC 35-42-3.5-4.

(19) Administer the domestic violence prevention and treatment fund under IC 5-2-6.7.

(20) Administer the family violence and victim assistance fund under IC 5-2-6.8.

(21) Monitor and evaluate criminal code reform under IC 5-2-6-24.

SECTION 9. IC 5-2-6-24, IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 24. (a) As used in this section, "criminal code reform" refers to statutory provisions relating to criminal law enacted by P.L.158-2013 and HEA 1006-2014.**

(b) The institute shall monitor and evaluate criminal code reform as described in this section.

(c) The institute shall annually gather data and analyze the impact of criminal code reform on:

(1) local units of government;

(2) the department of correction; and

(3) the judicial center.

(d) The institute shall prepare an annual report containing the results of its analysis before July 1 of each year. The report shall be provided to the governor and the legislative council. The report provided to the legislative council must be in an electronic format under IC 5-14-6.

(e) The report required under this section must:

(1) include an analysis of:

(A) the effect of criminal code reform on:

(i) county jails;

(ii) community corrections programs;

(iii) probation departments; and

(iv) courts;

(B) recidivism rates;

(C) reentry court programs; and

(D) data relevant to the availability and effectiveness of mental health and addiction programs for persons who are at risk of entering the criminal justice system, who are in the criminal justice system, and who have left the criminal justice system; and

(2) track the number of requests for sentence modification that are set for hearing by the court, including the relief granted by the court, if any. The report must include whether the grant or denial of a request for sentence modification was discretionary or mandatory, and whether the prosecuting attorney opposed the request for sentence modification, agreed to the request for sentence modification, or took no position on the request for sentence modification.

(f) All local units of government and local elected officials, including sheriffs, prosecuting attorneys, judges, and county fiscal bodies, shall cooperate with the institute by providing data as requested by the institute.

(g) State agencies, including the department of correction, the Indiana prosecuting attorneys council, the Indiana public defender council, and the judicial center, shall assist the institute by providing requested data in a timely manner.

(h) Based on its analysis, the institute shall include recommendations to improve the criminal justice system in Indiana, with particular emphasis being placed on recommendations that relate to sentencing policies and reform.

(i) The institute shall include research data relevant to its analysis and recommendations in the report.

SECTION 10. IC 5-14-3-4, AS AMENDED BY SEA 208-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) The following public records are excepted from section 3 of this chapter and may not be disclosed by a public agency, unless access to the records is specifically required by a state or federal statute or is ordered by a court under the rules of discovery:

(1) Those declared confidential by state statute.

(2) Those declared confidential by rule adopted by a public agency under specific authority to classify public records as confidential granted to the public agency by statute.

(3) Those required to be kept confidential by federal law.

(4) Records containing trade secrets.

(5) Confidential financial information obtained, upon request, from a person. However, this does not include information that is filed with or received by a public agency pursuant to state statute.

(6) Information concerning research, including actual research documents, conducted under the auspices of a state educational institution, including information:

(A) concerning any negotiations made with respect to the research; and

(B) received from another party involved in the research.

(7) Grade transcripts and license examination scores obtained as part of a licensure process.

(8) Those declared confidential by or under rules adopted by the supreme court of Indiana.

(9) Patient medical records and charts created by a provider, unless the patient gives written consent under IC 16-39 or as provided under IC 16-41-8.

(10) Application information declared confidential by the board of the Indiana economic development corporation under IC 5-28-16.

(11) A photograph, a video recording, or an audio recording of an autopsy, except as provided in IC 36-2-14-10.

(12) A Social Security number contained in the records of a public agency.

(13) The following information that is part of a foreclosure action subject to IC 32-30-10.5:

(A) Contact information for a debtor, as described in IC 32-30-10.5-8(d)(1)(B).

(B) Any document submitted to the court as part of the debtor's loss mitigation package under IC 32-30-10.5-10(a)(3).

(b) Except as otherwise provided by subsection (a), the following public records shall be excepted from section 3 of this chapter at the discretion of a public agency:

(1) Investigatory records of law enforcement agencies. However, certain law enforcement records must be made available for inspection and copying as provided in section 5 of this chapter.

(2) The work product of an attorney representing, pursuant to state employment or an appointment by a public agency:

(A) a public agency;

(B) the state; or

(C) an individual.

(3) Test questions, scoring keys, and other examination data used in administering a licensing examination, examination for employment, or academic examination before the examination is given or if it is to be given again.

(4) Scores of tests if the person is identified by name and has not consented to the release of the person's scores.

(5) The following:

(A) Records relating to negotiations between the Indiana economic development corporation, the ports of Indiana, the Indiana state department of agriculture, the Indiana finance authority, an economic development commission, a local economic development organization (as defined in IC 5-28-11-2(3)), or a governing body of a political subdivision with industrial, research, or commercial prospects, if the records are created while negotiations are in progress.

(B) Notwithstanding clause (A), the terms of the final offer of public financial resources communicated by the Indiana economic development corporation, the ports of Indiana, the Indiana finance authority, an economic development commission, or a governing body of a political subdivision to an industrial, a research, or a commercial prospect shall be available for inspection and copying under section 3 of this chapter after negotiations with that prospect have terminated.

(C) When disclosing a final offer under clause (B), the Indiana economic development corporation shall certify

that the information being disclosed accurately and completely represents the terms of the final offer.

(D) Notwithstanding clause (A), an incentive agreement with an incentive recipient shall be available for inspection and copying under section 3 of this chapter after the date the incentive recipient and the Indiana economic development corporation execute the incentive agreement regardless of whether negotiations are in progress with the recipient after that date regarding a modification or extension of the incentive agreement.

(6) Records that are intra-agency or interagency advisory or deliberative material, including material developed by a private contractor under a contract with a public agency, that are expressions of opinion or are of a speculative nature, and that are communicated for the purpose of decision making.

(7) Diaries, journals, or other personal notes serving as the functional equivalent of a diary or journal.

(8) Personnel files of public employees and files of applicants for public employment, except for:

(A) the name, compensation, job title, business address, business telephone number, job description, education and training background, previous work experience, or dates of first and last employment of present or former officers or employees of the agency;

(B) information relating to the status of any formal charges against the employee; and

(C) the factual basis for a disciplinary action in which final action has been taken and that resulted in the employee being suspended, demoted, or discharged.

However, all personnel file information shall be made available to the affected employee or the employee's representative. This subdivision does not apply to disclosure of personnel information generally on all employees or for groups of employees without the request being particularized by employee name.

(9) Minutes or records of hospital medical staff meetings.

(10) Administrative or technical information that would jeopardize a record keeping or security system.

(11) Computer programs, computer codes, computer filing systems, and other software that are owned by the public agency or entrusted to it and portions of electronic maps entrusted to a public agency by a utility.

(12) Records specifically prepared for discussion or developed during discussion in an executive session under IC 5-14-1.5-6.1. However, this subdivision does not apply to that information required to be available for inspection and copying under subdivision (8).

(13) The work product of the legislative services agency under personnel rules approved by the legislative council.

(14) The work product of individual members and the partisan staffs of the general assembly.

(15) The identity of a donor of a gift made to a public agency if:

(A) the donor requires nondisclosure of the donor's identity as a condition of making the gift; or

(B) after the gift is made, the donor or a member of the donor's family requests nondisclosure.

(16) Library or archival records:

(A) which can be used to identify any library patron; or

(B) deposited with or acquired by a library upon a condition that the records be disclosed only:

(i) to qualified researchers;

(ii) after the passing of a period of years that is specified in the documents under which the deposit or acquisition is made; or

(iii) after the death of persons specified at the time of the acquisition or deposit.

However, nothing in this subdivision shall limit or affect contracts entered into by the Indiana state library pursuant to IC 4-1-6-8.

(17) The identity of any person who contacts the bureau of motor vehicles concerning the ability of a driver to operate a motor vehicle safely and the medical records and evaluations made by the bureau of motor vehicles staff or members of the driver licensing medical advisory board regarding the ability of a driver to operate a motor vehicle safely. However, upon written request to the commissioner of the bureau of motor vehicles, the driver must be given copies of the driver's medical records and evaluations.

(18) School safety and security measures, plans, and systems, including emergency preparedness plans developed under 511 IAC 6.1-2-2.5.

(19) A record or a part of a record, the public disclosure of which would have a reasonable likelihood of threatening public safety by exposing a vulnerability to terrorist attack. A record described under this subdivision includes:

(A) a record assembled, prepared, or maintained to prevent, mitigate, or respond to an act of terrorism under IC 35-47-12-1 or an act of agricultural terrorism under IC 35-47-12-2;

(B) vulnerability assessments;

(C) risk planning documents;

(D) needs assessments;

(E) threat assessments;

(F) intelligence assessments;

(G) domestic preparedness strategies;

(H) the location of community drinking water wells and surface water intakes;

(I) the emergency contact information of emergency responders and volunteers;

(J) infrastructure records that disclose the configuration of critical systems such as communication, electrical, ventilation, water, and wastewater systems;

(K) detailed drawings or specifications of structural elements, floor plans, and operating, utility, or security systems, whether in paper or electronic form, of any building or facility located on an airport (as defined in IC 8-21-1-1) that is owned, occupied, leased, or maintained by a public agency. A record described in this clause may not be released for public inspection by any public agency without the prior approval of the public agency that owns, occupies, leases, or maintains the airport. The public agency that owns, occupies, leases, or maintains the airport:

(i) is responsible for determining whether the public disclosure of a record or a part of a record has a reasonable likelihood of threatening public safety by exposing a vulnerability to terrorist attack; and

(ii) must identify a record described under item (i) and clearly mark the record as "confidential and not subject to public disclosure under IC 5-14-3-4(b)(19)(J) without approval of (insert name of submitting public agency)"; and

(L) the home address, home telephone number, and emergency contact information for any:

(i) emergency management worker (as defined in IC 10-14-3-3);

(ii) public safety officer (as defined in IC 35-47-4.5-3);

(iii) emergency medical responder (as defined in ~~IC 35-42-2-6);~~ **IC 16-18-2-109.8);** or

(iv) advanced emergency medical technician (as defined in IC 16-18-2-6.5).

This subdivision does not apply to a record or portion of a record pertaining to a location or structure owned or protected by a public agency in the event that an act of terrorism under IC 35-47-12-1 or an act of agricultural

terrorism under IC 35-47-12-2 has occurred at that location or structure, unless release of the record or portion of the record would have a reasonable likelihood of threatening public safety by exposing a vulnerability of other locations or structures to terrorist attack.

(20) The following personal information concerning a customer of a municipally owned utility (as defined in IC 8-1-2-1):

(A) Telephone number.

(B) Address.

(C) Social Security number.

(21) The following personal information about a complainant contained in records of a law enforcement agency:

(A) Telephone number.

(B) The complainant's address. However, if the complainant's address is the location of the suspected crime, infraction, accident, or complaint reported, the address shall be made available for public inspection and copying.

(22) Notwithstanding subdivision (8)(A), the name, compensation, job title, business address, business telephone number, job description, education and training background, previous work experience, or dates of first employment of a law enforcement officer who is operating in an undercover capacity.

(23) Records requested by an offender that:

(A) contain personal information relating to:

(i) a correctional officer (as defined in IC 5-10-10-1.5);

(ii) a law enforcement officer (as defined in IC 35-31.5-2-185);

(iii) a judge (as defined in IC 33-38-12-3);

(iv) the victim of a crime; or

(v) a family member of a correctional officer, law enforcement officer (as defined in IC 35-31.5-2-185), judge (as defined in IC 33-38-12-3), or victim of a crime; or

(B) concern or could affect the security of a jail or correctional facility.

(24) Information concerning an individual less than eighteen (18) years of age who participates in a conference, meeting, program, or activity conducted or supervised by a state educational institution, including the following information regarding the individual or the individual's parent or guardian:

(A) Name.

(B) Address.

(C) Telephone number.

(D) Electronic mail account address.

(25) Criminal intelligence information.

(26) The following information contained in a report of unclaimed property under IC 32-34-1-26 or in a claim for unclaimed property under IC 32-34-1-36:

(A) date of birth;

(B) driver's license number;

(C) taxpayer identification number;

(D) employer identification number; or

(E) account number.

(c) Nothing contained in subsection (b) shall limit or affect the right of a person to inspect and copy a public record required or directed to be made by any statute or by any rule of a public agency.

(d) Notwithstanding any other law, a public record that is classified as confidential, other than a record concerning an adoption or patient medical records, shall be made available for inspection and copying seventy-five (75) years after the creation of that record.

(e) Only the content of a public record may form the basis for the adoption by any public agency of a rule or procedure creating an exception from disclosure under this section.

(f) Except as provided by law, a public agency may not adopt a rule or procedure that creates an exception from disclosure under this section based upon whether a public record is stored or accessed using paper, electronic media, magnetic media, optical media, or other information storage technology.

(g) Except as provided by law, a public agency may not adopt a rule or procedure nor impose any costs or liabilities that impede or restrict the reproduction or dissemination of any public record.

(h) Notwithstanding subsection (d) and section 7 of this chapter:

(1) public records subject to IC 5-15 may be destroyed only in accordance with record retention schedules under IC 5-15; or

(2) public records not subject to IC 5-15 may be destroyed in the ordinary course of business.

SECTION 11. IC 6-6-13-13, AS ADDED BY P.L.288-2013, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. (a) A person who knowingly fails to collect or timely remit tax otherwise required to be paid to the department under section 9 of this chapter is liable for the uncollected tax plus a penalty equal to one hundred percent (100%) of the uncollected tax.

(b) A person who recklessly, knowingly, or intentionally fails or refuses to pay over to the state the aviation fuel excise tax at the time required in this chapter or who fraudulently withholds or appropriates or otherwise uses the money or any part thereof belonging to the state commits a ~~Class D~~ **Level 6** felony.

(c) A person who negligently disregards any provision of this chapter is subject to a civil penalty of five hundred dollars ($500) for each separate occurrence of negligent disregard as determined by the department.

SECTION 12. IC 8-10-1-29, AS AMENDED BY P.L.156-2013, SECTION 2, AND AS AMENDED BY P.L.158-2013, SECTION 133, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 29. (a) *The ports of Indiana may declare an emergency:*

(1) in the case of fire, flood, windstorm, casualty, or other extraordinary emergency, including mechanical failure of any part of a building or structure; and

(2) if the health, safety, or welfare of the public or necessary governmental operations are endangered by loss or damage.

The ports of Indiana shall declare an emergency by recording the declaration and grounds for the emergency in the minutes of the commission.

(b) Unless the ports of Indiana declares an emergency, the ports of Indiana may not during any six (6) month period make separate contracts with another party for similar construction projects or the purchase of similar equipment, materials, or supplies under IC 8-10-1-7(5) without advertising for and accepting public bids, if the aggregate cost of the separate contracts is more than ~~*twenty five*~~ *one hundred fifty* thousand dollars ~~*($25,000).*~~ *($150,000).*

~~*(b)*~~ *(c)* A commission member or an employee of the ports of Indiana who knowingly violates subsection ~~*(a)*~~ *(b)* commits a ~~*Class D*~~ *Level 6* felony.

~~*(c)*~~ *(d)* A person who accepts a contract with the ports of Indiana knowing that subsection ~~(a)~~ *(b)* was violated in connection with the contract commits a ~~*Class D*~~ *Level 6* felony and may not be a party to or benefit from any contract with a public body in the state for two (2) years from the date of the person's conviction.

(e) If the ports of Indiana declares an emergency, the ports of Indiana may:

(1) contract for a construction project or the purchase of equipment, materials, or supplies without advertising for bids, if bids or quotes are invited from at least three (3)

persons known to deal in:

(A) the public work required to be done; or

(B) the equipment, materials, or supplies sought to be purchased; and

(2) either:

(A) reject all bids or quotes submitted; or

(B) contract with the lowest and best bidder or quoter for the construction project or purchase.

The total amount of all contracts the ports of Indiana may award with respect to an emergency declared under subsection (a) may not exceed one million dollars ($1,000,000), unless an executive order is issued by the governor authorizing the ports of Indiana to exceed this limit.

(f) When awarding a contract with respect to an emergency declared under subsection (a), the ports shall list in the minutes of the next commission meeting the names of all the entities invited to bid.

SECTION 13. IC 9-17-4-14, AS ADDED BY P.L.262-2013, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 14. A person who owns or possesses a motor vehicle that the person knows violates section 7 or 8 of this chapter commits a ~~Class D~~ **Level 6** felony.

SECTION 14. IC 9-17-4-15, AS ADDED BY P.L.262-2013, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 15. (a) A person who knowingly:

(1) damages;

(2) removes; or

(3) alters;

an original or a special identification number commits a ~~Class C~~ **Level 5** felony.

(b) A person who, with the intent to conceal evidence of the commission of a crime, covers an original or special identification number commits a ~~Class C~~ **Level 5** felony.

SECTION 15. IC 9-17-4-16, AS ADDED BY P.L.262-2013, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 16. A person who knowingly sells or offers for sale a motor vehicle with an original or a special identification number that is:

(1) destroyed;

(2) removed;

(3) altered;

(4) covered; or

(5) defaced;

commits a ~~Class D~~ **Level 6** felony.

SECTION 16. IC 9-17-4-17, AS ADDED BY P.L.262-2013, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 17. A person who knowingly or intentionally sells or offers for sale a motor vehicle part with an identification number that is:

(1) destroyed;

(2) removed;

(3) altered;

(4) covered; or

(5) defaced;

commits a ~~Class D~~ **Level 6** felony.

SECTION 17. IC 9-17-4-18, AS ADDED BY P.L.262-2013, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 18. (a) For purposes of this section, "identification number" means a set of numbers, letters, or both numbers and letters that is assigned to a motor vehicle or motor vehicle part by:

(1) a manufacturer of motor vehicles or motor vehicle parts; or

(2) a governmental entity to replace an original identification number that is destroyed, removed, altered, or defaced.

(b) Subsection (c) does not apply to a person who manufactures or installs a plate or label containing an identification number:

(1) in a program authorized by a manufacturer of motor vehicles or motor vehicle parts; or

(2) as authorized by the bureau under this chapter.

(c) A person who knowingly or intentionally possesses a plate or label that:

(1) contains an identification number; and

(2) is not attached to the motor vehicle or motor vehicle part to which the identification number was assigned by the manufacturer or a governmental entity;

commits a ~~Class D~~ **Level 6** felony.

(d) A person who knowingly or intentionally possesses a plate or label on which the identification number is altered or removed commits a ~~Class D~~ **Level 6** felony.

(e) A person who, with intent to defraud, possesses a plate or label containing a set of numbers, letters, or both numbers and letters that purports to be an identification number commits a ~~Class D~~ **Level 6** felony.

SECTION 18. IC 9-22-3-33, AS AMENDED BY P.L.92-2013, SECTION 49, AND AS AMENDED BY P.L.158-2013, SECTION 151, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 33. *(a)* A person who *recklessly,* knowingly*, or intentionally* violates section 4, 5, 6, 7, or 8 of this chapter (or section 9 of this chapter before its repeal) commits a ~~*Class D*~~ *Level 6* felony.

(b) A person who recklessly, knowingly, or intentionally violates section 18.5 or 30 of this chapter commits a Class A misdemeanor.

SECTION 19. IC 9-30-5-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 15. (a) In addition to any criminal penalty imposed for an offense under this chapter, the court shall:

(1) order:

(A) that the person be imprisoned for at least five (5) days; or

(B) the person to perform at least one hundred eighty (180) hours of community restitution or service; and

(2) order the person to receive an assessment of the person's degree of alcohol and drug abuse and, if appropriate, to successfully complete an alcohol or drug abuse treatment program, including an alcohol deterrent program if the person suffers from alcohol abuse;

if the person has one (1) previous conviction of operating while intoxicated.

(b) In addition to any criminal penalty imposed for an offense under this chapter, the court shall:

(1) order:

(A) that the person be imprisoned for at least ten (10) days; or

(B) the person to perform at least three hundred sixty (360) hours of community restitution or service; and

(2) order the person to receive an assessment of the person's degree of alcohol and drug abuse and, if appropriate, to successfully complete an alcohol or drug abuse treatment program, including an alcohol deterrent program if the person suffers from alcohol abuse;

if the person has at least two (2) previous convictions of operating while intoxicated.

(c) Notwithstanding ~~IC 35-50-2-2~~ **IC 35-50-2-2.2** and IC 35-50-3-1, a sentence imposed under this section may not be suspended. The court may require that the person serve the term of imprisonment in an appropriate facility at whatever time or intervals (consecutive or intermittent) determined appropriate by the court. However:

(1) at least forty-eight (48) hours of the sentence must be served consecutively; and

(2) the entire sentence must be served within six (6) months after the date of sentencing.

(d) Notwithstanding IC 35-50-6, a person does not earn credit time while serving a sentence imposed under this section.

SECTION 20. IC 9-32-17-2, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) Except as provided in ~~subsections~~ **subsection** (b), ~~and (c),~~ a person who violates IC 9-32-4 commits a Class C infraction.

(b) A person who knowingly or intentionally violates IC 9-32-4-1(a)(1), IC 9-32-4-1(a)(2), ~~IC 9-32-4-1(a)(4), IC 9-32-4-1(a)(5),~~ or IC 9-32-4-1(d) commits a Class B misdemeanor.

~~(c) A person who knowingly or intentionally violates IC 9-32-4-1(a)(3) commits a:~~

~~(1) Class A misdemeanor for the first violation; and~~

~~(2) Class D felony for a second or subsequent unrelated violation.~~

SECTION 21. IC 11-8-8-4.5, AS AMENDED BY P.L.214-2013, SECTION 4, AND AS AMENDED BY P.L.158-2013, SECTION 171, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4.5. (a) Except as provided in section 22 of this chapter, as used in this chapter, "sex offender" means a person convicted of any of the following offenses:

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

(2) Criminal deviate conduct (IC 35-42-4-2) ~~(repealed). *(before its repeal on July 1, 2014).*~~ **(before its repeal).**

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

(4) Child exploitation (IC 35-42-4-4(b)).

(5) Vicarious sexual gratification (including performing sexual conduct in the presence of a minor) (IC 35-42-4-5).

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

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

(8) Sexual misconduct with a minor **(IC 35-42-4-9)** as a Class A, Class B, or Class C *felony (for a crime committed before July 1, 2014) or a Level 1, Level 2, Level 4, or Level 5* felony *(for a crime committed after June 30, 2014),* ~~(IC 35-42-4-9),~~ unless:

(A) the person is convicted of sexual misconduct with a minor as a Class C *felony (for a crime committed before July 1, 2014) or a Level 5* felony *(for a crime committed after June 30, 2014);*

(B) the person is not more than:

(i) four (4) years older than the victim if the offense was committed after June 30, 2007; or

(ii) five (5) years older than the victim if the offense was committed before July 1, 2007; and

(C) the sentencing court finds that the person should not be required to register as a sex offender.

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

(10) Sexual battery (IC 35-42-4-8).

(11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age, and the person who kidnapped the victim is not the victim's parent or guardian.

(12) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age, and the person who confined or removed the victim is not the victim's parent or guardian.

(13) Possession of child pornography (IC 35-42-4-4(c)).

(14) Promoting prostitution (IC 35-45-4-4) as a Class B *felony (for a crime committed before July 1, 2014) or a Level 4* felony *(for a crime committed after June 30, 2014).*

(15) Promotion of human trafficking (IC 35-42-3.5-1(a)(2)) if the victim is less than eighteen (18) years of age.

(16) Sexual trafficking of a minor (IC 35-42-3.5-1(c)).

(17) Human trafficking (IC 35-42-3.5-1(d)(3)) if the victim is less than eighteen (18) years of age.

(18) Sexual misconduct by a service provider with a detained child (IC 35-44.1-3-10(c)).

(19) An attempt or conspiracy to commit a crime listed in subdivisions (1) through (18).

(20) A crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in subdivisions (1) through (19).

(b) The term includes:

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

(2) a child who has committed a delinquent act and who:

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

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

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

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

SECTION 22. IC 11-8-8-5, AS AMENDED BY P.L.13-2013, SECTION 42, AS AMENDED BY P.L.214-2013, SECTION 5, AND AS AMENDED BY P.L.158-2013, SECTION 172, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) Except as provided in section 22 of this chapter, as used in this chapter, "sex or violent offender" means a person convicted of any of the following offenses:

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

(2) Criminal deviate conduct (IC 35-42-4-2) *(before its repeal).* ~~*on July 1, 2014 (repealed).*~~

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

(4) Child exploitation (IC 35-42-4-4(b)).

(5) Vicarious sexual gratification (including performing sexual conduct in the presence of a minor) (IC 35-42-4-5).

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

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

(8) Sexual misconduct with a minor **(IC 35-42-4-9)** as a Class A, Class B, or Class C *felony (for a crime committed before July 1, 2014) or a Level 1, Level 2, Level 4, or Level 5* felony *(for a crime committed after June 30, 2014),* ~~(IC 35-42-4-9),~~ unless:

(A) the person is convicted of sexual misconduct with a minor as a Class C felony *(for a crime committed before July 1, 2014) or a Level 5* felony *(for a crime committed after June 30, 2014);*

(B) the person is not more than:

(i) four (4) years older than the victim if the offense was committed after June 30, 2007; or

(ii) five (5) years older than the victim if the offense was committed before July 1, 2007; and

(C) the sentencing court finds that the person should not be required to register as a sex offender.

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

(10) Sexual battery (IC 35-42-4-8).

(11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age, and the person who kidnapped the victim is not the victim's parent or guardian.

(12) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age, and the person who confined or removed the victim is not the victim's parent or guardian.

(13) Possession of child pornography (IC 35-42-4-4(c)).

(14) Promoting prostitution (IC 35-45-4-4) as a Class B felony *(for a crime committed before July 1, 2014) or a*

Level 4 felony (for a crime committed after June 30, 2014).

(15) Promotion of human trafficking (IC 35-42-3.5-1(a)(2)) if the victim is less than eighteen (18) years of age.

(16) Sexual trafficking of a minor (IC 35-42-3.5-1(c)).

(17) Human trafficking (IC 35-42-3.5-1(d)(3)) if the victim is less than eighteen (18) years of age.

(18) Murder (IC 35-42-1-1).

(19) Voluntary manslaughter (IC 35-42-1-3).

(20) Sexual misconduct by a service provider with a detained child (IC 35-44.1-3-10(c)).

(21) An attempt or conspiracy to commit a crime listed in subdivisions (1) through (20).

(22) A crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in subdivisions (1) through (21).

(b) The term includes:

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

(2) a child who has committed a delinquent act and who:

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

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

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

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

SECTION 23. IC 11-8-8-15, AS AMENDED BY P.L.214-2013, SECTION 11, AND AS AMENDED BY P.L.158-2013, SECTION 173, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 15. (a) A sex or violent offender who is a resident of Indiana shall obtain and keep in the sex or violent offender's possession:

(1) a valid Indiana driver's license; or

(2) a valid Indiana identification card (as described in IC 9-24-16);

that contains the offender's current address and current physical description.

(b) A sex or violent offender required to register in Indiana who is not a resident of Indiana shall obtain and keep in the sex or violent offender's possession:

(1) a valid driver's license issued by the state in which the sex or violent offender resides; or

(2) a valid state issued identification card issued by the state in which the sex or violent offender resides;

that contains the offender's current address and current physical description.

(c) A person who knowingly or intentionally violates this section commits failure of a sex or violent offender to possess identification, a Class A misdemeanor. However, the offense is a ~~*Class D*~~ *Level 6* felony if the person:

(1) is a sexually violent predator; or

(2) has a prior unrelated conviction:

(A) under this section; or

(B) based on the person's failure to comply with any requirement imposed on an offender under this chapter.

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

(1) the person has been unable to obtain a valid driver's license or state issued identification card because less than thirty (30) days have passed since the person's release from incarceration; ~~*or*~~

(2) the person possesses a driver's license or state issued identification card that expired not more than thirty (30) days before the date the person violated subsection (a) or (b); *or*

(3) the person possesses a valid driver's license or state issued identification card, but the card does not reflect the person's current address or current physical description because fewer than thirty (30) days have passed since the person changed the person's current address or physical characteristics.

SECTION 24. IC 11-8-8-19, AS AMENDED BY P.L.214-2013, SECTION 12, AND AS AMENDED BY P.L.158-2013, SECTION 176, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 19. (a) Except as provided in subsections (b) through (e), a sex or violent offender is required to register under this chapter until the expiration of ten (10) years after the date the sex or violent offender:

(1) is released from a penal facility (as defined in IC 35-31.5-2-232) or a secure juvenile detention facility of a state or another jurisdiction;

(2) is placed in a community transition program;

(3) is placed in a community corrections program;

(4) is placed on parole; or

(5) is placed on probation;

for the sex or violent offense requiring registration, whichever occurs last. The registration period is tolled during any period that the sex or violent offender is incarcerated. The registration period does not restart if the offender is convicted of a subsequent offense. However, if the subsequent offense is a sex or violent offense, a new registration period may be imposed in accordance with this chapter. The department shall ensure that an offender who is no longer required to register as a sex or violent offender is notified that the obligation to register has expired, *and shall ensure that the offender's information is no longer published to the public portal of the sex and violent offender registry Internet web site established under IC 36-2-13-5.5.*

(b) A sex or violent offender who is a sexually violent predator is required to register for life.

(c) A sex or violent offender who is convicted of at least one (1) offense under section 5(a) of this chapter that the sex or violent offender committed:

(1) when the person was at least eighteen (18) years of age; and

(2) against a victim who was less than twelve (12) years of age at the time of the crime;

is required to register for life.

(d) A sex or violent offender who is convicted of at least one (1) offense under section 5(a) of this chapter in which the sex offender:

(1) proximately caused serious bodily injury or death to the victim;

(2) used force or the threat of force against the victim or a member of the victim's family, unless the offense is sexual battery as a Class D *felony (for an offense committed before July 1, 2014) or a Level 6* felony *(for a crime committed after June 30, 2014);* or

(3) rendered the victim unconscious or otherwise incapable of giving voluntary consent;

is required to register for life.

(e) A sex or violent offender who is convicted of at least two (2) unrelated offenses under section 5(a) of this chapter is required to register for life.

(f) A person who is required to register as a sex or violent offender in any jurisdiction shall register for the period required

by the other jurisdiction or the period described in this section, whichever is longer.

SECTION 25. IC 11-12-2-1, AS AMENDED BY P.L.105-2010, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) For the purpose of encouraging counties to develop a coordinated local corrections-criminal justice system and providing effective alternatives to imprisonment at the state level, the commissioner shall, out of funds appropriated for such purposes, make grants to counties for the establishment and operation of community corrections programs. Appropriations intended for this purpose may not be used by the department for any other purpose. Money appropriated to the department of correction for the purpose of making grants under this chapter and any financial aid payments suspended under section 6 of this chapter do not revert to the state general fund at the close of any fiscal year, but remain available to the department of correction for its use in making grants under this chapter.

(b) Before March 1, 2015, the department shall estimate the amount of any operational cost savings that will be realized in the state fiscal year ending June 30, 2015, from a reduction in the number of individuals who are in the custody or made a ward of the department of correction (as described in IC 11-8-1-5) that is attributable to the sentencing changes made in HEA 1006-2014 as enacted in the 2014 session of the general assembly. The department shall make the estimate under this subsection based on the best available information. If the department estimates that operational cost savings described in this subsection will be realized in the state fiscal year ending June 30, 2015, the following apply to the department:

(1) The department shall certify the estimated amount of operational cost savings that will be realized to the budget agency and to the auditor of state.

(2) The department may, after review by the budget committee and approval by the budget agency, make additional grants as provided in this chapter to counties for the establishment and operation of community corrections programs from funds appropriated to the department for the department's operating expenses for the state fiscal year.

(3) The department may, after review by the budget committee and approval by the budget agency, transfer funds appropriated to the department for the department's operating expenses for the state fiscal year to the judicial conference of Indiana to be used by the judicial conference of Indiana to provide additional financial aid for the support of court probation services under the program established under IC 11-13-2.

(4) The maximum aggregate amount of additional grants and transfers that may be made by the department under subdivisions (2) and (3) for the state fiscal year may not exceed the lesser of:

(A) the amount of operational cost savings certified under subdivision (1); or

(B) eleven million dollars ($11,000,000).

Notwithstanding P.L.205-2013 (HEA 1001-2013), the amount of funds necessary to make any additional grants authorized and approved under this subsection and for any transfers authorized and approved under this subsection, and for providing the additional financial aid to courts from transfers authorized and approved under this subsection, is appropriated for those purposes for the state fiscal year ending June 30, 2015, and the amount of the department's appropriation for operating expenses for the state fiscal year ending June 30, 2015, is reduced by a corresponding amount. This subsection expires June 30, 2015.

~~(b)~~ **(c)** The commissioner shall give priority in issuing community corrections grants to programs that provide alternative sentencing projects for persons with mental illness, addictive disorders, mental retardation, and developmental disabilities.

SECTION 26. IC 11-12-3.7-11, AS AMENDED BY P.L.192-2007, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. (a) A person is eligible to participate in a pre-conviction forensic diversion program only if the person meets the following criteria:

(1) The person has a mental illness, an addictive disorder, or both a mental illness and an addictive disorder.

(2) The person has been charged with an offense that is:

(A) not a violent offense; and

(B) a Class A, B, or C misdemeanor, or a ~~Class D~~ **Level 6** felony that may be reduced to a Class A misdemeanor in accordance with IC 35-50-2-7.

(3) The person does not have a conviction for a violent offense in the previous ten (10) years.

(4) The court has determined that the person is an appropriate candidate to participate in a pre-conviction forensic diversion program.

(5) The person has been accepted into a pre-conviction forensic diversion program.

(b) Before an eligible person is permitted to participate in a pre-conviction forensic diversion program, the court shall advise the person of the following:

(1) Before the individual is permitted to participate in the program, the individual will be required to enter a guilty plea to the offense with which the individual has been charged.

(2) The court will stay entry of the judgment of conviction during the time in which the individual is successfully participating in the program. If the individual stops successfully participating in the program, or does not successfully complete the program, the court will lift its stay, enter a judgment of conviction, and sentence the individual accordingly.

(3) If the individual participates in the program, the individual may be required to remain in the program for a period not to exceed three (3) years.

(4) During treatment the individual may be confined in an institution, be released for treatment in the community, receive supervised aftercare in the community, or may be required to receive a combination of these alternatives.

(5) If the individual successfully completes the forensic diversion program, the court will waive entry of the judgment of conviction and dismiss the charges.

(6) The court shall determine, after considering a report from the forensic diversion program, whether the individual is successfully participating in or has successfully completed the program.

(c) Before an eligible person may participate in a pre-conviction forensic diversion program, the person must plead guilty to the offense with which the person is charged.

(d) Before an eligible person may be admitted to a facility under the control of the division of mental health and addiction, the individual must be committed to the facility under IC 12-26.

(e) After the person has pleaded guilty, the court shall stay entry of judgment of conviction and place the person in the pre-conviction forensic diversion program for not more than:

(1) two (2) years, if the person has been charged with a misdemeanor; or

(2) three (3) years, if the person has been charged with a felony.

(f) If, after considering the report of the forensic diversion program, the court determines that the person has:

(1) failed to successfully participate in the forensic diversion program, or failed to successfully complete the program, the court shall lift its stay, enter judgment of conviction, and sentence the person accordingly; or

(2) successfully completed the forensic diversion program,

the court shall waive entry of the judgment of conviction and dismiss the charges.

SECTION 27. IC 11-14-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. "Youthful offender" means an offender (as defined in IC 11-8-1-9) who:

(1) is less than twenty-one (21) years of age;

(2) has been committed to the department to serve a maximum sentence of not more than eight (8) years;

(3) has received a suspendible sentence under IC 35-50-2-2 **(before its repeal),** ~~or~~ IC 35-50-2-2.1, **or IC 35-50-2-2.2;**

(4) has been sentenced by a court having criminal jurisdiction;

(5) has never been confined in a state or federal adult correctional facility; and

(6) has not previously participated in a military or correctional boot camp program.

SECTION 28. IC 12-7-2-53.2, AS ADDED BY P.L.287-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 53.2. "Dangerous felony", for purposes of IC 12-17.2, means one (1) or more of the following felonies:

(1) Murder (IC 35-42-1-1).

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

(3) Voluntary manslaughter (IC 35-42-1-3).

(4) Involuntary manslaughter (IC 35-42-1-4).

(5) Reckless homicide (IC 35-42-1-5).

(6) Aggravated battery (IC 35-42-2-1.5).

(7) Kidnapping (IC 35-42-3-2).

(8) Rape (IC 35-42-4-1).

(9) Criminal deviate conduct (IC 35-42-4-2) **(before its repeal).**

(10) Child molesting (IC 35-42-4-3).

(11) Sexual misconduct with a minor as a Class A felony **(for a crime committed before July 1, 2014) or a Level 1 felony (for a crime committed after June 30, 2014)** under IC 35-42-4-9(a)(2) or a Class B felony **(for a crime committed before July 1, 2014) or a Level 2 felony (for a crime committed after June 30, 2014)** under IC 35-42-4-9(b)(2).

(12) Robbery as a Class A or Class B felony **(for a crime committed before July 1, 2014) or a Level 2 or Level 3 felony (for a crime committed after June 30, 2014)** (IC 35-42-5-1).

(13) Burglary as a Class A or Class B felony **(for a crime committed before July 1, 2014) or a Level 2 or Level 3 felony (for a crime committed after June 30, 2014)** (IC 35-43-2-1).

(14) Battery as a felony (IC 35-42-2-1).

(15) Domestic battery (IC 35-42-2-1.3).

(16) Strangulation (IC 35-42-2-9).

(17) Criminal confinement (IC 35-42-3-3).

(18) Sexual battery (IC 35-42-4-8).

(19) A felony committed in another jurisdiction that is substantially similar to a felony in this section.

(20) An attempt to commit or a conspiracy to commit an offense listed in subdivisions (1) through (19).

SECTION 29. IC 12-17.2-6-14, AS AMENDED BY P.L.287-2013, SECTION 16, AND AS AMENDED BY P.L.158-2013, SECTION 179, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 14. ~~*The*~~ *(a) A* child care ministry must do the following:

(1) ~~*Conduct a*~~ *Subject to subsection (c), require, at no expense to the state, an employee or a volunteer who has direct contact with a child who is receiving child care from the child care ministry to submit fingerprints for* a *national* criminal history *background* check ~~*of the child care ministry's employees and volunteers.*~~ *by the Federal Bureau of Investigation.*

(2) Report to the division any:

(A) police investigations;

(B) arrests; and

(C) criminal convictions;

of which the operator or director of the child care ministry is aware regarding an employee or volunteer described in subdivision (1).

~~*(2)*~~ *(3)* Refrain from employing, or allowing to serve as a volunteer, an individual who *has direct contact with a child who is receiving child care from the child care ministry and who:*

(A) has been convicted of ~~*any of the following felonies:*~~

~~*(i) Murder (IC 35-42-1-1).*~~

~~*(ii) Causing suicide (IC 35-42-1-2).*~~

~~*(iii) Assisting suicide (IC 35-42-1-2.5).*~~

~~*(iv) Voluntary manslaughter (IC 35-42-1-3).*~~

~~*(v) Reckless homicide (IC 35-42-1-5).*~~

~~*(vi) Battery (IC 35-42-2-1).*~~

~~*(vii) Aggravated battery (IC 35-42-2-1.5).*~~

~~*(viii) Kidnapping (IC 35-42-3-2).*~~

~~*(ix) Criminal confinement (IC 35-42-3-3).*~~

~~*(x) A felony sex offense under IC 35-42-4.*~~

~~*(xi) Carjacking (IC 35-42-5-2) (repealed) (for a crime committed before July 1, 2014).*~~

~~*(xii) Arson (IC 35-43-1-1).*~~

~~*(xiii) Incest (IC 35-46-1-3).*~~

~~*(xiv) Neglect of a dependent (IC 35-46-1-4(a)(1) and IC 35-46-1-4(a)(2)).*~~

~~*(xv) Child selling (IC 35-46-1-4(d)).*~~

~~*(xvi) A felony involving a weapon under IC 35-47 or IC 35-47.5.*~~

~~*(xvii) A felony relating to controlled substances under IC 35-48-4.*~~

~~*(xviii) An offense relating to material or a performance that is harmful to minors or obscene under IC 35-49-3.*~~

~~*(xix) A felony that is substantially equivalent to a felony listed in items (i) through (xviii) for which the conviction was entered in another state.*~~ *a felony:*

(i) related to the health or safety of a child;

(ii) that is a sex offense (as defined in IC 11-8-8-5.2);

(iii) that is a dangerous felony; or

(iv) that is not a felony otherwise described in items (i) through (iii), and less than ten (10) years have elapsed from the date the person was discharged from probation, imprisonment, or parole, whichever discharge date is latest;

(B) has been convicted of a misdemeanor related to the health or safety of a child;

(C) has been convicted of a misdemeanor under IC 12-17.2-4-35 for operating a child care center without a license, or of a substantially similar offense committed in another jurisdiction if the offense is directly or indirectly related to jeopardizing the health or safety of a child;

(D) has been convicted of a misdemeanor under IC 12-17.2-5-35 for operating a child care home without a license, or of a substantially similar offense committed in another jurisdiction if the offense is directly or indirectly related to jeopardizing the health or safety of a child; or

~~*(C)*~~ *(E)* is a person against whom an allegation of child abuse or neglect has been substantiated under IC 31-33, *or under a substantially similar provision in another jurisdiction.*

~~*(3) Maintain records of each criminal history check.*~~

(b) A child care ministry shall require an individual described in subsection (a)(1) to apply for a national criminal history background check before the individual is employed or

allowed to volunteer and every three (3) years thereafter that the individual is continuously employed or allowed to volunteer.

(c) A child care ministry that is registered under this chapter on July 1, 2013, shall, at no expense to the state, meet the requirements under subsection (a)(1) not later than July 1, 2014.

SECTION 30. IC 12-24-3-2, AS AMENDED BY P.L.214-2013, SECTION 14, AND AS AMENDED BY P.L.158-2013, SECTION 183, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. To provide greater security for patients, visitors, and employees, the division may not employ in a state institution an individual who has been convicted of any of the following offenses:

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

(2) Criminal deviate conduct (IC 35-42-4-2) ~~*(before its repeal on July 1, 2014).*~~ ~~*(repealed).*~~ **(before its repeal).**

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

(4) Child exploitation (IC 35-42-4-4).

(5) Sexual misconduct with a minor *(IC 35-42-4-9)* as a Class A or *Class* B *felony (for a crime committed before July 1, 2014) or a Level 1 felony, Level 2 felony, or Level 4* felony ~~*(IC 35-42-4-9)*~~ *(for a crime committed after June 30, 2014).*

SECTION 31. IC 16-31-3-14, AS AMENDED BY P.L.196-2013, SECTION 4, AND AS AMENDED BY P.L.158-2013, SECTION 234, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 14. (a) A person holding a certificate or license issued under this article must comply with the applicable standards and rules established under this article. A certificate holder or license holder is subject to disciplinary sanctions under subsection (b) if the department of homeland security determines that the certificate holder or license holder:

(1) engaged in or knowingly cooperated in fraud or material deception in order to obtain a certificate or license, including cheating on a certification or licensure 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 required under this article or rules adopted under this article;

(5) is convicted of a crime, if the act that resulted in the conviction has a direct bearing on determining if the certificate holder or license holder should be entrusted to provide emergency medical services;

(6) is convicted of violating IC 9-19-14.5;

(7) fails to comply and maintain compliance with or violates any applicable provision, standard, or other requirement of this article or rules adopted under this article;

(8) continues to practice if the certificate holder or license holder becomes unfit to practice due to:

(A) professional incompetence that includes the undertaking of professional activities that the certificate holder or license holder is not qualified by training or experience to undertake;

(B) failure to keep abreast of current professional theory or practice;

(C) physical or mental disability; or

(D) addiction to, abuse of, or dependency on alcohol or other drugs that endanger the public by impairing the certificate holder's or license holder's ability to practice safely;

(9) engages in a course of lewd or immoral conduct in connection with the delivery of services to the public;

(10) allows the certificate holder's or license holder's name or a certificate or license issued under this article to be used in connection with a person who renders services beyond the scope of that person's training, experience, or competence;

(11) is subjected to disciplinary action in another state or jurisdiction on grounds similar to those contained in this chapter. For purposes of this subdivision, a certified copy of a record of disciplinary action constitutes prima facie evidence of a disciplinary action in another jurisdiction;

(12) assists another person in committing an act that would constitute a ground for disciplinary sanction under this chapter; or

(13) allows a certificate or license issued by the commission to be:

(A) used by another person; or

(B) displayed to the public when the certificate or license is expired, inactive, invalid, revoked, or suspended.

(b) The department of homeland security may issue an order under IC 4-21.5-3-6 to impose one (1) or more of the following sanctions if the department of homeland security determines that a certificate holder or license holder is subject to disciplinary sanctions under subsection (a):

(1) Revocation of a certificate holder's certificate or license holder's license for a period not to exceed seven (7) years.

(2) Suspension of a certificate holder's certificate or license holder's license for a period not to exceed seven (7) years.

(3) Censure of a certificate holder or license holder.

(4) Issuance of a letter of reprimand.

(5) Assessment of a civil penalty against the certificate holder or license holder in accordance with the following:

(A) The civil penalty may not exceed five hundred dollars ($500) per day per violation.

(B) If the certificate holder or license holder fails to pay the civil penalty within the time specified by the department of homeland security, the department of homeland security may suspend the certificate holder's certificate or license holder's license without additional proceedings.

(6) Placement of a certificate holder or license holder on probation status and requirement of the certificate holder or license holder to:

(A) report regularly to the department of homeland security upon the matters that are the basis of probation;

(B) limit practice to those areas prescribed by the department of homeland security;

(C) continue or renew professional education approved by the department of homeland security 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 of homeland security considers appropriate to the public interest or to the rehabilitation or treatment of the certificate holder or license holder.

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

(c) If an applicant or a certificate holder or license holder has engaged in or knowingly cooperated in fraud or material deception to obtain a certificate or license, including cheating on the certification or licensure examination, the department of homeland security may rescind the certificate or license if it has

been granted, void the examination or other fraudulent or deceptive material, and prohibit the applicant from reapplying for the certificate or license for a length of time established by the department of homeland security.

(d) The department of homeland security may deny certification or licensure to an applicant who would be subject to disciplinary sanctions under subsection (b) if that person were a certificate holder or license holder, has had disciplinary action taken against the applicant or the applicant's certificate or license to practice in another state or jurisdiction, or has practiced without a certificate or 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 of homeland security may order a certificate holder or license holder to submit to a reasonable physical or mental examination if the certificate holder's or license holder's physical or mental capacity to practice safely and competently is at issue in a disciplinary proceeding. Failure to comply with a department of homeland security order to submit to a physical or mental examination makes a certificate holder or license holder liable to temporary suspension under subsection (i).

(f) Except as provided under subsection (a), subsection (g), and section 14.5 of this chapter, a certificate or license may not be denied, revoked, or suspended because the applicant, certificate holder, or license holder has been convicted of an offense. The acts from which the applicant's, certificate holder's, or license holder's conviction resulted may be considered as to whether the applicant or certificate holder or license holder should be entrusted to serve the public in a specific capacity.

(g) The department of homeland security may deny, suspend, or revoke a certificate or license issued under this article if the individual who holds or is applying for the certificate or 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)*~~ *IC 35-48-4-7(c)*.

(5) Manufacture of paraphernalia as a Class D *felony (for a crime committed before July 1, 2014) or 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 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 Level 6* felony *(for a crime committed after June 30, 2014)* under IC 35-48-4-8.3(b).

(8) Possession of marijuana, hash oil, hashish, *or* salvia ~~*or a synthetic drug*~~ as a Class D *felony* (*for a crime committed before July 1, 2014) or 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 Class D felony **(for a crime committed before July 1, 2014) or Level 6 felony (for a crime committed after June 30, 2014)** *under IC 35-48-4-11.5 (or under IC 35-48-4-11 before its amendment in 2013).*

~~*(9)*~~ *(10)* Maintaining a common nuisance under IC 35-48-4-13.

~~*(10)*~~ *(11)* An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.

~~*(11)*~~ *(12)* Conspiracy under IC 35-41-5-2 to commit an offense listed in ~~*subdivisions (1) through (10)*~~ *this section.*

~~*(12)*~~ *(13)* Attempt under IC 35-41-5-1 to commit an offense listed in ~~*subdivisions (1) through (10)*~~ *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 ~~*by subdivisions (1) through (12)*~~ *in this section.*

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

(i) The department of homeland security may temporarily suspend a certificate holder's certificate or license holder's license under IC 4-21.5-4 before a final adjudication or during the appeals process if the department of homeland security finds that a certificate holder or license holder would represent a clear and immediate danger to the public's health, safety, or property if the certificate holder or license holder were allowed to continue to practice.

(j) On receipt of a complaint or information alleging that a person certified or licensed under this chapter or IC 16-31-3.5 has engaged in or is engaging in a practice that is subject to disciplinary sanctions under this chapter, the department of homeland security must initiate an investigation against the person.

(k) The department of homeland security shall conduct a factfinding investigation as the department of homeland security considers proper in relation to the complaint.

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

(m) The department of homeland security may not reinstate a certificate or license that has been revoked under this chapter.

(n) The department of homeland security must be consistent in the application of sanctions authorized in this chapter. Significant departures from prior decisions involving similar conduct must be explained in the department of homeland security's findings or orders.

(o) A certificate holder may not surrender the certificate holder's certificate, and a license holder may not surrender the license holder's license, without the written approval of the department of homeland security, and the department of homeland security may impose any conditions appropriate to the surrender or reinstatement of a surrendered certificate or license.

(p) For purposes of this section, "certificate holder" means a person who holds:

(1) an unlimited certificate;

(2) a limited or probationary certificate; or

(3) an inactive certificate.

(q) For purposes of this section, "license holder" means a person who holds:

(1) an unlimited license;

(2) a limited or probationary license; or

(3) an inactive license.

SECTION 32. IC 16-41-12-15, AS AMENDED BY P.L.213-2013, SECTION 14, AND AS AMENDED BY P.L.158-2013, SECTION 243, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 15. (a) A blood center shall require a blood donor to provide to the blood center the following information:

(1) Name.

(2) Address.

(3) Date of birth.

(4) The blood donor's Social Security number, if the blood donor is receiving monetary compensation for the donation.

~~*(b) A blood center shall request a blood donor to provide the blood donor's Social Security number.*~~

~~*(c)*~~ *(b)* A blood center shall report the name and address of a blood donor to the state department when a confirmatory test of the blood donor's blood confirms the presence of antibodies to the human immunodeficiency virus (HIV).

~~*(d)*~~ *(c)* A blood center shall provide to a blood donor information to enable the blood donor to give informed consent to the procedures required by this chapter or IC 16-36. The information required by this subsection must be in the following form:

NOTICE

(1) This blood center performs a screening test for the human immunodeficiency virus (HIV) on every donor's blood.

(2) This blood center reports to the state department of health the name and address of a blood donor when a confirmatory test of the blood donor's blood confirms the presence of antibodies to the human immunodeficiency virus (HIV).

(3) A person who recklessly, knowingly, or intentionally donates (excluding self-donations for stem cell transplantation, *other autologous donations, or donations not intended by the blood center for distribution or use),* sells, or transfers blood ~~*or a blood component*~~ that contains antibodies for the human immunodeficiency virus (HIV) commits transferring contaminated blood, a ~~*Class C*~~ *Level 5* felony. The offense is a ~~*Class A*~~ *Level 4* felony if the offense results in the transmission of the virus to another person.

SECTION 33. IC 20-28-5-8, AS AMENDED BY P.L.158-2013, SECTION 250, AND AS AMENDED BY P.L.214-2013, SECTION 20, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: 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) ~~(repealed).~~ **(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) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).

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

(16) Dealing in a schedule V controlled substance (IC 35-48-4-4).

(17) Dealing in a counterfeit substance (IC 35-48-4-5).

(18) Dealing in marijuana, hash oil, hashish, or salvia (IC 35-48-4-10(b)).

(19) 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) Possession of child pornography (IC 35-42-4-4(c)).

(21) Homicide (IC 35-42-1).

(22) Voluntary manslaughter (IC 35-42-1-3).

(23) Reckless homicide (IC 35-42-1-5).

(24) 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).* ~~*(IC 35-42-2-1(a)(5)).*~~

(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).* ~~*(IC 35-42-2-1(a)(4)).*~~

(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).* ~~*(IC 35-42-2-1(a)(3)).*~~

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

(26) Robbery (IC 35-42-5-1).

(27) Carjacking (IC 35-42-5-2) ~~*(repealed).*~~ **(before its repeal).**

(28) Arson as a Class A felony or ~~*a*~~ 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) Burglary as a Class A felony or ~~*a*~~ 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) Attempt under IC 35-41-5-1 to commit an offense listed in this subsection.

(31) 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 34. IC 22-15-5-16, AS AMENDED BY P.L.196-2013, SECTION 7, AND AS AMENDED BY P.L.158-2013, SECTION 261, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: 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 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 a practitioner on probation status and require 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).
(8) Possession of marijuana, hash oil, hashish, *or* salvia ~~*or a synthetic drug*~~ 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* ~~*under IC 35-48-4-11.5 (or under IC 35-48-4-11 before its amendment in 2013)*~~ **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.

~~*(9)*~~ *(10)* Maintaining a common nuisance under IC 35-48-4-13.

~~*(10)*~~ *(11)* An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.

~~*(11)*~~ *(12)* Conspiracy under IC 35-41-5-2 to commit an offense listed in ~~*subdivisions (1) through (10).*~~ *this subsection.*

~~*(12)*~~ *(13)* Attempt under IC 35-41-5-1 to commit an offense listed in ~~*subdivisions (1) through (10).*~~ *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 ~~subdivisions (1) through (12).~~ *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) Dealing in a schedule I, II, or III controlled substance under IC 35-48-4-2.

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

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

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

(7) 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) Dealing in a counterfeit substance under IC 35-48-4-5.

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

(10) 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).

~~*(10)*~~ *(11)* Conspiracy under IC 35-41-5-2 to commit an offense listed in ~~*subdivisions (1) through (9).*~~ *this subsection.*

~~*(11)*~~ *(12)* Attempt under IC 35-41-5-1 to commit an offense listed in ~~*subdivisions (1) through (9).*~~ *this subsection.*

~~(12)~~ *(13)* 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 ~~*subdivisions (1) through (11).*~~ *this subsection.*

~~(13)~~ *(14)* 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 35. IC 23-19-5-8, AS AMENDED BY P.L.146-2013, SECTION 2, AND AS AMENDED BY P.L.158-2013, SECTION 267, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) A person who knowingly violates this article, or a rule adopted under this article, except ~~*section*~~ *sections* 4 *and 11* of this chapter or the notice filing requirements of IC 23-19-3-2 or IC 23-19-4-5, commits a ~~*Class C*~~ *Level 5* felony.

(b) A person who knowingly violates section 1 of this chapter commits a ~~*Class B*~~ *Level 4* felony if the person harmed, defrauded, misled, or deceived by the violation is at least sixty (60) years of age.

(c) A person who knowingly violates section 1 of this chapter:

(1) while using or taking advantage of; or

(2) in connection with;

a relationship that is based on religious affiliation or worship commits a ~~*Class B*~~ *Level 4* felony.

(d) It is the duty of a prosecuting attorney, as well as of the

attorney general, to assist the commissioner upon the commissioner's request in the prosecution to final judgment of a violation of the penal provisions of this article. If the commissioner determines that an action based on the securities division's investigations is meritorious:

(1) the commissioner or a designee empowered by the commissioner shall refer the facts drawn from the investigation to the prosecuting attorney of the judicial circuit in which the crime may have been committed;

(2) the commissioner and the securities division shall assist the prosecuting attorney in prosecuting an action under this section, which may include a securities division attorney serving as a special deputy prosecutor appointed by the prosecuting attorney;

(3) a prosecuting attorney to whom facts concerning fraud are referred under subdivision (1) may refer the matter to the attorney general;

(4) if a matter has been referred to the attorney general under subdivision (3), the attorney general may:

(A) file an information in a court with jurisdiction over the matter in the county in which the offense is alleged to have been committed; and

(B) prosecute the alleged offense; and

(5) if a matter has been referred to the attorney general under subdivision (3), the commissioner and the securities division shall assist the attorney general in prosecuting an action under this section, which may include a securities division attorney serving as a special deputy attorney general appointed by the attorney general.

(e) This article does not limit the power of this state to punish a person for conduct that constitutes a crime under other laws of this state.

SECTION 36. IC 24-4-18-6, AS AMENDED BY P.L.112-2013, SECTION 4, AND AS AMENDED BY P.L.158-2013, SECTION 273, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. ~~(a) *A criminal history provider may provide only criminal history information that relates to a conviction.*~~

~~*(b)*~~ **(a)** *Except as provided in subsection (b),* a criminal history provider may not *knowingly* provide ~~*information*~~ *a criminal history report that provides criminal history information* relating to the following:

~~*(1) An infraction, an arrest, or a charge that did not result in a conviction.*~~

~~*(2)*~~ *(1)* A record that has been expunged *by:*

(A) marking the record as expunged; or

(B) removing the record from public access.

~~*(3)*~~ *(2)* A record that is restricted by a court or the rules of a court *and is marked as restricted from public disclosure or removed from public access.*

~~*(4)*~~ *(3)* A record indicating a conviction of a Class D *felony (for a crime committed before July 1, 2014) or a Level 6* felony *(for a crime committed after June 30, 2014)* if the Class D *felony or Level 6* felony conviction:

(A) has been entered as a Class A misdemeanor conviction; or

(B) has been converted to a Class A misdemeanor conviction.

~~*(5)*~~ *(4)* A record that the criminal history provider knows is inaccurate.

(b) A criminal history provider may provide information described in subsection (a)(1) through (a)(3) if the person requesting the criminal history report is:

(1) required by state or federal law to obtain the information; or

(2) the state or a political subdivision, and the information will be used solely in connection with the issuance of a public bond.

SECTION 37. IC 25-1-1.1-2, AS AMENDED BY P.L.196-2013, SECTION 9, AND AS AMENDED BY P.L.158-2013, SECTION 277, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. Notwithstanding IC 25-1-7, a board, a commission, or a committee may suspend, deny, or revoke a license or certificate issued under this title by the board, the commission, or the committee without an investigation by the office of the attorney general if the individual who holds the license or certificate is convicted of any of the following and the board, commission, or committee determines, after the individual has appeared in person, that the offense affects the individual's ability to perform the duties of the profession:

(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).*~~ *IC 35-48-4-7(c).*

(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).

(8) Possession of marijuana, hash oil, hashish, *or* salvia ~~*or a synthetic drug*~~ 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* ~~*under IC 35-48-4-11.5 (or under IC 35-48-4-11 before its amendment in 2013)*~~ **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.

~~*(9)*~~ *(10)* Maintaining a common nuisance under IC 35-48-4-13.

~~*(10)*~~ *(11)* An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.

~~*(11)*~~ *(12)* Conspiracy under IC 35-41-5-2 to commit an offense listed in ~~*subdivisions (1) through (10).*~~ *this section.*

~~*(12)*~~ *(13)* Attempt under IC 35-41-5-1 to commit an offense listed in ~~*subdivisions (1) through (10).*~~ *this section.*

~~*(13)*~~ *(14)* A sex crime under IC 35-42-4.

~~*(14)*~~ *(15)* A felony that reflects adversely on the individual's fitness to hold a professional license.

~~*(15)*~~ *(16)* 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.

SECTION 38. IC 25-22.5-8-2, AS AMENDED BY P.L.232-2013, SECTION 17, AND AS AMENDED BY P.L.158-2013, SECTION 284, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) A person who *knowingly or intentionally* violates this article by unlawfully practicing medicine or osteopathic medicine commits a ~~*Class C*~~ *Level 5* felony.

(b) A person who, *before January 1, 2014,* practices

midwifery without the license required under this article commits a *Class D* ~~*Level 6*~~ felony.

(c) A person who *knowingly or intentionally* acts as a physician assistant without the license required under IC 25-27.5 commits a ~~*Class D*~~ *Level 6* felony.

SECTION 39. IC 25-23.4-3-7, AS ADDED BY P.L.232-2013, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) This section does not apply to an individual who has a license under IC 25-23-1-13.1 to practice midwifery as a certified nurse midwife.

(b) After July 1, 2014, an individual who knowingly or intentionally practices midwifery without a certificate required under this article commits a ~~Class D~~ **Level 6** felony.

SECTION 40. IC 29-3-7-7, AS AMENDED BY P.L.158-2013, SECTION 303, AND AS AMENDED BY P.L.214-2013, SECTION 22, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. A court may not appoint a person to serve as the guardian or permit a person to continue to serve as a guardian if the person:

(1) is a sexually violent predator (as described in IC 35-38-1-7.5);

(2) was at least eighteen (18) years of age at the time of the offense and was convicted of child molesting (IC 35-42-4-3) or sexual misconduct with a minor (IC 35-42-4-9) against a child less than sixteen (16) years of age:

(A) by using or threatening the use of deadly force;

(B) while armed with a deadly weapon; or

(C) that resulted in serious bodily injury; or

(3) was less than eighteen (18) years of age at the time of the offense and was convicted as an adult of:

(A) an offense described in:

(i) IC 35-42-4-1;

(ii) IC 35-42-4-2 ~~*(repealed);*~~ *(before its repeal);*

(iii) IC 35-42-4-3 as a Class A or Class B felony *(for crimes committed before July 1, 2014) or as a Level 2 or Level 4 felony (for crimes committed after June 30, 2014);*

(iv) IC 35-42-4-5(a)(1);

(v) IC 35-42-4-5(a)(2);

(vi) IC 35-42-4-5(a)(3);

(vii) IC 35-42-4-5(b)(1) as a Class A or Class B felony *(for crimes committed before July 1, 2014) or as a Level 2, Level 3, or Level 4 felony (for crimes committed after June 30, 2014);*

(viii) IC 35-42-4-5(b)(2); or

(ix) IC 35-42-4-5(b)(3) as a Class A or Class B felony *(for crimes committed before July 1, 2014) or as a Level 2, Level 3, or Level 4 felony (for crimes committed after June 30, 2014);*

(B) an attempt or conspiracy to commit a crime listed in clause (A); or

(C) a crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in clauses (A) and (B).

SECTION 41. IC 31-19-9-10, AS AMENDED BY P.L.158-2013, SECTION 310, AND AS AMENDED BY P.L.214-2013, SECTION 23, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. A court shall determine that consent to adoption is not required from a parent if:

(1) the parent is convicted of and incarcerated at the time of the filing of a petition for adoption for:

(A) murder (IC 35-42-1-1);

(B) causing suicide (IC 35-42-1-2);

(C) voluntary manslaughter (IC 35-42-1-3);

(D) rape (IC 35-42-4-1);

(E) criminal deviate conduct (IC 35-42-4-2) ~~(repealed);~~ **(before its repeal);**

(F) child molesting *(IC 35-42-4-3)* as a:

(i) Class A or Class B felony, ~~*(IC 35-42-4-3);*~~ *for a crime committed before July 1, 2014; or*

(ii) Level 1, Level 2, Level 3, or Level 4 felony, for a crime committed after June 30, 2014;

(G) incest *(IC 35-46-1-3)* as a:

(i) Class B felony, ~~*(IC 35-46-1-3);*~~ *for a crime committed before July 1, 2014; or*

(ii) Level 4 felony, for a crime committed after June 30, 2014;

(H) neglect of a dependent *(IC 35-46-1-4)* as a:

(i) Class B felony, ~~*(IC 35-46-1-4);*~~ *for a crime committed before July 1, 2014; or*

(ii) Level 1 or Level 3 felony, for a crime committed after June 30, 2014;

(I) battery *(IC 35-42-2-1)* of a child as a:

(i) Class C felony, ~~*(IC 35-42-2-1(a)(3));*~~ *for a crime committed before July 1, 2014; or*

(ii) Level 5 felony, for a crime committed after June 30, 2014;

(J) battery *(IC 35-42-2-1)* as a:

(i) Class A ~~*felony*~~ ~~*(IC 35-42-2-1(a)(5))*~~ or Class B felony, ~~*(IC 35-42-2-1(a)(4));*~~ *for a crime committed before July 1, 2014; or*

(ii) Level 2 or Level 3 felony, for a crime committed after June 30, 2014; or

(K) an attempt under IC 35-41-5-1 to commit an offense described in clauses (A) through (J);

(2) the child or the child's sibling, half-blood sibling, or step-sibling of the parent's current marriage is the victim of the offense; and

(3) after notice to the parent and a hearing, the court determines that dispensing with the parent's consent to adoption is in the child's best interests.

SECTION 42. IC 31-30-1-2.5, AS AMENDED BY P.L.158-2013, SECTION 314, AND AS AMENDED BY P.L.214-2013, SECTION 24, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2.5. A juvenile court may not appoint a person to serve as the guardian or custodian of a child or permit a person to continue to serve as a guardian or custodian of a child if the person:

(1) is a sexually violent predator (as described in IC 35-38-1-7.5);

(2) was at least eighteen (18) years of age at the time of the offense and committed child molesting (IC 35-42-4-3) or sexual misconduct with a minor (IC 35-42-4-9) against a child less than sixteen (16) years of age:

(A) by using or threatening the use of deadly force;

(B) while armed with a deadly weapon; or

(C) that resulted in serious bodily injury; or

(3) was less than eighteen (18) years of age at the time of the offense but was tried and convicted as an adult of:

(A) an offense described in:

(i) IC 35-42-4-1;

(ii) IC 35-42-4-2 *(before its repeal);* ~~*(repealed);*~~

(iii) IC 35-42-4-3 as a Class A or Class B felony *(for crimes committed before July 1, 2014) or as a Level 1, Level 2, or Level 3 felony (for crimes committed after June 30, 2014);*

(iv) IC 35-42-4-5(a)(1);

(v) IC 35-42-4-5(a)(2);

(vi) IC 35-42-4-5(a)(3);

(vii) IC 35-42-4-5(b)(1) as a Class A or Class B felony *(for crimes committed before July 1, 2014) or as a Level 2, Level 3, or Level 4 felony (for crimes committed after June 30, 2014);*

(viii) IC 35-42-4-5(b)(2); or

(ix) IC 35-42-4-5(b)(3) as a Class A or Class B felony *(for crimes committed before July 1, 2014) or as a Level 1, Level 2, or Level 3 felony (for crimes committed after June 30, 2014);*

(B) an attempt or conspiracy to commit a crime listed in clause (A); or

(C) a crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in clauses (A) and (B).

SECTION 43. IC 31-30-1-4, AS AMENDED BY P.L.158-2013, SECTION 315, AND AS AMENDED BY P.L.214-2013, SECTION 25, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) The juvenile court does not have jurisdiction over an individual for an alleged violation of:

(1) IC 35-41-5-1(a) (attempted murder);

(2) IC 35-42-1-1 (murder);

(3) IC 35-42-3-2 (kidnapping);

(4) IC 35-42-4-1 (rape);

(5) IC 35-42-4-2 (criminal deviate conduct) ~~(repealed);~~ **(before its repeal);**

(6) IC 35-42-5-1 (robbery) if:

(A) the robbery was committed while armed with a deadly weapon; or

(B) the robbery results in bodily injury or serious bodily injury;

(7) IC 35-42-5-2 (carjacking) ~~*(repealed);*~~ **(before its repeal);**

~~(8) IC 35-45-9-3 (criminal gang activity);~~

~~(9) IC 35-45-9-4 (criminal gang intimidation);~~

~~(10)~~ **(8)** IC 35-47-2-1 (carrying a handgun without a license), if charged as a felony;

~~(11)~~ **(9)** IC 35-47-10 (children and firearms), if charged as a felony;

~~(12)~~ **(10)** IC 35-47-5-4.1 (dealing in a sawed-off shotgun); or

~~(13)~~ **(11)** any offense that may be joined under IC 35-34-1-9(a)(2) with any crime listed in subdivisions (1) through ~~(12);~~ **(10);**

if the individual was at least sixteen (16) years of age at the time of the alleged violation.

~~(b) The juvenile court does not have jurisdiction for an alleged violation of manufacturing or dealing in cocaine or a narcotic drug (IC 35-48-4-1), dealing in methamphetamine (IC 35-48-4-1.1), dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2), or dealing in a schedule IV controlled substance (IC 35-48-4-3), if:~~

~~(1) the individual has a prior unrelated conviction under IC 35-48-4-1, IC 35-48-4-1.1, IC 35-48-4-2, or IC 35-48-4-3; or~~

~~(2) the individual has a prior unrelated juvenile adjudication that, if committed by an adult, would be a crime under IC 35-48-4-1, IC 35-48-4-1.1, IC 35-48-4-2, or IC 35-48-4-3;~~

~~and the individual was at least sixteen (16) years of age at the time of the alleged violation.~~

~~(c)~~ **(b)** Once an individual described in subsection (a) ~~or (b)~~ has been charged with any crime listed in subsection (a), ~~or (b),~~ the court having adult criminal jurisdiction shall retain jurisdiction over the case even if the individual pleads guilty to or is convicted of a lesser included offense. A plea of guilty to or a conviction of a lesser included offense does not vest jurisdiction in the juvenile court.

SECTION 44. IC 31-30-4-2, AS ADDED BY P.L.104-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) Subject to subsection (c), if:

(1) an offender is:

(A) less than eighteen (18) years of age;

(B) waived to a court with criminal jurisdiction under IC 31-30-3 because the offender committed an act that would be a felony if committed by an adult; and

(C) convicted of committing the felony or enters a plea of guilty to committing the felony; or

(2) an offender is:

(A) less than eighteen (18) years of age;

(B) charged with a felony over which a juvenile court does not have jurisdiction under IC 31-30-1-4; and

(C) convicted of committing the felony by a court with criminal jurisdiction or enters a plea of guilty to committing the felony with the court;

the court may, upon its own motion, a motion of the prosecuting attorney, or a motion of the offender's legal representative, impose a sentence upon the conviction of the offender under this chapter.

(b) If a court elects to impose a sentence upon conviction of an offender under subsection (a) and, before the offender is sentenced, the department of correction determines that there is space available for the offender in a juvenile facility of the division of youth services of the department, the sentencing court may:

(1) impose an appropriate criminal sentence on the offender under IC 35-50-2;

(2) suspend the criminal sentence imposed, notwithstanding IC 35-50-2-2 **(before its repeal),** ~~and~~ IC 35-50-2-2.1, **and IC 35-50-2-2.2;**

(3) order the offender to be placed into the custody of the department of correction to be placed in the juvenile facility of the division of youth services; and

(4) provide that the successful completion of the placement of the offender in the juvenile facility is a condition of the suspended criminal sentence.

(c) The court may not impose a sentence on an offender under subsection (a) until:

(1) the prosecuting attorney has notified the victim of the felony of the possible imposition of a sentence on the offender under this chapter; and

(2) either:

(A) the probation department of the court has conducted a presentence investigation concerning the offender and reported its findings to the court; or

(B) the department of correction has conducted a diagnostic evaluation of the offender and reported its findings to the court.

SECTION 45. IC 31-30-4-5, AS ADDED BY P.L.104-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) At the request of a sentencing court, the department of correction shall provide a progress report to the sentencing court concerning an offender sentenced and placed in a juvenile facility under section 2(b) of this chapter. When the offender becomes eighteen (18) years of age:

(1) the department shall notify the sentencing court; and

(2) the sentencing court shall hold a review hearing concerning the offender before the offender becomes nineteen (19) years of age.

(b) Except as provided in subsection (c), after a hearing conducted under subsection (a), the sentencing court may:

(1) continue the offender's placement in a juvenile facility until the objectives of the sentence imposed on the offender have been met, if the sentencing court finds that the objectives of the sentence imposed on the offender have not been met;

(2) discharge the offender if the sentencing court finds that the objectives of the sentence imposed on the offender have been met;

(3) order execution of all or part of the offender's suspended criminal sentence in an adult facility of the department of correction; or

(4) place the offender:
(A) in home detention under IC 35-38-2.5;
(B) in a community corrections program under IC 35-38-2.6;
(C) on probation under IC 35-50-7; or
(D) in any other appropriate alternative sentencing program.

(c) This subsection applies to an offender over whom a juvenile court lacks jurisdiction under IC 31-30-1-4 who is convicted of one (1) or more of the following offenses:
(1) Murder (IC 35-42-1-1).
(2) Attempted murder (IC 35-41-5-1).
(3) Kidnapping (IC 35-42-3-2).
(4) Rape as a Class A felony **(for a crime committed before July 1, 2014) or a Level 1 felony (for a crime committed after June 30, 2014)** (IC 35-42-4-1(b)).
(5) Criminal deviate conduct as a Class A felony (IC 35-42-4-2(b)) **(before its repeal).**
(6) Robbery as 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)** (IC 35-42-5-1), if:
(A) the offense was committed while armed with a deadly weapon; and
(B) the offense resulted in bodily injury to any person other than a defendant.

The court may not modify the original sentence of an offender to whom this subsection applies if the prosecuting attorney objects in writing to the modification. The prosecuting attorney shall set forth in writing the prosecuting attorney's reasons for objecting to the sentence modification.

SECTION 46. IC 31-34-1-3, AS AMENDED BY P.L.158-2013, SECTION 319, AND AS AMENDED BY P.L.214-2013, SECTION 26, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) A child is a child in need of services if, before the child becomes eighteen (18) years of age:
(1) the child is the victim of a sex offense under:
(A) IC 35-42-4-1;
(B) IC 35-42-4-2 ~~(repealed);~~ **(before its repeal);**
(C) IC 35-42-4-3;
(D) IC 35-42-4-4;
(E) IC 35-42-4-7;
(F) IC 35-42-4-9;
(G) IC 35-45-4-1;
(H) IC 35-45-4-2;
(I) IC 35-46-1-3; or
(J) the law of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in clauses (A) through (I); and
(2) the child needs care, treatment, or rehabilitation that:
(A) the child is not receiving; and
(B) is unlikely to be provided or accepted without the coercive intervention of the court.

(b) A child is a child in need of services if, before the child becomes eighteen (18) years of age:
(1) the child lives in the same household as another child who is the victim of a sex offense under:
(A) IC 35-42-4-1;
(B) IC 35-42-4-2 ~~(repealed);~~ **(before its repeal);**
(C) IC 35-42-4-3;
(D) IC 35-42-4-4;
(E) IC 35-42-4-7;
(F) IC 35-42-4-9;
(G) IC 35-45-4-1;
(H) IC 35-45-4-2;
(I) IC 35-46-1-3; or
(J) the law of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in clauses (A) through (I);
(2) the child lives in the same household as the adult who:
(A) committed the sex offense under subdivision (1) and the sex offense resulted in a conviction or a judgment under IC 31-34-11-2; *or*
(B) has been charged with a sex offense listed in subdivision (1) and is awaiting trial;
(3) the child needs care, treatment, or rehabilitation that:
(A) the child is not receiving; and
(B) is unlikely to be provided or accepted without the coercive intervention of the court; and
(4) a caseworker assigned to provide services to the child:
(A) places the child in a program of informal adjustment or other family or rehabilitative services based upon the existence of the circumstances described in subdivisions (1) and (2) and the assigned caseworker subsequently determines further intervention is necessary; or
(B) determines that a program of informal adjustment or other family or rehabilitative services is inappropriate.

SECTION 47. IC 31-37-4-3, AS AMENDED BY P.L.172-2013, SECTION 8, AND AS AMENDED BY P.L.158-2013, SECTION 326, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) This section applies if a child is arrested or taken into custody for allegedly committing an act that would be any of the following crimes if committed by an adult:
(1) Murder (IC 35-42-1-1).
(2) Attempted murder (IC 35-41-5-1).
(3) Voluntary manslaughter (IC 35-42-1-3).
(4) Involuntary manslaughter (IC 35-42-1-4).
(5) Reckless homicide (IC 35-42-1-5).
(6) Aggravated battery (IC 35-42-2-1.5).
(7) Battery (IC 35-42-2-1).
(8) Kidnapping (IC 35-42-3-2).
(9) A sex crime listed in IC 35-42-4-1 through IC 35-42-4-8.
(10) Sexual misconduct with a minor (IC 35-42-4-9).
(11) Incest (IC 35-46-1-3).
(12) Robbery as a ~~*Class A*~~ *Level 2* felony or a ~~*Class B*~~ *Level 3* felony (IC 35-42-5-1).
(13) Burglary as a ~~*Class A*~~ *Level 1 felony, Level 2 felony, Level 3* felony, or ~~*a Class B*~~ *Level 4* felony (IC 35-43-2-1).
~~*(14) Carjacking (IC 35-42-5-2).*~~
~~(15)~~ *(14)* Assisting a criminal as a ~~*Class C*~~ *Level 5* felony (IC 35-44.1-2-5).
~~*(16)*~~ *(15)* Escape (IC 35-44.1-3-4) as a ~~*Class B*~~ *Level 4* felony or ~~*Class C*~~ *Level 5* felony.
~~*(17)*~~ *(16)* Trafficking with an inmate as a ~~*Class C*~~ *Level 5* felony (IC 35-44.1-3-5).
~~*(18)*~~ *(17)* Causing death when operating a vehicle (IC 9-30-5-5).
~~*(19)*~~ *(18)* Criminal confinement (IC 35-42-3-3) as a ~~*Class B*~~ *Level 2 or Level 3* felony.
~~*(20)*~~ *(19)* Arson (IC 35-43-1-1) as a ~~*Class A or Class B*~~ *Level 2 felony, Level 3 felony,* or *Level 4* felony.
~~*(21)*~~ *(20)* Possession, use, or manufacture of a weapon of mass destruction (IC 35-47-12-1).
~~*(22)*~~ *(21)* Terroristic mischief (IC 35-47-12-3) as a ~~*Class B*~~ *Level 2 or Level 3* felony.
~~*(23)*~~ *(22)* Hijacking or disrupting an aircraft (IC 35-47-6-1.6).
~~*(24)*~~ *(23)* A violation of IC 35-47.5 (controlled explosives) as a ~~*Class A or Class B*~~ *Level 2 felony, Level 3 felony,* or *Level 4* felony.
~~*(25)*~~ *(24)* A controlled substances offense under IC 35-48.
~~*(26)*~~ *(25)* A criminal gang offense under IC 35-45-9.

(b) If a child is taken into custody under this chapter for a crime or act listed in subsection (a) *or a situation to which IC 12-26-4-1 applies,* the law enforcement agency that employs the law enforcement officer who takes the child into custody

shall notify the chief administrative officer of the primary or secondary school, including a public or nonpublic school, in which the child is enrolled or, if the child is enrolled in a public school, the superintendent of the school district in which the child is enrolled:

(1) that the child was taken into custody; and

(2) of the reason why the child was taken into custody.

(c) The notification under subsection (b) must occur within forty-eight (48) hours after the child is taken into custody.

(d) A law enforcement agency may not disclose information that is confidential under state or federal law to a school or school district under this section.

(e) A law enforcement agency shall include in its training for law enforcement officers training concerning the notification requirements under subsection (b).

SECTION 48. IC 31-37-13-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. If a finding of delinquency is based on a delinquent act that would be a felony if committed by an adult, the juvenile court shall state in the findings the following:

(1) The specific statute that was violated.

(2) The class **or level** of the felony had the violation been committed by an adult.

SECTION 49. IC 33-37-5-23, AS AMENDED BY P.L.214-2013, SECTION 30, AND AS AMENDED BY P.L.158-2013, SECTION 341, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 23. (a) This section applies to criminal actions.

(b) The court shall assess a sexual assault victims assistance fee of at least ~~*two hundred fifty dollars ($250)*~~ *five hundred dollars ($500)* and not more than ~~*one thousand dollars ($1,000)*~~ *five thousand dollars ($5,000)* against an individual convicted in Indiana of any of the following offenses:

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

(2) Criminal deviate conduct (IC 35-42-4-2) ~~*(before its repeal on July 1, 2014); (repealed).*~~ **(before its repeal).**

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

(4) Child exploitation (IC 35-42-4-4(b)).

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

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

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

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

(9) Sexual misconduct with a minor as a Class A or Class B *felony (for a crime committed before July 1, 2014) or a Level 1 felony or Level 4* felony *(for a crime committed after June 30, 2014)* (IC 35-42-4-9).

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

(11) Promotion of human trafficking (IC 35-42-3.5-1(a)).

(12) Promotion of human trafficking of a minor (IC 35-42-3.5-1(b)).

(13) Sexual trafficking of a minor (IC 35-42-3.5-1(c)).

(14) Human trafficking (IC 35-42-3.5-1(d)).

SECTION 50. IC 33-39-1-8, AS AMENDED BY HEA 1279-2014, SECTION 186, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) After June 30, 2005, this section does not apply to a person who:

(1) holds a commercial driver's license; and

(2) has been charged with an offense involving the operation of a motor vehicle in accordance with the federal Motor Carrier Safety Improvement Act of 1999 (MCSIA) (Public Law 106-159.113 Stat. 1748).

(b) This section does not apply to a person arrested for or charged with:

(1) an offense under IC 9-30-5-1 through IC 9-30-5-5; or

(2) if a person was arrested or charged with an offense under IC 9-30-5-1 through IC 9-30-5-5, an offense involving:

(A) intoxication; or

(B) the operation of a vehicle;

if the offense involving intoxication or the operation of a vehicle was part of the same episode of criminal conduct as the offense under IC 9-30-5-1 through IC 9-30-5-5.

(c) This section does not apply to a person:

(1) who is arrested for or charged with an offense under:

(A) IC 7.1-5-7-7, if the alleged offense occurred while the person was operating a motor vehicle;

(B) IC 9-30-4-8(a), if the alleged offense occurred while the person was operating a motor vehicle;

~~(C) IC 35-42-2-2(c)(1);~~

~~(D)~~ **(C)** IC 35-44.1-2-13(b)(1); or

~~(E)~~ **(D)** IC 35-43-1-2(a), if the alleged offense occurred while the person was operating a motor vehicle; and

(2) who held a probationary license (as defined in IC 9-24-11-3.3(b)) and was less than eighteen (18) years of age at the time of the alleged offense.

(d) A prosecuting attorney may withhold prosecution against an accused person if:

(1) the person is charged with a misdemeanor, **a Level 6 felony, or a Level 5 felony;**

(2) the person agrees to conditions of a pretrial diversion program offered by the prosecuting attorney;

(3) the terms of the agreement are recorded in an instrument signed by the person and the prosecuting attorney and filed in the court in which the charge is pending; and

(4) the prosecuting attorney electronically transmits information required by the prosecuting attorneys council concerning the withheld prosecution to the prosecuting attorneys council, in a manner and format designated by the prosecuting attorneys council.

(e) An agreement under subsection (d) may include conditions that the person:

(1) pay to the clerk of the court an initial user's fee and monthly user's fees in the amounts specified in IC 33-37-4-1;

(2) work faithfully at a suitable employment or faithfully pursue a course of study or career and technical education that will equip the person for suitable employment;

(3) undergo available medical treatment or counseling and remain in a specified facility required for that purpose;

(4) support the person's dependents and meet other family responsibilities;

(5) make restitution or reparation to the victim of the crime for the damage or injury that was sustained;

(6) refrain from harassing, intimidating, threatening, or having any direct or indirect contact with the victim or a witness;

(7) report to the prosecuting attorney at reasonable times;

(8) answer all reasonable inquiries by the prosecuting attorney and promptly notify the prosecuting attorney of any change in address or employment; and

(9) participate in dispute resolution either under IC 34-57-3 or a program established by the prosecuting attorney.

(f) An agreement under subsection (d)(2) may include other provisions reasonably related to the defendant's rehabilitation, if approved by the court.

(g) The prosecuting attorney shall notify the victim when prosecution is withheld under this section.

(h) All money collected by the clerk as user's fees under this section shall be deposited in the appropriate user fee fund under IC 33-37-8.

(i) If a court withholds prosecution under this section and the terms of the agreement contain conditions described in subsection (e)(6):

(1) the clerk of the court shall comply with IC 5-2-9; and

(2) the prosecuting attorney shall file a confidential form prescribed or approved by the division of state court administration with the clerk.

SECTION 51. IC 35-31.5-2-67.2 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 67.2. "Corrections officer",~~

~~for purposes of IC 35-42-2-6, has the meaning set forth in IC 35-42-2-6(a).~~

SECTION 52. IC 35-31.5-2-115.2 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 115.2. "Emergency medical responder", for purposes of IC 35-42-2-6, has the meaning set forth in IC 35-42-2-6(c).~~

SECTION 53. IC 35-31.5-2-160.5 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 160.5. "Human immunodeficiency virus (HIV)", for purposes of IC 35-42-2-6, has the meaning set forth in IC 35-42-2-6(d).~~

SECTION 54. IC 35-31.5-2-244, AS AMENDED BY P.L.13-2013, SECTION 126, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 244. ~~(a)~~ "Prescription drug", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-25.

~~(b) "Prescription drug", for purposes of IC 35-42-2-8, has the meaning set forth in IC 35-42-2-8(a)(4).~~

SECTION 55. IC 35-32-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. This title shall be construed in accordance with its general purposes, to:

(1) secure simplicity in procedure;

(2) insure fairness of administration including the elimination of unjustifiable delay;

(3) insure the effective apprehension and trial of persons accused of offenses;

(4) provide for the just determination of every criminal proceeding by a fair and impartial trial and adequate review; ~~and~~

(5) reduce crime by promoting the use of evidence based best practices for rehabilitation of offenders in a community setting;

(6) keep dangerous offenders in prison by avoiding the use of scarce prison space for nonviolent offenders;

(7) give judges maximum discretion to impose sentences based on a consideration of all the circumstances related to the offense;

(8) maintain proportionality of penalties across the criminal code, with like sentences for like crimes;

(9) make the lengths of sentences served by offenders more certain for victims; and

~~(5)~~ **(10)** preserve the public welfare and secure the fundamental rights of individuals.

SECTION 56. IC 35-33-14-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. Money in the fund at the end of a particular calendar year does not revert to any other fund, but remains in the county extradition **and sheriff's assistance** fund.

SECTION 57. IC 35-38-1-1.3, AS ADDED BY P.L.178-2007, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1.3. After a court has pronounced a sentence for a felony conviction, the court shall issue a statement of the court's reasons for selecting the sentence that it imposes **unless the court imposes the advisory sentence for the felony.**

SECTION 58. IC 35-38-1-1.5, AS AMENDED BY P.L.159-2013, SECTION 8, AND AS AMENDED BY P.L.158-2013, SECTION 393, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1.5. (a) A court may enter judgment of conviction as a ~~*Class D*~~ *Level 6* felony with the express provision that the conviction will be converted to a conviction as a Class A misdemeanor ~~*within three (3) years*~~ if the person fulfills certain conditions. A court may enter a judgment of conviction as a ~~*Class D*~~ *Level 6* felony with the express provision that the conviction will be converted to a conviction as a Class A misdemeanor only if the person pleads guilty to a ~~*Class D*~~ *Level 6* felony that qualifies for consideration as a Class A misdemeanor under IC 35-50-2-7, and the following conditions are met:

(1) The prosecuting attorney consents.

(2) The person agrees to the conditions set by the court.

(b) For a judgment of conviction to be entered under subsection (a), the court, the prosecuting attorney, and the person must all agree to the conditions set by the court under subsection (a).

(c) The court is not required to convert a judgment of conviction entered as a ~~*Class D*~~ *Level 6* felony to a Class A misdemeanor if, after a hearing, the court finds:

(1) the person has violated a condition set by the court under subsection (a); or

(2) the period that the conditions set by the court under subsection (a) are in effect expires before the person successfully completes each condition.

However, the court may not convert a judgment of conviction entered as a ~~*Class D*~~ *Level 6* felony to a Class A misdemeanor if the person commits a new offense before the conditions set by the court under subsection (a) expire.

(d) The court shall enter judgment of conviction as a Class A misdemeanor if the person fulfills the conditions set by the court under subsection (a).

(e) The entry of a judgment of conviction under this section does not affect the application of any statute requiring the suspension of a person's driving privileges.

(f) This section may not be construed to diminish or alter the rights of a victim (as defined in IC 35-40-4-8) in a sentencing proceeding under this chapter.

SECTION 59. IC 35-38-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) As used in this chapter, "victim representative" means a person designated by a sentencing court who is:

(1) a spouse, parent, child, sibling, or other relative of; or

(2) a person who has had a close personal relationship with;

the victim of a felony who is deceased, incapacitated, or less than eighteen (18) years of age.

(b) Upon entering a conviction, the court shall set a date for sentencing within thirty (30) days, unless for good cause shown an extension is granted. If a presentence report is not required, the court may sentence the defendant at the time the judgment of conviction is entered. However, the court may not pronounce sentence at that time without:

(1) inquiring as to whether an adjournment is desired by the defendant; and

(2) informing the victim, if present, of a victim's right to make a statement concerning the crime and the sentence.

When an adjournment is requested, the defendant shall state its purpose and the court may allow a reasonable time for adjournment.

(c) If:

(1) the state in the manner prescribed by IC 35-34-1-2.5 sought an increased penalty by alleging that the person was previously convicted of the offense; and

(2) the person was convicted of the subsequent offense in a jury trial;

the jury shall reconvene for the sentencing hearing. The person shall be sentenced to receive the increased penalty if the jury (or the court, if the trial is to the court alone) finds that the state has proved beyond a reasonable doubt that the person had a previous conviction for the offense.

(d) If the felony is nonsuspendible under IC 35-50-2-2 **(before its repeal) or IC 35-50-2-2.2,** the judge shall order the defendant, if the defendant has previously been released on bail or recognizance, to be imprisoned in the county or local penal facility pending sentencing.

(e) Upon entering a conviction for a felony, the court shall designate a victim representative if the victim is deceased, incapacitated, or less than eighteen (18) years of age.

SECTION 60. IC 35-38-1-7.5, AS AMENDED BY P.L.214-2013, SECTION 33, AND AS AMENDED BY P.L.158-2013, SECTION 394, IS CORRECTED AND

AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7.5. (a) As used in this section, "sexually violent predator" means a person who suffers from a mental abnormality or personality disorder that makes the individual likely to repeatedly commit a sex offense (as defined in IC 11-8-8-5.2). The term includes a person convicted in another jurisdiction who is identified as a sexually violent predator under IC 11-8-8-20. The term does not include a person no longer considered a sexually violent predator under subsection (g).

(b) A person who:

(1) being at least eighteen (18) years of age, commits an offense described in:

(A) IC 35-42-4-1;

(B) IC 35-42-4-2 ~~*(before its repeal on July 1, 2014); (repealed);*~~ **(before its repeal);**

(C) IC 35-42-4-3 as a Class A or Class B felony *(for a crime committed before July 1, 2014) or a Level 1, Level 2, Level 3, or Level 4 felony (for a crime committed after June 30, 2014);*

(D) IC 35-42-4-5(a)(1);

(E) IC 35-42-4-5(a)(2);

(F) IC 35-42-4-5(a)(3);

(G) IC 35-42-4-5(b)(1) as a Class A or Class B *felony (for a crime committed before July 1, 2014) or Level 2, Level 3, or Level 4* felony *(for a crime committed after June 30, 2014);*

(H) IC 35-42-4-5(b)(2);

(I) IC 35-42-4-5(b)(3) as a Class A or Class B *felony (for a crime committed before July 1, 2014) or a Level 2, Level 3, or Level 4* felony *(for a crime committed after June 30, 2014);*

(J) an attempt or conspiracy to commit a crime listed in clauses (A) through (I); or

(K) a crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in clauses (A) through (J);

(2) commits a sex offense (as defined in IC 11-8-8-5.2) while having a previous unrelated conviction for a sex offense for which the person is required to register as a sex or violent offender under IC 11-8-8;

(3) commits a sex offense (as defined in IC 11-8-8-5.2) while having had a previous unrelated adjudication as a delinquent child for an act that would be a sex offense if committed by an adult, if, after considering expert testimony, a court finds by clear and convincing evidence that the person is likely to commit an additional sex offense; or

(4) commits a sex offense (as defined in IC 11-8-8-5.2) while having had a previous unrelated adjudication as a delinquent child for an act that would be a sex offense if committed by an adult, if the person was required to register as a sex or violent offender under IC 11-8-8-5(b)(2);

is a sexually violent predator. Except as provided in subsection (g) or (h), a person is a sexually violent predator by operation of law if an offense committed by the person satisfies the conditions set forth in subdivision (1) or (2) and the person was released from incarceration, secure detention, ~~*or*~~ probation, *or parole* for the offense after June 30, 1994.

(c) This section applies whenever a court sentences a person or a juvenile court issues a dispositional decree for a sex offense (as defined in IC 11-8-8-5.2) for which the person is required to register with the local law enforcement authority under IC 11-8-8.

(d) At the sentencing hearing, the court shall indicate on the record whether the person has been convicted of an offense that makes the person a sexually violent predator under subsection (b).

(e) If a person is not a sexually violent predator under subsection (b), the prosecuting attorney may request the court to conduct a hearing to determine whether the person (including a child adjudicated to be a delinquent child) is a sexually violent predator under subsection (a). If the court grants the motion, the court shall appoint two (2) psychologists or psychiatrists who have expertise in criminal behavioral disorders to evaluate the person and testify at the hearing. After conducting the hearing and considering the testimony of the two (2) psychologists or psychiatrists, the court shall determine whether the person is a sexually violent predator under subsection (a). A hearing conducted under this subsection may be combined with the person's sentencing hearing.

(f) If a person is a sexually violent predator:

(1) the person is required to register with the local law enforcement authority as provided in IC 11-8-8; and

(2) the court shall send notice to the department of correction.

(g) This subsection does not apply to a person who has two (2) or more unrelated convictions for an offense described in IC 11-8-8-4.5 for which the person is required to register under IC 11-8-8. A person who is a sexually violent predator may petition the court to consider whether the person should no longer be considered a sexually violent predator. The person may file a petition under this subsection not earlier than ten (10) years after:

(1) the sentencing court or juvenile court makes its determination under subsection (e); or

(2) the person is released from incarceration or secure detention.

A person may file a petition under this subsection not more than one (1) time per year. A court may dismiss a petition filed under this subsection or conduct a hearing to determine if the person should no longer be considered a sexually violent predator. If the court conducts a hearing, the court shall appoint two (2) psychologists or psychiatrists who have expertise in criminal behavioral disorders to evaluate the person and testify at the hearing. After conducting the hearing and considering the testimony of the two (2) psychologists or psychiatrists, the court shall determine whether the person should no longer be considered a sexually violent predator under subsection (a). If a court finds that the person should no longer be considered a sexually violent predator, the court shall send notice to the department of correction that the person is no longer considered a sexually violent predator *or an offender against children.* Notwithstanding any other law, a condition imposed on a person due to the person's status as a sexually violent predator, including lifetime parole or GPS monitoring, does not apply to a person no longer considered a sexually violent predator.

(h) A person is not a sexually violent predator by operation of law under subsection (b)(1) if all of the following conditions are met:

(1) The victim was not less than twelve (12) years of age at the time the offense was committed.

(2) The person is not more than four (4) years older than the victim.

(3) The relationship between the person and the victim was a dating relationship or an ongoing personal relationship. The term "ongoing personal relationship" does not include a family relationship.

(4) The offense committed by the person was not any of the following:

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

(B) Criminal deviate conduct (IC 35-42-4-2) ~~*(before its repeal on July 1, 2014). (repealed).*~~ **(before its repeal).**

(C) An offense committed by using or threatening the use of deadly force or while armed with a deadly weapon.

(D) An offense that results in serious bodily injury.

(E) An offense that is facilitated by furnishing the

victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.

(5) The person has not committed another sex offense (as defined in IC 11-8-8-5.2) (including a delinquent act that would be a sex offense if committed by an adult) against any other person.

(6) The person did not have a position of authority or substantial influence over the victim.

(7) The court finds that the person should not be considered a sexually violent predator.

SECTION 61. IC 35-38-1-17, AS AMENDED BY P.L.158-2013, SECTION 396, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 17. (a) **This section does not apply to a credit restricted felon.**

(b) ~~At any time~~ **Not later than three hundred sixty-five (365) days** after:

(1) a convicted person begins serving the person's sentence; **and**

~~(2) a hearing is held:~~

~~(A) at which the convicted person is present; and~~

~~(B) of which the prosecuting attorney has been notified; and~~

~~(3)~~ **(2)** the court obtains a report from the department of correction concerning the convicted person's conduct while imprisoned;

the court may reduce or suspend the sentence and impose a sentence that the court was authorized to impose at the time of sentencing. The court must incorporate its reasons in the record.

(c) If more than three hundred sixty-five (365) days have elapsed since the convicted person began serving the sentence, the court may reduce or suspend the sentence and impose a sentence that the court was authorized to impose at the time of sentencing. The court must incorporate its reasons in the record.

~~(b)~~ **(d) If the court sets a hearing on a petition under this section,** the court must give notice ~~of the order to reduce or suspend the sentence under this section~~ to the prosecuting attorney and the **prosecuting attorney must give notice to the** victim (as defined in IC 35-31.5-2-348) of the crime for which the convicted person is serving the sentence.

~~(c)~~ **(e)** The court may suspend a sentence for a felony under this section only if suspension is permitted under IC 35-50-2-2.2.

~~(d)~~ **(f)** The court may deny a request to suspend or reduce a sentence under this section without making written findings and conclusions.

~~(e)~~ **(g)** The court is not required to conduct a hearing before reducing or suspending a sentence **under this section** if:

(1) the prosecuting attorney has filed with the court an agreement of the reduction or suspension of the sentence; and

(2) the convicted person has filed with the court a waiver of the right to be present when the order to reduce or suspend the sentence is considered.

(h) A convicted person may file a petition for sentence modification under this section:

(1) not more than one (1) time in any three hundred sixty-five (365) day period; and

(2) a maximum of two (2) times during any consecutive period of incarceration.

(i) A person may not waive the right to sentence modification under this section as part of a plea agreement. Any purported waiver of the right to sentence modification under this section in a plea agreement is invalid and unenforceable as against public policy. This subsection does not prohibit the finding of a waiver of the right to sentence modification for any other reason, including failure to comply with the provisions of this section.

SECTION 62. IC 35-38-2.5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) Except as provided in section 5.5 of this chapter, as a condition of probation a court may order an offender confined to the offender's home for a period of home detention lasting at least sixty (60) days.

(b) The period of home detention may be consecutive or nonconsecutive, as the court orders. However, the aggregate time actually spent in home detention must not exceed:

(1) the minimum term of imprisonment prescribed for a felony under IC 35-50-2; or

(2) the maximum term of imprisonment prescribed for a misdemeanor under IC 35-50-3;

for the crime committed by the offender.

(c) The court may order supervision of an offender's home detention to be provided by the probation department for the court or by a community corrections program that provides supervision of home detention.

(d) A person's term of confinement on home detention under this chapter is computed on the basis of the actual days the person spends on home detention **plus any earned credit time.**

(e) A person confined on home detention as a condition of probation ~~earns~~ **accrues one (1) day of** credit ~~for time served.~~ **for each day the person is confined on home detention.**

(f) In addition to credit accrued for time served under subsection (e), a person confined on home detention as a condition of probation is entitled to earn credit time under IC 35-50-6-3 and IC 35-50-6-3.1. A person confined on home detention as a condition of probation may not earn educational credit time under IC 35-50-6-3.3.

(g) A person confined on home detention may be deprived of earned credit time if the person violates a condition of probation.

SECTION 63. IC 35-38-2.6-6, AS AMENDED BY P.L.105-2010, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) As used in this subsection, "home" means the actual living area of the temporary or permanent residence of a person.

(b) A person confined on home detention in a community corrections program accrues one (1) day of credit time for each day the person is confined on home detention, plus any earned credit time.

(c) In addition to credit accrued for time served under subsection (b), a person who is placed in a community corrections program under this chapter is entitled to earn credit time under ~~IC 35-50-6.~~ **IC 35-50-6-3 and IC 35-50-6-3.1. A person confined on home detention as part of a community corrections program may not earn educational credit time under IC 35-50-6-3.3.**

~~(b)~~ **(d)** A person who is placed in a community corrections program under this chapter may be deprived of earned credit time as provided under rules adopted by the department of correction under IC 4-22-2.

SECTION 64. IC 35-38-3-1, AS AMENDED BY P.L.158-2013, SECTION 401, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. As used in this chapter:

"Earliest possible release date" means the date, computed as of the date of sentencing, on which a person would be entitled to discharge or release on parole considering:

(1) the term of the sentence;

(2) the term of any other concurrent or consecutive sentence that the person must serve;

(3) credit time that the person has earned before sentencing; and

(4) the maximum amount of credit time that the person would earn if the person remained in a Class I**, Class A,** or **Class B** credit time assignment during the person's period of commitment.

"Rated capacity" means the number of inmates that can be housed at the facility as determined by the most recent jail inspection report.

"Receiving authority" means:

(1) the department of correction;

(2) a sheriff, if incarceration is authorized in a county jail; or

(3) a facility or place designated by the department of correction.

SECTION 65. IC 35-38-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) Except as provided by subsection (b), a person convicted of a misdemeanor may not be committed to the department of correction.

(b) Upon a request from the sheriff, the commissioner may agree to accept custody of a misdemeanant:

(1) if placement in the county jail:

(A) places the inmate in danger of serious bodily injury or death; or

(B) represents a substantial threat to the safety of others;

(2) for other good cause shown; or

(3) if a person has more than five hundred forty-seven (547) days remaining before the person's earliest release date as a result of consecutive misdemeanor sentences.

(c) After June 30, 2014, and before July 1, 2015, a court may not commit a person convicted of a Level 6 felony to the department of correction if the person's earliest possible release date is less than ninety-one (91) days from the date of sentencing, unless the commitment is due to the person violating a condition of probation, parole, or community corrections by committing a new criminal offense.

(d) After June 30, 2015, a court may not commit a person convicted of a Level 6 felony to the department of correction if the person's earliest possible release date is less than three hundred sixty-six (366) days from the date of sentencing, unless the commitment is due to the person violating a condition of probation, parole, or community corrections by committing a new criminal offense.

(e) After June 30, 2014, a sheriff is entitled to a per diem and medical expense reimbursement as described in P.L.205-2013, SECTION 4 for the cost of incarcerating a person described in subsections (c) and (d) in a county jail. The sheriff is entitled to a per diem and medical expense reimbursement only for the time that the person described in subsections (c) and (d) is incarcerated in the county jail. The reimbursement:

(1) shall be reviewed by the budget committee; and

(2) is subject to approval by the budget agency.

SECTION 66. IC 35-41-4-2, AS AMENDED BY P.L.44-2013, SECTION 2, AND AS AMENDED BY P.L.158-2013, SECTION 407, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) Except as otherwise provided in this section, a prosecution for an offense is barred unless it is commenced:

(1) within five (5) years after the commission of the offense, in the case of a Class B, Class C, or Class D felony *(for a crime committed before July 1, 2014) or a Level 3, Level 4, Level 5, or Level 6 felony (for a crime committed after June 30, 2014);* or

(2) within two (2) years after the commission of the offense, in the case of a misdemeanor.

(b) A prosecution for a Class B or Class C felony *(for a crime committed before July 1, 2014) or a Level 3, Level 4, or Level 5 felony (for a crime committed after June 30, 2014)* that would otherwise be barred under this section may be commenced within one (1) year after the earlier of the date on which the state:

(1) first discovers evidence sufficient to charge the offender with the offense through DNA (deoxyribonucleic acid) analysis; or

(2) could have discovered evidence sufficient to charge the offender with the offense through DNA (deoxyribonucleic acid) analysis by the exercise of due diligence.

(c) A prosecution for a Class A felony *(for a crime committed before July 1, 2014) or a Level 1 felony or Level 2 felony (for a crime committed after June 30, 2014)* may be commenced at any time.

(d) A prosecution for murder may be commenced:

(1) at any time; and

(2) regardless of the amount of time that passes between:

(A) the date a person allegedly commits the elements of murder; and

(B) the date the alleged victim of the murder dies.

(e) A prosecution for the following offenses is barred unless commenced before the date that the alleged victim of the offense reaches thirty-one (31) years of age:

(1) IC 35-42-4-3(a) (Child molesting).

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

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

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

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

(f) A prosecution for forgery of an instrument for payment of money, or for the uttering of a forged instrument, under IC 35-43-5-2, is barred unless it is commenced within five (5) years after the maturity of the instrument.

(g) If a complaint, indictment, or information is dismissed because of an error, defect, insufficiency, or irregularity, a new prosecution may be commenced within ninety (90) days after the dismissal even if the period of limitation has expired at the time of dismissal, or will expire within ninety (90) days after the dismissal.

(h) The period within which a prosecution must be commenced does not include any period in which:

(1) the accused person is not usually and publicly resident in Indiana or so conceals himself or herself that process cannot be served;

(2) the accused person conceals evidence of the offense, and evidence sufficient to charge the person with that offense is unknown to the prosecuting authority and could not have been discovered by that authority by exercise of due diligence; or

(3) the accused person is a person elected or appointed to office under statute or constitution, if the offense charged is theft or conversion of public funds or bribery while in public office.

(i) For purposes of tolling the period of limitation only, a prosecution is considered commenced on the earliest of these dates:

(1) The date of filing of an indictment, information, or complaint before a court having jurisdiction.

(2) The date of issuance of a valid arrest warrant.

(3) The date of arrest of the accused person by a law enforcement officer without a warrant, if the officer has authority to make the arrest.

(j) A prosecution is considered timely commenced for any offense to which the defendant enters a plea of guilty, notwithstanding that the period of limitation has expired.

(k) The following apply to the specified offenses:

(1) A prosecution for an offense under IC 30-2-9-7(b) (misuse of funeral trust funds) is barred unless commenced within five (5) years after the date of death of the settlor (as described in IC 30-2-9).

(2) A prosecution for an offense under IC 30-2-10-9(b) (misuse of funeral trust funds) is barred unless commenced within five (5) years after the date of death of the settlor (as described in IC 30-2-10).

(3) A prosecution for an offense under IC 30-2-13-38(f) (misuse of funeral trust or escrow account funds) is barred

unless commenced within five (5) years after the date of death of the purchaser (as defined in IC 30-2-13-9).

(l) A prosecution for an offense under IC 23-14-48-9 is barred unless commenced within five (5) years after the earlier of the date on which the state:

(1) first discovers evidence sufficient to charge the offender with the offense; or

(2) could have discovered evidence sufficient to charge the offender with the offense by the exercise of due diligence.

(m) A prosecution for a sex offense listed in IC 11-8-8-4.5 that is committed against a child and that is not:

(1) a Class A felony **(for a crime committed before July 1, 2014) or a Level 1 felony or Level 2 felony (for a crime committed after June 30, 2014);** *or*

(2) listed in subsection (e);

is barred unless commenced within ten (10) years after the commission of the offense, or within four (4) years after the person ceases to be a dependent of the person alleged to have committed the offense, whichever occurs later.

SECTION 67. IC 35-41-5-1, AS AMENDED BY P.L.247-2013, SECTION 5, AND AS AMENDED BY P.L.158-2013, SECTION 408, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) A person attempts to commit a crime when, acting with the culpability required for commission of the crime, ~~he~~ *the person* engages in conduct that constitutes a substantial step toward commission of the crime. An attempt to commit a crime is a felony or misdemeanor of the same *level* **or** *class* as the crime attempted. However, an attempt to commit murder is a ~~Class A~~ *Level 1* felony.

(b) It is no defense that, because of a misapprehension of the circumstances, *including the age of the intended victim in a prosecution for attempted child molesting (IC 35-42-4-3),* it would have been impossible for the accused person to commit the crime attempted.

(c) For purposes of subsection (a), a person engages in conduct that constitutes a substantial step if the person, with the intent to commit a sex crime against a child or an individual the person believes to be a child:

(1) communicates with the child or individual the person believes to be a child concerning the sex crime; and

(2) travels to another location to meet the child or individual the person believes to be a child.

SECTION 68. IC 35-42-1-1, AS AMENDED BY P.L.158-2013, SECTION 35, AND AS AMENDED BY P.L.214-2013, SECTION 35, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: 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), ~~on July 1, 2014),~~ 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) dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2);

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

(E) 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 69. IC 35-42-3.5-1, AS AMENDED BY P.L.55-2013, SECTION 1, AND AS AMENDED BY P.L.158-2013, SECTION 436, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) A person who, by force, threat of force, or fraud, knowingly or intentionally recruits, harbors, or transports another person:

(1) to engage the other person in:

(A) forced labor; or

(B) involuntary servitude; or

(2) to force the other person into:

(A) marriage;

(B) prostitution; or

(C) participating in sexual conduct (as defined by IC 35-42-4-4);

commits promotion of human trafficking, a ~~Class B~~ *Level 4* felony.

(b) A person who knowingly or intentionally recruits, harbors, or transports a child less than:

(1) ~~sixteen (16)~~ *eighteen (18)* years of age with the intent of:

~~(1)~~ *(A)* engaging the child in:

~~(A)~~ *(i)* forced labor; or

~~(B)~~ *(ii)* involuntary servitude; or

~~(2)~~ *(B)* inducing or causing the child to:

~~(A)~~ *(i)* engage in prostitution; or

(ii) engage in a performance or incident that includes sexual conduct in violation of IC 35-42-4-4(b) (child exploitation); or

~~(B)~~ *(2) sixteen (16) years of age with the intent of inducing or causing the child to* participate in sexual conduct (as defined by IC 35-42-4-4);

commits promotion of human trafficking of a minor, a ~~Class B~~ *Level 3* felony. Except as provided in subsection (e), it is not a defense to a prosecution under this subsection that the child consented to engage in prostitution or to participate in sexual conduct.

(c) A person who is at least eighteen (18) years of age who knowingly or intentionally sells or transfers custody of a child less than ~~sixteen (16)~~ *eighteen (18)* years of age for the purpose of prostitution or participating in sexual conduct (as defined by IC 35-42-4-4) commits sexual trafficking of a minor, a ~~Class A~~ *Level 2* felony.

(d) A person who knowingly or intentionally pays, offers to pay, or agrees to pay money or other property to another person for an individual who the person knows has been forced into:

(1) forced labor;

(2) involuntary servitude; or

(3) prostitution;

commits human trafficking, a ~~Class C~~ *Level 5* felony.

(e) It is a defense to a prosecution under subsection ~~(b)(2)(B)~~ *(b)(2)* if:

(1) the child is at least fourteen (14) years of age but less than sixteen (16) years of age and the person is less than eighteen (18) years of age; or

(2) all the following apply:

(A) The person is not more than four (4) years older than the victim.

(B) The relationship between the person and the victim was a dating relationship or an ongoing personal relationship. The term "ongoing personal relationship" does not include a family relationship.

(C) The crime:

(i) was not committed by a person who is at least twenty-one (21) years of age;

(ii) was not committed by using or threatening the use of deadly force;

(iii) was not committed while armed with a deadly weapon;

(iv) did not result in serious bodily injury;
(v) was not facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge; and
(vi) was not committed by a person having a position of authority or substantial influence over the victim.
(D) The person has not committed another sex offense (as defined in IC 11-8-8-5.2), including a delinquent act that would be a sex offense if committed by an adult, against any other person.

SECTION 70. IC 35-42-4-1, AS AMENDED BY P.L.158-2013, SECTION 437, AND AS AMENDED BY P.L.214-2013, SECTION 36, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) Except as provided in subsection (b), a person who knowingly or intentionally has sexual intercourse with ~~a member of the opposite sex~~ *another person* or knowingly or intentionally causes another person to perform or submit to ~~deviate sexual conduct~~ *other sexual conduct (as defined in IC 35-31.5-2-221.5)* when:
(1) the other person is compelled by force or imminent threat of force;
(2) the other person is unaware that the sexual intercourse *or* ~~deviate sexual conduct~~ *other sexual conduct (as defined in IC 35-31.5-2-221.5)* is occurring; or
(3) the other person is so mentally disabled or deficient that consent to sexual intercourse *or* ~~deviate sexual conduct~~ *other sexual conduct (as defined in IC 35-31.5-2-221.5)* cannot be given;
commits rape, a ~~Class B~~ *Level 3* felony.
(b) An offense described in subsection (a) is a ~~Class A~~ *Level 1* felony if:
(1) it is committed by using or threatening the use of deadly force;
(2) it is committed while armed with a deadly weapon;
(3) it results in serious bodily injury to a person other than a defendant; or
(4) the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.

SECTION 71. IC 35-42-4-3, AS AMENDED BY P.L.158-2013, SECTION 439, AND AS AMENDED BY P.L.247-2013, SECTION 6, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) A person who, with a child under fourteen (14) years of age, *knowingly or intentionally* performs or submits to sexual intercourse or ~~deviate~~ *other* sexual conduct *(as defined in IC 35-31.5-2-221.5)* commits child molesting, a ~~Class B~~ *Level 3* felony. However, the offense is a ~~Class A~~ *Level 1* felony if:
(1) it is committed by a person at least twenty-one (21) years of age;
(2) it is committed by using or threatening the use of deadly force or while armed with a deadly weapon;
(3) it results in serious bodily injury; or
(4) the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.
(b) A person who, with a child under fourteen (14) years of age, performs or submits to any fondling or touching, of either the child or the older person, with intent to arouse or to satisfy the sexual desires of either the child or the older person, commits child molesting, a ~~Class C~~ *Level 4* felony. However, the offense is a ~~Class A~~ *Level 2* felony if:
(1) it is committed by using or threatening the use of deadly force;
(2) it is committed while armed with a deadly weapon; or
(3) the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.
(c) *A person may be convicted of attempted child molesting of an individual at least fourteen (14) years of age if the person believed the individual to be a child under fourteen (14) years of age at the time the person attempted to commit the offense.*
(d) It is a defense *to a prosecution under this section* that the accused person reasonably believed that the child was sixteen (16) years of age or older at the time of the conduct, unless:
(1) the offense is committed by using or threatening the use of deadly force or while armed with a deadly weapon;
(2) the offense results in serious bodily injury; or
(3) the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.

SECTION 72. IC 35-42-4-4, AS AMENDED BY P.L.214-2013, SECTION 38, AND AS AMENDED BY P.L.158-2013, SECTION 440, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) The following definitions apply throughout this section:
(1) "Disseminate" means to transfer possession for free or for a consideration.
(2) "Matter" has the same meaning as in IC 35-49-1-3.
(3) "Performance" has the same meaning as in IC 35-49-1-7.
(4) "Sexual conduct" means ~~(A)~~ sexual intercourse*,* ~~(B) deviate~~ *other* sexual conduct *(as defined in IC 35-31.5-2-221.5),* ~~(C),~~ exhibition of the ~~(i)~~ uncovered genitals ~~or (ii) female breast with less than a fully opaque covering of any part of the nipple;~~ intended to satisfy or arouse the sexual desires of any person, ~~(D)~~ sadomasochistic abuse, ~~(E)~~ sexual intercourse or ~~deviate~~ *other* sexual conduct *(as defined in IC 35-31.5-2-221.5)* with an animal*,* or ~~(F)~~ any fondling or touching of a child by another person or of another person by a child intended to arouse or satisfy the sexual desires of either the child or the other person.
(b) A person who*:*
(1) knowingly or intentionally ~~(1)~~ manages, produces, sponsors, presents, exhibits, photographs, films, videotapes, or creates a digitized image of any performance or incident that includes sexual conduct by a child under eighteen (18) years of age;
(2) *knowingly or intentionally* disseminates, exhibits to another person, offers to disseminate or exhibit to another person, or sends or brings into Indiana for dissemination or exhibition matter that depicts or describes sexual conduct by a child under eighteen (18) years of age; ~~or~~
(3) *knowingly or intentionally* makes available to another person a computer, knowing that the computer's fixed drive or peripheral device contains matter that depicts or describes sexual conduct by a child less than eighteen (18) years of age; *or*
(4) with the intent to satisfy or arouse the sexual desires

of any person:
(A) knowingly or intentionally:
(i) manages;
(ii) produces;
(iii) sponsors;
(iv) presents;
(v) exhibits;
(vi) photographs;
(vii) films;
(viii) videotapes; or
(ix) creates a digitized image of;
any performance or incident that includes the uncovered genitals of a child less than eighteen (18) years of age or the exhibition of the female breast with less than a fully opaque covering of any part of the nipple by a child less than eighteen (18) years of age;
(B) knowingly or intentionally:
(i) disseminates to another person;
(ii) exhibits to another person;
(iii) offers to disseminate or exhibit to another person; or
(iv) sends or brings into Indiana for dissemination or exhibition;
matter that depicts the uncovered genitals of a child less than eighteen (18) years of age or the exhibition of the female breast with less than a fully opaque covering of any part of the nipple by a child less than eighteen (18) years of age; or
(C) makes available to another person a computer, knowing that the computer's fixed drive or peripheral device contains matter that depicts the uncovered genitals of a child less than eighteen (18) years of age or the exhibition of the female breast with less than a fully opaque covering of any part of the nipple by a child less than eighteen (18) years of age;

commits child exploitation, a ~~*Class C*~~ *Level 5* felony.

(c) A person who knowingly or intentionally possesses:
(1) a picture;
(2) a drawing;
(3) a photograph;
(4) a negative image;
(5) undeveloped film;
(6) a motion picture;
(7) a videotape;
(8) a digitized image; or
(9) any pictorial representation;

that depicts or describes sexual conduct by a child who the person knows is less than ~~*sixteen (16)*~~ *eighteen (18)* years of age or who appears to be less than ~~*sixteen (16)*~~ *eighteen (18)* years of age, and that lacks serious literary, artistic, political, or scientific value commits possession of child pornography, a ~~*Class D*~~ *Level 6* felony.

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

(e) It is a defense to a prosecution under this section that:
(1) the person is a school employee; and
(2) the acts constituting the elements of the offense were performed solely within the scope of the person's employment as a school employee.

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

(g) The defense to a prosecution described in subsection (f) does not apply if:
(1) the person who receives the image disseminates it to a person other than the person:
(A) who sent the image; or
(B) who is depicted in the image;
(2) the image is of a person other than the person who sent the image or received the image; or
(3) the dissemination of the image violates:
(A) a protective order to prevent domestic or family violence issued under IC 34-26-5 (or, if the order involved a family or household member, under IC 34-26-2 or IC 34-4-5.1-5 before their repeal);
(B) an ex parte protective order issued under IC 34-26-5 (or, if the order involved a family or household member, an emergency order issued under IC 34-26-2 or IC 34-4-5.1 before their repeal);
(C) a workplace violence restraining order issued under IC 34-26-6;
(D) a no contact order in a dispositional decree issued under IC 31-34-20-1, IC 31-37-19-1, or IC 31-37-5-6 (or IC 31-6-4-15.4 or IC 31-6-4-15.9 before their repeal) or an order issued under IC 31-32-13 (or IC 31-6-7-14 before its repeal) that orders the person to refrain from direct or indirect contact with a child in need of services or a delinquent child;
(E) a no contact order issued as a condition of pretrial release, including release on bail or personal recognizance, or pretrial diversion, and including a no contact order issued under IC 35-33-8-3.6;
(F) a no contact order issued as a condition of probation;
(G) a protective order to prevent domestic or family violence issued under IC 31-15-5 (or IC 31-16-5 or IC 31-1-11.5-8.2 before their repeal);
(H) a protective order to prevent domestic or family violence issued under IC 31-14-16-1 in a paternity action;
(I) a no contact order issued under IC 31-34-25 in a child in need of services proceeding or under IC 31-37-25 in a juvenile delinquency proceeding;
(J) an order issued in another state that is substantially similar to an order described in clauses (A) through (I);
(K) an order that is substantially similar to an order described in clauses (A) through (I) and is issued by an Indian:
(i) tribe;
(ii) band;
(iii) pueblo;
(iv) nation; or
(v) organized group or community, including an Alaska Native village or regional or village corporation as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.);
that is recognized as eligible for the special programs and services provided by the United States to Indians

because of their special status as Indians;
(L) an order issued under IC 35-33-8-3.2; or
(M) an order issued under IC 35-38-1-30.

(h) It is a defense to a prosecution under this section that:
(1) the person was less than eighteen (18) years of age at the time the alleged offense was committed; and
(2) the circumstances described in IC 35-45-4-6(a)(2) through IC 35-45-4-6(a)(4) apply.

(i) A person is entitled to present the defense described in subsection (h) in a pretrial hearing. If a person proves by a preponderance of the evidence in a pretrial hearing that the defense described in subsection (h) applies, the court shall dismiss the charges under this section with prejudice.

SECTION 73. IC 35-42-4-6, AS AMENDED BY P.L.158-2013, SECTION 442, AND AS AMENDED BY P.L.247-2013, SECTION 7, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) As used in this section, "solicit" means to command, authorize, urge, incite, request, or advise an individual:

(1) in person;
(2) by telephone or wireless device;
(3) in writing;
(4) by using a computer network (as defined in IC 35-43-2-3(a));
(5) by advertisement of any kind; or
(6) by any other means;

to perform an act described in subsection (b) or (c).

(b) A person eighteen (18) years of age or older who knowingly or intentionally solicits a child under fourteen (14) years of age, or an individual the person believes to be a child under fourteen (14) years of age, to engage in ~~*(1)*~~ sexual intercourse*,* ~~*(2) deviate*~~ *other* sexual conduct *(as defined in IC 35-31.5-2-221.5),* or ~~*(3)*~~ any fondling or touching intended to arouse or satisfy the sexual desires of either the child or the older person, commits child solicitation, a ~~*Class D*~~ *Level 5* felony. ~~*However, the offense is*~~

~~*(1) a Class C felony if it is committed by using a computer network (as defined in IC 35-43-2-3(a)); and*~~
~~*(2) a Class B felony if the person*~~ **However, the offense is a Level 4 felony if the person** *solicits the child or individual the person believes to be a child under fourteen (14) years of age to engage in sexual intercourse or* ~~*deviate*~~ **other** *sexual conduct* **(as defined in IC 35-31.5-2-221.5)** *and:*
~~*(A)*~~ **(1)** ~~*commits the offense by using a computer network (as defined in IC 35-43-2-3(a)) and*~~ **commits the offense by using a computer network (as defined in IC 35-43-2-3(a)) and** *travels to meet the child or individual the person believes to be a child; or*
~~*(B)*~~ **(2)** ~~*has a previous unrelated conviction for committing the an offense*~~ **has a previous unrelated conviction for committing an offense** ~~*by using a computer network (as defined in IC 35-43-2-3(a)*~~ *under this section.*

(c) A person at least twenty-one (21) years of age who knowingly or intentionally solicits a child at least fourteen (14) years of age but less than sixteen (16) years of age, or an individual the person believes to be a child at least fourteen (14) years of age but less than sixteen (16) years of age, to engage in

~~*(1)*~~ sexual intercourse,
~~*(2) deviate*~~ *other* sexual conduct *(as defined in IC 35-31.5-2-221.5),* or
~~*(3)*~~ any fondling or touching intended to arouse or satisfy the sexual desires of either the child or the older person,

commits child solicitation, a ~~*Class D*~~ *Level 5* felony.

~~*However, the offense is a Class C felony if it is committed by using a computer network (as defined in IC 35-43-2-3(a)); and a Class B felony if the person commits the offense by using a computer network (as defined in IC 35-43-2-3(a)) and has a previous unrelated conviction for committing the offense by using a computer network (as defined in IC 35-43-2-3(a)).*~~ *However, the offense is*

~~*(1) a Class C felony if the person solicits the child or individual the person believes to be a child at least fourteen (14) but less than sixteen (16) years of age to engage in sexual intercourse or deviate sexual conduct and makes the solicitation by using a computer network (as defined in IC 35-43-2-3(a)); and*~~
~~*(2) a Class B*~~ **Level 4** *felony if the person solicits the child or individual the person believes to be a child at least fourteen (14) but less than sixteen (16) years of age to engage in sexual intercourse or* ~~*deviate*~~ **other** *sexual conduct* **(as defined in IC 35-31.5-2-221.5),** *and:*
~~*(A)*~~ **(1)** *commits the offense by using a computer network (as defined in IC 35-43-2-3(a)) and travels to meet the child or individual the person believes to be a child; or*
~~*(B)*~~ **(2)** *has a previous unrelated conviction for committing* ~~*the*~~ *an offense* ~~*by using a computer network (as defined in IC 35-43-2-3(a)).*~~ *under this section.*

(d) In a prosecution under this section, including a prosecution for attempted solicitation, the state is not required to prove that the person solicited the child to engage in an act described in subsection (b) or (c) at some immediate time.

SECTION 74. IC 35-42-4-7, AS AMENDED BY P.L.208-2013, SECTION 8, AND AS AMENDED BY P.L.158-2013, SECTION 443, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) As used in this section, "adoptive parent" has the meaning set forth in IC 31-9-2-6.

(b) As used in this section, "adoptive grandparent" means the parent of an adoptive parent.

(c) As used in this section, "charter school" has the meaning set forth in IC 20-18-2-2.5.

(d) As used in this section, "child care worker" means a person who:

(1) provides care, supervision, or instruction to a child within the scope of the person's employment in a shelter care facility;
(2) is employed by a:
(A) school corporation;
(B) charter school;
(C) nonpublic school; or
(D) special education cooperative;
attended by a child who is the victim of a crime under this chapter; or
(3) is:
(A) affiliated with a:
(i) school corporation;
(ii) charter school;
(iii) nonpublic school; or
(iv) special education cooperative;
attended by a child who is the victim of a crime under this chapter, regardless of how or whether the person is compensated;
(B) in a position of trust in relation to a child who attends the school or cooperative;
(C) engaged in the provision of care or supervision to a child who attends the school or cooperative; and
(D) at least four (4) years older than the child who is the victim of a crime under this chapter.

The term does not include a student who attends the school or cooperative.

(e) As used in this section, "custodian" means any person who resides with a child and is responsible for the child's welfare.

(f) As used in this section, "mental health professional" means:

(1) a mental health counselor licensed under IC 25-23.6-8.5;

(2) a psychologist; or
(3) a psychiatrist.

~~(f)~~ *(g)* As used in this section, "military recruiter" means a member of the armed forces of the United States (as defined in IC 20-33-10-2) or the Indiana National Guard whose primary job function, classification, or specialty is recruiting individuals to enlist with the armed forces of the United States or the Indiana National Guard.

~~(g)~~ *(h)* As used in this section, "nonpublic school" has the meaning set forth in IC 20-18-2-12.

(i) For purposes of this section, a person has a "professional relationship" with a child if:

(1) the person:

(A) has a license issued by the state or a political subdivision on the basis of the person's training and experience that authorizes the person to carry out a particular occupation; or

(B) is employed in a position in which counseling, supervising, instructing, or recruiting children forms a significant part of the employment; and

(2) the person has a relationship with a child that is based on the person's employment or licensed status as described in subdivision (1).

The term includes a relationship between a child and a mental health professional or military recruiter. The term does not include a coworker relationship between a child and a person described in subdivision (1)(B).

~~(h)~~ *(j)* As used in this section, "school corporation" has the meaning set forth in IC 20-18-2-16.

~~(i)~~ *(k)* As used in this section, "special education cooperative" has the meaning set forth in IC 20-35-5-1.

~~(j)~~ *(l)* As used in this section, "stepparent" means an individual who is married to a child's custodial or noncustodial parent and is not the child's adoptive parent.

~~(k)~~ *(m)* If a person who:

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

~~(2) is:~~

~~(A) the:~~

~~(i) guardian, adoptive parent, adoptive grandparent, custodian, or stepparent of; or~~

(2) is the:

(A) guardian, adoptive parent, adoptive grandparent, custodian, or stepparent of; or

(B) child care worker for;

~~(ii) child care worker for; or~~

~~(B) a military recruiter who is attempting to enlist;~~

a child at least sixteen (16) years of age but less than eighteen (18) years of age;

~~fondles or touches the child~~ *engages with the child in sexual intercourse,* ~~deviate~~ **other** *sexual conduct (as defined in* ~~IC 35-31.5-2-94),~~ **IC 35-31.5-2-221.5),** *or any fondling or touching* with the intent to arouse or satisfy the sexual desires of either the child or the adult, the person commits child seduction, ~~a felony.~~ *a Level 6 felony. However, the offense is a Level 5 felony if the person engages in sexual intercourse or other sexual conduct (as defined in IC 35-31.5-2-221.5) with the child.*

(n) A person who:

(1) has or had a professional relationship with a child at least sixteen (16) years of age but less than eighteen (18) years of age whom the person knows to be at least sixteen (16) years of age but less than eighteen (18) years of age;

(2) may exert undue influence on the child because of the person's current or previous professional relationship with the child; and

(3) uses or exerts the person's professional relationship to engage in sexual intercourse, ~~deviate~~ **other** *sexual conduct* **(as defined in IC 35-31.5-2-221.5),** *or any fondling or touching with the child with the intent to arouse or satisfy the sexual desires of the child or the person;*

commits child seduction.

(o) A law enforcement officer who:

(1) is at least five (5) years older than a child who is:

(A) at least sixteen (16) years of age; and

(B) less than eighteen (18) years of age;

(2) has contact with the child while acting within the scope of the law enforcement officer's official duties with respect to the child; and

(3) uses or exerts the law enforcement officer's professional relationship with the child to engage with the child in:

(A) sexual intercourse;

(B) other sexual conduct (as defined in IC 35-31.5-2-221.5); or

(C) any fondling or touching with the child with the intent to arouse or satisfy the sexual desires of the child or the law enforcement officer;

commits child seduction.

~~(o)~~ **(p)** *In determining whether a person used or exerted the person's professional relationship with the child to engage in sexual intercourse,* ~~deviate~~ **other** *sexual conduct* **(as defined in IC 35-31.5-2-221.5),** *or any fondling or touching with the intent to arouse or satisfy the sexual desires of the child or the person under* ~~subsection (n),~~ **this section,** *the trier of fact may consider one (1) or more of the following:*

(1) The age difference between the person and the child.

(2) Whether the person was in a position of trust with respect to the child.

(3) Whether the person's conduct with the child violated any ethical obligations of the person's profession or occupation.

(4) The authority that the person had over the child.

(5) Whether the person exploited any particular vulnerability of the child.

(6) Any other evidence relevant to the person's ability to exert undue influence over the child.

~~(p)~~ **(q)** *Child seduction under this section is:*

(1) a ~~Class D~~ **Level 6** *felony if the person* **or law enforcement officer** *engaged in any fondling or touching with the intent to arouse or satisfy the sexual desires of:*

(A) *the child; or*

(B) *the person* **or law enforcement officer;** *and*

(2) a ~~Class C~~ **Level 5** *felony if the person* **or law enforcement officer** *engaged in sexual intercourse or* ~~deviate~~ **other** *sexual conduct* **(as defined in IC 35-31.5-2-221.5)** *with the child.*

SECTION 75. IC 35-42-4-11, AS AMENDED BY P.L.214-2013, SECTION 39, AND AS AMENDED BY P.L.158-2013, SECTION 447, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. (a) As used in this section, and except as provided in subsection (d), "offender against children" means a person required to register as a sex or violent offender under IC 11-8-8 who has been:

(1) found to be a sexually violent predator under IC 35-38-1-7.5; or

(2) convicted of one (1) or more of the following offenses:

(A) Child molesting (IC 35-42-4-3).

(B) Child exploitation (IC 35-42-4-4(b)).

(C) Child solicitation (IC 35-42-4-6).

(D) Child seduction (IC 35-42-4-7).

(E) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age, and the person is not the child's parent or guardian.

(F) Attempt to commit or conspiracy to commit an offense listed in clauses (A) through (E).

(G) An offense in another jurisdiction that is substantially similar to an offense described in clauses (A) through (F).

A person is an offender against children by operation of law if the person meets the conditions described in subdivision (1) or (2) at any time.

(b) As used in this section, "reside" means to spend more than three (3) nights in:

(1) a residence; or

(2) if the person does not reside in a residence, a particular location;

in any thirty (30) day period.

(c) An offender against children who knowingly or intentionally:

(1) resides within one thousand (1,000) feet of:

(A) school property, not including property of an institution providing post-secondary education;

(B) a youth program center; or

(C) a public park; or

(2) establishes a residence within one (1) mile of the residence of the victim of the offender's sex offense;

commits a sex offender residency offense, a ~~*Class D*~~ *Level 6* felony.

(d) This subsection does not apply to an offender against children who has two (2) or more unrelated convictions for an offense described in subsection (a). A person who is an offender against children may petition the court to consider whether the person should no longer be considered an offender against children. The person may file a petition under this subsection not earlier than ten (10) years after the person is released from incarceration **or parole, whichever occurs last** *(or, if the person is not incarcerated, not earlier than ten (10) years after the person is released from* probation). ~~*or parole, whichever occurs last).*~~ A person may file a petition under this subsection not more than one (1) time per year. A court may dismiss a petition filed under this subsection or conduct a hearing to determine if the person should no longer be considered an offender against children. If the court conducts a hearing, the court shall appoint two (2) psychologists or psychiatrists who have expertise in criminal behavioral disorders to evaluate the person and testify at the hearing. After conducting the hearing and considering the testimony of the two (2) psychologists or psychiatrists, the court shall determine whether the person should no longer be considered an offender against children. If a court finds that the person should no longer be considered an offender against children, the court shall send notice to the department of correction that the person is no longer considered an offender against children.

SECTION 76. IC 35-42-4-12, AS AMENDED BY P.L.247-2013, SECTION 8, AND AS AMENDED BY P.L.158-2013, SECTION 448, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. (a) This section ~~*does not apply to a person to*~~ *applies only to a sex offender (as defined in IC 11-8-8-4.5).* ~~*whom all of the following apply:*~~

~~*(1) The person is not more than:*~~

~~*(A) four (4) years older than the victim if the offense was committed after June 30, 2007; or*~~

~~*(B) five (5) years older than the victim if the offense was committed before July 1, 2007.*~~

~~*(2) The relationship between the person and the victim was a dating relationship or an ongoing personal relationship. The term "ongoing personal relationship" does not include a family relationship.*~~

~~*(3) The crime:*~~

~~*(A) was not committed by a person who is at least twenty-one (21) years of age;*~~

~~*(B) was not committed by using or threatening the use of deadly force;*~~

~~*(C) was not committed while armed with a deadly weapon;*~~

~~*(D) did not result in serious bodily injury;*~~

~~*(E) was not facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge; and*~~

~~*(F) was not committed by a person having a position of authority or substantial influence over the victim.*~~

(b) A sex offender who knowingly or intentionally violates a:

(1) condition of probation;

(2) condition of parole; or

(3) rule of a community transition program;

that prohibits the offender from using a social networking web site or an instant messaging or chat room program to communicate, directly or through an intermediary, with a child less than sixteen (16) years of age commits a sex offender Internet offense, a Class A misdemeanor. However, the offense is a ~~*Class D*~~ **Level 6** *felony if the person has a prior unrelated conviction under this section.*

~~*(b) This section applies only to a person required to register as a sex or violent offender under IC 11-8-8 who has been:*~~

~~*(1) found to be a sexually violent predator under IC 35-38-1-7.5; or*~~

~~*(2) convicted of one (1) or more of the following offenses:*~~

~~*(A) Child molesting (IC 35-42-4-3).*~~

~~*(B) Child exploitation (IC 35-42-4-4(b)).*~~

~~*(C) Possession of child pornography (IC 35-42-4-4(c)).*~~

~~*(D) Vicarious sexual gratification (IC 35-42-4-5(a) or IC 35-42-4-5(b)).*~~

~~*(E) Sexual conduct in the presence of a minor IC 35-42-4-5(c)).*~~

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

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

~~*(H) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age and the person is not the child's parent or guardian.*~~

~~*(I) Attempt to commit or conspiracy to commit an offense listed in clauses (A) through (H).*~~

~~*(J) An offense in another jurisdiction that is substantially similar to an offense described in clauses (A) through (H).*~~

~~*(c) As used in this section, "instant messaging or chat room program" means a software program that requires a person to register or create an account, a username, or a password to become a member or registered user of the program and allows two (2) or more members or authorized users to communicate over the Internet in real time using typed text. The term does not include an electronic mail program or message board program.*~~

~~*(d) As used in this section, "social networking web site" means an Internet web site that:*~~

~~*(1) facilitates the social introduction between two (2) or more persons;*~~

~~*(2) requires a person to register or create an account, a username, or a password to become a member of the web site and to communicate with other members;*~~

~~*(3) allows a member to create a web page or a personal profile; and*~~

~~*(4) provides a member with the opportunity to communicate with another person.*~~

~~*The term does not include an electronic mail program or message board program.*~~

~~*(e) A person described in subsection (b) who knowingly or intentionally uses:*~~

~~*(1) a social networking web site; or*~~

~~*(2) an instant messaging or chat room program;*~~

~~*that the offender knows allows a person who is less than eighteen (18) years of age to access or use the web site or program commits a sex offender Internet offense, a Class A misdemeanor. However, the offense is a Class D Level 6 felony if the person has a prior unrelated conviction under this section.*~~

~~*(f) It is a defense to a prosecution under this section that the person:*~~

~~*(1) did not know that the web site or program allowed a person who is less than eighteen (18) years of age to access or use the web site or program; and*~~

~~*(2) upon discovering that the web site or program allows a person who is less than eighteen (18) years of age to access or use the web site or program, immediately ceased further use or access of the web site or program.*~~

(c) It is a defense to a prosecution under subsection (b) that the person reasonably believed that the child was at least sixteen (16) years of age.

SECTION 77. IC 35-42-4-13, AS AMENDED BY P.L.247-2013, SECTION 9, AND AS AMENDED BY P.L.158-2013, SECTION 449, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. (a) This section does not apply to the following:

(1) A parent, guardian, or custodian of a child.

(2) A person who acts with the permission of a child's parent, guardian, or custodian.

(3) A person to whom a child makes a report of abuse or neglect.

(4) A person to whom a child reports medical symptoms that relate to or may relate to sexual activity.

(b) As used in this section, "sexual activity" means sexual intercourse, ~~*deviate*~~ *other* sexual *conduct (as defined in IC 35-31.5-2-221.5),* or the fondling or touching of the buttocks, genitals, or female breasts.

(c) A person at least ~~*twenty-one (21)*~~ *eighteen (18)* years of age who knowingly or intentionally communicates with an individual whom the person believes to be a child less than fourteen (14) years of age concerning sexual activity with the intent to gratify the sexual desires of the person or the individual commits inappropriate communication with a child, a Class B misdemeanor. However, the offense is*:*

(1) a Class A misdemeanor if the person commits the offense by using a computer network (as defined in IC 35-43-2-3(a); *and*

(2) a ~~*Class D*~~ **Level 6** *felony if the person has a prior unrelated conviction for a sex offense (as defined in IC 11-8-8-5.2).*

SECTION 78. IC 35-43-1-1, AS AMENDED BY P.L.158-2013, SECTION 452, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) A person who, by means of fire, explosive, or destructive device, knowingly or intentionally damages:

(1) a dwelling of another person without the other person's consent;

(2) property of any person under circumstances that endanger human life;

(3) property of another person without the other person's consent if the pecuniary loss is at least five thousand dollars ($5,000); or

(4) a structure used for religious worship without the consent of the owner of the structure;

commits arson, a Level 4 felony. However, the offense is a Level 3 felony if it results in bodily injury to any person other than a defendant and a Level 2 felony if it results in serious bodily injury to any person other than a defendant.

(b) A person who commits arson for hire commits a Level 4 felony. However, the offense is:

(1) a Level 3 felony if it results in bodily injury to any other person; and

(2) a Level 2 felony if it results in serious bodily injury to any other person.

(c) A person who, by means of fire, explosive, or destructive device, knowingly or intentionally damages property of any person with intent to defraud commits arson, a ~~Level 5~~ **Level 6** felony.

(d) A person who, by means of fire, explosive, or destructive device, knowingly or intentionally damages property of another person without the other person's consent so that the resulting pecuniary loss is at least two hundred fifty dollars ($250) but less than five thousand dollars ($5,000) commits arson, a Level 6 felony.

(e) A person who commits an offense under subsection (a), (b), (c), or (d) commits a separate offense for each person who suffers a bodily injury or serious bodily injury that is caused by the violation of subsection (a), (b), (c), or (d).

SECTION 79. IC 35-43-1-7, AS ADDED BY P.L.158-2013, SECTION 458, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. ~~(a)~~ A person who knowingly or intentionally and who without authorization:

(1) modifies data, a computer program, or supporting documentation;

(2) destroys data, a computer program, or supporting documentation; or

(3) discloses or takes data, a computer program, or supporting documentation that is:

(A) a trade secret (as defined in IC 24-2-3-2); or

(B) otherwise confidential as provided by law;

and that resides or exists internally or externally on a computer, computer system, or computer network, commits an offense against intellectual property, a Level 6 felony.

~~(b) However, the offense is a Level 5 felony if the offense is committed for the purpose of devising or executing any scheme or artifice to defraud or to obtain any property.~~

SECTION 80. IC 35-43-4-2.5, AS AMENDED BY P.L.158-2013, SECTION 465, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: 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. ~~However, the offense is a Level 5 felony if the person has a prior conviction of an offense under this subsection or subsection (c).~~

(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 of an offense under this subsection or subsection (b).~~

SECTION 81. IC 35-43-5-4.6, AS ADDED BY P.L.293-2013(ts), SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4.6. (a) The following definitions apply throughout this section:

(1) "Automated sales suppression device" means a software program:

(A) carried on a memory stick or removable compact disc;

(B) accessed through an Internet link; or

(C) accessed through any other means;

that falsifies the electronic records of electronic cash registers and other point-of-sale systems, including transaction data and transaction reports.

(2) "Electronic cash register" means a device that keeps a register or supporting documents through the means of an electronic device or a computer system designed to record transaction data for the purpose of computing, compiling, or processing retail sales transaction data in any manner.

(3) "Phantom-ware" means a hidden, a pre-installed, or an installed at a later time programming option embedded in the operating system of an electronic cash register or hardwired into the electronic cash register that:

(A) can be used to create a virtual second till; or

(B) may eliminate or manipulate transaction records that may or may not be preserved in digital formats to represent the true or manipulated record of transactions in the electronic cash register.

(4) "Transaction data" includes information regarding:

(A) items purchased by a customer;

(B) the price for each item;

(C) a taxability determination for each item;

(D) a segregated tax amount for each of the taxed items;

(E) the amount of cash or credit tendered;

(F) the net amount returned to the customer in change;

(G) the date and time of the purchase;

(H) the name, address, and identification number of the vendor; and

(I) the receipt or invoice number of the transaction.

(5) "Transaction report" means:

(A) a report that includes:

(i) the sales;

(ii) taxes collected;

(iii) media totals; and

(iv) discount voids;

at an electronic cash register that is printed on cash register tape at the end of a day or shift; or

(B) a report documenting every action at an electronic cash register that is stored electronically.

(6) "Zapper" refers to an automated sales suppression device.

(b) A person who knowingly or intentionally sells, purchases, installs, transfers, or possesses:

(1) an automated sales suppression device or a zapper; or

(2) phantom-ware;

after June 30, 2013, commits unlawful sale or possession of a transaction manipulation device, a ~~Class C~~ **Level 5** felony.

SECTION 82. IC 35-44.1-2-3, AS AMENDED BY P.L.292-2013, SECTION 11, AND AS AMENDED BY P.L.158-2013, SECTION 503 IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) As used in this section, "consumer product" has the meaning set forth in IC 35-45-8-1.

(b) As used in this section, "misconduct" means a violation of a departmental rule or procedure of a law enforcement agency.

(c) A person who reports, by telephone, telegraph, mail, or other written or oral communication, that:

(1) the person or another person has placed or intends to place an explosive, a destructive device, or other destructive substance in a building or transportation facility;

(2) there has been or there will be tampering with a consumer product introduced into commerce; or

(3) there has been or will be placed or introduced a weapon of mass destruction in a building or a place of assembly;

knowing the report to be false, commits false reporting, a ~~*Class D*~~ *Level 6* felony.

(d) A person who:

(1) gives a false report of the commission of a crime or gives false information in the official investigation of the commission of a crime, knowing the report or information to be false;

(2) gives a false alarm of fire to the fire department of a governmental entity, knowing the alarm to be false;

(3) makes a false request for ambulance service to an ambulance service provider, knowing the request to be false;

(4) gives a false report concerning a missing child (as defined in IC 10-13-5-4) or missing endangered adult (as defined in IC 12-7-2-131.3) or gives false information in the official investigation of a missing child or missing endangered adult knowing the report or information to be false;

(5) makes a complaint against a law enforcement officer to the state or municipality (as defined in IC 8-1-13-3(b)) that employs the officer:

(A) alleging the officer engaged in misconduct while performing the officer's duties; and

(B) knowing the complaint to be false; ~~*or*~~

(6) makes a false report of a missing person, knowing the report or information is false; *or*

(7) gives a false report of actions, behavior, or conditions concerning a septic tank soil absorption system under IC 8-1-2-125 or IC 13-26-5-2.5 knowing the report or information to be false;

commits false informing, a Class B misdemeanor. However, the offense is a Class A misdemeanor if it substantially hinders any law enforcement process or if it results in harm to ~~*an innocent*~~ *another* person.

SECTION 83. IC 35-44.1-3-1, AS AMENDED BY P.L.172-2013, SECTION 11, AND AS AMENDED BY P.L.158-2013, SECTION 509, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) A person who knowingly or intentionally:

(1) forcibly resists, obstructs, or interferes with a law enforcement officer or a person assisting the officer while the officer is lawfully engaged in the execution of the officer's duties;

(2) forcibly resists, obstructs, or interferes with the authorized service or execution of a civil or criminal process or order of a court; or

(3) flees from a law enforcement officer after the officer has, by visible or audible means, including operation of the law enforcement officer's siren or emergency lights, identified himself or herself and ordered the person to stop;

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

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

(1) ~~*Class D*~~ *Level 6* felony if:

(A) the offense is described in subsection (a)(3) and the person uses a vehicle to commit the offense; or

(B) while committing any offense described in subsection (a), the person draws or uses a deadly weapon, inflicts bodily injury on or otherwise causes bodily injury to another person, or operates a vehicle in a manner that creates a substantial risk of bodily injury to another person;

(2) ~~*Class C*~~ *Level 5* felony if, while committing any offense described in subsection (a), the person operates a vehicle in a manner that causes serious bodily injury to another person;

(3) ~~*Class B*~~ *Level 3* felony if, while committing any offense described in subsection (a), the person operates a vehicle in a manner that causes the death of another person; and

(4) ~~*Class A*~~ *Level 2* felony if, while committing any offense described in subsection (a), the person operates a vehicle in a manner that causes the death of a law enforcement officer while the law enforcement officer is engaged in the officer's official duties.

~~*(c) For purposes of this section, a law enforcement officer includes an enforcement officer of the alcohol and tobacco commission and a conservation officer of the department of natural resources.*~~

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

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

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

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

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

~~(f)~~ *(e)* If a person is convicted of an offense involving the use of a motor vehicle under:

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

(2) subsection (b)(2); or

(3) subsection (b)(3);

the court may notify the bureau of motor vehicles to suspend or revoke the person's driver's license and all certificates of registration and license plates issued or registered in the person's name in accordance with IC 9-30-4-6(b)(3) for the period described in IC 9-30-4-6(d)(4) or IC 9-30-4-6(d)(5). The court shall inform the bureau whether the person has been sentenced to a term of incarceration. At the time of conviction, the court may obtain the person's current driver's license and return the license to the bureau of motor vehicles.

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

SECTION 84. IC 35-44.1-3-5, AS AMENDED BY P.L.5-2013, SECTION 1, AND AS AMENDED BY P.L.158-2013, SECTION 512, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) As used in this section, "juvenile facility" means the following:

(1) A secure facility (as defined in IC 31-9-2-114) in which a child is detained under IC 31 or used for a child awaiting adjudication or adjudicated under IC 31 as a child in need of services or a delinquent child.

(2) A shelter care facility (as defined in IC 31-9-2-117) in which a child is detained under IC 31 or used for a child awaiting adjudication or adjudicated under IC 31 as a child in need of services or a delinquent child.

(b) ~~*Except as provided in subsection (d),*~~ A person who, without the prior authorization of the person in charge of a penal facility or juvenile facility, knowingly or intentionally:

(1) delivers, or carries into the penal facility or juvenile facility with intent to deliver, an article to an inmate or child of the facility;

(2) carries, or receives with intent to carry out of the penal facility or juvenile facility, an article from an inmate or child of the facility; *or*

(3) delivers, or carries to a worksite with the intent to deliver, alcoholic beverages to an inmate or child of a jail work crew or community work crew;

commits trafficking with an inmate, a Class A misdemeanor. *However, the offense is a* ~~*Class C*~~ **Level 5** *felony under subdivision (1) or (2) if the article is a controlled substance, a deadly weapon, or a cellular telephone or other wireless or cellular communications device.*

(c) If:

(1) the person who committed the offense under subsection (b) is an employee of:

~~(1)~~ *(A)* the department of correction; or

~~(2)~~ *(B)* a penal facility;

and the article is a cigarette or tobacco product (as defined in IC 6-7-2-5), the court shall ~~*impose a mandatory*~~ *order the person to pay a fine of at least five hundred dollars ($500) and not more than* five thousand ~~*dollar*~~ *dollars* ($5,000) ~~*fine*~~ under IC 35-50-3-2, in addition to any term of imprisonment imposed under IC 35-50-3-2; *or*

(2) a person is convicted of committing a ~~*Class C*~~ **Level 5** *felony under subsection (b)(1) or (b)(2) because the article was a cellular telephone or other wireless or cellular communication device, the court shall order the person to pay a fine of at least five hundred dollars ($500) and not more than ten thousand dollars ($10,000) under IC 35-50-2-6(a) in addition to any term of imprisonment imposed on the person under IC 35-50-2-6(a).*

(d) A person who: ~~*without the prior authorization of the person in charge of a penal facility or juvenile facility, knowingly or intentionally possesses in, or carries or causes to be brought into, a penal facility or juvenile facility:*~~

~~*(1) a controlled substance;*~~

(1) is not an inmate of a penal facility or a child of a juvenile facility; and

(2) knowingly or intentionally possesses in, or carries or causes to be brought into, the penal facility or juvenile facility a deadly weapon *without the prior authorization of the person in charge of the penal facility or juvenile facility;* ~~*or*~~

~~*(3) a cellular telephone or other wireless or cellular communications device;*~~

commits ~~*a class D felony trafficking with an inmate,*~~ **carrying a deadly weapon into a correctional facility,** *a Level 5 felony.*

SECTION 85. IC 35-45-2-1, AS AMENDED BY P.L.123-2013, SECTION 3, AND AS AMENDED BY P.L.158-2013, SECTION 523, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) A person who communicates a threat to another person, with the intent:

(1) that the other person engage in conduct against the other person's will;

(2) that the other person be placed in fear of retaliation for a prior lawful act; or

(3) of:

(A) causing:

~~*(A)*~~ *(i)* a dwelling, *a* building, or ~~*another*~~ *other* structure; or

~~*(B)*~~ *(ii)* a vehicle;

to be evacuated; *or*

(B) interfering with the occupancy of:

(i) a dwelling, building, or other structure; or

(ii) a vehicle;

commits intimidation, a Class A misdemeanor.

(b) However, the offense is a:

(1) ~~*Class D*~~ *Level 6* felony if:

(A) the threat is to commit a forcible felony;

(B) the person to whom the threat is communicated:

(i) is a law enforcement officer;

~~*(ii) is a judge or bailiff of any court;*~~

~~*(iii)*~~ *(ii)* is a witness (or the spouse or child of a witness) in any pending criminal proceeding against the person making the threat;

~~*(iv)*~~ *(iii)* is an employee of a *school or* school corporation;

~~*(v)*~~ *(iv)* is a community policing volunteer;

~~*(vi)*~~ *(v)* is an employee of a court;

~~*(vii)*~~ *(vi)* is an employee of a probation department; ~~*or*~~

~~*(viii)*~~ *(vii)* is an employee of a community corrections program;

(viii) is an employee of a hospital, church, or religious organization; or

(ix) is a person that owns a building or structure that is open to the public or is an employee of the person;

and, except as provided in item (ii), the threat is communicated to the person because of the occupation, profession, employment status, or ownership status of the person as described in items (i) through (ix) or based on an act taken by the person within the scope of

the occupation, profession, employment status, or ownership status of the person;

(C) the person has a prior unrelated conviction for an offense under this section concerning the same victim; or

(D) the threat is communicated using property, including electronic equipment or systems, of a school corporation or other governmental entity; and

(2) ~~Class C~~ *Level 5* felony if:

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

(B) the person to whom the threat is communicated:

(i) is a judge or bailiff of any court; or

(ii) is a prosecuting attorney or a deputy prosecuting attorney.

(c) "Communicates" includes posting a message electronically, including on a social networking web site (as defined in IC 35-42-4-12(d)).

~~(c)~~ *(d)* "Threat" means an expression, by words or action, of an intention to:

(1) unlawfully injure the person threatened or another person, or damage property;

(2) unlawfully subject a person to physical confinement or restraint;

(3) commit a crime;

(4) unlawfully withhold official action, or cause such withholding;

(5) unlawfully withhold testimony or information with respect to another person's legal claim or defense, except for a reasonable claim for witness fees or expenses;

(6) expose the person threatened to hatred, contempt, disgrace, or ridicule;

(7) falsely harm the credit or business reputation of the person threatened; or

(8) cause the evacuation of a dwelling, a building, another structure, or a vehicle.

SECTION 86. IC 35-45-4-6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 6. (a) This section applies only to a person to whom all of the following apply:**

(1) The person is less than eighteen (18) years of age.

(2) The person is not more than four (4) years older than the individual who is depicted in the image or who received the image.

(3) The relationship between the person and the individual who received the image or who is depicted in the image was a dating relationship or an ongoing personal relationship. For purposes of this subdivision, the term "ongoing personal relationship" does not include a family relationship.

(4) The individual receiving the image or who is depicted in the image acquiesced in the person's conduct.

(b) The following definitions apply throughout this section:

(1) "Disseminate" means to transfer possession for no direct or indirect consideration.

(2) "Matter" has the meaning set forth in IC 35-49-1-3.

(3) "Performance" has the meaning set forth in IC 35-49-1-7.

(4) "Sexual conduct" means sexual intercourse, other sexual conduct, exhibition of the uncovered genitals intended to satisfy or arouse the sexual desires of any person, sadomasochistic abuse, sexual intercourse or other sexual conduct with an animal, or any fondling or touching of a child by another person or of another person by a child intended to arouse or satisfy the sexual desires of either the child or the other person.

(c) A person who, on or by means of a cellular telephone, social media web site, or another wireless or cellular communications device, knowingly or intentionally:

(1) produces, presents, exhibits, photographs, records, or creates a digitized image of any performance or incident that includes sexual conduct by a child at least twelve (12) years of age;

(2) disseminates, exhibits to another person, or offers to disseminate or exhibit to another person, matter that depicts or describes sexual conduct by a child at least twelve (12) years of age; or

(3) possesses:

(A) a picture;

(B) a drawing;

(C) a photograph;

(D) a motion picture;

(E) a digitized image; or

(F) any pictorial representation;

that depicts or describes sexual conduct by a child at least twelve (12) years of age who the person knows is less than sixteen (16) years of age or who appears to be less than sixteen (16) years of age, and that lacks serious literary, artistic, political, or scientific value;

commits indecent display by a youth, a Class A misdemeanor.

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

SECTION 87. IC 35-45-6-1, AS AMENDED BY P.L.196-2013, SECTION 18, AND AS AMENDED BY P.L.158-2013, SECTION 534, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: 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) ~~*(repealed).*~~ **(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) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).
(31) Dealing in a schedule IV controlled substance (IC 35-48-4-3).
(32) Dealing in a schedule V controlled substance (IC 35-48-4-4).
(33) Dealing in marijuana, hash oil, hashish, **or** salvia ~~or a synthetic cannabinoid~~ (IC 35-48-4-10).
(34) Money laundering (IC 35-45-15-5).
(35) A violation of IC 35-47.5-5.
(36) 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) Practice of law by a person who is not an attorney (IC 33-43-2-1).
(38) 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 88. IC 35-46-1-4, AS AMENDED BY P.L.193-2013, SECTION 6, AND AS AMENDED BY P.L.158-2013, SECTION 550, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: 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 ~~*Class D*~~ *Level 6* felony.
(b) However, the offense is:
(1) a ~~*Class C*~~ *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 ~~*(delivery, financing, or manufacture of*~~ (*dealing in* cocaine or a narcotic drug) or IC 35-48-4-1.1 ~~*(delivery, financing, or manufacture of*~~ *(dealing in methamphetamine);* or
(ii) the result of a violation of IC 35-48-4-1 ~~*(delivery, financing, or manufacture of*~~ (dealing in cocaine or a narcotic drug) *or IC 35-48-4-1.1* ~~*(delivery, financing, or manufacture of*~~ *(dealing in methamphetamine);*
(2) a ~~*Class B*~~ *Level 3* felony if it is committed under subsection (a)(1), (a)(2), or (a)(3) and results in serious bodily injury;
(3) a ~~*Class 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 ~~*Class C*~~ *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(b) 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 ~~*Class D*~~ *Level 6* felony.

SECTION 89. IC 35-46-3-11, AS AMENDED BY P.L.161-2013, SECTION 8, AND AS AMENDED BY P.L.158-2013, SECTION 563, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. (a) A person who knowingly or intentionally:
(1) strikes, torments, injures, or otherwise mistreats a law enforcement animal; or
(2) interferes with the actions of a law enforcement animal while the animal is engaged in assisting a law enforcement officer in the performance of the officer's duties;
commits a Class A misdemeanor.
(b) An offense under subsection (a)(1) is a ~~*Class D*~~ *Level 6* felony if the act results in:
(1) serious permanent disfigurement;
(2) unconsciousness;
(3) permanent or protracted loss or impairment of the function of a bodily member or organ; or
(4) death;
of the law enforcement animal.
(c) It is a defense that the accused person:
(1) engaged in a reasonable act of training, handling, or discipline; and
(2) acted as an employee or agent of a law enforcement agency.
(d) In addition to any sentence or fine imposed for a conviction of an offense under this section, the court:
(1) may order the person convicted to make restitution to

the person or law enforcement agency owning the animal for reimbursement of ~~(1)~~ veterinary bills; and

(2) *shall order the person convicted to make restitution to the person or law enforcement agency owning the animal for reimbursement of* ~~*replacement costs of the animal*~~ *the cost of replacing the animal, which may include the cost of training the animal,* if the animal is *permanently* disabled or killed.

SECTION 90. IC 35-46-9-6, AS ADDED BY P.L.40-2012, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) Except as provided in subsections (b) and (c), a person who operates a motorboat while:

(1) having an alcohol concentration equivalent (as defined in IC 9-13-2-2.4) to at least eight-hundredths (0.08) gram of alcohol per:

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

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

(2) having a controlled substance listed in schedule I or II of IC 35-48-2 or its metabolite in the person's body; or

(3) intoxicated;

commits a Class C misdemeanor.

(b) The offense is a ~~Class D~~ **Level 6** felony if:

(1) the person has a previous conviction under:

(A) IC 14-1-5 (repealed); or

(B) this chapter; or

(2) the offense results in serious bodily injury to another person.

(c) The offense is a ~~Class C~~ **Level 5** felony if the offense results in the death of another person.

(d) It is a defense to a prosecution under subsection (a)(2) that the accused person consumed the controlled substance under a valid prescription or order of a practitioner (as defined in IC 35-48-1-24) who acted in the course of the practitioner's professional practice.

SECTION 91. IC 35-47-4-5, AS AMENDED BY P.L.158-2013, SECTION 590, AND AS AMENDED BY P.L.214-2013, SECTION 40, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: 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, ~~*(IC 35-42-2-1(a)(5)); Class B felony, or Class C felony, for a crime committed before July 1, 2014; or*~~

~~*(B) Class B felony (IC 35-42-2-1(a)(4)); or Level 2 felony, Level 3 felony, Level 4 felony, or Level 5 felony, for a crime committed after June 30, 2014;*~~

~~*(C) Class C felony (IC 35-42-2-1(a)(3));*~~

(5) aggravated battery (IC 35-42-2-1.5);

(6) kidnapping (IC 35-42-3-2);

(7) criminal confinement (IC 35-42-3-3);

(8) rape (IC 35-42-4-1);

(9) criminal deviate conduct (IC 35-42-4-2) ~~(repealed);~~ **(before its repeal);**

(10) child molesting (IC 35-42-4-3);

(11) sexual battery *(IC 35-42-4-8)* as a:

(A) Class C felony, ~~*(IC 35-42-4-8)*~~ *for a crime committed before July 1, 2014; or*

(B) Level 5 felony, for a crime committed after June 30, 2014;

(12) robbery (IC 35-42-5-1);

(13) carjacking (IC 5-42-5-2) ~~*(repealed);*~~ **(before its repeal);**

(14) arson *(IC 35-43-1-1(a))* as a:

(A) Class A felony or Class B felony, ~~*(IC 35-43-1-1(a));*~~ *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;

(15) burglary *(IC 35-43-2-1)* as a:

(A) Class A felony or Class B felony, ~~*(IC 35-43-2-1);*~~ *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;

(16) assisting a criminal *(IC 35-44.1-2-5)* as a:

(A) Class C felony, ~~*(IC 35-44.1-2-5);*~~ *for a crime committed before July 1, 2014; or*

(B) Level 5 felony, for a crime committed after June 30, 2014;

(17) resisting law enforcement *(IC 35-44.1-3-1)* as a:

(A) Class B felony or Class C felony, ~~*(IC 35-44.1-3-1);*~~ *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;

(18) escape *(IC 35-44.1-3-4)* as a:

(A) Class B felony or Class C felony, ~~*(IC 35-44.1-3-4);*~~ *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;

(19) trafficking with an inmate *(IC 35-44.1-3-5)* as a:

(A) Class C felony, ~~*(IC 35-44.1-3-5);*~~ *for a crime committed before July 1, 2014; or*

(B) Level 5 felony, for a crime committed after June 30, 2014;

(20) criminal gang intimidation (IC 35-45-9-4);

(21) stalking *(IC 35-45-10-5)* as a:

(A) Class B felony or Class C felony, ~~*(IC 35-45-10-5);*~~ *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;

(22) incest (IC 35-46-1-3);

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

(24) dealing in methamphetamine (IC 35-48-4-1.1);

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

(26) dealing in a schedule IV controlled substance (IC 35-48-4-3); or

(27) 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 ~~*Class B*~~ *Level 4* felony.

SECTION 92. IC 35-47-9-2, AS AMENDED BY P.L.172-2013, SECTION 13, AND AS AMENDED BY P.L.158-2013, SECTION 601, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,

2014]: Sec. 2. A person who *knowingly or intentionally* possesses a firearm:

(1) in or on school property; *or*

~~*(2) in or on property that is being used by a school for a school function; or*~~

~~*(3)*~~ *(2)* on a school bus;

commits a ~~*Class D*~~ *Level 6* felony.

SECTION 93. IC 35-48-1-16.5, AS ADDED BY P.L.158-2013, SECTION 619, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 16.5. "Enhancing circumstance" means one (1) or more of the following:

(1) The person has a prior 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.**

(2) The person committed the offense while in possession of a firearm.

(3) The person committed the offense:

(A) on a school bus; or

(B) in, on, or within five hundred (500) feet of:

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

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

(4) The person delivered or financed the delivery of the drug to a person under eighteen (18) years of age at least three (3) years junior to the person.

(5) The person manufactured or financed the manufacture of the drug.

(6) The person committed the offense in the physical presence of a child less than eighteen (18) years of age, knowing that the child was present and might be able to see or hear the offense.

SECTION 94. IC 35-48-4-1, AS AMENDED BY P.L.158-2013, SECTION 622, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: 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 ~~(d)~~ **(e).**

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

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

(1) the amount of the drug involved is at least ~~three (3)~~ **five (5)** but less than ten (10) grams; or

(2) the amount of the drug involved is less than ~~three (3)~~ **five (5)** grams and an enhancing circumstance applies.

~~(c)~~ **(e)** The offense is a ~~Level 3~~ **Level 2** felony if:

(1) the amount of the drug involved is at least ten (10) ~~but less than twenty-eight (28)~~ grams; or

(2) the amount of the drug involved is at least ~~three (3)~~ **five (5)** but less than ten (10) grams and an enhancing circumstance applies.

~~(d) The offense is a Level 2 felony if:~~

~~(1) the amount of the drug involved is at least twenty-eight (28) grams; or~~

~~(2) the amount of the drug involved is at least ten (10) but less than twenty-eight (28) grams and an enhancing circumstance applies.~~

SECTION 95. IC 35-48-4-1.1, AS AMENDED BY P.L.158-2013, SECTION 623, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1.1. (a) A person who:

(1) knowingly or intentionally:

(A) manufactures;

(B) finances the manufacture of;

(C) delivers; or

(D) finances the delivery of;

methamphetamine, pure or adulterated; or

(2) possesses, with intent to:

(A) manufacture;

(B) finance the manufacture of;

(C) deliver; or

(D) finance the delivery of;

methamphetamine, pure or adulterated;

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

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

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

(1) the amount of the drug involved is at least ~~three (3)~~ **five (5)** but less than ten (10) grams; or

(2) the amount of the drug involved is less than ~~three (3)~~ **five (5)** grams and an enhancing circumstance applies.

~~(c)~~ **(e)** The offense is a ~~Level 3~~ **Level 2** felony if:

(1) the amount of the drug involved is at least ten (10) ~~but less than twenty-eight (28)~~ grams; ~~or~~

(2) the amount of the drug involved is at least ~~three (3)~~ **five (5)** but less than ten (10) grams and an enhancing circumstance applies;

~~(d) The offense is a Level 2 felony if:~~

~~(1) the amount of the drug involved is at least twenty-eight (28) grams;~~

~~(2) the amount of the drug involved is at least ten (10) but less than twenty-eight (28) 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 96. IC 35-48-4-2, AS AMENDED BY P.L.158-2013, SECTION 624, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) A person who:

(1) knowingly or intentionally:

(A) manufactures;

(B) finances the manufacture of;

(C) delivers; or

(D) finances the delivery of;

a controlled substance, pure or adulterated, classified in schedule I, II, or III, except marijuana, hash oil, hashish, salvia, or a synthetic ~~cannabinoid;~~ **drug;** or

(2) possesses, with intent to:

(A) manufacture;

(B) finance the manufacture of;

(C) deliver; or

(D) finance the delivery of;

a controlled substance, pure or adulterated, classified in schedule I, II, or III, except marijuana, hash oil, hashish, salvia, or a synthetic ~~cannabinoid;~~ **drug;**

commits dealing in a schedule I, II, or III controlled substance, a ~~Level 5~~ **Level 6** felony, except as provided in subsections (b) through ~~(d).~~ **(f).**

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

~~(b)~~ **(c) The offense is a Level 5 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 4 felony if:

(1) the amount of the drug involved is at least ~~three (3)~~ **five (5)** but less than ten (10) grams; or

(2) the amount of the drug involved is less than ~~three (3)~~ **five (5)** grams and an enhancing circumstance applies.

~~(c)~~ **(e)** The offense is a Level 3 felony if:

(1) the amount of the drug involved is at least ten (10) but less than twenty-eight (28) grams; or

(2) the amount of the drug involved is at least ~~three (3)~~ **five (5)** but less than ten (10) grams and an enhancing circumstance applies.

~~(d)~~ **(f)** The offense is a Level 2 felony if:

(1) the amount of the drug involved is at least twenty-eight (28) grams; or

(2) the amount of the drug involved is at least ten (10) but less than twenty-eight (28) grams and an enhancing circumstance applies.

SECTION 97. IC 35-48-4-3, AS AMENDED BY P.L.158-2013, SECTION 625, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) A person who:

(1) knowingly or intentionally:

(A) manufactures;

(B) finances the manufacture of;

(C) delivers; or

(D) finances the delivery of;

a controlled substance, pure or adulterated, classified in schedule IV; or

(2) possesses, with intent to manufacture or deliver, a controlled substance, pure or adulterated, classified in schedule IV;

commits dealing in a schedule IV controlled substance, a ~~Level 6 felony~~ **Class A misdemeanor**, except as provided in subsections (b) through ~~(d).~~ **(f).**

(b) A person may be convicted of an offense under subsection (a)(2) only if there is evidence in addition to the weight of the drug that the person intended to manufacture or deliver the controlled substance.

~~(b)~~ **(c) The offense is a Level 6 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 5 felony if:

(1) the amount of the drug involved is at least ~~three (3)~~ **five (5)** but less than ten (10) grams; or

(2) the amount of the drug involved is less than ~~three (3)~~ **five (5)** grams and an enhancing circumstance applies.

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

(1) the amount of the drug involved is at least ten (10) but less than twenty-eight (28) grams; or

(2) the amount of the drug involved is at least ~~three (3)~~ **five (5)** but less than ten (10) grams and an enhancing circumstance applies.

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

(1) the amount of the drug involved is at least twenty-eight (28) grams; or

(2) the amount of the drug involved is at least ten (10) but less than twenty-eight (28) grams and an enhancing circumstance applies.

SECTION 98. IC 35-48-4-4, AS AMENDED BY P.L.158-2013, SECTION 626, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) A person who:

(1) knowingly or intentionally:

(A) manufactures;

(B) finances the manufacture of;

(C) delivers; or

(D) finances the delivery of;

a controlled substance, pure or adulterated, classified in schedule V; or

(2) possesses, with intent to:

(A) manufacture;

(B) finance the manufacture of;

(C) deliver; or

(D) finance the delivery of;

a controlled substance, pure or adulterated, classified in schedule V;

commits dealing in a schedule V controlled substance, a ~~Class A~~ **Class B** misdemeanor, except as provided in subsections (b) through ~~(d).~~ **(f).**

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

~~(b)~~ **(c) The offense is a Class A misdemeanor 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 6 felony if:

(1) the amount of the drug involved is at least ~~three (3)~~ **five (5)** but less than ten (10) grams; or

(2) the amount of the drug involved is less than ~~three (3)~~ **five (5)** grams and an enhancing circumstance applies.

~~(c)~~ **(e)** The offense is a Level 5 felony if:

(1) the amount of the drug involved is at least ten (10) but less than twenty-eight (28) grams; or

(2) the amount of the drug involved is at least ~~three (3)~~ **five (5)** but less than ten (10) grams and an enhancing circumstance applies.

~~(d)~~ **(f)** The offense is a Level 4 felony if:

(1) the amount of the drug involved is at least twenty-eight (28) grams; or

(2) the amount of the drug involved is at least ten (10) but less than twenty-eight (28) grams and an enhancing circumstance applies.

SECTION 99. IC 35-48-4-4.6, AS AMENDED BY P.L.158-2013, SECTION 629, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4.6. (a) A person who knowingly or intentionally:

(1) manufactures;

(2) finances the manufacture of;

(3) advertises;

(4) distributes; or

(5) possesses with intent to manufacture, finance the manufacture of, advertise, or distribute;

a substance described in section 4.5 of this chapter commits a Level 5 felony.

(b) A person may be convicted of an offense under subsection (a)(5) only if there is evidence in addition to the weight of the substance that the person intended to manufacture, finance the manufacture of, advertise, or distribute the substance.

~~(b)~~ **(c)** A person who knowingly or intentionally possesses a substance described in section 4.5 of this chapter commits a Class C misdemeanor. However, the offense is a Class A misdemeanor if the person has a previous conviction under this section.

~~(c)~~ **(d)** In any prosecution brought under this section it is not a defense that the person believed the substance actually was a controlled substance.

~~(d)~~ **(e)** This section does not apply to the following:

(1) The manufacture, financing the manufacture of, processing, packaging, distribution, or sale of noncontrolled substances to licensed medical practitioners for use as placebos in professional practice or research.

(2) Persons acting in the course and legitimate scope of their employment as law enforcement officers.

(3) The retention of production samples of noncontrolled substances produced before September 1, 1986, where such samples are required by federal law.

SECTION 100. IC 35-48-4-5, AS AMENDED BY P.L.158-2013, SECTION 630, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. A person who:

(1) knowingly or intentionally:

(A) creates;

(B) delivers; or

(C) finances the delivery of;

a counterfeit substance; or

(2) possesses, with intent to:

(A) deliver; or

(B) finance the delivery of;

a counterfeit substance;

commits dealing in a counterfeit substance, a Level 6 felony. **However, a person may be convicted of an offense under subsection (a)(2) only if there is evidence in addition to the weight of the counterfeit substance that the person intended to deliver or finance the delivery of the counterfeit substance.**

SECTION 101. IC 35-48-4-6, AS AMENDED BY P.L.158-2013, SECTION 631, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) A person who, without a valid prescription or order of a practitioner acting in the course of the practitioner's professional practice, knowingly or intentionally possesses cocaine (pure or adulterated) or a narcotic drug (pure or adulterated) classified in schedule I or II, commits possession of cocaine or a narcotic drug, a Level 6 felony, except as provided in subsections (b) through (d).

(b) The offense is a Level 5 felony if:

(1) the amount of the drug involved is at least ~~three (3)~~ **five (5)** but less than ten (10) grams; or

(2) the amount of the drug involved is less than ~~three (3)~~ **five (5)** grams and an enhancing circumstance applies.

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

(1) the amount of the drug involved is at least ten (10) but less than twenty-eight (28) grams; or

(2) the amount of the drug involved is at least ~~three (3)~~ **five (5)** but less than ten (10) grams and an enhancing circumstance applies.

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

(1) the amount of the drug involved is at least twenty-eight (28) grams; or

(2) the amount of the drug involved is at least ten (10) but less than twenty-eight (28) grams and an enhancing circumstance applies.

SECTION 102. IC 35-48-4-6.1, AS AMENDED BY P.L.158-2013, SECTION 632, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6.1. (a) A person who, without a valid prescription or order of a practitioner acting in the course of the practitioner's professional practice, knowingly or intentionally possesses methamphetamine (pure or adulterated) commits possession of methamphetamine, a Level 6 felony, except as provided in subsections (b) through (d).

(b) The offense is a Level 5 felony if:

(1) the amount of the drug involved is at least ~~three (3)~~ **five (5)** but less than ten (10) grams; or

(2) the amount of the drug involved is less than ~~three (3)~~ **five (5)** grams and an enhancing circumstance applies.

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

(1) the amount of the drug involved is at least ten (10) but less than twenty-eight (28) grams; or

(2) the amount of the drug involved is at least ~~three (3)~~ **five (5)** but less than ten (10) grams and an enhancing circumstance applies.

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

(1) the amount of the drug involved is more than twenty-eight (28) grams; or

(2) the amount of the drug involved is at least ten (10) but less than twenty-eight (28) grams and an enhancing circumstance applies.

SECTION 103. IC 35-48-4-10, AS AMENDED BY P.L.196-2013, SECTION 21, AND AS AMENDED BY P.L.158-2013, SECTION 637, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. (a) A person who:

(1) knowingly or intentionally:

(A) manufactures;

(B) finances the manufacture of;

(C) delivers; or

(D) finances the delivery of;

marijuana, hash oil, hashish, *or* salvia, ~~*or a synthetic drug,*~~ pure or adulterated; or

(2) possesses, with intent to:

(A) manufacture;

(B) finance the manufacture of;

(C) deliver; or

(D) finance the delivery of;

marijuana, hash oil, hashish, *or* salvia, ~~*or a synthetic drug,*~~ pure or adulterated;

commits dealing in marijuana, hash oil, hashish, *or* salvia, ~~*or a synthetic drug,*~~ a Class A misdemeanor, except as provided in ~~*subsection*~~ *subsections* (b) *through* ~~*(c).*~~ **(d).**

~~*(b) The offense is:*~~

~~*(1) a Class D felony if:*~~

~~*(A) the recipient or intended recipient is under eighteen (18) years of age;*~~

~~*(B) the amount involved is:*~~

~~*(i) more than thirty (30) grams but less than ten (10) pounds of marijuana or more than two (2) grams but less than three hundred (300) grams of hash oil, hashish, or salvia; or*~~

~~*(ii) more than two (2) grams of a synthetic drug; or*~~

~~*(C) the person has a prior conviction of an offense involving marijuana, hash oil, hashish, salvia, or a synthetic drug; and*~~

~~*(2) a Class C felony if:*~~

~~*(A) the amount involved is ten (10) pounds or more of marijuana or three hundred (300) or more grams of hash oil, hashish, or salvia, or the person delivered or financed the delivery of marijuana, hash oil, hashish, or salvia;*~~

~~(i) on a school bus; or~~
~~(ii) in, on, or within one thousand (1,000) feet of, school property, a public park, a family housing complex, or a youth program center; or~~
~~(B) the amount involved is more than two (2) grams of a synthetic drug and the person delivered or financed the delivery of the synthetic drug:~~
~~(i) on a school bus; or~~
~~(ii) in, on, or within one thousand (1,000) feet of school property, a public park, a family housing complex, or a youth program center:~~

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

~~(b)~~ **(c)** *The offense is a Level 6 felony if:*
(1) the person has a prior conviction for a drug offense and the amount of the drug involved is:
(A) less than thirty (30) grams of marijuana; or
(B) less than ~~*two (2)*~~ **five (5)** *grams of hash oil, hashish,* **or** *salvia;* ~~*or a synthetic drug;*~~ *or*
(2) the amount of the drug involved is:
(A) at least thirty (30) grams but less than ten (10) pounds of marijuana; or
(B) at least ~~*two (2)*~~ **five (5)** *grams but less than three hundred (300) grams of hash oil, hashish,* **or** *salvia.* ~~*or a synthetic drug.*~~

~~(c)~~ **(d)** *The offense is a Level 5 felony if:*
(1) the person has a prior conviction for a drug dealing offense and the amount of the drug involved is:
(A) at least thirty (30) grams but less than ten (10) pounds of marijuana; or
(B) at least ~~*two (2)*~~ **five (5)** *grams but less than three hundred (300) grams of hash oil, hashish,* **or** *salvia;* ~~*or a synthetic drug;*~~ *or*
(2) the:
(A) amount of the drug involved is:
(i) at least ten (10) pounds of marijuana; or
(ii) at least three hundred (300) grams of hash oil, hashish, **or** *salvia;* ~~*or a synthetic drug;*~~ *or*
(B) offense involved a sale to a minor.

SECTION 104. IC 35-48-4-10.5, AS ADDED BY P.L.196-2013, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10.5. (a) A person who:
(1) manufactures;
(2) finances the manufacture of;
(3) delivers;
(4) finances the delivery of;
(5) possesses, with intent to deliver; or
(6) possesses, with intent to finance the delivery of;
a synthetic drug or a synthetic drug lookalike substance commits dealing in a synthetic drug or synthetic drug lookalike substance, a Class A infraction. However, the offense is a ~~Class D~~ **Level 6** felony if the offense is committed knowingly or intentionally and the person has a prior unrelated judgment or conviction under this subsection.

(b) A person may be adjudicated or convicted of an infraction or offense under subsection (a)(5) or (a)(6) only if there is evidence in addition to the weight of the synthetic drug or synthetic drug lookalike substance that the person intended to deliver or finance the delivery of the synthetic drug or synthetic drug lookalike substance.

~~(b)~~ **(c)** A person who:
(1) knowingly or intentionally:
(A) manufactures;
(B) finances the manufacture of;
(C) delivers; or
(D) finances the delivery of;
a synthetic drug or synthetic drug lookalike substance; or
(2) possesses, with intent to:
(A) manufacture;
(B) finance the manufacture of;
(C) deliver; or
(D) finance the delivery of;
a synthetic drug or synthetic drug lookalike substance;
commits dealing in a synthetic drug or synthetic drug lookalike substance, a Class A misdemeanor, except as provided in ~~subsection~~ **subsections (d) through (e).** ~~(c).~~

(d) A person may be convicted of an offense under subsection (c)(2) only if there is evidence in addition to the weight of the synthetic drug or synthetic drug lookalike substance that the person intended to manufacture, finance the manufacture of, deliver, or finance the delivery of the synthetic drug or synthetic drug lookalike substance.

~~(c)~~ **(e)** The offense in subsection ~~(b)~~ **(c)** is:
(1) a ~~Class D~~ **Level 6** felony if:
(A) the recipient or intended recipient is less than eighteen (18) years of age;
(B) the amount involved is more than ~~two (2)~~ **five (5)** grams; or
(C) the person has a prior conviction of an offense involving a synthetic drug or synthetic drug lookalike substance; and
(2) a ~~Class C~~ **Level 5** felony if the amount involved is more than ~~two (2)~~ **five (5)** grams and the person delivered or financed the delivery of the synthetic drug or synthetic drug lookalike substance:
(A) on a school bus; or
(B) in, on, or within five hundred (500) feet of:
(i) school property; or
(ii) a public park;
while a person under eighteen (18) years of age was reasonably expected to be present.

~~(d)~~ **(f)** In addition to a criminal or civil penalty imposed for a violation of this section, if the court finds that a person has violated this section and the violation involved the sale of or offer to sell, in the normal course of business, a synthetic drug or a synthetic drug lookalike substance by a retail merchant in a place of business for which the retail merchant has been issued a registered retail merchant certificate, the court:
(1) shall recommend the suspension of the registered retail merchant certificate for the place of business for one (1) year if the person's violation of this section resulted in a criminal conviction; and
(2) may recommend the suspension of the registered retail merchant certificate for the place of business for six (6) months if the person's violation of this section resulted in an adjudication that the person committed an infraction.

~~(e)~~ **(g)** The department of state revenue shall suspend the registered retail merchant certificate of a retail merchant in accordance with the recommendation of the court. Whenever the department of state revenue is required to suspend a retail merchant's registered retail merchant certificate under this section, the department shall immediately mail a notice to the retail merchant's address that must state that the retail merchant's registered retail merchant certificate will be suspended for the period recommended by the court, commencing five (5) days after the date of the notice.

SECTION 105. IC 35-48-4-11, AS AMENDED BY P.L.196-2013, SECTION 23, AND AS AMENDED BY P.L.158-2013, SECTION 638, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. *(a)* A person who:
(1) knowingly or intentionally possesses (pure or adulterated) marijuana, hash oil, hashish, *or* salvia; ~~or a synthetic drug;~~
(2) knowingly or intentionally grows or cultivates marijuana; or

(3) knowing that marijuana is growing on the person's premises, fails to destroy the marijuana plants;

commits possession of marijuana, hash oil, hashish, *or* salvia, ~~*or a synthetic drug,*~~ a ~~*Class A*~~ *Class B* misdemeanor, *except as provided in subsections (b) through (c).* ~~*However, the offense is a Class D felony if the amount involved is more than thirty (30) grams of marijuana or two (2) grams of hash oil, hashish, or salvia, or a synthetic drug, or if the person has a prior conviction of an offense involving marijuana, hash oil, or hashish, or salvia, or a synthetic drug.*~~

(b) The offense described in subsection (a) is a Class A misdemeanor if the person has a prior conviction for a drug offense.

(c) The offense described in subsection (a) is a Level 6 felony if:

(1) the person has a prior conviction for a drug offense; and

(2) the person possesses:

(A) at least thirty (30) grams of marijuana; or

(B) at least two (2) grams of hash oil, hashish, or salvia;

in any thirty (30) day period. ~~*or a synthetic drug.*~~

SECTION 106. IC 35-48-4-11.5, AS ADDED BY P.L.185-2013, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11.5. (a) As used in this section, "synthetic drug lookalike substance" has the meaning set forth in IC 35-31.5-2-321.5(a)(2).

(b) A person who possesses a synthetic drug or synthetic drug lookalike substance commits possession of a synthetic drug or synthetic drug lookalike substance, a Class B infraction.

(c) A person who knowingly or intentionally possesses a synthetic drug or synthetic drug lookalike substance commits possession of a synthetic drug or synthetic drug lookalike substance, a Class A misdemeanor. However, the offense is a ~~Class D~~ **Level 6** felony if the person has a prior unrelated conviction under this section or under section 10.5 of this chapter.

SECTION 107. IC 35-48-4-12, AS AMENDED BY P.L.196-2013, SECTION 25, AND AS AMENDED BY P.L.158-2013, SECTION 639, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. If a person who has no prior conviction of an offense under this article or under a law of another jurisdiction relating to controlled substances pleads guilty to possession of marijuana, hashish, salvia, or a synthetic drug *or* **a** *synthetic drug lookalike substance* as a ~~*Class A*~~ misdemeanor, the court, without entering a judgment of conviction and with the consent of the person, may defer further proceedings and place the person in the custody of the court under ~~*such*~~ conditions ~~*as*~~ *determined by* the court. ~~*determines.*~~ Upon violation of a condition of the custody, the court may enter a judgment of conviction. However, if the person fulfills the conditions of the custody, the court shall dismiss the charges against the person. There may be only one (1) dismissal under this section with respect to a person.

SECTION 108. IC 35-48-4-14.5, AS AMENDED BY P.L.193-2013, SECTION 7, AND AS AMENDED BY P.L.158-2013, SECTION 643, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: 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 ~~*Class D*~~ *Level 6* felony. However, the offense is a ~~*Class C*~~ *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 ~~*one thousand (1,000)*~~ *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 family housing complex; or*~~

~~*(D) a youth program center.*~~

(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 ~~*Class D*~~ *Level 6* felony. However, the offense is a ~~*Class C*~~ *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 ~~*one thousand (1,000)*~~ *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 family housing complex; or*~~

~~*(D) a youth program center.*~~

(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 ~~*Class D*~~ *Level 6* felony.

(f) An offense under subsection (e) is a ~~*Class C*~~ *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 ~~*one thousand (1,000)*~~ *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 family housing complex; or*~~

~~*(D) a youth program center.*~~

(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 ~~*Class D*~~ *Level 6* felony. *However, the offense is a* ~~*Class C*~~ **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) 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 offender, a ~~*Class D*~~ **Level 6** *felony.*

SECTION 109. IC 35-49-3-1, AS AMENDED BY P.L.214-2013, SECTION 41, AND AS AMENDED BY P.L.158-2013, SECTION 646, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. A person who knowingly or intentionally:

(1) sends or brings into Indiana obscene matter for sale or distribution; or

(2) offers to distribute, distributes, or exhibits to another person obscene matter;

commits a Class A misdemeanor. However, the offense is a ~~*Class D*~~ *Level 6* felony if the obscene matter depicts or describes sexual conduct involving any person who is or appears to be under ~~*sixteen (16)*~~ *eighteen (18)* years of age.

SECTION 110. IC 35-49-3-2, AS AMENDED BY P.L.214-2013, SECTION 42, AND AS AMENDED BY P.L.158-2013, SECTION 647, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. A person who knowingly or intentionally engages in, participates in, manages, produces, sponsors, presents, exhibits, photographs, films, or videotapes any obscene performance commits a Class A misdemeanor. However, the offense is a ~~*Class D*~~ *Level 6* felony if the obscene performance depicts or describes sexual conduct involving any person who is or appears to be under ~~*sixteen (16)*~~ *eighteen (18)* years of age.

SECTION 111. IC 35-50-1-2, AS AMENDED BY P.L.214-2013, SECTION 43, AND AS AMENDED BY P.L.158-2013, SECTION 650, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) As used in this section, "crime of violence" means the following:

(1) Murder (IC 35-42-1-1).

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

(3) Voluntary manslaughter (IC 35-42-1-3).

(4) Involuntary manslaughter (IC 35-42-1-4).

(5) Reckless homicide (IC 35-42-1-5).

(6) Aggravated battery (IC 35-42-2-1.5).

(7) Kidnapping (IC 35-42-3-2).

(8) Rape (IC 35-42-4-1).

(9) Criminal deviate conduct (IC 35-42-4-2) ~~*(before its repeal on July 1, 2014). (repealed).*~~ **(before its repeal).**

(10) Child molesting (IC 35-42-4-3).

(11) Sexual misconduct with a minor as a ~~*Class A*~~ *Level 1* felony under IC 35-42-4-9(a)(2) or a ~~*Class B*~~ *Level 2* felony under IC 35-42-4-9(b)(2).

(12) Robbery as a ~~*Class A*~~ *Level 2* felony or a ~~*Class B*~~ *Level 3* felony (IC 35-42-5-1).

(13) Burglary as a ~~*Class A*~~ **Level 1 felony,** *Level 2* felony, *Level 3 felony,* or ~~*Class B*~~ *Level 4* felony (IC 35-43-2-1).

(14) Operating a vehicle while intoxicated causing death (IC 9-30-5-5).

(15) Operating a vehicle while intoxicated causing serious bodily injury to another person (IC 9-30-5-4).

(16) Resisting law enforcement as a felony. (IC 35-44.1-3-1).

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

(c) Except as provided in subsection (d) or (e), the court shall determine whether terms of imprisonment shall be served concurrently or consecutively. The court may consider the:

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

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

in making a determination under this subsection. The court may order terms of imprisonment to be served consecutively even if the sentences are not imposed at the same time. However, except for crimes of violence, the total of the consecutive terms of imprisonment, exclusive of terms of imprisonment under IC 35-50-2-8 and IC 35-50-2-10 **(before its repeal)** to which the defendant is sentenced for felony convictions arising out of an episode of criminal conduct shall not exceed the advisory sentence for a felony which is one (1) class of felony higher than the most serious of the felonies for which the person has been convicted.

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

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

(2) while the person is released:

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

(B) on bond;

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

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

SECTION 112. IC 35-50-2-0.1, AS AMENDED BY P.L.158-2013, SECTION 651, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 0.1. The following amendments to this chapter apply as follows:

(1) The amendments described in section 0.2 of this chapter apply as described in section 0.2 of this chapter.

(2) The amendments made to sections 3 and 9 of this chapter by P.L.332-1987 do not apply to a case in which a death sentence has been imposed before September 1, 1987.

(3) The amendments made to sections 3 and 9 of this chapter by P.L.250-1993 apply only to murders committed after June 30, 1993.

(4) The amendments made to section 2 of this chapter by P.L.11-1994 **(before the repeal of section 2 of this chapter)** apply only to an offender (as defined in IC 5-2-12-4, as added by P.L.11-1994 and before its repeal) convicted after June 30, 1994.

(5) The amendments made to section 8 of this chapter by P.L.166-2001 apply only if the offense for which the state seeks to have the person sentenced as a habitual offender was committed after June 30, 2001.

(6) The amendments made to section 1 of this chapter by P.L.243-2001 apply to crimes committed on and after May 11, 2001. It is the intent of the general assembly that section 1 of this chapter, as it applies to crimes committed before May 11, 2001, be construed without drawing any inference from the passage of P.L.243-2001.

(7) The amendments made to section 8(b)(3) of this chapter by P.L.291-2001) (before its deletion on July 1, 2014) apply only if the last offense for which the state seeks to have the person sentenced as a habitual offender was committed after June 30, 2001.

(8) The amendments made to section 10 of this chapter by P.L.291-2001 **(before the repeal of section 10 of this chapter)** apply only if the last offense for which the state seeks to have the person sentenced as a habitual substance offender was committed after June 30, 2001. However, a prior unrelated conviction committed before, on, or after July 1, 2001, may be used to qualify an offender as a habitual offender under section 8 of this chapter or as a habitual substance offender under section 10 of this chapter.

(9) The amendments made to section 1 of this chapter by P.L.291-2001 apply to crimes committed on and after May 11, 2001. It is the intent of the general assembly that section 1 of this chapter, as it applies to crimes committed before May 11, 2001, be construed without drawing any inference from the passage of P.L.291-2001.

(10) The amendments made to section 9 of this chapter by P.L.80-2002 apply only to a conviction for murder that occurs after March 20, 2002, including a conviction entered as a result of a retrial of a person, regardless of when the offense occurred.

SECTION 113. IC 35-50-2-1.3, AS AMENDED BY P.L.178-2007, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1.3. (a) For purposes of sections 3 through 7 of this chapter, "advisory sentence" means a guideline sentence that the court may voluntarily consider ~~as the midpoint between the maximum sentence and the minimum~~ **when imposing a** sentence.

(b) Except as provided in subsection (c), a court is not required to use an advisory sentence.

(c) In imposing:

(1) consecutive sentences for felony convictions that are not crimes of violence (as defined in IC 35-50-1-2(a)) arising out of an episode of criminal conduct, in accordance with IC 35-50-1-2; **or**

~~(2) an additional fixed term to an habitual offender under section 8 of this chapter; or~~

~~(3)~~ **(2)** an additional fixed term to a repeat sexual offender under section 14 of this chapter;

a court is required to use the appropriate advisory sentence in imposing a consecutive sentence or an additional fixed term. However, the court is not required to use the advisory sentence in imposing the sentence for the underlying offense.

(d) This section does not require a court to use an advisory sentence in imposing consecutive sentences for felony convictions that do not arise out of an episode of criminal conduct.

SECTION 114. IC 35-50-2-2.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2.1. (a) Except as provided in subsection (b), ~~or section 2 of this chapter,~~ the court may not suspend a sentence for a felony for a person with a juvenile record when:

(1) the juvenile record includes findings that the juvenile acts, if committed by an adult, would constitute:

(A) one (1) Class A or Class B felony;

(B) two (2) Class C or Class D felonies; ~~or~~

(C) one (1) Class C and one (1) Class D felony;

(D) one (1) Level 1, Level 2, Level 3, or Level 4 felony;

(E) two (2) Level 5 or Level 6 felonies; or

(F) one (1) Level 5 and one (1) Level 6 felony; and

(2) less than three (3) years have elapsed between commission of the juvenile acts that would be felonies if committed by an adult and the commission of the felony for which the person is being sentenced.

(b) Notwithstanding subsection (a), the court may suspend any part of the sentence for a felony ~~except as provided in section 2 of this chapter,~~ if it finds that:

(1) the crime was the result of circumstances unlikely to recur;

(2) the victim of the crime induced or facilitated the offense;

(3) there are substantial grounds tending to excuse or justify the crime, though failing to establish a defense; or

(4) the acts in the juvenile record would not be Class A, ~~or~~ Class B, **Level 1, Level 2, Level 3, or Level 4** felonies if committed by an adult, and the convicted person is to undergo home detention under IC 35-38-1-21 instead of the minimum sentence specified for the crime under this chapter.

SECTION 115. IC 35-50-2-2.2, AS ADDED BY P.L.158-2013, SECTION 654, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2.2. (a) Except as provided in subsection (b) or (c) the court may suspend any part of a sentence for a felony.

(b) If a person is convicted of ~~a Level 1 felony or~~ 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 1~~ **Level 2** felony; or

(2) ~~Level 2~~ **Level 3** felony.

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

SECTION 116. IC 35-50-2-4, AS AMENDED BY P.L.158-2013, SECTION 655, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. **(a)** A person who commits a Class A felony (for a crime committed before July 1, 2014) ~~or a Level 1 felony (for a crime committed after June 30, 2014)~~ shall be imprisoned for a fixed term of between twenty (20) and fifty (50) years, with the advisory sentence being thirty (30) years. In addition, the person may be fined not more than ten thousand dollars ($10,000).

(b) A person who commits a Level 1 felony (for a crime committed after June 30, 2014) shall be imprisoned for a fixed term of between twenty (20) and forty (40) years, with the advisory sentence being thirty (30) years. In addition, the person may be fined not more than ten thousand dollars ($10,000).

SECTION 117. IC 35-50-2-5, AS AMENDED BY P.L.158-2013, SECTION 657, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) A person who commits a Class B felony (for a crime committed before July 1, 2014) shall be imprisoned for a fixed term of between six (6) and twenty (20) years, with the advisory sentence being ten (10) years. In addition, the person may be fined not more than ten thousand dollars ($10,000).

(b) A person who commits a Level 3 felony (for a crime committed after June 30, 2014) shall be imprisoned for a fixed term of between three (3) and ~~twenty (20)~~ **sixteen (16)** years, with the advisory sentence being ~~six (6)~~ **nine (9)** years. In addition, the person may be fined not more than ten thousand dollars ($10,000).

SECTION 118. IC 35-50-2-5.5, AS ADDED BY P.L.158-2013, SECTION 658, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5.5. A person who commits a Level 4 felony shall be imprisoned for a fixed term of between two (2) and twelve (12) years, with the advisory sentence being ~~four (4)~~ **six (6)** years. In addition, the person may be fined not more than ten thousand dollars ($10,000).

SECTION 119. IC 35-50-2-6, AS AMENDED BY SEA 63-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) A person who commits a Class C felony (for a crime committed before July 1, 2014) shall be imprisoned for a fixed term of between two (2) and eight (8) years, with the advisory sentence being four (4) years. In addition, the person may be fined not more than ten thousand dollars ($10,000).

(b) A person who commits a Level 5 felony (for a crime committed after June 30, 2014) shall be imprisoned for a fixed term of between one (1) and six (6) years, with the advisory sentence being ~~two (2)~~ **three (3)** years. In addition, the person may be fined not more than ten thousand dollars ($10,000).

(c) Notwithstanding subsections (a) and (b), if a person commits nonsupport of a child as a Class C felony (for a crime committed before July 1, 2014) or a Level 5 felony (for a crime committed after June 30, 2014) under IC 35-46-1-5, the sentencing court may convert the Class C felony conviction to a Class D felony conviction or a Level 5 felony conviction to a Level 6 felony conviction if, after receiving a verified petition as described in subsection (d) and after conducting a hearing in which the prosecuting attorney has been notified, the court makes the following findings:

(1) The person has successfully completed probation as required by the person's sentence.

(2) The person has satisfied other obligations imposed on the person as required by the person's sentence.

(3) The person has paid in full all child support arrearages due that are named in the information and no further child support arrearage is due.

(4) The person has not been convicted of another felony since the person was sentenced for the underlying nonsupport of a child felony.

(5) There are no criminal charges pending against the person.

(d) A petition filed under subsection (c) must be verified and set forth the following:

(1) A statement that the person was convicted of nonsupport of a child under IC 35-46-1-5.

(2) The date of the conviction.

(3) The date the person completed the person's sentence.

(4) The amount of the child support arrearage due at the time of conviction.

(5) The date the child support arrearage was paid in full.

(6) A verified statement that no further child support arrearage is due.

(7) Any other obligations imposed on the person as part of the person's sentence.

(8) The date the obligations were satisfied.

(9) A verified statement that there are no criminal charges pending against the person.

(e) A person whose conviction has been converted to a lower penalty under this section is eligible to seek expungement under IC 35-38-9-3 with the date of conversion used as the date of conviction to calculate time frames under IC 35-38-9.

SECTION 120. IC 35-50-2-7, AS AMENDED BY P.L.159-2013, SECTION 5, AND AS AMENDED BY P.L.158-2013, SECTION 660, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) A person who commits a Class D felony *(for a crime committed before July 1, 2014)* shall be imprisoned for a fixed term of between six (6) months and three (3) years, with the advisory sentence being one and one-half (1 1/2) years. In addition, the person may be fined not more than ten thousand dollars ($10,000).

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

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

(1) the court finds that:

(A) the person has committed a prior, unrelated felony for which judgment was entered as a conviction of a Class A misdemeanor; and

(B) the prior felony was committed less than three (3) years before the second felony was committed;

(2) the offense is domestic battery as a Class D felony *(for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014)* under IC 35-42-2-1.3; or

(3) the offense is possession of child pornography (IC 35-42-4-4(c)).

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

~~*(c)*~~ *(d)* Notwithstanding ~~*subsection*~~ *subsections* (a) *and (b),* the sentencing court may convert a Class D felony conviction *(for a crime committed before July 1, 2014) or a Level 6 felony conviction (for a crime committed after June 30, 2014)* to a Class A misdemeanor conviction if, after receiving a verified

petition as described in subsection ~~(d)~~ *(e)* and after conducting a hearing of which the prosecuting attorney has been notified, the court makes the following findings:

(1) The person is not a sex or violent offender (as defined in IC 11-8-8-5).

(2) The person was not convicted of a Class D felony *(for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014)* that resulted in bodily injury to another person.

(3) The person has not been convicted of perjury under IC 35-44.1-2-1 (or IC 35-44-2-1 before its repeal) or official misconduct under IC 35-44.1-1-1 (or IC 35-44-1-2 before its repeal).

(4) At least three (3) years have passed since the person:

(A) completed the person's sentence; and

(B) satisfied any other obligation imposed on the person as part of the sentence;

for the Class D *or Level 6* felony.

(5) The person has not been convicted of a felony since the person:

(A) completed the person's sentence; and

(B) satisfied any other obligation imposed on the person as part of the sentence;

for the *Class D or Level 6* felony.

(6) No criminal charges are pending against the person.

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

(1) the crime the person has been convicted of;

(2) the date of the conviction;

(3) the date the person completed the person's sentence;

(4) any obligations imposed on the person as part of the sentence;

(5) the date the obligations were satisfied; and

(6) a verified statement that there are no criminal charges pending against the person.

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

SECTION 121. IC 35-50-2-8, AS AMENDED BY P.L.158-2013, SECTION 661, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) The state may seek to have a person sentenced as a habitual offender for a felony by alleging, on one (1) or more pages separate from the rest of the charging instrument, that the person has accumulated the required number of prior unrelated felony convictions in accordance with this section.

(b) A person convicted of murder or of a Level 1 through Level 4 felony is a habitual offender if the state proves beyond a reasonable doubt that:

(1) the person has been convicted of two (2) prior unrelated felonies; and

(2) at least one (1) of the prior unrelated felonies is not a Level 6 felony or a Class D felony.

(c) A person convicted of a Level 5 felony is a habitual offender if the state proves beyond a reasonable doubt that:

(1) the person has been convicted of two (2) prior unrelated felonies;

(2) at least one (1) of the prior unrelated felonies is not a Level 6 felony or a Class D felony; and

(3) if the person is alleged to have committed a prior unrelated:

(A) Level 5 felony;

(B) Level 6 felony;

(C) Class C felony; or

(D) Class D felony;

not more than ten (10) years have elapsed between the time the person was released from imprisonment, probation, or parole (whichever is latest) and the time the person committed the current offense.

(d) A person convicted of a Level 6 felony is a habitual offender if the state proves beyond a reasonable doubt that:

(1) the person has been convicted of three (3) prior unrelated felonies; and

(2) if the person is alleged to have committed a prior unrelated:

(A) Level 5 felony;

(B) Level 6 felony;

(C) Class C felony; or

(D) Class D felony;

not more than ten (10) years have elapsed between the time the person was released from imprisonment, probation, or parole (whichever is latest) and the time the person committed the current offense.

(e) The state may not seek to have a person sentenced as a habitual offender for a felony offense under this section if the current offense is a misdemeanor that is enhanced to a felony in the same proceeding as the habitual offender proceeding solely because the person had a prior unrelated conviction. However, a prior unrelated felony conviction may be used to support a habitual offender determination even if the sentence for the prior unrelated offense was enhanced for any reason, including an enhancement because the person had been convicted of another offense.

(f) A person has accumulated two (2) or three (3) prior unrelated felony convictions for purposes of this section only if:

(1) the second prior unrelated felony conviction was committed after commission of and sentencing for the first prior unrelated felony conviction;

(2) the offense for which the state seeks to have the person sentenced as a habitual offender was committed after commission of and sentencing for the second prior unrelated felony conviction; and

(3) for a conviction requiring proof of three (3) prior unrelated felonies, the third prior unrelated felony conviction was committed after commission of and sentencing for the second prior unrelated felony conviction.

(g) A conviction does not count for purposes of this section as a prior unrelated felony conviction if:

(1) the conviction has been set aside; or

(2) the conviction is one for which the person has been pardoned.

(h) If the person was convicted of the felony in a jury trial, the jury shall reconvene for the sentencing hearing. If the trial was to the court or the judgment was entered on a guilty plea, the court alone shall conduct the sentencing hearing under IC 35-38-1-3. The role of the jury is to determine whether the defendant has been convicted of the unrelated felonies. The state or defendant may not conduct any additional interrogation or questioning of the jury during the habitual offender part of the trial.

(i) The court shall sentence a person found to be a habitual offender to an additional fixed term that is between:

(1) ~~zero (0)~~ **six (6) years** and twenty (20) years, for a person convicted of murder or a Level 1 through Level 4 felony; or

(2) ~~zero (0)~~ **two (2) years** and six (6) years, for a person convicted of a Level 5 or Level 6 felony.

An additional term imposed under this subsection is nonsuspendible.

(j) Habitual offender is a status that results in an enhanced sentence. It is not a separate crime and does not result in a consecutive sentence. The court shall attach the habitual offender enhancement to the felony conviction with the highest

sentence imposed and specify which felony count is being enhanced. If the felony enhanced by the habitual offender determination is set aside or vacated, the court shall resentence the person and apply the habitual offender enhancement to the felony conviction with the next highest sentence in the underlying cause, if any.

(k) A prior unrelated felony conviction may not be collaterally attacked during a habitual offender proceeding unless the conviction is constitutionally invalid.

(l) The procedural safeguards that apply to other criminal charges, including:

(1) the requirement that the charge be filed by information or indictment; and

(2) the right to an initial hearing;

also apply to a habitual offender allegation.

SECTION 122. IC 35-50-2-9, AS AMENDED BY P.L.158-2013, SECTION 663, AND AS AMENDED BY P.L.214-2013, SECTION 45, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. (a) The state may seek either a death sentence or a sentence of life imprisonment without parole for murder by alleging, on a page separate from the rest of the charging instrument, the existence of at least one (1) of the aggravating circumstances listed in subsection (b). In the sentencing hearing after a person is convicted of murder, the state must prove beyond a reasonable doubt the existence of at least one (1) of the aggravating circumstances alleged. However, the state may not proceed against a defendant under this section if a court determines at a pretrial hearing under IC 35-36-9 that the defendant is an individual with mental retardation.

(b) The aggravating circumstances are as follows:

(1) The defendant committed the murder by intentionally killing the victim while committing or attempting to commit any of the following:

(A) Arson (IC 35-43-1-1).

(B) Burglary (IC 35-43-2-1).

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

(D) Criminal deviate conduct (IC 35-42-4-2) ~~(repealed).~~ **(before its repeal).**

(E) Kidnapping (IC 35-42-3-2).

(F) Rape (IC 35-42-4-1).

(G) Robbery (IC 35-42-5-1).

(H) Carjacking (IC 35-42-5-2) ~~*(repealed).*~~ **(before its repeal).**

(I) Criminal gang activity (IC 35-45-9-3).

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

(K) Criminal confinement (IC 35-42-3-3).

(2) The defendant committed the murder by the unlawful detonation of an explosive with intent to injure *a* person or damage property.

(3) The defendant committed the murder by lying in wait.

(4) The defendant who committed the murder was hired to kill.

(5) The defendant committed the murder by hiring another person to kill.

(6) The victim of the murder was a corrections employee, probation officer, parole officer, community corrections worker, home detention officer, fireman, judge, or law enforcement officer, and either:

(A) the victim was acting in the course of duty; or

(B) the murder was motivated by an act the victim performed while acting in the course of duty.

(7) The defendant has been convicted of another murder.

(8) The defendant has committed another murder, at any time, regardless of whether the defendant has been convicted of that other murder.

(9) The defendant was:

(A) under the custody of the department of correction;

(B) under the custody of a county sheriff;

(C) on probation after receiving a sentence for the commission of a felony; or

(D) on parole;

at the time the murder was committed.

(10) The defendant dismembered the victim.

(11) The defendant burned, mutilated, or tortured the victim while the victim was alive.

(12) The victim of the murder was less than twelve (12) years of age.

(13) The victim was a victim of any of the following offenses for which the defendant was convicted:

(A) Battery *committed before July 1, 2014,* as a Class D felony or as a Class C felony under IC 35-42-2-1 *or battery committed after June 30, 2014, as a Level 6 felony, a Level 5 felony,* **a Level 4 felony,** *or a Level 3 felony.*

(B) Kidnapping (IC 35-42-3-2).

(C) Criminal confinement (IC 35-42-3-3).

(D) A sex crime under IC 35-42-4.

(14) The victim of the murder was listed by the state or known by the defendant to be a witness against the defendant and the defendant committed the murder with the intent to prevent the person from testifying.

(15) The defendant committed the murder by intentionally discharging a firearm (as defined in IC 35-47-1-5):

(A) into an inhabited dwelling; or

(B) from a vehicle.

(16) The victim of the murder was pregnant and the murder resulted in the intentional killing of a fetus that has attained viability (as defined in IC 16-18-2-365).

(c) The mitigating circumstances that may be considered under this section are as follows:

(1) The defendant has no significant history of prior criminal conduct.

(2) The defendant was under the influence of extreme mental or emotional disturbance when the murder was committed.

(3) The victim was a participant in or consented to the defendant's conduct.

(4) The defendant was an accomplice in a murder committed by another person, and the defendant's participation was relatively minor.

(5) The defendant acted under the substantial domination of another person.

(6) The defendant's capacity to appreciate the criminality of the defendant's conduct or to conform that conduct to the requirements of law was substantially impaired as a result of mental disease or defect or of intoxication.

(7) The defendant was less than eighteen (18) years of age at the time the murder was committed.

(8) Any other circumstances appropriate for consideration.

(d) If the defendant was convicted of murder in a jury trial, the jury shall reconvene for the sentencing hearing. If the trial was to the court, or the judgment was entered on a guilty plea, the court alone shall conduct the sentencing hearing. The jury or the court may consider all the evidence introduced at the trial stage of the proceedings, together with new evidence presented at the sentencing hearing. The court shall instruct the jury concerning the statutory penalties for murder and any other offenses for which the defendant was convicted, the potential for consecutive or concurrent sentencing, and the availability of good time credit and clemency. The court shall instruct the jury that, in order for the jury to recommend to the court that the death penalty or life imprisonment without parole should be imposed, the jury must find at least one (1) aggravating circumstance beyond a reasonable doubt as described in subsection (l) and shall provide a special verdict form for each aggravating circumstance alleged. The defendant may present any additional evidence relevant to:

(1) the aggravating circumstances alleged; or

(2) any of the mitigating circumstances listed in subsection (c).

(e) For a defendant sentenced after June 30, 2002, except as provided by IC 35-36-9, if the hearing is by jury, the jury shall recommend to the court whether the death penalty or life imprisonment without parole, or neither, should be imposed. The jury may recommend:

(1) the death penalty; or

(2) life imprisonment without parole;

only if it makes the findings described in subsection (l). If the jury reaches a sentencing recommendation, the court shall sentence the defendant accordingly. After a court pronounces sentence, a representative of the victim's family and friends may present a statement regarding the impact of the crime on family and friends. The impact statement may be submitted in writing or given orally by the representative. The statement shall be given in the presence of the defendant.

(f) If a jury is unable to agree on a sentence recommendation after reasonable deliberations, the court shall discharge the jury and proceed as if the hearing had been to the court alone.

(g) If the hearing is to the court alone, except as provided by IC 35-36-9, the court shall:

(1) sentence the defendant to death; or

(2) impose a term of life imprisonment without parole;

only if it makes the findings described in subsection (l).

(h) If a court sentences a defendant to death, the court shall order the defendant's execution to be carried out not later than one (1) year and one (1) day after the date the defendant was convicted. The supreme court has exclusive jurisdiction to stay the execution of a death sentence. If the supreme court stays the execution of a death sentence, the supreme court shall order a new date for the defendant's execution.

(i) If a person sentenced to death by a court files a petition for post-conviction relief, the court, not later than ninety (90) days after the date the petition is filed, shall set a date to hold a hearing to consider the petition. If a court does not, within the ninety (90) day period, set the date to hold the hearing to consider the petition, the court's failure to set the hearing date is not a basis for additional post-conviction relief. The attorney general shall answer the petition for post-conviction relief on behalf of the state. At the request of the attorney general, a prosecuting attorney shall assist the attorney general. The court shall enter written findings of fact and conclusions of law concerning the petition not later than ninety (90) days after the date the hearing concludes. However, if the court determines that the petition is without merit, the court may dismiss the petition within ninety (90) days without conducting a hearing under this subsection.

(j) A death sentence is subject to automatic review by the supreme court. The review, which shall be heard under rules adopted by the supreme court, shall be given priority over all other cases. The supreme court's review must take into consideration all claims that the:

(1) conviction or sentence was in violation of the:

(A) Constitution of the State of Indiana; or

(B) Constitution of the United States;

(2) sentencing court was without jurisdiction to impose a sentence; and

(3) sentence:

(A) exceeds the maximum sentence authorized by law; or

(B) is otherwise erroneous.

If the supreme court cannot complete its review by the date set by the sentencing court for the defendant's execution under subsection (h), the supreme court shall stay the execution of the death sentence and set a new date to carry out the defendant's execution.

(k) A person who has been sentenced to death and who has completed state post-conviction review proceedings may file a written petition with the supreme court seeking to present new evidence challenging the person's guilt or the appropriateness of the death sentence if the person serves notice on the attorney general. The supreme court shall determine, with or without a hearing, whether the person has presented previously undiscovered evidence that undermines confidence in the conviction or the death sentence. If necessary, the supreme court may remand the case to the trial court for an evidentiary hearing to consider the new evidence and its effect on the person's conviction and death sentence. The supreme court may not make a determination in the person's favor nor make a decision to remand the case to the trial court for an evidentiary hearing without first providing the attorney general with an opportunity to be heard on the matter.

(l) Before a sentence may be imposed under this section, the jury, in a proceeding under subsection (e), or the court, in a proceeding under subsection (g), must find that:

(1) the state has proved beyond a reasonable doubt that at least one (1) of the aggravating circumstances listed in subsection (b) exists; and

(2) any mitigating circumstances that exist are outweighed by the aggravating circumstance or circumstances.

SECTION 123. IC 35-50-6-3, AS AMENDED BY P.L.158-2013, SECTION 667, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) This section applies to a person ~~convicted~~ **who commits an offense** before July 1, 2014.

(b) A person assigned to Class I earns one (1) day of credit time for each day the person is imprisoned for a crime or confined awaiting trial or sentencing.

(c) A person assigned to Class II earns one (1) day of credit time for every two (2) days the person is imprisoned for a crime or confined awaiting trial or sentencing.

(d) A person assigned to Class III earns no credit time.

(e) A person assigned to Class IV earns one (1) day of credit time for every six (6) days the person is imprisoned for a crime or confined awaiting trial or sentencing.

SECTION 124. IC 35-50-6-3.1, AS ADDED BY P.L.158-2013, SECTION 668, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3.1. (a) This section applies to a person ~~convicted~~ **who commits an offense** after June 30, 2014.

(b) A person assigned to Class A earns one (1) day of credit time for each day the person is imprisoned for a crime or confined awaiting trial or sentencing.

~~(b)~~ **(c)** A person assigned to ~~Class A~~ **Class B** earns one (1) day of credit time for every three (3) days the person is imprisoned for a crime or confined awaiting trial or sentencing.

~~(c)~~ **(d)** A person assigned to ~~Class B~~ **Class C** earns one (1) day of credit time for every six (6) days the person is imprisoned for a crime or confined awaiting trial or sentencing.

~~(d)~~ **(e)** A person assigned to ~~Class C~~ **Class D** earns no credit time.

SECTION 125. IC 35-50-6-3.3, AS AMENDED BY P.L.158-2013, SECTION 669, AND AS AMENDED BY P.L.214-2013, SECTION 46, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3.3. (a) In addition to any credit time a person earns under subsection (b) or section 3 of this chapter, a person earns credit time if the person:

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

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

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

(A) A general educational development (GED) diploma under IC 20-20-6 (before its repeal) or IC 22-4.1-18, if the person has not previously obtained a high school diploma.

(B) Except as provided in subsection ~~(n),~~ **(o),** a high school diploma, if the person has not previously

obtained a general educational development (GED) diploma.

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

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

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

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

(2) demonstrates a pattern consistent with rehabilitation; and

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

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

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

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

(D) A certificate of completion of a reformative program approved by the department of correction.

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

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

(1) Six (6) months for completion of a state of Indiana general educational development (GED) diploma under IC 20-20-6 (before its repeal) or IC 22-4.1-18.

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

(3) ~~*One*~~ *Not more than one* (1) year for completion of an ~~*associate's*~~ *associate* degree.

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

(5) Not more than a total of ~~*six (6) months*~~ *one (1) year* of credit, as determined by the department of correction, for the completion of one (1) or more career and technical *or vocational* education programs approved by the department of correction.

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

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

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

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

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

~~*(e)*~~ *(f)* Credit time earned by a person under this section is subtracted from the *release date that would otherwise apply to* ~~*period of imprisonment imposed on*~~ the person *by the sentencing court* after subtracting all other credit time earned by the person.

~~*(f)*~~ *(g)* A person does not earn credit time under subsection (a) unless the person completes at least a portion of the degree requirements after June 30, 1993.

~~*(g)*~~ *(h)* A person does not earn credit time under subsection (b) unless the person completes at least a portion of the program requirements after June 30, 1999.

~~*(h)*~~ *(i)* Credit time earned by a person under subsection (a) for a diploma or degree completed before July 1, 1999, shall be subtracted from:

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

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

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

(B) Criminal deviate conduct (IC 35-42-4-2) ~~(repealed).~~ **(before its repeal).**

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

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

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

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

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

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

(i) Class A felony, Class B felony, or Class C felony ~~*(IC 35-42-4-9);*~~ *for a crime committed before July 1, 2014; or*

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

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

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

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

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

(M) An attempt or a conspiracy to commit a crime listed in clauses (A) through (L).

~~*(i)*~~ *(j)* The maximum amount of credit time a person may earn under this section is the lesser of:

(1) ~~*four (4)*~~ *two (2)* years; or

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

~~*(j)*~~ *(k)* Credit time earned under this section by an offender serving a sentence for a felony against a person under IC 35-42 or for a crime listed in IC 11-8-8-5 shall be reduced to the extent that application of the credit time would otherwise result in:

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

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

in less than forty-five (45) days after the person earns the credit time.

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

~~(l)~~ *(m)* A person may not earn credit time:

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

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

~~(m)~~ *(n)* A person may not earn credit time under this section if the person:

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

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

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

SECTION 126. IC 35-50-6-4, AS AMENDED BY P.L.158-2013, SECTION 670, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. **(a) A person:**

(1) who is not a credit restricted felon; and

(2) who is imprisoned for a Level 6 felony or a misdemeanor or imprisoned awaiting trial or sentencing for a Level 6 felony or misdemeanor;

is initially assigned to Class A.

~~(a)~~ **(b)** A person:

(1) who is not a credit restricted felon; and

(2) who is imprisoned for a crime **other than a Level 6 felony or misdemeanor** or imprisoned awaiting trial or sentencing **for a crime other than a Level 6 felony or misdemeanor;**

is initially assigned to ~~Class A.~~ **Class B.**

~~(b)~~ **(c)** A person who is a credit restricted felon and who is imprisoned for a crime or imprisoned awaiting trial or sentencing is initially assigned to ~~Class B.~~ **Class C.** A credit restricted felon may not be assigned to Class A **or Class B.**

~~(c)~~ **(d)** A person who is not a credit restricted felon may be reassigned to ~~Class B~~ **Class C** or ~~Class C~~ **Class D** if the person violates any of the following:

(1) A rule of the department of correction.

(2) A rule of the penal facility in which the person is imprisoned.

(3) A rule or condition of a community transition program.

However, a violation of a condition of parole or probation may not be the basis for reassignment. Before a person may be reassigned to a lower credit time class, the person must be granted a hearing to determine the person's guilt or innocence and, if found guilty, whether reassignment is an appropriate disciplinary action for the violation. The person may waive the right to the hearing.

~~(d)~~ **(e)** A person who is a credit restricted felon may be reassigned to ~~Class C~~ **Class D** and a person who is assigned to Class IV may be assigned to Class III if the person violates any of the following:

(1) A rule of the department of correction.

(2) A rule of the penal facility in which the person is imprisoned.

(3) A rule or condition of a community transition program.

However, a violation of a condition of parole or probation may not be the basis for reassignment. Before a person may be reassigned to Class III or ~~Class C,~~ **Class D,** the person must be granted a hearing to determine the person's guilt or innocence and, if found guilty, whether reassignment is an appropriate disciplinary action for the violation. The person may waive the right to the hearing.

~~(e)~~ **(f)** In connection with the hearing granted under subsection ~~(c)~~ **(d)** or ~~(d),~~ **(e),** the person is entitled to:

(1) have not less than twenty-four (24) hours advance written notice of the date, time, and place of the hearing, and of the alleged misconduct and the rule the misconduct is alleged to have violated;

(2) have reasonable time to prepare for the hearing;

(3) have an impartial decisionmaker;

(4) appear and speak in the person's own behalf;

(5) call witnesses and present evidence;

(6) confront and cross-examine each witness, unless the hearing authority finds that to do so would subject a witness to a substantial risk of harm;

(7) have the assistance of a lay advocate (the department may require that the advocate be an employee of, or a fellow prisoner in, the same facility or program);

(8) have a written statement of the findings of fact, the evidence relied upon, and the reasons for the action taken;

(9) have immunity if the person's testimony or any evidence derived from the person's testimony is used in any criminal proceedings; and

(10) have the person's record expunged of any reference to the charge if the person is found not guilty or if a finding of guilt is later overturned.

Any finding of guilt must be supported by a preponderance of the evidence presented at the hearing.

~~(f)~~ **(g)** Except for a credit restricted felon, a person may be reassigned from:

(1) Class III to Class I, Class II or Class IV;

(2) Class II to Class I;

(3) ~~Class C~~ **Class D** to Class A, ~~or~~ Class B, **or Class C;**

(4) ~~Class B~~ **Class C** to Class A **or Class B.**

A person's assignment to Class III, Class II, ~~Class B, or~~ Class C, **or Class D** shall be reviewed at least once every six (6) months to determine if the person should be reassigned to a higher credit time class. A credit restricted felon may not be reassigned to Class I or Class II or to Class A, ~~or~~ Class B, **or Class C.**

(h) This subsection applies only to a person imprisoned awaiting trial. A person imprisoned awaiting trial is initially assigned to a credit class based on the most serious offense with which the person is charged. If all the offenses of which a person is convicted have a higher credit time class than the most serious offense with which the person is charged, the person earns credit time for the time imprisoned awaiting trial at the credit time class of the most serious offense of which the person was convicted. However, this section does not apply to any period during which the person is reassigned to a lower credit time class for a disciplinary violation.

SECTION 127. IC 35-50-6-5, AS AMENDED BY P.L.158-2013, SECTION 671, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) A person may, with respect to the same transaction, be deprived of any part of the credit time the person has earned for any of the following:

(1) A violation of one (1) or more rules of the department of correction.

(2) If the person is not committed to the department, a violation of one (1) or more rules of the penal facility in which the person is imprisoned.

(3) A violation of one (1) or more rules or conditions of a:

(A) community transition program; or

(B) community corrections program.

(4) If a court determines that a civil claim brought by the person in a state or an administrative court is frivolous, unreasonable, or groundless.

(5) If the person is a sex offender (as defined in IC 11-8-8-5) and refuses to register before being released from the department as required under IC 11-8-8-7.

(6) If the person is a sex offender (as defined in IC 11-8-8-5) and refuses to participate in a sex offender treatment program specifically offered to the sex offender by the department of correction while the person is serving a period of incarceration with the department of correction.

However, the violation of a condition of parole or probation may not be the basis for deprivation. Whenever a person is deprived of credit time, the person may also be reassigned to Class II (if the person is not a credit restricted felon) or Class III, ~~Class B, or~~ Class C, **or Class D.**

(b) Before a person may be deprived of earned credit time, the person must be granted a hearing to determine the person's guilt or innocence and, if found guilty, whether deprivation of earned credit time is an appropriate disciplinary action for the violation. In connection with the hearing, the person is entitled to the procedural safeguards listed in section 4(c) of this chapter. The person may waive the person's right to the hearing.

(c) Any part of the credit time of which a person is deprived under this section may be restored.

SECTION 128. [EFFECTIVE JULY 1, 2014] **The general assembly recognizes that P.L.214-2013, SECTION 44 amended IC 35-50-2-2, and that P.L.158-2013, SECTION 653 repealed IC 35-50-2-2. The general assembly intends to repeal IC 35-50-2-2.**

SECTION 129. [EFFECTIVE JULY 1, 2014] **The general assembly recognizes that this act amends IC 9-17-4-14, IC 9-17-4-15, IC 9-17-4-16, IC 9-17-4-17, IC 9-17-4-18, IC 9-22-3-33, and IC 9-32-17-2, and that HEA 1279-2014 repeals those provisions, effective January 1, 2015. The general assembly intends to repeal those provisions, effective January 1, 2015.**

(Reference is to EHB 1006 Printer's Error as reprinted March 4, 2014).

STEUERWALD	STEELE
PIERCE	TALLIAN
House Conferees	Senate Conferees

Roll Call 485: yeas 84, nays 12. Report adopted.

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Thursday, March 13, 2014, at 9:00 a.m.

FRIEND

The motion was adopted by a constitutional majority.

OTHER BUSINESS ON THE SPEAKER'S TABLE

HOUSE MOTION

Mr. Speaker: I move that Representative Koch be added as coauthor of House Bill 1187.

BACON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative VanDenburgh be removed as coauthor of House Bill 1347.

MAYFIELD

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative V. Smith be removed as coauthor of House Bill 1388.

BEHNING

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Arnold, Austin, Bartlett, Battles, Bauer, C. Brown, Candelaria Reardon, Cherry, DeLaney, Dvorak, Errington, GiaQuinta, Goodin, Hale, Harris, Karickhoff, Kersey, Klinker, Lawson, Macer, Mahan, Moed, Moseley, Neese, Negele, Niezgodski, Pelath, Pierce, Porter, Pryor, Riecken, Saunders, Shackleford, V. Smith, Speedy, Stemler, Steuerwald, Summers and VanDenburgh, be added as coauthors of House Resolution 50.

FORESTAL

Motion prevailed.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 58, 59 and 60 and the same are herewith returned to the House.

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 Resolutions 51, 52, 54, 55 and 56 and the same are 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 concurred in the House amendments to Engrossed Senate Bills 91, 338, 350, 354, 396, 420 and 422.

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 Bills 1253, 1279 and 1290.

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 Bills 334 and 343.

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 1020, 1346 and 1361.

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 233, 308, 329 and 350.

JENNIFER L. MERTZ
Principal Secretary of the Senate

On the motion of Representative Steuerwald, the House adjourned at 10:20 p.m., this twelfth day of March, 2014, until Thursday, March 13, 2014, at 9:00 a.m.

BRIAN C. BOSMA
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives