



Journal of the Senate

State of Indiana

119th General Assembly

First Regular Session

Thirtieth Meeting Day

Thursday Afternoon

March 12, 2015

The Senate convened at 1:32 p.m., with the President of the Senate, Sue Ellspermann, in the Chair.

Prayer was offered by Reverend Kenneth Harbaum, Covenant of Peace Church, Richmond.

The Pledge of Allegiance to the Flag was led by Senator Jeffery S. Raatz.

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

Alting	Leising
Arnold	Long
Banks, A.	Merritt
Bassler	Messmer
Becker	Miller, Patricia
Boots	Miller, Pete <input checked="" type="checkbox"/>
Bray	Mishler
Breaux	Mrvan
Broden <input checked="" type="checkbox"/>	Niemeyer
Brown	Perfect
Buck	Raatz
Charbonneau	Randolph
Crider	Rogers
Delph	Schneider <input checked="" type="checkbox"/>
Eckerty	Smith
Ford	Steele
Glick	Stoops
Grooms	Tallian
Head	Taylor
Hershman	Tomes
Holdman	Walker
Houchin	Waltz
Kenley	Yoder
Kruse	Young, M.
Lanane	Zakas

Roll Call 280: present 47; excused 3 [Note: A indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

REPORT OF THE PRESIDENT PRO TEMPORE

Madam President: Pursuant to Senate Rule 68(b), I hereby report that House Bill 1240, currently assigned to the Committee on Environmental Affairs, be reassigned to the Committee on Natural Resources.

LONG

Report adopted.

RESOLUTIONS ON FIRST READING

Senate Resolution 38

Senate Resolution 38, introduced by Senator Stoops:

A SENATE RESOLUTION urging the legislative council to assign the topic of an Employment First Program, which promotes and expands quality, community employment outcomes for all people with disabilities to an appropriate study committee.

Whereas, In Indiana, 77.8% of individuals without disabilities aged 21 to 64 are employed compared to the 34.9% of individuals with disabilities in the same age group;

Whereas, In Indiana, 25,500 individuals aged 16 to 20 have a disability and 418,400 individuals aged 21 to 64 have a disability;

Whereas, 19.3% of individuals served in Community Mental Health Programs in Indiana are employed;

Whereas, In Indiana, 68,400 individuals with disabilities aged 21 to 64 receive Supplemental Security Income Payments; and

Whereas, Indiana should coordinate efforts to ensure that state programs, policies, procedures and funding support competitive integrated employment for persons with disabilities: Therefore,

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

SECTION 1: That the Indiana Senate urges the legislative council to assign the topic of an Employment First Program, which promotes and expands quality, community employment outcomes for all people with disabilities to an appropriate study committee.

The resolution was read in full and referred to the Committee on Health & Provider Services.

REPORTS FROM COMMITTEES COMMITTEE REPORT

Madam President: The Senate Committee on Education & Career Development, to which was referred House Bill 1005, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass and be reassigned to the Senate Committee on Tax & Fiscal Policy.

Committee Vote: Yeas 8, Nays 0.

KRUSE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Insurance & Financial Institutions, to which was referred House Bill 1021, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

HOLDMAN, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education & Career Development, to which was referred House Bill 1042, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

KRUSE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Public Policy, to which was referred House Bill 1053, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

ALTING, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Insurance & Financial Institutions, to which was referred House Bill 1062, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 4, line 5, strike "renter" and insert "**rental company**".

Page 4, line 37, delete "only up to" and insert "**an amount that may not exceed**".

Page 4, line 37, after "renter's" insert "**insurance**".

Page 4, line 38, delete "amount".

Page 5, line 1, delete "five hundred dollars (\$500);" and insert "**the amount paid by the renter;**".

Page 5, line 3, delete "under subsections" and insert "**under subsection**".

(Reference is to HB 1062 as printed February 13, 2015.) and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

HOLDMAN, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health & Provider Services, to which was referred Engrossed House Bill 1065, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 4, line 10, delete "physician, pharmacist, or hospital for" and insert "**health care provider involved in connection with**".

(Reference is to HB 1065 as printed February 6, 2015.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

PATRICIA MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education & Career Development, to which was referred House Bill 1068, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

KRUSE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Pensions & Labor, to which was referred House Bill 1109, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

BOOTS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred House Bill 1110, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 4, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 8. IC 33-33-71-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) The judge of the St. Joseph circuit court may appoint ~~two (2)~~ **three (3)** full-time magistrates under IC 33-23-5 to serve the circuit court. **In making an appointment under this section, the judge may not consider the political affiliation of a candidate for magistrate.**

(b) A magistrate continues in office until removed by the judge.

SECTION 9. IC 33-33-71-36 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 36. (a) When a vacancy occurs in the St. Joseph superior court, the clerk of the court shall promptly notify the chairman of the commission of the

vacancy. The chairman shall call a meeting of the commission within ten (10) days following this notice. The commission shall submit its nominations of five (5) candidates for each vacancy and certify them to the governor as promptly as possible, and not later than sixty (60) days after the vacancy occurs. When it is known that a vacancy will occur at a definite future date within the term of the serving governor, but the vacancy has not yet occurred, the clerk shall notify the commission immediately. The commission may within fifty (50) days of the notice of vacancy make its nominations and submit to the governor the names of five (5) persons nominated for the forthcoming vacancy.

(b) Meetings of the commission shall be called by the chairman or, if the chairman fails to call a necessary meeting, upon the call of any four (4) members of the commission. The chairman, whenever the chairman considers a meeting necessary, or upon the request by any four (4) members of the commission for a meeting, shall give each member of the commission at least five (5) days written notice by mail of the time and place of every meeting unless the commission at its previous meeting designated the time and place of its next meeting.

(c) Meetings of the commission must be held at a place in:

- (1) the St. Joseph County courthouse; or
- (2) another building owned or operated by St. Joseph County;

in South Bend as the clerk of the St. Joseph superior court may arrange.

(d) The commission shall act only at a meeting and may act only by the concurrence of a majority of its members. ~~attending a meeting.~~ Four (4) members are required to constitute a quorum at a meeting. The commission may adopt reasonable and proper rules and regulations for the conduct of its proceedings and the discharge of its duties.

SECTION 10. IC 33-33-71-69, AS AMENDED BY P.L.127-2008, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 69. (a) The superior court may jointly appoint ~~two (2)~~ **four (4)** full-time magistrates under IC 33-23-5 to serve the court using the selection method provided by IC 36-1-8-10(b)(1) or ~~IC 36-1-8-10(b)(2)~~ **IC 36-1-8-10(b)(3)**. Not more than ~~one (1)~~ **two (2)** of the magistrates appointed under this section may be a ~~member~~ **members** of the same political party.

(b) A magistrate continues in office until **jointly** removed by the judges of the court."

Renumber all SECTIONS consecutively.

(Reference is to HB 1110 as reprinted February 24, 2015.) and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

Committee Vote: Yeas 9, Nays 0.

STEELE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred House Bill 1131, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

STEELE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Pensions & Labor, to which was referred House Bill 1150, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

BOOTS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred House Bill 1164, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

HEAD, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred House Bill 1184, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

STEELE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Pensions & Labor, to which was referred House Bill 1186, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 9, Nays 1.

BOOTS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred House Bill 1263, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 6, Nays 0.

HEAD, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Public Policy, to which was referred House Bill 1270, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass and be reassigned to the Senate Committee on Appropriations.
Committee Vote: Yeas 9, Nays 0.

ALTING, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Insurance & Financial Institutions, to which was referred House Bill 1298, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 7, line 30, delete "latter" and insert "**later**".

Page 7, line 40, delete "Indiana" and insert "**domestic mutual insurance company under IC 27-1-45**".

Page 7, delete line 41.

Page 8, line 3, delete "latter" and insert "**later**".

Page 8, line 12, delete "Indiana" and insert "**domestic mutual insurance company under IC 27-1-45**".

Page 8, delete line 13.

Page 8, line 39, delete "risk management".

Page 8, line 39, after "catastrophic" insert "**liability**".

Page 9, line 14, delete "at least half" and insert "**a majority**".

Page 9, line 19, delete "insurer" and insert "**mutual insurance company**".

Page 10, line 20, delete "Subdivisions" and insert "**Subsection**".

Page 10, line 20, delete "apply" and insert "**applies**".

Page 10, line 20, delete "latter" and insert "**later**".

Page 11, line 33, delete "risk management".

Page 11, line 33, after "catastrophic" insert "**liability**".

(Reference is to HB 1298 as printed February 13, 2015.)

and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

Committee Vote: Yeas 10, Nays 0.

HOLDMAN, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred House Bill 1302, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 14, delete "latest)," and insert "**later**),".

Page 4, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 2. IC 35-38-9-2, AS AMENDED BY P.L.181-2014, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) **Except as**

provided in subsection (b) and section 8.5 of this chapter, this section applies only to a person convicted of a misdemeanor, including 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) reduced to a misdemeanor.

(b) This section does not apply to a person convicted of two (2) or more felony offenses that:

- (1) involved the unlawful use of a deadly weapon; and**
- (2) were not committed as part of the same episode of criminal conduct.**

~~(b)~~ **(c)** Not earlier than five (5) years after the date of conviction (unless the prosecuting attorney consents in writing to an earlier period), the person convicted of the misdemeanor may petition a court to expunge all conviction records, including records contained in:

- (1) a court's files;
- (2) the files of the department of correction;
- (3) the files of the bureau of motor vehicles; and
- (4) the files of any other person who provided treatment or services to the petitioning person under a court order;

that relate to the person's misdemeanor conviction.

~~(c)~~ **(d)** A person who files a petition to expunge conviction records shall file the petition in a circuit or superior court in the county of conviction.

~~(d)~~ **(e)** If the court finds by a preponderance of the evidence that:

- (1) the period required by this section has elapsed;
- (2) no charges are pending against the person;
- (3) the person has paid all fines, fees, and court costs, and satisfied any restitution obligation placed on the person as part of the sentence; and
- (4) the person has not been convicted of a crime within the previous five (5) years (or within a shorter period agreed to by the prosecuting attorney if the prosecuting attorney has consented to a shorter period under subsection ~~(b)~~; **(c)**);

the court shall order the conviction records described in subsection ~~(b)~~ **(c)** expunged in accordance with section 6 of this chapter.

SECTION 3. IC 35-38-9-3, AS AMENDED BY P.L.181-2014, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) Except as provided in subsection (b) **and section 8.5 of this chapter**, this section applies only to a person 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). This section does not apply to a person if the person's Class D felony or Level 6 felony was reduced to a Class A misdemeanor.

(b) This section does not apply to the following:

- (1) An elected official convicted of an offense while serving the official's term or as a candidate for public office.
- (2) A sex or violent offender (as defined in IC 11-8-8-5).
- (3) A person convicted of a felony that resulted in bodily injury to another person.
- (4) A person convicted of perjury (IC 35-44.1-2-1) or official misconduct (IC 35-44.1-1-1).
- (5) A person convicted of an offense described in:

- (A) IC 35-42-1;
- (B) IC 35-42-3.5; or
- (C) IC 35-42-4.

(6) A person convicted of two (2) or more felony offenses that:

- (A) involved the unlawful use of a deadly weapon; and**
- (B) were not committed as part of the same episode of criminal conduct.**

(c) Not earlier than eight (8) years after the date of conviction (unless the prosecuting attorney consents in writing to an earlier period), the person convicted of the Class D felony or Level 6 felony may petition a court to expunge all conviction records, including records contained in:

- (1) a court's files;
- (2) the files of the department of correction;
- (3) the files of the bureau of motor vehicles; and
- (4) the files of any other person who provided treatment or services to the petitioning person under a court order;

that relate to the person's Class D or Level 6 felony conviction.

(d) A person who files a petition to expunge conviction records shall file the petition in a circuit or superior court in the county of conviction.

(e) If the court finds by a preponderance of the evidence that:

- (1) the period required by this section has elapsed;
- (2) no charges are pending against the person;
- (3) the person has paid all fines, fees, and court costs, and satisfied any restitution obligation placed on the person as part of the sentence; and
- (4) the person has not been convicted of a crime within the previous eight (8) years (or within a shorter period agreed to by the prosecuting attorney if the prosecuting attorney has consented to a shorter period under subsection (c));

the court shall order the conviction records described in subsection (c) expunged in accordance with section 6 of this chapter.

SECTION 4. IC 35-38-9-4, AS AMENDED BY P.L.181-2014, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. (a) Except as provided in subsection (b) **and section 8.5 of this chapter**, this section applies only to a person convicted of a felony who may not seek expungement of that felony under section 3 of this chapter.

(b) This section does not apply to the following:

- (1) An elected official convicted of an offense while serving the official's term or as a candidate for public office.
- (2) A sex or violent offender (as defined in IC 11-8-8-5).
- (3) A person convicted of a felony that resulted in serious bodily injury to another person.
- (4) A person convicted of official misconduct (IC 35-44.1-1-1).
- (5) A person convicted of an offense described in:
 - (A) IC 35-42-1;
 - (B) IC 35-42-3.5; or
 - (C) IC 35-42-4.

(6) A person convicted of two (2) or more felony offenses that:

- (A) involved the unlawful use of a deadly weapon; and**
- (B) were not committed as part of the same episode of criminal conduct.**

(c) Not earlier than the later of eight (8) years from the date of conviction, or three (3) years from the completion of the person's sentence, unless the prosecuting attorney consents in writing to an earlier period, the person convicted of the felony may petition a court to expunge all conviction records, including records contained in:

- (1) a court's files;
- (2) the files of the department of correction;
- (3) the files of the bureau of motor vehicles; and
- (4) the files of any other person who provided treatment or services to the petitioning person under a court order;

that relate to the person's felony conviction.

(d) A person who files a petition to expunge conviction records shall file the petition in a circuit or superior court in the county of conviction.

(e) If the court finds by a preponderance of the evidence that:

- (1) the period required by this section has elapsed;
- (2) no charges are pending against the person;
- (3) the person has paid all fines, fees, and court costs, and satisfied any restitution obligation placed on the person as part of the sentence; and
- (4) the person has not been convicted of a crime within the previous eight (8) years (or within a shorter period agreed to by the prosecuting attorney if the prosecuting attorney has consented to a shorter period under subsection (c));

the court may order the conviction records described in subsection (c) marked as expunged in accordance with section 7 of this chapter. A person whose records have been ordered marked as expunged under this section is considered to have had the person's records expunged for all purposes other than the disposition of the records.

SECTION 5. IC 35-38-9-5, AS AMENDED BY P.L.181-2014, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) Except as provided in subsection (b) **and section 8.5 of this chapter**, this section applies to a person convicted of a felony, including:

- (1) an elected official convicted of an offense while serving the official's term or as a candidate for public office; and
- (2) a person convicted of a felony that resulted in serious bodily injury to another person.

(b) This section does not apply to the following:

- (1) A sex or violent offender (as defined in IC 11-8-8-5).
- (2) A person convicted of official misconduct (IC 35-44.1-1-1).
- (3) A person convicted of an offense described in:
 - (A) IC 35-42-1;
 - (B) IC 35-42-3.5; or
 - (C) IC 35-42-4.

(4) A person convicted of two (2) or more felony offenses that:

- (A) involved the unlawful use of a deadly weapon; and**
- (B) were not committed as part of the same episode of criminal conduct.**

(c) Not earlier than the later of ten (10) years from the date of conviction, or five (5) years from the completion of the person's sentence, unless the prosecuting attorney consents in writing to an earlier period, the person convicted of the felony may petition a court to expunge all conviction records, including records contained in:

- (1) a court's files;
- (2) the files of the department of correction;
- (3) the files of the bureau of motor vehicles; and
- (4) the files of any other person who provided treatment or services to the petitioning person under a court order;

that relate to the person's felony conviction.

(d) A person who files a petition to expunge conviction records shall file the petition in a circuit or superior court in the county of conviction.

(e) If the court finds by a preponderance of the evidence that:

- (1) the period required by this section has elapsed;
- (2) no charges are pending against the person;
- (3) the person has paid all fines, fees, and court costs, and satisfied any restitution obligation placed on the person as part of the sentence;
- (4) the person has not been convicted of a crime within the previous ten (10) years (or within a shorter period agreed to by the prosecuting attorney if the prosecuting attorney has consented to a shorter period under subsection (c)); and
- (5) the prosecuting attorney has consented in writing to the expungement of the person's criminal records;

the court may order the conviction records described in subsection (c) marked as expunged in accordance with section 7 of this chapter. A person whose records have been ordered marked as expunged under this section is considered to have had the person's records expunged for all purposes other than the disposition of the records.

SECTION 6. IC 35-38-9-6, AS AMENDED BY P.L.181-2014, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. (a) If the court orders conviction records expunged under sections 2 through 3 of this chapter, the court shall do the following with respect to the specific records expunged by the court:

(1) Order:

- (A) the department of correction;
- (B) the bureau of motor vehicles; and
- (C) each:

- (i) law enforcement agency; and
- (ii) other person;

who incarcerated, provided treatment for, or provided other services for the person under an order of the court; to prohibit the release of the person's records or information in the person's records to anyone without a court order, other than a law enforcement officer acting in the course of the officer's official duty.

(2) Order the central repository for criminal history information maintained by the state police department to seal the person's expunged conviction records. Records sealed under this subdivision may be disclosed only to:

- (A) a prosecuting attorney, if:
 - (i) authorized by a court order; and

(ii) needed to carry out the official duties of the prosecuting attorney;

(B) a defense attorney, if:

- (i) authorized by a court order; and
- (ii) needed to carry out the professional duties of the defense attorney;

(C) a probation department, if:

- (i) authorized by a court order; and
- (ii) necessary to prepare a presentence report;

(D) the Federal Bureau of Investigation and the Department of Homeland Security, if disclosure is required to comply with an agreement relating to the sharing of criminal history information;

(E) the:

- (i) supreme court;
- (ii) members of the state board of law examiners;
- (iii) executive director of the state board of law examiners; and
- (iv) employees of the state board of law examiners, in accordance with rules adopted by the state board of law examiners;

for the purpose of determining whether an applicant possesses the necessary good moral character for admission to the bar; and

(F) a person required to access expunged records to comply with the Secure and Fair Enforcement for Mortgage Licensing Act (12 U.S.C. 5101 et seq.) or regulations adopted under the Secure and Fair Enforcement for Mortgage Licensing Act.

(3) Notify the clerk of the supreme court to seal any records in the clerk's possession that relate to the conviction.

A probation department may provide an unredacted version of a presentence report disclosed under subdivision (2)(C) to any person authorized by law to receive a presentence report.

(b) Except as provided in subsection (c), if a petition to expunge conviction records is granted under sections 2 through 3 of this chapter, the records of:

- (1) the sentencing court;
- (2) a juvenile court;
- (3) a court of appeals; and
- (4) the supreme court;

concerning the person shall be permanently sealed. However, a petition for expungement granted under sections 2 through 3 of this chapter does not affect an existing or pending driver's license suspension.

(c) If a petition to expunge conviction records is granted under sections 2 through 3 of this chapter with respect to the records of a person who is named as an appellant or an appellee in an opinion or memorandum decision by the supreme court or the court of appeals, the court shall:

- (1) redact the opinion or memorandum decision as it appears on the computer gateway administered by the office of technology so that it does not include the petitioner's name (in the same manner that opinions involving juveniles are redacted); and
- (2) provide a redacted copy of the opinion to any publisher

or organization to whom the opinion or memorandum decision is provided after the date of the order of expungement.

The supreme court and court of appeals are not required to destroy or otherwise dispose of any existing copy of an opinion or memorandum decision that includes the petitioner's name.

(d) Notwithstanding subsection (b), a prosecuting attorney may submit a written application to a court that granted an expungement petition under this chapter to gain access to any records that were permanently sealed under subsection (b), if the records are relevant in a new prosecution of the person. If a prosecuting attorney who submits a written application under this subsection shows that the records are relevant for a new prosecution of the person, the court that granted the expungement petition shall:

- (1) order the records to be unsealed; and
- (2) allow the prosecuting attorney who submitted the written application to have access to the records.

If a court orders records to be unsealed under this subsection, the court shall order the records to be permanently resealed at the earliest possible time after the reasons for unsealing the records cease to exist. However, if the records are admitted as evidence against the person in a new prosecution that results in the person's conviction, or are used to enhance a sentence imposed on the person in a new prosecution, the court is not required to reseat the records.

(e) If a person whose conviction records are expunged under sections 2 through 5 of this chapter is required to register as a sex offender based on the commission of a felony which has been expunged:

- (1) the expungement does not affect the operation of the sex offender registry web site, any person's ability to access the person's records, records required to be maintained concerning sex or violent offenders, or any registration requirement imposed on the person; and
- (2) the expunged conviction must be clearly marked as expunged on the sex offender registry web site.

(f) Expungement of a crime of domestic violence under section 2 of this chapter does not restore a person's right to possess a firearm. The right of a person convicted of a crime of domestic violence to possess a firearm may be restored only in accordance with IC 35-47-4-7.

(g) If the court issues an order granting a petition for expungement under sections 2 through 3 of this chapter, the court shall include in its order the information described in section 8(b) of this chapter.

SECTION 7. IC 35-38-9-7, AS AMENDED BY P.L.181-2014, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) This section applies only to a person who has filed a petition for expungement under section 4 or 5 of this chapter and whose records have been ordered marked as expunged.

(b) The court records and other public records relating to the arrest, conviction, or sentence of a person whose conviction records have been marked as expunged remain public records. However, the court shall order that the records be clearly and visibly marked or identified as being expunged. A petition for expungement granted under sections 4 through 5 of this chapter

does not affect an existing or pending driver's license suspension.

(c) The state police department, the bureau of motor vehicles, and any other law enforcement agency in possession of records that relate to the conviction ordered to be marked as expunged shall add an entry to the person's record of arrest, conviction, or sentence in the criminal history data base stating that the record is marked as expunged.

(d) If the court issues an order granting a petition for expungement under section 4 or 5 of this chapter, the court shall include in its order the information described in section 8(b) of this chapter."

Page 4, line 31, delete "number." and insert "**number, if available.**".

Page 4, line 32, delete "(5)".

Page 4, line 32, strike "A".

Page 4, line 32, strike "copy of petitioner's records from the bureau of".

Page 4, strike line 33.

Page 4, line 34, reset in roman "(5)".

Page 4, line 34, delete "(6)".

Page 4, line 36, reset in roman "(6)".

Page 4, line 36, delete "(7)".

Page 4, line 39, reset in roman "(7)".

Page 4, line 39, delete "(8)".

Page 4, line 39, delete "convictions" and insert "**convictions, the cause number of each conviction, if known,**".

Page 4, line 39, strike "and".

Page 4, between lines 41 and 42, begin a new line block indented and insert:

"(8) The petitioner shall include:

(A) the petitioner's Social Security number;

(B) the petitioner's driver's license number;

(C) the date of the petitioner's arrest, if applicable;

and

(D) the date on which the petitioner was convicted."

Page 5, line 13, delete "not".

Page 5, line 14, delete "a" and insert "**the**".

Page 5, line 14, delete "fee." and insert "**fee required in civil cases. The court may reduce or waive this fee if the person is indigent.**".

Page 5, line 25, after "receipt." insert "**If the prosecuting attorney fails to timely reply to the petition:**

(1) the prosecuting attorney has waived any objection to the petition; and

(2) the court shall proceed to consider the petition under section 9 of this chapter."

Page 5, between lines 25 and 26, begin a new paragraph and insert:

"SECTION 9. IC 35-38-9-8.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 8.5. (a) This section applies only to a person seeking to expunge an Indiana offense punishable by an indeterminate sentence under a law other than IC 35-50.**

(b) If the offense for which the person was convicted is a misdemeanor at the time the person files the petition for expungement, the person may file the petition for expungement under section 2 of this chapter.

(c) If the offense for which the person was convicted:

- (1) is a Level 6 felony at the time the person files the petition for expungement; and**
- (2) is not substantially similar to an offense described in section 3(b) of this chapter;**

the person may file the petition under section 3 of this chapter.

(d) If:

- (1) the person to whom this chapter applies may not seek expungement under section 3 of this chapter; and**
- (2) the offense the person seeks to expunge is not substantially similar to an offense described in section 4(b) of this chapter;**

the person may file the petition under section 4 of this chapter.

(e) If the offense for which the person was convicted:

- (1) is a felony at the time of filing the petition, including a felony described in section 5(a) of this chapter; and**
- (2) is not substantially similar to an offense described in section 5(b) of this chapter;**

the person may file the petition under section 5 of this chapter."

Page 5, line 28, after "object," insert "**or has waived objection to the petition under section 8 of this chapter.**".

Page 5, line 34, after "petition," insert "**the prosecuting attorney shall file the reasons for objecting to the petition with the court and serve a copy of the objections on the petitioner at the time the prosecuting attorney objects to the petition.**".

Page 5, line 34, delete "the court" and insert "The court".

Page 7, line 24, delete "The" and insert "**Except as provided in section 6(f) of this chapter, the**".

Page 7, line 25, after "be" insert "**fully**".

Page 7, line 25, after "office," insert "**to be a proper person under IC 35-47-1-7(2),**".

Page 8, line 17, reset in roman "(i)".

Page 8, line 17, after "(i)" insert "**An expungement case, and all documents filed in the case, becomes confidential when the court issues the order granting the petition. However, until the court issues the order granting the petition, documents filed in the case are not confidential, and any hearing held in the case shall be open.**".

Page 8, delete lines 19 through 26.

Re-number all SECTIONS consecutively.

(Reference is to HB 1302 as reprinted February 3, 2015.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 2.

STEELE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred House Bill 1304, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 25, delete "track" and insert "**track, by age and offense,**".

Page 2, line 25, delete "of direct file charges of juveniles in adult" and insert "**of juveniles under the jurisdiction of an adult court due to:**

(A) lack of jurisdiction under IC 31-30-1-4; or

(B) waiver of jurisdiction under IC 31-30-3-2 through IC 31-30-3-6."

Page 2, delete line 26.

Page 2, delete lines 41 through 42.

Page 3, delete lines 1 through 5.

Page 15, delete lines 8 through 14.

Page 17, delete line 32 and insert "**resumed upon motion of the prosecuting attorney.**".

Page 17, line 37, delete "resumed." and insert "**resumed upon motion of the prosecuting attorney.**".

Page 17, line 39, after "program," insert "**the individual is entitled to accrued time for the**".

Page 17, line 40, delete "care shall be deducted from a fixed term of" and insert "**care.**".

Page 17, delete line 41.

Page 22, delete lines 38 through 42, begin a new paragraph and insert:

"SECTION 26. IC 16-42-19-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 18. **(a)** A person may not possess ~~or have under control~~ with intent to:

(1) violate this chapter; or

(2) commit an offense described in IC 35-48-4;

a hypodermic syringe or needle or an instrument adapted for the use of a **controlled substance or** legend drug by injection in a human being.

(b) A person who violates subsection (a) commits a Level 6 felony.

SECTION 27. IC 16-42-19-27, AS AMENDED BY P.L.158-2013, SECTION 248, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 27. **(a) Unless otherwise specified,** a person who knowingly violates this chapter, except sections 24 and 25(b) of this chapter, commits a Level 6 felony. However, the offense is a Level 5 felony if the person has a prior conviction under this subsection or IC 16-6-8-10(a) before its repeal.

(b) A person who violates section 24 of this chapter commits a Class B misdemeanor.

(c) A person who violates section 25(b) of this chapter commits dealing in an anabolic steroid, a Level 5 felony. However, the offense is a Level 4 felony if the person delivered the anabolic steroid to a person who is:

(1) less than eighteen (18) years of age; and

(2) at least three (3) years younger than the delivering person."

Page 23, delete lines 1 through 13.

Page 23, delete lines 27 through 42.

Page 24, delete lines 1 through 4.

Page 24, delete lines 11 through 42, begin a new paragraph and insert:

"Sec. 1. The following definitions apply throughout this chapter:

(1) "Custodial interrogation" has the meaning set forth in Indiana Evidence Rule 617.

(2) "Electronic recording" has the meaning set forth in Indiana Evidence Rule 617.

(3) "Place of detention" has the meaning set forth in Indiana Evidence Rule 617.

Sec. 2. A statement made during the custodial interrogation of a juvenile that is conducted at a place of detention is not admissible against the juvenile in a juvenile proceeding unless the interrogation complies with the requirements of Indiana Evidence Rule 617.

Sec. 3. (a) This section applies only to the custodial interrogation of a juvenile that is:

(1) not conducted at a place of detention; and

(2) conducted at a school or another place where a juvenile is detained in connection with the investigation.

(b) A statement made during a custodial interrogation described in subsection (a) is admissible against the juvenile in a felony criminal prosecution or in a juvenile proceeding only if:

(1) the interrogation complies with Indiana Evidence Rule 617; or

(2) the interrogation:

(A) is recorded by using audio equipment; and

(B) complies with every requirement of Indiana Evidence Rule 617, except for the requirement that an electronic recording be an audio-visual recording."

Page 25, delete line 1.

Page 25, line 2, delete "5." and insert "4."

Page 25, line 3, delete "electronically".

Page 25, line 6, after "be" insert "a".

Page 25, line 15, delete "6." and insert "5."

Page 25, line 15, delete "electronically".

Page 25, line 16, delete "is:" and insert "is confidential at the discretion of the court."

Page 25, delete lines 17 through 28.

Page 25, line 29, delete "Shackling of" and insert "Restraining".

Page 25, line 30, delete "A" and insert "(a) Except as provided in subsection (b), a".

Page 25, line 30, delete "shackled" and insert "restrained".

Page 25, line 31, after "determined" insert "on the record, after considering the recommendation of the sheriff or transport officer, that".

Page 25, between lines 31 and 32, begin a new paragraph and insert:

"(b) A court may order a juvenile restrained without considering the recommendation of the sheriff or transport officer if the juvenile has caused a physical disruption while in open court."

Page 26, delete lines 8 through 23.

Page 34, line 19, delete "indigent defense" and insert "compensation to a full-time chief public defender, if the county has established a county public defender office under IC 33-40-7 or IC 36-1-3, and the chief public defender exercises powers and duties consistent with IC 33-40-7-6 and IC 33-40-7-7."

Page 34, delete line 20.

Page 34, delete lines 36 through 37 and insert "compensation for a full-time chief public defender, if the county has established a county public defender office under IC 33-40-7 or IC 36-1-3, and the chief public defender exercises powers and duties consistent with IC 33-40-7-6, IC 33-40-7-7, and the standards and guidelines adopted by the public defender commission."

Page 35, line 5, delete "a court appointed special" and insert "a mental health".

Page 35, line 5, delete "county court" and insert "county mental health advocate".

Page 35, line 6, delete "appointed special advocate,".

Page 35, line 6, delete "court appointed".

Page 35, line 7, delete "special" and insert "mental health".

Page 35, line 10, delete "IC 35-31.5-2-68.5" and insert "IC 35-31.5-2-197.3".

Page 35, line 12, delete "68.5." Court appointed special" and insert "197.3. "Mental health".

Page 35, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 47. IC 35-31.5-2-279.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 279.5. "Rolling paper" means a small sheet, roll, or leaf of paper that is used for rolling a cigarette containing tobacco or another substance."

Page 35, line 32, delete "Court Appointed Special" and insert "Mental Health".

Page 35, line 34, delete "court appointed special" and insert "mental health".

Page 35, line 38, delete "court appointed special" and insert "mental health".

Page 35, line 41, delete "court appointed special" and insert "mental health".

Page 36, line 3, delete "court appointed special" and insert "mental health".

Page 36, line 5, delete "court appointed special" and insert "mental health".

Page 36, line 8, delete "court appointed special" and insert "mental health".

Page 36, line 14, delete "court appointed special" and insert "mental health".

Page 36, line 15, delete "court appointed special" and insert "mental health".

Page 36, line 17, delete "court appointed special" and insert "mental health".

Page 36, line 23, after "by the" delete "court".

Page 36, line 24, delete "appointed special" and insert "mental health".

Page 36, line 25, delete "court appointed special" and insert "mental health".

Page 36, line 26, delete "court appointed special" and insert "mental health".

Page 36, line 33, delete "court appointed special" and insert "mental health".

Page 36, line 37, delete "court appointed special" and insert

"mental health".

Page 40, delete lines 15 through 42, begin a new paragraph and insert:

"SECTION 50. IC 35-48-4-8.3, AS AMENDED BY P.L.158-2013, SECTION 635, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8.3. (a) A person who possesses a raw material, an instrument, a device, or other object that the person intends to use for:

(1) introducing into the person's body a controlled substance;

(2) testing the strength, effectiveness, or purity of a controlled substance; or

(3) enhancing the effect of a controlled substance;

in violation of this chapter commits a Class A infraction for possessing paraphernalia. This section does not apply to a rolling paper.

(b) A person who knowingly or intentionally violates subsection (a) possesses an instrument, a device, or another object that the person intends to use for:

(1) introducing into the person's body a controlled substance;

(2) testing the strength, effectiveness, or purity of a controlled substance; or

(3) enhancing the effect of a controlled substance;

commits a Class A Class C misdemeanor. However, the offense is a ~~Level 6 felony~~ Class A misdemeanor if the person has a prior unrelated judgment or conviction under this section."

Page 41, delete line 1.

Page 43, line 1, delete "a sentence" and insert "an additional term imposed".

Page 43, line 5, after "program" insert "is accrued time that".

Page 43, after line 25, begin a new paragraph and insert:

"SECTION 52. [EFFECTIVE JULY 1, 2015] (a) As used in this SECTION, "autism" means autism spectrum disorder as defined by the most recent edition of the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders.

(b) As used in this SECTION, "individual with dual diagnosis" means an individual with:

(1) a mental illness; and

(2) one (1) or more of the following:

(A) An intellectual disability.

(B) A developmental disability.

(C) Autism.

(c) Before September 1, 2017, the division of mental health and addiction shall provide to the legislative council a report setting forth the following concerning evidence based mental health and addiction forensic treatment services provided by community mental health centers to individuals with dual diagnosis to reduce the risk of recidivism:

(1) Mental health and addiction services provided by community mental health centers that are available in Indiana for an individual with dual diagnosis in Indiana.

(2) Barriers to providing mental health and addiction services to an individual with dual diagnosis.

(3) To what extent the mental health and addiction services for an individual with dual diagnosis are

coordinated and integrated across health care delivery systems.

(4) Mental health and addiction services that are needed in Indiana for an individual with dual diagnosis.

(5) The roles of private sector providers and the public sector, including local and state government, for services identified under subdivisions (1) through (4).

A report to the legislative council under this subsection must be submitted in an electronic format under IC 5-14-6.

(d) The report required under subsection (c) may use existing family and social services administration (FSSA) data and must include recommendations to enhance, coordinate, and integrate the response of Indiana's community mental health centers to individuals with dual diagnosis to reduce the risk of recidivism, including an evaluation of the need for or better use of the following:

(1) Appropriate screening and assessment tools.

(2) Training and expertise.

(3) Reimbursement strategies.

(4) Adequate staffing.

(5) Linkage to community based services.

(6) Other issues identified by the division of mental health and addiction.

(e) This SECTION expires December 31, 2017."

Renumber all SECTIONS consecutively.

(Reference is to HB 1304 as reprinted February 17, 2015.)

and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

Committee Vote: Yeas 6, Nays 3.

STEELE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health & Provider Services, to which was referred House Bill 1454, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

PATRICIA MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Pensions & Labor, to which was referred House Bill 1497, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 1, strike "likely".

(Reference is to HB 1497 as printed January 27, 2015.)

and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

Committee Vote: Yeas 10, Nays 0.

BOOTS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Insurance & Financial Institutions, to which was referred House Bill 1539, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

HOLDMAN, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education & Career Development, to which was referred House Bill 1635, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass and be reassigned to the Senate Committee on Appropriations.

Committee Vote: Yeas 9, Nays 0.

KRUSE, Chair

Report adopted.

SENATE MOTION

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

- SR 36 Senator Brown
Memorializing Charles E. Rice.
- SCR 27 Senator Brown
Memorializing Father Theodore M. Hesburgh.

LONG

Motion prevailed.

RESOLUTIONS ON FIRST READING

Senate Resolution 36

Senate Resolution 36, introduced by Senator Brown:

A SENATE RESOLUTION memorializing Charles E. Rice, former Marine, University of Notre Dame Professor of Law, and loving father and husband.

Whereas, Charles E. Rice was born August 7, 1931, in Manhattan, New York, and observed from an early age his father Laurence's work with local Irish-American and Catholic organizations, which inspired much of his work later in life;

Whereas, Charles served honorably in the Marine Corps Reserve, retiring as a Lieutenant Colonel, and went on to earn his B.A. from the College of the Holy Cross, his J.D. from Boston College Law School, and his LL.M. and J.S.D. from New York University, the University's most advanced law degree, in addition to his later honorary doctoral degrees;

Whereas, Following several years of practice in New York and teaching at New York University Law School and Fordham Law School, Charles and his beloved wife Mary moved to Indiana for Charles to serve as a Professor of Law at the University of Notre Dame;

Whereas, Charles quickly became a foundational pillar of the University, known for his academically daunting but entertaining classes and for his deep care and concern for his students;

Whereas, Beyond his love for teaching, Charles was a renowned academic and noted expert in Natural Law who published thirteen books and numerous articles; was an editor of the American Journal of Jurisprudence; and notably served as a consultant to the United States Commission on Civil Rights;

Whereas, Charles was also a man of deep faith, advocating for the respect and dignity of life from conception to natural death and speaking to parishes across the county frequently;

Whereas, His pugnacious and good-hearted nature was exemplified by his involvement in the Holy Cross Mission in Bangladesh through the University's Bengal Bouts, a boxing tournament that raised funds for the mission; and

Whereas, Charles was a devoted husband to Mary, a loving father to eleven children, a grandfather to forty-four grandchildren, and an overall humble man but one of extraordinary achievements who will be missed by so many: Therefore,

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

SECTION 1. That the Indiana Senate memorializes the full and honorable life of Charles E. Rice.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this Resolution to Charles' wife Mary; their children, John, Mary, Anne, Joseph, Charlie, Jeanne, Theresa, Kathleen, Ellen, Patricia, and Mung; and to the President of the University of Notre Dame, Reverend John I. Jenkins.

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

Senate Concurrent Resolution 27

Senate Concurrent Resolution 27, introduced by Senators Brown, Zakas, and Broden:

A CONCURRENT RESOLUTION memorializing Father Theodore M. Hesburgh, University of Notre Dame's President Emeritus, for his unmatched commitment to the university and his substantial contributions to higher education, the Catholic Church, national and international affairs.

Whereas, Father Theodore M. Hesburgh served as the President of the University of Notre Dame from 1952-1987;

Whereas, The current president of the university, Reverend John I. Jenkins, explained that with Hesburgh's leadership, charisma, and vision, he turned a relatively small Catholic college known for football into one of the nation's great institutions for higher learning;

Whereas, In Father Hesburgh's historic service to the nation, the Church, and the world, he was a steadfast champion for human rights, the cause of peace, and care for the poor;

Whereas, Father Hesburgh's greatest influence was perhaps on the lives of generations of Notre Dame students, whom he taught, counseled, and befriended;

Whereas, Father Hesburgh was born May 25, 1917, in Syracuse, New York, the son of Anne Murphy Hesburgh and Theodore Bernard Hesburgh, an executive of the Pittsburgh Plate Glass Company;

Whereas, Educated at Notre Dame and the Gregorian University in Rome, Father Hesburgh received a bachelor of philosophy degree in 1939;

Whereas, Father Hesburgh was ordained a priest of the Congregation of Holy Cross in Sacred Heart Church on Notre Dame's Campus on June 24, 1943, by Fort Wayne Bishop John F. Knoll;

Whereas, Following his ordination, Father Hesburgh continued his study of sacred theology at the Catholic University of America in Washington, D.C., receiving his doctorate in 1945;

Whereas, That same year, Father Hesburgh joined the Notre Dame faculty and served as chaplain to World War II veterans on campus, in addition to his teaching duties in the Religion Department;

Whereas, Father Hesburgh was appointed as the head of the Religion Department in 1948, and the following year was appointed as executive vice president in the university administration of Reverend John J. Cavanaugh;

Whereas, In June 1952, at the age of thirty-five, Father Hesburgh became the fifteenth President of the University of Notre Dame;

Whereas, The two major changes during the Hesburgh era were the transference of governance in 1967 from the Congregation of Holy Cross to a two-tiered, mixed board of lay and religious trustees and fellows, in addition to the admission of women to the undergraduate program in 1972;

Whereas, Father Hesburgh played an active and influential role in national and international affairs during and after his presidency, holding sixteen presidential appointments over the years that involved him in virtually all major social issues,

including civil rights, peaceful uses of atomic energy, campus unrest, treatment of Vietnam draft opponents, Third World development, and immigration reform;

Whereas, Justice was the focus of many of Father Hesburgh's off-campus activities: he was a charter member of the U.S. Commission on Civil Rights, created in 1957, and he chaired the commission from 1969-1972, at which time President Richard Nixon replaced him as chairman because of his criticism of the administrations's civil rights record;

Whereas, As a member of President Ford's Presidential Clemency Board, Father Hesburgh was one of the individuals tasked with deciding the fate of various groups of Vietnam War opponents;

Whereas, Father Hesburgh's work on these commissions led to the creation at Notre Dame Law School of the Center for Civil and Human Rights;

Whereas, In 1971, Father Hesburgh joined the board of the Overseas Development Council, a private organization supporting interests of the underdeveloped world, chaired it until 1982, and during this time led fund-raising efforts that averted mass starvation in Cambodia from 1979-1980;

Whereas, From 1979-1981 Father Hesburgh also chaired the Select Commission on Immigration and Refugee Policy, the recommendations of which became the basis of Congressional reform legislation five years later;

Whereas, In 1982, Father Hesburgh helped organize a meeting in Vatican City of fifty-eight world class scientists, from the East as well as the West, who called for the elimination of nuclear weapons, and subsequently brought together in Vienna, leaders of six faith traditions who endorsed the view of these scientists;

Whereas, Father Hesburgh's global perspective was the impetus for the establishment at Notre Dame of the Kellogg Institute for International Studies and the Kroc Institute for International Peace Studies;

Whereas, Father Hesburgh also served as a permanent Vatican City representative to the International Atomic Energy Agency in Vienna from 1956-1970;

Whereas, In 1972, at the request of Pope Paul VI, Father Hesburgh opened the Ecumenical Institute in Tantur, Jerusalem, which Notre Dame continues to operate;

Whereas, Pope Paul VI also appointed Father Hesburgh as head of the Vatican representatives attending the twentieth anniversary of the United Nations' human rights declaration in Tehran, Iran in 1968, and six years later as a member of the Holy See's U.N. delegation;

Whereas, In 1983, Father Hesburgh was appointed by Pope John Paul II to the Pontifical Council for Culture, charged with finding ways in which the saving message of the Gospel could be preached effectively in the world's vastly different cultures;

Whereas, On more than one occasion, Father Hesburgh was the first Catholic priest to serve in various positions, including his years as a director of the Chase Manhattan Bank, and as a trustee, and later chairman, of the Rockefeller Foundation;

Whereas, Father Hesburgh's appointment as ambassador to the 1979 U.N. Conference on Science and Technology for Development was the first time a priest had served in a formal diplomatic role for the U.S. government;

Whereas, Father Hesburgh's stature as an elder statesman in American higher education is reflected in his 150 honorary degrees, which is believed to be the most ever awarded to one person;

Whereas, In July 2000, Father Hesburgh's public service career was honored as he became the first individual from higher education to be awarded the Congressional Gold Medal, presented by President Bill Clinton;

Whereas, Father Hesburgh also received the nation's highest civilian honor, the Medal of Freedom, from President Lyndon B. Johnson in 1964;

Whereas, When Father Hesburgh stepped down as the University of Notre Dame's leader on June 1, 1987, it ended the longest tenure at that time among active presidents of American colleges and universities;

Whereas, After a year-long sabbatical, Father Hesburgh returned to a retirement office on the thirteenth floor of the newly named Hesburgh Library on Notre Dame's campus;

Whereas, One of Father Hesburgh's first projects after his return to Notre Dame was the completion of his autobiography, "God, Country, Notre Dame" which was published in November, 1990, and became a national best seller; and

Whereas, It is fitting that the Indiana General Assembly gives special recognition to Father Theodore M. Hesburgh for his invaluable gifts to Notre Dame, The State of Indiana, and our country: 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 memorializes Father Theodore M. Hesburgh, University of Notre Dame's President Emeritus, for his unmatched commitment to the university and his substantial contributions to higher education, the Catholic Church, national and international affairs.

SECTION 2. The Secretary of the Senate is hereby directed

to transmit a copy of this Resolution to Reverend John I. Jenkins, President of the University of Notre Dame.

The resolution was read in full and adopted by standing vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Bauer and DeVon.

SENATE MOTION

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

SCR 26 Senator Grooms
 Congratulating Floyd Central High School.
 LONG

Motion prevailed.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 26

Senate Concurrent Resolution 26, introduced by Senator Grooms:

A CONCURRENT RESOLUTION congratulating Floyd Central High School and its many students who participated in the annual dance marathon which raised over \$94,000 to benefit the Riley Hospital for Children in Indianapolis.

Whereas, On Saturday February 28, 2015, hundreds of Floyd Central High School students gathered to spend eight hours participating in the annual dance marathon to raise over \$94,000 for the Riley Hospital for Children in Indianapolis;

Whereas, Floyd Central twelfth grader Mary Hayes explained that it was great to see the school come together thanks to the students' hard work in doing something to help the kids at Riley;

Whereas, The annual Floyd Central Dance Marathon is an eight hour event where students dance, play games, eat, and hang out while raising funds for Riley Hospital;

Whereas, This event is the culmination of the students' fundraising for the Riley Hospital for Children, a health care center in Indianapolis that operates on the belief that no child seeking treatment should ever be turned away;

Whereas, Floyd Central tenth grader Grace Reising received a kidney transplant from Riley Hospital this past summer and after spending quite some time at the hospital, Reising said that watching her classmates help support the hospital was especially meaningful;

Whereas, While the dance marathon is primarily a fundraising event, students and faculty also say that it offers a rare occasion where high school cliques and stereotypes do not exist;

Whereas, Principal Janie Whaley explained that with a school of this size, it can often be difficult to have the whole student body come together in such a meaningful way, but that the dance marathon achieves this difficult goal;

Whereas, Throughout the evening, Floyd Central families who have benefitted from Riley Hospital share their stories, placing greater meaning behind all the music and dancing;

Whereas, This year Floyd Central set a new fundraising record with the \$94,867.62 total it achieved; and

Whereas, It is fitting that the Indiana General Assembly gives special recognition to Floyd Central High School for its annual dance marathon and for setting a new fundraising record this year: 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 Floyd Central High School and its many students who participated in the annual dance marathon which raised over \$94,000 to benefit the Riley Hospital for Children in Indianapolis.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this Resolution to Floyd Central High School Principal Janie Whaley, Assistant Principal Rob Willman, and Superintendent Bruce Hibbard.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Clere and Rhoads.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolution 17 and the same is herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 35 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 34 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 37 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 36 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolution 24 and the same is herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

SENATE MOTION

Madam President: I move that Senator Head be added as second sponsor of House Bill 1138.

PETE MILLER

Motion prevailed.

ENGROSSED HOUSE BILLS ON SECOND READING

Engrossed House Bill 1017

Senator Crider called up Engrossed House Bill 1017 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1025

Senator Steele called up Engrossed House Bill 1025 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1138

Pursuant to Rule 76, Senator Head called up Engrossed House Bill 1138 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1142

Senator Hershman called up Engrossed House Bill 1142 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1182

Senator Crider called up Engrossed House Bill 1182 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1185

Senator Charbonneau called up Engrossed House Bill 1185 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1208

Senator Messmer called up Engrossed House Bill 1208 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1216

Senator Head called up Engrossed House Bill 1216 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1338

Senator Raatz called up Engrossed House Bill 1338 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1362

Senator Yoder called up Engrossed House Bill 1362 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1501

Senator Leising called up Engrossed House Bill 1501 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1617

Senator Messmer called up Engrossed House Bill 1617 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**ENGROSSED HOUSE BILLS
ON THIRD READING**

Engrossed House Bill 1307

Senator Niemeyer called up Engrossed House Bill 1307 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 281: yeas 47, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair

instructed the Secretary to inform the House of the passage of the bill.

**MESSAGE FROM THE
PRESIDENT PRO TEMPORE**

Madam President and Members of the Senate: I have on Thursday, March 12, 2015, signed House Enrolled Acts: 1141 and 1549.

DAVID C. LONG
President Pro Tempore

SENATE MOTION

Madam President: I move that Senator Tallian be added as cosponsor of House Bill 1403.

CHARBONNEAU

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Hershman be added as second sponsor of House Bill 1271.

KENLEY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Arnold be added as cosponsor of House Bill 1270.

KENLEY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Yoder be added as second sponsor of House Bill 1438.

KRUSE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Raatz be added as third sponsor of House Bill 1438.

KRUSE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Zakas be added as second author of Senate Resolution 36.

BROWN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Arnold be added as cosponsor of House Bill 1053.

GLICK

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Stoops be added as cosponsor of House Bill 1362.

YODER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kruse be added as second sponsor of House Bill 1056.

CHARBONNEAU

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Charbonneau be added as second sponsor of House Bill 1104.

HEAD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator A. Banks be added as second sponsor and Senator M. Young be added as third sponsor of House Bill 1131.

RAATZ

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Tomes be added as cosponsor of House Bill 1108.

BRAY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Steele be added as second sponsor of House Bill 1208.

MESSMER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Glick be added as second sponsor, Senator Steele be added as third sponsor, and Senator Leising be added as cosponsor of House Bill 1617.

MESSMER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Grooms be added as second sponsor of House Bill 1338.

RAATZ

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Zakas be added as cosponsor of House Bill 1216.

HEAD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Walker be added as second sponsor of House Bill 1318.

HERSHMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Walker be added as second sponsor of House Bill 1142.

HERSHMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Crider be added as second sponsor of House Bill 1362.

YODER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Patricia Miller be added as cosponsor of House Bill 1216.

HEAD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Raatz be added as cosponsor of House Bill 1433.

HEAD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kruse be added as second sponsor of House Bill 1231.

PETE MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m.,
Monday, March 16, 2015.

LONG

Motion prevailed.

The Senate adjourned at 1:55 p.m.

JENNIFER L. MERTZ
Secretary of the Senate

SUE ELLSPERMANN
President of the Senate