



Journal of the Senate

State of Indiana

120th General Assembly

Second Regular Session

Fourth Meeting Day

Monday Afternoon

January 8, 2018

The Senate convened at 1:55 p.m., with the President of the Senate, Suzanne Crouch, in the Chair.

Prayer was offered by Senator James R. Buck.

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

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

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

Roll Call 5: present 48; excused 1. [Note: A indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

INTRODUCTION OF BILLS

The following bills and resolutions were read a first time by title and referred to the respective committees:

SB 0171 — Buck (Local Government)

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

SB 0172 — Raatz (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning education and to make an appropriation.

SB 0173 — Buck (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

SB 0174 — Crane (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 0175 — Niezgodski (Health and Provider Services)

A BILL FOR AN ACT concerning professions and occupations.

SB 0176 — Niezgodski (Veterans Affairs and The Military)

A BILL FOR AN ACT to amend the Indiana Code concerning military and veterans.

SB 0178 — Tallian (Natural Resources)

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

SB 0179 — Bray (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

SB 0180 — Bray (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning business and other associations.

SB 0297 — Raatz (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 0374 — Doriot (Appropriations)

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

SB 0375 — Doriot (Homeland Security and Transportation)

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

SB 0376 — Perfect (Insurance and Financial Institutions)

A BILL FOR AN ACT to amend the Indiana Code concerning property.

SB 0377 — Perfect (Insurance and Financial Institutions)

A BILL FOR AN ACT to amend the Indiana Code concerning financial institutions.

SB 0378 — Lanane (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

SB 0379 — Eckerty (Commerce and Technology)

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

- SB 0380** — Messmer (Commerce and Technology)
A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.
- SB 0381** — Messmer (Family and Children Services)
A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.
- SB 0382** — Messmer (Commerce and Technology)
A BILL FOR AN ACT to amend the Indiana Code concerning property.
- SB 0383** — Messmer (Local Government)
A BILL FOR AN ACT to amend the Indiana Code concerning local government.
- SB 0384** — Glick (Civil Law)
A BILL FOR AN ACT to amend the Indiana Code concerning commercial law.
- SB 0385** — Glick (Local Government)
A BILL FOR AN ACT to amend the Indiana Code concerning local government.
- SB 0386** — Ruckelshaus (Local Government)
A BILL FOR AN ACT to amend the Indiana Code concerning local government.
- SB 0387** — Zay (Education and Career Development)
A BILL FOR AN ACT to amend the Indiana Code concerning education.
- SB 0388** — Zay (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.
- SB 0389** — Zay (Corrections and Criminal Law)
A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.
- SB 0390** — Zay (Family and Children Services)
A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.
- SB 0392** — Niemeyer (Local Government)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- SB 0393** — Eckerty (Commerce and Technology)
A BILL FOR AN ACT to amend the Indiana Code concerning public safety.
- SB 0394** — Grooms (Commerce and Technology)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- SB 0396** — Walker (Appropriations)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- SB 0397** — Boots (Local Government)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- SB 0398** — Houchin (Health and Provider Services)
A BILL FOR AN ACT to amend the Indiana Code concerning human services.
- SB 0399** — Holdman, Koch (Commerce and Technology)
A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.
- SB 0400** — Stoops (Elections)
A BILL FOR AN ACT to amend the Indiana Code concerning elections.
- SB 0401** — Breaux (Health and Provider Services)
A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.
- SB 0402** — Becker (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.
- SB 0403** — Becker, Tomes (Veterans Affairs and The Military)
A BILL FOR AN ACT concerning military and veterans.
- SB 0404** — Koch (Corrections and Criminal Law)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- SB 0405** — Ford (Public Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning gaming.
- SB 0406** — Melton (Education and Career Development)
A BILL FOR AN ACT to amend the Indiana Code concerning education.
- SB 0407** — Melton (Corrections and Criminal Law)
A BILL FOR AN ACT to amend the Indiana Code concerning corrections.
- SB 0408** — Koch (Commerce and Technology)
A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.
- SB 0411** — Koch (Utilities)
A BILL FOR AN ACT to amend the Indiana Code concerning utilities.
- SB 0412** — Bray (Insurance and Financial Institutions)
A BILL FOR AN ACT to amend the Indiana Code concerning insurance.
- SB 0413** — Bray (Corrections and Criminal Law)
A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.
- SJ 0013** — Stoops (Elections)
A JOINT RESOLUTION proposing an amendment to Article 4 of the Constitution of the State of Indiana concerning the general assembly.

RESOLUTIONS ON FIRST READING

Senate Resolution 6

Senate Resolution 6, introduced by Senator Breaux:

A SENATE RESOLUTION urging the Indiana Congressional Delegation to support the re-authorization of the Children's Health Insurance Program (CHIP).

Whereas, The Children's Health Insurance Program, enacted into law in 1997 with bipartisan support, provides low-cost health care coverage to children in families who do not qualify for Medicaid;

Whereas, Nearly nine million children nationwide are enrolled in CHIP, which provides matching funds to states to provide health insurance to families with children;

Whereas, Indiana has benefitted greatly from the implementation of CHIP, an annual independent evaluation of Indiana CHIP has rated the program highly in member satisfaction, access to services and outcomes;

Whereas, In 2008, Indiana's CHIP was expanded to cover children in households at up to 250% of the federal poverty line, and Indiana's uninsured rate among children in this group is 7.6%, below the national average of 8.5%;

Whereas, Over 100,000 children are enrolled in CHIP in Indiana and enrollment has increased 28.7% over the last three years;

Whereas, The Family and Social Services Agency has estimated that if federal funds are not re-authorized, Indiana's CHIP funding will run out by March of 2018; and

Whereas, It is vitally important that CHIP be re-authorized to continue to offer health care coverage to low-income Hoosier children: Therefore,

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

SECTION 1. That the Indiana Senate urges the Indiana Congressional Delegation to support the re-authorization of the Children's Health Insurance Program.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to the Indiana Congressional Delegation.

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

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Elections, to which was referred Senate Bill 9, 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.

WALKER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Civil Law, to which was referred Senate Bill 13, 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 7, Nays 0.

HEAD, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill 44, 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:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 4-24-6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 6. (a) There is established in each psychiatric, benevolent, penal, and correctional institution a fund to be known as the:

- (1) patients' recreation fund;
- (2) students' recreation fund; or
- (3) inmates' recreation fund.

(b) These funds shall be used, at the discretion of the superintendent or warden subject to the approval of the chief administrative officer of the department, division, or state agency having administrative control and supervision over the institution, for the direct benefit of persons who are inmates or patients in such institutions, and shall not be used for any purposes which are covered by state appropriations.

(c) The funds shall be expended for purposes in accordance with the policies of the department, division, or state agency having administrative control over such institution. The expenditures may include, but are not limited to:

- (1) purchased entertainment;
- (2) magazine subscriptions for the libraries, wards, or units of such institutions;
- (3) special recreational equipment and supplies;
- (4) special foods for parties or celebrations;
- (5) educational materials;
- (6) phonograph records, televisions, radios, and similar items when the items cannot be purchased from regular appropriations; ~~and~~

(7) **contraband detection equipment; and**

(8) any other purposes not covered by regular appropriations;

that will provide a direct benefit to or assist in the rehabilitation of the inmates or patients of such institutions.

(Reference is to SB 44 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Corrections and Criminal Law.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill 51, 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:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 35-31.5-2-3.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 3.8. "Addiction disorder related conviction", for purposes of IC 35-38-11, has the meaning set forth in IC 35-38-11-2.**

SECTION 2. IC 35-31.5-2-152.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 152.3. "High intensity residential treatment program", for purposes of IC 35-38-11, has the meaning set forth in IC 35-38-11-2.**

SECTION 3. IC 35-38-11 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]:

Chapter 11. Expungement of Addiction Disorder Related Convictions

Sec. 1. (a) Except as provided in subsection (b), this chapter applies only to a person with an addiction disorder related conviction.

(b) This chapter does not apply to a person convicted of:

- (1) murder;
- (2) voluntary manslaughter; or
- (3) a sex offense.

Sec. 2. The following definitions apply throughout this chapter:

(1) "Addiction disorder" means a diagnosable chronic substance use disorder of sufficient duration to meet diagnostic criteria in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association.

(2) "Addiction disorder related conviction" means a conviction:

- (A) in which the unlawful possession, distribution, cultivation, or manufacture of a controlled substance is a material element of the offense;
- (B) in which intoxication or impairment by means of

alcohol or a controlled substance is a material element of the offense; or

(C) for an offense motivated, in whole or in part, by an addiction disorder.

The term includes a conviction for an offense committed with the purpose of obtaining money to purchase a controlled substance.

(3) "High intensity residential treatment program" means an inpatient residential treatment program for treatment of mental health and addiction disorders that:

(A) is certified by the division of mental health and addiction as providing evidence based mental health and addiction treatment services;

(B) provides twenty-four (24) hour inpatient care for a patient in a residential treatment facility with licensed therapists;

(C) requires the patient to reside in the residential treatment facility for at least twenty-eight (28) days; and

(D) provides follow up treatment in a transitional facility or on an outpatient basis for at least six (6) months following the patient's discharge from the residential facility.

(4) "Sex offense" has the meaning set forth in IC 11-8-8-5.2.

Sec. 3. (a) A person who has successfully completed a high intensity residential treatment program, including successful completion of at least six (6) months of follow up treatment following the person's discharge from the residential treatment facility, may petition a court to expunge the person's addiction disorder related 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 that provided treatment or services to the petitioning person under a court order;

that relate to the person's addiction disorder related conviction.

(b) A person who files a petition to expunge addiction disorder related conviction records shall file the petition in the sentencing court in the county of conviction.

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

- (1) the person was convicted of an offense described in section 2(2) of this chapter;
- (2) the person has successfully completed a high intensity residential treatment program; and
- (3) the person has not been charged with another offense;

the court may order the addiction disorder related conviction records described in subsection (a) expunged in accordance with section 4 of this chapter. The court may order the

expungement of some or all of the person's addiction disorder related convictions.

Sec. 4. (a) If a court orders a person's addiction disorder related conviction records expunged under section 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;

that incarcerated, provided treatment for, or provided other services for the person under an order of a 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;

(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; and

(G) the bureau of motor vehicles, the Federal Motor Carrier Safety Administration, and the Commercial Drivers License Information System (CDLIS), if disclosure is required to comply with federal law relating to reporting a conviction for a violation of a traffic control law.

(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 a person's addiction disorder related conviction records is granted under section 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's addiction disorder related conviction shall be permanently sealed. However, a petition for expungement granted under section 3 of this chapter does not affect an existing or pending driver's license suspension.

(c) If a petition to expunge addiction disorder related conviction records is granted under section 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 or memorandum decision 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 addiction disorder related conviction records are expunged under section 3 of this chapter is required to register as a sex offender based on the commission of a felony that has been expunged:

(1) the expungement does not affect the operation of the sex offender registry Internet 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 Internet web site.

(f) Expungement of a crime of domestic violence under section 3 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 section 3 of this chapter, the court shall include in its order the information described in section 5(a) of this chapter.

Sec. 5. (a) A person may seek an expungement under section 3 of this chapter by filing a verified petition for expungement. The petition must include the following:

(1) The petitioner's full name and all other legal names or aliases by which the petitioner is or has been known.

(2) The petitioner's date of birth.

(3) The petitioner's addresses from the date of the offense to the date of the petition.

(4) The name and address of the high intensity residential treatment program.

(5) The case number or court cause number, if available.

(6) The petitioner shall affirm that no criminal investigation or charges are pending against the petitioner.

(7) The petitioner shall affirm that the petitioner has not committed another crime within the period required for expungement.

(8) The petitioner shall affirm that the petitioner has successfully completed a high intensity residential treatment program.

(9) The petitioner shall list all convictions, the cause number of each conviction, if known, the date of the

conviction, and any appeals from the conviction and the date any appellate opinion was handed down, if applicable.

(10) The petitioner shall separately list the addiction disorder related convictions that the petitioner wishes expunged, with a concise explanation of why these convictions are addiction disorder related convictions.

(11) 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 of the petitioner's addiction disorder related conviction.

(b) The petitioner may include any other information that the petitioner believes may assist the court.

(c) A person who files a petition under this section is required to pay the filing fee required in civil cases. The court may reduce or waive this fee if the person is indigent.

(d) The petitioner shall serve a copy of the petition upon the prosecuting attorney in accordance with the Indiana Rules of Trial Procedure.

(e) The prosecuting attorney shall inform each victim of the offense for which expungement is sought of the victim's rights under IC 35-40-6 by contacting the victim at the victim's last known address.

(f) The prosecuting attorney shall reply to the petition not later than thirty (30) days after receipt. 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 6 of this chapter.

Sec. 6. (a) If the prosecuting attorney does not object or has waived objection to the petition under section 5 of this chapter, the court may grant a petition for expungement under section 3 of this chapter without a hearing.

(b) The court may summarily deny a petition for expungement under section 3 of this chapter if the petition does not meet the requirements of section 5 of this chapter, or if the statements contained in the petition demonstrate that the petitioner is not entitled to relief.

(c) If the prosecuting attorney objects to the petition, 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. The court shall set the matter for hearing not sooner than thirty (30) days after service of the petition on the prosecuting attorney.

(d) A victim of the offense for which expungement is sought may submit an oral or written statement in support of or in opposition to the petition at the time of the hearing.

(e) At the hearing, the petitioner must prove by a preponderance of the evidence that the facts alleged in the verified petition are true.

Sec. 7. The grant or denial of a petition under this chapter is an appealable final order.

Sec. 8. A petitioner may seek to expunge more than one (1) addiction disorder related conviction under this chapter at the same time. The petitioner shall consolidate all addiction disorder related convictions that the petitioner wishes to expunge from the same county in one (1) petition. A petitioner who wishes to expunge convictions from separate counties must file a petition in each county in which a conviction was entered.

Sec. 9. (a) Except as provided in subsection (e), it is unlawful discrimination for any person to:

- (1) suspend;
- (2) expel;
- (3) refuse to employ;
- (4) refuse to admit;
- (5) refuse to grant or renew a license, permit, or certificate necessary to engage in any activity, occupation, or profession; or
- (6) otherwise discriminate against;

any person because of a conviction or record expunged under this chapter.

(b) Except as provided in section 4(f) of this chapter, the civil rights of a person whose conviction has been expunged under this chapter shall be fully restored, including the right to vote, to hold public office, to be a proper person under IC 35-47-1-7(2), and to serve as a juror.

(c) A person whose record is expunged under this chapter shall be treated as if the person had never been convicted of the offense. However, upon a subsequent arrest or conviction for an unrelated offense, the prior expunged conviction:

- (1) may be considered by the court in determining the sentence imposed for the new offense;
- (2) is a prior unrelated conviction for purposes of:
 - (A) a habitual offender enhancement; and
 - (B) enhancing the new offense based on a prior conviction; and
- (3) may be admitted as evidence in the proceeding for a new offense as if the conviction had not been expunged.

(d) Except as provided in subsection (e), a person that discriminates against a person as described in subsection (a) commits a Class C infraction and may be held in contempt by the court issuing the order of expungement or by any other court of general jurisdiction.

(e) Subsection (d) does not apply to a person to whom sealed records may be disclosed under section 4(a)(2) of this chapter.

(f) Any person may file a written motion of contempt to bring an alleged violation of this section to the attention of a court. In addition, the person is entitled to injunctive relief.

(g) In a judicial or administrative proceeding alleging negligence or other fault, an order of expungement may be introduced as evidence of a person's exercise of due care in hiring, retaining, licensing, certifying, admitting to a school

or program, or otherwise transacting business or engaging in activity with a person to whom an order of expungement was issued under this chapter.

(h) A conviction that has been expunged under this chapter is not admissible as evidence in an action for negligent hiring, admission, or licensure against a person that relied on the order.

(i) An expungement case under this chapter, and all documents filed in the case, become confidential when the court issues an order granting the petition. However, until the court issues an order granting the petition, documents filed in the case are not confidential, and any hearing held in the case shall be open.

Sec. 10. (a) A person may not waive the right to expungement under this chapter as part of a plea agreement. Any purported waiver of the right to expungement under this chapter in a plea agreement is invalid and unenforceable as against public policy.

(b) This section does not prohibit the finding of a waiver of the right to expungement under this chapter based on a failure to comply with the provisions of this chapter.

Sec. 11. The remedies provided by this chapter are in addition to, and separate from, any other expungement remedies provided by law.

(Reference is to SB 51 as introduced.)
and when so amended that said bill be reassigned to the Senate Committee on Judiciary.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Agriculture, to which was referred Senate Bill 105, 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.

LEISING, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Civil Law, to which was referred Senate Bill 123, 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 1.

HEAD, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Civil Law, to which was referred Senate Bill 137, 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 7, Nays 0.

HEAD, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Elections, to which was referred Senate Bill 155, 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.

WALKER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Civil Law, to which was referred Senate Bill 158, 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 5, Nays 2.

HEAD, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Agriculture, to which was referred Senate Bill 161, 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 6, Nays 0.

LEISING, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Elections, to which was referred Senate Bill 250, 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.

WALKER, Chair

Report adopted.

RESOLUTIONS ON FIRST READING

Senate Resolution 7

Senate Resolution 7, introduced by Senator Tomes:

A SENATE RESOLUTION congratulating Saint Wendel Catholic School on achieving the highest ISTEP passing scores in Indiana for Spring 2017.

Whereas, Saint Wendel Catholic School is a rural school located in Wadesville, Indiana;

Whereas, Saint Wendel has 184 students currently enrolled ranging from pre-kindergarten to eighth grade under the supervision of over twenty faculty members;

Whereas, Saint Wendel was recognized as a "4 Star" School by the Indiana Department of Education from 2010 through 2016 and has received an "A" grade from the Department of Education each year since the A-F model inception in 2011;

Whereas, The Indiana Department of Education began evaluating students in grades 3-8 with more rigorous college-and-career-ready standards through ISTEP exams administered after 2013;

Whereas, Every student at Saint Wendel passed the ISTEP's rigorous math test and 96.5 percent of students passed the English test; and

Whereas, Saint Wendel earned the highest ISTEP score in the state for students in passing both English and math portions of the exam for grades 3-8 for the 2017 spring exam: Therefore,

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

SECTION 1. That the Indiana Senate congratulates Saint Wendel Catholic School on earning the highest passing scores in Indiana for the Spring 2017 ISTEP.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this Resolution to Mrs. Hallie Scheu, Principal of Saint Wendel Catholic School, all Saint Wendel Catholic School staff members from the 2016-2017 school year, and all Saint Wendel Catholic school students from the 2016-2017 school year.

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

SENATE BILLS ON SECOND READING

Senate Bill 27

Senator Boots called up Senate Bill 27 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 119

Senator Grooms called up Senate Bill 119 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

SENATE MOTION

Madam President: I move that Senator Becker be added as second author of Senate Resolution 7.

TOMES

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Bray be added as second author of Senate Bill 5.

ZAKAS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Head be added as second author and Senator Leising be added as third author of Senate Bill 19.

TOMES

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Tomes be added as second author of Senate Bill 33.

SANDLIN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Long be removed as author of Senate Bill 44 and Senator Bohacek be substituted therefor.

LONG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Long be removed as author of Senate Bill 51 and Senator Crider be substituted therefor.

LONG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Freeman be added as second author and Senator Tomes be added as third author of Senate Bill 73.

SANDLIN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Grooms be added as second author and Senator Sandlin be added as third author of Senate Bill 75.

FORD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Ford be added as coauthor of Senate Bill 113.

LONNIE M. RANDOLPH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Ford be added as coauthor of Senate Bill 115.

LONNIE M. RANDOLPH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Merritt and Buck be added as coauthors of Senate Bill 123.

HOLDMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kruse be added as second author of Senate Bill 143.

LEISING

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Ford be added as second author of Senate Bill 155.

WALKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Stoops be added as coauthor of Senate Bill 168.

NIEZGODSKI

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kruse be added as second author of Senate Bill 172.

RAATZ

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Raatz be added as second author of Senate Bill 177.

KRUSE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Doriot be added as second author of Senate Bill 214.

TOMES

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Tomes be added as second author of Senate Bill 216.

SANDLIN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Messmer be added as second author of Senate Bill 240.

LEISING

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Ford be added as second author of Senate Bill 250.

MRVAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Stoops be added as coauthor of Senate Bill 275.

BASSLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kruse be added as second author of Senate Bill 297.

RAATZ

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Raatz be added as second author of Senate Bill 350.

KRUSE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Raatz be added as second author of Senate Bill 352.

KRUSE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Raatz be added as second author of Senate Bill 354.

KRUSE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senate Bill 120, assigned to the Senate Committee on Rules and Legislative Procedure, be withdrawn from further consideration by the Senate.

GROOMS

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Tuesday, January 9, 2018.

LONG

Motion prevailed.

The Senate adjourned at 2:12 p.m.

JENNIFER L. MERTZ
Secretary of the Senate

SUZANNE CROUCH
President of the Senate