



January 28, 2015

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## SENATE BILL No. 90

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DIGEST OF SB 90 (Updated January 26, 2015 4:32 pm - DI ck)

**Citations Affected:** IC 5-2.

**Synopsis:** Address confidentiality. Establishes an address confidentiality program for law enforcement officials.

**Effective:** July 1, 2015.

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### Steele

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January 6, 2015, read first time and referred to Committee on Rules & Legislative Procedure.  
January 27, 2015, amended; reassigned to Committee on Judiciary.

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SB 90—LS 6188/DI 13



January 28, 2015

First Regular Session 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

## SENATE BILL No. 90

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 5-2-21 IS ADDED TO THE INDIANA CODE AS  
2 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2015]:

4 **Chapter 21. Address Confidentiality Program**

5 **Sec. 1. The following definitions apply throughout this chapter:**

6 (1) "Law enforcement official" means:

7 (A) a police officer (including a correctional police officer),  
8 sheriff, constable, marshal, prosecuting attorney, special  
9 prosecuting attorney, special deputy prosecuting attorney,  
10 the securities commissioner, or the inspector general;

11 (B) a deputy of any of those persons;

12 (C) an investigator for a prosecuting attorney or for the  
13 inspector general;

14 (D) a conservation officer;

15 (E) an enforcement officer of the alcohol and tobacco  
16 commission;

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- 1 (F) an enforcement officer of the securities division of the  
 2 office of the secretary of state;  
 3 (G) a gaming agent employed under IC 4-33-4.5 or a  
 4 gaming control officer employed by the gaming control  
 5 division under IC 4-33-20;  
 6 (H) a federal enforcement officer;  
 7 (I) a school resource officer (as defined in IC 20-26-18.2-1)  
 8 and a school corporation police officer appointed under  
 9 IC 20-26-16; and  
 10 (J) a judicial officer, including a judge, magistrate, judicial  
 11 referee, master commissioner, and probate commissioner.
- 12 (2) "Law enforcement official's home address" or "home  
 13 address" means the:
- 14 (A) residential address and telephone number of a law  
 15 enforcement official;  
 16 (B) residential address and telephone number of a  
 17 household member of the law enforcement official who  
 18 resides with the law enforcement official; and  
 19 (C) residential address and telephone number of a child or  
 20 stepchild of the law enforcement official who:  
 21 (i) is attending; or  
 22 (ii) has attended within the previous year;  
 23 an approved postsecondary educational institution (as  
 24 defined in IC 21-7-13-6(a)).
- 25 (3) "Person" has the meaning set forth in IC 34-6-2-103(b).  
 26 (4) "Public agency" has the meaning set forth in IC 5-14-3-2.  
 27 (5) "Third party confidentiality provider" means a third  
 28 party that applies for address confidentiality on behalf of a  
 29 law enforcement official under the terms of an agreement  
 30 with the law enforcement official or the agency employing the  
 31 law enforcement official.
- 32 **Sec. 2. (a) A law enforcement official may require a public**  
 33 **agency to keep the official's home address confidential by**  
 34 **submitting an application for address confidentiality to the agency:**  
 35 **(1) directly; or**  
 36 **(2) through a third party confidentiality provider, as**  
 37 **described in section 8 of this chapter.**
- 38 **(b) A law enforcement official who submits an application for**  
 39 **address confidentiality on the official's own behalf shall complete**  
 40 **the application under penalties for perjury.**
- 41 **(c) A third party confidentiality provider shall verify a person's**  
 42 **status as a law enforcement official in accordance with section 8 of**



1 this chapter before submitting an application for address  
2 confidentiality on behalf of that person.

3 **Sec. 3. (a) Except as provided in subsection (b), notwithstanding**  
4 **any other statute or rule, not later than ten (10) days after receipt**  
5 **of an application for address confidentiality, a public agency may**  
6 **not disclose a law enforcement official's home address.**

7 **(b) A public agency may disclose a law enforcement official's**  
8 **home address under the following circumstances:**

9 **(1) A public agency shall disclose a law enforcement official's**  
10 **home address to a specific person if directed to do so by a**  
11 **court order.**

12 **(2) A public agency shall disclose a law enforcement official's**  
13 **home address to a law enforcement agency if requested to do**  
14 **so by the law enforcement agency.**

15 **(3) A public agency shall disclose a law enforcement official's**  
16 **home address to a financial institution or title company if**  
17 **requested to do so by a title company or financial institution**  
18 **for a bona fide business purpose.**

19 **(4) If a law enforcement official provides the public agency**  
20 **with a written request to disclose the law enforcement**  
21 **official's home address, a public agency shall disclose the law**  
22 **enforcement official's home address in accordance with the**  
23 **terms of the written request.**

24 **(c) If necessary to comply with this chapter, a public agency**  
25 **shall redact records containing a law enforcement official's home**  
26 **address.**

27 **Sec. 4. (a) At the time a law enforcement official submits an**  
28 **application for address confidentiality, or at any time thereafter,**  
29 **the law enforcement official may request that the public agency**  
30 **substitute the business address of the agency employing the official**  
31 **for the home address of the law enforcement official.**

32 **(b) Notwithstanding any other statute or rule, not later than ten**  
33 **(10) days after receipt of a request for address substitution, a**  
34 **public agency shall use the business address of the agency**  
35 **employing the law enforcement official instead of the official's**  
36 **home address on any:**

- 37 **(1) application;**  
38 **(2) identification card;**  
39 **(3) license;**  
40 **(4) certificate;**  
41 **(5) permit;**  
42 **(6) tag; or**



1 (7) similar document;  
 2 issued by the public agency to the law enforcement official or a  
 3 household member of the law enforcement official who resides with  
 4 the law enforcement official.

5 Sec. 5. (a) Except as provided in section 6 of this chapter, a  
 6 public agency that has received an application for address  
 7 confidentiality shall provide address confidentiality for a period of  
 8 four (4) years.

9 (b) A law enforcement official may submit a new application for  
 10 address confidentiality not earlier than six (6) months before the  
 11 expiration of the current four (4) year period.

12 (c) Upon receipt of a new application, the public agency shall  
 13 extend the address confidentiality period for an additional four (4)  
 14 years.

15 Sec. 6. (a) A person is no longer eligible for address  
 16 confidentiality under this chapter if the person:

- 17 (1) is no longer a law enforcement official;  
 18 (2) is no longer a household member of a law enforcement  
 19 official who resides with the law enforcement official; or  
 20 (3) for a child or stepchild of the law enforcement official, if  
 21 the child or stepchild:

- 22 (A) is no longer a household member of a law enforcement  
 23 official who resides with the law enforcement official; and  
 24 (B) has not attended an approved postsecondary  
 25 educational institution (as defined in IC 21-7-13-6(a))  
 26 within the previous year.

27 (b) Not later than thirty (30) days after an event described in  
 28 subsection (a) occurs, the:

- 29 (1) law enforcement official or former law enforcement  
 30 official, if the person applied for address confidentiality on the  
 31 person's own behalf; or  
 32 (2) third party confidentiality provider;

33 shall notify in writing every public agency providing address  
 34 confidentiality that the person is no longer eligible for address  
 35 confidentiality.

36 (c) If a law enforcement official changes employment but  
 37 remains a law enforcement official, the:

- 38 (1) official, if the official applied for confidentiality on the  
 39 official's own behalf; or  
 40 (2) third party confidentiality provider;

41 shall, not later than thirty (30) days after the official changes  
 42 employment, submit a new application to every public agency



1 providing address confidentiality.

2 **Sec. 7. (a) This chapter does not prevent a public agency from**  
 3 **obtaining the home address of a law enforcement official.**

4 **(b) A law enforcement official who has submitted an application**  
 5 **for address confidentiality shall provide the official's current home**  
 6 **address to the agency employing the law enforcement official.**

7 **Sec. 8. (a) A law enforcement official or an agency employing a**  
 8 **law enforcement official may contract with a third party**  
 9 **confidentiality provider to apply for address confidentiality on**  
 10 **behalf of:**

11 **(1) the law enforcement official, if the official contracts as an**  
 12 **individual with the third party confidentiality provider; or**

13 **(2) one (1) or more law enforcement officials employed by an**  
 14 **agency, if the agency contracts with the third party**  
 15 **confidentiality provider.**

16 **(b) If a third party confidentiality provider contracts with an**  
 17 **individual law enforcement official, the provider shall verify that**  
 18 **the individual is a law enforcement official before submitting an**  
 19 **application on the individual's behalf. If a third party**  
 20 **confidentiality provider contracts with an agency, no additional**  
 21 **verification of the information by the agency is necessary.**

22 **(c) The agreement between the third party confidentiality**  
 23 **provider and an individual or agency shall require the individual**  
 24 **or agency to timely notify the provider if:**

25 **(1) the individual becomes ineligible to participate in an**  
 26 **address confidentiality program; or**

27 **(2) the individual changes employment but remains a law**  
 28 **enforcement official.**

29 **Sec. 9. (a) A public agency may not charge a fee for**  
 30 **participation in the address confidentiality program.**

31 **(b) A public agency may adopt rules under IC 4-22-2 to**  
 32 **implement this chapter.**

