
HOUSE BILL No. 1161

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-2-12-8.6; IC 34-28-2.

Synopsis: Name changes by felons. Requires a person convicted of certain felonies who desires a name change to file a petition for a change of name. Requires the petitioner to appear at a hearing in the circuit court in the county in which the petitioner resides. Requires the court to hold a hearing on the petition at which the petitioner is present. Requires the petitioner to give notice to the sheriff, prosecuting attorney, and Indiana central repository for criminal history information at least 30 days before the hearing.

Effective: July 1, 2001.

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January 9, 2001, read first time and referred to Committee on Courts and Criminal Code.

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First Regular Session 112th General Assembly (2001)

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 *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

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HOUSE BILL No. 1161



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

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

1 SECTION 1. IC 5-2-12-8.6, AS AMENDED BY P.L.1-1999,
2 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2001]: Sec. 8.6. (a) **Except as provided in subsection (b)**, an
4 offender who is required to register under this chapter may not petition
5 for a change of name under IC 34-28-2.
6 (b) If an offender who is required to register under this chapter
7 changes the offender's name **under IC 34-28-2-1.7** due to marriage,
8 the offender must notify the criminal justice institute not more than
9 thirty (30) days after the name change.
10 SECTION 2. IC 34-28-2-1.7 IS ADDED TO THE INDIANA CODE
11 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
12 1, 2001]: **Sec. 1.7. (a) A person who seeks a name change under this
13 chapter must file a petition in the circuit court in the county where
14 the person resides if the person has a felony conviction for one (1)
15 of the following:**
16 **(1) Operating a vehicle while intoxicated (IC 9-30-5), if the
17 person who committed the offense has accumulated at least**



- 1 two (2) prior unrelated convictions under IC 9-30-5.
 2 (2) Murder (IC 35-42-1-1).
 3 (3) Voluntary manslaughter (IC 35-42-1-3).
 4 (4) Battery (IC 35-42-2-1).
 5 (5) Aggravated battery (IC 35-42-2-1.5).
 6 (6) Kidnapping (IC 35-42-3-2).
 7 (7) Confinement (IC 35-42-3-3) as a Class B felony or Class C
 8 felony.
 9 (8) Robbery (IC 35-42-5-1).
 10 (9) Carjacking (IC 35-42-5-2).
 11 (10) Arson (IC 35-43-1-1).
 12 (11) Burglary (IC 35-43-2-1) as a Class A felony or Class B
 13 felony.
 14 (12) Dealing in cocaine or a narcotic drug (IC 35-48-4-1) as a
 15 Class A felony.
 16 (13) Dealing in a schedule I, II, or III controlled substance
 17 (IC 35-38-4-2) if the amount of controlled substance involved
 18 has an aggregate weight of at least three (3) grams.
 19 (b) A person who seeks a name change due to marriage must file
 20 a petition in the circuit court in the county where the person
 21 resides if the person has a conviction for one (1) of the following:
 22 (1) Any offense listed in subsection (a).
 23 (2) Any offense listed in IC 5-2-12-4.
 24 (c) The court shall hold a hearing where the petitioner is
 25 present. In determining whether to grant a petition, the court shall
 26 consider the following:
 27 (1) Whether the petitioner has been convicted of any crime.
 28 (2) Whether the petitioner has been adjudicated a delinquent
 29 under IC 31-37.
 30 (3) Whether there are any pending criminal matters involving
 31 the petitioner.
 32 (4) The length and character of the petitioner's residence in
 33 the community.
 34 (5) The character, reputation, and habits of the petitioner.
 35 (6) Any other factors the court considers relevant.
 36 SECTION 3. IC 34-28-2-3, AS AMENDED BY P.L.1-1999,
 37 SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2001]: Sec. 3. (a) Upon filing a petition for a name change,
 39 the applicant shall give notice of the petition as follows:
 40 (1) By three (3) weekly publications in a newspaper of general
 41 circulation published in the county in which the petition is filed
 42 in court.

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- 1 (2) If no newspaper is published in the county in which the
 2 petition is filed, the applicant shall give notice in a newspaper
 3 published nearest to that county in an adjoining county.
 4 (3) The last weekly publication shall be published not less than
 5 thirty (30) days before the day the petition will be heard as
 6 indicated in the notice.
- 7 (b) In the case of a petition described in section 2(b) of this chapter,
 8 the petitioner must publish the first notice of the petition not more than
 9 seven (7) days after the date the petition is filed.
- 10 (c) In the case of a petition described in section 2(b) of this chapter,
 11 the notice required by this section must include the following:
 12 (1) The name of the petitioner.
 13 (2) The name of the minor child whose name is to be changed.
 14 (3) The new name desired.
 15 (4) The name of the court in which the action is pending.
 16 (5) The date on which the petition was filed.
 17 (6) A statement that any person has the right to appear at the
 18 hearing and to file objections.
- 19 (d) Except as provided in section 1.5 of this chapter, in the case of
 20 a person who has had a felony conviction within ten (10) years before
 21 filing a petition for a change of name **or a person who files a petition**
 22 **under section 1.7 of this chapter**, at least thirty (30) days before the
 23 hearing the petitioner must give notice of the filing of the petition to:
 24 (1) the sheriff of the county in which the petitioner resides;
 25 (2) the prosecuting attorney of the county in which the petitioner
 26 resides; and
 27 (3) the Indiana central repository for criminal history information.
- 28 (e) The notice given to the Indiana central repository for criminal
 29 history information under subsection (d) must include the petitioner's
 30 full current name, requested name change, date of birth, address,
 31 physical description, and a full set of classifiable fingerprints.
- 32 (f) The Indiana central repository for criminal history information
 33 shall forward a copy of any criminal records of the petitioner to the
 34 court for the court's information.
- 35 (g) A copy of the court decree granting or denying such a petition
 36 shall be sent to the Indiana state police.
- 37 (h) A person who violates subsection (d) commits a Class A
 38 misdemeanor.

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