COMMITTEE REPORT

MR. PRESIDENT:

The Senate Committee on Corrections, Criminal and Civil Procedures, to which was referred Senate Bill No. 207, 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:

1	Page 1, between the enacting clause and line 1, begin a new
2	paragraph and insert:
3	"SECTION 1. IC 5-2-5-5, AS AMENDED BY P.L.272-2001,
4	SECTION 2, AND AS AMENDED BY P.L.228-2001, SECTION 2, IS
5	AMENDED AND CORRECTED TO READ AS FOLLOWS
6	[EFFECTIVE JULY 1, 2002]: Sec. 5. (a) Except as provided in
7	subsection (b), on request, law enforcement agencies shall release or
8	allow inspection of a limited criminal history to noncriminal justice
9	organizations or individuals only if the subject of the request:
10	(1) has applied for employment with a noncriminal justice
11	organization or individual;
12	(2) has applied for a license and criminal history data as required
13	by law to be provided in connection with the license;
14	(3) is a candidate for public office or a public official;
15	(4) is in the process of being apprehended by a law enforcement
16	agency;
17	(5) is placed under arrest for the alleged commission of a crime;
18	(6) has charged that his rights have been abused repeatedly by
19	criminal justice agencies;
20	(7) is the subject of judicial decision or determination with

1   respect to the setting of bond, plea bargaining, sentencing, or
2   probation;
3   (8) has volunteered services that involve contact with, care of, or
4   supervision over a child who is being placed, matched, or
5   monitored by a social services agency or a nonprofit corporation;
6   (9) **is employed by a public school (as defined in**
7   **IC 20-10.1-1-2) or nonpublic school (as defined in**
8   **IC 20-10.1-1-3) or by an entity that seeks to enter into a**
9   **contract with a public or nonpublic school if the subject of the**
10   **request is expected to have direct, ongoing contact with school**
11   **children within the scope of the individual's employment;**
12   **(10)** has volunteered services at a public school (as defined in
13   IC 20-10.1-1-2) or non-public school (as defined in
14   IC 20-10.1-1-3) that involve contact with, care of, or supervision
15   over a student enrolled in the school;
16   (10) **(11)** is being investigated for welfare fraud by an investigator
17   of the division of family and children or a county office of family
18   and children;
19   (11) **(12)** is being sought by the parent locator service of the child
20   support bureau of the division of family and children; or
21   (12) **(13)** has been convicted of any of the following:
22   (A) Rape (IC 35-42-4-1), if the victim is less than eighteen
23   (18) years of age.
24   (B) Criminal deviate conduct (IC 35-42-4-2), if the victim is
25   less than eighteen (18) years of age.
26   (C) Child molesting (IC 35-42-4-3).
27   (D) Child exploitation (IC 35-42-4-4(b)).
28   (E) Possession of child pornography (IC 35-42-4-4(c)).
29   (F) Vicarious sexual gratification (IC 35-42-4-5).
30   (G) Child solicitation (IC 35-42-4-6).
31   (H) Child seduction (IC 35-42-4-7).
32   (I) *Sexual misconduct with a minor as a Class A or B felony*
33   *(IC 35-42-4-9).*
34   *(J)* Incest (IC 35-46-1-3), if the victim is less than eighteen
35   (18) years of age.
36   However, limited criminal history information obtained from the
37   National Crime Information Center may not be released under this
38   section except to the extent permitted by the Attorney General of the

1   United States.

2   (b) A law enforcement agency shall allow inspection of a limited

3   criminal history by and release a limited criminal history to the

4   following noncriminal justice organizations:

5   (1) Federally chartered or insured banking institutions.

6   (2) Officials of state and local government for *any of* the ~~purpose~~

7   ~~of~~ *following purposes:*

8   (A) Employment ~~and~~ *with a state or local governmental*

9   *entity.*

10   (B) Licensing.

11   (3) Segments of the securities industry identified under 15 U.S.C.

12   78q(f)(2).

13   (c) Any person who uses limited criminal history for any purpose

14   not specified under this section commits a Class A misdemeanor.".

15   Page 4, line 21, strike "subdivision (4)(A) and (4)(B). The" and

16   insert "**subdivisions (2), (4), and (5). An individual who is employed**

17   **by an entity that seeks to enter into a contract with a school**

18   **corporation may be required to provide the consent described in**

19   **subdivision (2) or the information described in subdivisions (4) and**

20   **(5) to either the individual's employer or the school corporation.**".

21   Page 4, strike lines 22 through 23.

22   Page 4, line 24, strike "(4)(C) or (5).".

23   Page 4, line 24, after "subdivisions" insert "**(2),**".

24   Page 4, line 24, after "(4)" insert ",".

25   Page 5, line 1, delete "knows" and insert "**has actual knowledge**".

26   Page 5, line 1, delete "a licensed" and insert "**an**".

27   Page 5, line 1, after "or" delete "an" and insert "**a**".

28   Page 5, line 2, delete "accredited".

29   Page 5, line 2, after "school" insert "**who instructs or supervises**

30   **children**".

31   Page 5, line 2, after "for a" insert "**:**".

32   Page 5, line 2, delete "felony or a", begin a new line block indented

33   and insert:

34   "**(1) felony;**

35   **(2) Class A misdemeanor described in IC 35; or**

36   **(3) violation of IC 9-30-5-1 (operating while intoxicated) as a**

37   **Class A misdemeanor.**".

38   Page 5, line 3, delete "misdemeanor.".

1   Page 5, line 3, beginning with "The" begin a new line blocked left.

2   Page 5, line 4, after "give" insert "**written**".

3   Page 5, line 6, delete "accredited".

4   Page 5, line 8, delete "knows" and insert "**has actual knowledge**".

5   Page 5, line 9, delete "a licensed" and insert "**an**".

6   Page 5, line 9, delete "an accredited" and insert "**a**".

7   Page 5, line 10, after "school" insert "**who instructs or supervises**

8   **children**".

9   Page 5, line 10, after "of a" insert "**:**".

10   Page 5, line 10, delete "felony or a misdemeanor.", begin a new line

11   block indented and insert:

12   "**(1) felony;**

13   **(2) Class A misdemeanor described in IC 35; or**

14   **(3) violation of IC 9-30-5-1 (operating while intoxicated) as a**

15   **Class A misdemeanor.**".

16   Page 5, line 11, after "give" insert "**written**".

17   Page 5, line 13, delete "accredited".

18   Page 5, line 16, after "notify" insert "**in writing**".

19   Page 5, line 17, strike "knows" and insert "**has actual knowledge**".

20   Page 5, line 20, reset in roman "an offense listed in subsection".

21   Page 5, line 20, after "subsection" insert "**(b) or**".

22   Page 5, line 21, delete "(c). A felony or a misdemeanor;" and insert

23   "(c);".

24   Page 5, line 29, after "(1)" insert "**Kidnapping (IC 35-42-3-2), if**

25   **the victim is less than eighteen (18) years of age.**

26   **(2) Criminal confinement (IC 35-42-3-3), if the victim is less**

27   **than eighteen (18) years of age.**

28   **(3)**".

29   Page 5, line 31, strike "(2)" and insert "**(4)**".

30   Page 5, line 33, strike "(3)" and insert "**(5)**".

31   Page 5, line 34, strike "(4)" and insert "**(6)**".

32   Page 5, line 35, strike "(5)" and insert "**(7)**".

33   Page 5, line 36, strike "(6)" and insert "**(8)**".

34   Page 5, line 37, strike "(7)" and insert "**(9)**".

35   Page 5, line 38, strike "(8)" and insert "**(10)**".

36   Page 5, line 39, strike "(9)" and insert "**(11)**".

37   Page 5, between lines 40 and 41, begin a new line block indented

38   and insert:

1   "**(12) Dealing in a controlled substance (IC 35-48-4-1 through**
2   **IC 35-48-4-5).**".
3   Page 6, line 10, strike "only".
4   Page 6, line 10, after "only for" insert "**any**".
5   Page 6, line 19, after "(A)" insert "**Kidnapping (IC 35-42-3-2), if**
6   **the victim is less than eighteen (18) years of age.**
7   **(B) Criminal confinement (IC 35-42-3-3), if the victim is**
8   **less than eighteen (18) years of age.**
9   **(C)**".
10   Page 6, line 21, strike "(B)" and insert "**(D)**".
11   Page 6, line 23, strike "(C)" and insert "**(E)**".
12   Page 6, line 24, strike "(D)" and insert "**(F)**".
13   Page 6, line 25, strike "(E)" and insert "**(G)**".
14   Page 6, line 26, strike "(F)" and insert "**(H)**".
15   Page 6, line 27, strike "(G)" and insert "**(I)**".
16   Page 6, line 28, strike "(H)" and insert "**(J)**".
17   Page 6, line 30, strike "(I)" and insert "**(K)**".
18   Page 6, between lines 31 and 32, begin a new line double block
19   indented and insert:
20   "**(L) Dealing in a controlled substance (IC 35-48-4-1**
21   **through IC 35-48-4-5).**".
22   Page 7, line 13, after "(A)" insert "**Kidnapping (IC 35-42-3-2), if**
23   **the victim is less than eighteen (18) years of age.**
24   **(B) Criminal confinement (IC 35-42-3-3), if the victim is less**
25   **than eighteen (18) years of age.**
26   **(C)**".
27   Page 7, line 15, strike "(B)" and insert "**(D)**".
28   Page 7, line 17, strike "(C)" and insert "**(E)**".
29   Page 7, line 18, strike "(D)" and insert "**(F)**".
30   Page 7, line 19, strike "(E)" and insert "**(G)**".
31   Page 7, line 20, strike "(F)" and insert "**(H)**".
32   Page 7, line 21, strike "(G)" and insert "**(I)**".
33   Page 7, line 22, strike "(H)" and insert "**(J)**".
34   Page 7, line 23, delete "(I)" and insert "**(K)**".
35   Page 7, between lines 24 and 25, begin a new line double block
36   indented and insert:
37   "**(L) Dealing in a controlled substance (IC 35-48-4-1**
38   **through IC 35-48-4-5).**".

1   Page 9, delete lines 21 through 42.

2   Page 10, delete line 1.

3   Renumber all SECTIONS consecutively.

            (Reference is to SB 207 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

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          Long   **Chairperson**