
SENATE BILL No. 47

DIGEST OF INTRODUCED BILL

Citations Affected: IC 10-13-3-36.

Synopsis: Criminal checks and religious organizations. Exempts a church or religious organization from the fee for conducting a criminal background check on an employee or a volunteer who works in a nonprofit program or ministry.

Effective: July 1, 2006.

Hershman

January 9, 2006, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

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Second Regular Session 114th General Assembly (2006)

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 2005 Regular Session of the General Assembly.

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SENATE BILL No. 47



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

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

1 SECTION 1. IC 10-13-3-36, AS AMENDED BY P.L.177-2005,
2 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2006]: Sec. 36. (a) The department may not charge a fee for
4 responding to a request for the release of a limited criminal history
5 record if the request is made by a nonprofit organization:
6 (1) that has been in existence for at least ten (10) years; and
7 (2) that:
8 (A) has a primary purpose of providing an individual
9 relationship for a child with an adult volunteer if the request
10 is made as part of a background investigation of a prospective
11 adult volunteer for the organization;
12 (B) is a home health agency licensed under IC 16-27-1;
13 (C) is a community mental retardation and other
14 developmental disabilities center (as defined in IC 12-7-2-39);
15 (D) is a supervised group living facility licensed under
16 IC 12-28-5;
17 (E) is an area agency on aging designated under IC 12-10-1;



- 1 (F) is a community action agency (as defined in
- 2 IC 12-14-23-2);
- 3 (G) is the owner or operator of a hospice program licensed
- 4 under IC 16-25-3; or
- 5 (H) is a community mental health center (as defined in
- 6 IC 12-7-2-38).

7 (b) Except as provided in subsection (d), the department may not
 8 charge a fee for responding to a request for the release of a limited
 9 criminal history record made by the division of family and children or
 10 a county office of family and children if the request is made as part of
 11 a background investigation of an applicant for a license under
 12 IC 12-17.2 or IC 12-17.4.

13 (c) The department may not charge a fee for responding to a request
 14 for the release of a limited criminal history if the request is made by a
 15 school corporation, special education cooperative, or nonpublic school
 16 (as defined in IC 20-18-2-12) as part of a background investigation of
 17 an employee or adult volunteer for the school corporation, special
 18 education cooperative, or nonpublic school.

19 (d) As used in this subsection, "state agency" means an authority, a
 20 board, a branch, a commission, a committee, a department, a division,
 21 or another instrumentality of state government, including the executive
 22 and judicial branches of state government, the principal secretary of the
 23 senate, the principal clerk of the house of representatives, the executive
 24 director of the legislative services agency, a state elected official's
 25 office, or a body corporate and politic, but does not include a state
 26 educational institution (as defined in IC 20-12-0.5-1). The department
 27 may not charge a fee for responding to a request for the release of a
 28 limited criminal history if the request is made:

- 29 (1) by a state agency; and
- 30 (2) through the computer gateway that is administered by the
- 31 office of technology established by IC 4-13.1-2-1.

32 (e) The department may not charge a fee for responding to a request
 33 for the release of a limited criminal history record made by the ~~health~~
 34 ~~professions bureau~~ **Indiana professional licensing agency** established
 35 by IC 25-1-5-3 if the request is:

- 36 (1) made through the computer gateway that is administered by
- 37 the office of technology; and
- 38 (2) part of a background investigation of a practitioner or an
- 39 individual who has applied for a license issued by a board (as
- 40 defined in IC 25-1-9-1).

41 **(f) The department may not charge a church or religious society**
 42 **a fee for responding to a request for the release of a limited**

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- 1 **criminal history record if:**
- 2 **(1) the church or religious society is a religious organization**
- 3 **exempt from federal income taxation under Section 501 of the**
- 4 **Internal Revenue Code;**
- 5 **(2) the request is made as part of a background investigation**
- 6 **of an employee or adult volunteer; and**
- 7 **(3) the employee or volunteer works in a nonprofit program**
- 8 **or ministry of the church or religious society.**

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