



January 20, 2006

SENATE BILL No. 191

DIGEST OF SB 191 (Updated January 18, 2006 5:47 pm - DI 71)

Citations Affected: IC 10-13.

Synopsis: Photos in criminal history files. Provides that a sheriff, police department, or criminal justice agency required to report an arrest to the state central repository for criminal history data shall transmit a photograph of the person who is the subject of the report at the time the arrest is reported. Allows the state police department to adopt guidelines concerning the method of transmitting photographs, and requires a person submitting the photograph to follow the department's guidelines. Includes a photograph as part of the information that may be obtained in a limited criminal history.

Effective: July 1, 2006.

Wyss, Craycraft

January 9, 2006, read first time and referred to Committee on Homeland Security, Utilities, and Public Policy.
January 19, 2006, amended, reported favorably — Do Pass.

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SB 191—LS 6630/DI 106+



January 20, 2006

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 a statute 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. 191



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 10-13-3-5 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) As used in this
3 chapter, "criminal history data" means information collected by
4 criminal justice agencies, the United States Department of Justice for
5 the department's information system, or individuals.

- 6 (b) The term consists of the following:
7 (1) Identifiable descriptions and notations of arrests, indictments,
8 informations, or other formal criminal charges.
9 (2) Information, **including a photograph**, regarding a sex and
10 violent offender (as defined in IC 5-2-12-4) obtained through sex
11 and violent offender registration under IC 5-2-12.
12 (3) Any disposition, including sentencing, and correctional system
13 intake, transfer, and release.
14 (4) **A photograph of the person who is the subject of the**
15 **information described in subdivisions (1) through (3).**

16 SECTION 2. IC 10-13-3-11 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. (a) As used in this

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1 chapter, "limited criminal history" means information with respect to
2 any arrest or criminal charge, which must include:

3 (1) a disposition; and

4 (2) **a photograph of the person who is the subject of the**
5 **limited criminal history, if a photograph is available.**

6 (b) However, the term includes information about any arrest or
7 criminal charge that occurred less than one (1) year before the date of
8 a request even if no disposition has been entered.

9 SECTION 3. IC 10-13-3-24 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 24. (a) The department
11 shall act as the official state central repository for criminal history data.

12 (b) A sheriff, police department, or criminal justice agency in
13 Indiana shall report to the department, on forms provided by the
14 department, all arrests for reportable offenses.

15 (c) **Except as provided in subsection (e), at the time a sheriff,**
16 **police department, or criminal justice agency makes the report**
17 **described in subsection (b), the sheriff, police department, or**
18 **criminal justice agency shall transmit a photograph of the person**
19 **who is the subject of the report to the department.**

20 (d) The department may adopt guidelines concerning the:

21 (1) form; and

22 (2) manner of transmission (including electronic
23 transmission);

24 of a photograph described in subsection (c). If the department
25 adopts guidelines under this subsection, the sheriff, police
26 department, or criminal justice agency required to transmit a
27 photograph under subsection (c) shall transmit the photograph in
28 accordance with the guidelines adopted by the department.

29 (e) Notwithstanding subsections (c) and (d):

30 (1) the department is not required to process; and

31 (2) a sheriff, police department, or criminal justice agency is
32 not required to submit;

33 a photograph under this section unless the department has
34 sufficient funding available to process photographs submitted
35 under this section.

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SENATE MOTION

Madam President: I move that Senator Craycraft be added as second author of Senate Bill 191.

WYSS

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Utilities, and Public Policy, to which was referred Senate Bill No. 191, 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:

Page 1, between lines 15 and 16, begin a new paragraph and insert: "SECTION 2. IC 10-13-3-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. (a) As used in this chapter, "limited criminal history" means information with respect to any arrest or criminal charge, which must include:

- (1) a disposition; and
- (2) a photograph of the person who is the subject of the limited criminal history, if a photograph is available.

(b) However, the term includes information about any arrest or criminal charge that occurred less than one (1) year before the date of a request even if no disposition has been entered."

Page 2, line 5, delete "At" and insert "Except as provided in subsection (e), at".

Page 2, after line 18, begin a new paragraph and insert:

"(e) Notwithstanding subsections (c) and (d):

- (1) the department is not required to process; and
- (2) a sheriff, police department, or criminal justice agency is not required to submit;

a photograph under this section unless the department has sufficient funding available to process photographs submitted under this section."

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 191 as introduced.)

WYSS, Chairperson

Committee Vote: Yeas 8, Nays 0.

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