

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 21, 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 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning
- 3 criminal law and procedure.
- 4 Delete everything after the enacting clause and insert the
- 5 following:
- 6 SECTION 1. IC 5-2-6-3, AS AMENDED BY P.L.173-2006,
- 7 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 8 JULY 1, 2007]: Sec. 3. The institute is established to do the following:
- 9 (1) Evaluate state and local programs associated with:
- 10 (A) the prevention, detection, and solution of criminal
- 11 offenses;
- 12 (B) law enforcement; and
- 13 (C) the administration of criminal and juvenile justice.
- 14 (2) Improve and coordinate all aspects of law enforcement,
- 15 juvenile justice, and criminal justice in this state.
- 16 (3) Stimulate criminal and juvenile justice research.
- 17 (4) Develop new methods for the prevention and reduction of
- 18 crime.
- 19 (5) Prepare applications for funds under the Omnibus Act and
- 20 the Juvenile Justice Act.
- 21 (6) Administer victim and witness assistance funds.
- 22 (7) Administer the traffic safety functions assigned to the
- 23 institute under IC 9-27-2.
- 24 (8) Compile and analyze information and disseminate the
- 25 information to persons who make criminal justice decisions in
- 26 this state.

1 (9) Serve as the criminal justice statistical analysis center for this
2 state.

3 (10) Identify grants and other funds that can be used by the
4 department of correction to carry out its responsibilities
5 concerning sex **or violent** offender registration under IC 11-8-8.

6 (11) Administer the application and approval process for
7 designating an area of a consolidated or second class city as a
8 public safety improvement area under IC 36-8-19.5.

9 (12) Develop and maintain a meth watch program to inform
10 retailers and the public about illicit methamphetamine
11 production, distribution, and use in Indiana.

12 SECTION 2. IC 5-2-6-14, AS AMENDED BY P.L.173-2006,
13 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2007]: Sec. 14. (a) The victim and witness assistance fund is
15 established. The institute shall administer the fund. Except as provided
16 in subsection (e), expenditures from the fund may be made only in
17 accordance with appropriations made by the general assembly.

18 (b) The source of the victim and witness assistance fund is the
19 family violence and victim assistance fund established by IC 12-18-5-2.

20 (c) The institute may use money from the victim and witness
21 assistance fund when awarding a grant or entering into a contract under
22 this chapter, if the money is used for the support of a program in the
23 office of a prosecuting attorney or in a state or local law enforcement
24 agency designed to:

25 (1) help evaluate the physical, emotional, and personal needs of
26 a victim resulting from a crime, and counsel or refer the victim
27 to those agencies or persons in the community that can provide
28 the services needed;

29 (2) provide transportation for victims and witnesses of crime to
30 attend proceedings in the case when necessary; or

31 (3) provide other services to victims or witnesses of crime when
32 necessary to enable them to participate in criminal proceedings
33 without undue hardship or trauma.

34 (d) Money in the victim and witness assistance fund at the end of
35 a particular fiscal year does not revert to the general fund.

36 (e) The institute may use money in the fund to:

37 (1) pay the costs of administering the fund, including
38 expenditures for personnel and data;

39 (2) support the **registration of sex or violent offenders under**
40 **IC 11-8-8 and the Indiana sex and violent offender registry**
41 **established under ~~IC 11-8-8~~; IC 36-2-13-5.5;**

42 (3) provide training for persons to assist victims; and

43 (4) establish and maintain a victim notification system under
44 IC 11-8-7 if the department of correction establishes the system.

45 SECTION 3. IC 10-13-3-5, AS AMENDED BY P.L.20-2006,
46 SECTION 1, AND AS AMENDED BY P.L.140-2006, SECTION 4
47 AND P.L.173-2006, SECTION 4, IS CORRECTED AND AMENDED
48 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) As
49 used in this chapter, "criminal history data" means information
50 collected by criminal justice agencies, the United States Department of

- 1 Justice for the department's information system, or individuals.
- 2 (b) The term consists of the following:
- 3 (1) Identifiable descriptions and notations of arrests, indictments,
- 4 informations, or other formal criminal charges.
- 5 (2) Information, *including a photograph*, regarding a sex ~~and~~
- 6 ~~violent or violent~~ offender (as defined in ~~IC 5-2-12-4~~)
- 7 *IC 11-8-8-5*) obtained through sex ~~and violent or violent~~
- 8 offender registration under ~~IC 5-2-12~~ *IC 11-8-8*.
- 9 (3) Any disposition, including sentencing, and correctional
- 10 system intake, transfer, and release.
- 11 (4) *A photograph of the person who is the subject of the*
- 12 *information described in subdivisions (1) through (3).*
- 13 SECTION 4. IC 10-13-3-27, AS AMENDED BY P.L.1-2006,
- 14 SECTION 171, AND AS AMENDED BY P.L.140-2006, SECTION 5
- 15 AND P.L.173-2006, SECTION 5, IS CORRECTED AND AMENDED
- 16 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 27. (a)
- 17 Except as provided in subsection (b), on request, a law enforcement
- 18 agency shall release a limited criminal history to or allow inspection of
- 19 a limited criminal history by noncriminal justice organizations or
- 20 individuals only if the subject of the request:
- 21 (1) has applied for employment with a noncriminal justice
- 22 organization or individual;
- 23 (2) has applied for a license and *has provided* criminal history
- 24 data ~~is~~ *as* required by law to be provided in connection with the
- 25 license;
- 26 (3) is a candidate for public office or a public official;
- 27 (4) is in the process of being apprehended by a law enforcement
- 28 agency;
- 29 (5) is placed under arrest for the alleged commission of a crime;
- 30 (6) has charged that the subject's rights have been abused
- 31 repeatedly by criminal justice agencies;
- 32 (7) is the subject of a judicial decision or determination with
- 33 respect to the setting of bond, plea bargaining, sentencing, or
- 34 probation;
- 35 (8) has volunteered services that involve contact with, care of, or
- 36 supervision over a child who is being placed, matched, or
- 37 monitored by a social services agency or a nonprofit corporation;
- 38 (9) is currently residing in a location designated by the
- 39 department of child services (established by ~~IC 31-33-1.5-2~~)
- 40 *IC 31-25-1-1*) or by a juvenile court as the out-of-home
- 41 placement for a child at the time the child will reside in the
- 42 location;
- 43 (10) has volunteered services at a public school (as defined in
- 44 IC 20-18-2-15) or nonpublic school (as defined in
- 45 IC 20-18-2-12) that involve contact with, care of, or supervision
- 46 over a student enrolled in the school;
- 47 (11) is being investigated for welfare fraud by an investigator of
- 48 the division of family resources or a county office of family and
- 49 children;
- 50 (12) is being sought by the parent locator service of the child

1 support bureau of the ~~division~~ department of ~~family and~~
 2 ~~children, child services;~~

3 (13) is or was required to register as a sex ~~and~~ or violent
 4 offender under ~~IC 5-2-12, IC 11-8-8;~~ or

5 (14) has been convicted of any of the following:

6 (A) Rape (IC 35-42-4-1), if the victim is less than eighteen
 7 (18) years of age.

8 (B) Criminal deviate conduct (IC 35-42-4-2), if the victim
 9 is less than eighteen (18) years of age.

10 (C) Child molesting (IC 35-42-4-3).

11 (D) Child exploitation (IC 35-42-4-4(b)).

12 (E) Possession of child pornography (IC 35-42-4-4(c)).

13 (F) Vicarious sexual gratification (IC 35-42-4-5).

14 (G) Child solicitation (IC 35-42-4-6).

15 (H) Child seduction (IC 35-42-4-7).

16 (I) Sexual misconduct with a minor as a felony (IC
 17 35-42-4-9).

18 (J) Incest (IC 35-46-1-3), if the victim is less than eighteen
 19 (18) years of age.

20 However, limited criminal history information obtained from the
 21 National Crime Information Center may not be released under this
 22 section except to the extent permitted by the Attorney General of the
 23 United States.

24 (b) A law enforcement agency shall allow inspection of a limited
 25 criminal history by and release a limited criminal history to the
 26 following noncriminal justice organizations:

27 (1) Federally chartered or insured banking institutions.

28 (2) Officials of state and local government for any of the
 29 following purposes:

30 (A) Employment with a state or local governmental entity.

31 (B) Licensing.

32 (3) Segments of the securities industry identified under 15
 33 U.S.C. 78q(f)(2).

34 (c) Any person who **knowingly or intentionally** uses limited
 35 criminal history for any purpose not specified under this section
 36 commits a Class A misdemeanor.

37 SECTION 5. IC 10-13-3-30, AS AMENDED BY P.L.173-2006,
 38 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2007]: Sec. 30. (a) Except as provided in subsection (c), on
 40 request for release or inspection of a limited criminal history, law
 41 enforcement agencies may, if the agency has complied with the
 42 reporting requirements in section 24 of this chapter, and the department
 43 shall do the following:

44 (1) Require a form, provided by law enforcement agencies and
 45 the department, to be completed. The form shall be maintained
 46 for two (2) years and shall be available to the record subject
 47 upon request.

48 (2) Collect a three dollar (\$3) fee to defray the cost of processing
 49 a request for inspection.

50 (3) Collect a seven dollar (\$7) fee to defray the cost of

1 processing a request for release. However, law enforcement
 2 agencies and the department may not charge the fee for requests
 3 received from the parent locator service of the child support
 4 bureau of the department of child services.

5 (b) Law enforcement agencies and the department shall edit
 6 information so that the only information released or inspected is
 7 information that:

- 8 (1) has been requested; and
- 9 (2) is limited criminal history information.

10 (c) The fee required under subsection (a) shall be waived if the
 11 request relates to the **registration of sex or violent offenders under**
 12 **IC 11-8-8 or the** Indiana sex **and violent** offender registry under
 13 ~~IC 11-8-8~~ **IC 36-2-13-5.5** or concerns a person required to register as
 14 a sex **or violent** offender under IC 11-8-8.

15 SECTION 6. IC 10-13-4-4, AS AMENDED BY P.L.173-2006,
 16 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2007]: Sec. 4. As used in this chapter, "juvenile history data"
 18 means information collected by criminal or juvenile justice agencies or
 19 individuals about a child who is alleged to have committed a reportable
 20 act and consists of the following:

- 21 (1) Descriptions and notations of events leading to the taking of
 22 the child into custody by a juvenile justice agency for a
 23 reportable act allegedly committed by the child.
- 24 (2) A petition alleging that the child is a delinquent child.
- 25 (3) Dispositional decrees concerning the child that are entered
 26 under IC 31-37-19 (or IC 31-6-4-15.9 before its repeal).
- 27 (4) The findings of a court determined after a hearing is held
 28 under IC 31-37-20-2 or IC 31-37-20-3 (or IC 31-6-4-19(h) or
 29 IC 31-6-4-19(i) before their repeal) concerning the child.
- 30 (5) Information:
 - 31 (A) regarding a child who has been adjudicated a
 32 delinquent child for committing an act that would be an
 33 offense described in IC 11-8-8-5 if committed by an adult;
 34 and
 - 35 (B) that is obtained through sex **or violent** offender
 36 registration under IC 11-8-8.

37 SECTION 7. IC 11-8-2-12.4, AS ADDED BY P.L.173-2006,
 38 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2007]: Sec. 12.4. The department shall do the following:

- 40 (1) Maintain the Indiana sex **and violent** offender registry
 41 established under IC 36-2-13-5.5.
- 42 (2) Prescribe and approve a format for sex **or violent** offender
 43 registration as required by IC 11-8-8.
- 44 (3) Provide:
 - 45 (A) judges;
 - 46 (B) law enforcement officials;
 - 47 (C) prosecuting attorneys;
 - 48 (D) parole officers;
 - 49 (E) probation officers; and
 - 50 (F) community corrections officials;

1 with information and training concerning the requirements of
 2 IC 11-8-8 and the use of the Indiana sex **and violent** offender
 3 registry.

4 (4) Upon request of a neighborhood association:

5 (A) transmit to the neighborhood association information
 6 concerning sex **or violent** offenders who reside near the
 7 location of the neighborhood association; or

8 (B) provide instructional materials concerning the use of the
 9 Indiana sex **and violent** offender registry to the
 10 neighborhood association.

11 SECTION 8. IC 11-8-2-13, AS ADDED BY P.L.173-2006,
 12 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2007]: Sec. 13. (a) The Indiana sex **and violent** offender
 14 registry established under IC 36-2-13-5.5 and maintained by the
 15 department under section 12.4 of this chapter must include the names
 16 of each offender who is or has been required to register under
 17 IC 11-8-8.

18 (b) The department shall do the following:

19 (1) Ensure that the Indiana sex **and violent** offender registry is
 20 updated at least once per day with information provided by a
 21 local law enforcement authority (as defined in IC 11-8-8-2).

22 (2) Publish the Indiana sex **and violent** offender registry on the
 23 Internet through the computer gateway administered by the
 24 office of technology established by IC 4-13.1-2-1, and ensure
 25 that the Indiana sex **and violent** offender registry displays the
 26 following or similar words:

27 "Based on information submitted to law enforcement, a
 28 person whose name appears in this registry has been
 29 convicted of a sex **or violent** offense or has been
 30 adjudicated a delinquent child for an act that would be a sex
 31 **or violent** offense if committed by an adult."

32 SECTION 9. IC 11-8-8-3, AS ADDED BY P.L.173-2006,
 33 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2007]: Sec. 3. As used in this chapter, "principal residence"
 35 means the residence where a sex **or violent** offender spends the most
 36 time. The term includes a residence owned or leased by another person
 37 if the sex **or violent** offender:

38 (1) does not own or lease a residence; or

39 (2) spends more time at the residence owned or leased by the
 40 other person than at the residence owned or leased by the sex **or**
 41 **violent** offender.

42 SECTION 10. IC 11-8-8-4.5 IS ADDED TO THE INDIANA
 43 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 44 [EFFECTIVE JULY 1, 2007]: **Sec. 4.5. (a) As used in this chapter,**
 45 **"sex offender" means a person convicted of any of the following**
 46 **offenses:**

47 (1) **Rape (IC 35-42-4-1).**

48 (2) **Criminal deviate conduct (IC 35-42-4-2).**

49 (3) **Child molesting (IC 35-42-4-3).**

50 (4) **Child exploitation (IC 35-42-4-4(b)).**

- 1 **(5) Vicarious sexual gratification (IC 35-42-4-5).**
- 2 **(6) Child solicitation (IC 35-42-4-6).**
- 3 **(7) Child seduction (IC 35-42-4-7).**
- 4 **(8) Sexual misconduct with a minor as a Class A, Class B, or**
- 5 **Class C felony (IC 35-42-4-9).**
- 6 **(9) Incest (IC 35-46-1-3).**
- 7 **(10) Sexual battery (IC 35-42-4-8).**
- 8 **(11) Kidnapping (IC 35-42-3-2), if the victim is less than**
- 9 **eighteen (18) years of age.**
- 10 **(12) Criminal confinement (IC 35-42-3-3), if the victim is less**
- 11 **than eighteen (18) years of age.**
- 12 **(13) Possession of child pornography (IC 35-42-4-4(c)), if the**
- 13 **person has a prior unrelated conviction for possession of**
- 14 **child pornography (IC 35-42-4-4(c)).**
- 15 **(14) An attempt or a conspiracy to commit a crime listed in**
- 16 **subdivisions (1) through (13).**
- 17 **(15) A crime under the laws of another jurisdiction,**
- 18 **including a military court, that is substantially equivalent to**
- 19 **any of the offenses listed in subdivisions (1) through (14).**
- 20 **(b) The term includes:**
- 21 **(1) a person who is required to register as a sex offender in**
- 22 **any jurisdiction; and**
- 23 **(2) a child who has committed a delinquent act and who:**
- 24 **(A) is at least fourteen (14) years of age;**
- 25 **(B) is on probation, is on parole, is discharged from a**
- 26 **facility by the department of correction, is discharged**
- 27 **from a secure private facility (as defined in**
- 28 **IC 31-9-2-115), or is discharged from a juvenile**
- 29 **detention facility as a result of an adjudication as a**
- 30 **delinquent child for an act that would be an offense**
- 31 **described in subsection (a) if committed by an adult;**
- 32 **and**
- 33 **(C) is found by a court by clear and convincing evidence**
- 34 **to be likely to repeat an act that would be an offense**
- 35 **described in subsection (a) if committed by an adult.**
- 36 SECTION 11. IC 11-8-8-5, AS ADDED BY P.L.173-2006,
- 37 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 38 JULY 1, 2007]: Sec. 5. (a) As used in this chapter, "sex **or violent**
- 39 offender" means a person convicted of any of the following offenses:
- 40 (1) Rape (IC 35-42-4-1).
- 41 (2) Criminal deviate conduct (IC 35-42-4-2).
- 42 (3) Child molesting (IC 35-42-4-3).
- 43 (4) Child exploitation (IC 35-42-4-4(b)).
- 44 (5) Vicarious sexual gratification (IC 35-42-4-5).
- 45 (6) Child solicitation (IC 35-42-4-6).
- 46 (7) Child seduction (IC 35-42-4-7).
- 47 (8) Sexual misconduct with a minor as a Class A, Class B, or
- 48 Class C felony (IC 35-42-4-9).
- 49 (9) Incest (IC 35-46-1-3).
- 50 (10) Sexual battery (IC 35-42-4-8).

- 1 (11) Kidnapping (IC 35-42-3-2), if the victim is less than
 2 eighteen (18) years of age.
 3 (12) Criminal confinement (IC 35-42-3-3), if the victim is less
 4 than eighteen (18) years of age.
 5 (13) Possession of child pornography (IC 35-42-4-4(c)), if the
 6 person has a prior unrelated conviction for possession of child
 7 pornography (IC 35-42-4-4(c)).
 8 **(14) Murder (IC 35-42-1-1).**
 9 ~~(14)~~ **(15)** An attempt or a conspiracy to commit a crime listed in
 10 subdivisions (1) through ~~(13)~~: **(14)**.
 11 ~~(15)~~ **(16)** A crime under the laws of another jurisdiction,
 12 including a military court, that is substantially equivalent to any
 13 of the offenses listed in subdivisions (1) through ~~(14)~~: **(15)**.
 14 (b) The term includes:
 15 (1) a person who is required to register as a sex **or violent**
 16 offender in any jurisdiction; and
 17 (2) a child who has committed a delinquent act and who:
 18 (A) is at least fourteen (14) years of age;
 19 (B) is on probation, is on parole, is discharged from a
 20 facility by the department of correction, is discharged from
 21 a secure private facility (as defined in IC 31-9-2-115), or is
 22 discharged from a juvenile detention facility as a result of
 23 an adjudication as a delinquent child for an act that would
 24 be an offense described in subsection (a) if committed by an
 25 adult; and
 26 (C) is found by a court by clear and convincing evidence to
 27 be likely to repeat an act that would be an offense described
 28 in subsection (a) if committed by an adult.
 29 SECTION 12. IC 11-8-8-7, AS ADDED BY P.L.173-2006,
 30 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2007]: Sec. 7. (a) Subject to section 19 of this chapter, the
 32 following persons must register under this chapter:
 33 (1) A sex **or violent** offender who resides in Indiana. A sex **or**
 34 **violent** offender resides in Indiana if either of the following
 35 applies:
 36 (A) The sex **or violent** offender spends or intends to spend
 37 at least seven (7) days (including part of a day) in Indiana
 38 during a one hundred eighty (180) day period.
 39 (B) The sex **or violent** offender owns real property in
 40 Indiana and returns to Indiana at any time.
 41 (2) A sex **or violent** offender who works or carries on a vocation
 42 or intends to work or carry on a vocation full-time or part-time:
 43 ~~for a period:~~
 44 (A) ~~for a period~~ exceeding fourteen (14) consecutive days;
 45 or
 46 (B) for a total period exceeding thirty (30) days;
 47 during any calendar year in Indiana, whether the sex **or violent**
 48 offender is financially compensated, volunteered, or is acting for
 49 the purpose of government or educational benefit.
 50 (3) A sex **or violent** offender who is enrolled or intends to be

1 enrolled on a full-time or part-time basis in any public or private
 2 educational institution, including any secondary school, trade, or
 3 professional institution, or institution of higher education in
 4 Indiana.

5 (b) Except as provided in subsection (e), a sex **or violent** offender
 6 who resides in Indiana shall register with the local law enforcement
 7 authority in the county where the sex **or violent** offender resides. If a
 8 sex **or violent** offender resides in more than one (1) county, the sex **or**
 9 **violent** offender shall register with the local law enforcement authority
 10 in each county in which the sex **or violent** offender resides. If the sex
 11 **or violent** offender is also required to register under subsection (a)(2)
 12 or (a)(3), the sex **or violent** offender shall also register with the local
 13 law enforcement authority in the county in which the offender is
 14 required to register under subsection (c) or (d).

15 (c) A sex **or violent** offender described in subsection (a)(2) shall
 16 register with the local law enforcement authority in the county where
 17 the sex **or violent** offender is or intends to be employed or carry on a
 18 vocation. If a sex **or violent** offender is or intends to be employed or
 19 carry on a vocation in more than one (1) county, the sex **or violent**
 20 offender shall register with the local law enforcement authority in each
 21 county. If the sex **or violent** offender is also required to register under
 22 subsection (a)(1) or (a)(3), the sex **or violent** offender shall also
 23 register with the local law enforcement authority in the county in which
 24 the offender is required to register under subsection (b) or (d).

25 (d) A sex **or violent** offender described in subsection (a)(3) shall
 26 register with the local law enforcement authority in the county where
 27 the sex **or violent** offender is enrolled or intends to be enrolled as a
 28 student. If the sex **or violent** offender is also required to register under
 29 subsection (a)(1) or (a)(2), the sex **or violent** offender shall also
 30 register with the local law enforcement authority in the county in which
 31 the offender is required to register under subsection (b) or (c).

32 (e) A sex **or violent** offender described in subsection (a)(1)(B)
 33 shall register with the local law enforcement authority in the county in
 34 which the real property is located. If the sex **or violent** offender is also
 35 required to register under subsection (a)(1)(A), (a)(2), or (a)(3), the sex
 36 **or violent** offender shall also register with the local law enforcement
 37 authority in the county in which the offender is required to register
 38 under subsection (b), (c), or (d).

39 (f) A sex **or violent** offender committed to the department shall
 40 register with the department before the sex **or violent** offender is
 41 released from incarceration. The department shall forward the sex **or**
 42 **violent** offender's registration information to the local law enforcement
 43 authority of every county in which the sex **or violent** offender is
 44 required to register.

45 (g) This subsection does not apply to a sex **or violent** offender
 46 who is a sexually violent predator. A sex **or violent** offender not
 47 committed to the department shall register not more than seven (7)
 48 days after the sex **or violent** offender:

49 (1) is released from a penal facility (as defined in
 50 IC 35-41-1-21);

1 (2) is released from a secure private facility (as defined in
 2 IC 31-9-2-115);
 3 (3) is released from a juvenile detention facility;
 4 (4) is transferred to a community transition program;
 5 (5) is placed on parole;
 6 (6) is placed on probation;
 7 (7) is placed on home detention; or
 8 (8) arrives at the place where the sex **or violent** offender is
 9 required to register under subsection (b), (c), or (d);
 10 whichever occurs first. A sex **or violent** offender required to register
 11 in more than one (1) county under subsection (b), (c), (d), or (e) shall
 12 register in each appropriate county not more than seventy-two (72)
 13 hours after the sex **or violent** offender's arrival in that county or
 14 acquisition of real estate in that county.

15 (h) This subsection applies to a sex **or violent** offender who is a
 16 sexually violent predator. A sex **or violent** offender who is a sexually
 17 violent predator shall register not more than seventy-two (72) hours
 18 after the sex **or violent** offender:

19 (1) is released from a penal facility (as defined in
 20 IC 35-41-1-21);
 21 (2) is released from a secure private facility (as defined in
 22 IC 31-9-2-115);
 23 (3) is released from a juvenile detention facility;
 24 (4) is transferred to a community transition program;
 25 (5) is placed on parole;
 26 (6) is placed on probation;
 27 (7) is placed on home detention; or
 28 (8) arrives at the place where the sexually violent predator is
 29 required to register under subsection (b), (c), or (d);
 30 whichever occurs first. A sex **or violent** offender who is a sexually
 31 violent predator required to register in more than one (1) county under
 32 subsection (b), (c), (d), or (e) shall register in each appropriate county
 33 not more than seventy-two (72) hours after the offender's arrival in that
 34 county or acquisition of real estate in that county.

35 (i) The local law enforcement authority with whom a sex **or**
 36 **violent** offender registers under this section shall make and publish a
 37 photograph of the sex **or violent** offender on the Indiana sex **and**
 38 **violent** offender registry web site established under IC 36-2-13-5.5.
 39 The local law enforcement authority shall make a photograph of the sex
 40 **or violent** offender that complies with the requirements of
 41 IC 36-2-13-5.5 at least once per year. The sheriff of a county containing
 42 a consolidated city shall provide the police chief of the consolidated
 43 city with all photographic and computer equipment necessary to enable
 44 the police chief of the consolidated city to transmit sex **or violent**
 45 offender photographs (and other identifying information required by
 46 IC 36-2-13-5.5) to the Indiana sex **and violent** offender registry web
 47 site established under IC 36-2-13-5.5. In addition, the sheriff of a
 48 county containing a consolidated city shall provide all funding for the
 49 county's financial obligation for the establishment and maintenance of
 50 the Indiana sex **and violent** offender registry web site established

1 under IC 36-2-13-5.5.

2 (j) When a sex **or violent** offender registers, the local law
3 enforcement authority shall:

4 (1) immediately update the Indiana sex **and violent** offender
5 registry web site established under IC 36-2-13-5.5; and

6 (2) notify every law enforcement agency having jurisdiction in
7 the county where the sex **or violent** offender resides.

8 The local law enforcement authority shall provide the department and
9 a law enforcement agency described in subdivision (2) with the
10 information provided by the sex **or violent** offender during registration.

11 SECTION 13. IC 11-8-8-8, AS ADDED BY P.L.173-2006,
12 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2007]: Sec. 8. The registration required under this chapter
14 must include the following information:

15 (1) The sex **or violent** offender's full name, alias, any name by
16 which the sex **or violent** offender was previously known, date of
17 birth, sex, race, height, weight, hair color, eye color, any scars,
18 marks, or tattoos, Social Security number, driver's license
19 number or state identification number, principal residence
20 address, and mailing address, if different from the sex **or violent**
21 offender's principal residence address.

22 (2) A description of the offense for which the sex **or violent**
23 offender was convicted, the date of conviction, the county of the
24 conviction, the cause number of the conviction, and the sentence
25 imposed, if applicable.

26 (3) If the person is required to register under section 7(a)(2) or
27 7(a)(3) of this chapter, the name and address of each of the sex
28 **or violent** offender's employers in Indiana, the name and address
29 of each campus or location where the sex **or violent** offender is
30 enrolled in school in Indiana, and the address where the sex **or**
31 **violent** offender stays or intends to stay while in Indiana.

32 (4) A recent photograph of the sex **or violent** offender.

33 (5) If the sex **or violent** offender is a sexually violent predator,
34 that the sex **or violent** offender is a sexually violent predator.

35 (6) If the sex **or violent** offender is required to register for life,
36 that the sex **or violent** offender is required to register for life.

37 (7) Any other information required by the department.

38 SECTION 14. IC 11-8-8-9, AS ADDED BY P.L.173-2006,
39 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JULY 1, 2007]: Sec. 9. (a) Not more than seven (7) days before an
41 Indiana sex **or violent** offender who is required to register under this
42 chapter is scheduled to be released from a secure private facility (as
43 defined in IC 31-9-2-115), or released from a juvenile detention
44 facility, an official of the facility shall do the following:

45 (1) Orally inform the sex **or violent** offender of the sex **or**
46 **violent** offender's duty to register under this chapter and require
47 the sex **or violent** offender to sign a written statement that the
48 sex **or violent** offender was orally informed or, if the sex **or**
49 **violent** offender refuses to sign the statement, certify that the sex
50 **or violent** offender was orally informed of the duty to register.

- 1 (2) Deliver a form advising the sex **or violent** offender of the sex
 2 **or violent** offender's duty to register under this chapter and
 3 require the sex **or violent** offender to sign a written statement
 4 that the sex **or violent** offender received the written notice or, if
 5 the sex **or violent** offender refuses to sign the statement, certify
 6 that the sex **or violent** offender was given the written notice of
 7 the duty to register.
- 8 (3) Obtain the address where the sex **or violent** offender expects
 9 to reside after the sex **or violent** offender's release.
- 10 (4) Transmit to the local law enforcement authority in the county
 11 where the sex **or violent** offender expects to reside the sex **or**
 12 **violent** offender's name, date of release or transfer, new address,
 13 and the offense or delinquent act committed by the sex **or**
 14 **violent** offender.
- 15 (b) Not more than seventy-two (72) hours after a sex **or violent**
 16 offender who is required to register under this chapter is released or
 17 transferred as described in subsection (a), an official of the facility shall
 18 transmit to the state police the following:
- 19 (1) The sex **or violent** offender's fingerprints, photograph, and
 20 identification factors.
- 21 (2) The address where the sex **or violent** offender expects to
 22 reside after the sex **or violent** offender's release.
- 23 (3) The complete criminal history data (as defined in
 24 IC 10-13-3-5) or, if the sex **or violent** offender committed a
 25 delinquent act, juvenile history data (as defined in IC 10-13-4-4)
 26 of the sex **or violent** offender.
- 27 (4) Information regarding the sex **or violent** offender's past
 28 treatment for mental disorders.
- 29 (5) Information as to whether the sex offender has been
 30 determined to be a sexually violent predator.
- 31 (c) This subsection applies if a sex **or violent** offender is placed
 32 on probation or in a community corrections program without being
 33 confined in a penal facility. The probation office serving the court in
 34 which the sex **or violent** offender is sentenced shall perform the duties
 35 required under subsections (a) and (b).
- 36 SECTION 15. IC 11-8-8-10, AS ADDED BY P.L.173-2006,
 37 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2007]: Sec. 10. Notwithstanding any other law, upon receiving
 39 a sex **or violent** offender's fingerprints from a correctional facility, the
 40 state police shall immediately send the fingerprints to the Federal
 41 Bureau of Investigation.
- 42 SECTION 16. IC 11-8-8-11, AS ADDED BY P.L.173-2006,
 43 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 44 JULY 1, 2007]: Sec. 11. (a) If a sex **or violent** offender who is required
 45 to register under this chapter changes:
- 46 (1) principal residence address; or
 47 (2) if section 7(a)(2) or 7(a)(3) of this chapter applies, the place
 48 where the sex **or violent** offender stays in Indiana;
 49 the sex **or violent** offender shall register not more than seventy-two
 50 (72) hours after the address change with the local law enforcement

1 authority with whom the sex **or violent** offender last registered.

2 (b) If a sex **or violent** offender moves to a new county in Indiana,
3 the local law enforcement authority referred to in subsection (a) shall
4 inform the local law enforcement authority in the new county in
5 Indiana of the sex **or violent** offender's residence and forward all
6 relevant registration information concerning the sex **or violent** offender
7 to the local law enforcement authority in the new county. The local law
8 enforcement authority receiving notice under this subsection shall
9 verify the address of the sex **or violent** offender under section 13 of
10 this chapter not more than seven (7) days after receiving the notice.

11 (c) If a sex **or violent** offender who is required to register under
12 section 7(a)(2) or 7(a)(3) of this chapter changes the sex **or violent**
13 offender's principal place of employment, principal place of vocation,
14 or campus or location where the sex **or violent** offender is enrolled in
15 school, the sex **or violent** offender shall register not more than
16 seventy-two (72) hours after the change with the local law enforcement
17 authority with whom the sex **or violent** offender last registered.

18 (d) If a sex **or violent** offender moves the sex **or violent** offender's
19 place of employment, vocation, or enrollment to a new county in
20 Indiana, the local law enforcement authority referred to in subsection
21 (c) shall inform the local law enforcement authority in the new county
22 of the sex **or violent** offender's new principal place of employment,
23 vocation, or enrollment by forwarding relevant registration information
24 to the local law enforcement authority in the new county.

25 (e) If a sex **or violent** offender moves the sex **or violent** offender's
26 residence, place of employment, vocation, or enrollment to a new state,
27 the local law enforcement authority shall inform the state police in the
28 new state of the sex **or violent** offender's new place of residence,
29 employment, or enrollment.

30 (f) A local law enforcement authority shall make registration
31 information, including information concerning the duty to register and
32 the penalty for failing to register, available to a sex **or violent** offender.

33 (g) A local law enforcement authority who is notified of a change
34 under subsection (a) or (c) shall immediately update the Indiana sex
35 **and violent** offender registry web site established under
36 IC 36-2-13-5.5.

37 SECTION 17. IC 11-8-8-12, AS ADDED BY P.L.173-2006,
38 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 JULY 1, 2007]: Sec. 12. (a) As used in this section, "temporary
40 residence" means a residence:

41 (1) that is established to provide transitional housing for a person
42 without another residence; and

43 (2) in which a person is not typically permitted to reside for more
44 than thirty (30) days in a sixty (60) day period.

45 (b) This section applies only to a sex **or violent** offender who
46 resides in a temporary residence. In addition to the other requirements
47 of this chapter, a sex **or violent** offender who resides in a temporary
48 residence shall register in person with the local law enforcement
49 authority in which the temporary residence is located:

50 (1) not more than seventy-two (72) hours after the sex **or violent**

1 offender moves into the temporary residence; and
 2 (2) during the period in which the sex **or violent** offender resides
 3 in a temporary residence, at least once every seven (7) days
 4 following the sex **or violent** offender's initial registration under
 5 subdivision (1).

6 (c) A sex **or violent** offender's obligation to register in person once
 7 every seven (7) days terminates when the sex **or violent** offender no
 8 longer resides in the temporary residence. However, all other
 9 requirements imposed on a sex **or violent** offender by this chapter
 10 continue in force, including the requirement that a sex **or violent**
 11 offender register the sex **or violent** offender's new address with the
 12 local law enforcement authority.

13 SECTION 18. IC 11-8-8-13, AS ADDED BY P.L.173-2006,
 14 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2007]: Sec. 13. (a) To verify a sex **or violent** offender's
 16 current residence, the local law enforcement authority shall do the
 17 following:

18 (1) Mail a reply form to each sex **or violent** offender in the
 19 county at the sex **or violent** offender's listed address at least one
 20 (1) time per year, beginning seven (7) days after the local law
 21 enforcement authority receives a notice under section 11 or 20
 22 of this chapter or the date the sex **or violent** offender is:

- 23 (A) released from a penal facility (as defined in
- 24 IC 35-41-1-21), a secure private facility (as defined in
- 25 IC 31-9-2-115), or a juvenile detention facility;
- 26 (B) placed in a community transition program;
- 27 (C) placed in a community corrections program;
- 28 (D) placed on parole; or
- 29 (E) placed on probation;

30 whichever occurs first.

31 (2) Mail a reply form to each sex **or violent** offender who is
 32 designated a sexually violent predator under IC 35-38-1-7.5 at
 33 least once every ninety (90) days, beginning seven (7) days after
 34 the local law enforcement authority receives a notice under
 35 section 11 or 20 of this chapter or the date the sex **or violent**
 36 offender is:

- 37 (A) released from a penal facility (as defined in
- 38 IC 35-41-1-21), a secure private facility (as defined in
- 39 IC 31-9-2-115), or a juvenile detention facility;
- 40 (B) placed in a community transition program;
- 41 (C) placed in a community corrections program;
- 42 (D) placed on parole; or
- 43 (E) placed on probation;

44 whichever occurs first.

45 (3) Personally visit each sex **or violent** offender in the county at
 46 the sex **or violent** offender's listed address at least one (1) time
 47 per year, beginning seven (7) days after the local law
 48 enforcement authority receives a notice under section 7 of this
 49 chapter or the date the sex **or violent** offender is:

- 50 (A) released from a penal facility (as defined in

- 1 IC 35-41-1-21), a secure private facility (as defined in
 2 IC 31-9-2-115), or a juvenile detention facility;
 3 (B) placed in a community transition program;
 4 (C) placed in a community corrections program;
 5 (D) placed on parole; or
 6 (E) placed on probation;

7 whichever occurs first.

8 (4) Personally visit each sex offender who is designated a
 9 sexually violent predator under IC 35-38-1-7.5 at least once
 10 every ninety (90) days, beginning seven (7) days after the local
 11 law enforcement authority receives a notice under section 7 of
 12 this chapter or the date the sex offender is:

- 13 (A) released from a penal facility (as defined in
 14 IC 35-41-1-21), a secure private facility (as defined in
 15 IC 31-9-2-115), or a juvenile detention facility;
 16 (B) placed in a community transition program;
 17 (C) placed in a community corrections program;
 18 (D) placed on parole; or
 19 (E) placed on probation;

20 whichever occurs first.

21 (b) If a sex **or violent** offender fails to return a signed reply form
 22 either by mail or in person, not later than fourteen (14) days after
 23 mailing, or appears not to reside at the listed address, the local law
 24 enforcement authority shall immediately notify the department and the
 25 prosecuting attorney.

26 SECTION 19. IC 11-8-8-14, AS ADDED BY P.L.173-2006,
 27 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2007]: Sec. 14. At least once per calendar year, a sex **or**
 29 **violent** offender who is required to register under this chapter shall:

- 30 (1) report in person to the local law enforcement authority;
 31 (2) register; and
 32 (3) be photographed by the local law enforcement authority;

33 in each location where the offender is required to register.

34 SECTION 20. IC 11-8-8-15, AS ADDED BY P.L.173-2006,
 35 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2007]: Sec. 15. (a) A sex **or violent** offender who is a resident
 37 of Indiana shall obtain and keep in the sex **or violent** offender's
 38 possession:

- 39 (1) a valid Indiana driver's license; or
 40 (2) a valid Indiana identification card (as described in
 41 IC 9-24-16).

42 (b) A sex **or violent** offender required to register in Indiana who
 43 is not a resident of Indiana shall obtain and keep in the sex **or violent**
 44 offender's possession:

- 45 (1) a valid driver's license issued by the state in which the sex **or**
 46 **violent** offender resides; or
 47 (2) a valid state issued identification card issued by the state in
 48 which the sex **or violent** offender resides.

49 (c) A person who knowingly or intentionally violates this section
 50 commits failure of a sex **or violent** offender to possess identification,

1 a Class A misdemeanor. However, the offense is a Class D felony if the
2 person:

- 3 (1) is a sexually violent predator; or
4 (2) has a prior unrelated conviction:
5 (A) under this section; or
6 (B) based on the person's failure to comply with any
7 requirement imposed on an offender under this chapter.

8 (d) It is a defense to a prosecution under this section that:

- 9 (1) the person has been unable to obtain a valid driver's license
10 or state issued identification card because less than thirty (30)
11 days have passed since the person's release from incarceration;
12 or
13 (2) the person possesses a driver's license or state issued
14 identification card that expired not more than thirty (30) days
15 before the date the person violated subsection (a) or (b).

16 SECTION 21. IC 11-8-8-16, AS ADDED BY P.L.173-2006,
17 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2007]: Sec. 16. (a) A sex **or violent** offender who is required
19 to register under this chapter may not petition for a change of name
20 under IC 34-28-2.

21 (b) If a sex **or violent** offender who is required to register under
22 this chapter changes the sex **or violent** offender's name due to
23 marriage, the sex **or violent** offender must register with the local law
24 enforcement authority not more than seven (7) days after the name
25 change.

26 SECTION 22. IC 11-8-8-17, AS ADDED BY P.L.173-2006,
27 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2007]: Sec. 17. A sex **or violent** offender who knowingly or
29 intentionally:

- 30 (1) fails to register when required to register under this chapter;
31 (2) fails to register in every location where the sex **or violent**
32 offender is required to register under this chapter;
33 (3) makes a material misstatement or omission while registering
34 as a sex **or violent** offender under this chapter; or
35 (4) fails to register in person and be photographed at least one
36 (1) time per year as required under this chapter;

37 commits a Class D felony. However, the offense is a Class C felony if
38 the sex **or violent** offender has a prior unrelated conviction for an
39 offense under this section or based on the person's failure to comply
40 with any requirement imposed on a sex **or violent** offender under this
41 chapter.

42 SECTION 23. IC 11-8-8-19, AS ADDED BY P.L.173-2006,
43 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
44 JULY 1, 2007]: Sec. 19. (a) Except as provided in subsections (b)
45 through (e), a sex **or violent** offender is required to register under this
46 chapter until the expiration of ten (10) years after the date the sex **or**
47 **violent** offender:

- 48 (1) is released from a penal facility (as defined in IC 35-41-1-21)
49 or a secure juvenile detention facility of a state or another
50 jurisdiction;

- 1 (2) is placed in a community transition program;
 2 (3) is placed in a community corrections program;
 3 (4) is placed on parole; or
 4 (5) is placed on probation;
 5 whichever occurs last. The department shall ensure that an offender
 6 who is no longer required to register as a sex **or violent** offender is
 7 notified that the obligation to register has expired.
- 8 (b) A sex offender who is a sexually violent predator is required
 9 to register for life.
- 10 (c) A sex **or violent** offender who is convicted of at least one (1)
 11 sex **or violent** offense that the sex **or violent** offender committed:
 12 (1) when the person was at least eighteen (18) years of age; and
 13 (2) against a victim who was less than twelve (12) years of age
 14 at the time of the crime;
 15 is required to register for life.
- 16 (d) A sex **or violent** offender who is convicted of at least one (1)
 17 sex **or violent** offense in which the sex **or violent** offender:
 18 (1) proximately caused serious bodily injury or death to the
 19 victim;
 20 (2) used force or the threat of force against the victim or a
 21 member of the victim's family; or
 22 (3) rendered the victim unconscious or otherwise incapable of
 23 giving voluntary consent;
 24 is required to register for life.
- 25 (e) A sex **or violent** offender who is convicted of at least two (2)
 26 unrelated sex **or violent** offenses is required to register for life.
- 27 SECTION 24. IC 11-8-8-20, AS ADDED BY P.L.173-2006,
 28 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2007]: Sec. 20. (a) The governor may enter into a compact
 30 with one (1) or more jurisdictions outside Indiana to exchange
 31 notifications concerning the release, transfer, or change of address,
 32 employment, vocation, or enrollment of a sex **or violent** offender
 33 between Indiana and the other jurisdiction or the other jurisdiction and
 34 Indiana.
- 35 (b) The compact must provide for the designation of a state agency
 36 to coordinate the transfer of information.
- 37 (c) If the state agency receives information that a sex **or violent**
 38 offender has relocated to Indiana to reside, engage in employment or
 39 a vocation, or enroll in school, the state agency shall inform in writing
 40 the local law enforcement authority where the sex **or violent** offender
 41 is required to register in Indiana of:
 42 (1) the sex **or violent** offender's name, date of relocation, and
 43 new address; and
 44 (2) the sex **or violent** offense or delinquent act committed by the
 45 sex **or violent** offender.
- 46 (d) The state agency shall determine, following a hearing:
 47 (1) whether a person convicted of an offense in another
 48 jurisdiction is required to register as a sex **or violent** offender in
 49 Indiana;
 50 (2) whether an out of state sex **or violent** offender is a sexually

1 violent predator; and
 2 (3) the period in which an out of state sex **or violent** offender
 3 who has moved to Indiana will be required to register as a sex **or**
 4 **violent** offender in Indiana.

5 SECTION 25. IC 11-13-3-4, AS AMENDED BY P.L.60-2006,
 6 SECTION 1, AS AMENDED BY P.L.139-2006, SECTION 2, AS
 7 AMENDED BY P.L.140-2006, SECTION 15, AND AS AMENDED
 8 BY P.L.173-2006, SECTION 15, IS CORRECTED AND AMENDED
 9 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) A
 10 condition to remaining on parole is that the parolee not commit a crime
 11 during the period of parole.

12 (b) The parole board may also adopt, under IC 4-22-2, additional
 13 conditions to remaining on parole and require a parolee to satisfy one
 14 (1) or more of these conditions. These conditions must be reasonably
 15 related to the parolee's successful reintegration into the community and
 16 not unduly restrictive of a fundamental right.

17 (c) If a person is released on parole the parolee shall be given a
 18 written statement of the conditions of parole. Signed copies of this
 19 statement shall be:

- 20 (1) retained by the parolee;
- 21 (2) forwarded to any person charged with the parolee's
- 22 supervision; and
- 23 (3) placed in the parolee's master file.

24 (d) The parole board may modify parole conditions if the parolee
 25 receives notice of that action and had ten (10) days after receipt of the
 26 notice to express the parolee's views on the proposed modification.
 27 This subsection does not apply to modification of parole conditions
 28 after a revocation proceeding under section 10 of this chapter.

29 (e) As a condition of parole, the parole board may require the
 30 parolee to reside in a particular parole area. In determining a parolee's
 31 residence requirement, the parole board shall:

- 32 (1) consider:
 - 33 (A) the residence of the parolee prior to the parolee's
 - 34 incarceration; and
 - 35 (B) the parolee's place of employment; and
- 36 (2) assign the parolee to reside in the county where the parolee
- 37 resided prior to the parolee's incarceration unless assignment on
- 38 this basis would be detrimental to the parolee's successful
- 39 reintegration into the community.

40 (f) As a condition of parole, the parole board may require the
 41 parolee to:

- 42 (1) periodically undergo a laboratory chemical test (as defined
- 43 in IC 14-15-8-1) or series of tests to detect and confirm the
- 44 presence of a controlled substance (as defined in IC 35-48-1-9);
- 45 and
- 46 (2) have the results of any test under this subsection reported to
- 47 the parole board by the laboratory.

48 The parolee is responsible for any charges resulting from a test
 49 required under this subsection. However, a person's parole may not be
 50 revoked on the basis of the person's inability to pay for a test under this

1 subsection.

- 2 (g) As a condition of parole, the parole board:
 3 (1) may require a parolee who is a sex ~~and violent~~ offender (as
 4 defined in ~~IC 5-2-12-4~~ ~~IC 11-8-8-5~~ **IC 11-8-8-4.5**) to:
 5 (A) participate in a treatment program for sex offenders
 6 approved by the parole board; and
 7 (B) avoid contact with any person who is less than sixteen
 8 (16) years of age unless the parolee:
 9 (i) receives the parole board's approval; or
 10 (ii) successfully completes the treatment program
 11 referred to in clause (A); and

- 12 (2) shall:
 13 (A) require a parolee who is ~~an~~ a sex **or violent** offender (as
 14 defined in ~~IC 5-2-12-4~~ *IC 11-8-8-5*) to register with a
 15 *sheriff (or the police chief of a consolidated city) local law*
 16 *enforcement authority under ~~IC 5-2-12-5~~, IC 11-8-8;*
 17 (B) prohibit ~~the~~ a parolee who is a sex offender from
 18 residing within one thousand (1,000) feet of school property
 19 (as defined in IC 35-41-1-24.7) for the period of parole,
 20 *unless the sex offender obtains written approval from the*
 21 *parole board; ~~and~~*
 22 (C) prohibit a parolee who is ~~an~~ a sex offender convicted of
 23 a sex offense (as defined in IC 35-38-2-2.5) from residing
 24 within one (1) mile of the victim of the sex offender's sex
 25 offense *unless the sex offender obtains a waiver under*
 26 *IC 35-38-2-2.5; and*
 27 (D) *prohibit a parolee from owning, operating, managing,*
 28 *being employed by, or volunteering at any attraction*
 29 *designed to be primarily enjoyed by children less than*
 30 *sixteen (16) years of age.*

31 *The parole board may not grant a sexually violent predator (as defined*
 32 *in IC 35-38-1-7.5) a waiver under subdivision (2)(B) or (2)(C). If the*
 33 *parole board allows the sex offender to reside within one thousand*
 34 *(1,000) feet of school property under subdivision (2)(B), the parole*
 35 *board shall notify each school within one thousand (1,000) feet of the*
 36 *sex offender's residence of the order.*

- 37 (h) The address of the victim of a parolee who is ~~an~~ a sex **or**
 38 **violent** offender convicted of a sex **or violent** offense (as defined in
 39 IC 35-38-2-2.5) is confidential, *even if the sex or violent offender*
 40 *obtains a waiver under IC 35-38-2-2.5.*

41 (i) *As a condition of parole, the parole board may require a*
 42 *parolee to participate in a reentry court program.*

- 43 ~~(i)~~ (j) *As a condition of parole, the parole board:*
 44 (1) *shall require a parolee who is a sexually violent predator*
 45 *under IC 35-38-1-7.5; and*
 46 (2) *may require a parolee who is a sex or violent offender (as*
 47 *defined in ~~IC 5-2-12-4~~; IC 11-8-8-5);*
 48 *to wear a monitoring device (as described in IC 35-38-2.5-3) that can*
 49 *transmit information twenty-four (24) hours each day regarding a*
 50 *person's precise location.*

1 ~~(j)~~ **(k)** *As a condition of parole, the parole board may prohibit, in*
 2 *accordance with ~~IC 35-38-2-2.5~~, IC 35-38-2-2.6, a parolee who has*
 3 *been convicted of stalking from residing within one thousand (1,000)*
 4 *feet of the residence of the victim of the stalking for a period that does*
 5 *not exceed five (5) years.*

6 SECTION 26. IC 25-20.2-5-2 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) An individual
 8 who applies for a license as a home inspector must do the following:

9 (1) Furnish evidence satisfactory to the board showing that the
 10 individual:

11 (A) is at least eighteen (18) years of age;

12 (B) has graduated from high school or earned an Indiana
 13 general educational development (GED) diploma; and

14 (C) has not been:

15 (i) convicted of an act that would constitute a ground
 16 for disciplinary sanction under IC 25-1-11;

17 (ii) convicted of a crime that has a direct bearing on the
 18 individual's ability to perform competently and fully as
 19 a licensee;

20 (iii) listed on a national or state registry of sex **or**
 21 **violent** offenders; or

22 (iv) the subject of a disciplinary or enforcement action
 23 by another state or a local jurisdiction in connection
 24 with the performance of home inspections or the
 25 licensing or certification of home inspectors.

26 (2) Verify the information submitted on the application form.

27 (3) Complete a board approved training program or course of
 28 study involving the performance of home inspections and the
 29 preparation of home inspection reports and pass an examination
 30 prescribed or approved by the board.

31 (4) Submit to the board a certificate of insurance or other
 32 evidence of financial responsibility that is acceptable to the
 33 board and that:

34 (A) is issued by an insurance company or other legal entity
 35 authorized to transact business in Indiana;

36 (B) provides for general liability coverage of at least one
 37 hundred thousand dollars (\$100,000);

38 (C) lists the state as an additional insured;

39 (D) states that cancellation and nonrenewal of the
 40 underlying policy or other evidence of financial
 41 responsibility is not effective until the board receives at
 42 least ten (10) days prior written notice of the cancellation or
 43 nonrenewal; and

44 (E) contains any other terms and conditions established by
 45 the board.

46 (5) Pay a licensing fee established by the board.

47 (b) An individual applying for a license as a home inspector must
 48 apply on a form prescribed and provided by the board.

49 SECTION 27. IC 31-19-11-1, AS AMENDED BY P.L.140-2006,
 50 SECTION 17 AND P.L.173-2006, SECTION 17, AND AS

1 AMENDED BY P.L.145-2006, SECTION 253, IS CORRECTED AND
 2 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

3 Sec. 1. (a) Whenever the court has heard the evidence and finds that:

- 4 (1) the adoption requested is in the best interest of the child;
 5 (2) the petitioner or petitioners for adoption are of sufficient
 6 ability to rear the child and furnish suitable support and
 7 education;
 8 (3) the report of the investigation and recommendation under
 9 IC 31-19-8-5 has been filed;
 10 (4) the attorney or agency arranging an adoption has filed with
 11 the court an affidavit prepared by the state department of health
 12 under IC 31-19-5-16 indicating whether a man is entitled to
 13 notice of the adoption because the man has registered with the
 14 putative father registry in accordance with IC 31-19-5;
 15 (5) proper notice arising under subdivision (4), if notice is
 16 necessary, of the adoption has been given;
 17 (6) the attorney or agency has filed with the court an affidavit
 18 prepared by the state department of health under:
 19 (A) IC 31-19-6 indicating whether a record of a paternity
 20 determination; or
 21 (B) IC 16-37-2-2(g) indicating whether a paternity affidavit
 22 executed under IC 16-37-2-2.1;
 23 has been filed in relation to the child;
 24 (7) proper consent, if consent is necessary, to the adoption has
 25 been given;
 26 (8) the petitioner for adoption is not prohibited from adopting the
 27 child as the result of an inappropriate criminal history described
 28 in subsection (c) or (d); and
 29 (9) the person, licensed child placing agency, or county office of
 30 family and children that has placed the child for adoption has
 31 provided the documents and other information required under
 32 IC 31-19-17 to the prospective adoptive parents;

33 the court shall grant the petition for adoption and enter an adoption
 34 decree.

35 (b) A court may not grant an adoption unless the ~~department's~~
 36 *state department of health's* affidavit under IC 31-19-5-16 is filed with
 37 the court as provided under subsection (a)(4).

38 (c) A conviction of a felony or a misdemeanor related to the health
 39 and safety of a child by a petitioner for adoption is a permissible basis
 40 for the court to deny the petition for adoption. In addition, the court
 41 may not grant an adoption if a petitioner for adoption has been
 42 convicted of any of the felonies described as follows:

- 43 (1) Murder (IC 35-42-1-1).
 44 (2) Causing suicide (IC 35-42-1-2).
 45 (3) Assisting suicide (IC 35-42-1-2.5).
 46 (4) Voluntary manslaughter (IC 35-42-1-3).
 47 (5) Reckless homicide (IC 35-42-1-5).
 48 (6) Battery as a felony (IC 35-42-2-1).
 49 (7) Aggravated battery (IC 35-42-2-1.5).
 50 (8) Kidnapping (IC 35-42-3-2).

- 1 (9) Criminal confinement (IC 35-42-3-3).
 2 (10) A felony sex offense under IC 35-42-4.
 3 (11) Carjacking (IC 35-42-5-2).
 4 (12) Arson (IC 35-43-1-1).
 5 (13) Incest (IC 35-46-1-3).
 6 (14) Neglect of a dependent (IC 35-46-1-4(a)(1) and
 7 IC 35-46-1-4(a)(2)).
 8 (15) Child selling (IC 35-46-1-4(d)).
 9 (16) A felony involving a weapon under IC 35-47 or IC 35-47.5.
 10 (17) A felony relating to controlled substances under IC 35-48-4.
 11 (18) An offense relating to material or a performance that is
 12 harmful to minors or obscene under IC 35-49-3.
 13 (19) A felony that is substantially equivalent to a felony listed in
 14 subdivisions (1) through (18) for which the conviction was
 15 entered in another state.

16 However, the court is not prohibited from granting an adoption based
 17 upon a felony conviction under subdivision (6), (11), (12), (16), or
 18 (17), or its equivalent under subdivision (19), if the offense was not
 19 committed within the immediately preceding five (5) year period.

20 (d) A court may not grant an adoption if the petitioner is ~~an~~ a sex
 21 **or violent** offender (as defined in ~~IC 5-2-12-4~~. IC 11-8-8-5).

22 SECTION 28. IC 35-43-1-2, AS AMENDED BY P.L.173-2006,
 23 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2007]: Sec. 2. (a) A person who:

- 25 (1) recklessly, knowingly, or intentionally damages or defaces
 26 property of another person without the other person's consent; or
 27 (2) knowingly or intentionally causes another to suffer pecuniary
 28 loss by deception or by an expression of intention to injure
 29 another person or to damage the property or to impair the rights
 30 of another person;

31 commits criminal mischief, a Class B misdemeanor. However, the
 32 offense is:

33 (A) a Class A misdemeanor if:

- 34 (i) the pecuniary loss is at least two hundred fifty
 35 dollars (\$250) but less than two thousand five hundred
 36 dollars (\$2,500);
 37 (ii) the property damaged was a moving motor vehicle;
 38 (iii) the property damaged contained data relating to a
 39 person required to register as a sex **or violent** offender
 40 under IC 11-8-8 and the person is not a sex **or violent**
 41 offender or was not required to register as a sex **or**
 42 **violent** offender;
 43 (iv) the property damaged was a locomotive, a railroad
 44 car, a train, or equipment of a railroad company being
 45 operated on a railroad right-of-way;
 46 (v) the property damaged was a part of any railroad
 47 signal system, train control system, centralized
 48 dispatching system, or highway railroad grade crossing
 49 warning signal on a railroad right-of-way owned,
 50 leased, or operated by a railroad company;

- 1 (vi) the property damaged was any rail, switch,
 2 roadbed, viaduct, bridge, trestle, culvert, or
 3 embankment on a right-of-way owned, leased, or
 4 operated by a railroad company; or
 5 (vii) the property damage or defacement was caused by
 6 paint or other markings; and
 7 (B) a Class D felony if:
 8 (i) the pecuniary loss is at least two thousand five
 9 hundred dollars (\$2,500);
 10 (ii) the damage causes a substantial interruption or
 11 impairment of utility service rendered to the public;
 12 (iii) the damage is to a public record;
 13 (iv) the property damaged contained data relating to a
 14 person required to register as a sex **or violent** offender
 15 under IC 11-8-8 and the person is a sex **or violent**
 16 offender or was required to register as a sex **or violent**
 17 offender;
 18 (v) the damage causes substantial interruption or
 19 impairment of work conducted in a scientific research
 20 facility;
 21 (vi) the damage is to a law enforcement animal (as
 22 defined in IC 35-46-3-4.5); or
 23 (vii) the damage causes substantial interruption or
 24 impairment of work conducted in a food processing
 25 facility.
 26 (b) A person who recklessly, knowingly, or intentionally damages:
 27 (1) a structure used for religious worship;
 28 (2) a school or community center;
 29 (3) the grounds:
 30 (A) adjacent to; and
 31 (B) owned or rented in common with;
 32 a structure or facility identified in subdivision (1) or (2); or
 33 (4) personal property contained in a structure or located at a
 34 facility identified in subdivision (1) or (2);
 35 without the consent of the owner, possessor, or occupant of the
 36 property that is damaged, commits institutional criminal mischief, a
 37 Class A misdemeanor. However, the offense is a Class D felony if the
 38 pecuniary loss is at least two hundred fifty dollars (\$250) but less than
 39 two thousand five hundred dollars (\$2,500), and a Class C felony if the
 40 pecuniary loss is at least two thousand five hundred dollars (\$2,500).
 41 (c) If a person is convicted of an offense under this section that
 42 involves the use of graffiti, the court may, in addition to any other
 43 penalty, order that the person's operator's license be suspended or
 44 invalidated by the bureau of motor vehicles for not more than one (1)
 45 year.
 46 (d) The court may rescind an order for suspension or invalidation
 47 under subsection (c) and allow the person to receive a license or permit
 48 before the period of suspension or invalidation ends if the court
 49 determines that:
 50 (1) the person has removed or painted over the graffiti or has

1 made other suitable restitution; and
 2 (2) the person who owns the property damaged or defaced by the
 3 criminal mischief or institutional criminal mischief is satisfied
 4 with the removal, painting, or other restitution performed by the
 5 person.

6 SECTION 29. IC 35-50-2-2, AS AMENDED BY P.L.151-2006,
 7 SECTION 28, AND AS AMENDED BY P.L.140-2006, SECTION 36
 8 AND P.L.173-2006, SECTION 36, IS CORRECTED AND
 9 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:
 10 Sec. 2. (a) The court may suspend any part of a sentence for a felony,
 11 except as provided in this section or in section 2.1 of this chapter.

12 (b) With respect to the following crimes listed in this subsection,
 13 the court may suspend only that part of the sentence that is in excess of
 14 the minimum sentence, unless the court has approved placement of the
 15 offender in a forensic diversion program under IC 11-12-3.7:

16 (1) The crime committed was a Class A or Class B felony and
 17 the person has a prior unrelated felony conviction.

18 (2) The crime committed was a Class C felony and less than
 19 seven (7) years have elapsed between the date the person was
 20 discharged from probation, imprisonment, or parole, whichever
 21 is later, for a prior unrelated felony conviction and the date the
 22 person committed the Class C felony for which the person is
 23 being sentenced.

24 (3) The crime committed was a Class D felony and less than
 25 three (3) years have elapsed between the date the person was
 26 discharged from probation, imprisonment, or parole, whichever
 27 is later, for a prior unrelated felony conviction and the date the
 28 person committed the Class D felony for which the person is
 29 being sentenced. However, the court may suspend the minimum
 30 sentence for the crime only if the court orders home detention
 31 under IC 35-38-1-21 or IC 35-38-2.5-5 instead of the minimum
 32 sentence specified for the crime under this chapter.

33 (4) The felony committed was:
 34 (A) murder (IC 35-42-1-1);
 35 (B) battery (IC 35-42-2-1) with a deadly weapon or battery
 36 causing death;
 37 (C) sexual battery (IC 35-42-4-8) with a deadly weapon;
 38 (D) kidnapping (IC 35-42-3-2);
 39 (E) confinement (IC 35-42-3-3) with a deadly weapon;
 40 (F) rape (IC 35-42-4-1) as a Class A felony;
 41 (G) criminal deviate conduct (IC 35-42-4-2) as a Class A
 42 felony;
 43 (H) child molesting (IC 35-42-4-3) as a Class A or Class B
 44 felony;
 45 (I) robbery (IC 35-42-5-1) resulting in serious bodily injury
 46 or with a deadly weapon;
 47 (J) arson (IC 35-43-1-1) for hire or resulting in serious
 48 bodily injury;
 49 (K) burglary (IC 35-43-2-1) resulting in serious bodily
 50 injury or with a deadly weapon;

- 1 (L) resisting law enforcement (IC 35-44-3-3) with a deadly
 2 weapon;
 3 (M) escape (IC 35-44-3-5) with a deadly weapon;
 4 (N) rioting (IC 35-45-1-2) with a deadly weapon;
 5 (O) dealing in cocaine *or* a narcotic drug ~~or~~
 6 ~~methamphetamine~~ (IC 35-48-4-1) if the court finds the
 7 person possessed a firearm (as defined in IC 35-47-1-5) at
 8 the time of the offense, or the person delivered or intended
 9 to deliver to a person under eighteen (18) years of age at
 10 least three (3) years junior to the person and was on a
 11 school bus or within one thousand (1,000) feet of:
 12 (i) school property;
 13 (ii) a public park;
 14 (iii) a family housing complex; or
 15 (iv) a youth program center;
 16 (P) *dealing in methamphetamine (IC 35-48-4-1.1) if the*
 17 *court finds the person possessed a firearm (as defined in*
 18 *IC 35-47-1-5) at the time of the offense, or the person*
 19 *delivered or intended to deliver the methamphetamine pure*
 20 *or adulterated to a person under eighteen (18) years of age*
 21 *at least three (3) years junior to the person and was on a*
 22 *school bus or within one thousand (1,000) feet of:*
 23 *(i) school property;*
 24 *(ii) a public park;*
 25 *(iii) a family housing complex; or*
 26 *(iv) a youth program center;*
 27 (Q) dealing in a schedule I, II, or III controlled substance
 28 (IC 35-48-4-2) if the court finds the person possessed a
 29 firearm (as defined in IC 35-47-1-5) at the time of the
 30 offense, or the person delivered or intended to deliver to a
 31 person under eighteen (18) years of age at least three (3)
 32 years junior to the person and was on a school bus or within
 33 one thousand (1,000) feet of:
 34 (i) school property;
 35 (ii) a public park;
 36 (iii) a family housing complex; or
 37 (iv) a youth program center;
 38 ~~(R)~~ (R) an offense under IC 9-30-5 (operating a vehicle
 39 while intoxicated) and the person who committed the
 40 offense has accumulated at least two (2) prior unrelated
 41 convictions under IC 9-30-5;
 42 ~~(S)~~ (S) an offense under IC 9-30-5-5(b) (operating a vehicle
 43 while intoxicated causing death); or
 44 ~~(T)~~ (T) aggravated battery (IC 35-42-2-1.5).
 45 (c) Except as provided in subsection (e), whenever the court
 46 suspends a sentence for a felony, it shall place the person on probation
 47 under IC 35-38-2 for a fixed period to end not later than the date that
 48 the maximum sentence that may be imposed for the felony will expire.
 49 (d) The minimum sentence for a person convicted of voluntary
 50 manslaughter may not be suspended unless the court finds at the

1 sentencing hearing that the crime was not committed by means of a
2 deadly weapon.

3 (e) Whenever the court suspends that part of **the sentence of an**
4 **a sex offender's or violent offender** (as defined in ~~IC 5-2-12-4~~
5 ~~IC 11-8-8-5~~) ~~sentence~~ that is suspendible under subsection (b), the
6 court shall place the **sex or violent** offender on probation under
7 IC 35-38-2 for not more than ten (10) years.

8 (f) An additional term of imprisonment imposed under
9 IC 35-50-2-11 may not be suspended.

10 (g) A term of imprisonment imposed under IC 35-47-10-6 or
11 IC 35-47-10-7 may not be suspended if the commission of the offense
12 was knowing or intentional.

13 (h) A term of imprisonment imposed for an offense under
14 IC 35-48-4-6(b)(1)(B) *or IC 35-48-4-6.1(b)(1)(B)* may not be
15 suspended.

16 SECTION 30. IC 36-2-13-5.5, AS AMENDED BY P.L.173-2006,
17 SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2007]: Sec. 5.5. (a) The sheriffs shall jointly establish and
19 maintain an Indiana sex **and violent** offender **registry** web site, known
20 as the Indiana sex **and violent** offender registry, to inform the general
21 public about the identity, location, and appearance of every sex **or**
22 **violent** offender residing within Indiana. The web site must provide
23 information regarding each sex **or violent** offender, organized by
24 county of residence. The web site shall be updated at least daily.

25 (b) The Indiana sex **and violent** offender **registry** web site must
26 include the following information:

27 (1) A recent photograph of every sex **or violent** offender who
28 has registered with a sheriff. ~~after the effective date of this~~
29 ~~chapter.~~

30 (2) The home address of every sex **or violent** offender.

31 (3) The information required under IC 11-8-8-8.

32 (c) Every time a sex **or violent** offender registers, but at least once
33 per year, the sheriff shall photograph the sex **or violent** offender. The
34 sheriff shall place this photograph on the Indiana sex **and violent**
35 offender **registry** web site.

36 (d) The photograph of a sex **or violent** offender described in
37 subsection (c) must meet the following requirements:

38 (1) The photograph must be full face, front view, with a plain
39 white or off-white background.

40 (2) The image of the offender's face, measured from the bottom
41 of the chin to the top of the head, must fill at least seventy-five
42 percent (75%) of the photograph.

43 (3) The photograph must be in color.

44 (4) The photograph must show the offender dressed in normal
45 street attire, without a hat or headgear that obscures the hair or
46 hairline.

47 (5) If the offender normally and consistently wears prescription
48 glasses, a hearing device, wig, or a similar article, the
49 photograph must show the offender wearing those items. A
50 photograph may not include dark glasses or nonprescription

1 glasses with tinted lenses unless the offender can provide a
 2 medical certificate demonstrating that tinted lenses are required
 3 for medical reasons.

4 (6) The photograph must have sufficient resolution to permit the
 5 offender to be easily identified by a person accessing the Indiana
 6 sex **and violent** offender **registry** web site.

7 (e) The Indiana sex **and violent** offender **registry** web site may be
 8 funded from:

9 (1) the jail commissary fund (IC 36-8-10-21);

10 (2) a grant from the criminal justice institute; and

11 (3) any other source, subject to the approval of the county fiscal
 12 body.

13 SECTION 31. IC 36-3-1-5.1, AS AMENDED BY P.L.1-2006,
 14 SECTION 559, IS AMENDED TO READ AS FOLLOWS
 15 [EFFECTIVE JULY 1, 2007]: Sec. 5.1. (a) Except for those duties that
 16 are reserved by law to the county sheriff in this section, the city-county
 17 legislative body may by majority vote adopt an ordinance, approved by
 18 the mayor, to consolidate the police department of the consolidated city
 19 and the county sheriff's department.

20 (b) The city-county legislative body may not adopt an ordinance
 21 under this section unless it first:

22 (1) holds a public hearing on the proposed consolidation; and

23 (2) determines that:

24 (A) reasonable and adequate police protection can be
 25 provided through the consolidation; and

26 (B) the consolidation is in the public interest.

27 (c) If an ordinance is adopted under this section, the consolidation
 28 shall take effect on the date specified in the ordinance.

29 (d) Notwithstanding any other law, an ordinance adopted under
 30 this section must provide that the county sheriff's department shall be
 31 responsible for all the following for the consolidated city and the
 32 county under the direction and control of the sheriff:

33 (1) County jail operations and facilities.

34 (2) Emergency communications.

35 (3) Security for buildings and property owned by:

36 (A) the consolidated city;

37 (B) the county; or

38 (C) both the consolidated city and county.

39 (4) Service of civil process and collection of taxes under tax
 40 warrants.

41 (5) Sex **or violent** offender registration.

42 (e) The following apply if an ordinance is adopted under this
 43 section:

44 (1) The department of local government finance, on
 45 recommendation from the local government tax control board,
 46 shall adjust the maximum permissible ad valorem property tax
 47 levy of the consolidated city and the county for property taxes
 48 first due and payable in the year a consolidation takes effect
 49 under this section. When added together, the adjustments under
 50 this subdivision must total zero (0).

- 1 (2) The ordinance must specify which law enforcement officers
2 of the police department and which law enforcement officers of
3 the county sheriff's department shall be law enforcement officers
4 of the consolidated law enforcement department.
- 5 (3) The ordinance may not prohibit the providing of law
6 enforcement services for an excluded city under an interlocal
7 agreement under IC 36-1-7.
- 8 (4) A member of the county police force who:
9 (A) was an employee beneficiary of the sheriff's pension
10 trust before the consolidation of the law enforcement
11 departments; and
12 (B) after the consolidation becomes a law enforcement
13 officer of the consolidated law enforcement department;
14 remains an employee beneficiary of the sheriff's pension trust.
15 The member retains, after the consolidation, credit in the
16 sheriff's pension trust for service earned while a member of the
17 county police force and continues to earn service credit in the
18 sheriff's pension trust as a member of the consolidated law
19 enforcement department for purposes of determining the
20 member's benefits from the sheriff's pension trust.
- 21 (5) A member of the police department of the consolidated city
22 who:
23 (A) was a member of the 1953 fund or the 1977 fund before
24 the consolidation of the law enforcement departments; and
25 (B) after the consolidation becomes a law enforcement
26 officer of the consolidated law enforcement department;
27 remains a member of the 1953 fund or the 1977 fund. The
28 member retains, after the consolidation, credit in the 1953 fund
29 or the 1977 fund for service earned while a member of the police
30 department of the consolidated city and continues to earn service
31 credit in the 1953 fund or the 1977 fund as a member of the
32 consolidated law enforcement department for purposes of
33 determining the member's benefits from the 1953 fund or the
34 1977 fund.
- 35 (6) The ordinance must designate the merit system that shall
36 apply to the law enforcement officers of the consolidated law
37 enforcement department.
- 38 (7) The ordinance must designate who shall serve as a
39 coapplicant for a warrant or an extension of a warrant under
40 IC 35-33.5-2.
- 41 (8) The consolidated city may levy property taxes within the
42 consolidated city's maximum permissible ad valorem property
43 tax levy limit to provide for the payment of the expenses for the
44 operation of the consolidated law enforcement department. The
45 police special service district established under section 6 of this
46 chapter may levy property taxes to provide for the payment of
47 expenses for the operation of the consolidated law enforcement
48 department within the territory of the police special service
49 district. Property taxes to fund the pension obligation under
50 IC 36-8-7.5 may be levied only by the police special service

1 district within the police special service district. The
 2 consolidated city may not levy property taxes to fund the pension
 3 obligation under IC 36-8-7.5. Property taxes to fund the pension
 4 obligation under IC 36-8-8 for members of the 1977 police
 5 officers' and firefighters' pension and disability fund who were
 6 members of the police department of the consolidated city on the
 7 effective date of the consolidation may be levied only by the
 8 police special service district within the police special service
 9 district. Property taxes to fund the pension obligation under
 10 IC 36-8-10 for members of the sheriff's pension trust and under
 11 IC 36-8-8 for members of the 1977 police officers' and
 12 firefighters' pension and disability fund who were not members
 13 of the police department of the consolidated city on the effective
 14 date of the consolidation may be levied by the consolidated city
 15 within the consolidated city's maximum permissible ad valorem
 16 property tax levy. The assets of the consolidated city's 1953 fund
 17 and the assets of the sheriff's pension trust may not be pledged
 18 after the effective date of the consolidation as collateral for any
 19 loan.

20 (9) The executive of the consolidated city shall provide for an
 21 independent evaluation and performance audit, due before
 22 March 1 of the year following the adoption of the consolidation
 23 ordinance and for the following two (2) years, to determine:

24 (A) the amount of any cost savings, operational efficiencies,
 25 or improved service levels; and

26 (B) any tax shifts among taxpayers;

27 that result from the consolidation. The independent evaluation
 28 and performance audit must be provided to the legislative
 29 council in an electronic format under IC 5-14-6 and to the ~~state~~
 30 budget committee.

31 SECTION 32. IC 36-8-10-21 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 21. (a) This section
 33 applies to any county that has a jail commissary that sells merchandise
 34 to inmates.

35 (b) A jail commissary fund is established, referred to in this
 36 section as "the fund". The fund is separate from the general fund, and
 37 money in the fund does not revert to the general fund.

38 (c) The sheriff, or ~~his~~ **the sheriff's** designee, shall deposit all
 39 money from commissary sales into the fund, which ~~he~~ **the sheriff or**
 40 **the sheriff's designee** shall keep in a depository designated under
 41 IC 5-13-8.

42 (d) The sheriff, or ~~his~~ **the sheriff's** designee, at ~~his~~ **the sheriff's or**
 43 **the sheriff's designee's** discretion and without appropriation by the
 44 county fiscal body, may disburse money from the fund for:

45 (1) merchandise for resale to inmates through the commissary;

46 (2) expenses of operating the commissary, including, but not
 47 limited to, facilities and personnel;

48 (3) special training in law enforcement for employees of the
 49 sheriff's department;

50 (4) equipment installed in the county jail;

- 1 (5) equipment, including vehicles and computers, computer
 2 software, communication devices, office machinery and
 3 furnishings, cameras and photographic equipment, animals,
 4 animal training, holding and feeding equipment and supplies, or
 5 attire used by an employee of the sheriff's department in the
 6 course of the employee's official duties;
 7 (6) an activity provided to maintain order and discipline among
 8 the inmates of the county jail;
 9 (7) an activity or program of the sheriff's department intended to
 10 reduce or prevent occurrences of criminal activity, including the
 11 following:
 12 (A) Substance abuse.
 13 (B) Child abuse.
 14 (C) Domestic violence.
 15 (D) Drinking and driving.
 16 (E) Juvenile delinquency;
 17 (8) expenses related to the establishment, operation, or
 18 maintenance of the sex **and violent** offender **registry** web site
 19 under IC 36-2-13-5.5; or
 20 (9) any other purpose that benefits the sheriff's department that
 21 is mutually agreed upon by the county fiscal body and the county
 22 sheriff.
- 23 Money disbursed from the fund under this subsection must be
 24 supplemental or in addition to, rather than a replacement for, regular
 25 appropriations made to carry out the purposes listed in subdivisions (1)
 26 through (8).
- 27 (e) The sheriff shall maintain a record of the fund's receipts and
 28 disbursements. The state board of accounts shall prescribe the form for
 29 this record. The sheriff shall semiannually provide a copy of this record
 30 of receipts and disbursements to the county fiscal body. The
 31 semiannual reports are due on July 1 and December 31 of each year.
 (Reference is to SB 21 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Corrections, Criminal and Civil Matters.

LONG, Chairperson