

LEGISLATIVE UPDATE TO THE INDIANA PUBLIC DEFENDER COUNCIL BOARD

March 11, 2021



Indiana Public Defender Council

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Executive Director

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Indiana Public Defender Council Midsession Report

Timeline:

The first half the Indiana General Assembly ended on February 24th and finally committee reports were adopted in the Senate on February 18th and in the House of Representatives on February 16th.

Relevant Senate committees:

- Corrections and Criminal Law, potential final committee hearing on April 13th
- Judiciary, potential final committee hearing on April 14th

Relevant House committees:

- Courts and Criminal Code, potential final committee hearing on April 7th
- Judiciary, potential final committee hearing on April 6th

IPDC's Legislative Agenda and the status of the bill:

IPDC Policy	Bill Number / Author
End Direct File	HB 1579 – DEAD BILL
Abolish Juvenile Life Without Parole	SB 368 – PASSED 3 RD READING 46 YEAS, 1 NAY
Statutory Guidance for Juvenile Competency Determinations	SB 368 – PASSED 3 RD READING 46 YEAS, 1 NAY
End Jailing of Children in County Jails	SB 368 – PASSED 3 RD READING 46 YEAS, 1 NAY
Automatic Expungement	SB 191 – DEAD BILL SB 368 – PASSED 3 RD READING 46 YEAS, 1 NAY
Possession of Marijuana as a Status Offense	SB 368 – PASSED 3 RD READING 46 YEAS, 1 NAY
Use of Summons instead of Arrests	HB 1023 – DEAD BILL
Legalize Marijuana	HB 1028 – PASSED 3 RD READING 79 YEAS, 15 NAYS HB 1117 – DEAD BILL HB 1154 – DEAD BILL SB 104 – DEAD BILL SB 223 – DEAD BILL

Addressing Police Brutality	HB 1006 – PASSED 3 RD READING 96 YEAS, 0 NAYS HB 1066 – DEAD BILL HB 1210 – DEAD BILL HB 1297 – DEAD BILL HB 1480 – DEAD BILL HB 1502 – DEAD BILL SB 308 – DEAD BILL SB 410 – DEAD BILL
Credit Time for Pretrial Home Detention	SB 193 – DEAD BILL
Restoring 50% Credit	SB 221 – DEAD BILL
Abolish of the Death Penalty	SB 252 – PASSED 3 RD READING 46 YEAS, 1 NAY
Synthetic Identity Deception	SB 197 – PASSED 3 RD READING 45 YEAS, 0 NAYS
Reduce Fines, Fees, and Court Costs	HB 1208 – DEAD BILL

Bills of Interest That Passed Out of the First Chamber:

HB1006 LAW ENFORCEMENT OFFICERS (STEUERWALD G) Requires the Indiana law enforcement training board to establish mandatory training in de-escalation as part of the use-of-force curriculum, and requires de-escalation training to be provided as a part of: (1) pre-basic training; (2) mandatory inservice training; and (3) the executive training program. Establishes a procedure to allow the Indiana law enforcement training board to decertify an officer who has committed misconduct. Defines "chokehold" and prohibits the use of a chokehold under certain circumstances. Specifies that a law enforcement officer who turns off a body worn camera with the intent to conceal a criminal act commits a Class A misdemeanor. Requires an agency hiring a law enforcement officer to request the officer's employment record and certain other information from previous employing agencies, requires the previous employing agency to provide certain employment information upon request, and provides immunity for disclosure of the employment records. Makes an appropriation to the Indiana law enforcement training academy for making capital improvements.

Current Status: 3/9/2021 - Senate Corrections and Criminal Law, (Bill Scheduled for Hearing)

State Bill Page: [HB1006](#)
Bernice Corley testified in Support

HB1028 OPERATING WHILE INTOXICATED (LUCAS J) Provides a defense to prosecution for a person who operates a vehicle with marijuana or its metabolite in the person's blood under certain conditions.

Current Status: 2/24/2021 - Referred to Senate Corrections and Criminal Law

State Bill Page: [HB1028](#)
Christopher Bandy testified in Support

HB1032 NEWBORN SAFETY DEVICES (FRYE R) Provides for placement of a newborn safety device at any facility that is staffed by an emergency medical services provider on a 24 hour per day, seven day per week basis, provided the newborn safety device: (1) is located in an area that is conspicuous and visible to staff; and (2) includes a dual alarm system that is connected to the facility and is tested at least one time per month to ensure the alarm system is in working order. Provides for placement of a newborn safety device at any fire department, including a volunteer fire department, that is located within the jurisdiction of a city or town law enforcement agency, provided the newborn safety device is equipped with an alert system that: (1) when the newborn safety device is opened, automatically connects to the 911 system and transmits a request for immediate dispatch of an emergency medical services provider to the location of the newborn safety device; and (2)

is tested at least one time per month to ensure the alert system is in working order. Provides that a person who in good faith voluntarily leaves a child in a newborn safety device located at such a facility or fire station is not obligated to disclose the parent's name or the person's name. Makes conforming amendments.

Current Status: 3/8/2021 - Senate Family and Children Services, (Bill Scheduled for Hearing)

State Bill Page: [HB1032](#)

Joel Wieneke sent a letter of Support

HB1033 RESIDENCY OF POLICE OFFICERS AND FIREFIGHTERS (FRYE R) Removes the requirement that an individual residing in a county that is noncontiguous to a county in which a city is located live not more than 50 miles from a boundary of the city to be a member of that city's police or fire department.

Current Status: 3/8/2021 - House Bills on Second Reading

State Bill Page: [HB1033](#)

HB1060 OFFICE OF ADMINISTRATIVE LAW PROCEEDINGS (STEUERWALD G) Allows a petition for review of an agency administrative action to be filed by mail, personal service, or electronic mail. (Current law requires a petition for review to be filed by mail or personal service.) Provides that the filing of a document in an administrative proceeding is considered complete on the date of electronic submission if the document is sent by electronic mail. Allows the ultimate authority of an agency to request that the office of administrative law proceedings (office) review a motion to disqualify an administrative law judge. Allows the department of child services to request that the office conduct administrative proceedings on certain administrative actions related to child support and certain substantiated reports of child abuse or neglect. Requires the office to maintain confidentiality in administrative proceedings concerning actions by the department of child services.

Current Status: 3/8/2021 - House Bills on Second Reading

State Bill Page: [HB1060](#)

HB1064 COURTS AND MAGISTRATES (CHERRY R) Adds a superior court in Hamilton County. Allows the judges of the Decatur circuit and superior courts to jointly appoint a magistrate to serve the Decatur County courts. Allows the judges of the Huntington circuit and superior courts to jointly appoint a magistrate to serve the Huntington County courts. Allows the judge of the Lake superior court division No. 4 to appoint a magistrate to serve the Lake superior court division No. 4. Allows the Marion County superior courts to appoint 27 full-time magistrates after December 31, 2021, not more than 14 of whom may be from the same political party. Removes the sixth circuit court in Delaware County. Provides a full-time magistrate for Hancock County.

Current Status: 3/10/2021 - Senate Judiciary, (Bill Scheduled for Hearing)

State Bill Page: [HB1064](#)

HB1068 LOCAL OR REGIONAL JUSTICE REINVESTMENT ADVISORY COUNCILS (FRYE R) Establishes a local or regional justice reinvestment advisory council (local or regional advisory council) in each county in Indiana. Provides that the purpose of a local or regional advisory council is to review local or regional criminal justice systems, policies, and procedures. Provides that the justice reinvestment advisory council shall assist local or regional advisory councils with promoting: (1) the use of evidence based practices; and (2) certain best practices of community based alternatives and recidivism reduction programs. Sets forth duties of local or regional advisory councils. Requires that the justice

reinvestment advisory council conduct a review of community corrections code provisions in the Indiana Code.

Current Status: 3/9/2021 - Senate Corrections and Criminal Law, (Bill Scheduled for Hearing)

State Bill Page: [HB1068](#)
Bernice Corley testified in Support

HB1082 HIGH TECH CRIMES UNIT PROGRAM (STEUERWALD G) Establishes the high tech crimes unit fund for the purpose of establishing up to 10 high tech crimes units that collectively represent the north, south, east, west, and central geographic areas of Indiana to enhance the ability of prosecuting attorneys to investigate, collect evidence, and prosecute high tech crimes.

Current Status: 3/9/2021 - Senate Corrections and Criminal Law, (Bill Scheduled for Hearing)

State Bill Page: [HB1082](#)
Christopher Bandy testified in Neutrality

HB1095 TRESPASSING AND AGGRESSIVE HARASSMENT (MOED J) Establishes the low barrier homeless task force. Provides that a person commits the offense of criminal trespass if: (1) the person, who does not have a contractual interest in the property, knowingly or intentionally enters or refuses to leave the property of another person after having been prohibited from entering or asked to leave the property by a law enforcement officer when the property is designated by a municipality or county enforcement authority to be an unsafe building or premises; or (2) the person knowingly or intentionally enters the property of another person after being denied entry by a court order that has been issued to the person or issued to the general public by conspicuous posting on or around the premises in areas where a person can observe the order when the property has been designated by a municipality or county enforcement authority to be an unsafe building or premises; unless the person has the written permission of the owner, the owner's agent, an enforcement authority, or a court to come onto the property for purposes of performing maintenance, repair, or demolition. Provides that an individual who harasses another person with the intent to obtain property from the other person commits aggressive harassment, a Class C misdemeanor. Defines "harasses". Repeals the chapter concerning panhandling.

Current Status: 2/24/2021 - Referred to Senate Corrections and Criminal Law

State Bill Page: [HB1095](#)
Joel Wieneke testified in Opposition

HB1097 CRIMINAL PENALTIES (ABBOTT D) Provides that a person who commits the offense of resisting law enforcement or interfering with public safety and has a prior conviction for either offense commits a Level 5 felony.

Current Status: 2/24/2021 - Referred to Senate Corrections and Criminal Law

State Bill Page: [HB1097](#)
Joel Wieneke testified in Opposition

HB1115 INTERFERING WITH PUBLIC SAFETY (MILLER D) Provides that a person who enters a marked off area after having been denied entry by a firefighter commits interfering with public safety. (Under current law, the offense is committed only if the person is denied entry by an emergency medical services provider or a law enforcement officer.)

Current Status: 2/24/2021 - Referred to Senate Corrections and Criminal Law

State Bill Page: [HB1115](#)

Christopher Bandy sent a letter of Opposition

- HB1120 JUDICIAL NOMINATING COMMISSION** (STEUERWALD G) Makes certain changes to the election procedures for the attorney commissioners of the judicial nominating commission.
Current Status: 3/10/2021 - Senate Judiciary, (Bill Scheduled for Hearing)
State Bill Page: [HB1120](#)
- HB1125 DECEPTIVE LEAD GENERATION** (LEHMAN M) Makes false, misleading, or deceptive advertisements for claims related to medical devices and legend drugs and certain other actions a deceptive act.
Current Status: 3/10/2021 - Senate Judiciary, (Bill Scheduled for Hearing)
State Bill Page: [HB1125](#)
- HB1127 MENTAL HEALTH AND ADDICTION FORENSIC TREATMENTS** (STEUERWALD G) Removes a provision that allows a: (1) delinquent child's; or (2) person's; Medicaid participation to be terminated following a two year suspension due to certain adjudications or incarceration. Adds competency restoration services to the list of treatment and wraparound recovery services made available to certain persons in the criminal justice system. Adds competency restoration services to the list of services that qualify a person for mental health and addiction forensic treatment services. Adds: (1) recovery community organizations; and (2) recovery residences; certified by the division of mental health and addiction (division) or its designee to the list of organizations eligible for certain funds and grants from the division. Requires demographic data concerning race and ethnicity to be included in certain demographic research performed by the division. Establishes the long term recovery group for Southwest Indiana program and the long term recovery group for Southwest Indiana fund.
Current Status: 2/24/2021 - Referred to Senate Health and Provider Services
State Bill Page: [HB1127](#)
Michael Moore testified in Support
- HB1156 PROHIBITION ON MICROCHIPPING EMPLOYEES** (MORRISON A) Provides that the definition of an "employer" subject to the prohibition against requiring the implantation of devices includes the state or any individual, partnership, association, limited liability company, corporation, business trust, or other governmental entity or political subdivision that has one or more employees.
Current Status: 2/18/2021 - Referred to Senate Pensions and Labor
State Bill Page: [HB1156](#)
- HB1176 ELEMENTS OF RAPE** (NEGELE S) Provides that a person commits rape if: (1) the person engages in sexual activity with another person and the other person submits to the sexual activity under the belief that the person committing the act is someone the victim knows, other than the person committing the act, and such belief is intentionally induced by any artifice, pretense, or concealment practiced by the person; or (2) the person engages in sexual activity with another person and the other person has expressed a lack of consent, through words or conduct, to sexual intercourse or other sexual conduct.
Current Status: 2/23/2021 - Referred to Senate Corrections and Criminal Law
State Bill Page: [HB1176](#)

HB1177 STRATEGIC PLAN ON DEMENTIA (PORTER G) Requires the division of aging (division) to develop a strategic plan concerning dementia in Indiana. Requires the division to submit an annual report to the general assembly concerning the dementia strategic plan and the outcomes of implementing the dementia strategic plan.

Current Status: 2/24/2021 - Referred to Senate Health and Provider Services

State Bill Page: [HB1177](#)

HB1198 ADULT AND JUVENILE COURT JURISDICTION (MCNAMARA W) Provides that a complaint, indictment, or information for certain sex crimes shall be filed in adult criminal court if the accused person: (1) was at least 14 years of age but less than 18 years of age at the time of the offense; and (2) is at least 21 years of age at the time of filing the complaint, indictment, or information. Provides that a prosecution for certain sex crimes must be commenced not later than one year after certain information is discovered if the accused person: (1) was less than 18 years of age at the time of the offense; and (2) is at least 21 years of age at the time of filing the complaint, indictment, or information. Provides that a court may suspend any part of a sentence for certain offenses filed in adult court.

Current Status: 3/9/2021 - Senate Corrections and Criminal Law, (Bill Scheduled for Hearing)

State Bill Page: [HB1198](#)

Joel Wieneke testified in Opposition

HB1199 DRIVING PRIVILEGES (MCNAMARA W) Provides that the bureau of motor vehicles (bureau) shall stay a suspension of a person's driving privileges, and terminate that suspension, upon a showing of proof of future financial responsibility. Requires that the bureau terminate a suspension of a person's driving privileges if the bureau does not receive proof that financial responsibility is not in effect after 180 days. Provides that a suspension may be stayed and then terminated if a person fails to pay the judgment. Provides that a warrant may be issued for failing to appear in a traffic violation case if the charge is a misdemeanor or a felony. Provides that a person whose support obligation is enforced by the Title IV-D agency may have the obligor's driving privileges reinstated. Provides that the bureau shall place in forbearance license reinstatement fees of individuals who: (1) are nonviolent offenders; (2) have completed a criminal sentence or are serving terms of probation or parole; and (3) are enrolled in job training or maintain consistent employment for at least three years following completion of job training. Provides that the bureau shall waive all reinstatement fees and reinstate the driving privileges of an individual who has had reinstatement fees placed in forbearance after the individual maintains consistent employment for at least three years. Provides that the bureau, in collaboration with the department of correction, shall administer programs and activities to facilitate the reinstatement of driving privileges for convicted offenders not later than July 1, 2021. Extends the traffic amnesty program for one year to permit certain persons owing unpaid traffic fines, or who may be required to pay a fee for reinstatement of driving privileges, to obtain a reduction in the amount owed or amount payable.

Current Status: 3/16/2021 - Senate Corrections and Criminal Law, (Bill Scheduled for Hearing)

State Bill Page: [HB1199](#)

Michael Moore testified in Support

HB1200 HUMAN TRAFFICKING (MCNAMARA W) Modifies the definition of "protected person" for purposes of the admission of a statement or videotape of an individual who is less than 14 years of age at the time of the offense but less than 18 years of age at the time of trial. Removes the requirement that money paid for a human trafficking victim or for an act

performed by a human trafficking victim be paid to a third party. Increases the penalty if the human trafficking victim is less than 18 years of age. Specifies that: (1) consent by the human trafficking victim; or (2) a belief that the human trafficking victim was at least 18 years of age; is not a defense to a prosecution. Requires law enforcement agencies to report human trafficking investigations to the attorney general within 30 days after an investigation begins.

Current Status: 3/30/2021 - Senate Corrections and Criminal Law, (Bill Scheduled for Hearing)

State Bill Page: [HB1200](#)

Joel Wieneke testified in Opposition

HB1202 SENTENCING (MCNAMARA W) Lists certain offenses committed before July 1, 2014, that provides an inmate relief from the inmate's sentence. Reduces the number of consecutive years that an inmate must be confined to the custody of the department, for an offense committed before July 1, 2014, before the department identifies the inmate to the parole board and provides the parole board with the inmate's offender progress report. Provides that upon recommendation by the warden, the parole board may consider certain factors and discharge an inmate and require that the inmate receive post-incarceration reentry services if the sentence an inmate has served, including credit time earned or accrued, for an offense committed before July 1, 2014, is at least 75% of the current advisory sentence for the offense on the date the inmate files for a petition for discharge. Provides that if an inmate has served a sentence for an offense committed before July 1, 2014, that meets or exceeds 75% of the maximum sentence for the same offense that the inmate is currently seeking relief for, the parole board may discharge and release the inmate from the inmate's entire sentence.

Current Status: 2/23/2021 - Referred to Senate Corrections and Criminal Law

State Bill Page: [HB1202](#)

Joel Schumm and Bernice Corley testified in Support

HB1224 CRAFT HEMP FLOWER AND HEMP PRODUCTION (EBERHART S) Excludes craft hemp flower from the definition of "hemp product". Removes references to smokable hemp. Provides that the state seed commissioner may not adopt or enforce a rule that is more strict than required under federal law or regulation. Removes an exemption to a person who knowingly or intentionally grows or handles smokeable hemp without a license from the penalty of growing or handling hemp without a license. Repeals a law that requires that a hemp bud or a hemp flower be sold only to a processor licensed in Indiana. Provides that a food is not considered adulterated for containing low THC hemp extract or craft hemp flower. Creates contaminant testing and packaging requirements for the distribution and sale of craft hemp flower. Establishes penalties for selling or distributing craft hemp flower in violation of the requirements. Makes it a Class C infraction if a person knowingly: (1) sells or distributes craft hemp flower to a person less than 21 years of age; and (2) purchases craft hemp flower for delivery to another person who is less than 21 years of age. Provides that a retail establishment that sells or distributes craft hemp flower to a person less than 21 years of age commits a Class C infraction. Makes it a Class C infraction if a person less than 21 years of age: (1) purchases craft hemp flower; (2) accepts craft hemp flower for personal use; or (3) possesses craft hemp flower on his or her person. Provides that a person who, while a motor vehicle is in operation or located on the right-of-way of a public highway, possesses a container that contains craft hemp flower, and: (1) the container does not have tamper evident packaging; or (2) the tamper evident packaging has a broken seal; commits a Class C infraction. Provides that a violation is not considered a moving violation. Defines "craft hemp flower". Provides that craft hemp flower is not included in the definition of "controlled substance analog", "hashish", "low THC hemp

extract", or "marijuana". Repeals the definition of "smokable hemp" and criminal penalties concerning smokable hemp. Makes conforming changes. Makes technical corrections.

Current Status: 3/2/2021 - added as cosponsor Senator Ford J.D

State Bill Page: [HB1224](#)

HB1230 SAFE HAVEN 911 (LAUER R) Provides that due to extenuating circumstances, if a child's parent or a person is unable to give up custody of a child under the procedure set forth in Indiana's safe haven law, the child's parent or the person may request that an emergency medical services provider (provider) take custody of the child by: (1) dialing the 911 emergency call number; and (2) staying with the child until a provider arrives to take custody of the child. Provides that the emergency medical dispatch agency or the provider shall inform the child's parent or the person giving up custody of the child of the ability to remain anonymous. Provides that a provider, shall, without a court order, take custody of a child who is, or who appears to be, not more than 30 days of age if the child is voluntarily left: (1) in a newborn safety device that is located at an emergency medical services station; or (2) with medical staff after delivery in a hospital or other medical facility when the child's parent notifies the medical staff that the parent is voluntarily relinquishing the child. Allows a child's parent to remain anonymous if the child is voluntarily relinquished in a hospital or other medical facility after delivery of the child. Provides that an emergency medical services station is immune from civil liability for an act or omission relating to the operation of the newborn safety device.

Current Status: 3/8/2021 - Senate Family and Children Services, (Bill Scheduled for Hearing)

State Bill Page: [HB1230](#)

Christopher Bandy testified in Support

HB1256 JUVENILE COURT JURISDICTION (MCNAMARA W) Provides that a child who: (1) commits indecent display by a youth; or (2) commits dangerous possession of a firearm or provides a firearm to another child in certain circumstances; has committed a delinquent act subject to the jurisdiction of a juvenile court.

Current Status: 3/16/2021 - Senate Corrections and Criminal Law, (Bill Scheduled for Hearing)

State Bill Page: [HB1256](#)

Joel Wieneke testified in Opposition

HB1270 DEPARTMENT OF HOMELAND SECURITY (FRYE R) Amends the administrative orders and procedures act to allow for an initial notice of determination to be served by electronic mail or any other method approved by the Indiana Rules of Trial Procedure. (Under current law, the initial notice of determination may be served only by United States mail or personal service.) Repeals provisions concerning the division of planning and assessment, division of preparedness and training, division of emergency response and recovery, and division of fire and building safety (divisions). Assigns all duties of the divisions to the executive director of the department of homeland security (department) or the department generally. Establishes a fire chief executive training program (executive training program). Provides that after January 1, 2022, a newly appointed fire chief of a political subdivision must successfully complete the executive training program within one year of appointment. Provides that a volunteer fire chief is not required to complete the executive training program. Provides that the department of homeland security may allow any of the following individuals to enroll in the executive training program if there is available space in the course: (1) A chief officer. (2) Management level personnel. (3) A volunteer fire chief. (4) A volunteer chief officer. (5) Volunteer management level personnel. Makes corresponding changes and technical corrections.

Current Status: 3/1/2021 - Referred to Senate Homeland Security and Transportation

State Bill Page: [HB1270](#)

HB1293 CRIMINAL APPEALS (JETER C) Provides that an order granting a motion to discharge a defendant before trial may be appealed to the supreme court or the court of appeals. Provides that the state may appeal an interlocutory order if the trial court certifies the appeal and the court on appeal makes certain findings.

Current Status: 3/30/2021 - Senate Corrections and Criminal Law, (Bill Scheduled for Hearing)

State Bill Page: [HB1293](#)

Joel Wieneke testified in Neutrality but with concerns

HB1369 FIREARMS MATTERS (SMALTZ B) Effective March 30, 2022: (1) Repeals the law that requires a person to obtain a license to carry a handgun in Indiana; (2) Specifies that certain persons who are not otherwise prohibited from carrying or possessing a handgun are not required to obtain or possess a license or permit from the state to carry a handgun in Indiana; (3) Prohibits certain individuals from knowingly or intentionally carrying a handgun; (4) Creates the crime of "unlawful carrying of a handgun"; (5) Provides that a prohibited person who knowingly or intentionally carries a handgun commits a Class A misdemeanor; (6) Specifies that the unlawful carrying of a handgun is a Level 5 felony if a person: (A) is less than 23 years of age; and (B) has an adjudication as a delinquent child for an act described by IC 35-47-4-5 (unlawful possession of a firearm by a serious violent felon); (7) Allows a resident of Indiana who wishes to carry a firearm in another state under a reciprocity agreement entered into by Indiana and the other state to obtain from the superintendent of the state police department a reciprocity license; (8) Requires law enforcement agencies to make use of certain data bases when issuing reciprocity licenses; (9) Specifies the following fees for reciprocity licenses: (A) \$0 for five year reciprocity licenses, and (B) \$75 for lifetime reciprocity licenses; (10) Provides that a person who knowingly or intentionally exerts unauthorized control over a firearm of another person with the intent to deprive the person of any part of its value or use commits theft, a Level 5 felony; and (11) Allows for the imposition of an additional fixed term of imprisonment when a person knowingly or intentionally: (A) points; or (B) discharges; a firearm at someone the person knew, or reasonably should have known, was a first responder. Effective July 1, 2021: (1) Provides that the following must develop a process that allows law enforcement officers the ability to quickly access information about whether a person is a prohibited person who may not knowingly or intentionally carry a handgun: (A) The state police department; (B) The bureau of motor vehicles; (C) Local law enforcement agencies; and (D) Any other state entity with access to information related to persons who may not knowingly or intentionally carry a handgun; (2) Provides that the information made available to law enforcement officers must meet all state and federal statutory, constitutional, and regulatory requirements; and (3) Allows state entities to enter into a memorandum of understanding to ensure that all legal requirements are met. Defines certain terms. Makes conforming amendments.

Current Status: 2/23/2021 - Referred to Senate

State Bill Page: [HB1369](#)

Joel Wieneke and Michael Moore testified in Opposition

HB1383 JUDICIAL OFFICERS (COOK A) Provides that a person commits battery on a public safety official if the offense is committed against a current or former public safety official: (1) while the official is engaged in the official's official duty; or (2) in retaliation for the official having engaged in the official's official duty. (Under current law, a person commits

the offense only if the official is acting in the person's official duty.) Exempts a person who retires from judicial office after at least 20 years of service or because of a disability from the payment of the fee for a license to carry a handgun. Permits a former judicial officer to possess and use a handgun in the same locations as a judicial officer, and requires the supreme court to annually issue an identification card to a former judicial officer. Makes conforming amendments.

Current Status: 3/30/2021 - Senate Corrections and Criminal Law, (Bill Scheduled for Hearing)

State Bill Page: [HB1383](#)

Christopher Bandy testified in Opposition

HB1453 JUDICIAL SELECTION IN LAKE AND ST. JOSEPH COUNTIES (AYLESWORTH M) Provides that the judicial nominating commission (commission) for the Lake and St. Joseph superior courts consists of five voting members, with three voting members appointed by the governor and two voting members appointed by the county board of commissioners, and provides that the chief justice of Indiana or the chief justice's designee serves ex officio as a nonvoting member and as chairperson of the commission.(Current law provides that the commission for the Lake superior court consists of nine members and the commission for St. Joseph superior court consists of seven members.) Provides that a voting member of the commission for: (1) the Lake superior court shall reside in Lake County; and (2) the St. Joseph superior court shall reside in St. Joseph County. Repeals provisions concerning the appointment of nonattorney commissioners and the election of attorney commissioners to the commission. Provides that after the commission has nominated and submitted to the governor the names of five persons to fill a vacancy in the Lake or St. Joseph superior court, the governor shall select the most qualified person to fill the vacancy. (Current law provides that the commission for the Lake superior court nominate and submit to the governor the names of three people to fill a vacancy in the superior court.) Makes conforming changes.

Current Status: 2/23/2021 - Referred to Senate Judiciary

State Bill Page: [HB1453](#)

HB1467 COMMUNITY MENTAL HEALTH CENTER MATTERS (DAVISSON S) Requires the office of the secretary of family and social services (office) to apply for a Medicaid state plan amendment or Medicaid waiver for the following: (1) Reimbursement of Medicaid rehabilitation option services for a Medicaid eligible recipient who is undertaking an initial assessment, intake, or counseling in a community mental health center. (2) Reimbursement for Medicaid rehabilitation option services concurrently with reimbursement under the residential addiction treatment program. (3) The inclusion of video conferencing and audio services as telehealth for community mental health centers. Amends the definition of "telehealth services" for the Medicaid program. Requires at least two members of the division of mental health and addiction planning and advisory council to be community mental health center chief executive officers or designees. Requires the department of child services to accept certain criminal history checks and fingerprinting performed by community mental health centers for specified professionals if the process used by the community mental health center at least meets or exceeds the department's procedures. Amends the required graduate level courses and clinical experience that an applicant is required to obtain for a license as a clinical addiction counselor. Adds two members to the justice reinvestment advisory council. Makes a conforming change.

Current Status: 2/23/2021 - Referred to Senate Health and Provider Services

State Bill Page: [HB1467](#)

HB1478 BATTERY AGAINST EMERGENCY ROOM STAFF (ENGLEMAN K) Amends the definition of "emergency medical services provider" for the offense of battery to include a staff member in the emergency department of a hospital.

Current Status: 3/4/2021 - Referred to Senate Corrections and Criminal Law

State Bill Page: [HB1478](#)

Christopher Bandy testified in Opposition

HB1531 DCS AND THE EDUCATION COMMUNITY (DEVON D) Defines "exigent circumstances" for purposes of action taken by the department of child services (DCS) with respect to a child. Allows DCS to interview a child at the child's school without parental consent if: (1) the DCS employee presents his or her credentials or other proof of employment for inspection; and (2) there is written proof of exigent circumstances. Requires that the DCS provide assurances that the child's school, or its representative, has been invited to participate in the case plan process.

Current Status: 2/23/2021 - Referred to Senate

State Bill Page: [HB1531](#)

SB19 REQUIRED INFORMATION ON STUDENT ID CARDS (FORD J) Requires a public school that issues, after June 30, 2022, a student identification card to a student in grade 6, 7, 8, 9, 10, 11, or 12 to include on the student identification card a local, state, or national: (1) suicide prevention hotline telephone number; and (2) human trafficking hotline telephone number; that provides support 24 hours a day, seven days a week. Provides that the information may be printed on the student identification card or printed on a sticker that is affixed to the student identification card.

Current Status: 2/23/2021 - Referred to House Education

State Bill Page: [SB19](#)

SB39 PRIVATE CARD GAMES (YOUNG M) Defines "private low stakes card game" and provides a defense to certain gambling crimes if the gambling was a private low stakes card game. Defines "cheating" and makes cheating at gambling a Class A misdemeanor, and increases the penalty for the offense based on the gain obtained by cheating. Provides that the definition of "electronic gaming device" does not include an amusement device that rewards a player with a ticket or coupon redeemable for noncash merchandise that has a wholesale value of not more than the greater of 10 times the amount charged to play the amusement device one time or \$250. Makes conforming amendments.

Current Status: 2/23/2021 - Referred to House Public Policy

State Bill Page: [SB39](#)

Christopher Bandy testified in Opposition

SB63 MENTAL HEALTH TREATMENT FOR INMATES (GLICK S) Permits, under certain circumstances, an offender committed to the department of correction to be held within a treatment facility operated by the department for not more than 14 days beyond the offender's mandatory release date if: (1) the offender consents; or (2) a court has ordered the offender to be committed to a treatment setting outside the department.

Current Status: 3/10/2021 - House Courts & Criminal Code, (Bill Scheduled for Hearing)

State Bill Page: [SB63](#)

SB69 SCHOOL BUS STOP ARM VIOLATION ENFORCEMENT (NIEMEYER R) Specifies that a registered owner of a motor vehicle commits an infraction if the owner's vehicle is used to violate the school bus stop arm law Provides a defense for a registered owner who fully cooperates with law enforcement, if: (1) the vehicle was stolen; (2) the registered owner routinely engages in the business of renting the vehicle; or (3) the registered owner provided the vehicle for the use of an employee. Specifies that: (1) the bureau of motor vehicle may not assess points for the infraction; and (2) an adjudication for the infraction does not create a presumption of liability in a civil action.

Current Status: 3/4/2021 - Referred to House Roads and Transportation

State Bill Page: [SB69](#)

Bernice Corley testified in Neutrality

SB78 HOSPITAL POLICE DEPARTMENTS (CRIDER M) Provides that a police officer of a hospital police department (department) has county wide territorial jurisdiction only while the hospital police officer is on duty and in the performance of or engaged in the officer's normal duties. Provides that the governing board of a hospital may limit the department's jurisdiction. Requires the department to notify certain entities if the governing board of the hospital has limited the department's jurisdiction. Requires the department to create an annual report regarding crime on hospital property. Provides public access to certain records created by the department. Provides certain conditions under which a department officer may take action regarding a crime in progress.

Current Status: 3/4/2021 - Referred to House Veterans Affairs and Public Safety

State Bill Page: [SB78](#)

Michael Moore testified in Opposition

SB79 DOMESTIC BATTERY ENHANCEMENT (CRIDER M) Enhances the penalty for domestic battery when the offender has a prior conviction for strangulation against the same family or household member.

Current Status: 3/1/2021 - Referred to Committee on Courts and Criminal Code

State Bill Page: [SB79](#)

SB81 TRAINING FOR INVESTIGATORS OF SEXUAL ASSAULT CASES (CRIDER M) Requires certain training for sexual assault investigators. Mandates that the law enforcement training board set specialized standards for training and investigating sexual assault cases involving adult victims.

Current Status: 3/9/2021 - House Veterans Affairs and Public Safety, (Bill Scheduled for Hearing)

State Bill Page: [SB81](#)

SB82 MENTAL HEALTH DIAGNOSIS (CRIDER M) Defines "mental health diagnosis" and sets forth requirements that must be met in order for certain licensed professionals to provide a mental health diagnosis. Requires certain mental health professionals who are making a mental health diagnosis and who determine that the patient has not been examined by a physician or an advanced practice registered nurse in the preceding 12 months to recommend to the patient that the patient schedule an examination by a physician at the earliest opportunity. Requires notation of that recommendation in the patient's medical record.

Current Status: 3/1/2021 - Referred to House Public Health

State Bill Page: [SB82](#)

- SB98 INTERSTATE COMPACT TRANSPORTATION FUND** (SANDLIN J) Allows a community corrections agency to access funds from the county offender transportation fund to defray the cost of transporting offenders and delinquent children as requested by a court, a probation department, a community corrections agency, or a county sheriff.
Current Status: 2/23/2021 - Referred to House Ways and Means
State Bill Page: [SB98](#)
- SB122 DRUG SCHEDULES** (YOUNG M) Adds new scheduled drugs to the statutory drug schedules.
Current Status: 3/10/2021 - House Courts & Criminal Code, (Bill Scheduled for Hearing)
State Bill Page: [SB122](#)
- SB133 SENTENCING** (FREEMAN A) Enhances the penalty for child exploitation and child pornography if the person has a previous conviction. Provides that a court may suspend only that part of a sentence that is in excess of the minimum sentence for a person convicted of a Level 2 or Level 3 felony who has a prior unrelated felony conviction, other than a conviction for a felony involving marijuana, hashish, hash oil, or salvia divinorum. (Current law provides that a court may suspend any part of a sentence for certain Level 2 and Level 3 felony convictions, including drug related convictions.) Provides that a court may suspend only that part of a sentence that is in excess of the minimum sentence for a person convicted of a felony for child exploitation or child pornography who has a prior conviction for child exploitation or child pornography.
Current Status: 3/1/2021 - Referred to Committee on Courts and Criminal Code
State Bill Page: [SB133](#)
Joel Wieneke testified in Opposition
- SB134 LICENSE SUSPENSION AND TRANSPORT OF PASSENGERS DURING PROBATIONARY PERIOD** (FREEMAN A) Increases the penalty for operating a motor vehicle containing passengers during the initial 180 day probationary period after issuance of a driver's license and permits license suspension for a violation. Allows a court to suspend the license of a person convicted of operating a motor vehicle after failing to take a prescribed medication.
Current Status: 2/23/2021 - Referred to House Roads and Transportation
State Bill Page: [SB134](#)
Michael Moore testified in Neutrality but with concerns
- SB167 THEFT AND SALE OF CATALYTIC CONVERTERS AND VALUABLE METALS** (SANDLIN J) Provides that the theft of a component part of a motor vehicle, including a catalytic converter, is a Level 6 felony. Expands qualifying prior convictions for Level 6 felony theft to include robbery and burglary. Provides that a valuable metal dealer who: (1) knowingly or intentionally fails to comply with certain statutes regulating the purchase of a valuable metal; and (2) purchases a stolen valuable metal; commits a Level 6 felony.
Current Status: 3/10/2021 - House Courts & Criminal Code, (Bill Scheduled for Hearing)
State Bill Page: [SB167](#)
Michael Moore testified in Opposition
- SB177 VICTIM'S RIGHTS AND INVESTIGATIONS** (MESSMER M) Establishes a procedure permitting an immediate family member of a deceased individual to request the state police department to conduct a new investigation into the death of the individual if: (1) a local

law enforcement agency has determined that the death was not the result of a criminal act by a third party; (2) the individual was not under the care of a physician or the victim of medical malpractice; and (3) the family member has a reasonable suspicion that the death was the result of a criminal act by a third party.

Current Status: 3/1/2021 - Referred to Committee on Courts and Criminal Code
State Bill Page: [SB177](#)

SB186 PROSECUTING ATTORNEYS (KOCH E) Permits a prosecuting attorney to purchase a crime insurance policy instead of executing a surety bond. Allows a prosecuting attorney or deputy prosecuting attorney to solemnize a marriage. Permits the department of child services (DCS) or a prosecuting attorney to file a paternity action if the mother, person with whom the child resides, the alleged father, or DCS has applied for services under Title IV-D of the federal Social Security Act. Requires a prosecuting attorney to investigate information received about the commission of a felony, a misdemeanor, acts of delinquency, or an infraction. Allows a prosecuting attorney to issue subpoenas or ask a court with jurisdiction to issue subpoenas, search warrants, or any other process necessary to support or aid an investigation. Broadens the types of expenses a county auditor pays for in connection with a criminal case. Allows a prosecuting attorney to appoint employees with the approval of the county council. Allows the prosecuting attorneys council of Indiana (council) to call two conferences each year and specifies who may attend the conferences. Requires the council to conduct training for prosecuting attorneys and their staffs. Renames the drug prosecution fund as the substance abuse prosecution fund. Makes other changes and conforming amendments.

Current Status: 3/10/2021 - House Courts & Criminal Code, (Bill Scheduled for Hearing)

State Bill Page: [SB186](#)

Michael Moore testified in Opposition

SB187 PROTECTION OF MONUMENTS, MEMORIALS, AND STATUES (KOCH E) States the policy of the state of Indiana regarding the protection of monuments, memorials, and statues. Requires the state police department to prioritize the investigation and prosecution of persons who destroy, damage, vandalize, or desecrate a monument, memorial, or statue. Requires the state police department to assist political subdivisions in the investigation and prosecution of persons who destroy, damage, vandalize, or desecrate a monument, memorial, or statue. Provides that it is state policy to withhold state support relating to public spaces for political subdivisions that fail to protect public monuments, memorials, and statues and from political subdivisions that have failed to protect public monuments, memorials, and statues from destruction or vandalism.

Current Status: 3/9/2021 - House Veterans Affairs and Public Safety, (Bill Scheduled for Hearing)

State Bill Page: [SB187](#)

Bernice Corley testified in Opposition

SB194 OBSTRUCTION OF TRAFFIC (BALDWIN S) Increases the penalty for obstruction of traffic under certain circumstances.

Current Status: 3/1/2021 - Referred to Committee on Courts and Criminal Code

State Bill Page: [SB194](#)

Bernice Corley testified in Opposition

SB197 CRIMINAL LAW ISSUES (YOUNG M) Specifies that a conviction for certain sex offenses requires mandatory revocation of a teaching license. Provides that a child who: (1) commits

indecent display by a youth; or (2) commits dangerous possession of a firearm or provides a firearm to another child in certain circumstances; has committed a delinquent act subject to the jurisdiction of a juvenile court. Provides that bail provisions that apply to persons on probation and parole also apply to persons on community supervision. Removes and replaces certain references to "official investigations", "official proceedings", and methods of reporting. Adds to the crime of resisting law enforcement the act of forcibly resisting, refusing, obstructing, or interfering with a law enforcement officer's lawful: (1) entry into a structure; or (2) order to exit a structure. Provides that all Level 1 and Level 2 felonies may be prosecuted at any time. Repeals synthetic identity deception and consolidates it with identity deception. Provides that all felony battery and domestic battery crimes are crimes of violence, and adds arson and criminal confinement to the list of crimes of violence. Makes attempted murder a predicate offense for the use of a firearm sentence enhancement. Makes certain changes to the definition of "substantially similar" for purposes of the controlled substance law. Adds controlled substance analogs to certain statutes prohibiting controlled substances in penal facilities. Repeals and consolidates various fraud and deception offenses. Defines "financial institution" for purposes of crimes involving financial institutions. Defines "pecuniary loss" for purposes of fraud in connection with insurance. Repeals or decriminalizes certain infrequently charged misdemeanors. Specifies that a person convicted of attempted murder is a sex or violent offender. Adds to the definition of "violent criminal" a person convicted of certain battery and domestic battery offenses. Adds adult protective services investigator to the definition of "public safety official" for purposes of the battery statute. Specifies that locking the door to a building or structure denies entry to another person for purposes of the trespass statute. Makes fraud a Level 4 felony if the amount involved is at least \$100,000. Defines attempted murder as a "serious violent felony". Makes conforming amendments.

Current Status: 3/1/2021 - Referred to Committee on Courts and Criminal Code

State Bill Page: [SB197](#)

Michael Moore testified in Neutrality but with concerns

SB198 **RIOTING** (YOUNG M) Grants, until January 1, 2025, the attorney general concurrent jurisdiction with the prosecuting attorney to prosecute an action in which a person is accused of committing a criminal offense while a member of an unlawful assembly. Permits the chief executive officer of a political subdivision to establish a curfew under certain circumstances. Makes refusing to leave a location in violation of a curfew, after having been informed of the curfew and ordered to leave by a law enforcement officer, a Class B misdemeanor. Allows for the civil forfeiture of property that is used by a person to finance a crime committed by a person who is a member of an unlawful assembly. Prohibits a person from being released on bail without a hearing in open court, establishes a rebuttable presumption that money bail shall be required, and requires a court to consider whether bail conditions more stringent than the local guidelines should be imposed. Adds enhanced penalties to the crimes of: (1) rioting; and (2) obstruction of traffic. Allows a conspiracy charge for a misdemeanor committed while a member of an unlawful assembly. Provides that a person may recover actual damages in a civil action against a county, city, or town (unit) for loss of property proximately caused by an unlawful assembly, if the unit recklessly fails to exercise reasonable diligence to prevent or suppress the unlawful assembly.

Current Status: 3/4/2021 - Referred to House Rules and Legislative Procedures

State Bill Page: [SB198](#)

Michael Moore testified in Opposition

SB199 **SELF-DEFENSE** (YOUNG M) Specifies that "reasonable force" includes the pointing of a loaded or unloaded firearm for purposes of arrest or to prevent an escape, or for self-

defense when used to prevent or terminate the an unlawful entry of or attack on a dwelling, curtilage, fixed place of business, motor vehicle, or aircraft in flight.

Current Status: 3/1/2021 - Referred to Committee on Courts and Criminal Code

State Bill Page: [SB199](#)

Michael Moore testified in Opposition

SB200 **NONCOMPLIANT PROSECUTING ATTORNEY** (YOUNG M) Permits the attorney general to request the appointment of a special prosecuting attorney if a prosecuting attorney is categorically refusing to prosecute certain crimes, and establishes a procedure for the appointment of a person to serve as a special prosecuting attorney to prosecute cases that the county prosecuting attorney is refusing to prosecute.

Current Status: 3/4/2021 - Referred to Committee on Courts and Criminal Code

State Bill Page: [SB200](#)

Michael Moore testified in Opposition

SB201 **OPERATING WHILE INTOXICATED** (YOUNG M) Provides a defense to prosecution for a person who operates a vehicle with marijuana or its metabolite in the person's blood under certain conditions.

Current Status: 3/4/2021 - Referred to Committee on Courts and Criminal Code

State Bill Page: [SB201](#)

Michael Moore testified in Support

SB238 **DESIGNATED OUTDOOR REFRESHMENT AREAS** (BROWN L) Modifies the term "entertainment complex." Allows a county or municipality to designate an area of the county or municipality as an outdoor refreshment area (refreshment area) with the approval of the alcohol and tobacco commission (commission). Provides that if a refreshment area is approved, the commission designates retailer permittees (designated permittees) located within the refreshment area. Allows a consumer to exit a designated permittee's premises with one open container of an alcoholic beverage at a time to consume within the refreshment area. Limits the volume of an open container (based upon the type of alcoholic beverage) that a designated permittee may sell or furnish to a consumer for a refreshment area. Requires a consumer to wear a wristband in order to exit a licensed premises into a refreshment area with an open container. Allows a minor to be present in a refreshment area. Allows a county or municipality to adopt an ordinance at any time to dissolve a refreshment area. Makes the following acts a Class C infraction: (1) A person who exits a designated permittee's premises with an open container of an alcoholic beverage without wearing a wristband identification. (2) A designated permittee who allows a person with an open container of an alcoholic beverage to exit the premises without wearing a wristband identification. (3) A designated permittee who sells or furnishes a person with: (A) an open container of an alcoholic beverage that exceeds the container volume limitations; or (B) two or more open containers of alcoholic beverages at a time. (4) A person who consumes an open container of an alcoholic beverage purchased from a designated permittee outside the refreshment area. (5) A person who brings an alcoholic beverage into a refreshment area that was not purchased from a designated permittee.

Current Status: 3/2/2021 - Referred to House Public Policy

State Bill Page: [SB238](#)

Christopher Bandy testified in Neutrality but with concerns

SB239 **REMOTE PROVISION OF CHILD AND FAMILY SERVICES** (BROWN L) Requires the department of child services (department) to establish before October 1, 2021, policies and procedures to allow for child and family services to be provided remotely. Requires a child

and family services provider to collaborate with the department in determining whether remote services are appropriate in a particular case, and specifies factors that the provider and the department may consider in making the determination. Provides for the department to make the final determination regarding whether remote services are appropriate in a particular case, and allows the child and family services provider to provide services remotely at the provider's discretion until the department makes the final determination.

Current Status: 3/2/2021 - Referred to House Family, Children and Human Affairs

State Bill Page: [SB239](#)

SB252 DEATH PENALTY (BOOTS P) Urges the legislative council to assign to the appropriate interim study committee the topics of: (1) death sentences; (2) life imprisonment without the possibility of parole; and (3) circumstances justifying the imposition of: (A) a death sentence; or (B) life imprisonment without the possibility of parole.

Current Status: 3/2/2021 - Referred to House Rules and Legislative Procedures

State Bill Page: [SB252](#)

Testimony was not allowed by the Chair

SB255 EXPUNGEMENT (FREEMAN A) Specifies that a "criminal history provider" includes certain persons who regularly publish criminal history information on the internet, for purposes of the law requiring criminal history providers to periodically review their criminal history records for expunged convictions.

Current Status: 3/2/2021 - Referred to Committee on Courts and Criminal Code

State Bill Page: [SB255](#)

Christopher Bandy testified in Support

SB301 CHILD SERVICES OVERSIGHT COMMITTEE (HOUCHIN E) Establishes the child services oversight committee (committee). Requires the committee to review case decisions of the department of child services (DCS) in certain cases with negative outcomes, make recommendations to the DCS and the legislative council, study topics assigned by the legislative council, and study any other issues relevant to the activities of the DCS and improving child safety. Authorizes the committee to meet at any time at the call of the chairperson. Provides that records reviewed by the committee are confidential and may not be disclosed. Requires a local office or the DCS to redact any identifying information from any record provided to the committee. Specifies other policies governing the committee.

Current Status: 3/4/2021 - Referred to House Family, Children and Human Affairs

State Bill Page: [SB301](#)

Bernice Corley testified in Support

SB311 USE OF FORCE AND SELF DEFENSE (BALDWIN S) Prohibits a state or local law enforcement officer (officer) from firing warning shots. Allows a guard, official, or officer in a state or local penal facility to fire warning shots to prevent the escape of a person. Prohibits a law enforcement agency or merit board from taking an adverse employment action against a law enforcement officer who lawfully exercises the officer's right of self defense, and requires a law enforcement agency to indemnify a law enforcement officer for reasonable expenses incurred by the officer in successfully contesting an adverse employment action.

Current Status: 3/4/2021 - Referred to Committee on Courts and Criminal Code

State Bill Page: [SB311](#)

Bernice Corley testified in Neutrality

SB368 **JUVENILE JUSTICE** (TALLIAN K) Provides for the automatic expungement of certain juvenile offenses. Prohibits a juvenile arrestee who meets certain requirements from being housed with adult inmates prior to trial, with certain exceptions. Establishes a procedure for determining juvenile competency. Makes conforming amendments.

Current Status: 3/4/2021 - Referred to Committee on Courts and Criminal Code

State Bill Page: [SB368](#)

Joel Wieneke testified in Support

SB380 **COURT MATTERS** (KOCH E) Adds a superior court in Hamilton County. Allows the judges of the Decatur circuit and superior courts to jointly appoint a magistrate to serve the Decatur County courts. Allows the judges of the Hancock circuit and superior courts to jointly appoint a magistrate to serve the Hancock County courts. Allows the judges of the Huntington circuit and superior courts to jointly appoint a magistrate to serve the Huntington County courts. Allows the judges of the Knox circuit and superior courts to jointly appoint a magistrate to serve the Knox County courts. Allows the judge of the Lake superior court division No. 4 to appoint a magistrate to serve the Lake superior court division No. 4. Provides that the: (1) clerk of a circuit court; (2) clerk of a city or town court; or (3) judge of a city or town court that does not have a clerk; may retain as an administrative fee in an amount of up to \$3 from the excess amount collected by the clerk for general court costs. Makes conforming changes.

Current Status: 3/10/2021 - House Courts & Criminal Code, (Bill Scheduled for Hearing)

State Bill Page: [SB380](#)