



SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 2 be amended to read as follows:

- 1 Page 7, between lines 18 and 19, begin a new paragraph and insert:
2 "SECTION 9. IC 12-17.2-4-3, AS AMENDED BY P.L.183-2021,
3 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 UPON PASSAGE]: Sec. 3. (a) An applicant must apply for a child care
5 center license on forms provided by the division.
6 (b) An applicant must submit the required information as part of the
7 application, including the following:
8 (1) If the county, city, or town in which the child care center is
9 located requires a business permit or license to operate a child
10 care center in the county, city, or town, proof that the applicant
11 has a valid business permit or license.
12 (2) If the county, city, or town in which the child care center is
13 located does not require a business permit or license described in
14 subdivision (1), a statement from the county, city, or town that a
15 business permit or license is not required.
16 (3) A current and valid electronic mail address for the applicant.
17 (c) The applicant must submit with the application a statement
18 attesting that the applicant:
19 (1) has not been convicted of:
20 (A) a felony:
21 (i) related to the health or safety of a child;
22 (ii) that is a sex offense (as defined in IC 11-8-8-5.2);
23 (iii) that is a dangerous felony; or
24 (iv) that is not a felony otherwise described in items (i)
25 through (iii), and less than ten (10) years have elapsed from
26 the date the person was discharged from probation,
27 imprisonment, or parole, whichever discharge date is latest;

- 1 (B) a misdemeanor relating to the health or safety of children;
 2 (C) a misdemeanor for operating a child care center without a
 3 license under section 35 of this chapter, or of a substantially
 4 similar offense committed in another jurisdiction if the offense
 5 is directly or indirectly related to jeopardizing the health or
 6 safety of a child; or
 7 (D) a misdemeanor for operating a child care home without a
 8 license under IC 12-17.2-5-35, or of a substantially similar
 9 offense committed in another jurisdiction if the offense is
 10 directly or indirectly related to jeopardizing the health or
 11 safety of a child; and
 12 (2) has not been charged with:
 13 (A) a felony;
 14 (B) a misdemeanor relating to the health or safety of children;
 15 (C) a misdemeanor for operating a child care center without a
 16 license under section 35 of this chapter, or with a substantially
 17 similar offense in another jurisdiction if the offense is directly
 18 or indirectly related to jeopardizing the health or safety of a
 19 child; or
 20 (D) a misdemeanor for operating a child care home without a
 21 license under IC 12-17.2-5-35, or with a substantially similar
 22 offense in another jurisdiction if the offense is directly or
 23 indirectly related to jeopardizing the health or safety of a child;
 24 during the pendency of the application.
 25 (d) An applicant shall, at no expense to the state, submit:
 26 (1) the necessary information, forms, or consents; and
 27 (2) the applicant's fingerprints;
 28 for a national criminal history background check by the Federal Bureau
 29 of Investigation.
 30 (e) Subject to ~~section~~ **sections 3.3 and 37** of this chapter, the
 31 applicant must, at no expense to the state, do the following:
 32 (1) Require an employee or volunteer of the applicant who may
 33 be present on the premises of the child care center during
 34 operating hours of the child care center to submit fingerprints for
 35 a national criminal history background check by the Federal
 36 Bureau of Investigation.
 37 (2) Report to the division any:
 38 (A) police investigations;
 39 (B) arrests; and
 40 (C) criminal convictions;
 41 of which the applicant is aware regarding the applicant or an
 42 employee or volunteer described in subdivision (1).
 43 An applicant shall require an individual described in subdivision (1) to
 44 apply for a national criminal history background check before the
 45 individual is employed or allowed to volunteer and every three (3)
 46 years thereafter that the individual is continuously employed or allowed

1 to volunteer.
2 SECTION 10. IC 12-17.2-4-37 IS ADDED TO THE INDIANA
3 CODE AS A NEW SECTION TO READ AS FOLLOWS
4 [EFFECTIVE UPON PASSAGE]: **Sec. 37. (a) An individual who is**
5 **licensed under IC 20-28-5 to teach special education may:**
6 **(1) be present on the premises of; and**
7 **(2) assist in the provision of child care at;**
8 **a child care center that is located in the public or private school at**
9 **which the individual is employed as a teacher.**
10 **(b) An individual who assists in the provision of child care at a**
11 **child care center as described in subsection (a) is not an employee**
12 **or volunteer of the child care center for purposes of the child care**
13 **center's licensure under this chapter."**
14 Renumber all SECTIONS consecutively.
(Reference is to SB 2 as printed January 26, 2024.)

Senator YODER