

HOUSE BILL No. 1093

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-2; IC 33-39-2-8; IC 35-40.5.

Synopsis: Sexual assault victims' rights. Requires law enforcement agencies and prosecuting attorneys to annually submit certain information concerning sexual assault to the Indiana criminal justice institute (institute). Requires the institute to annually submit a report to the state sexual assault response team (team) summarizing the information. Provides certain procedural protections for victims of sexual assault, including the rights guaranteed to a victim as they relate to: (1) the collection and analysis of sexual assault forensic evidence from the victim; (2) a victim's ability to obtain a copy of a law enforcement report concerning the sexual assault; and (3) legal procedures provided to protect a victim during a legal proceeding. Requires specified information to be included in the statewide sexual assault examination tracking system. Requires the team to study best practices and make recommendations concerning sexual assault response and victims' rights. Requires the team, not later than May 31, 2027, to report its findings and recommendations to the general assembly, the governor, and the attorney general.

Effective: July 1, 2025.

Garcia Wilburn, Gore

January 8, 2025, read first time and referred to Committee on Courts and Criminal Code.



First Regular Session of the 124th General Assembly (2025)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2024 Regular Session of the General Assembly.

HOUSE BILL No. 1093



A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

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

- 1 SECTION 1. IC 5-2-6-3, AS AMENDED BY P.L.126-2024,
- 2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2025]: Sec. 3. The institute is established to do the following:
- 4 (1) Evaluate state and local programs associated with:
- 5 (A) the prevention, detection, and solution of criminal
- 6 offenses;
- 7 (B) law enforcement; and
- 8 (C) the administration of criminal and juvenile justice.
- 9 (2) Participate in statewide collaborative efforts to improve all
- 10 aspects of law enforcement, juvenile justice, and criminal justice
- 11 in this state.
- 12 (3) Stimulate criminal and juvenile justice research.
- 13 (4) Develop new methods for the prevention and reduction of
- 14 crime.
- 15 (5) Prepare applications for funds under the Omnibus Act and the
- 16 Juvenile Justice Act.
- 17 (6) Administer victim and witness assistance funds.



- 1 (7) Administer the traffic safety functions assigned to the institute
2 under IC 9-27-2.
- 3 (8) Compile and analyze information and disseminate the
4 information to persons who make criminal justice decisions in this
5 state.
- 6 (9) Serve as the criminal justice statistical analysis center for this
7 state.
- 8 (10) Identify grants and other funds that can be used by the
9 department of correction to carry out its responsibilities
10 concerning sex or violent offender registration under IC 11-8-8.
- 11 (11) Administer the application and approval process for
12 designating an area of a consolidated or second class city as a
13 public safety improvement area under IC 36-8-19.5.
- 14 (12) Administer funds for the support of any sexual offense
15 services.
- 16 (13) Administer funds for the support of domestic violence
17 programs.
- 18 (14) Administer funds to support assistance to victims of human
19 sexual trafficking offenses as provided in IC 35-42-3.5-4.
- 20 (15) Administer the domestic violence prevention and treatment
21 fund under IC 5-2-6.7.
- 22 (16) Administer the family violence and victim assistance fund
23 under IC 5-2-6.8.
- 24 (17) Monitor and evaluate the status of Indiana's criminal justice
25 system under IC 5-2-6-24.
- 26 (18) Administer the ignition interlock inspection account
27 established under IC 9-30-8-7.
- 28 (19) Identify any federal, state, or local grants that can be used to
29 assist in the funding and operation of regional holding facilities
30 under IC 11-12-6.5.
- 31 (20) Coordinate with state and local criminal justice agencies for
32 the collection and transfer of data from sheriffs concerning jail:
33 (A) populations; and
34 (B) statistics;
35 for the purpose of providing jail data to the management
36 performance hub established by IC 4-3-26-8.
- 37 (21) Establish and administer the Indiana crime guns task force
38 fund under IC 36-8-25.5-8.
- 39 (22) Establish and administer:
40 (A) the juvenile diversion and community alternatives grant
41 program fund under IC 31-40-5; and
42 (B) the juvenile behavioral health competitive grant pilot



1 program fund under IC 31-40-6.

2 **(23) Not later than April 1 of each year, submit a report**
 3 **summarizing the information received under IC 5-2-26 and**
 4 **IC 33-39-2-8 to the state sexual assault response team (as**
 5 **defined in IC 35-40.5-1-1).**

6 SECTION 2. IC 5-2-26 IS ADDED TO THE INDIANA CODE AS
 7 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
 8 1, 2025]:

9 **Chapter 26. Sexual Assault Data**

10 **Sec. 1. As used in this chapter, "sexual assault" has the meaning**
 11 **set forth in IC 5-26.5-1-8.**

12 **Sec. 2. Before March 1 of each year, a law enforcement agency**
 13 **shall submit to the Indiana criminal justice institute the following**
 14 **information for the preceding calendar year:**

15 **(1) The number of sexual assaults reported to the law**
 16 **enforcement agency.**

17 **(2) The number of arrests made by the law enforcement**
 18 **agency for sexual assault.**

19 **(3) Resources available to victims of sexual assault.**

20 **(4) Any other information required by the Indiana criminal**
 21 **justice institute.**

22 SECTION 3. IC 33-39-2-8 IS ADDED TO THE INDIANA CODE
 23 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 24 1, 2025]: **Sec. 8. (a) As used in this chapter, "sexual assault" has the**
 25 **meaning set forth in IC 5-26.5-1-8.**

26 **(b) Before March 1 of each year, a prosecuting attorney shall**
 27 **report to the Indiana criminal justice institute the following**
 28 **information for the preceding calendar year:**

29 **(1) The number of convictions for sexual assault.**

30 **(2) Resources available to victims of sexual assault, including**
 31 **access to victim advocates.**

32 **(3) Any other information required by the Indiana criminal**
 33 **justice institute.**

34 SECTION 4. IC 35-40.5-1-1, AS AMENDED BY P.L.32-2021,
 35 SECTION 94, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2025]: **Sec. 1. The following definitions apply throughout this**
 37 **article:**

38 **(1) "Law enforcement officer" means any of the following:**

39 **(A) A law enforcement officer (as defined in**
 40 **IC 35-31.5-2-185).**

41 **(B) A state educational institution police officer appointed**
 42 **under IC 21-39-4.**



- 1 (C) A school corporation police officer appointed under
 2 IC 20-26-16.
 3 (D) A school resource officer (as defined in IC 20-26-18.2-1).
 4 (E) A police officer of a private postsecondary educational
 5 institution whose governing board has appointed the police
 6 officer under IC 21-17-5-2.
- 7 (2) "Provider" has the meaning set forth in IC 16-21-8-0.2.
 8 (3) "Relative" has the meaning set forth in IC 35-42-2-1(b).
 9 **(4) "Sexual assault examination tracking system" refers to the**
 10 **statewide electronic system for tracking sexual assault**
 11 **forensic evidence.**
 12 ~~(4)~~ **(5)** "Sexual assault forensic evidence" means the results
 13 collected from a forensic medical examination of a victim by a
 14 provider.
 15 ~~(5)~~ **(6)** "State sexual assault response team" means the statewide
 16 sexual assault response team coordinated by the Indiana
 17 prosecuting attorneys council and the Indiana criminal justice
 18 institute.
 19 ~~(6)~~ **(7)** "Victim" means an individual:
 20 (A) who is a victim of sexual assault (as defined in
 21 IC 5-26.5-1-8); or
 22 (B) who:
 23 (i) is a relative of or a person who has had a close personal
 24 relationship with the individual described under clause (A);
 25 and
 26 (ii) is designated by the individual described under clause
 27 (A) as a representative.
 28 The term does not include an individual who is accused of
 29 committing an act of sexual assault (as defined in
 30 IC 5-26.5-1-8) against the individual described under clause
 31 (A).
 32 ~~(7)~~ **(8)** "Victim advocate" has the meaning set forth in
 33 IC 35-37-6-3.5.
 34 ~~(8)~~ **(9)** "Victim service provider" has the meaning set forth in
 35 IC 35-37-6-5.
- 36 SECTION 5. IC 35-40.5-4-2, AS AMENDED BY P.L.133-2020,
 37 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2025]: Sec. 2. Before a provider commences a forensic
 39 medical examination, or as soon as possible, the provider shall inform
 40 the victim of the following:
 41 (1) The victim's rights under this article and other relevant law in
 42 a document to be developed by the state sexual assault response



1 team, which shall be signed by the victim to confirm receipt,
 2 unless the victim has already been provided with the document
 3 under IC 35-40.5-5-1.

4 (2) The victim's right to speak with a victim advocate or victim
 5 service provider. If a victim advocate or victim service provider
 6 is not available, a victim has the right to speak with victims
 7 assistance or a social worker.

8 **(3) The ramifications of delaying the forensic medical
 9 examination if a victim advocate or victim service provider
 10 cannot be summoned in a reasonably timely manner as
 11 described in subdivision (2).**

12 SECTION 6. IC 35-40.5-5-2 IS ADDED TO THE INDIANA CODE
 13 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 14 1, 2025]: **Sec. 2. A law enforcement officer, prosecuting attorney,
 15 or defense attorney shall not discourage a victim from receiving a
 16 forensic medical examination.**

17 SECTION 7. IC 35-40.5-5.5 IS ADDED TO THE INDIANA CODE
 18 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2025]:

20 **Chapter 5.5. Sexual Assault Forensic Evidence**

21 **Sec. 1. (a) A victim has the right to be informed, upon the
 22 victim's request, of the following:**

23 **(1) The results of the analysis of the victim's sexual assault
 24 forensic evidence.**

25 **(2) Whether the analysis yielded a DNA profile other than the
 26 victim's DNA profile.**

27 **(3) Whether a DNA profile was able to be compared to
 28 another DNA profile.**

29 **(4) Whether a DNA profile described in subdivision (2) is
 30 consistent with the DNA profile of a named perpetrator or a
 31 suspect already in the Combined DNA Index System.**

32 **(b) The sexual assault examination tracking system must include
 33 the information described in subsection (a).**

34 **Sec. 2. Sexual assault forensic evidence may not be used:**

35 **(1) to prosecute a victim for any unrelated misdemeanor
 36 crimes or any crime under IC 35-48-4; or**

37 **(2) as a basis to search for further evidence of any unrelated
 38 misdemeanor crimes or any crime under IC 35-48-4 that may
 39 have been committed by the victim.**

40 SECTION 8. IC 35-40.5-7-2 IS ADDED TO THE INDIANA CODE
 41 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 42 1, 2025]: **Sec. 2. Not later than five (5) business days after receiving**



1 a written request by a victim, a law enforcement officer shall
 2 provide a free copy of all law enforcement reports concerning the
 3 sexual assault to the victim, regardless of whether the report has
 4 been closed by the law enforcement agency.

5 SECTION 9. IC 35-40.5-8 IS ADDED TO THE INDIANA CODE
 6 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2025]:

8 **Chapter 8. Legal Procedures**

9 **Sec. 1.** As provided under this article, a victim has the right to
 10 be reasonably protected from the defendant and persons acting on
 11 behalf of the defendant in either a civil or criminal case relating to
 12 the alleged sexual assault.

13 **Sec. 2.** A victim shall not be required to submit to a polygraph
 14 examination as provided under IC 35-37-4.5-2.

15 SECTION 10. IC 35-40.5-9 IS ADDED TO THE INDIANA CODE
 16 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2025]:

18 **Chapter 9. State Sexual Assault Response Team**

19 **Sec. 1.** The state sexual assault response team shall study
 20 nationally recognized best practices and make recommendations
 21 regarding the following:

22 (1) The development and implementation of an effective
 23 mechanism for submitting, tracking, handling, and
 24 responding to a sexual assault report or investigation by any
 25 agency or organization involved in the response.

26 (2) Whether a need exists to expand victims' rights. If the
 27 state sexual assault response team determines there is a need
 28 to expand victims' rights, the state sexual assault response
 29 team shall:

30 (A) identify the scope and nature of the need; and

31 (B) make recommendations on how to fulfill the need.

32 (3) Whether a need exists to provide an ongoing evaluation of
 33 the implementation of the rights of victims. If such a need
 34 does exist, the state sexual assault response team shall:

35 (A) identify the scope and nature of the need; and

36 (B) make recommendations on how to fulfill the need.

37 **Sec. 2.** In fulfilling the requirements described in section 1 of
 38 this chapter, the state sexual assault response team shall do the
 39 following:

40 (1) Review the report submitted by the Indiana criminal
 41 justice institute under IC 5-2-6-3(23).

42 (2) Obtain feedback from stakeholders, practitioners, and



1 **leadership in law enforcement, victim services, forensic**
2 **science, and health care for the development of best practices**
3 **or clinical guidelines for caring for and treating victims.**
4 **Sec. 3. Not later than May 31, 2027, the state sexual assault**
5 **response team shall prepare and submit a report summarizing the**
6 **state sexual assault response team's findings and recommendations**
7 **under this chapter to the:**
8 **(1) general assembly in an electronic format under IC 5-14-6;**
9 **(2) governor; and**
10 **(3) attorney general.**

