



Reprinted
February 28, 2024

ENGROSSED HOUSE BILL No. 1240

DIGEST OF HB 1240 (Updated February 27, 2024 3:22 pm - DI 106)

Citations Affected: IC 6-1.1; IC 6-3.6; IC 6-8.1; IC 10-21; IC 12-8; IC 12-10; IC 16-21; IC 20-26; IC 24-4.7; IC 31-30; IC 31-33; IC 33-24; IC 33-38; IC 35-31.5; IC 35-38; IC 35-42; IC 35-43; IC 35-47; IC 36-2.

Synopsis: Criminal law issues. Makes numerous changes to the criminal law, including: (1) changing references from "county prosecuting attorney" to "prosecuting attorney"; (2) specifying the membership of county school safety commissions; (3) removing and replacing the organized theft statute; (4) increasing the penalty for fraud and battery under certain circumstances; and (5) defining "abusive head trauma" and permitting it to be used as an aggravating circumstance. Makes unlawful carrying of a handgun by a child a waivable offense. Specifies that "telephone sales call" includes certain types of electronically transmitted information. Makes certain other changes for consistency.

Effective: July 1, 2024.

Steuerwald, McNamara, Zimmerman

(SENATE SPONSOR — FREEMAN)

January 9, 2024, read first time and referred to Committee on Courts and Criminal Code.
January 25, 2024, reported — Do Pass.
January 29, 2024, read second time, ordered engrossed. Engrossed.
January 30, 2024, read third time, passed. Yeas 95, nays 0.

SENATE ACTION

February 7, 2024, read first time and referred to Committee on Corrections and Criminal Law.
February 22, 2024, amended, reported favorably — Do Pass.
February 27, 2024, read second time, amended, ordered engrossed.

EH 1240—LS 6775/DI 106



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Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1240

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 6-1.1-5.5-12, AS AMENDED BY P.L.144-2008,
2 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2024]: Sec. 12. (a) A party to a conveyance who:
4 (1) either:
5 (A) files a sales disclosure form that does not contain all of the
6 information required by this chapter; or
7 (B) files a sales disclosure form that contains inaccurate
8 information;
9 and receives from the township assessor (in a county containing
10 a consolidated city) or the county assessor (in any other county)
11 written notice of the problems described in clause (A) or (B); and
12 (2) fails to file a correct sales disclosure form that fully complies
13 with all requirements of this chapter within thirty (30) days after
14 the date of the notice under subdivision (1);
15 is subject to a penalty in the amount determined under subsection (b).
16 (b) The amount of the penalty under subsection (a) is the greater of:
17 (1) one hundred dollars (\$100); or

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- 1 (2) twenty-five thousandths percent (0.025%) of the sale price of
- 2 the real property transferred under the conveyance document.
- 3 (c) The township assessor in a county containing a consolidated city,
- 4 or the county assessor in any other county, shall:
- 5 (1) determine the penalty imposed under this section;
- 6 (2) assess the penalty to the party to a conveyance; and
- 7 (3) notify the party to the conveyance that the penalty is payable
- 8 not later than thirty (30) days after notice of the assessment.
- 9 (d) The county auditor shall:
- 10 (1) collect the penalty imposed under this section;
- 11 (2) deposit penalty collections as required under section 4 of this
- 12 chapter; and
- 13 (3) notify the ~~county~~ prosecuting attorney **of the appropriate**
- 14 **judicial circuit** of delinquent payments.
- 15 (e) The ~~county~~ prosecuting attorney **of the appropriate judicial**
- 16 **circuit** shall initiate an action to recover a delinquent penalty under
- 17 this section. In a successful action against a person for a delinquent
- 18 penalty, the court shall award the ~~county~~ prosecuting attorney
- 19 reasonable attorney's fees.

20 SECTION 2. IC 6-1.1-24-8, AS AMENDED BY P.L.89-2007,
 21 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2024]: Sec. 8. When one who purchases real property at a tax
 23 sale fails to pay the bid, the real property shall again be offered for sale.
 24 A purchaser who fails to pay the bid shall pay a civil penalty of
 25 twenty-five percent (25%) of the amount of the bid. The ~~county~~
 26 prosecuting attorney **of the appropriate judicial circuit** shall initiate
 27 an action in the name of the state treasurer to recover the civil penalty.
 28 Amounts collected under this section shall be deposited in the county
 29 general fund.

30 SECTION 3. IC 6-1.1-27-4 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 4. If a county treasurer
 32 fails to make a semi-annual settlement with the auditor of ~~his~~ **the**
 33 county or to pay over the money due the county, the county auditor
 34 shall notify the ~~county~~ prosecuting attorney **of the appropriate**
 35 **judicial circuit** who shall bring a suit upon the bond of the county
 36 treasurer. The county treasurer and ~~his~~ **the county treasurer's** sureties
 37 are liable in an amount equal to one hundred ten percent (110%) of the
 38 taxes and other charges for which the ~~county~~ treasurer fails to make a
 39 settlement or pay over.

40 SECTION 4. IC 6-1.1-27-5, AS AMENDED BY THE TECHNICAL
 41 CORRECTIONS BILL OF THE 2024 GENERAL ASSEMBLY, IS
 42 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:



1 Sec. 5. (a) The state ~~auditor~~ **comptroller** shall notify the ~~appropriate~~
2 ~~county~~ prosecuting attorney **of the appropriate judicial circuit** if:

3 (1) the money due the state as shown by a certificate of settlement
4 is not paid to the state treasurer by the time required under section
5 3 of this chapter; and

6 (2) the nonpayment is caused by the failure of:

7 (A) the county auditor to prepare and deliver a certificate of
8 settlement to the county treasurer;

9 (B) the county treasurer to make payment; or

10 (C) the county auditor to issue a warrant for the amount due
11 the state.

12 (b) When a ~~county~~ prosecuting attorney receives the notice required
13 by this section, the ~~county~~ prosecuting attorney shall initiate a suit in
14 the name of the state against the defaulting county auditor or treasurer.
15 The defaulting party is liable in an amount equal to one hundred fifteen
16 percent (115%) of the amount due the state.

17 SECTION 5. IC 6-3.6-2-14, AS AMENDED BY P.L.247-2017,
18 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JULY 1, 2024]: Sec. 14. "Public safety" refers to the following:

20 (1) A police and law enforcement system to preserve public peace
21 and order.

22 (2) A firefighting and fire prevention system.

23 (3) Emergency ambulance services (as defined in
24 IC 16-18-2-107).

25 (4) Emergency medical services (as defined in IC 16-18-2-110).

26 (5) Emergency action (as defined in IC 13-11-2-65).

27 (6) A probation department of a court.

28 (7) Confinement, supervision, services under a community
29 corrections program (as defined in IC 35-38-2.6-2), or other
30 correctional services for a person who has been:

31 (A) diverted before a final hearing or trial under an agreement
32 that is between the ~~county~~ prosecuting attorney **of the**
33 **appropriate judicial circuit** and the person or the person's
34 custodian, guardian, or parent and that provides for
35 confinement, supervision, community corrections services, or
36 other correctional services instead of a final action described
37 in clause (B) or (C);

38 (B) convicted of a crime; or

39 (C) adjudicated as a delinquent child or a child in need of
40 services.

41 (8) A juvenile detention facility under IC 31-31-8.

42 (9) A juvenile detention center under IC 31-31-9.



- 1 (10) A county jail.
- 2 (11) A communications system (as defined in IC 36-8-15-3), an
3 enhanced emergency telephone system (as defined in
4 IC 36-8-16-2, before its repeal on July 1, 2012), a PSAP (as
5 defined in IC 36-8-16.7-20) that is part of the statewide 911
6 system (as defined in IC 36-8-16.7-22) and located within the
7 county, or the statewide 911 system (as defined in
8 IC 36-8-16.7-22).
- 9 (12) Medical and health expenses for jailed inmates and other
10 confined persons.
- 11 (13) Pension payments for any of the following:
- 12 (A) A member of a fire department (as defined in IC 36-8-1-8)
13 or any other employee of the fire department.
- 14 (B) A member of a police department (as defined in
15 IC 36-8-1-9), a police chief hired under a waiver under
16 IC 36-8-4-6.5, or any other employee hired by the police
17 department.
- 18 (C) A county sheriff or any other member of the office of the
19 county sheriff.
- 20 (D) Other personnel employed to provide a service described
21 in this section.
- 22 (14) Law enforcement training.
- 23 SECTION 6. IC 6-8.1-3-13 IS AMENDED TO READ AS
24 FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 13. (a) The attorney
25 general and the respective ~~county~~ prosecuting attorneys have
26 concurrent jurisdiction in conducting criminal prosecutions of tax
27 matters. Either the attorney general or the respective prosecuting
28 attorney may initiate criminal tax proceedings, and appear before grand
29 juries to report violations, give legal advice, or interrogate witnesses.
- 30 (b) Upon request by the department, the attorney general shall
31 prosecute a civil action to collect unpaid taxes, penalties, and interest
32 and to enforce the department's powers.
- 33 SECTION 7. IC 10-21-1-12, AS ADDED BY P.L.150-2023,
34 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 JULY 1, 2024]: Sec. 12. (a) Not later than December 31, 2023, a
36 county shall establish a county school safety commission. Unless
37 otherwise specified in subsection (b)(1) through (b)(11), the members
38 described in subsection (b) are appointed by the school corporation
39 having the largest ADM (as defined in IC 20-18-2-2), as determined in
40 the fall count of ADM in the school year ending in the current calendar
41 year.
- 42 (b) The members of the commission are as follows:



- 1 (1) A school safety specialist for each school corporation located
 2 in whole or in part in the county.
 3 (2) The judge of the court having juvenile jurisdiction in the
 4 county or the judge's designee.
 5 (3) The sheriff of the county or the sheriff's designee.
 6 (4) The chief officer of every other law enforcement agency in the
 7 county, or the chief officer's designee.
 8 (5) A representative of the juvenile probation system, appointed
 9 by the judge described in subdivision (2).
 10 (6) Representatives of community agencies that work with
 11 children within the county.
 12 (7) A representative of the Indiana state police district that serves
 13 the county, appointed by the Indiana state police.
 14 (8) A ~~representative of the prosecuting attorneys council of~~
 15 ~~Indiana prosecuting attorney or deputy prosecuting attorney~~
 16 who specializes in the prosecution of juveniles, **appointed by the**
 17 **prosecuting attorney.**
 18 (9) A school safety specialist of a charter school representing the
 19 interests and viewpoints of charter schools within the
 20 commission's jurisdiction if at least one (1) charter school within
 21 the commission's jurisdiction requests to participate.
 22 (10) A school safety specialist of an accredited nonpublic school
 23 representing the interests and viewpoints of accredited nonpublic
 24 schools within the commission's jurisdiction if at least one (1)
 25 accredited nonpublic school requests to participate.
 26 (11) Other appropriate individuals selected by the commission.
 27 (c) Once a commission is established, the school safety specialist of
 28 the school corporation having the largest ADM (as defined in
 29 IC 20-18-2-2), as determined in the fall count of ADM in the school
 30 year ending in the current calendar year, in the county shall convene
 31 the initial meeting of the commission.
 32 (d) The members shall annually elect a chairperson.
 33 (e) A commission shall perform the following duties:
 34 (1) Periodically perform a cumulative analysis of school safety
 35 needs within the county.
 36 (2) Coordinate and make recommendations for the following:
 37 (A) Prevention of juvenile offenses and improving the
 38 reporting of juvenile offenses within the schools.
 39 (B) Proposals for identifying and assessing children who are
 40 at high risk of experiencing a mental health or behavioral
 41 health crisis or becoming juvenile offenders.
 42 (C) Methods to meet the educational needs of children who



- 1 have been detained as juvenile offenders.
- 2 (D) Methods to improve communications among agencies that
- 3 work with children.
- 4 (E) Methods to improve school security and emergency
- 5 preparedness.
- 6 (F) Additional equipment or personnel that are necessary to
- 7 carry out school safety plans.
- 8 (G) Pooling resources, combining purchases, using shared
- 9 administrative services, or collaborating among participating
- 10 school corporations, school corporation career and technical
- 11 education schools described in IC 20-37-1-1, and charter
- 12 schools to improve the maintenance of safe schools.
- 13 (H) Implementing best practices and procedures to use critical
- 14 incidence digital mapping in the event of an emergency within
- 15 the county.
- 16 (I) Any other topic the commission considers necessary to
- 17 improve school safety within the commission's jurisdiction.
- 18 (3) Provide assistance to school safety specialists and school
- 19 resource officers within the commission's jurisdiction in
- 20 developing and:
- 21 (A) implementing school safety plans; and
- 22 (B) requesting grants from the fund.
- 23 (4) Assist accredited nonpublic schools within the commission's
- 24 jurisdiction that voluntarily submit a school safety plan or a local
- 25 school safety and emergency plan (described in IC 20-34-3-23) to
- 26 the commission seeking assistance in carrying out the school
- 27 safety plan.
- 28 (f) The affirmative votes of a majority of the voting members of the
- 29 commission are required for the commission to take action on a
- 30 measure.
- 31 (g) A commission shall receive the school safety plans for the
- 32 school corporations and charter schools located in the county.
- 33 (h) A commission may receive from an accredited nonpublic school
- 34 within the commission's jurisdiction a school safety plan or a local
- 35 school safety and emergency plan described in IC 20-34-3-23.
- 36 (i) The commission shall keep the school safety plans compiled and
- 37 retained under this section confidential and shall withhold the
- 38 information from public disclosure.
- 39 (j) The commission may share the school safety plans under
- 40 subsections (g) and (h) with law enforcement and first responder
- 41 agencies that have jurisdiction over the school corporation, charter
- 42 school, or accredited nonpublic school. For the purposes of IC 5-14-3,



1 the entities receiving a school safety plan under this subsection shall
 2 keep information compiled and retained under subsections (g) and (h)
 3 confidential and shall withhold the information from public disclosure.

4 (k) A commission shall annually submit to the board on a date
 5 established by the board:

6 (1) meeting minutes;

7 (2) any meeting agenda materials directly related to taking action
 8 on a measure under this section; and

9 (3) a brief annual summary of its activities and accomplishments.

10 SECTION 8. IC 12-8-1.5-18, AS ADDED BY P.L.34-2016,
 11 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2024]: Sec. 18. (a) Before December 1, 2016, the office of the
 13 secretary of family and social services, in cooperation with the Indiana
 14 prosecuting attorneys council, shall do the following:

15 (1) Prepare and submit a report as described in subsection (b) to
 16 the legislative council in an electronic format under IC 5-14-6.

17 (2) Present the report required under this section to the budget
 18 committee.

19 (b) The report must include:

20 (1) an estimation of the appropriate staffing levels necessary for
 21 the office of the secretary of family and social services and county
 22 prosecuting attorney offices to efficiently and effectively manage
 23 the investigations of reports of matters related to the abuse,
 24 neglect, or exploitation of endangered adults;

25 (2) identification of:

26 (A) the circumstances that should result in emergency
 27 placement in the case of an adult protective services
 28 investigation;

29 (B) the appropriate types of emergency placements based on
 30 those circumstances; and

31 (C) strategies for improving emergency placement capabilities;

32 (3) consideration of the benefits and cost of establishing a
 33 centralized intake system for reports of matters related to the
 34 abuse, neglect, or exploitation of endangered adults;

35 (4) a statement of consistent standards of care for endangered
 36 adults;

37 (5) a determination of the appropriate levels of training for
 38 employees of:

39 (A) the office of the secretary of family and social services;
 40 and

41 (B) a county prosecuting attorney office;

42 who are involved in providing adult protective services;



- 1 (6) a draft of a cooperative agreement between the office of the
- 2 secretary of family and social services and the Indiana
- 3 prosecuting attorneys council that sets forth the duties and
- 4 responsibilities of the agencies and ~~county~~ prosecuting attorney
- 5 offices with regard to adult protective services; and
- 6 (7) performance goals and accountability metrics for adult
- 7 protective services to be incorporated in contracts and grant
- 8 agreements.

9 (c) The budget committee shall consider the report submitted under
 10 this section in formulating the committee's budget recommendations.

11 SECTION 9. IC 12-10-3-29.5, AS AMENDED BY P.L.109-2015,
 12 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2024]: Sec. 29.5. (a) Except as provided in subsection (b), an
 14 adult protective services unit or a staff member of the adult protective
 15 services unit may not be designated as:

- 16 (1) a personal representative;
- 17 (2) a health care representative;
- 18 (3) a guardian;
- 19 (4) a guardian ad litem; or
- 20 (5) any other type of representative;

21 for an endangered adult.

22 (b) The:

- 23 (1) ~~county prosecutor prosecuting attorney~~ in the county in
- 24 which the adult protective services unit is located; or
- 25 (2) head of the governmental entity if the adult protective services
- 26 unit is operated by a governmental entity;

27 may give written permission for an adult protective services unit or a
 28 staff member of the adult protective services unit to be designated as
 29 a representative described in subsection (a)(1) through (a)(5).

30 SECTION 10. IC 16-21-8-10, AS AMENDED BY P.L.36-2019,
 31 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2024]: Sec. 10. (a) Law enforcement shall:

- 33 (1) obtain the sample within forty-eight (48) hours after receiving
- 34 a provider's notification; and
- 35 (2) transport the sample to secured storage.

36 (b) Law enforcement shall keep the sample in secured storage ~~until~~
 37 ~~the earlier of the following:~~

- 38 (1) ~~At least one (1) year after the date the sample is placed in~~
- 39 ~~secured storage.~~
- 40 (2) ~~The victim reports the sex crime to law enforcement and the~~
- 41 ~~sample is transported to a crime lab. in accordance with~~
- 42 ~~IC 35-33-5-5.~~



1 (c) Notification of sample destruction may be provided by the
 2 division through the web based claims reimbursement and sexual
 3 assault examination kit tracking system. Law enforcement agencies and
 4 prosecuting attorneys shall cooperate with the division by providing
 5 storage updates to the division via the web based claims reimbursement
 6 and sexual assault examination kit tracking system.

7 (d) A victim may register for notification through the web based
 8 claims reimbursement and sexual assault examination kit tracking
 9 system.

10 (e) Each county shall develop and implement a plan for the secured
 11 storage and destruction of samples.

12 (f) The director of the Indiana criminal justice institute may delay
 13 the implementation of this section until the earlier of the following:

14 (1) A date set by the director.

15 (2) The date funding becomes available by a grant through the
 16 criminal justice institute or by an appropriation from the general
 17 assembly.

18 If the director of the criminal justice institute delays implementation of
 19 this section, the director shall notify the prosecuting attorney of each
 20 county of the director's action and when funding becomes available to
 21 implement this section.

22 (g) The failure to comply with:

23 (1) this chapter;

24 (2) a plan adopted by a county; or

25 (3) a protocol adopted by a sexual assault response team;

26 does not, standing alone, affect the admissibility of a sample as
 27 evidence in a criminal or civil proceeding.

28 SECTION 11. IC 20-26-18-2, AS AMENDED BY P.L.25-2016,
 29 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2024]: Sec. 2. (a) Not later than June 1, 2016, the governing
 31 body of each school corporation shall establish a written policy to
 32 address criminal organizations and criminal organization activity in
 33 schools. The governing body of a school corporation shall develop the
 34 policy in consultation with:

35 (1) parents;

36 (2) school employees;

37 (3) local law enforcement officials;

38 (4) the ~~county~~ prosecuting attorney;

39 (5) the county public defender;

40 (6) organizations that have expertise in criminal organization
 41 education, prevention, or intervention;

42 (7) a juvenile court judge;



- 1 (8) a school behavioral health or community mental health
- 2 professional; and
- 3 (9) any other person or entity the governing body of the school
- 4 corporation determines to be appropriate.
- 5 (b) The policy must meet all the requirements for the department's
- 6 model criminal organization policy set forth in IC 20-19-3-12(d).
- 7 (c) Not later than September 1, 2016, each school corporation shall
- 8 submit a copy of its criminal organization policy to the department.
- 9 SECTION 12. IC 20-26-18-5, AS AMENDED BY P.L.25-2016,
- 10 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 11 JULY 1, 2024]: Sec. 5. To foster the continuing coordination of
- 12 criminal organization prevention, intervention, and suppression efforts,
- 13 the governing body of a school corporation may establish a program to
- 14 provide criminal organization intervention services to students. If a
- 15 school corporation chooses to develop a program under this section, the
- 16 governing body shall establish an advisory committee that includes the
- 17 following members:
- 18 (1) Parents.
- 19 (2) School employees.
- 20 (3) Local law enforcement officials.
- 21 (4) The ~~county~~ prosecuting attorney.
- 22 (5) The county public defender.
- 23 (6) A juvenile court judge.
- 24 (7) A school behavioral health or community mental health
- 25 professional.
- 26 (8) Representatives of organizations that have expertise in
- 27 criminal organization education, prevention, or intervention.
- 28 (9) Any other person or entity the governing body determines is
- 29 appropriate.
- 30 SECTION 13. IC 24-4.7-2-9, AS AMENDED BY P.L.226-2011,
- 31 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 32 JULY 1, 2024]: Sec. 9. (a) "Telephone sales call" means a telephone
- 33 call made to a consumer for any of the following purposes:
- 34 (1) Solicitation of a sale of consumer goods or services.
- 35 (2) Solicitation of a charitable contribution.
- 36 (3) Obtaining information that will or may be used for the direct
- 37 solicitation of a sale of consumer goods or services or an
- 38 extension of credit for such purposes.
- 39 (b) The term includes any of the following:
- 40 (1) A call made by use of an automated dialing device.
- 41 (2) A call made by use of a recorded message device.
- 42 (3) ~~Transmission of:~~



- 1 (A) a text message; or
- 2 (B) a graphic message;
- 3 using short message service (SMS);
- 4 (4) Transmission of:
- 5 (A) an image;
- 6 (B) a photograph; or
- 7 (C) a multimedia message;
- 8 using multimedia messaging service (MMS):
- 9 (3) Transmission of:
- 10 (A) a text message;
- 11 (B) a graphic message;
- 12 (C) an image;
- 13 (D) a photograph; or
- 14 (E) a multimedia message;
- 15 to a telephone number through the use of short message
- 16 service (SMS), multimedia messaging service (MMS),
- 17 over-the-top (OTT) messaging or voice calling service, or any
- 18 other technology or service that transmits messages to a
- 19 device.

20 SECTION 14. IC 24-4.7-3-6, AS AMENDED BY P.L.242-2019,
 21 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2024]: Sec. 6. (a) The consumer protection division telephone
 23 solicitation fund is established for the following purposes:

- 24 (1) The administration of:
- 25 (A) this article;
- 26 (B) IC 24-5-0.5-3(b)(19);
- 27 (C) IC 24-5-12;
- 28 (D) IC 24-5-14; and
- 29 (E) IC 24-5-14.5.
- 30 (2) The reimbursement of ~~county prosecutors~~ **prosecuting**
- 31 **attorneys** for expenses incurred in extraditing violators of any
- 32 statute set forth in subdivision (1).

33 The fund shall be used exclusively for these purposes.

- 34 (b) The division shall administer the fund.
- 35 (c) The fund consists of all revenue received:
- 36 (1) under this article;
- 37 (2) from civil penalties recovered under IC 24-5-0.5-4(h);
- 38 (3) from civil penalties recovered after June 30, 2019, under
- 39 IC 24-5-12-23(b);
- 40 (4) from civil penalties recovered after June 30, 2019, under
- 41 IC 24-5-14-13(b); and
- 42 (5) from civil penalties recovered under IC 24-5-14.5-12.



1 (d) Money in the fund is continuously appropriated to the division
2 for the purposes set forth in subsection (a).

3 (e) Money in the fund at the end of a state fiscal year does not revert
4 to the state general fund. However, if the amount of money in the fund
5 at the end of a particular state fiscal year exceeds two hundred
6 thousand dollars (\$200,000), the treasurer of state shall transfer the
7 excess from the fund to the state general fund.

8 SECTION 15. IC 31-30-1-4, AS AMENDED BY P.L.115-2023,
9 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2024]: Sec. 4. (a) The juvenile court does not have jurisdiction
11 over an individual for an alleged violation of:

- 12 (1) IC 35-41-5-1(a) (attempted murder);
13 (2) IC 35-42-1-1 (murder);
14 (3) IC 35-42-3-2 (kidnapping);
15 (4) IC 35-42-4-1 (rape);
16 (5) IC 35-42-4-2 (criminal deviate conduct) (before its repeal);
17 (6) IC 35-42-5-1 (robbery) if:
18 (A) the robbery was committed while armed with a deadly
19 weapon; or
20 (B) the robbery results in bodily injury or serious bodily
21 injury;
22 (7) IC 35-42-5-2 (carjacking) (before its repeal);
23 ~~(8) IC 35-47-2-1.5 (unlawful carrying of a handgun); if charged~~
24 ~~as a felony;~~
25 ~~(9) (8) IC 35-47-10 (children and firearms), if charged as a felony;~~
26 or
27 ~~(10) (9) any offense that may be joined under IC 35-34-1-9(a)(2)~~
28 ~~with any crime listed in this subsection;~~

29 if the individual was at least sixteen (16) years of age but less than
30 eighteen (18) years of age at the time of the alleged violation.

31 (b) Once an individual described in subsection (a) has been charged
32 with any offense listed in subsection (a), the court having adult
33 criminal jurisdiction shall retain jurisdiction over the case if the
34 individual pleads guilty to or is convicted of any offense listed in
35 subsection (a)(1) through ~~(a)(9)~~: **(a)(8)**.

36 (c) If:

- 37 (1) an individual described in subsection (a) is charged with one
38 (1) or more offenses listed in subsection (a);
39 (2) all the charges under subsection (a)(1) through ~~(a)(9)~~ **(a)(8)**
40 resulted in an acquittal or were dismissed; and
41 (3) the individual pleads guilty to or is convicted of any offense
42 other than an offense listed in subsection (a)(1) through ~~(a)(9)~~;



(a)(8);

the court having adult criminal jurisdiction may withhold judgment and transfer jurisdiction to the juvenile court for adjudication and disposition. In determining whether to transfer jurisdiction to the juvenile court for adjudication and disposition, the court having adult criminal jurisdiction shall consider whether there are appropriate services available in the juvenile justice system, whether the child is amenable to rehabilitation under the juvenile justice system, and whether it is in the best interests of the safety and welfare of the community that the child be transferred to juvenile court. All orders concerning release conditions remain in effect until a juvenile court detention hearing, which must be held not later than forty-eight (48) hours, excluding Saturdays, Sundays, and legal holidays, after the order of transfer of jurisdiction.

(d) A court having adult criminal jurisdiction, and not a juvenile court, has jurisdiction over a person who is at least twenty-one (21) years of age for an alleged offense:

- (1) committed while the person was a child; and
- (2) that could have been waived under IC 31-30-3.

SECTION 16. IC 31-30-3-5, AS AMENDED BY P.L.158-2013, SECTION 316, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 5. Except for those cases in which the juvenile court has no jurisdiction in accordance with IC 31-30-1-4, the court shall, upon motion of the prosecuting attorney and after full investigation and hearing, waive jurisdiction if it finds that:

- (1) the child is charged with an act that, if committed by an adult, would be:
 - (A) a Level 1 felony, Level 2 felony, Level 3 felony, or Level 4 felony, except a felony defined by IC 35-48-4;
 - (B) involuntary manslaughter as a Level 5 felony under IC 35-42-1-4; ~~or~~
 - (C) reckless homicide as a Level 5 felony under IC 35-42-1-5;
 - or**
 - (D) unlawful carrying of a handgun as a felony under IC 35-47-2-1.5;**

(2) there is probable cause to believe that the child has committed the act; and

(3) the child was at least sixteen (16) years of age when the act charged was allegedly committed;

unless it would be in the best interests of the child and of the safety and welfare of the community for the child to remain within the juvenile justice system.



1 SECTION 17. IC 31-33-3-1, AS AMENDED BY P.L.146-2008,
 2 SECTION 574, IS AMENDED TO READ AS FOLLOWS
 3 [EFFECTIVE JULY 1, 2024]: Sec. 1. (a) A community child protection
 4 team is established in each county. The community child protection
 5 team is a countywide, multidisciplinary child protection team. The
 6 team must include the following thirteen (13) members who reside in,
 7 or provide services to residents of, the county in which the team is to
 8 be formed:

9 (1) The director of the local office that provides child welfare
 10 services in the county or the local office director's designee.

11 (2) Two (2) designees of the juvenile court judge.

12 (3) The county prosecuting attorney or the prosecuting attorney's
 13 designee.

14 (4) The county sheriff or the sheriff's designee.

15 (5) Either:

16 (A) the president of the county executive in a county not
 17 containing a consolidated city or the president's designee; or

18 (B) the executive of a consolidated city in a county containing
 19 a consolidated city or the executive's designee.

20 (6) A director of a court appointed special advocate or guardian
 21 ad litem program or the director's designee in the county in which
 22 the team is to be formed.

23 (7) Either:

24 (A) a public school superintendent or the superintendent's
 25 designee; or

26 (B) a director of a local special education cooperative or the
 27 director's designee.

28 (8) Two (2) persons, each of whom is a physician or nurse, with
 29 experience in pediatrics or family practice.

30 (9) Two (2) residents of the county.

31 (10) The chief law enforcement officer of the largest law
 32 enforcement agency in the county (other than the county sheriff)
 33 or the chief law enforcement officer's designee.

34 (b) The director of the local office serving the county shall appoint,
 35 subject to the approval of the director of the department, the members
 36 of the team under subsection (a)(7), (a)(8), and (a)(9).

37 SECTION 18. IC 33-24-6-3, AS AMENDED BY P.L.205-2023,
 38 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2024]: Sec. 3. (a) The office of judicial administration shall
 40 do the following:

41 (1) Examine the administrative and business methods and systems
 42 employed in the offices of the clerks of court and other offices



- 1 related to and serving the courts and make recommendations for
 2 necessary improvement.
- 3 (2) Collect and compile statistical data and other information on
 4 the judicial work of the courts in Indiana. All justices of the
 5 supreme court, judges of the court of appeals, judges of all trial
 6 courts, and any city or town courts, whether having general or
 7 special jurisdiction, court clerks, court reporters, and other
 8 officers and employees of the courts shall, upon notice by the
 9 chief administrative officer and in compliance with procedures
 10 prescribed by the chief administrative officer, furnish the chief
 11 administrative officer the information as is requested concerning
 12 the nature and volume of judicial business. The information must
 13 include the following:
- 14 (A) The volume, condition, and type of business conducted by
 15 the courts.
- 16 (B) The methods of procedure in the courts.
- 17 (C) The work accomplished by the courts.
- 18 (D) The receipt and expenditure of public money by and for
 19 the operation of the courts.
- 20 (E) The methods of disposition or termination of cases.
- 21 (3) Prepare and publish reports, not less than one (1) or more than
 22 two (2) times per year, on the nature and volume of judicial work
 23 performed by the courts as determined by the information
 24 required in subdivision (2).
- 25 (4) Serve the judicial nominating commission and the judicial
 26 qualifications commission in the performance by the commissions
 27 of their statutory and constitutional functions.
- 28 (5) Administer the civil legal aid fund as required by IC 33-24-12.
- 29 (6) Administer the court technology fund established by section
 30 12 of this chapter.
- 31 (7) By December 31, 2013, develop and implement a standard
 32 protocol for sending and receiving court data:
- 33 (A) between the protective order registry, established by
 34 IC 5-2-9-5.5, and county court case management systems;
- 35 (B) at the option of the county prosecuting attorney, for:
- 36 (i) a prosecuting attorney's case management system;
- 37 (ii) a county court case management system; and
- 38 (iii) a county court case management system developed and
 39 operated by the office of judicial administration;
- 40 to interface with the electronic traffic tickets, as defined by
 41 IC 9-30-3-2.5; and
- 42 (C) between county court case management systems and the



- 1 case management system developed and operated by the office
 2 of judicial administration.
- 3 The standard protocol developed and implemented under this
 4 subdivision shall permit private sector vendors, including vendors
 5 providing service to a local system and vendors accessing the
 6 system for information, to send and receive court information on
 7 an equitable basis and at an equitable cost, and for a case
 8 management system developed and operated by the office of
 9 judicial administration, must include a searchable field for the
 10 name and bail agent license number, if applicable, of the bail
 11 agent or a person authorized by the surety that pays bail for an
 12 individual as described in IC 35-33-8-3.2.
- 13 (8) Establish and administer an electronic system for receiving
 14 information that relates to certain individuals who may be
 15 prohibited from possessing a firearm for the purpose of:
- 16 (A) transmitting this information to the Federal Bureau of
 17 Investigation for inclusion in the NICS; and
- 18 (B) beginning July 1, 2021, compiling and publishing certain
 19 statistics related to the confiscation and retention of firearms
 20 as described under section 14 of this chapter.
- 21 (9) Establish and administer an electronic system for receiving
 22 drug related felony conviction information from courts. The office
 23 of judicial administration shall notify NPLeX of each drug related
 24 felony entered after June 30, 2012, and do the following:
- 25 (A) Provide NPLeX with the following information:
- 26 (i) The convicted individual's full name.
- 27 (ii) The convicted individual's date of birth.
- 28 (iii) The convicted individual's driver's license number, state
 29 personal identification number, or other unique number, if
 30 available.
- 31 (iv) The date the individual was convicted of the felony.
- 32 Upon receipt of the information from the office of judicial
 33 administration, a stop sale alert must be generated through
 34 NPLeX for each individual reported under this clause.
- 35 (B) Notify NPLeX if the felony of an individual reported under
 36 clause (A) has been:
- 37 (i) set aside;
- 38 (ii) reversed;
- 39 (iii) expunged; or
- 40 (iv) vacated.
- 41 Upon receipt of information under this clause, NPLeX shall
 42 remove the stop sale alert issued under clause (A) for the



- 1 individual.
- 2 (10) After July 1, 2018, establish and administer an electronic
3 system for receiving from courts felony or misdemeanor
4 conviction information for each felony or misdemeanor described
5 in IC 20-28-5-8(c). The office of judicial administration shall
6 notify the department of education at least one (1) time each week
7 of each felony or misdemeanor described in IC 20-28-5-8(c)
8 entered after July 1, 2018, and do the following:
- 9 (A) Provide the department of education with the following
10 information:
- 11 (i) The convicted individual's full name.
12 (ii) The convicted individual's date of birth.
13 (iii) The convicted individual's driver's license number, state
14 personal identification number, or other unique number, if
15 available.
16 (iv) The date the individual was convicted of the felony or
17 misdemeanor.
- 18 (B) Notify the department of education if the felony or
19 misdemeanor of an individual reported under clause (A) has
20 been:
- 21 (i) set aside;
22 (ii) reversed; or
23 (iii) vacated.
- 24 (11) Perform legal and administrative duties for the justices as
25 determined by the justices.
- 26 (12) Provide staff support for the judicial conference of Indiana
27 established in IC 33-38-9.
- 28 (13) Work with the United States Department of Veterans Affairs
29 to identify and address the needs of veterans in the court system.
- 30 (14) If necessary for purposes of IC 35-47-16-1, issue a retired
31 judicial officer an identification card identifying the retired
32 judicial officer as a retired judicial officer.
- 33 (15) Establish and administer the statewide juvenile justice data
34 aggregation plan established under section 12.5 of this chapter.
- 35 (16) Create and make available an application for detention to be
36 used in proceedings under IC 12-26-5 (mental health detention,
37 commitment, and treatment).
- 38 (b) All forms to be used in gathering data must be approved by the
39 supreme court and shall be distributed to all judges and clerks before
40 the start of each period for which reports are required.
- 41 (c) The office of judicial administration may adopt rules to
42 implement this section.



1 SECTION 19. IC 33-38-5-8.1, AS AMENDED BY P.L.229-2011,
 2 SECTION 265, IS AMENDED TO READ AS FOLLOWS
 3 [EFFECTIVE JULY 1, 2024]: Sec. 8.1. (a) Except as otherwise
 4 provided in this section, the part of the total salary of an official:

5 (1) paid by the state; and

6 (2) set under section 6 or 8 of this chapter;

7 is increased in each state fiscal year in which the general assembly does
 8 not amend the section of law under which the salary is determined to
 9 provide a salary increase for the state fiscal year.

10 (b) The percentage by which salaries are increased in a state fiscal
 11 year under this section is equal to the statewide average percentage, as
 12 determined by the budget director, by which the salaries of state
 13 employees in the executive branch who are in the same or a similar
 14 salary bracket exceed, for the state fiscal year, the salaries of executive
 15 branch state employees in the same or a similar salary bracket that were
 16 in effect on July 1 of the immediately preceding state fiscal year.

17 (c) The amount of a salary increase under this section is equal to the
 18 amount determined by applying the percentage increase for the
 19 particular state fiscal year to the salary payable by the state, as
 20 previously adjusted under this section, that is in effect on June 30 of the
 21 immediately preceding state fiscal year. However, a salary increase that
 22 would otherwise occur under this section in the state fiscal year
 23 beginning July 1, 2011, or in the state fiscal year beginning July 1,
 24 2012, shall not occur unless the increase for that state fiscal year is
 25 approved by the chief justice of the supreme court.

26 (d) An official is not entitled to receive a salary increase under this
 27 section in a state fiscal year in which state employees described in
 28 subsection (b) do not receive a statewide average salary increase.

29 (e) If a salary increase is required under this section, the budget
 30 director shall augment judicial appropriations, including the line items
 31 for personal services for the supreme court, local judges' salaries, and
 32 ~~county prosecutors'~~ **prosecuting attorneys'** salaries, in the state
 33 biennial budget in an amount sufficient to pay for the salary increase
 34 from the sources of funds determined by the budget director.

35 SECTION 20. IC 35-31.5-2-1.7 IS ADDED TO THE INDIANA
 36 CODE AS A NEW SECTION TO READ AS FOLLOWS
 37 [EFFECTIVE JULY 1, 2024]: **Sec. 1.7. "Abusive head trauma"**
 38 **means an inflicted injury to the head and its contents of an infant**
 39 **or a child less than six (6) years of age, including an injury caused**
 40 **by shaking or blunt impact, that may:**

41 (1) result in bleeding inside the head; and

42 (2) cause one (1) or more of the following conditions:



- 1 **(A) Irreversible brain damage.**
- 2 **(B) Blindness, retinal hemorrhage, or eye damage.**
- 3 **(C) Cerebral palsy.**
- 4 **(D) Hearing loss.**
- 5 **(E) Spinal cord injury, including paralysis.**
- 6 **(F) Seizures.**
- 7 **(G) Learning disability.**
- 8 **(H) Death.**
- 9 **(I) Central nervous system injury as evidenced by central**
- 10 **nervous system hemorrhaging.**
- 11 **(J) Closed head injury.**
- 12 **(K) Subdural hematoma.**

13 SECTION 21. IC 35-38-1-7.1, AS AMENDED BY P.L.115-2023,
 14 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2024]: Sec. 7.1. (a) In determining what sentence to impose
 16 for a crime, the court may consider the following aggravating
 17 circumstances:

- 18 (1) The harm, injury, loss, or damage suffered by the victim of an
 19 offense was:
 - 20 (A) significant; and
 - 21 (B) greater than the elements necessary to prove the
 22 commission of the offense.
- 23 (2) The person has a history of criminal or delinquent behavior.
- 24 (3) The victim of the offense was less than twelve (12) years of
 25 age or at least sixty-five (65) years of age at the time the person
 26 committed the offense.
- 27 (4) The person:
 - 28 (A) committed a crime of violence (IC 35-50-1-2); and
 - 29 (B) knowingly committed the offense in the presence or within
 30 hearing of an individual who:
 - 31 (i) was less than eighteen (18) years of age at the time the
 32 person committed the offense; and
 - 33 (ii) is not the victim of the offense.
- 34 (5) The person violated a protective order issued against the
 35 person under IC 34-26-5 (or IC 31-1-11.5, IC 34-26-2, or
 36 IC 34-4-5.1 before their repeal), a workplace violence restraining
 37 order issued against the person under IC 34-26-6, or a no contact
 38 order issued against the person.
- 39 (6) The person has recently violated the conditions of any
 40 probation, parole, pardon, community corrections placement, or
 41 pretrial release granted to the person.
- 42 (7) The victim of the offense was:



- 1 (A) a person with a disability (as defined in IC 27-7-6-12), and
- 2 the defendant knew or should have known that the victim was
- 3 a person with a disability; or
- 4 (B) mentally or physically infirm.
- 5 (8) The person was in a position having care, custody, or control
- 6 of the victim of the offense.
- 7 (9) The injury to or death of the victim of the offense was the
- 8 result of shaken baby syndrome (as defined in IC 16-41-40-2) **or**
- 9 **abusive head trauma.**
- 10 (10) The person threatened to harm the victim of the offense or a
- 11 witness if the victim or witness told anyone about the offense.
- 12 (11) The person:
- 13 (A) committed trafficking with an inmate under
- 14 IC 35-44.1-3-5; and
- 15 (B) is an employee of the penal facility.
- 16 (12) The person committed the offense with bias due to the
- 17 victim's or the group's real or perceived characteristic, trait, belief,
- 18 practice, association, or other attribute the court chooses to
- 19 consider, including but not limited to an attribute described in
- 20 IC 10-13-3-1.
- 21 (b) The court may consider the following factors as mitigating
- 22 circumstances or as favoring suspending the sentence and imposing
- 23 probation:
- 24 (1) The crime neither caused nor threatened serious harm to
- 25 persons or property, or the person did not contemplate that it
- 26 would do so.
- 27 (2) The crime was the result of circumstances unlikely to recur.
- 28 (3) The victim of the crime induced or facilitated the offense.
- 29 (4) There are substantial grounds tending to excuse or justify the
- 30 crime, though failing to establish a defense.
- 31 (5) The person acted under strong provocation.
- 32 (6) The person has no history of delinquency or criminal activity,
- 33 or the person has led a law-abiding life for a substantial period
- 34 before commission of the crime.
- 35 (7) The person is likely to respond affirmatively to probation or
- 36 short term imprisonment.
- 37 (8) The character and attitudes of the person indicate that the
- 38 person is unlikely to commit another crime.
- 39 (9) The person has made or will make restitution to the victim of
- 40 the crime for the injury, damage, or loss sustained.
- 41 (10) Imprisonment of the person will result in undue hardship to
- 42 the person or the dependents of the person.



1 (11) The person was convicted of a crime involving the use of
 2 force against a person who had repeatedly inflicted physical or
 3 sexual abuse upon the convicted person and evidence shows that
 4 the convicted person suffered from the effects of battery as a
 5 result of the past course of conduct of the individual who is the
 6 victim of the crime for which the person was convicted.

7 (12) The person was convicted of a crime relating to a controlled
 8 substance and the person's arrest or prosecution was facilitated in
 9 part because the person:

10 (A) requested emergency medical assistance; or

11 (B) acted in concert with another person who requested
 12 emergency medical assistance;

13 for an individual who reasonably appeared to be in need of
 14 medical assistance due to the use of alcohol or a controlled
 15 substance.

16 (13) The person has posttraumatic stress disorder, traumatic brain
 17 injury, or a postconcussive brain injury.

18 (14) The person is a person described in IC 31-30-1-4(d) who
 19 committed the offense while the person was a child but is now at
 20 least twenty-one (21) years of age.

21 (c) The criteria listed in subsections (a) and (b) do not limit the
 22 matters that the court may consider in determining the sentence.

23 (d) A court may impose any sentence that is:

24 (1) authorized by statute; and

25 (2) permissible under the Constitution of the State of Indiana;
 26 regardless of the presence or absence of aggravating circumstances or
 27 mitigating circumstances.

28 (e) If a court suspends a sentence and orders probation for a person
 29 described in subsection (b)(13), the court may require the person to
 30 receive treatment for the person's injuries.

31 SECTION 22. IC 35-38-1-17, AS AMENDED BY P.L.115-2023,
 32 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2024]: Sec. 17. (a) Notwithstanding IC 1-1-5.5-21, this section
 34 applies to a person who:

35 (1) commits an offense; or

36 (2) is sentenced;

37 before July 1, 2014.

38 (b) This section does not apply to a credit restricted felon.

39 (c) Except as provided in subsections (k) and (m), this section does
 40 not apply to a violent criminal.

41 (d) As used in this section, "violent criminal" means a person
 42 convicted of any of the following offenses:



- 1 (1) Murder (IC 35-42-1-1).
- 2 (2) Attempted murder (IC 35-41-5-1).
- 3 (3) Voluntary manslaughter (IC 35-42-1-3).
- 4 (4) Involuntary manslaughter (IC 35-42-1-4).
- 5 (5) Reckless homicide (IC 35-42-1-5).
- 6 (6) Aggravated battery (IC 35-42-2-1.5).
- 7 (7) Kidnapping (IC 35-42-3-2).
- 8 (8) Rape (IC 35-42-4-1).
- 9 (9) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
- 10 (10) Child molesting (IC 35-42-4-3).
- 11 (11) Sexual misconduct with a minor as a Class A felony under
- 12 IC 35-42-4-9(a)(2) or a Class B felony under IC 35-42-4-9(b)(2)
- 13 (for a crime committed before July 1, 2014) or sexual misconduct
- 14 with a minor as a Level 1 felony under IC 35-42-4-9(a)(2) or a
- 15 Level 2 felony under IC 35-42-4-9(b)(2) (for a crime committed
- 16 after June 30, 2014).
- 17 (12) Robbery as a Class A felony or a Class B felony
- 18 (IC 35-42-5-1) (for a crime committed before July 1, 2014) or
- 19 robbery as a Level 2 felony or a Level 3 felony (IC 35-42-5-1) (for
- 20 a crime committed after June 30, 2014).
- 21 (13) Burglary as Class A felony or a Class B felony
- 22 (IC 35-43-2-1) (for a crime committed before July 1, 2014) or
- 23 burglary as a Level 1 felony, Level 2 felony, Level 3 felony, or
- 24 Level 4 felony (IC 35-43-2-1) (for a crime committed after June
- 25 30, 2014).
- 26 (14) Unlawful possession of a firearm by a serious violent felon
- 27 (IC 35-47-4-5).
- 28 (e) At any time after:
 - 29 (1) a convicted person begins serving the person's sentence; and
 - 30 (2) the court obtains a report from the department of correction
 - 31 concerning the convicted person's conduct while imprisoned;
 - 32 the court may reduce or suspend the sentence and impose a sentence
 - 33 that the court was authorized to impose at the time of sentencing.
 - 34 However, if the convicted person was sentenced under the terms of a
 - 35 plea agreement, the court may not, without the consent of the
 - 36 prosecuting attorney, reduce or suspend the sentence and impose a
 - 37 sentence not authorized by the plea agreement. The court must
 - 38 incorporate its reasons in the record.
 - 39 (f) If the court sets a hearing on a petition under this section, the
 - 40 court must give notice to the prosecuting attorney and the prosecuting
 - 41 attorney must give notice to the victim (as defined in IC 35-31.5-2-348)
 - 42 of the crime for which the convicted person is serving the sentence.



1 (g) The court may suspend a sentence for a felony under this section
 2 only if suspension is permitted under IC 35-50-2-2.2, **or, if applicable,**
 3 **IC 35-50-2-2 (repealed).**

4 (h) The court may deny a request to suspend or reduce a sentence
 5 under this section without making written findings and conclusions.

6 (i) The court is not required to conduct a hearing before reducing or
 7 suspending a sentence under this section if:

8 (1) the prosecuting attorney has filed with the court an agreement
 9 of the reduction or suspension of the sentence; and

10 (2) the convicted person has filed with the court a waiver of the
 11 right to be present when the order to reduce or suspend the
 12 sentence is considered.

13 (j) This subsection applies only to a convicted person who is not a
 14 violent criminal. A convicted person who is not a violent criminal may
 15 file a petition for sentence modification under this section:

16 (1) not more than one (1) time in any three hundred sixty-five
 17 (365) day period; and

18 (2) a maximum of two (2) times during any consecutive period of
 19 incarceration;

20 without the consent of the prosecuting attorney.

21 (k) This subsection applies to a convicted person who is a violent
 22 criminal. Except as provided in subsection (n), a convicted person who
 23 is a violent criminal may, not later than three hundred sixty-five (365)
 24 days from the date of sentencing, file one (1) petition for sentence
 25 modification under this section without the consent of the prosecuting
 26 attorney. After the elapse of the three hundred sixty-five (365) day
 27 period, a violent criminal may not file a petition for sentence
 28 modification without the consent of the prosecuting attorney.

29 (l) A person may not waive the right to sentence modification under
 30 this section as part of a plea agreement. Any purported waiver of the
 31 right to sentence modification under this section in a plea agreement is
 32 invalid and unenforceable as against public policy. This subsection
 33 does not prohibit the finding of a waiver of the right to:

34 (1) have a court modify a sentence and impose a sentence not
 35 authorized by the plea agreement, as described under subsection
 36 (e); or

37 (2) sentence modification for any other reason, including failure
 38 to comply with the provisions of this section.

39 (m) Notwithstanding subsection (k), a person who commits an
 40 offense after June 30, 2014, and before May 15, 2015, may file one (1)
 41 petition for sentence modification without the consent of the
 42 prosecuting attorney, even if the person has previously filed a petition



1 for sentence modification.

2 (n) A person sentenced in a criminal court having jurisdiction over
3 an offense committed when the person was less than eighteen (18)
4 years of age may file an additional petition for sentence modification
5 under this section without the consent of the prosecuting attorney if the
6 person has served at least:

7 (1) fifteen (15) years of the person's sentence, if the person is not
8 serving a sentence for murder; or

9 (2) twenty (20) years of the person's sentence, if the person is
10 serving a sentence for murder.

11 The time periods described in this subsection are computed on the
12 basis of time actually served and do not include any reduction applied
13 for good time credit or educational credit time.

14 SECTION 23. IC 35-38-2.6-1, AS AMENDED BY P.L.72-2023,
15 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2024]: Sec. 1. This chapter does not apply to persons
17 convicted of any of the following offenses whenever any part of the
18 sentence may not be suspended under IC 35-50-2-2.2:

19 (1) Sex crimes under IC 35-42-4 or IC 35-46-1-3.

20 (2) A Level 1 felony.

21 **(3) A Class A felony.**

22 **(4)** Any of the following felonies:

23 (A) Murder (IC 35-42-1-1).

24 (B) A battery offense included in IC 35-42-2 with a deadly
25 weapon or causing death.

26 (C) Kidnapping (IC 35-42-3-2).

27 (D) Criminal confinement (IC 35-42-3-3) with a deadly
28 weapon.

29 (E) Robbery (IC 35-42-5-1) resulting in serious bodily injury
30 or with a deadly weapon.

31 (F) Arson (IC 35-43-1-1) for hire resulting in serious bodily
32 injury.

33 (G) Burglary (IC 35-43-2-1) resulting in serious bodily injury.

34 (H) Resisting law enforcement (IC 35-44.1-3-1) with a deadly
35 weapon.

36 (I) Aggravated battery (IC 35-42-2-1.5).

37 (J) Disarming a law enforcement officer (IC 35-44.1-3-2).

38 (K) A sentence for a crime that is enhanced by criminal
39 organization (IC 35-50-2-15).

40 SECTION 24. IC 35-42-2-1, AS AMENDED BY P.L.209-2023,
41 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JULY 1, 2024]: Sec. 1. (a) As used in this section, "public safety



- 1 official" means:
- 2 (1) a law enforcement officer, including an alcoholic beverage
- 3 enforcement officer;
- 4 (2) an employee of a penal facility or a juvenile detention facility
- 5 (as defined in IC 31-9-2-71);
- 6 (3) an employee of the department of correction;
- 7 (4) a probation officer;
- 8 (5) a parole officer;
- 9 (6) a community corrections worker;
- 10 (7) a home detention officer;
- 11 (8) a department of child services employee;
- 12 (9) a firefighter;
- 13 (10) an emergency medical services provider;
- 14 (11) a judicial officer;
- 15 (12) a bailiff of any court; or
- 16 (13) a special deputy (as described in IC 36-8-10-10.6).
- 17 (b) As used in this section, "relative" means an individual related by
- 18 blood, half-blood, adoption, marriage, or remarriage, including:
- 19 (1) a spouse;
- 20 (2) a parent or stepparent;
- 21 (3) a child or stepchild;
- 22 (4) a grandchild or stepgrandchild;
- 23 (5) a grandparent or stepgrandparent;
- 24 (6) a brother, sister, stepbrother, or stepsister;
- 25 (7) a niece or nephew;
- 26 (8) an aunt or uncle;
- 27 (9) a daughter-in-law or son-in-law;
- 28 (10) a mother-in-law or father-in-law; or
- 29 (11) a first cousin.
- 30 (c) Except as provided in subsections (d) through (k), a person who
- 31 knowingly or intentionally:
- 32 (1) touches another person in a rude, insolent, or angry manner;
- 33 or
- 34 (2) in a rude, insolent, or angry manner places any bodily fluid or
- 35 waste on another person;
- 36 commits battery, a Class B misdemeanor.
- 37 (d) The offense described in subsection (c)(1) or (c)(2) is a Class A
- 38 misdemeanor if it:
- 39 (1) results in bodily injury to any other person; or
- 40 (2) is committed against a member of a foster family home (as
- 41 defined in IC 35-31.5-2-139.3) by a person who is not a resident
- 42 of the foster family home if the person who committed the offense



- 1 is a relative of a person who lived in the foster family home at the
 2 time of the offense.
- 3 (e) The offense described in subsection (c)(1) or (c)(2) is a Level 6
 4 felony if one (1) or more of the following apply:
- 5 (1) The offense results in moderate bodily injury to any other
 6 person.
- 7 (2) The offense is committed against a public safety official while
 8 the official is engaged in the official's official duty, unless the
 9 offense is committed by a person detained or committed under
 10 IC 12-26.
- 11 (3) The offense is committed against a person less than fourteen
 12 (14) years of age and is committed by a person at least eighteen
 13 (18) years of age.
- 14 (4) The offense is committed against a person of any age who has
 15 a mental or physical disability and is committed by a person
 16 having the care of the person with the mental or physical
 17 disability, whether the care is assumed voluntarily or because of
 18 a legal obligation.
- 19 (5) The offense is committed against an endangered adult (as
 20 defined in IC 12-10-3-2).
- 21 (6) The offense:
- 22 (A) is committed against a member of a foster family home (as
 23 defined in IC 35-31.5-2-139.3) by a person who is not a
 24 resident of the foster family home if the person who committed
 25 the offense is a relative of a person who lived in the foster
 26 family home at the time of the offense; and
- 27 (B) results in bodily injury to the member of the foster family.
- 28 (f) The offense described in subsection (c)(2) is a Level 6 felony if
 29 the person knew or recklessly failed to know that the bodily fluid or
 30 waste placed on another person was infected with hepatitis,
 31 tuberculosis, or human immunodeficiency virus.
- 32 (g) The offense described in subsection (c)(1) or (c)(2) is a Level 5
 33 felony if one (1) or more of the following apply:
- 34 (1) The offense results in serious bodily injury to another person.
 35 (2) The offense is committed with a deadly weapon.
 36 (3) The offense results in bodily injury to a pregnant woman if the
 37 person knew of the pregnancy.
 38 (4) The person has a previous conviction for a battery **or**
 39 **strangulation** offense included in this chapter against the same
 40 victim.
 41 (5) The offense results in bodily injury to one (1) or more of the
 42 following:



- 1 (A) A public safety official while the official is engaged in the
 2 official's official duties, unless the offense is committed by a
 3 person detained or committed under IC 12-26.
- 4 (B) A person less than fourteen (14) years of age if the offense
 5 is committed by a person at least eighteen (18) years of age.
- 6 (C) A person who has a mental or physical disability if the
 7 offense is committed by an individual having care of the
 8 person with the disability, regardless of whether the care is
 9 assumed voluntarily or because of a legal obligation.
- 10 (D) An endangered adult (as defined in IC 12-10-3-2).
- 11 (h) The offense described in subsection (c)(2) is a Level 5 felony if:
 12 (1) the person knew or recklessly failed to know that the bodily
 13 fluid or waste placed on another person was infected with
 14 hepatitis, tuberculosis, or human immunodeficiency virus; and
 15 (2) the person placed the bodily fluid or waste on a public safety
 16 official, unless the offense is committed by a person detained or
 17 committed under IC 12-26.
- 18 (i) The offense described in subsection (c)(1) or (c)(2) is a Level 4
 19 felony if it results in serious bodily injury to an endangered adult (as
 20 defined in IC 12-10-3-2).
- 21 (j) The offense described in subsection (c)(1) or (c)(2) is a Level 3
 22 felony if it results in serious bodily injury to a person less than fourteen
 23 (14) years of age if the offense is committed by a person at least
 24 eighteen (18) years of age.
- 25 (k) The offense described in subsection (c)(1) or (c)(2) is a Level 2
 26 felony if it results in the death of one (1) or more of the following:
 27 (1) A person less than fourteen (14) years of age if the offense is
 28 committed by a person at least eighteen (18) years of age.
 29 (2) An endangered adult (as defined in IC 12-10-3-2).
- 30 SECTION 25. IC 35-43-2-2.1 IS REPEALED [EFFECTIVE JULY
 31 1, 2024]. Sec. 2-1. (a) ~~A person who, with the intent to commit theft~~
 32 ~~under section 2 of this chapter:~~
 33 ~~(1) agrees with at least two (2) other persons to commit theft; and~~
 34 ~~(2) performs an overt act in furtherance of the agreement;~~
 35 ~~commits organized theft, a Level 6 felony.~~
 36 (b) ~~It is not a defense to a prosecution under this section that one (1)~~
 37 ~~or more persons with whom the accused person is alleged to have~~
 38 ~~agreed:~~
 39 ~~(1) has not been prosecuted;~~
 40 ~~(2) has not been convicted;~~
 41 ~~(3) has been acquitted;~~
 42 ~~(4) has been convicted of a different crime;~~



1 (5) cannot be prosecuted for any reason; or
 2 (6) lacked the capacity to commit the crime.
 3 (e) A person may not be convicted of an offense under this section
 4 and:
 5 (1) an attempt to commit theft; or
 6 (2) a conspiracy to commit theft;
 7 with respect to the same underlying theft.
 8 SECTION 26. IC 35-43-4-2.1 IS ADDED TO THE INDIANA
 9 CODE AS A NEW SECTION TO READ AS FOLLOWS
 10 [EFFECTIVE JULY 1, 2024]: **Sec. 2.1. (a) A person who, with the**
 11 **intent to commit theft under section 2 of this chapter:**
 12 (1) agrees with at least two (2) other persons to commit theft;
 13 and
 14 (2) performs an overt act in furtherance of the agreement;
 15 commits organized theft, a Level 6 felony.
 16 (b) It is not a defense to a prosecution under this section that one
 17 (1) or more persons with whom the accused person is alleged to
 18 have agreed:
 19 (1) has not been prosecuted;
 20 (2) has not been convicted;
 21 (3) has been acquitted;
 22 (4) has been convicted of a different crime;
 23 (5) cannot be prosecuted for any reason; or
 24 (6) lacked the capacity to commit the crime.
 25 (c) A person may not be convicted of an offense under this
 26 section and:
 27 (1) an attempt to commit theft; or
 28 (2) a conspiracy to commit theft;
 29 with respect to the same underlying theft.
 30 SECTION 27. IC 35-43-5-4, AS AMENDED BY P.L.174-2021,
 31 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2024]: **Sec. 4. (a) A person who:**
 33 (1) with the intent to obtain property or data, or an educational,
 34 governmental, or employment benefit to which the person is not
 35 entitled, knowingly or intentionally:
 36 (A) makes a false or misleading statement; or
 37 (B) creates a false impression in another person;
 38 (2) with the intent to cause another person to obtain property,
 39 knowingly or intentionally:
 40 (A) makes a false or misleading statement;
 41 (B) creates a false impression in a third person; or
 42 (C) causes to be presented a claim that:



- 1 (i) contains a false or misleading statement; or
 2 (ii) creates a false or misleading impression in a third
 3 person;
 4 (3) possesses, manufactures, uses, or alters a document,
 5 instrument, computer program, or device with the intent to obtain:
 6 (A) property;
 7 (B) data; or
 8 (C) an educational, governmental, or employment benefit;
 9 to which the person is not entitled; or
 10 (4) knowingly or intentionally engages in a scheme or artifice to
 11 commit an offense described in subdivisions (1) through (3);
 12 commits fraud, a Class A misdemeanor except as otherwise provided
 13 in this section.
 14 (b) The offense described in subsection (a) is a Level 6 felony if one
 15 (1) or more of the following apply:
 16 (1) The offense is committed not later than seven (7) years from
 17 the date the person:
 18 (A) was convicted of a prior unrelated conviction for an
 19 offense under this article; or
 20 (B) was released from a term of incarceration, probation, or
 21 parole (whichever occurred last) imposed for a prior unrelated
 22 conviction for an offense under this article;
 23 whichever occurred last.
 24 (2) The pecuniary loss is at least seven hundred fifty dollars
 25 (\$750) but less than fifty thousand dollars (\$50,000).
 26 (3) The victim is:
 27 (A) an endangered adult (as defined in IC 12-10-3-2(a)); or
 28 (B) less than eighteen (18) years of age.
 29 (4) The person makes a false or misleading statement representing
 30 an entity as:
 31 (A) a disadvantaged business enterprise (as defined in
 32 IC 5-16-6.5-1); or
 33 (B) a women-owned business enterprise (as defined in
 34 IC 5-16-6.5-3);
 35 in order to qualify for certification as such an enterprise under a
 36 program conducted by a public agency (as defined in
 37 IC 5-16-6.5-2) designed to assist disadvantaged business
 38 enterprises or women-owned business enterprises in obtaining
 39 contracts with public agencies for the provision of goods and
 40 services.
 41 (5) The person makes a false or misleading statement representing
 42 an entity with which the person will subcontract all or part of a



1 contract with a public agency (as defined in IC 5-16-6.5-2) as:

2 (A) a disadvantaged business enterprise (as defined in
3 IC 5-16-6.5-1); or

4 (B) a women-owned business enterprise (as defined in
5 IC 5-16-6.5-3);

6 in order to qualify for certification as an eligible bidder under a
7 program that is conducted by a public agency designed to assist
8 disadvantaged business enterprises or women-owned business
9 enterprises in obtaining contracts with public agencies for the
10 provision of goods and services.

11 (6) The offense is committed by a person who is confined in:

12 (A) the department of correction;

13 (B) a county jail; or

14 (C) a secure juvenile facility.

15 (7) The document or instrument that the person possesses,
16 manufactures, uses, or alters is a document or instrument:

17 (A) issued by a public servant or a governmental entity;

18 (B) that has been manufactured or altered to appear to have
19 been issued by a public servant or a governmental entity; or

20 (C) that the person tendered to, or intends to tender to a public
21 servant or a governmental entity.

22 (8) Except as provided in subsection ~~(d)~~; **(e)**, the person:

23 (A) made the false or misleading statement; or

24 (B) created the false impression in another person;

25 on or by means of a document or written instrument.

26 (9) The agreement is unconscionable.

27 (10) The offense involves human reproductive material (as
28 defined in IC 34-24-5-1).

29 (c) The offense described in subsection (a) is a Level 5 felony if one

30 (1) or more of the following apply:

31 (1) The pecuniary loss is at least fifty thousand dollars (\$50,000)
32 and less than one hundred thousand dollars (\$100,000).

33 (2) The pecuniary loss is at least seven hundred fifty dollars
34 (\$750) **and less than fifty thousand dollars (\$50,000)** and the
35 victim is:

36 (A) an endangered adult (as defined in IC 12-10-3-2(a)); or

37 (B) less than eighteen (18) years of age.

38 (3) The victim was a financial institution.

39 **(d) The offense described in subsection (a) is a Level 4 felony if**
40 **one (1) or more of the following apply:**

41 **(1) The pecuniary loss is at least one hundred thousand**
42 **dollars (\$100,000).**



1 **(2) The pecuniary loss is at least fifty thousand dollars**
 2 **(\$50,000) and the victim is:**

3 **(A) an endangered adult (as defined in IC 12-10-3-2(a)); or**
 4 **(B) less than eighteen (18) years of age.**

5 ~~(d)~~ **(e)** The offense described in subsection ~~(b)(9)~~ **(b)(8)** is a Class
 6 A misdemeanor if the defendant proves by a preponderance of the
 7 evidence that the:

8 (1) value of the property, data, or benefit intended to be obtained;
 9 and

10 (2) actual pecuniary loss;

11 is less than seven hundred fifty dollars (\$750).

12 SECTION 28. IC 35-47-10-5, AS AMENDED BY P.L.152-2014,
 13 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2024]: Sec. 5. (a) A child who knowingly, intentionally, or
 15 recklessly possesses a firearm for any purpose other than a purpose
 16 described in section 1 of this chapter commits dangerous possession of
 17 a firearm, a Class A misdemeanor. However, the offense is a Level 5
 18 felony if the child has a prior conviction under this section or has been
 19 adjudicated a delinquent for an act that would be an offense under this
 20 section. ~~if committed by an adult.~~

21 (b) A child who knowingly or intentionally provides a firearm to
 22 another child whom the child knows:

23 (1) is ineligible for any reason to purchase or otherwise receive
 24 from a dealer a firearm; or

25 (2) intends to use the firearm to commit a crime;

26 commits a Level 5 felony. However, the offense is a Level 3 felony if
 27 the other child uses the firearm to commit murder (IC 35-42-1-1).

28 SECTION 29. IC 36-2-13-12 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 12. (a) The sheriff shall
 30 file with the appropriate court and, in the case of a person awaiting trial
 31 on a criminal charge, with the ~~county~~ prosecuting attorney **of the**
 32 **appropriate judicial circuit**, a weekly report of each person confined
 33 in the county jail. The report must include the confined person's name,
 34 the date of commitment, the court or officer ordering the commitment,
 35 the criminal charge, conviction, or civil action underlying the
 36 commitment, the term of commitment, and whether the person is
 37 awaiting trial or serving a term of imprisonment.

38 (b) The sheriff shall file with the county executive an annual report
 39 of the condition of the county jail and any recommended improvements
 40 in its maintenance and operation. The report shall also be filed with the
 41 county auditor and maintained as a public record.

42 SECTION 30. IC 36-2-14-6.3, AS AMENDED BY P.L.109-2015,



1 SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2024]: Sec. 6.3. (a) A coroner shall immediately notify:

3 (1) the local office of the department of child services by using
4 the statewide hotline for the department; and

5 (2) either:

6 (A) the local child fatality review team; or

7 (B) if the county does not have a local child fatality review
8 team, the statewide child fatality review committee;

9 of each death of a person who is less than eighteen (18) years of age,
10 or appears to be less than eighteen (18) years of age and who has died
11 in an apparently suspicious, unexpected, or unexplained manner.

12 (b) If a child less than eighteen (18) years of age dies in an
13 apparently suspicious, unexpected, or unexplained manner, the coroner
14 shall consult with a child death pathologist to determine whether an
15 autopsy is necessary. If the coroner and the child death pathologist
16 disagree over the need for an autopsy, the county prosecuting attorney
17 shall determine whether an autopsy is necessary. If the autopsy is
18 considered necessary, a child death pathologist or a pathology resident
19 acting under the direct supervision of a child death pathologist shall
20 conduct the autopsy within twenty-four (24) hours after the prosecuting
21 attorney notifies the pathologist or pathology resident of the
22 determination. If the autopsy is not considered necessary, the autopsy
23 shall not be conducted.

24 (c) If a child death pathologist and coroner agree under subsection
25 (b) that an autopsy is necessary, the child death pathologist or a
26 pathology resident acting under the direct supervision of a child death
27 pathologist shall conduct the autopsy of the child.

28 SECTION 31. IC 36-2-14-20, AS AMENDED BY P.L.73-2023,
29 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 JULY 1, 2024]: Sec. 20. (a) This section applies only to the autopsy of
31 a person whose death is:

32 (1) suspicious;

33 (2) violent;

34 (3) accidental; or

35 (4) from an overdose.

36 (b) As used in this section, "autopsy" means the external and
37 surgical internal examination of all body systems of a decedent,
38 including toxicology and histology.

39 (c) Except as provided in subsection (d) and IC 4-24-4-1, if an
40 Indiana resident dies in an Indiana county as a result of an incident that
41 occurred in another Indiana county, the county coroner where the death
42 occurred shall discuss whether an autopsy is warranted with the



1 coroner of the county where the incident occurred. If the coroners agree
2 that an autopsy is needed, the coroner of the county where the death
3 occurred shall bill the county in which the incident occurred for the
4 cost of the autopsy, including the physician fee under section 6(e) of
5 this chapter.

6 (d) Except as provided in subsection (c) and IC 4-24-4-1, payment
7 for the costs of an autopsy requested by a party other than the:

8 (1) ~~county prosecutor;~~ **prosecuting attorney;** or

9 (2) county coroner;

10 of the county in which the individual died must be made by the party
11 requesting the autopsy.

12 (e) This section does not preclude the coroner of a county in which
13 a death occurs from attempting to recover autopsy costs from the
14 jurisdiction outside Indiana where the incident that caused the death
15 occurred.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1240, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1240 as introduced.)

MCNAMARA

Committee Vote: Yeas 10, Nays 0

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred House Bill No. 1240, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 10, between lines 29 and 30, begin a new paragraph and insert:

"SECTION 13. IC 24-4.7-2-9, AS AMENDED BY P.L.226-2011, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 9. (a) "Telephone sales call" means a telephone call made to a consumer for any of the following purposes:

- (1) Solicitation of a sale of consumer goods or services.
- (2) Solicitation of a charitable contribution.
- (3) Obtaining information that will or may be used for the direct solicitation of a sale of consumer goods or services or an extension of credit for such purposes.

(b) The term includes any of the following:

- (1) A call made by use of an automated dialing device.
- (2) A call made by use of a recorded message device.

(3) ~~Transmission of:~~

(A) a text message; or

(B) a graphic message;

using short message service (SMS):

(4) ~~Transmission of:~~

(A) an image;

(B) a photograph; or

(C) a multimedia message;

using multimedia messaging service (MMS):

(3) **Transmission of:**

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- (A) a text message;
- (B) a graphic message;
- (C) an image;
- (D) a photograph; or
- (E) a multimedia message;

to a telephone number through the use of short message service (SMS), multimedia messaging service (MMS), over-the-top (OTT) messaging or voice calling service, or any other technology or service that transmits messages to a device."

Page 11, between lines 17 and 18, begin a new paragraph and insert:
 "SECTION 14. IC 31-30-3-5, AS AMENDED BY P.L.158-2013, SECTION 316, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 5. Except for those cases in which the juvenile court has no jurisdiction in accordance with IC 31-30-1-4, the court shall, upon motion of the prosecuting attorney and after full investigation and hearing, waive jurisdiction if it finds that:

(1) the child is charged with an act that, if committed by an adult, would be:

- (A) a Level 1 felony, Level 2 felony, Level 3 felony, or Level 4 felony, except a felony defined by IC 35-48-4;
- (B) involuntary manslaughter as a Level 5 felony under IC 35-42-1-4; or
- (C) reckless homicide as a Level 5 felony under IC 35-42-1-5;
- or
- (D) **unlawful carrying of a handgun as a felony under IC 35-47-2-1.5;**

(2) there is probable cause to believe that the child has committed the act; and

(3) the child was at least sixteen (16) years of age when the act charged was allegedly committed;

unless it would be in the best interests of the child and of the safety and welfare of the community for the child to remain within the juvenile justice system."

Page 16, line 14, delete "young child," and insert "**child less than six (6) years of age,**".

Page 16, line 15, delete "impact" and insert "**impact,**".

Page 28, delete line 22.

Page 28, line 36, delete "or under".

Page 28, line 37, delete "IC 35-47-2-1.5,".

Page 28, line 38, delete "section" and insert "section.".

Page 28, line 38, delete "or".



Page 28, delete line 39.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1240 as printed January 25, 2024.)

FREEMAN, Chairperson

Committee Vote: Yeas 7, Nays 0.

SENATE MOTION

Madam President: I move that Engrossed House Bill 1240 be amended to read as follows:

Page 12, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 15. IC 31-30-1-4, AS AMENDED BY P.L.115-2023, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 4. (a) The juvenile court does not have jurisdiction over an individual for an alleged violation of:

- (1) IC 35-41-5-1(a) (attempted murder);
- (2) IC 35-42-1-1 (murder);
- (3) IC 35-42-3-2 (kidnapping);
- (4) IC 35-42-4-1 (rape);
- (5) IC 35-42-4-2 (criminal deviate conduct) (before its repeal);
- (6) IC 35-42-5-1 (robbery) if:
 - (A) the robbery was committed while armed with a deadly weapon; or
 - (B) the robbery results in bodily injury or serious bodily injury;
- (7) IC 35-42-5-2 (carjacking) (before its repeal);
- ~~(8) IC 35-47-2-1.5 (unlawful carrying of a handgun); if charged as a felony;~~
- ~~(9)~~ (8) IC 35-47-10 (children and firearms), if charged as a felony;
- or
- ~~(10)~~ (9) any offense that may be joined under IC 35-34-1-9(a)(2) with any crime listed in this subsection;

if the individual was at least sixteen (16) years of age but less than eighteen (18) years of age at the time of the alleged violation.

(b) Once an individual described in subsection (a) has been charged with any offense listed in subsection (a), the court having adult criminal jurisdiction shall retain jurisdiction over the case if the

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individual pleads guilty to or is convicted of any offense listed in subsection (a)(1) through ~~(a)(9)~~: **(a)(8)**.

(c) If:

- (1) an individual described in subsection (a) is charged with one (1) or more offenses listed in subsection (a);
- (2) all the charges under subsection (a)(1) through ~~(a)(9)~~ **(a)(8)** resulted in an acquittal or were DISMISSED; and
- (3) the individual pleads guilty to or is convicted of any offense other than an offense listed in subsection (a)(1) through ~~(a)(9)~~: **(a)(8)**;

the court having adult criminal jurisdiction may withhold judgment and transfer jurisdiction to the juvenile court for adjudication and disposition. In determining whether to transfer jurisdiction to the juvenile court for adjudication and disposition, the court having adult criminal jurisdiction shall consider whether there are appropriate services available in the juvenile justice system, whether the child is amenable to rehabilitation under the juvenile justice system, and whether it is in the best interests of the safety and welfare of the community that the child be transferred to juvenile court. All orders concerning release conditions remain in effect until a juvenile court detention hearing, which must be held not later than forty-eight (48) hours, excluding Saturdays, Sundays, and legal holidays, after the order of transfer of jurisdiction.

(d) A court having adult criminal jurisdiction, and not a juvenile court, has jurisdiction over a person who is at least twenty-one (21) years of age for an alleged offense:

- (1) committed while the person was a child; and
- (2) that could have been waived under IC 31-30-3."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1240 as printed February 23, 2024.)

FREEMAN

