

HOUSE BILL No. 1421

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-2-6.1; IC 5-14-3-4.

Synopsis: Victims assistance fund. Provides that certain records obtained by the Indiana criminal justice institute during an investigation into a claim for compensation from the violent crime victims compensation fund are confidential. Increases the amount a claimant may be awarded from the violent crime victims compensation fund from \$15,000 to \$25,000.

Effective: July 1, 2024.

Fleming, Hamilton, Errington

January 16, 2024, read first time and referred to Committee on Courts and Criminal Code.



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.

HOUSE BILL No. 1421

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

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

1 SECTION 1. IC 5-2-6.1-11.5, AS AMENDED BY P.L.198-2016,
2 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2024]: Sec. 11.5. ~~A claimant's~~. **The following are**
4 **confidential:**

- 5 (1) ~~A claimant's~~:
6 (A) personal information (as defined in IC 9-14-6-6); and
7 (2) ~~(B)~~ **(B)** medical records.
8 **(2) Records obtained during an investigation under section 26**
9 **of this chapter that are not publically available.**

10 ~~are confidential:~~

11 SECTION 2. IC 5-2-6.1-35, AS AMENDED BY P.L.121-2006,
12 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2024]: Sec. 35. (a) An award to a claimant under this chapter:
14 (1) may not exceed ~~fifteen~~ **twenty-five** thousand dollars
15 ~~(\$15,000)~~; **(\$25,000)**; and
16 (2) may not cover the first one hundred dollars (\$100) of the
17 claim.



1 (b) The part of an award covering an unpaid bill shall be made
2 payable to the service provider.

3 SECTION 3. IC 5-14-3-4, AS AMENDED BY P.L.86-2022,
4 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2024]: Sec. 4. (a) The following public records are excepted
6 from section 3 of this chapter and may not be disclosed by a public
7 agency, unless access to the records is specifically required by a state
8 or federal statute or is ordered by a court under the rules of discovery:

9 (1) Those declared confidential by state statute.

10 (2) Those declared confidential by rule adopted by a public
11 agency under specific authority to classify public records as
12 confidential granted to the public agency by statute.

13 (3) Those required to be kept confidential by federal law.

14 (4) Records containing trade secrets.

15 (5) Confidential financial information obtained, upon request,
16 from a person. However, this does not include information that is
17 filed with or received by a public agency pursuant to state statute.

18 (6) Information concerning research, including actual research
19 documents, conducted under the auspices of a state educational
20 institution, including information:

21 (A) concerning any negotiations made with respect to the
22 research; and

23 (B) received from another party involved in the research.

24 (7) Grade transcripts and license examination scores obtained as
25 part of a licensure process.

26 (8) Those declared confidential by or under rules adopted by the
27 supreme court of Indiana.

28 (9) Patient medical records and charts created by a provider,
29 unless the patient gives written consent under IC 16-39 or as
30 provided under IC 16-41-8.

31 (10) Application information declared confidential by the Indiana
32 economic development corporation under IC 5-28.

33 (11) A photograph, a video recording, or an audio recording of an
34 autopsy, except as provided in IC 36-2-14-10.

35 (12) A Social Security number contained in the records of a
36 public agency.

37 (13) The following information that is part of a foreclosure action
38 subject to IC 32-30-10.5:

39 (A) Contact information for a debtor, as described in
40 IC 32-30-10.5-8(d)(1)(B).

41 (B) Any document submitted to the court as part of the debtor's
42 loss mitigation package under IC 32-30-10.5-10(a)(3).



1 (14) The following information obtained from a call made to a
2 fraud hotline established under IC 36-1-8-8.5:

3 (A) The identity of any individual who makes a call to the
4 fraud hotline.

5 (B) A report, transcript, audio recording, or other information
6 concerning a call to the fraud hotline.

7 However, records described in this subdivision may be disclosed
8 to a law enforcement agency, a private university police
9 department, the attorney general, the inspector general, the state
10 examiner, or a prosecuting attorney.

11 (15) Information described in section 5(c)(3)(B) of this chapter
12 that is contained in a daily log or record described in section 5(c)
13 of this chapter for a victim of a crime or delinquent act who is less
14 than eighteen (18) years of age, unless and to the extent that:

15 (A) a parent, guardian, or custodian of the victim consents in
16 writing to public disclosure of the records; and

17 (B) that parent, guardian, or custodian of the victim has not
18 been charged with or convicted of committing a crime against
19 the victim.

20 However, records described in this subdivision may be disclosed
21 to the department of child services.

22 (b) Except as otherwise provided by subsection (a), the following
23 public records shall be excepted from section 3 of this chapter at the
24 discretion of a public agency:

25 (1) Investigatory records of law enforcement agencies or private
26 university police departments. For purposes of this chapter, a law
27 enforcement recording is not an investigatory record. However,
28 information described in subsection (a)(15) contained in a law
29 enforcement recording is exempt from disclosure, unless and to
30 the extent that a parent, guardian, or custodian of the victim
31 consents in writing to public disclosure of the records. However,
32 a parent, guardian, or custodian charged with or convicted of a
33 crime against the victim may not consent to public disclosure of
34 the records. Law enforcement agencies or private university
35 police departments may share investigatory records with: ~~and~~

36 (A) a person who advocates on behalf of a crime victim,
37 including a victim advocate (as defined in IC 35-37-6-3.5) or
38 a victim service provider (as defined in IC 35-37-6-5), for the
39 purposes of providing services to a victim or describing
40 services that may be available to a victim; ~~and~~

41 (B) a school corporation (as defined by IC 20-18-2-16(a)),
42 charter school (as defined by IC 20-24-1-4), or nonpublic



- 1 school (as defined by IC 20-18-2-12) for the purpose of
 2 enhancing the safety or security of a student or a school
 3 facility; **and**
 4 **(C) the victim services division of the Indiana criminal**
 5 **justice institute under IC 5-2-6-8, for the purposes of**
 6 **conducting an investigation under IC 5-2-6.1-26;**
 7 without the law enforcement agency or private university police
 8 department losing its discretion to keep those records confidential
 9 from other records requesters. However, certain law enforcement
 10 records must be made available for inspection and copying as
 11 provided in section 5 of this chapter.
- 12 (2) The work product of an attorney representing, pursuant to
 13 state employment or an appointment by a public agency:
- 14 (A) a public agency;
 15 (B) the state; or
 16 (C) an individual.
- 17 (3) Test questions, scoring keys, and other examination data used
 18 in administering a licensing examination, examination for
 19 employment, or academic examination before the examination is
 20 given or if it is to be given again.
- 21 (4) Scores of tests if the person is identified by name and has not
 22 consented to the release of the person's scores.
- 23 (5) The following:
- 24 (A) Records relating to negotiations between:
- 25 (i) the Indiana economic development corporation;
 26 (ii) the ports of Indiana;
 27 (iii) the Indiana state department of agriculture;
 28 (iv) the Indiana finance authority;
 29 (v) an economic development commission;
 30 (vi) the Indiana White River state park development
 31 commission;
 32 (vii) a local economic development organization that is a
 33 nonprofit corporation established under state law whose
 34 primary purpose is the promotion of industrial or business
 35 development in Indiana, the retention or expansion of
 36 Indiana businesses, or the development of entrepreneurial
 37 activities in Indiana; or
 38 (viii) a governing body of a political subdivision;
 39 with industrial, research, or commercial prospects, if the
 40 records are created while negotiations are in progress.
 41 However, this clause does not apply to records regarding
 42 research that is prohibited under IC 16-34.5-1-2 or any other



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law.
(B) Notwithstanding clause (A), the terms of the final offer of public financial resources communicated by the Indiana economic development corporation, the ports of Indiana, the Indiana finance authority, an economic development commission, the Indiana White River state park development commission, or a governing body of a political subdivision to an industrial, a research, or a commercial prospect shall be available for inspection and copying under section 3 of this chapter after negotiations with that prospect have terminated.
(C) When disclosing a final offer under clause (B), the Indiana economic development corporation shall certify that the information being disclosed accurately and completely represents the terms of the final offer.
(D) Notwithstanding clause (A), an incentive agreement with an incentive recipient shall be available for inspection and copying under section 3 of this chapter after the date the incentive recipient and the Indiana economic development corporation execute the incentive agreement regardless of whether negotiations are in progress with the recipient after that date regarding a modification or extension of the incentive agreement.
(6) Records that are intra-agency or interagency advisory or deliberative material, including material developed by a private contractor under a contract with a public agency, that are expressions of opinion or are of a speculative nature, and that are communicated for the purpose of decision making.
(7) Diaries, journals, or other personal notes serving as the functional equivalent of a diary or journal.
(8) Personnel files of public employees and files of applicants for public employment, except for:
 (A) the name, compensation, job title, business address, business telephone number, job description, education and training background, previous work experience, or dates of first and last employment of present or former officers or employees of the agency;
 (B) information relating to the status of any formal charges against the employee; and
 (C) the factual basis for a disciplinary action in which final action has been taken and that resulted in the employee being suspended, demoted, or discharged.
However, all personnel file information shall be made available



- 1 to the affected employee or the employee's representative. This
 2 subdivision does not apply to disclosure of personnel information
 3 generally on all employees or for groups of employees without the
 4 request being particularized by employee name.
- 5 (9) Minutes or records of hospital medical staff meetings.
- 6 (10) Administrative or technical information that would
 7 jeopardize a record keeping system, voting system, voter
 8 registration system, or security system.
- 9 (11) Computer programs, computer codes, computer filing
 10 systems, and other software that are owned by the public agency
 11 or entrusted to it and portions of electronic maps entrusted to a
 12 public agency by a utility.
- 13 (12) Records specifically prepared for discussion or developed
 14 during discussion in an executive session under IC 5-14-1.5-6.1.
 15 However, this subdivision does not apply to that information
 16 required to be available for inspection and copying under
 17 subdivision (8).
- 18 (13) The work product of the legislative services agency under
 19 personnel rules approved by the legislative council.
- 20 (14) The work product of individual members and the partisan
 21 staffs of the general assembly.
- 22 (15) The identity of a donor of a gift made to a public agency if:
 23 (A) the donor requires nondisclosure of the donor's identity as
 24 a condition of making the gift; or
 25 (B) after the gift is made, the donor or a member of the donor's
 26 family requests nondisclosure.
- 27 (16) Library or archival records:
 28 (A) which can be used to identify any library patron; or
 29 (B) deposited with or acquired by a library upon a condition
 30 that the records be disclosed only:
 31 (i) to qualified researchers;
 32 (ii) after the passing of a period of years that is specified in
 33 the documents under which the deposit or acquisition is
 34 made; or
 35 (iii) after the death of persons specified at the time of the
 36 acquisition or deposit.
- 37 However, nothing in this subdivision shall limit or affect contracts
 38 entered into by the Indiana state library pursuant to IC 4-1-6-8.
- 39 (17) The identity of any person who contacts the bureau of motor
 40 vehicles concerning the ability of a driver to operate a motor
 41 vehicle safely and the medical records and evaluations made by
 42 the bureau of motor vehicles staff or members of the driver



1 licensing medical advisory board regarding the ability of a driver
2 to operate a motor vehicle safely. However, upon written request
3 to the commissioner of the bureau of motor vehicles, the driver
4 must be given copies of the driver's medical records and
5 evaluations.

6 (18) School safety and security measures, plans, and systems,
7 including emergency preparedness plans developed under 511
8 IAC 6.1-2-2.5.

9 (19) A record or a part of a record, the public disclosure of which
10 would have a reasonable likelihood of threatening public safety
11 by exposing a vulnerability to terrorist attack. A record described
12 under this subdivision includes the following:

13 (A) A record assembled, prepared, or maintained to prevent,
14 mitigate, or respond to an act of terrorism under IC 35-47-12-1
15 (before its repeal), an act of agricultural terrorism under
16 IC 35-47-12-2 (before its repeal), or a felony terrorist offense
17 (as defined in IC 35-50-2-18).

18 (B) Vulnerability assessments.

19 (C) Risk planning documents.

20 (D) Needs assessments.

21 (E) Threat assessments.

22 (F) Intelligence assessments.

23 (G) Domestic preparedness strategies.

24 (H) The location of community drinking water wells and
25 surface water intakes.

26 (I) The emergency contact information of emergency
27 responders and volunteers.

28 (J) Infrastructure records that disclose the configuration of
29 critical systems such as voting system and voter registration
30 system critical infrastructure, and communication, electrical,
31 ventilation, water, and wastewater systems.

32 (K) Detailed drawings or specifications of structural elements,
33 floor plans, and operating, utility, or security systems, whether
34 in paper or electronic form, of any building or facility located
35 on an airport (as defined in IC 8-21-1-1) that is owned,
36 occupied, leased, or maintained by a public agency, or any part
37 of a law enforcement recording that captures information
38 about airport security procedures, areas, or systems. A record
39 described in this clause may not be released for public
40 inspection by any public agency without the prior approval of
41 the public agency that owns, occupies, leases, or maintains the
42 airport. Both of the following apply to the public agency that



- owns, occupies, leases, or maintains the airport:
- (i) The public agency is responsible for determining whether the public disclosure of a record or a part of a record, including a law enforcement recording, has a reasonable likelihood of threatening public safety by exposing a security procedure, area, system, or vulnerability to terrorist attack.
- (ii) The public agency must identify a record described under item (i) and clearly mark the record as "confidential and not subject to public disclosure under IC 5-14-3-4(b)(19)(J) without approval of (insert name of submitting public agency)". However, in the case of a law enforcement recording, the public agency must clearly mark the record as "confidential and not subject to public disclosure under IC 5-14-3-4(b)(19)(K) without approval of (insert name of the public agency that owns, occupies, leases, or maintains the airport)".
- (L) The home address, home telephone number, and emergency contact information for any:
- (i) emergency management worker (as defined in IC 10-14-3-3);
- (ii) public safety officer (as defined in IC 35-47-4.5-3);
- (iii) emergency medical responder (as defined in IC 16-18-2-109.8); or
- (iv) advanced emergency medical technician (as defined in IC 16-18-2-6.5).
- This subdivision does not apply to a record or portion of a record pertaining to a location or structure owned or protected by a public agency in the event that an act of terrorism under IC 35-47-12-1 (before its repeal), an act of agricultural terrorism under IC 35-47-12-2 (before its repeal), or a felony terrorist offense (as defined in IC 35-50-2-18) has occurred at that location or structure, unless release of the record or portion of the record would have a reasonable likelihood of threatening public safety by exposing a vulnerability of other locations or structures to terrorist attack.
- (20) The following personal information concerning a customer of a municipally owned utility (as defined in IC 8-1-2-1):
- (A) Telephone number.
- (B) Address.
- (C) Social Security number.
- (21) The following personal information about a complainant



1 contained in records of a law enforcement agency:

2 (A) Telephone number.

3 (B) The complainant's address. However, if the complainant's
4 address is the location of the suspected crime, infraction,
5 accident, or complaint reported, the address shall be made
6 available for public inspection and copying.

7 (22) Notwithstanding subdivision (8)(A), the name,
8 compensation, job title, business address, business telephone
9 number, job description, education and training background,
10 previous work experience, or dates of first employment of a law
11 enforcement officer who is operating in an undercover capacity.

12 (23) Records requested by an offender, an agent, or a relative of
13 an offender that:

14 (A) contain personal information relating to:

15 (i) a correctional officer (as defined in IC 5-10-10-1.5);

16 (ii) a probation officer;

17 (iii) a community corrections officer;

18 (iv) a law enforcement officer (as defined in
19 IC 35-31.5-2-185);

20 (v) a judge (as defined in IC 33-38-12-3);

21 (vi) the victim of a crime; or

22 (vii) a family member of a correctional officer, probation
23 officer, community corrections officer, law enforcement
24 officer (as defined in IC 35-31.5-2-185), judge (as defined
25 in IC 33-38-12-3), or victim of a crime; or

26 (B) concern or could affect the security of a jail or correctional
27 facility.

28 For purposes of this subdivision, "agent" means a person who is
29 authorized by an offender to act on behalf of, or at the direction
30 of, the offender, and "relative" has the meaning set forth in
31 IC 35-42-2-1(b). However, the term "agent" does not include an
32 attorney in good standing admitted to the practice of law in
33 Indiana.

34 (24) Information concerning an individual less than eighteen (18)
35 years of age who participates in a conference, meeting, program,
36 or activity conducted or supervised by a state educational
37 institution, including the following information regarding the
38 individual or the individual's parent or guardian:

39 (A) Name.

40 (B) Address.

41 (C) Telephone number.

42 (D) Electronic mail account address.



- 1 (25) Criminal intelligence information.
- 2 (26) The following information contained in a report of unclaimed
3 property under IC 32-34-1.5-18 or in a claim for unclaimed
4 property under IC 32-34-1.5-48:
- 5 (A) Date of birth.
- 6 (B) Driver's license number.
- 7 (C) Taxpayer identification number.
- 8 (D) Employer identification number.
- 9 (E) Account number.
- 10 (27) Except as provided in subdivision (19) and sections 5.1 and
11 5.2 of this chapter, a law enforcement recording. However, before
12 disclosing the recording, the public agency must comply with the
13 obscuring requirements of sections 5.1 and 5.2 of this chapter, if
14 applicable.
- 15 (28) Records relating to negotiations between a state educational
16 institution and another entity concerning the establishment of a
17 collaborative relationship or venture to advance the research,
18 engagement, or educational mission of the state educational
19 institution, if the records are created while negotiations are in
20 progress. The terms of the final offer of public financial resources
21 communicated by the state educational institution to an industrial,
22 a research, or a commercial prospect shall be available for
23 inspection and copying under section 3 of this chapter after
24 negotiations with that prospect have terminated. However, this
25 subdivision does not apply to records regarding research
26 prohibited under IC 16-34.5-1-2 or any other law.
- 27 (c) Nothing contained in subsection (b) shall limit or affect the right
28 of a person to inspect and copy a public record required or directed to
29 be made by any statute or by any rule of a public agency.
- 30 (d) Notwithstanding any other law, a public record that is classified
31 as confidential, other than a record concerning an adoption or patient
32 medical records, shall be made available for inspection and copying
33 seventy-five (75) years after the creation of that record.
- 34 (e) Only the content of a public record may form the basis for the
35 adoption by any public agency of a rule or procedure creating an
36 exception from disclosure under this section.
- 37 (f) Except as provided by law, a public agency may not adopt a rule
38 or procedure that creates an exception from disclosure under this
39 section based upon whether a public record is stored or accessed using
40 paper, electronic media, magnetic media, optical media, or other
41 information storage technology.
- 42 (g) Except as provided by law, a public agency may not adopt a rule



1 or procedure nor impose any costs or liabilities that impede or restrict
2 the reproduction or dissemination of any public record.

3 (h) Notwithstanding subsection (d) and section 7 of this chapter:

4 (1) public records subject to IC 5-15 may be destroyed only in
5 accordance with record retention schedules under IC 5-15; or

6 (2) public records not subject to IC 5-15 may be destroyed in the
7 ordinary course of business.

