

HOUSE BILL No. 1490

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-2; IC 5-14-3-2; IC 10-11-2-33; IC 12-26-2-5; IC 16-18-2; IC 16-21-8; IC 33-39-11; IC 34-30-2; IC 35-31.5-2; IC 35-33-15; IC 35-50-5-3; IC 36-2-14-21; IC 36-8-3-20.

Synopsis: Sexual assault victims. Repeals (from Title 16) and replaces (in Title 35) a chapter relating to victims of sexual assault. Specifies that law enforcement officers, providers, or victim advocates shall order medical forensic examinations to be conducted at a sexual assault treatment center (rather than at a general hospital) when practicable. Specifies that all nonanonymous sexual assault kits be transferred to the Indiana state police crime laboratory or the Marion County crime laboratory, as appropriate, for analysis and entry into the Combined DNA Index System not later than 30 days after law enforcement obtains the sexual assault kit. Provides for the establishment of a sexual assault response team (SART) in a county without a SART, and specifies members of a SART. Defines "sexual assault forensic examiner" (SAFE) and specifies the duties of a SAFE. Requires SARTs to develop a plan for the treatment of sexual assault crime victims, and specifies certain provisions that must be included in the plan. Establishes mandatory sexual violence response training requirements. Makes conforming amendments. Establishes mandatory sexual violence response training requirements.

Effective: July 1, 2019.

Errington, Negele

January 16, 2019, read first time and referred to Committee on Courts and Criminal Code.



First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

HOUSE BILL No. 1490

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

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

1 SECTION 1. IC 5-2-1-9, AS AMENDED BY P.L.86-2018,
2 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2019]: Sec. 9. (a) The board shall adopt in accordance with
4 IC 4-22-2 all necessary rules to carry out the provisions of this chapter.
5 The rules, which shall be adopted only after necessary and proper
6 investigation and inquiry by the board, shall include the establishment
7 of the following:

- 8 (1) Minimum standards of physical, educational, mental, and
9 moral fitness which shall govern the acceptance of any person for
10 training by any law enforcement training school or academy
11 meeting or exceeding the minimum standards established
12 pursuant to this chapter.
- 13 (2) Minimum standards for law enforcement training schools
14 administered by towns, cities, counties, law enforcement training
15 centers, agencies, or departments of the state.
- 16 (3) Minimum standards for courses of study, attendance
17 requirements, equipment, and facilities for approved town, city,



1 county, and state law enforcement officer, police reserve officer,
2 and conservation reserve officer training schools.

3 (4) Minimum standards for a course of study on cultural diversity
4 awareness, including training on the U nonimmigrant visa created
5 through the federal Victims of Trafficking and Violence
6 Protection Act of 2000 (P.L. 106-386) that must be required for
7 each person accepted for training at a law enforcement training
8 school or academy. Cultural diversity awareness study must
9 include an understanding of cultural issues related to race,
10 religion, gender, age, domestic violence, national origin, and
11 physical and mental disabilities.

12 (5) Minimum qualifications for instructors at approved law
13 enforcement training schools.

14 (6) Minimum basic training requirements which law enforcement
15 officers appointed to probationary terms shall complete before
16 being eligible for continued or permanent employment.

17 (7) Minimum basic training requirements which law enforcement
18 officers appointed on other than a permanent basis shall complete
19 in order to be eligible for continued employment or permanent
20 appointment.

21 (8) Minimum basic training requirements which law enforcement
22 officers appointed on a permanent basis shall complete in order
23 to be eligible for continued employment.

24 (9) Minimum basic training requirements for each person
25 accepted for training at a law enforcement training school or
26 academy that include six (6) hours of training in interacting with:

27 (A) persons with autism, mental illness, addictive disorders,
28 intellectual disabilities, and developmental disabilities;

29 (B) missing endangered adults (as defined in IC 12-7-2-131.3);
30 and

31 (C) persons with Alzheimer's disease or related senile
32 dementia;

33 to be provided by persons approved by the secretary of family and
34 social services and the board. The training must include an
35 overview of the crisis intervention teams.

36 (10) Minimum standards for a course of study on human and
37 sexual trafficking that must be required for each person accepted
38 for training at a law enforcement training school or academy and
39 for inservice training programs for law enforcement officers. The
40 course must cover the following topics:

41 (A) Examination of the human and sexual trafficking laws
42 (IC 35-42-3.5).



- 1 (B) Identification of human and sexual trafficking.
 2 (C) Communicating with traumatized persons.
 3 (D) Therapeutically appropriate investigative techniques.
 4 (E) Collaboration with federal law enforcement officials.
 5 (F) Rights of and protections afforded to victims.
 6 (G) Providing documentation that satisfies the Declaration of
 7 Law Enforcement Officer for Victim of Trafficking in Persons
 8 (Form I-914, Supplement B) requirements established under
 9 federal law.
 10 (H) The availability of community resources to assist human
 11 and sexual trafficking victims.
- 12 (b) A law enforcement officer appointed after July 5, 1972, and
 13 before July 1, 1993, may not enforce the laws or ordinances of the state
 14 or any political subdivision unless the officer has, within one (1) year
 15 from the date of appointment, successfully completed the minimum
 16 basic training requirements established under this chapter by the board.
 17 If a person fails to successfully complete the basic training
 18 requirements within one (1) year from the date of employment, the
 19 officer may not perform any of the duties of a law enforcement officer
 20 involving control or direction of members of the public or exercising
 21 the power of arrest until the officer has successfully completed the
 22 training requirements. This subsection does not apply to any law
 23 enforcement officer appointed before July 6, 1972, or after June 30,
 24 1993.
- 25 (c) Military leave or other authorized leave of absence from law
 26 enforcement duty during the first year of employment after July 6,
 27 1972, shall toll the running of the first year, which shall be calculated
 28 by the aggregate of the time before and after the leave, for the purposes
 29 of this chapter.
- 30 (d) Except as provided in subsections (e), (m), (t), and (u), a law
 31 enforcement officer appointed to a law enforcement department or
 32 agency after June 30, 1993, may not:
- 33 (1) make an arrest;
 34 (2) conduct a search or a seizure of a person or property; or
 35 (3) carry a firearm;
- 36 unless the law enforcement officer successfully completes, at a board
 37 certified law enforcement academy or at a law enforcement training
 38 center under section 10.5 or 15.2 of this chapter, the basic training
 39 requirements established by the board under this chapter.
- 40 (e) This subsection does not apply to:
 41 (1) a gaming agent employed as a law enforcement officer by the
 42 Indiana gaming commission; or



1 (2) an:

2 (A) attorney; or

3 (B) investigator;

4 designated by the securities commissioner as a police officer of
5 the state under IC 23-19-6-1(k).

6 Before a law enforcement officer appointed after June 30, 1993,
7 completes the basic training requirements, the law enforcement officer
8 may exercise the police powers described in subsection (d) if the
9 officer successfully completes the pre-basic course established in
10 subsection (f). Successful completion of the pre-basic course authorizes
11 a law enforcement officer to exercise the police powers described in
12 subsection (d) for one (1) year after the date the law enforcement
13 officer is appointed.

14 (f) The board shall adopt rules under IC 4-22-2 to establish a
15 pre-basic course for the purpose of training:

16 (1) law enforcement officers;

17 (2) police reserve officers (as described in IC 36-8-3-20); and

18 (3) conservation reserve officers (as described in IC 14-9-8-27);

19 regarding the subjects of arrest, search and seizure, the lawful use of
20 force, interacting with individuals with autism, and the operation of an
21 emergency vehicle. The pre-basic course must be offered on a periodic
22 basis throughout the year at regional sites statewide. The pre-basic
23 course must consist of at least forty (40) hours of course work. The
24 board may prepare the classroom part of the pre-basic course using
25 available technology in conjunction with live instruction. The board
26 shall provide the course material, the instructors, and the facilities at
27 the regional sites throughout the state that are used for the pre-basic
28 course. In addition, the board may certify pre-basic courses that may be
29 conducted by other public or private training entities, including
30 postsecondary educational institutions.

31 (g) Subject to subsection (h), the board shall adopt rules under
32 IC 4-22-2 to establish a mandatory inservice training program for
33 police officers and police reserve officers (as described in
34 IC 36-8-3-20). After June 30, 1993, a law enforcement officer who has
35 satisfactorily completed basic training and has been appointed to a law
36 enforcement department or agency on either a full-time or part-time
37 basis is not eligible for continued employment unless the officer
38 satisfactorily completes the mandatory inservice training requirements
39 established by rules adopted by the board. Inservice training must
40 include **sexual violence response training (as defined in IC 5-2-8-1)**,
41 training in interacting with persons with mental illness, addictive
42 disorders, intellectual disabilities, autism, developmental disabilities,



1 and Alzheimer's disease or related senile dementia, to be provided by
 2 persons approved by the secretary of family and social services and the
 3 board, and training concerning human and sexual trafficking and high
 4 risk missing persons (as defined in IC 5-2-17-1). **Rules adopted by the**
 5 **board must require that:**

6 **(1) sexual violence response training be provided by a person**
 7 **certified, recommended, or approved by a statewide nonprofit**
 8 **sexual assault coalition as designated by the federal Centers**
 9 **for Disease Control and Prevention under 42 U.S.C. 280 et**
 10 **seq.; and**

11 **(2) every law enforcement officer receive at least three (3)**
 12 **hours of sexual violence response training:**

13 **(A) before January 1, 2023; and**

14 **(B) in every three (3) year period thereafter, beginning on**
 15 **January 1, 2023.**

16 The board may approve courses offered by other public or private
 17 training entities, including postsecondary educational institutions, as
 18 necessary in order to ensure the availability of an adequate number of
 19 inservice training programs. The board may waive an officer's inservice
 20 training requirements if the board determines that the officer's reason
 21 for lacking the required amount of inservice training hours is due to
 22 either an emergency situation or the unavailability of courses.

23 (h) This subsection applies only to a mandatory inservice training
 24 program under subsection (g). Notwithstanding subsection (g), the
 25 board may, without adopting rules under IC 4-22-2, modify the course
 26 work of a training subject matter, modify the number of hours of
 27 training required within a particular subject matter, or add a new
 28 subject matter, if the board satisfies the following requirements:

29 (1) The board must conduct at least two (2) public meetings on
 30 the proposed modification or addition.

31 (2) After approving the modification or addition at a public
 32 meeting, the board must post notice of the modification or
 33 addition on the Indiana law enforcement academy's Internet web
 34 site at least thirty (30) days before the modification or addition
 35 takes effect.

36 If the board does not satisfy the requirements of this subsection, the
 37 modification or addition is void. This subsection does not authorize the
 38 board to eliminate any inservice training subject matter required under
 39 subsection (g).

40 (i) The board shall also adopt rules establishing a town marshal
 41 basic training program, subject to the following:

42 (1) The program must require fewer hours of instruction and class



1 attendance and fewer courses of study than are required for the
2 mandated basic training program.

3 (2) Certain parts of the course materials may be studied by a
4 candidate at the candidate's home in order to fulfill requirements
5 of the program.

6 (3) Law enforcement officers successfully completing the
7 requirements of the program are eligible for appointment only in
8 towns employing the town marshal system (IC 36-5-7) and having
9 not more than one (1) marshal and two (2) deputies.

10 (4) The limitation imposed by subdivision (3) does not apply to an
11 officer who has successfully completed the mandated basic
12 training program.

13 (5) The time limitations imposed by subsections (b) and (c) for
14 completing the training are also applicable to the town marshal
15 basic training program.

16 (6) The program must require training in interacting with
17 individuals with autism.

18 (j) The board shall adopt rules under IC 4-22-2 to establish an
19 executive training program. The executive training program must
20 include training in the following areas:

21 (1) Liability.

22 (2) Media relations.

23 (3) Accounting and administration.

24 (4) Discipline.

25 (5) Department policy making.

26 (6) Lawful use of force.

27 (7) Department programs.

28 (8) Emergency vehicle operation.

29 (9) Cultural diversity.

30 (k) A police chief shall apply for admission to the executive training
31 program within two (2) months of the date the police chief initially
32 takes office. A police chief must successfully complete the executive
33 training program within six (6) months of the date the police chief
34 initially takes office. However, if space in the executive training
35 program is not available at a time that will allow completion of the
36 executive training program within six (6) months of the date the police
37 chief initially takes office, the police chief must successfully complete
38 the next available executive training program that is offered after the
39 police chief initially takes office.

40 (l) A police chief who fails to comply with subsection (k) may not
41 continue to serve as the police chief until completion of the executive
42 training program. For the purposes of this subsection and subsection



- 1 (k), "police chief" refers to:
 2 (1) the police chief of any city;
 3 (2) the police chief of any town having a metropolitan police
 4 department; and
 5 (3) the chief of a consolidated law enforcement department
 6 established under IC 36-3-1-5.1.
- 7 A town marshal is not considered to be a police chief for these
 8 purposes, but a town marshal may enroll in the executive training
 9 program.
- 10 (m) A fire investigator in the division of fire and building safety
 11 appointed after December 31, 1993, is required to comply with the
 12 basic training standards established under this chapter.
- 13 (n) The board shall adopt rules under IC 4-22-2 to establish a
 14 program to certify handgun safety courses, including courses offered
 15 in the private sector, that meet standards approved by the board for
 16 training probation officers in handgun safety as required by
 17 IC 11-13-1-3.5(3).
- 18 (o) The board shall adopt rules under IC 4-22-2 to establish a
 19 refresher course for an officer who:
 20 (1) is hired by an Indiana law enforcement department or agency
 21 as a law enforcement officer;
 22 (2) has not been employed as a law enforcement officer for:
 23 (A) at least two (2) years; and
 24 (B) less than six (6) years before the officer is hired under
 25 subdivision (1); and
 26 (3) completed at any time a basic training course certified or
 27 recognized by the board before the officer is hired under
 28 subdivision (1).
- 29 (p) An officer to whom subsection (o) applies must successfully
 30 complete the refresher course described in subsection (o) not later than
 31 six (6) months after the officer's date of hire, or the officer loses the
 32 officer's powers of:
 33 (1) arrest;
 34 (2) search; and
 35 (3) seizure.
- 36 (q) The board shall adopt rules under IC 4-22-2 to establish a
 37 refresher course for an officer who:
 38 (1) is appointed by an Indiana law enforcement department or
 39 agency as a reserve police officer; and
 40 (2) has not worked as a reserve police officer for at least two (2)
 41 years after:
 42 (A) completing the pre-basic course; or



- 1 (B) leaving the individual's last appointment as a reserve
2 police officer.
3 An officer to whom this subsection applies must successfully complete
4 the refresher course established by the board in order to work as a
5 reserve police officer.
- 6 (r) This subsection applies to an individual who, at the time the
7 individual completes a board certified or recognized basic training
8 course, has not been appointed as a law enforcement officer by an
9 Indiana law enforcement department or agency. If the individual is not
10 employed as a law enforcement officer for at least two (2) years after
11 completing the basic training course, the individual must successfully
12 retake and complete the basic training course as set forth in subsection
13 (d).
- 14 (s) The board shall adopt rules under IC 4-22-2 to establish a
15 refresher course for an individual who:
16 (1) is appointed as a board certified instructor of law enforcement
17 training; and
18 (2) has not provided law enforcement training instruction for
19 more than one (1) year after the date the individual's instructor
20 certification expired.
- 21 An individual to whom this subsection applies must successfully
22 complete the refresher course established by the board in order to
23 renew the individual's instructor certification.
- 24 (t) This subsection applies only to a gaming agent employed as a
25 law enforcement officer by the Indiana gaming commission. A gaming
26 agent appointed after June 30, 2005, may exercise the police powers
27 described in subsection (d) if:
28 (1) the agent successfully completes the pre-basic course
29 established in subsection (f); and
30 (2) the agent successfully completes any other training courses
31 established by the Indiana gaming commission in conjunction
32 with the board.
- 33 (u) This subsection applies only to a securities enforcement officer
34 designated as a law enforcement officer by the securities
35 commissioner. A securities enforcement officer may exercise the police
36 powers described in subsection (d) if:
37 (1) the securities enforcement officer successfully completes the
38 pre-basic course established in subsection (f); and
39 (2) the securities enforcement officer successfully completes any
40 other training courses established by the securities commissioner
41 in conjunction with the board.
- 42 (v) As used in this section, "upper level policymaking position"



1 refers to the following:

2 (1) If the authorized size of the department or town marshal
3 system is not more than ten (10) members, the term refers to the
4 position held by the police chief or town marshal.

5 (2) If the authorized size of the department or town marshal
6 system is more than ten (10) members but less than fifty-one (51)
7 members, the term refers to:

8 (A) the position held by the police chief or town marshal; and
9 (B) each position held by the members of the police
10 department or town marshal system in the next rank and pay
11 grade immediately below the police chief or town marshal.

12 (3) If the authorized size of the department or town marshal
13 system is more than fifty (50) members, the term refers to:

14 (A) the position held by the police chief or town marshal; and
15 (B) each position held by the members of the police
16 department or town marshal system in the next two (2) ranks
17 and pay grades immediately below the police chief or town
18 marshal.

19 (w) This subsection applies only to a correctional police officer
20 employed by the department of correction. A correctional police officer
21 may exercise the police powers described in subsection (d) if:

22 (1) the officer successfully completes the pre-basic course
23 described in subsection (f); and

24 (2) the officer successfully completes any other training courses
25 established by the department of correction in conjunction with
26 the board.

27 SECTION 2. IC 5-2-6.1-13, AS AMENDED BY P.L.114-2012,
28 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 JULY 1, 2019]: Sec. 13. (a) Subject to subsection (b) and except as
30 provided in subsection (c), benefits may not be awarded:

31 (1) if the victim sustained the injury as a result of participating or
32 assisting in, or attempting to commit or committing a criminal act;

33 (2) if the injury occurred while the victim was a resident in a
34 county, city, or federal jail or prison or in an institution operated
35 by the department of correction;

36 (3) if the victim profited or would have profited from the criminal
37 act; or

38 (4) if, at the time the injury occurred, the victim was intoxicated
39 and contributed to the commission of an unrelated felony.

40 (b) If the victim is a dependent child or dependent parent of the
41 person who commits a violent crime, compensation may be awarded
42 where justice requires.



1 (c) Benefits may be awarded to a person described in subsection
 2 (a)(4) who is the victim of a sex crime under IC 35-42-4, **a sexual**
 3 **assault crime (as defined in IC 35-33-15-1), a human trafficking**
 4 **crime under IC 35-42-3.5**, a crime involving domestic or family
 5 violence (as defined in IC 35-31.5-2-76), or a crime of domestic
 6 violence (as defined in IC 35-31.5-2-78).

7 SECTION 3. IC 5-2-6.1-21.1, AS AMENDED BY P.L.113-2014,
 8 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2019]: Sec. 21.1. (a) This section applies to claims filed with
 10 the division after June 30, 2009.

11 (b) This subsection does not apply to reimbursement for forensic
 12 and evidence gathering services provided under section 39 of this
 13 chapter.

14 (c) An award may not be made unless the claimant has incurred an
 15 out-of-pocket loss of at least one hundred dollars (\$100).

16 (d) Subject to subsections (b) and (c), the division may order the
 17 payment of compensation under this chapter for any of the following:

18 (1) Reasonable expenses incurred within one hundred eighty
 19 (180) days after the date of the violent crime for necessary:

- 20 (A) medical, chiropractic, hospital, dental, optometric, and
 21 ambulance services;
- 22 (B) prescription drugs; and
- 23 (C) prosthetic devices;

24 that do not exceed the claimant's out-of-pocket loss.

25 (2) Loss of income:

26 (A) the victim would have earned had the victim not died or
 27 been injured, if the victim was employed at the time of the
 28 violent crime; or

29 (B) the parent, guardian, or custodian of a victim who is less
 30 than eighteen (18) years of age incurred by taking time off
 31 from work to care for the victim.

32 A claimant seeking reimbursement under this subdivision must
 33 provide the division with proof of employment and current wages.

34 (3) Reasonable emergency shelter care expenses, not to exceed
 35 the expenses for thirty (30) days, that are incurred for the claimant
 36 or a dependent of the claimant to avoid contact with a person who
 37 committed the violent crime.

38 (4) Reasonable expense incurred for child care, not to exceed one
 39 thousand dollars (\$1,000), to replace child care the victim would
 40 have supplied had the victim not died or been injured.

41 (5) Loss of financial support the victim would have supplied to
 42 legal dependents had the victim not died or been injured.



- 1 (6) Documented expenses incurred for funeral, burial, or
 2 cremation of the victim that do not exceed five thousand dollars
 3 (\$5,000). The division shall disburse compensation under this
 4 subdivision in accordance with guidelines adopted by the
 5 division.
- 6 (7) Outpatient mental health counseling, not to exceed three
 7 thousand dollars (\$3,000), concerning mental health issues related
 8 to the violent crime.
- 9 (8) Other actual expenses related to bodily injury to or the death
 10 of the victim that the division determines are reasonable.
- 11 (e) If a ~~health care~~ provider (**as defined in IC 35-33-15-1**) accepts
 12 payment from the division under this chapter, the ~~health care~~ provider
 13 may not require the victim to pay a copayment or an additional fee for
 14 the provision of services.
- 15 (f) A ~~health care~~ provider who seeks compensation from the
 16 division under this chapter may not simultaneously seek funding for
 17 services provided to a victim from any other source.
- 18 (g) The director may extend the one hundred eighty (180) day
 19 compensation period established by subsection (d)(1) for a period not
 20 to exceed two (2) years after the date of the violent crime if:
- 21 (1) the victim or the victim's representative requests the
 22 extension; and
- 23 (2) medical records and other documentation provided by the
 24 attending ~~medical~~ providers indicate that an extension is
 25 appropriate.
- 26 (h) The director may extend the one hundred eighty (180) day
 27 compensation period established by subsection (d)(1) for outpatient
 28 mental health counseling, established by subsection (d)(7), if the
 29 victim:
- 30 (1) was allegedly a victim of a sex crime (under IC 35-42-4), a
 31 **sexual assault crime (as defined in IC 35-33-15-1), a human**
 32 **trafficking crime (under IC 35-42-3.5),** or incest (under
 33 IC 35-46-1-3);
- 34 (2) was under eighteen (18) years of age at the time of the alleged
 35 crime; and
- 36 (3) did not reveal the crime within two (2) years after the date of
 37 the alleged crime.
- 38 SECTION 4. IC 5-2-6.1-39, AS AMENDED BY P.L.129-2009,
 39 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2019]: Sec. 39. **(a) The following definitions apply**
 41 **throughout this section:**
- 42 **(1) "Provider" has the meaning set forth in IC 35-33-15-1.**



1 (2) "Sexual assault crime" has the meaning set forth in
2 IC 35-33-15-1.

3 (a) (b) When a **hospital provider** acting under ~~IC 16-21-8~~
4 **IC 35-33-15** provides a **forensic medical exam forensic examination**
5 to an alleged **sex sexual assault** crime victim, the **hospital provider**
6 shall furnish the **forensic medical exam forensic examination**
7 described in ~~IC 16-21-8-6~~ **IC 35-33-15-2 and IC 35-33-15-8** without
8 charge. The victim services division of the Indiana criminal justice
9 institute shall reimburse a **hospital provider** for its costs in providing
10 these services and shall adopt rules and procedures to provide for
11 reasonable reimbursement. A **hospital provider** may not charge the
12 victim for services required under this chapter, despite delays in
13 reimbursement from the victim services division of the Indiana
14 criminal justice institute.

15 (b) (c) When a **hospital provider** acting under ~~IC 16-21-8~~
16 **IC 35-33-15** provides a **forensic medical exam forensic examination**
17 to an alleged **sex sexual assault** crime victim, the **hospital provider**
18 may also furnish additional **medical forensic** services to the alleged **sex**
19 **sexual assault** crime victim. However, the additional **medical forensic**
20 services, if furnished, shall be furnished without charge. The victim
21 services division of the Indiana criminal justice institute shall
22 reimburse a **hospital provider** for its costs in providing these services
23 and may adopt rules and procedures to provide for reasonable
24 reimbursement. A **hospital provider** may not charge the victim for
25 services required under this chapter even if there is a delay in receiving
26 reimbursement from the victim services division of the Indiana
27 criminal justice institute.

28 (c) Costs incurred by a hospital or other emergency medical facility
29 for the examination of the victim of a sex crime (under ~~IC 35-42-4~~) not
30 covered under ~~IC 16-21-8~~ or incest (under ~~IC 35-46-1-3~~), if the
31 examination is performed for the purposes of gathering evidence for
32 possible prosecution, may not be charged to the victim of the crime.

33 (d) When a licensed medical service provider not covered by
34 subsection (a) or (b) elects to provide a forensic medical exam to an
35 alleged victim of one (1) or more of the sex crimes listed in
36 ~~IC 16-21-8-1(b)~~; the medical service provider shall furnish the exam
37 without charge. The victim services division of the Indiana criminal
38 justice institute shall reimburse a medical service provider for costs in
39 providing forensic medical exams. A medical service provider may not
40 charge the victim for a forensic medical exam required under this
41 chapter even if there is a delay in receiving reimbursement from the
42 victim services division of the Indiana criminal justice institute.



1 (e) When a licensed medical service provider not covered by
 2 subsection (a) or (b) elects to provide additional forensic services to an
 3 alleged sex crime victim, the medical service provider shall furnish the
 4 services without charge. The victim services division of the Indiana
 5 criminal justice institute shall reimburse a medical service provider for
 6 costs in providing the additional forensic services. A medical service
 7 provider may not charge the victim for services required under this
 8 chapter even if there is a delay in receiving reimbursement from the
 9 victim services division of the Indiana criminal justice institute.

10 (f) (d) The victim services division of the Indiana criminal justice
 11 institute is not required to reimburse a ~~medical service~~ provider for
 12 costs in providing additional **medical** forensic services unless the
 13 following conditions are met:

14 **(1) The additional medical forensic services relate to a sexual
 15 assault crime that occurred in Indiana.**

16 (†) (2) The victim is:

17 (A) at least eighteen (18) years of age **and not an endangered
 18 adult;**

19 (B) **an endangered adult and a report of the sexual assault
 20 crime has been made to adult protective services or a law
 21 enforcement officer; or**

22 (C) **less than eighteen (18) years of age and a report of the
 23 sexual assault crime has been made to the department of
 24 child services or a law enforcement officer.**

25 (2) If the victim is less than eighteen (18) years of age, a report of
 26 the sex crime must be made to child protective services or a law
 27 enforcement officer.

28 (3) The sex crime occurred in Indiana.

29 If the division finds a compelling reason for failure to comply with the
 30 requirements of this section, the division may suspend the requirements
 31 of this section.

32 (g) Costs incurred by a licensed medical service provider for the
 33 examination of the victim of a sex crime (~~under IC 35-42-4~~) not
 34 covered under IC ~~16-21-8~~ or incest (~~under IC 35-46-1-3~~) may not be
 35 charged to the victim of the crime if the examination is performed for
 36 the purposes of gathering evidence for possible prosecution.

37 SECTION 5. IC 5-2-6.1-40 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 40. The violent crime
 39 victims compensation fund is established as a dedicated fund to
 40 provide money for the awards provided under this chapter and for
 41 reimbursements under IC ~~16-21-8-6~~. **IC 35-33-15-8.**

42 SECTION 6. IC 5-2-6.1-46 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 46. The division shall
 2 adopt rules under IC 4-22-2 governing the computation and payment
 3 of awards under this chapter and the payment of reimbursements under
 4 ~~IC 16-21-8-6.~~ **IC 35-33-15-8.**

5 SECTION 7. IC 5-2-6.1-49, AS ADDED BY P.L.41-2007,
 6 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2019]: Sec. 49. (a) The secured storage fund is established as
 8 a dedicated fund to provide money to assist counties to pay expenses
 9 for the secured storage **and testing of samples medical forensic**
 10 **evidence** from ~~forensic~~ medical ~~forensic~~ examinations of alleged ~~sex~~
 11 **sexual assault** crime victims.

12 (b) The division shall administer the secured storage fund.

13 (c) The institute shall identify grants and other funds that can be
 14 used to fund the secured storage **and testing of samples from forensic**
 15 **sexual assault kits and sexual assault evidence from** medical
 16 **forensic** examinations of ~~alleged sex~~ **sexual assault** crime victims.

17 (d) The division may accept any gifts or donations to the secured
 18 storage fund.

19 (e) Money in the secured storage fund at the end of a state fiscal
 20 year does not revert to the state general fund.

21 SECTION 8. IC 5-2-8-1, AS AMENDED BY P.L.217-2017,
 22 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2019]: Sec. 1. (a) The following definitions apply in this
 24 section:

25 (1) "Abuse" means:

26 (A) conduct that causes bodily injury (as defined in
 27 IC 35-31.5-2-29) or damage to property; or

28 (B) a threat of conduct that would cause bodily injury (as
 29 defined in IC 35-31.5-2-29) or damage to property.

30 (2) "County law enforcement agency" includes:

31 (A) postsecondary educational institution police officers
 32 appointed under IC 21-17-5 or IC 21-39-4; and

33 (B) school corporation police officers appointed under
 34 IC 20-26-16.

35 (3) **"Sexual violence response training" means trauma**
 36 **informed and victim centered education with respect to sexual**
 37 **violence and sexual violence survivors. The term includes:**

38 (A) **identifying and effectively responding to symptoms of**
 39 **trauma;**

40 (B) **understanding the role trauma has played in a victim's**
 41 **life;**

42 (C) **responding to the needs and concerns of a victim;**



- 1 **(D) delivering services in a compassionate, sensitive, and**
 2 **nonjudgmental manner;**
 3 **(E) best practices for trauma informed interviewing**
 4 **techniques;**
 5 **(F) best practices for trauma informed report writing**
 6 **techniques;**
 7 **(G) understanding social and cultural perceptions of sexual**
 8 **assault; and**
 9 **(H) understanding common harmful myths of sexual**
 10 **assault.**

11 (b) There is established in each county a county law enforcement
 12 continuing education program. The program is funded by amounts
 13 appropriated under IC 33-37-8-4 or IC 33-37-8-6.

14 (c) A county law enforcement agency receiving amounts based upon
 15 claims for law enforcement continuing education funds under
 16 IC 33-37-8-4 or IC 33-37-8-6 shall deposit each fee collected into the
 17 county law enforcement continuing education fund.

18 (d) Distribution of money in the county law enforcement continuing
 19 education fund shall be made to a county law enforcement agency
 20 without the necessity of first obtaining an appropriation from the
 21 county fiscal body.

22 (e) Money in excess of one hundred dollars (\$100) that is
 23 unencumbered and remains in a county law enforcement continuing
 24 education fund for at least one (1) entire calendar year from the date of
 25 its deposit shall, at the end of a county's fiscal year, be deposited by the
 26 county auditor in the law enforcement academy fund established under
 27 IC 5-2-1-13.

28 (f) To make a claim under IC 33-37-8-6, a law enforcement agency
 29 shall submit to the fiscal body a verified statement of cause numbers
 30 for fees collected that are attributable to the law enforcement efforts of
 31 that agency.

32 (g) A law enforcement agency shall submit a claim for fees under
 33 this section in the same county fiscal year in which the fees are
 34 collected under IC 33-37-4.

35 (h) A county law enforcement agency program shall provide to each
 36 law enforcement officer employed by the county and may provide to
 37 each law enforcement officer employed by a city or town law
 38 enforcement agency within the county continuing education concerning
 39 the following:

- 40 (1) Duties of a law enforcement officer in enforcing restraining
 41 orders, protective orders, temporary injunctions, and permanent
 42 injunctions involving abuse.



- 1 (2) Guidelines for making felony and misdemeanor arrests in
- 2 cases involving abuse.
- 3 (3) Techniques for handling incidents of abuse that:
- 4 (A) minimize the likelihood of injury to the law enforcement
- 5 officer; and
- 6 (B) promote the safety of a victim.
- 7 (4) Information about the nature and extent of abuse.
- 8 (5) Information about the legal rights of and remedies available
- 9 to victims of abuse, including the U nonimmigrant visa created
- 10 under the federal Victims of Trafficking and Violence Protection
- 11 Act of 2000 (P.L. 106-386).
- 12 (6) How to document and collect evidence in an abuse case.
- 13 (7) The legal consequences of abuse.
- 14 (8) The impact on children of law enforcement intervention in
- 15 abuse cases.
- 16 (9) Services and facilities available to victims of abuse and
- 17 abusers.
- 18 (10) Verification of restraining orders, protective orders,
- 19 temporary injunctions, and permanent injunctions.
- 20 (11) Policies concerning arrest or release of suspects in abuse
- 21 cases.
- 22 (12) Emergency assistance to victims of abuse and criminal
- 23 justice options for victims of abuse.
- 24 (13) Landlord-tenant concerns in abuse cases.
- 25 (14) The taking of an abused child into protective custody.
- 26 (15) Assessment of a situation in which a child may be seriously
- 27 endangered if the child is left in the child's home.
- 28 (16) Assessment of a situation involving an endangered adult (as
- 29 defined in IC 12-10-3-2).
- 30 (17) Response to a sudden, unexpected infant death.
- 31 (18) Performing cardiopulmonary resuscitation and the Heimlich
- 32 maneuver.
- 33 (19) Cultural diversity awareness that includes an understanding
- 34 of cultural issues related to race, religion, gender, age, domestic
- 35 violence, national origin, and physical and mental disabilities.
- 36 **(20) Sexual violence response training. Sexual violence**
- 37 **response training shall be provided by a person certified,**
- 38 **recommended, or approved by a statewide nonprofit sexual**
- 39 **assault coalition as designated by the federal Centers for**
- 40 **Disease Control and Prevention under 42 U.S.C. 280 et seq.**
- 41 **Instructors providing this specialized training must have**
- 42 **successfully completed training on evidence based, trauma**



1 **informed, victim centered response to cases of sexual assault**
 2 **and sexual abuse and have experience responding to sexual**
 3 **assault and sexual abuse cases.**

4 (i) A county law enforcement agency may enter into an agreement
 5 with other law enforcement agencies to provide the continuing
 6 education required by this section and section 2(f) of this chapter.

7 SECTION 9. IC 5-2-8-2, AS AMENDED BY P.L.257-2017,
 8 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2019]: Sec. 2. (a) The following definitions apply in this
 10 section:

11 (1) "Abuse" has the meaning set forth in section 1(a) of this
 12 chapter.

13 (2) "City or town law enforcement agency" includes:

14 (A) postsecondary educational institution police officers
 15 appointed under IC 21-17-5 or IC 21-39-4; and

16 (B) school corporation police officers appointed under
 17 IC 20-26-16.

18 **(3) "Sexual violence response training" has the meaning set**
 19 **forth in section 1 of this chapter.**

20 (b) There is established in each city and in each town with a city or
 21 town court a local law enforcement continuing education program. The
 22 program is funded by amounts appropriated under IC 33-37-8-4 and
 23 fees collected under IC 9-17-2-12(e), IC 9-26-9-3, and IC 35-47-2-3.

24 (c) A city or town law enforcement agency receiving amounts based
 25 upon claims for law enforcement continuing education funds under
 26 IC 33-37-8-4 or IC 33-37-8-6 shall deposit each fee collected into the
 27 local law enforcement continuing education fund.

28 (d) Distribution of money in a local law enforcement continuing
 29 education fund shall be made to a city or town law enforcement agency
 30 without the necessity of first obtaining an appropriation from the fiscal
 31 body of the city or town.

32 (e) To make a claim under IC 33-37-8-4, a law enforcement agency
 33 shall submit to the fiscal body a verified statement of cause numbers
 34 for fees collected that are attributable to the law enforcement efforts of
 35 that agency.

36 (f) A city or town law enforcement agency shall provide to each law
 37 enforcement officer employed by the city or town law enforcement
 38 agency continuing education concerning the following:

39 (1) Duties of a law enforcement officer in enforcing restraining
 40 orders, protective orders, temporary injunctions, and permanent
 41 injunctions involving abuse.

42 (2) Guidelines for making felony and misdemeanor arrests in



- 1 cases involving abuse.
- 2 (3) Techniques for handling incidents of abuse that:
- 3 (A) minimize the likelihood of injury to the law enforcement
- 4 officer; and
- 5 (B) promote the safety of a victim.
- 6 (4) Information about the nature and extent of abuse.
- 7 (5) Information about the legal rights of and remedies available
- 8 to victims of abuse.
- 9 (6) How to document and collect evidence in an abuse case.
- 10 (7) The legal consequences of abuse.
- 11 (8) The impact on children of law enforcement intervention in
- 12 abuse cases.
- 13 (9) Services and facilities available to victims of abuse and
- 14 abusers.
- 15 (10) Verification of restraining orders, protective orders,
- 16 temporary injunctions, and permanent injunctions.
- 17 (11) Policies concerning arrest or release of suspects in abuse
- 18 cases.
- 19 (12) Emergency assistance to victims of abuse and criminal
- 20 justice options for victims of abuse.
- 21 (13) Landlord-tenant concerns in abuse cases.
- 22 (14) The taking of an abused child into protective custody.
- 23 (15) Assessment of a situation in which the child may be seriously
- 24 endangered if the child is left in the child's home.
- 25 (16) Assessment of a situation involving an endangered adult (as
- 26 defined in IC 12-10-3-2).
- 27 (17) Response to a sudden, unexpected infant death.
- 28 (18) Performing cardiopulmonary resuscitation and the Heimlich
- 29 maneuver.
- 30 **(19) Sexual violence response training. Sexual violence**
- 31 **response training shall be provided by a person certified,**
- 32 **recommended, or approved by a statewide nonprofit sexual**
- 33 **assault coalition as designated by the federal Centers for**
- 34 **Disease Control and Prevention under 42 U.S.C. 280 et seq.**
- 35 (g) A city or town law enforcement agency may enter into an
- 36 agreement with other county, city, or town law enforcement agencies
- 37 to provide the continuing education required by this section and section
- 38 1(h) of this chapter.
- 39 SECTION 10. IC 5-2-8-5, AS AMENDED BY P.L.217-2017,
- 40 SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 41 JULY 1, 2019]: Sec. 5. (a) There is established the state police training
- 42 fund. The fund consists of amounts collected under IC 33-37-4-1(b)(4),



- 1 IC 33-37-4-2(b)(3), and IC 33-37-4-3(b)(4) on behalf of the state police
2 department.
- 3 (b) If the state police department files a claim under IC 33-37-8-4
4 or IC 33-37-8-6 against a city or town user fee fund or a county user fee
5 fund, the fiscal officer of the city or town or the county auditor shall
6 deposit fees collected under the cause numbers submitted by the state
7 police department into the state police training fund established under
8 this section.
- 9 (c) Claims against the state police training fund must be submitted
10 in accordance with IC 5-11-10.
- 11 (d) Money in excess of one hundred dollars (\$100) that is
12 unencumbered and remains in the state police training fund for at least
13 one (1) entire calendar year from the date of its deposit shall, at the end
14 of the state's fiscal year, be deposited in the law enforcement academy
15 fund established under IC 5-2-1-13.
- 16 (e) As used in this subsection, "abuse" has the meaning set forth in
17 section 1(a) of this chapter. As a part of the state police department's
18 in-service training, the department shall provide to each law
19 enforcement officer employed by the department continuing education
20 concerning the following:
- 21 (1) Duties of a law enforcement officer in enforcing restraining
22 orders, protective orders, temporary injunctions, and permanent
23 injunctions involving abuse.
 - 24 (2) Guidelines for making felony and misdemeanor arrests in
25 cases involving abuse.
 - 26 (3) Techniques for handling incidents of abuse that:
 - 27 (A) minimize the likelihood of injury to the law enforcement
28 officer; and
 - 29 (B) promote the safety of a victim.
 - 30 (4) Information about the nature and extent of the abuse.
 - 31 (5) Information about the legal rights of and remedies available
32 to victims of abuse.
 - 33 (6) How to document and collect evidence in an abuse case.
 - 34 (7) The legal consequences of abuse.
 - 35 (8) The impact on children of law enforcement intervention in
36 abuse cases.
 - 37 (9) Services and facilities available to victims of abuse and
38 abusers.
 - 39 (10) Verification of restraining orders, protective orders,
40 temporary injunctions, and permanent injunctions.
 - 41 (11) Policies concerning arrest or release of suspects in abuse
42 cases.



- 1 (12) Emergency assistance to victims of abuse and criminal
 2 justice options for victims of abuse.
 3 (13) Landlord-tenant concerns in abuse cases.
 4 (14) The taking of an abused child into protective custody.
 5 (15) Assessment of a situation in which a child may be seriously
 6 endangered if the child is left in the child's home.
 7 (16) Assessment of a situation involving an endangered adult (as
 8 defined in IC 12-10-3-2).
 9 (17) Response to a sudden, unexpected infant death.
 10 **(18) Sexual violence response training (as defined in section 1**
 11 **of this chapter). Sexual violence response training shall be**
 12 **provided by a person certified, recommended, or approved by**
 13 **a statewide nonprofit sexual assault coalition as designated by**
 14 **the federal Centers for Disease Control and Prevention under**
 15 **42 U.S.C. 280 et seq.**

16 The cost of providing continuing education under this subsection shall
 17 be paid from money in the state police training fund.

18 SECTION 11. IC 5-14-3-2, AS AMENDED BY P.L.85-2017,
 19 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2019]: Sec. 2. (a) The definitions set forth in this section apply
 21 throughout this chapter.

22 (b) "Copy" includes transcribing by handwriting, photocopying,
 23 xerography, duplicating machine, duplicating electronically stored data
 24 onto a disk, tape, drum, or any other medium of electronic data storage,
 25 and reproducing by any other means.

26 (c) "Criminal intelligence information" means data that has been
 27 evaluated to determine that the data is relevant to:

- 28 (1) the identification of; and
 29 (2) the criminal activity engaged in by;

30 an individual who or organization that is reasonably suspected of
 31 involvement in criminal activity.

32 (d) "Direct cost" means one hundred five percent (105%) of the sum
 33 of the cost of:

- 34 (1) the initial development of a program, if any;
 35 (2) the labor required to retrieve electronically stored data; and
 36 (3) any medium used for electronic output;

37 for providing a duplicate of electronically stored data onto a disk, tape,
 38 drum, or other medium of electronic data retrieval under section 8(g)
 39 of this chapter, or for reprogramming a computer system under section
 40 6(c) of this chapter.

41 (e) "Electronic map" means copyrighted data provided by a public
 42 agency from an electronic geographic information system.



1 (f) "Enhanced access" means the inspection of a public record by a
 2 person other than a governmental entity and that:

3 (1) is by means of an electronic device other than an electronic
 4 device provided by a public agency in the office of the public
 5 agency; or

6 (2) requires the compilation or creation of a list or report that does
 7 not result in the permanent electronic storage of the information.

8 (g) "Facsimile machine" means a machine that electronically
 9 transmits exact images through connection with a telephone network.

10 (h) "Inspect" includes the right to do the following:

11 (1) Manually transcribe and make notes, abstracts, or memoranda.

12 (2) In the case of tape recordings or other aural public records, to
 13 listen and manually transcribe or duplicate, or make notes,
 14 abstracts, or other memoranda from them.

15 (3) In the case of public records available:

16 (A) by enhanced access under section 3.5 of this chapter; or

17 (B) to a governmental entity under section 3(c)(2) of this
 18 chapter;

19 to examine and copy the public records by use of an electronic
 20 device.

21 (4) In the case of electronically stored data, to manually transcribe
 22 and make notes, abstracts, or memoranda or to duplicate the data
 23 onto a disk, tape, drum, or any other medium of electronic
 24 storage.

25 (i) "Investigatory record" means information compiled in the course
 26 of the investigation of a crime.

27 (j) "Law enforcement activity" means:

28 (1) a traffic stop;

29 (2) a pedestrian stop;

30 (3) an arrest;

31 (4) a search;

32 (5) an investigation;

33 (6) a pursuit;

34 (7) crowd control;

35 (8) traffic control; or

36 (9) any other instance in which a law enforcement officer is
 37 enforcing the law.

38 The term does not include an administrative activity, including the
 39 completion of paperwork related to a law enforcement activity, or a
 40 custodial interrogation conducted in a place of detention as described
 41 in Indiana Evidence Rule 617, regardless of the ultimate admissibility
 42 of a statement made during the custodial interrogation.



1 (k) "Law enforcement recording" means an audio, visual, or
 2 audiovisual recording of a law enforcement activity captured by a
 3 camera or other device that is:

- 4 (1) provided to or used by a law enforcement officer in the scope
 5 of the officer's duties; and
 6 (2) designed to be worn by a law enforcement officer or attached
 7 to the vehicle or transportation of a law enforcement officer.

8 (l) "Offender" means a person confined in a penal institution as the
 9 result of the conviction for a crime.

10 (m) "Patient" has the meaning set out in IC 16-18-2-272(d).

11 (n) "Person" means an individual, a corporation, a limited liability
 12 company, a partnership, an unincorporated association, or a
 13 governmental entity.

14 (o) "Private university police department" means the police officers
 15 appointed by the governing board of a private university under
 16 IC 21-17-5.

17 (p) "Provider" has the meaning set out in ~~IC 16-18-2-295(b)~~
 18 **IC 16-18-2-295(a)** and includes employees of the state department of
 19 health or local boards of health who create patient records at the
 20 request of another provider or who are social workers and create
 21 records concerning the family background of children who may need
 22 assistance.

23 (q) "Public agency", except as provided in section 2.1 of this
 24 chapter, means the following:

25 (1) Any board, commission, department, division, bureau,
 26 committee, agency, office, instrumentality, or authority, by
 27 whatever name designated, exercising any part of the executive,
 28 administrative, judicial, or legislative power of the state.

29 (2) Any:

30 (A) county, township, school corporation, city, or town, or any
 31 board, commission, department, division, bureau, committee,
 32 office, instrumentality, or authority of any county, township,
 33 school corporation, city, or town;

34 (B) political subdivision (as defined by IC 36-1-2-13); or

35 (C) other entity, or any office thereof, by whatever name
 36 designated, exercising in a limited geographical area the
 37 executive, administrative, judicial, or legislative power of the
 38 state or a delegated local governmental power.

39 (3) Any entity or office that is subject to:

40 (A) budget review by either the department of local
 41 government finance or the governing body of a county, city,
 42 town, township, or school corporation; or



- 1 (B) an audit by the state board of accounts that is required by
 2 statute, rule, or regulation.
- 3 (4) Any building corporation of a political subdivision that issues
 4 bonds for the purpose of constructing public facilities.
- 5 (5) Any advisory commission, committee, or body created by
 6 statute, ordinance, or executive order to advise the governing
 7 body of a public agency, except medical staffs or the committees
 8 of any such staff.
- 9 (6) Any law enforcement agency, which means an agency or a
 10 department of any level of government that engages in the
 11 investigation, apprehension, arrest, or prosecution of alleged
 12 criminal offenders, such as the state police department, the police
 13 or sheriff's department of a political subdivision, prosecuting
 14 attorneys, members of the excise police division of the alcohol
 15 and tobacco commission, conservation officers of the department
 16 of natural resources, gaming agents of the Indiana gaming
 17 commission, gaming control officers of the Indiana gaming
 18 commission, and the security division of the state lottery
 19 commission.
- 20 (7) Any license branch operated under IC 9-14.1.
- 21 (8) The state lottery commission established by IC 4-30-3-1,
 22 including any department, division, or office of the commission.
- 23 (9) The Indiana gaming commission established under IC 4-33,
 24 including any department, division, or office of the commission.
- 25 (10) The Indiana horse racing commission established by IC 4-31,
 26 including any department, division, or office of the commission.
- 27 (11) A private university police department. The term does not
 28 include the governing board of a private university or any other
 29 department, division, board, entity, or office of a private
 30 university.
- 31 (r) "Public record" means any writing, paper, report, study, map,
 32 photograph, book, card, tape recording, or other material that is
 33 created, received, retained, maintained, or filed by or with a public
 34 agency and which is generated on paper, paper substitutes,
 35 photographic media, chemically based media, magnetic or machine
 36 readable media, electronically stored data, or any other material,
 37 regardless of form or characteristics.
- 38 (s) "Standard-sized documents" includes all documents that can be
 39 mechanically reproduced (without mechanical reduction) on paper
 40 sized eight and one-half (8 1/2) inches by eleven (11) inches or eight
 41 and one-half (8 1/2) inches by fourteen (14) inches.
- 42 (t) "Trade secret" has the meaning set forth in IC 24-2-3-2.



1 (u) "Work product of an attorney" means information compiled by
 2 an attorney in reasonable anticipation of litigation. The term includes
 3 the attorney's:

- 4 (1) notes and statements taken during interviews of prospective
 5 witnesses; and
 6 (2) legal research or records, correspondence, reports, or
 7 memoranda to the extent that each contains the attorney's
 8 opinions, theories, or conclusions.

9 This definition does not restrict the application of any exception under
 10 section 4 of this chapter.

11 SECTION 12. IC 10-11-2-33, AS ADDED BY P.L.161-2014,
 12 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2019]: Sec. 33. (a) The superintendent shall adopt guidelines
 14 to establish a standard medical forensic examination kit for victims of
 15 a sex crime.

16 (b) The superintendent shall distribute the standard medical forensic
 17 examination kits to hospitals and other health care providers who may
 18 provide forensic medical forensic examinations to the victims of a sex
 19 crime. The superintendent may adopt guidelines to carry out this
 20 subsection.

21 SECTION 13. IC 12-26-2-5, AS AMENDED BY P.L.1-2007,
 22 SECTION 126, IS AMENDED TO READ AS FOLLOWS
 23 [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) This section applies under the
 24 following statutes:

- 25 (1) IC 12-26-6.
 26 (2) IC 12-26-7.
 27 (3) IC 12-26-12.
 28 (4) IC 12-26-15.

29 (b) A petitioner may be represented by counsel.

30 (c) The court may appoint counsel for a petitioner upon a showing
 31 of the petitioner's indigency and the court shall pay for such counsel if
 32 appointed.

33 (d) A petitioner, including a petitioner who is a health care provider
 34 under ~~IC 16-18-2-295(b)~~, **IC 16-18-2-295(a)**, in the petitioner's
 35 individual capacity or as a corporation is not required to be represented
 36 by counsel. If a petitioner who is a corporation elects not to be
 37 represented by counsel, the individual representing the corporation at
 38 the commitment hearing must present the court with written
 39 authorization from:

- 40 (1) an officer;
 41 (2) a director;
 42 (3) a principal; or



1 (4) a manager;
 2 of the corporation that authorizes the individual to represent the interest
 3 of the corporation in the proceedings.

4 (e) The petitioner is required to prove by clear and convincing
 5 evidence that:

6 (1) the individual is mentally ill and either dangerous or gravely
 7 disabled; and

8 (2) detention or commitment of that individual is appropriate.

9 SECTION 14. IC 16-18-2-1.8 IS REPEALED [EFFECTIVE JULY
 10 1, 2019]. Sec. 1:8. "Additional forensic services"; for purposes of
 11 IC 16-21-8, means the following:

12 (1) Initial pregnancy and sexually transmitted disease testing
 13 related to an alleged sex crime.

14 (2) Prophylactic medication related to pregnancy; pregnancy
 15 testing; or sexually transmitted disease testing. This subdivision
 16 includes HIV prophylactic medication.

17 (3) Alcohol and drug testing.

18 (4) Syphilis testing up to ninety (90) days after an alleged sex
 19 crime.

20 (5) Pregnancy testing up to thirty (30) days after an alleged sex
 21 crime.

22 (6) Mental health counseling concerning problems directly related
 23 to an alleged sex crime.

24 SECTION 15. IC 16-18-2-97, AS AMENDED BY P.L.161-2014,
 25 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2019]: Sec. 97. "Division" means the following:

27 (1) For purposes of IC 16-21-8, the meaning set forth in
 28 IC 16-21-8-0.2.

29 (2) (1) For purposes of IC 16-22-8, the meaning set forth in
 30 IC 16-22-8-3.

31 (3) (2) For purposes of IC 16-27, a group of individuals under the
 32 supervision of the director within the state department assigned
 33 the responsibility of implementing IC 16-27.

34 (4) (3) For purposes of IC 16-28, a group of individuals under the
 35 supervision of the director within the state department assigned
 36 the responsibility of implementing IC 16-28.

37 (5) (4) For purposes of IC 16-41-40, the division of family
 38 resources established by IC 12-13-1-1.

39 SECTION 16. IC 16-18-2-117.5 IS REPEALED [EFFECTIVE
 40 JULY 1, 2019]. Sec. 117.5. "Evidence"; for purposes of IC 16-21-8, has
 41 the meaning set forth in IC 16-21-8-0.2.

42 SECTION 17. IC 16-18-2-139.5 IS REPEALED [EFFECTIVE



1 JULY 1, 2019]. Sec. ~~139.5~~: "Forensic medical exam"; for purposes of
 2 IC ~~16-21-8~~, means the following:

3 (1) Appropriate procedures for acquiring evidence that may be
 4 used in a criminal proceeding against a person charged with a sex
 5 crime.

6 (2) Suturing and care of wounds that stem directly from the sex
 7 crime, including anesthesia and prescribed medication.

8 SECTION 18. IC 16-18-2-196.5 IS REPEALED [EFFECTIVE
 9 JULY 1, 2019]. Sec. ~~196.5~~: "Kit"; for purposes of IC ~~16-21-8-1.8~~, has
 10 the meaning set forth in IC ~~16-21-8-1.8(a)~~.

11 SECTION 19. IC 16-18-2-295, AS AMENDED BY P.L.161-2014,
 12 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2019]: Sec. 295. (a) "Provider"; for purposes of IC ~~16-21-8~~,
 14 has the meaning set forth in IC ~~16-21-8-0.2~~.

15 (b) (a) "Provider", for purposes of IC 16-38-5, IC 16-39 (except for
 16 IC 16-39-7), and IC 16-41-1 through IC 16-41-9, means any of the
 17 following:

18 (1) An individual (other than an individual who is an employee or
 19 a contractor of a hospital, a facility, or an agency described in
 20 subdivision (2) or (3)) who is licensed, registered, or certified as
 21 a health care professional, including the following:

- 22 (A) A physician.
- 23 (B) A psychotherapist.
- 24 (C) A dentist.
- 25 (D) A registered nurse.
- 26 (E) A licensed practical nurse.
- 27 (F) An optometrist.
- 28 (G) A podiatrist.
- 29 (H) A chiropractor.
- 30 (I) A physical therapist.
- 31 (J) A psychologist.
- 32 (K) An audiologist.
- 33 (L) A speech-language pathologist.
- 34 (M) A dietitian.
- 35 (N) An occupational therapist.
- 36 (O) A respiratory therapist.
- 37 (P) A pharmacist.
- 38 (Q) A sexual assault nurse examiner.

39 **(R) A sexual assault forensic examiner.**

40 (2) A hospital or facility licensed under IC 16-21-2 or IC 12-25 or
 41 described in IC 12-24-1 or IC 12-29.

42 (3) A health facility licensed under IC 16-28-2.



1 (4) A home health agency licensed under IC 16-27-1.

2 (5) An employer of a certified emergency medical technician, a
3 certified advanced emergency medical technician, or a licensed
4 paramedic.

5 (6) The state department or a local health department or an
6 employee, agent, designee, or contractor of the state department
7 or local health department.

8 **(7) A sexual assault treatment center.**

9 ~~(e)~~ **(b)** "Provider", for purposes of IC 16-39-7-1, has the meaning set
10 forth in IC 16-39-7-1(a).

11 ~~(d)~~ **(c)** "Provider", for purposes of IC 16-48-1, has the meaning set
12 forth in IC 16-48-1-3.

13 SECTION 20. IC 16-18-2-321.5 IS REPEALED [EFFECTIVE
14 JULY 1, 2019]. Sec. 321.5: "Sample"; for purposes of IC 16-21-8, has
15 the meaning set forth in IC 16-21-8-0.2.

16 SECTION 21. IC 16-18-2-326.5 IS REPEALED [EFFECTIVE
17 JULY 1, 2019]. Sec. 326.5: "Secured storage"; for purposes of
18 IC 16-21-8, has the meaning set forth in IC 16-21-8-0.2.

19 SECTION 22. IC 16-18-2-328.3 IS REPEALED [EFFECTIVE
20 JULY 1, 2019]. Sec. 328.3: "Sexual assault examination kit"; for
21 purposes of IC 16-21-8, has the meaning set forth in IC 16-21-8-0.2.

22 SECTION 23. IC 16-18-2-328.4 IS REPEALED [EFFECTIVE
23 JULY 1, 2019]. Sec. 328.4: "Sexual assault nurse examiner"; for
24 purposes of IC 16-21-8, has the meaning set forth in IC 16-21-8-0.2.

25 SECTION 24. IC 16-18-2-344, AS AMENDED BY THE
26 TECHNICAL CORRECTIONS BILL OF THE 2019 GENERAL
27 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2019]: Sec. 344. "Superintendent",

29 ~~(1)~~ for purposes of IC 16-21-8-1.8, has the meaning set forth in
30 ~~IC 10-11-1-4~~; and

31 ~~(2)~~ for purposes of IC 16-36-3, has the meaning set forth in
32 IC 12-7-2-188(3).

33 SECTION 25. IC 16-21-8 IS REPEALED [EFFECTIVE JULY 1,
34 2019]. (Emergency Services to Sex Crime Victims).

35 SECTION 26. IC 33-39-11 IS ADDED TO THE INDIANA CODE
36 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2019]:

38 **Chapter 11. Sexual Violence Response Training**

39 **Sec. 1. The following definitions apply throughout this chapter:**

40 **(1) "Sexual assault deputy prosecuting attorney" means a**
41 **deputy prosecuting attorney, including a chief deputy**
42 **prosecuting attorney, who works directly with a victim of**



1 sexual violence.

2 (2) "Sexual violence response training" has the meaning set
3 forth in IC 5-2-8-1.

4 **Sec. 2. Every sexual assault deputy prosecuting attorney shall**
5 **attend at least three (3) hours of sexual violence response training:**

6 (1) before January 1, 2023; and

7 (2) in every three (3) year period thereafter, beginning
8 January 1, 2023.

9 Sexual assault response training must be provided by a person
10 certified, recommended, or approved by a statewide nonprofit
11 sexual assault coalition as designated by the federal Centers for
12 Disease Control and Prevention under 42 U.S.C. 280 et seq.

13 **Sec. 3. A deputy prosecuting attorney who fails to meet the three**
14 **(3) hour sexual violence response training requirement:**

15 (1) before January 1, 2023; or

16 (2) in any three (3) year period thereafter;

17 **may not serve as a sexual assault deputy prosecuting attorney until**
18 **the deputy prosecuting attorney has received the required amount**
19 **of training. Makeup training hours relate back to the previous**
20 **period and may not be used to fulfill the training requirements for**
21 **the current three (3) year period.**

22 SECTION 27. IC 34-30-2-66.3 IS REPEALED [EFFECTIVE JULY
23 1, 2019]. ~~Sec. 66.3. IC 16-21-8-1.1 (Concerning a provider conducting~~
24 ~~a forensic medical examination).~~

25 SECTION 28. IC 34-30-2-147.3 IS ADDED TO THE INDIANA
26 CODE AS A NEW SECTION TO READ AS FOLLOWS
27 [EFFECTIVE JULY 1, 2019]: **Sec. 147.3. IC 35-33-15-3 (Concerning**
28 **a provider conducting a medical forensic examination).**

29 SECTION 29. IC 35-31.5-2-3.5 IS ADDED TO THE INDIANA
30 CODE AS A NEW SECTION TO READ AS FOLLOWS
31 [EFFECTIVE JULY 1, 2019]: **Sec. 3.5. "Additional medical forensic**
32 **services", for purposes of IC 35-33-15, has the meaning set forth in**
33 **IC 35-33-15-1.**

34 SECTION 30. IC 35-31.5-2-19.5 IS ADDED TO THE INDIANA
35 CODE AS A NEW SECTION TO READ AS FOLLOWS
36 [EFFECTIVE JULY 1, 2019]: **Sec. 19.5. "Anonymous kit", for**
37 **purposes of IC 35-33-15, has the meaning set forth in**
38 **IC 35-33-15-1.**

39 SECTION 31. IC 35-31.5-2-19.6 IS ADDED TO THE INDIANA
40 CODE AS A NEW SECTION TO READ AS FOLLOWS
41 [EFFECTIVE JULY 1, 2019]: **Sec. 19.6. "Anonymous victim", for**
42 **purposes of IC 35-33-15, has the meaning set forth in**



1 **IC 35-33-15-1.**

2 SECTION 32. IC 35-31.5-2-121.7 IS ADDED TO THE INDIANA
3 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2019]: **Sec. 121.7. "Evidence based, trauma**
5 **informed, and victim centered", for purposes of IC 35-33-15, has**
6 **the meaning set forth in IC 35-33-15-1.**

7 SECTION 33. IC 35-31.5-2-196.2 IS ADDED TO THE INDIANA
8 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
9 [EFFECTIVE JULY 1, 2019]: **Sec. 196.2. "Medical forensic**
10 **evidence", for purposes of IC 35-33-15, has the meaning set forth**
11 **in IC 35-33-15-1.**

12 SECTION 34. IC 35-31.5-2-196.3 IS ADDED TO THE INDIANA
13 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
14 [EFFECTIVE JULY 1, 2019]: **Sec. 196.3. "Medical forensic**
15 **examination", for purposes of IC 35-33-15, has the meaning set**
16 **forth in IC 35-33-15-1.**

17 SECTION 35. IC 35-31.5-2-255.5 IS ADDED TO THE INDIANA
18 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
19 [EFFECTIVE JULY 1, 2019]: **Sec. 255.5. "Provider", for purposes**
20 **of IC 35-33-15, has the meaning set forth in IC 35-33-15-1.**

21 SECTION 36. IC 35-31.5-2-288.5 IS ADDED TO THE INDIANA
22 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
23 [EFFECTIVE JULY 1, 2019]: **Sec. 288.5. "Secured storage", for**
24 **purposes of IC 35-33-15, has the meaning set forth in**
25 **IC 35-33-15-1.**

26 SECTION 37. IC 35-31.5-2-299.1 IS ADDED TO THE INDIANA
27 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
28 [EFFECTIVE JULY 1, 2019]: **Sec. 299.1. "Sexual assault crime", for**
29 **purposes of IC 35-33-15, has the meaning set forth in**
30 **IC 35-33-15-1.**

31 SECTION 38. IC 35-31.5-2-299.2 IS ADDED TO THE INDIANA
32 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
33 [EFFECTIVE JULY 1, 2019]: **Sec. 299.2. "Sexual assault evidence",**
34 **for purposes of IC 35-33-15, has the meaning set forth in**
35 **IC 35-33-15-1.**

36 SECTION 39. IC 35-31.5-2-299.3 IS ADDED TO THE INDIANA
37 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
38 [EFFECTIVE JULY 1, 2019]: **Sec. 299.3. "Sexual assault forensic**
39 **examiner", for purposes of IC 35-33-15, has the meaning set forth**
40 **in IC 35-33-15-1.**

41 SECTION 40. IC 35-31.5-2-299.4 IS ADDED TO THE INDIANA
42 CODE AS A **NEW** SECTION TO READ AS FOLLOWS



1 [EFFECTIVE JULY 1, 2019]: **Sec. 299.4. "Sexual assault kit", for**
 2 **purposes of IC 35-33-15, has the meaning set forth in**
 3 **IC 35-33-15-1.**

4 SECTION 41. IC 35-31.5-2-299.6 IS ADDED TO THE INDIANA
 5 CODE AS A NEW SECTION TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2019]: **Sec. 299.6. "Sexual assault response**
 7 **team", for purposes of IC 35-33-15, has the meaning set forth in**
 8 **IC 35-33-15-1.**

9 SECTION 42. IC 35-31.5-2-299.7 IS ADDED TO THE INDIANA
 10 CODE AS A NEW SECTION TO READ AS FOLLOWS
 11 [EFFECTIVE JULY 1, 2019]: **Sec. 299.7. "Sexual assault treatment**
 12 **center", for purposes of IC 35-33-15, has the meaning set forth in**
 13 **IC 35-33-15-1.**

14 SECTION 43. IC 35-31.5-2-299.8 IS ADDED TO THE INDIANA
 15 CODE AS A NEW SECTION TO READ AS FOLLOWS
 16 [EFFECTIVE JULY 1, 2019]: **Sec. 299.8. "Sexual assault victim",**
 17 **for purposes of IC 35-33-15, has the meaning set forth in**
 18 **IC 35-33-15-1.**

19 SECTION 44. IC 35-31.5-2-349, AS ADDED BY P.L.114-2012,
 20 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2019]: **Sec. 349. "Victim advocate", for purposes of**
 22 **IC 35-37-6 and IC 35-33-15, has the meaning set forth in**
 23 **IC 35-37-6-3.5.**

24 SECTION 45. IC 35-31.5-2-351.3 IS ADDED TO THE INDIANA
 25 CODE AS A NEW SECTION TO READ AS FOLLOWS
 26 [EFFECTIVE JULY 1, 2019]: **Sec. 351.3. "Victim services division",**
 27 **for purposes of IC 35-33-15, has the meaning set forth in**
 28 **IC 35-33-15-1.**

29 SECTION 46. IC 35-33-15 IS ADDED TO THE INDIANA CODE
 30 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2019]:

32 **Chapter 15. Coordinated Response to Sexual Assault**

33 **Sec. 1. The following definitions apply throughout this chapter:**

34 **(1) "Additional medical forensic services" means the**
 35 **following:**

36 **(A) Initial pregnancy and sexually transmitted disease**
 37 **testing related to an alleged sexual assault crime.**

38 **(B) Prophylactic medication related to pregnancy,**
 39 **pregnancy testing, or sexually transmitted disease testing.**
 40 **This clause includes HIV prophylactic medication.**

41 **(C) Alcohol and drug testing.**

42 **(D) Syphilis testing up to ninety (90) days after an alleged**



- 1 sexual assault crime.
- 2 (E) Pregnancy testing up to thirty (30) days after an
- 3 alleged sexual assault crime.
- 4 (F) Mental health counseling concerning problems directly
- 5 related to an alleged sexual assault crime.
- 6 (2) "Anonymous kit" means a sexual assault kit collected from
- 7 an anonymous victim.
- 8 (3) "Anonymous victim" means an adult sexual assault victim
- 9 who:
- 10 (A) is at least eighteen (18) years of age;
- 11 (B) is not an endangered adult (as defined by
- 12 IC 12-10-3-2); and
- 13 (C) elects not to report a sexual assault crime to law
- 14 enforcement.
- 15 (4) "Evidence based, trauma informed, and victim centered"
- 16 means a policy, procedure, program, or practice that has been
- 17 demonstrated to minimize retraumatization associated with
- 18 the criminal justice process by recognizing the presence of
- 19 trauma symptoms and acknowledging the role that trauma
- 20 has played in a sexual assault or sexual abuse victim's life, and
- 21 focusing on the needs and concerns of a victim that ensures
- 22 compassionate and sensitive delivery of services in a
- 23 nonjudgmental manner.
- 24 (5) "Medical forensic evidence" means information, results,
- 25 data, or items collected during or in connection with a medical
- 26 forensic examination or a sexual assault crime investigation.
- 27 The term includes sexual assault evidence.
- 28 (6) "Medical forensic examination" means the following:
- 29 (A) Appropriate procedures for acquiring medical forensic
- 30 evidence that may be used in a criminal proceeding against
- 31 a person charged with a sexual assault crime.
- 32 (B) Suturing and care of wounds that stem directly from
- 33 the sexual assault crime, including anesthesia and
- 34 prescribed medication.
- 35 (7) "Provider" means a hospital, sexual assault treatment
- 36 center, or licensed medical services provider that provides
- 37 medical forensic examinations and additional medical forensic
- 38 services to a sexual assault victim.
- 39 (8) "Secured storage" means a method of storing medical
- 40 forensic evidence that will adequately safeguard its integrity
- 41 and viability.
- 42 (9) "Sexual assault crime" means the following:



- 1 (A) Rape (IC 35-42-4-1).
 2 (B) Criminal deviate conduct (IC 35-42-4-2) (before its
 3 repeal).
 4 (C) Child molesting (IC 35-42-4-3).
 5 (D) Child exploitation (IC 35-42-4-4(b) or IC 35-42-4-4(c)).
 6 (E) Vicarious sexual gratification (including performing
 7 sexual conduct in the presence of a minor) (IC 35-42-4-5).
 8 (F) Child solicitation (IC 35-42-4-6).
 9 (G) Child seduction (IC 35-42-4-7).
 10 (H) Sexual misconduct with a minor (IC 35-42-4-9).
 11 (I) Incest (IC 35-46-1-3).
 12 (J) Sexual battery (IC 35-42-4-8).
 13 (K) Promotion of human sexual trafficking under
 14 IC 35-42-3.5-1.1.
 15 (L) Promotion of child sexual trafficking or promotion of
 16 sexual trafficking of a younger child under
 17 IC 35-42-3.5-1.2.
 18 (M) Child sexual trafficking (IC 35-42-3.5-1.3).
 19 (N) Human trafficking under IC 35-42-3.5-1.4 if:
 20 (i) the payment relates to prostitution, juvenile
 21 prostitution, or participating in sexual conduct; and
 22 (ii) the victim is less than eighteen (18) years of age.
 23 (O) Sexual misconduct by a service provider with a
 24 detained or supervised child (IC 35-44.1-3-10(c)).
 25 (P) An attempt or conspiracy to commit a crime listed in
 26 this subdivision.
 27 (Q) A crime under the laws of another jurisdiction,
 28 including a military court, that is substantially equivalent
 29 to any of the offenses listed in this subdivision.
 30 (10) "Sexual assault evidence" means the sexual assault kit
 31 and any other items collected during a medical forensic
 32 examination of a sexual assault victim by a provider.
 33 (11) "Sexual assault forensic examiner" means a registered
 34 nurse, nurse practitioner, physician, or physician assistant
 35 who:
 36 (A) has received training to provide comprehensive care to
 37 sexual assault victims; and
 38 (B) can:
 39 (i) conduct a medical forensic examination;
 40 (ii) collect evidence from a sexual assault victim; and
 41 (iii) provide expert testimony when needed.
 42 (12) "Sexual assault kit" means the standard medical forensic



1 examination kit for sexual assault victims developed by the
2 state police department under IC 10-11-2-33.

3 (13) "Sexual assault response team" means a
4 multidisciplinary team that includes a:

5 (A) law enforcement officer;

6 (B) provider;

7 (C) victim advocate; and

8 (D) prosecuting attorney or deputy prosecuting attorney;
9 that participates in the investigation of a sexual assault or that
10 provides services to a sexual assault victim.

11 (14) "Sexual assault treatment center" means a medical
12 facility:

13 (A) that provides evidence based, trauma informed, and
14 victim centered medical forensic services to a sexual
15 assault victim; and

16 (B) that uses sexual assault forensic examiners to perform
17 medical forensic examinations.

18 A sexual assault treatment center may be hospital or
19 community based.

20 (15) "Sexual assault victim" means a person who is the victim
21 of a sexual assault crime, even if the perpetrator of the sexual
22 assault crime has not been:

23 (A) charged; or

24 (B) convicted.

25 (16) "Victim advocate" has the meaning set forth in
26 IC 35-37-6-3.5.

27 (17) "Victim services division" refers to the victim services
28 division of the Indiana criminal justice institute established
29 under IC 5-2-6-8(a).

30 Sec. 2. (a) When practicable, a:

31 (1) law enforcement officer;

32 (2) provider; or

33 (3) victim advocate;

34 shall ensure that a medical forensic examination is performed at a
35 sexual assault treatment center.

36 (b) If a sexual assault treatment center is not available, a
37 hospital licensed under IC 16-21-2 that provides general medical
38 and surgical hospital services shall provide medical forensic
39 examinations and additional medical forensic services to every
40 sexual assault victim who requires a medical forensic examination
41 and additional medical forensic services in relation to injuries or
42 trauma resulting from the alleged sexual assault crime. To the



1 extent practicable, the hospital shall use a sexual assault kit and
 2 employ sexual assault forensic examiners to conduct medical
 3 forensic examinations and provide additional medical forensic
 4 services. The provision of services may not be dependent on a
 5 victim's reporting to, or cooperating with, law enforcement.

6 (c) Payment for services under this section shall be processed in
 7 accordance with rules adopted by the victim services division.

8 (d) Every provider that collects sexual assault evidence using a
 9 sexual assault kit shall submit an annual report to the state police
 10 department and the state sexual assault coalition designated by the
 11 federal Centers for Disease Control and Prevention (CDC) before
 12 November 1 of each year, including the date each sexual assault kit
 13 was used to collect evidence, the law enforcement agency that took
 14 custody of the kit, and the law enforcement case number assigned
 15 to the kit, if available.

16 Sec. 3. (a) A provider may conduct a medical forensic
 17 examination without the consent of the person who is the subject
 18 of the examination, or the consent of another person authorized to
 19 give consent under IC 16-36-1-5, if the following conditions are
 20 met:

21 (1) The person:

22 (A) does not have the capacity to provide informed consent
 23 under IC 16-36-1; and

24 (B) is incapable of providing consent, and in the medical
 25 opinion of the provider, will be incapable of providing
 26 consent within the time required for evidence to be
 27 collected through a medical forensic examination.

28 (2) The provider has a reasonable suspicion that the person is
 29 the victim of a sexual assault crime.

30 (b) The coroner may use the services of a sexual assault forensic
 31 examiner to assist with the investigation and collection of evidence
 32 when a suspected victim of sexual assault is deceased.

33 (c) A provider is immune from civil and criminal liability for
 34 conducting a medical forensic examination without consent in
 35 accordance with this section, unless the provider's determination
 36 under subsection (a) constitutes gross negligence or willful or
 37 wanton misconduct.

38 Sec. 4. (a) If a sexual assault response team has not been
 39 established in a county, the county may establish a sexual assault
 40 response team or join with one (1) or more other counties to
 41 establish a regional sexual assault response team. If the county
 42 does not establish a sexual assault response team or join a regional



1 sexual assault response team, the prosecuting attorney shall
 2 establish a sexual assault response team.

3 (b) A sexual assault response team shall consist of the following
 4 members:

5 (1) The prosecuting attorney or a designee of the prosecuting
 6 attorney who specializes in sexual assault cases.

7 (2) A law enforcement officer with experience in sexual
 8 assault investigations, appointed by the county (if the county
 9 established the sexual assault response team) or the
 10 prosecuting attorney (if the prosecuting attorney established
 11 the sexual assault response team).

12 (3) A victim advocate who provides services to a sexual
 13 assault victim, appointed by the county (if the county
 14 established the sexual assault response team) or the
 15 prosecuting attorney (if the prosecuting attorney established
 16 the sexual assault response team).

17 (4) A sexual assault forensic examiner appointed by the
 18 county (if the county established the sexual assault response
 19 team) or the prosecuting attorney (if the prosecuting attorney
 20 established the sexual assault response team). If a sexual
 21 assault forensic examiner is unavailable, the appointing
 22 authority shall appoint another provider with experience in
 23 treating sexual assault victims.

24 (5) Any other individuals with relevant experience, appointed
 25 after consultation with the members described in subdivisions
 26 (1) through (4) at the discretion of the county (if the county
 27 established the sexual assault response team) or the
 28 prosecuting attorney (if the prosecuting attorney established
 29 the sexual assault response team).

30 Sec. 5. (a) Each sexual assault response team shall develop a
 31 plan that establishes the protocol for an evidence based, trauma
 32 informed, and victim centered response to sexual assault victims,
 33 including the:

- 34 (1) collection;
 35 (2) preservation;
 36 (3) secured storage;
 37 (4) tracking;
 38 (5) testing; and
 39 (6) destruction;

40 of sexual assault kits.

41 (b) The plan under subsection (a) must include the following
 42 provisions:



- 1 (1) A method to maintain the confidentiality of an anonymous
 2 victim regarding the chain of custody and secured storage of
 3 evidence collected during a medical forensic examination.
 4 (2) The development of a victim notification form to notify a
 5 anonymous victim of the victim's rights under the law.
 6 (3) A method for an anonymous victim to receive the victim
 7 notification form.
 8 (4) A method to determine the law enforcement agency that
 9 will receive and transport sexual assault evidence from
 10 providers.
 11 (5) Agreements among providers and law enforcement
 12 agencies to pick up and store sexual assault evidence.
 13 (6) A requirement to maintain an anonymous kit in secured
 14 storage for at least five (5) years.
 15 (7) A requirement that law enforcement investigate and
 16 prepare a complete written report for all allegations of sexual
 17 assault that are not anonymous.
 18 (8) A requirement that all written reports of sexual assault be
 19 submitted to the prosecuting attorney for review and charging
 20 consideration.
 21 (9) A requirement that sexual assault kits for which the
 22 suspect is unknown be submitted for testing immediately.
 23 However, anonymous kits may not be submitted for testing.
 24 (10) A requirement that all sexual assault kits that are not
 25 anonymous kits:
 26 (A) be transported to the Indiana state police laboratory or
 27 the Marion County crime laboratory (as appropriate) not
 28 later than thirty (30) days after the sexual assault kit is
 29 obtained;
 30 (B) be analyzed if felony criminal charges are not filed;
 31 and
 32 (C) regarding the results of the analysis, be:
 33 (i) submitted to the federal Combined DNA Index
 34 System (as defined by IC 10-13-6-1); and
 35 (ii) compared with local and national data in the
 36 Combined DNA Index System for DNA matches.
 37 (11) Procedures to destroy sexual assault evidence following
 38 expiration of the applicable statute of limitations.
 39 (12) A provision for regular evidence based, trauma informed,
 40 and victim centered training for all sexual assault response
 41 team members.
 42 (13) A provision requiring a victim advocate to be notified



1 immediately by a provider or law enforcement officer when
 2 the provider or law enforcement officer encounters a
 3 suspected sexual assault victim.

4 (14) A requirement that a victim advocate be available to
 5 meet with a suspected sexual assault victim as soon as
 6 possible.

7 Sec. 6. Except as provided in section 3 of this chapter, a provider
 8 that performs a medical forensic examination and provides
 9 additional medical forensic services shall provide the medical
 10 forensic examination and additional medical forensic services to
 11 sexual assault victims under this chapter with the consent of the
 12 sexual assault victim.

13 Sec. 7. (a) In accordance with IC 5-2-6.1, the victim services
 14 division shall award compensation or reimbursement under this
 15 chapter for medical forensic examinations.

16 (b) The victim services division is not required to award
 17 compensation or reimbursement under this chapter for additional
 18 medical forensic services unless the following conditions are met:

19 (1) The sexual assault crime occurred in Indiana.

20 (2) The victim is:

21 (A) at least eighteen (18) years of age and not an
 22 endangered adult;

23 (B) an endangered adult and a report of the sexual assault
 24 crime has been made to adult protective services or a law
 25 enforcement officer; or

26 (C) less than eighteen (18) years of age and a report of the
 27 sexual assault crime has been made to the department of
 28 child services or a law enforcement officer. The victim
 29 services division shall award compensation or
 30 reimbursement for the medical forensic examination of a
 31 child regardless of whether forensically significant
 32 information is anticipated.

33 If the victim services division finds a compelling reason for failure
 34 to comply with this section, the victim services division may
 35 suspend the requirements of this section.

36 (c) A claim filed for services provided at a time before the
 37 provision of the medical forensic examinations and additional
 38 medical forensic services for which an application for
 39 reimbursement is filed is not covered under this chapter.

40 Sec. 8. (a) When a provider provides a medical forensic
 41 examination and additional medical forensic services under this
 42 chapter to a sexual assault victim, the provider shall conduct the



1 examination and furnish the additional services without charge.

2 (b) In accordance with IC 5-2-6.1, the victim services division
3 shall reimburse a provider for the cost for providing services.

4 (c) An application for reimbursement under subsection (b) must
5 be filed not more than one hundred eighty (180) days after the date
6 the service was provided.

7 (d) The victim services division shall approve or deny a
8 completed application for reimbursement filed under subsection (c)
9 in accordance with rules adopted by the division.

10 (e) A provider may not charge a sexual assault victim for
11 services required under this chapter despite delays in
12 reimbursement from the victim services division.

13 **Sec. 9.** This chapter does not require a provider to provide a
14 service related to an abortion.

15 **Sec. 10.** Before discharging an anonymous victim, a provider
16 shall:

17 (1) require the anonymous victim to sign a form that notifies
18 the anonymous victim of the anonymous victim's rights under
19 this chapter;

20 (2) provide a copy of the signed form to the anonymous
21 victim; and

22 (3) inform a law enforcement agency that the sexual assault
23 evidence is available.

24 **Sec. 11. (a)** A law enforcement agency shall:

25 (1) obtain all sexual assault evidence within five (5) days after
26 receiving a provider's notification under section 10 of this
27 chapter, or otherwise;

28 (2) subject to subdivision (3), transport all sexual assault
29 evidence to secured storage; and

30 (3) not later than thirty (30) days after obtaining the sexual
31 assault kit, transport every nonanonymous sexual assault kit
32 to the state police crime laboratory or the Marion County
33 crime laboratory, as appropriate:

34 (A) for analysis and entry into the Combined DNA Index
35 System (as defined by IC 10-13-6-1); and

36 (B) to be compared with local and national data in the
37 Combined DNA Index System for DNA matches.

38 (b) A law enforcement agency shall keep all anonymous kits in
39 secured storage at least five (5) years after the date the anonymous
40 kit is obtained.

41 (c) If an anonymous victim reports a sexual assault crime within
42 five (5) years, a law enforcement agency shall investigate the crime



1 **and prepare and submit a complete written report to the**
 2 **prosecuting attorney for review and charging consideration.**

3 SECTION 47. IC 35-50-5-3, AS AMENDED BY P.L.111-2018,
 4 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2019]: Sec. 3. (a) Except as provided in subsection (i), (j), (l),
 6 or (m), in addition to any sentence imposed under this article for a
 7 felony or misdemeanor, the court may, as a condition of probation or
 8 without placing the person on probation, order the person to make
 9 restitution to the victim of the crime, the victim's estate, or the family
 10 of a victim who is deceased. The court shall base its restitution order
 11 upon a consideration of:

12 (1) property damages of the victim incurred as a result of the
 13 crime, based on the actual cost of repair (or replacement if repair
 14 is inappropriate);

15 (2) medical and hospital costs incurred by the victim (before the
 16 date of sentencing) as a result of the crime;

17 (3) the cost of medical laboratory tests to determine if the crime
 18 has caused the victim to contract a disease or other medical
 19 condition;

20 (4) earnings lost by the victim (before the date of sentencing) as
 21 a result of the crime including earnings lost while the victim was
 22 hospitalized or participating in the investigation or trial of the
 23 crime; and

24 (5) funeral, burial, or cremation costs incurred by the family or
 25 estate of a homicide victim as a result of the crime.

26 (b) A restitution order under subsection (a), (i), (j), (l), or (m) is a
 27 judgment lien that:

28 (1) attaches to the property of the person subject to the order;

29 (2) may be perfected;

30 (3) may be enforced to satisfy any payment that is delinquent
 31 under the restitution order by the person in whose favor the order
 32 is issued or the person's assignee; and

33 (4) expires;

34 in the same manner as a judgment lien created in a civil proceeding.

35 (c) When a restitution order is issued under subsection (a), the
 36 issuing court may order the person to pay the restitution, or part of the
 37 restitution, directly to:

38 (1) the victim services division of the Indiana criminal justice
 39 institute in an amount not exceeding:

40 (A) the amount of the award, if any, paid to the victim under
 41 IC 5-2-6.1; and

42 (B) the cost of the reimbursements, if any, for emergency



- 1 services provided to the victim under IC 16-10-1.5 (before its
 2 repeal) or ~~IC 16-21-8~~; **IC 35-33-15**; or
 3 (2) a probation department that shall forward restitution or part of
 4 restitution to:
 5 (A) a victim of a crime;
 6 (B) a victim's estate; or
 7 (C) the family of a victim who is deceased.
- 8 The victim services division of the Indiana criminal justice institute
 9 shall deposit the restitution it receives under this subsection in the
 10 violent crime victims compensation fund established by IC 5-2-6.1-40.
- 11 (d) When a restitution order is issued under subsection (a), (i), (j),
 12 (l), or (m), the issuing court shall send a certified copy of the order to
 13 the clerk of the circuit court in the county where the felony or
 14 misdemeanor charge was filed. The restitution order must include the
 15 following information:
 16 (1) The name and address of the person that is to receive the
 17 restitution.
 18 (2) The amount of restitution the person is to receive.
- 19 Upon receiving the order, the clerk shall enter and index the order in
 20 the circuit court judgment docket in the manner prescribed by
 21 IC 33-32-3-2. The clerk shall also notify the department of insurance
 22 of an order of restitution under subsection (i).
- 23 (e) An order of restitution under subsection (a), (i), (j), (l), or (m)
 24 does not bar a civil action for:
 25 (1) damages that the court did not require the person to pay to the
 26 victim under the restitution order but arise from an injury or
 27 property damage that is the basis of restitution ordered by the
 28 court; and
 29 (2) other damages suffered by the victim.
- 30 (f) Regardless of whether restitution is required under subsection (a)
 31 as a condition of probation or other sentence, the restitution order is not
 32 discharged by the completion of any probationary period or other
 33 sentence imposed for a felony or misdemeanor.
- 34 (g) A restitution order under subsection (a), (i), (j), (l), or (m) is not
 35 discharged by the liquidation of a person's estate by a receiver under
 36 IC 32-30-5 (or IC 34-48-1, IC 34-48-4, IC 34-48-5, IC 34-48-6,
 37 IC 34-1-12, or IC 34-2-7 before their repeal).
- 38 (h) The attorney general may pursue restitution ordered by the court
 39 under subsections (a) and (c) on behalf of the victim services division
 40 of the Indiana criminal justice institute established under IC 5-2-6-8.
- 41 (i) The court may order the person convicted of an offense under
 42 IC 35-43-9 to make restitution to the victim of the crime. The court



1 shall base its restitution order upon a consideration of the amount of
2 money that the convicted person converted, misappropriated, or
3 received, or for which the convicted person conspired. The restitution
4 order issued for a violation of IC 35-43-9 must comply with
5 subsections (b), (d), (e), and (g), and is not discharged by the
6 completion of any probationary period or other sentence imposed for
7 a violation of IC 35-43-9.

8 (j) The court may order the person convicted of an offense under
9 IC 35-43-5-3.5 to make restitution to the victim of the crime, the
10 victim's estate, or the family of a victim who is deceased. The court
11 shall base its restitution order upon a consideration of the amount of
12 fraud or harm caused by the convicted person and any reasonable
13 expenses (including lost wages) incurred by the victim in correcting the
14 victim's credit report and addressing any other issues caused by the
15 commission of the offense under IC 35-43-5-3.5. If, after a person is
16 sentenced for an offense under IC 35-43-5-3.5, a victim, a victim's
17 estate, or the family of a victim discovers or incurs additional expenses
18 that result from the convicted person's commission of the offense under
19 IC 35-43-5-3.5, the court may issue one (1) or more restitution orders
20 to require the convicted person to make restitution, even if the court
21 issued a restitution order at the time of sentencing. For purposes of
22 entering a restitution order after sentencing, a court has continuing
23 jurisdiction over a person convicted of an offense under IC 35-43-5-3.5
24 for five (5) years after the date of sentencing. Each restitution order
25 issued for a violation of IC 35-43-5-3.5 must comply with subsections
26 (b), (d), (e), and (g), and is not discharged by the completion of any
27 probationary period or other sentence imposed for an offense under
28 IC 35-43-5-3.5.

29 (k) The court shall order a person convicted of an offense under
30 IC 35-42-3.5 to make restitution to the victim of the crime in an amount
31 equal to the greater of the following:

32 (1) The gross income or value to the person of the victim's labor
33 or services.

34 (2) The value of the victim's labor as guaranteed under the
35 minimum wage and overtime provisions of:

36 (A) the federal Fair Labor Standards Act of 1938, as amended
37 (29 U.S.C. 201-209); or

38 (B) IC 22-2-2 (Minimum Wage);

39 whichever is greater.

40 (l) The court shall order a person who:

41 (1) is convicted of dealing in methamphetamine under
42 IC 35-48-4-1.1 or manufacturing methamphetamine under



1 IC 35-48-4-1.2; and
 2 (2) manufactured the methamphetamine on property owned by
 3 another person, without the consent of the property owner;
 4 to pay liquidated damages to the property owner in the amount of ten
 5 thousand dollars (\$10,000) or to pay actual damages to the property
 6 owner, including lost rent and the costs of decontamination by a
 7 qualified inspector certified under IC 16-19-3.1.

8 (m) The court shall order a person who:

9 (1) is convicted of dealing in marijuana under
 10 IC 35-48-4-10(a)(1)(A); and
 11 (2) manufactured the marijuana on property owned by another
 12 person, without the consent of the property owner;
 13 to pay liquidated damages to the property owner in the amount of two
 14 thousand dollars (\$2,000).

15 SECTION 48. IC 36-2-14-21, AS AMENDED BY P.L.1-2007,
 16 SECTION 240, IS AMENDED TO READ AS FOLLOWS
 17 [EFFECTIVE JULY 1, 2019]: Sec. 21. (a) As used in this section,
 18 "health records" means written, electronic, or printed information
 19 possessed by a provider concerning any diagnosis, treatment, or
 20 prognosis of the patient. The term includes mental health records,
 21 alcohol and drug abuse records, and emergency ambulance service
 22 records.

23 (b) As used in this section, "provider" has the meaning set forth in
 24 ~~IC 16-18-2-295(b)~~. **IC 16-18-2-295(a)**.

25 (c) As part of a medical examination or autopsy conducted under
 26 this chapter, a coroner may obtain a copy of the decedent's health
 27 records.

28 (d) Except as provided in subsection (e), health records obtained
 29 under this section are confidential.

30 (e) The coroner may provide the health records of a decedent that
 31 were obtained under this section to a prosecuting attorney or law
 32 enforcement agency that is investigating the individual's death. Health
 33 records received from a coroner under this subsection are confidential.

34 (f) A person who receives confidential records or information under
 35 this section and knowingly or intentionally discloses the records or
 36 information to an unauthorized person commits a Class A
 37 misdemeanor.

38 SECTION 49. IC 36-8-3-20, AS AMENDED BY P.L.180-2017,
 39 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2019]: Sec. 20. (a) This section applies to counties and towns
 41 as well as cities.

42 (b) A unit may provide by ordinance for any number of police



- 1 reserve officers.
- 2 (c) Police reserve officers shall be appointed by the same authority
3 that appoints regular members of the department.
- 4 (d) Police reserve officers may be designated by another name
5 specified by ordinance.
- 6 (e) Police reserve officers may not be members of the regular police
7 department but have all of the same police powers as regular members,
8 except as limited by the rules of the department. Each department may
9 adopt rules to limit the authority of police reserve officers.
- 10 (f) To the extent that money is appropriated for a purpose listed in
11 this subsection, police reserve officers may receive any of the
12 following:
- 13 (1) A uniform allowance.
- 14 (2) Compensation for time lost from other employment because
15 of court appearances.
- 16 (3) In the case of county police reserve officers, compensation for
17 lake patrol duties that the county sheriff assigns and approves for
18 compensation.
- 19 (g) Police reserve officers are not eligible to participate in any
20 pension program provided for regular members of the department.
- 21 (h) A police reserve officer may not be appointed until the officer
22 has completed the training and probationary period specified by rules
23 of the department.
- 24 (i) A police reserve officer appointed by the department after June
25 30, 1993, may not:
- 26 (1) make an arrest;
- 27 (2) conduct a search or a seizure of a person or property; or
- 28 (3) carry a firearm;
- 29 unless the police reserve officer successfully completes a pre-basic
30 course under IC 5-2-1-9(f).
- 31 (j) A police reserve officer carrying out lake patrol duties under this
32 chapter is immune from liability under IC 34-30-12, notwithstanding
33 the payment of compensation to the officer.
- 34 (k) After June 30, 2015, a police reserve officer who has
35 satisfactorily completed pre-basic training and has been appointed to
36 a law enforcement department or agency on either a full-time or
37 part-time basis is not eligible for continued employment unless the
38 police reserve officer satisfactorily completes the mandatory inservice
39 training requirements established by rules adopted by the law
40 enforcement training board (created by IC 5-2-1-3). Inservice training
41 must include training in interacting with persons with mental illness,
42 addictive disorders, intellectual disabilities, autism, developmental



1 disabilities, and Alzheimer's disease or related senile dementia, to be
 2 provided by persons approved by the secretary of family and social
 3 services and the board. The inservice training must also concern human
 4 and sexual trafficking and high risk missing persons (as defined in
 5 IC 5-2-17-1), **and sexual violence response training (as defined in**
 6 **IC 5-2-8-1), provided by a person certified, recommended, or**
 7 **approved by a statewide nonprofit sexual assault coalition as**
 8 **designated by the federal Centers for Disease Control and**
 9 **Prevention under 42 U.S.C. 280 et seq. Every police reserve officer**
 10 **must receive at least three (3) hours of sexual violence response**
 11 **training before January 1, 2023, and in every three (3) year period**
 12 **thereafter, beginning January 1, 2023.** The board may approve
 13 courses offered by other public or private training entities, including
 14 postsecondary educational institutions, as necessary in order to ensure
 15 the availability of an adequate number of inservice training programs.
 16 The board may waive a police reserve officer's inservice training
 17 requirements if the board determines that the police reserve officer's
 18 reason for lacking the required amount of inservice training hours is
 19 due to either of the following:

20 (1) An emergency situation.

21 (2) The unavailability of courses.

22 (l) After December 31, 2017, a unit shall:

23 (1) provide the coverage specified in section 22 of this chapter;
 24 and

25 (2) pay the amounts specified in section 23 of this chapter;

26 for a police reserve officer who is injured or contracts an illness in the
 27 course of or as the result of the performance of duties as a police
 28 reserve officer.

29 (m) A unit may purchase policies of group insurance or establish a
 30 plan of self-insurance to meet its obligations under section 22 or 23 of
 31 this chapter. The establishment of a self-insurance program under this
 32 subsection is subject to the approval of the unit's fiscal body. Expenses
 33 incurred for premiums for insurance or for other charges or expenses
 34 under sections 22 and 23 of this chapter shall be paid out of the unit's
 35 general fund in the same manner as other expenses of the unit are paid.

