

First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

## SENATE ENROLLED ACT No. 80

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AN ACT to amend the Indiana Code concerning general provisions.

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

SECTION 1. IC 35-52-9 IS REPEALED [EFFECTIVE JULY 1, 2023]. (IC 9 Criminal Statutes).

SECTION 2. IC 35-52-9.1 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]:

**Chapter 9.1. IC 9 Criminal Statutes**

**Sec. 1. IC 9-14-13-11 defines a crime concerning the bureau of motor vehicles.**

**Sec. 2. IC 9-17-2-15 defines a crime concerning certificates of title.**

**Sec. 3. IC 9-18.1-2-12 defines a crime concerning motor vehicle registration and license plates.**

**Sec. 4. IC 9-18.1-4-8 defines a crime concerning motor vehicle registration and license plates.**

**Sec. 5. IC 9-18.1-14-10 defines a crime concerning off-road vehicles and snowmobiles.**

**Sec. 6. IC 9-18.1-14.5-5 defines a crime concerning proof of registration of a watercraft.**

**Sec. 7. IC 9-18.5-6-1 defines a crime concerning vehicle registration and license plates.**

**Sec. 8. IC 9-18.5-8-3 defines a crime concerning license plates and placards.**

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Sec. 9. IC 9-19-10.5-2 defines a crime concerning motor vehicle equipment.

Sec. 10. IC 9-19-10.5-3 defines a crime concerning motor vehicle equipment.

Sec. 11. IC 9-19-14-4 defines a crime concerning traffic regulation.

Sec. 12. IC 9-19-14-5.5 defines a crime concerning motor vehicle equipment.

Sec. 13. IC 9-21-5-14 defines a crime concerning traffic regulation.

Sec. 14. IC 9-21-6-3 defines a crime concerning traffic regulation.

Sec. 15. IC 9-21-8-35 defines a crime concerning traffic regulation.

Sec. 16. IC 9-21-8-50 defines a crime concerning traffic regulation.

Sec. 17. IC 9-21-8-52 defines a crime concerning traffic regulation.

Sec. 18. IC 9-21-8-55 defines a crime concerning traffic regulation.

Sec. 19. IC 9-21-8-56 defines a crime concerning traffic regulation.

Sec. 20. IC 9-21-8-58 defines a crime concerning traffic regulation.

Sec. 21. IC 9-21-12-5 defines a crime concerning traffic regulation.

Sec. 22. IC 9-21-12-13 defines a crime concerning traffic regulation.

Sec. 23. IC 9-21-12-14 defines a crime concerning traffic regulation.

Sec. 24. IC 9-21-12-15 defines a crime concerning traffic regulation.

Sec. 25. IC 9-21-12-16 defines a crime concerning traffic regulation.

Sec. 26. IC 9-21-12-18 defines a crime concerning traffic regulation.

Sec. 27. IC 9-22-3-18.5 defines a crime concerning abandoned, salvaged, and scrap vehicles.

Sec. 28. IC 9-22-3-31 defines a crime concerning abandoned, salvaged, and scrap vehicles.

Sec. 29. IC 9-22-3-32 defines a crime concerning nontitle state certificates of title or ownership papers.



**Sec. 30. IC 9-22-5-18 defines a crime concerning scrapping and dismantling vehicles.**

**Sec. 31. IC 9-24-6.1-7 defines a crime concerning commercial motor vehicles.**

**Sec. 32. IC 9-24-6.1-8 defines a crime concerning commercial motor vehicles.**

**Sec. 33. IC 9-24-11-8 defines a crime concerning driver's licenses.**

**Sec. 34. IC 9-24-16-12 defines a crime concerning identification.**

**Sec. 35. IC 9-24-16-12.5 defines a crime concerning identification cards.**

**Sec. 36. IC 9-24-16.5-10 defines a crime concerning photo exempt identification cards.**

**Sec. 37. IC 9-24-16.5-11 defines a crime concerning photo exempt identification cards.**

**Sec. 38. IC 9-24-18-1 defines a crime concerning driver's licenses.**

**Sec. 39. IC 9-24-18-2 defines a crime concerning driver's licenses.**

**Sec. 40. IC 9-24-18-7.5 defines a crime concerning driver's licenses.**

**Sec. 41. IC 9-24-19-2 defines a crime concerning driver's licenses.**

**Sec. 42. IC 9-24-19-3 defines a crime concerning driver's licenses.**

**Sec. 43. IC 9-25-8-2 defines a crime concerning financial responsibility.**

**Sec. 44. IC 9-26-1-1.1 defines a crime concerning accidents and accident reports.**

**Sec. 45. IC 9-26-1-1.2 defines a crime concerning motor vehicle accidents and traffic obstruction.**

**Sec. 46. IC 9-26-1-1.5 defines a crime concerning motor vehicle accidents.**

**Sec. 47. IC 9-26-6-2 defines a crime concerning accidents and accident reports.**

**Sec. 48. IC 9-30-4-8 defines a crime concerning licenses and registrations.**

**Sec. 49. IC 9-30-4-13 defines a crime concerning failure to answer after notice of a motor vehicle law violation.**

**Sec. 50. IC 9-30-5-1 defines a crime concerning operating a vehicle while intoxicated.**

**Sec. 51. IC 9-30-5-2 defines a crime concerning operating a**



vehicle while intoxicated.

Sec. 52. IC 9-30-5-3 defines a crime concerning operating a vehicle while intoxicated.

Sec. 53. IC 9-30-5-4 defines a crime concerning operating a vehicle while intoxicated.

Sec. 54. IC 9-30-5-5 defines a crime concerning operating a vehicle while intoxicated.

Sec. 55. IC 9-30-5-7 defines a crime concerning operating a vehicle while intoxicated.

Sec. 56. IC 9-30-5-8 defines a crime concerning operating a vehicle while intoxicated.

Sec. 57. IC 9-30-5-16 defines a crime concerning operating a vehicle while intoxicated.

Sec. 58. IC 9-30-6-8 defines a crime concerning operating a vehicle while intoxicated.

Sec. 59. IC 9-30-9-7.5 defines a crime concerning alcohol abuse deterrent programs.

Sec. 60. IC 9-30-10-16 defines a crime concerning habitual violation of traffic laws.

Sec. 61. IC 9-30-10-17 defines a crime concerning habitual violation of traffic laws.

Sec. 62. IC 9-30-16-5 defines a crime concerning driving privileges.

Sec. 63. IC 9-32-3-12 defines a crime concerning records of the dealer services division of the office of the secretary of state.

Sec. 64. IC 9-32-4-1 defines a crime concerning certificates of title.

Sec. 65. IC 9-32-6-13 defines a crime concerning interim license plates.

Sec. 66. IC 9-32-8-9 defines a crime concerning temporary license plates.

Sec. 67. IC 9-32-9-13 defines a crime concerning abandoned, salvaged, and scrap vehicles.

Sec. 68. IC 9-32-9-16 defines a crime concerning abandoned, salvaged, and scrap vehicles.

Sec. 69. IC 9-32-9-29 defines a crime concerning buying a motor vehicle without a certificate of title.

SECTION 3. IC 9-21-8-55, AS AMENDED BY P.L.40-2007, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 55. (a) This section does not apply to a law enforcement official engaged in the law enforcement official's official duties.



(b) For purposes of this section, a person engages in aggressive driving if, during one (1) episode of continuous driving of a vehicle, the person does or commits at least three (3) of the following:

- (1) Following a vehicle too closely in violation of IC 9-21-8-14.
- (2) Unsafe operation of a vehicle in violation of IC 9-21-8-24.
- (3) Overtaking another vehicle on the right by driving off the roadway in violation of IC 9-21-8-6.
- (4) Unsafe stopping or slowing a vehicle in violation of IC 9-21-8-26.
- (5) Unnecessary sounding of the horn in violation of IC 9-19-5-2.
- (6) Failure to yield in violation of IC 9-21-8-29 through IC 9-21-8-34.
- (7) Failure to obey a traffic control device in violation of IC 9-21-8-41.
- (8) Driving at an unsafe speed in violation of IC 9-21-5.
- (9) Repeatedly flashing the vehicle's headlights.

(c) A person who, with the intent to harass or intimidate a person in another vehicle, knowingly or intentionally engages in aggressive driving commits aggressive driving, a Class A misdemeanor, except as provided in IC 9-21-8-56(d), ~~(f)~~, ~~(g)~~, and ~~(h)~~: **IC 9-21-8-56(f), IC 9-21-8-56(g), and IC 9-21-8-56(h).**

SECTION 4. IC 8-1-2-19, AS AMENDED BY P.L.2-2023, SECTION 1, AND AS AMENDED BY HEA 1417-2023, SECTION 2, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 20, 2023 (RETROACTIVE)]: Sec. 19. (a) Every public utility shall carry a separate, proper and adequate depreciation account whenever the commission, after investigation, shall determine that such depreciation account reasonably can be required.

(b) The commission, from time to time, shall ascertain and determine the proper and adequate rates of depreciation of the several classes of property of each public utility. ~~The Depreciation rates under this subsection shall be calculated to recover a reasonable estimate of the future cost of removing retired assets of the public utility.~~

(c) A public utility's rates, tolls and charges shall be such as will provide the amounts required over and above the reasonable and necessary operating expenses, to maintain such property in an operating state of efficiency corresponding to the progress of the industry. *In a proceeding in which the costs of a capital asset are being recognized for ratemaking purposes, a public utility may account for any asset retirement obligations and recover, through rates charged to customers, reasonably and prudently incurred costs associated with asset retirement obligations, to the extent the specific asset retirement*



*obligation costs are incremental and have not otherwise been included in depreciation rates.* Each public utility shall conform its depreciation accounts to ~~such~~ the rates so ascertained and determined by the commission.

(d) *Subject to IC 8-1-8.5-2.1(d), the commission shall make changes in ~~such~~ a public utility's rates of depreciation, from time to time, as it may find the commission finds necessary, including as necessary to reflect changes in:*

- (1) *the public utility's estimated asset retirement costs, including all reasonable and prudent costs of removing retired assets; and*
- (2) *the estimated retirement dates of assets of the public utility.*

SECTION 5. IC 8-1-8.4-7, AS AMENDED BY P.L.2-2023, SECTION 5, AND AS AMENDED BY HEA 1417-2023, SECTION 3, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 20, 2023 (RETROACTIVE)]: Sec. 7. (a) As a condition for receiving the certificate required under section 6 of this chapter, an energy utility must file with the commission an application that sets forth the information described in section 6(b) of this chapter, supported with technical information in as much detail as the commission requires. *An application under this section must be filed either:*

- (1) *before; or*
- (2) *within a reasonable time with respect to;*

*any federally mandated compliance date.*

(b) The commission shall hold a properly noticed public hearing on each application and grant a certificate only if the commission has:

- (1) *made a finding that the public convenience and necessity will be served by the ~~proposed~~ compliance project;*
- (2) *approved the ~~incurred and~~ projected federally mandated costs associated with the ~~proposed~~ compliance project; and*
- (3) *made a finding on each of the factors set forth in section 6(b) of this chapter.*

(c) If the commission approves under subsection (b) a ~~proposed~~ compliance project and the ~~projected~~ federally mandated costs associated with the ~~proposed~~ compliance project, the following apply:

- (1) *Eighty percent (80%) of the approved federally mandated costs shall be recovered by the energy utility through a periodic retail rate adjustment mechanism that allows the timely recovery of the approved federally mandated costs. ~~with recovery commencing no earlier than:~~*

*(A) the date of a final agency action regarding the federally mandated requirement; or*



~~(B) in the absence of a final agency action, the date on which the federally mandated requirement becomes effective.~~

The commission shall adjust the energy utility's authorized net operating income to reflect any approved earnings for purposes of IC 8-1-2-42(d)(3) and IC 8-1-2-42(g)(3), with recovery commencing no earlier than:

(A) the date of a final agency action regarding the federally mandated requirement; or

~~(B) in the absence of a final agency action, the date on which the federally mandated requirement becomes effective.~~

(2) Twenty percent (20%) of the approved federally mandated costs, including depreciation, allowance for funds used during construction, and post in service carrying costs, based on the overall cost of capital most recently approved by the commission, shall be deferred and recovered by the energy utility as part of the next general rate case filed by the energy utility with the commission.

(3) Actual costs that exceed the projected federally mandated costs of the approved compliance project by more than twenty-five percent (25%) shall require specific justification by the energy utility and specific approval by the commission before being authorized in the next general rate case filed by the energy utility with the commission.

SECTION 6. IC 5-11-1-9, AS AMENDED BY HEA 1040-2023, SECTION 1, AND AS AMENDED BY HEA 1041-2023, SECTION 5, AND AS AMENDED BY HEA 1209-2023, SECTION 1, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 9. (a) The state examiner, personally or through the deputy examiners, field examiners, or private examiners, shall examine all accounts and all financial affairs of every audited entity. However, an examination of an entity under this subsection shall be limited to matters relevant to the use of the public money received by the entity.

*(b) If an examination of an audited entity is unable to be performed because the audited entity's accounts, records, files, or reports are not properly maintained or reconciled, the audited entity may be declared to be unauditabile. An audited entity that is declared unauditabile shall bring its accounts, records, files, or reports into an auditabile condition within ninety (90) days. The state board of accounts shall publish a list of audited entities declared unauditabile on the state board of accounts' website.*

~~(b)~~ (c) An examination of an entity that is organized as a



not-for-profit corporation deriving:

- (1) less than fifty percent (50%); or
- (2) subject to subsection ~~(i)~~; *(j)*, at least fifty percent (50%) but less than seven hundred fifty thousand dollars (\$750,000);

of its disbursements during the period subject to an examination from appropriations, public funds, taxes, and other sources of public expense shall be limited to matters relevant to the use of the public money received by the entity.

~~(c)~~ *(d)* The examination of an entity *described in subsection (b)* may be waived by the state examiner if the state examiner determines that,

*(1) in consideration of the applicable risk based examination criteria described in and approved under section 25 of this chapter; and*

*(2) based on submitted information; available information,*

there are no compelling reasons to conclude that disbursements of public money during the period subject to examination were inconsistent with the purposes for which the money was received. However, the state examiner may revoke a waiver granted under this subsection if the state examiner determines that revocation of the waiver is *necessary appropriate* in accordance with the risk based examination criteria set forth in section 25 of this chapter. The state examiner shall communicate the determination to grant or revoke a waiver under this subsection to the entity in writing.

~~(d)~~ *(e)* Notwithstanding any other law, the:

- (1) Indiana economic development corporation created by IC 5-28-3 and the corporation's funds, accounts, and financial affairs shall be examined by the state board of accounts unless the examination is waived under subsection ~~(j)~~; *(k)*; ~~and~~
- (2) department of financial institutions established by IC 28-11-1-1 and the department's funds, accounts, and financial affairs shall be examined by the state board of accounts; *and*
- (3) *Indiana destination development corporation established by IC 5-33-3-1 and the corporation's funds, accounts, and financial affairs shall be examined by the state board of accounts unless the examination is waived under subsection (h).* **(m).**

~~(e)~~ *(f)* On every examination under this section, inquiry shall be made as to the following:

- (1) The financial condition and resources of each audited entity.
- (2) Whether the laws of the state and the uniform compliance guidelines of the state board of accounts established under section 24 of this chapter have been complied with.
- (3) The methods and accuracy of the accounts and reports of the





person examined.

The examinations may be made without notice.

~~f)~~ (g) If during an examination of a state office or a body corporate and politic under this chapter the examiner encounters an inefficiency in the operation of the state office or the body corporate and politic, the examiner may comment on the inefficiency in the examiner's report.

~~g)~~ (h) The state examiner, deputy examiners, any field examiner, or any private examiner, when engaged in making any examination or when engaged in any official duty devolved upon them by the state examiner, is entitled to do the following:

- (1) Enter into any state, county, city, township, or other public office in this state, or any entity, agency, or instrumentality, and examine any books, papers, documents, or electronically stored information for the purpose of making an examination.
- (2) Have access, in the presence of the custodian or the custodian's deputy, to the cash drawers and cash in the custody of the officer.
- (3) During business hours, examine the public accounts in any depository that has public funds in its custody pursuant to the laws of this state.

~~h)~~ (i) The state examiner, deputy examiner, or any field examiner, when engaged in making any examination authorized by law, may issue subpoenas for witnesses to appear before the examiner in person or to produce books, papers, or other records (including records stored in electronic data processing systems) for inspection and examination. The state examiner, deputy examiner, or any field examiner may issue a subpoena to enforce the filing of the annual financial report. The state examiner, deputy examiner, and any field examiner may administer oaths and examine witnesses under oath orally or by interrogatories concerning the matters under investigation and examination. Under the authority of the state examiner, the oral examinations may be transcribed with the reasonable expense paid by the examined person in the same manner as the compensation of the field examiner is paid. The subpoenas shall be served by any person authorized to serve civil process from any court in this state. If a witness or officer duly subpoenaed refuses to attend, refuses to produce information required in the subpoena, or attends and refuses to be sworn or affirmed, or to testify when called upon to do so, the examiner may apply to the circuit court having jurisdiction of the witness or officer for the enforcement of attendance and answers to questions as provided by the law governing the taking of depositions or to enforce the filing of any report referred to in this subsection.



~~(j)~~ (j) The definitions in IC 20-24-1 apply throughout this subsection. Appropriations, public funds, taxes, and other sources of public money received by a nonprofit corporation as a charter school or organizer of a charter school for the purposes of a charter school may not be counted for the purpose of applying subsection ~~(b)(2)~~; ~~(c)(2)~~. Unless the nonprofit corporation receives other public money that would qualify the nonprofit corporation for a full examination of all accounts and financial affairs of the entity under subsection ~~(b)(2)~~; ~~(c)(2)~~, an examination of a charter school or organizer of a charter school must be limited to matters relevant to the use of the public money received for the charter school. This subsection does not prohibit the state examiner, personally or through the deputy examiners, field examiners, or private examiners, from examining the accounts in which appropriations, public funds, taxes, or other sources of public money are applied that are received by a nonprofit corporation as a charter school or organizer of a charter school relating to the operation of the charter school.

~~(j)~~ (k) The state examiner may waive the examination of the Indiana economic development corporation and a nonprofit subsidiary corporation established under IC 5-28-5-13 if:

(1) an independent certified public accounting firm conducts an examination under IC 5-28-3-2(c) of:

(A) the Indiana economic development corporation and the Indiana economic development corporation's funds, accounts, and financial affairs; and

(B) the nonprofit subsidiary corporation;

for the year;

(2) the Indiana economic development corporation submits the examination report to the state board of accounts; and

(3) the state board of accounts reviews the examination report and determines that the examination and examination report comply with the uniform compliance guidelines, directives, and standards established by the state board of accounts.

~~(k)~~ (l) Notwithstanding the waiver of an examination of the Indiana economic development corporation and its nonprofit subsidiary corporation by the state examiner, the state board of accounts may examine the Indiana economic development corporation and its nonprofit subsidiary corporation at any time.

~~(k)~~ (m) *The state examiner may waive the examination of the Indiana destination development corporation and a nonprofit subsidiary corporation established under IC 5-33-5-14 if:*

*(1) an independent certified public accounting firm conducts an*



*examination under IC 5-33-3-2(c) of:*

*(A) the Indiana destination development corporation and the Indiana destination development corporation's funds, accounts, and financial affairs; and*

*(B) the nonprofit subsidiary corporation;*  
*for the year;*

*(2) the Indiana destination development corporation submits the examination report to the state board of accounts; and*

*(3) the state board of accounts reviews the examination report and determines that the examination and examination report comply with the uniform compliance guidelines, directives, and standards established by the state board of accounts.*

SECTION 7. IC 5-33-5-10, AS AMENDED BY HEA 1209-2023, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 10. Except as provided in ~~IC 5-11-1-9(f)~~; **IC 5-11-1-9(m)**, the corporation, including a nonprofit subsidiary corporation established under section 14 of this chapter, is subject to compliance audits by the state board of accounts.

SECTION 8. IC 5-33-5-14, AS ADDED BY HEA 1209-2023, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 14. (a) The corporation may establish a nonprofit subsidiary corporation that is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code to solicit and accept private sector funding, gifts, donations, bequests, devises, and contributions.

(b) A nonprofit subsidiary corporation established under this section:

(1) must use money received under subsection (a) to carry out in any manner the purposes and programs under this article;

(2) must report to the budget committee each year concerning:  
(A) the use of money received under subsection (a); and  
(B) the balances in any accounts or funds established by the nonprofit subsidiary corporation; and

(3) may deposit money received under subsection (a) in an account or fund that is:

(A) administered by the nonprofit subsidiary corporation; and  
(B) not part of the state treasury.

(c) Except as provided in ~~IC 5-11-1-9(f)~~; **IC 5-11-1-9(m)**, the state board of accounts shall audit a subsidiary corporation established under this section.

SECTION 9. IC 31-33-18-7, AS ADDED BY HEA 1340-2023, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2023]: ~~Sec. 9:~~ **Sec. 7.** (a) Subject to subsection (b), the department may notify a child care worker's employer that a substantiated report for child abuse or neglect has been entered against the child care worker if the department:

(1) enters a new substantiated report against an individual that the department knows to be a child care worker (as defined in IC 31-9-2-16.6); and

(2) knows the identity of the child care worker's employer.

(b) If the department concludes that the health or safety of a child will be potentially endangered if the child care worker has continuing unsupervised contact with a child, the department shall notify the child care worker's employer that a substantiated report has been entered against the child care worker not more than two (2) business days after entering the child care worker's name into the child protection index.

SECTION 10. IC 35-50-2-2.2, AS AMENDED BY SEA 464-2023, SECTION 12, AND AS AMENDED BY HEA 1287-2023, SECTION 15, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 2.2.** (a) Except as provided in subsection (b) or (c), the court may suspend any part of a sentence for a felony.

(b) If a person is convicted of:

(1) a Level 2 felony; or

(2) a Level 3 felony and has:

(A) any prior unrelated felony conviction, other than a conviction for a felony involving marijuana, hashish, hash oil, or salvia divinorum; or

(B) a prior juvenile adjudication for an act that would constitute a felony if committed by an adult, other than an adjudication for an offense involving marijuana, hashish, hash oil, or salvia divinorum, and less than three (3) years have elapsed between commission of the act and the commission of the Level 3 felony for which the person is being sentenced;

the court may suspend only that part of a sentence that is in excess of the minimum sentence for the ~~(1)~~ Level 2 felony or ~~(2)~~ the Level 3 felony.

(c) The court may suspend only that part of a sentence for murder or a Level 1 felony conviction that is in excess of the minimum sentence for murder or the Level 1 felony conviction.

(d) *The court may suspend any part of a sentence for an offense filed in adult court under IC 31-30-1-4(d), unless the offense is murder (IC 35-42-1-1).*

SECTION 11. IC 5-2-1-9, AS AMENDED BY HEA 1055-2023,



SECTION 1, AND AS AMENDED BY HEA 1321-2023, SECTION 1, AND AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2023 GENERAL ASSEMBLY, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]:  
Sec. 9. (a) The board shall adopt in accordance with IC 4-22-2 all necessary rules to carry out the provisions of this chapter. The rules, which shall be adopted only after necessary and proper investigation and inquiry by the board, shall include the establishment of the following:

- (1) A consistent and uniform statewide deadly force policy and training program, that is consistent with state and federal law. Upon adoption by the law enforcement training board, the policy and training program must be implemented, without modification, by all Indiana law enforcement agencies, offices, or departments.
- (2) A consistent and uniform statewide defensive tactics policy and training program, that is consistent with state and federal law. Upon adoption by the law enforcement training board, the policy and training program must be implemented, without modification, by all Indiana law enforcement agencies, offices, or departments.
- (3) A uniform statewide minimum standard for vehicle pursuits consistent with state and federal law.
- (4) Minimum standards of physical, educational, mental, and moral fitness which shall govern the acceptance of any person for training by any law enforcement training school or academy meeting or exceeding the minimum standards established pursuant to this chapter.
- (5) Minimum standards for law enforcement training schools administered by towns, cities, counties, law enforcement training centers, agencies, or departments of the state.
- (6) Minimum standards for courses of study, attendance requirements, equipment, and facilities for approved town, city, county, and state law enforcement officer, police reserve officer, and conservation reserve officer training schools.
- (7) Minimum standards for a course of study on cultural diversity awareness, including training on the U nonimmigrant visa created through the federal Victims of Trafficking and Violence Protection Act of 2000 (P.L. 106-386) that must be required for each person accepted for training at a law enforcement training school or academy. Cultural diversity awareness study must include an understanding of cultural issues related to race, religion, gender, age, domestic violence, national origin, and physical and mental disabilities.



(8) Minimum qualifications for instructors at approved law enforcement training schools.

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

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

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

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

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

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

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

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

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

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

(B) Identification of human and sexual trafficking.

(C) Communicating with traumatized persons.

(D) Therapeutically appropriate investigative techniques.

(E) Collaboration with federal law enforcement officials.

(F) Rights of and protections afforded to victims.

(G) Providing documentation that satisfies the Declaration of Law Enforcement Officer for Victim of Trafficking in Persons (Form I-914, Supplement B) requirements established under federal law.

(H) The availability of community resources to assist human and sexual trafficking victims.



(14) Minimum standards for ongoing specialized, intensive, and integrative training for persons responsible for investigating sexual assault cases involving adult victims. This training must include instruction on:

- (A) the neurobiology of trauma;
- (B) trauma informed interviewing; and
- (C) investigative techniques.

(15) Minimum standards for de-escalation training. De-escalation training shall be taught as a part of existing use-of-force training and not as a separate topic.

(16) Minimum standards regarding best practices for crowd control, protests, and First Amendment activities.

*(17) Minimum standards for basic training and inservice training programs, which may be completed online or by other means of virtual instruction, that occur after December 31, 2024, and that address the mental health and wellness of law enforcement officers including:*

- (A) healthy coping skills to preserve the mental health of law enforcement officers and manage the stress and trauma of policing;*
- (B) recognizing:*
  - (i) symptoms of posttraumatic stress disorder; and*
  - (ii) signs of suicidal behavior; and*
- (C) information on mental health resources available for law enforcement officers.*

All statewide policies and minimum standards shall be documented in writing and published on the *Indiana law enforcement academy* (ILEA) website. Any policy, standard, or training program implemented, adopted, or promulgated by a vote of the board may only subsequently be modified or rescinded by a two-thirds (2/3) majority vote of the board.

(b) A law enforcement officer appointed after July 5, 1972, and before July 1, 1993, may not enforce the laws or ordinances of the state or any political subdivision unless the officer has, within one (1) year from the date of appointment, successfully completed the minimum basic training requirements established under this chapter by the board. If a person fails to successfully complete the basic training requirements within one (1) year from the date of employment, the officer may not perform any of the duties of a law enforcement officer involving control or direction of members of the public or exercising the power of arrest until the officer has successfully completed the training requirements. This subsection does not apply to any law



enforcement officer appointed before July 6, 1972, or after June 30, 1993.

(c) Military leave or other authorized leave of absence from law enforcement duty during the first year of employment after July 6, 1972, shall toll the running of the first year, which shall be calculated by the aggregate of the time before and after the leave, for the purposes of this chapter.

(d) Except as provided in subsections (e), (m), (t), and (u), a law enforcement officer appointed to a law enforcement department or agency after June 30, 1993, may not:

- (1) make an arrest;
- (2) conduct a search or a seizure of a person or property; or
- (3) carry a firearm;

unless the law enforcement officer successfully completes, at a board certified law enforcement academy or at a law enforcement training center under section 10.5 or 15.2 of this chapter, the basic training requirements established by the board under this chapter.

(e) This subsection does not apply to:

- (1) a gaming agent employed as a law enforcement officer by the Indiana gaming commission; or
- (2) an:
  - (A) attorney; or
  - (B) investigator;

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

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

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

- (1) law enforcement officers;
- (2) police reserve officers (as described in IC 36-8-3-20); and
- (3) conservation reserve officers (as described in IC 14-9-8-27);

regarding the subjects of arrest, search and seizure, the lawful use of force, de-escalation training, interacting with individuals with autism, and the operation of an emergency vehicle. The pre-basic course must be offered on a periodic basis throughout the year at regional sites





statewide. The pre-basic course must consist of at least forty (40) hours of course work. The board may prepare the classroom part of the pre-basic course using available technology in conjunction with live instruction. The board shall provide the course material, the instructors, and the facilities at the regional sites throughout the state that are used for the pre-basic course. In addition, the board may certify pre-basic courses that may be conducted by other public or private training entities, including postsecondary educational institutions.

(g) Subject to subsection (h), the board shall adopt rules under IC 4-22-2 to establish a mandatory inservice training program for police officers and police reserve officers (as described in IC 36-8-3-20). After June 30, 1993, a law enforcement officer who has satisfactorily completed basic training and has been appointed to a law enforcement department or agency on either a full-time or part-time basis is not eligible for continued employment unless the officer satisfactorily completes the mandatory inservice training requirements established by rules adopted by the board. Inservice training must include de-escalation training. Inservice training must also include:

(1) training:

(A) in interacting with persons with mental illness, addictive disorders, intellectual disabilities, autism, developmental disabilities, and Alzheimer's disease or related senile dementia; *and*

(B) ~~to be~~ provided by persons approved by the secretary of family and social services and the board; ~~and~~

(2) *after December 31, 2024, annual training, which may be completed online or by other means of virtual instruction, that addresses the mental health and wellness of law enforcement officers including:*

(A) *healthy coping skills to preserve the mental health of law enforcement officers and manage the stress and trauma of policing;*

(B) *recognizing:*

(i) *symptoms of posttraumatic stress disorder; **and***

(ii) *signs of suicidal behavior; and*

(C) *information on mental health resources available for law enforcement officers; and*

(3) training concerning:

(A) human and sexual trafficking; and

(B) high risk missing persons (as defined in IC 5-2-17-1).

The board may approve courses offered by other public or private training entities, including postsecondary educational institutions, as



necessary in order to ensure the availability of an adequate number of inservice training programs. The board may waive an officer's inservice training requirements if the board determines that the officer's reason for lacking the required amount of inservice training hours is due to either an emergency situation or the unavailability of courses.

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

- (1) The board must conduct at least two (2) public meetings on the proposed modification or addition.
- (2) After approving the modification or addition at a public meeting, the board must post notice of the modification or addition on the Indiana law enforcement academy's ~~Internet web~~ *site website* at least thirty (30) days before the modification or addition takes effect.

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

(i) The board shall also adopt rules establishing a town marshal *and conservancy district marshal* basic training program, subject to the following:

- (1) The program must require fewer hours of instruction and class attendance and fewer courses of study than are required for the mandated basic training program.
- (2) Certain parts of the course materials may be studied by a candidate at the candidate's home in order to fulfill requirements of the program.
- (3) Law enforcement officers successfully completing the requirements of the program are eligible for appointment only in towns employing the town marshal system (IC 36-5-7) *or a conservancy district that employs a conservancy district marshal under IC 14-33-25* and having not more than one (1) marshal and ~~two (2)~~ *six (6)* deputies.
- (4) The limitation imposed by subdivision (3) does not apply to an officer who has successfully completed the mandated basic training program.
- (5) The time limitations imposed by subsections (b) and (c) for completing the training are also applicable to the ~~town~~ marshal



basic training program.

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

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

- (1) Liability.
- (2) Media relations.
- (3) Accounting and administration.
- (4) Discipline.
- (5) Department policy making.
- (6) Lawful use of force and de-escalation training.
- (7) Department programs.
- (8) Emergency vehicle operation.
- (9) Cultural diversity.
- (10) *After December 31, 2024, mental health and wellness and suicide prevention of law enforcement officers. The training requirement under this subdivision may be provided as part of an online course or by other means of virtual instruction.*

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

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

- (1) the police chief of any city;
- (2) the police chief of any town having a metropolitan police department; and
- (3) the chief of a consolidated law enforcement department established under IC 36-3-1-5.1.

A town marshal *or a conservancy district marshal* is not considered to be a police chief for these purposes, but a town marshal *or a conservancy district marshal* may enroll in the executive training program.



(m) A fire investigator in the department of homeland security appointed after December 31, 1993, is required to comply with the basic training standards established under this chapter.

(n) The board shall adopt rules under IC 4-22-2 to establish a program to certify handgun safety courses, including courses offered in the private sector, that meet standards approved by the board for training probation officers in handgun safety as required by IC 11-13-1-3.5(2).

(o) The board shall adopt rules under IC 4-22-2 to establish a refresher course for an officer who:

- (1) is hired by an Indiana law enforcement department or agency as a law enforcement officer;
- (2) has not been employed as a law enforcement officer for:
  - (A) at least two (2) years; and
  - (B) less than six (6) years before the officer is hired under subdivision (1); and
- (3) completed at any time a basic training course certified or recognized by the board before the officer is hired under subdivision (1).

(p) An officer to whom subsection (o) applies must successfully complete the refresher course described in subsection (o) not later than six (6) months after the officer's date of hire, or the officer loses the officer's powers of:

- (1) arrest;
- (2) search; and
- (3) seizure.

(q) The board shall adopt rules under IC 4-22-2 to establish a refresher course for an officer who:

- (1) is appointed by an Indiana law enforcement department or agency as a reserve police officer; and
- (2) has not worked as a reserve police officer for at least two (2) years after:
  - (A) completing the pre-basic course; or
  - (B) leaving the individual's last appointment as a reserve police officer.

An officer to whom this subsection applies must successfully complete the refresher course established by the board in order to work as a reserve police officer.

(r) This subsection applies to an individual who, at the time the individual completes a board certified or recognized basic training course, has not been appointed as a law enforcement officer by an Indiana law enforcement department or agency. If the individual is not



employed as a law enforcement officer for at least two (2) years after completing the basic training course, the individual must successfully retake and complete the basic training course as set forth in subsection (d).

(s) The board shall adopt rules under IC 4-22-2 to establish a refresher course for an individual who:

- (1) is appointed as a board certified instructor of law enforcement training; and
- (2) has not provided law enforcement training instruction for more than one (1) year after the date the individual's instructor certification expired.

An individual to whom this subsection applies must successfully complete the refresher course established by the board in order to renew the individual's instructor certification.

(t) This subsection applies only to a gaming agent employed as a law enforcement officer by the Indiana gaming commission. A gaming agent appointed after June 30, 2005, may exercise the police powers described in subsection (d) if:

- (1) the agent successfully completes the pre-basic course established in subsection (f); and
- (2) the agent successfully completes any other training courses established by the Indiana gaming commission in conjunction with the board.

(u) This subsection applies only to a securities enforcement officer designated as a law enforcement officer by the securities commissioner. A securities enforcement officer may exercise the police powers described in subsection (d) if:

- (1) the securities enforcement officer successfully completes the pre-basic course established in subsection (f); and
- (2) the securities enforcement officer successfully completes any other training courses established by the securities commissioner in conjunction with the board.

*(v) As used in this section, "upper level policymaking position" refers to the following:*

- (1) If the authorized size of the department or town marshal system is not more than ten (10) members, the term refers to the position held by the police chief or town marshal.*
- (2) If the authorized size of the department or town marshal system is more than ten (10) members but less than fifty-one (51) members, the term refers to:*
  - (A) the position held by the police chief or town marshal; and*
  - (B) each position held by the members of the police*



*department or town marshal system in the next rank and pay grade immediately below the police chief or town marshal.*

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

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

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

- (1) the officer successfully completes the pre-basic course described in subsection (f); and
- (2) the officer successfully completes any other training courses established by the department of correction in conjunction with the board.

~~(x)~~ (w) This subsection applies only to the sexual assault training described in subsection (a)(14). The board shall:

- (1) consult with experts on the neurobiology of trauma, trauma informed interviewing, and investigative techniques in developing the sexual assault training; and
- (2) develop the sexual assault training and begin offering the training not later than July 1, 2022.

~~(y)~~ (x) After July 1, 2023, a law enforcement officer who regularly investigates sexual assaults involving adult victims must complete the training requirements described in subsection (a)(14) within one (1) year of being assigned to regularly investigate sexual assaults involving adult victims.

~~(z)~~ (y) A law enforcement officer who regularly investigates sexual assaults involving adult victims may complete the training requirements described in subsection (a)(14) by attending a:

- (1) statewide or national training; or
- (2) department hosted local training.

~~(aa)~~ (z) Notwithstanding any other provisions of this section, the board is authorized to establish certain required standards of training and procedure.

SECTION 12. IC 36-8-8-18, AS AMENDED BY SEA 185-2023, SECTION 10, AND AS AMENDED BY HEA 1055-2023, SECTION 30, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 18. (a) Except as provided in subsection (b), if a unit *or an airport authority* becomes a participant



in the 1977 fund, credit for prior service by police officers (including prior service as a full-time, fully paid town marshal, ~~or~~ full-time, fully paid deputy town marshal, *full-time, fully paid conservancy district marshal, or full-time, fully paid deputy conservancy district marshal* by a police officer employed by a metropolitan board of police commissioners) or by firefighters before the date of participation may be given by the system board only if:

- (1) the amount necessary to fund the police officer's or firefighter's prior service liability is contributed to the 1977 fund under an agreement that specifies how much the unit *or the airport authority* is to contribute, if any, and how much the police officer or firefighter is to contribute, if any; and
- (2) the amount that the police officers or firefighters would have contributed if they had been members of the 1977 fund during their prior service is paid to the 1977 fund under an agreement that specifies how much the unit *or the airport authority* is to contribute, if any, and how much the police officer or firefighter is to contribute, if any.

If the requirements of subdivisions (1) and (2) are not met, a fund member is entitled to credit only for years of service after the date of participation. Contributions under subdivisions (1) and (2) must be paid in a lump sum or in installments over a period of not more than thirty (30) years, the amount and period to be determined by the system board. The periods determined by the system board under subdivisions (1) and (2) for any installment payments may differ between the unit *or the airport authority* and the police officers or firefighters and between subdivisions (1) and (2).

(b) If a unit becomes a participant in the 1977 fund under section 3(c) of this chapter, *if an airport authority becomes a participant in the 1977 fund under section 3(e) of this chapter*, or if a firefighter becomes a member of the 1977 fund under section 7(g) of this chapter, credit for prior service before the date of participation or membership shall be given by the system board as follows:

- (1) For a member who will accrue twenty (20) years of service credit in the 1977 fund by the time the member reaches the earliest retirement age under the fund at the time of the member's date of participation in the 1977 fund and who participated in PERF as a police officer, a firefighter, or an emergency medical technician, the member will be given credit in the 1977 fund for one-third (1/3) of the member's years of participation in PERF as a police officer, a firefighter, or an emergency medical technician.
- (2) For a member who will accrue twenty (20) years of service



credit in the 1977 fund by the time the member reaches the earliest retirement age under the fund at the time of the member's date of participation in the 1977 fund and who did not participate in a pension plan as a police officer, a firefighter, or an emergency medical technician, the member will be given credit in the 1977 fund for one-third (1/3) of the member's years of prior service with the unit as a police officer, a firefighter, or an emergency medical technician only if:

(A) The amount necessary to fund the member's prior service liability is contributed to the 1977 fund under an agreement that specifies how much the unit *or the airport authority* is to contribute, if any, and how much the member is to contribute, if any. Contributions must be paid in a lump sum or in installments as provided in clause (C). The amount of contributions must be based on the actual salary earned by a first class patrolman or a first class firefighter at the time the unit *or the airport authority* becomes a participant in the 1977 fund, or the police officer or firefighter becomes a member of the 1977 fund, or if no such salary designation exists, the actual salary earned by the police officer or firefighter.

(B) The amount the police officer or firefighter would have contributed if the police officer or firefighter had been a member of the 1977 fund during the police officer's or firefighter's prior service must be fully paid under an agreement that specifies how much the unit *or the airport authority* is to pay, if any, and how much the member is to pay, if any. Contributions must be paid in a lump sum or in installments as provided in clause (C). The amount of contributions must be based on the police officer's or firefighter's actual salary earned during that period before service can be credited under this section.

(C) Any amortization schedule for contributions paid under clause (A) and contributions to be paid under clause (B) must include interest at a rate determined by the system board. The board shall determine the term of any amortization schedule authorized under clauses (A) and (B), not to exceed ten (10) years. The terms of the various amortization schedules authorized under clauses (A) and (B) may differ.

(3) For a member who will not accrue twenty (20) years of service credit in the 1977 fund by the time the member reaches the earliest retirement age under the fund at the time of the member's date of participation in the 1977 fund, credit for such prior service





shall be given only if:

(A) The amount necessary to fund the member's prior service liability is contributed to the 1977 fund under an agreement that specifies how much the unit *or the airport authority* is to contribute, if any, and how much the member is to contribute, if any. Contributions must be paid in a lump sum or in installments as provided in clause (C). The amount of contributions must be based on the actual salary earned by a first class patrolman or a first class firefighter at the time the unit *or the airport authority* becomes a participant in the 1977 fund, or the police officer or firefighter becomes a member of the 1977 fund, or if no such salary designation exists, the actual salary earned by the police officer or firefighter. The limit on credit for prior service does not apply to a firefighter if the firefighter was a member of the 1937 fund or 1977 fund whose participation was terminated due to the creation of a new fire protection district under IC 36-8-11-5 and who subsequently became a member of the 1977 fund. A firefighter who was a member of or reentered the 1937 fund or 1977 fund whose participation was terminated due to the creation of a new fire protection district under IC 36-8-11-5 is entitled to full credit for prior service in an amount equal to the firefighter's years of service before becoming a member of or reentering the 1977 fund. Service may only be credited for time as a full-time, fully paid police officer, firefighter, or emergency medical technician under section 7(g) of this chapter.

(B) The amount the police officer or firefighter would have contributed if the police officer or firefighter had been a member of the 1977 fund during the police officer's or firefighter's prior service must be fully paid under an agreement that specifies how much the unit *or the airport authority* is to pay and how much the member is to pay. Contributions must be paid in a lump sum or in installments as provided in clause (C). The amount of contributions must be based on the police officer's or firefighter's actual salary earned during that period before service can be credited under this section.

(C) Any amortization schedule for contributions paid under clause (A) and contributions to be paid under clause (B) must include interest at a rate determined by the system board. The board shall determine the term of any amortization schedule



authorized under clauses (A) and (B), not to exceed ten (10) years. The terms of the various amortization schedules authorized under clauses (A) and (B) may differ.

(4) If, at the time a unit *or an airport authority* entered the 1977 fund, a fund member received the maximum prior service credit allowed by subdivision (3) and, at a later date, the earliest retirement age was lowered, the unit *or the airport authority* or the fund member, or both *the unit or airport authority and the fund member*, may contribute to the 1977 fund on the fund member's behalf an additional amount that is determined in the same manner as under subdivision (3) with respect to the additional prior service, if any, available as a result of the lower retirement age. If the additional amount described in this subdivision is paid in accordance with the requirements of subdivision (3), the fund member shall receive the additional service credit necessary for the fund member to retire at the lower earliest retirement age.

(c) This subsection applies to a unit that:

(1) becomes a participant in the 1977 fund under section 3(c) of this chapter; and

(2) is a fire protection district created under IC 36-8-11 that includes a township or a municipality that had a 1937 fund.

A firefighter who continues uninterrupted service with a unit covered by this subsection and who participated in the township or municipality 1937 fund is entitled to receive service credit for such service in the 1977 fund. However, credit for such service is limited to the amount accrued by the firefighter in the 1937 fund or the amount necessary to allow the firefighter to accrue twenty (20) years of service credit in the 1977 fund by the time the firefighter becomes fifty-two (52) years of age, whichever is less.

(d) A unit to which subsection (c) applies shall contribute into the 1977 fund the amount necessary to fund the amount of past service determined in accordance with subsection (c), amortized over a period not to exceed ten (10) years with interest at a rate determined by the system board.

(e) If the township or municipality has accumulated money in its 1937 fund, any amount accumulated that exceeds the present value of all projected future benefits from the 1937 plan shall be paid by the township or municipality to the unit for the sole purpose of making the contributions determined in subsection (d).

(f) To the extent permitted by the Internal Revenue Code and the applicable regulations, the 1977 fund may accept, on behalf of a fund



member who is purchasing permissive service credit under this chapter, a rollover of a distribution from any of the following:

- (1) A qualified plan described in Section 401(a) or Section 403(a) of the Internal Revenue Code.
- (2) An annuity contract or account described in Section 403(b) of the Internal Revenue Code.
- (3) An eligible plan that is maintained by a state, a political subdivision of a state, or an agency or instrumentality of a state or political subdivision of a state under Section 457(b) of the Internal Revenue Code.
- (4) An individual retirement account or annuity described in Section 408(a) or Section 408(b) of the Internal Revenue Code.

(g) To the extent permitted by the Internal Revenue Code and the applicable regulations, the 1977 fund may accept, on behalf of a fund member who is purchasing permissive service credit under this chapter, a trustee transfer from any of the following:

- (1) An annuity contract or account described in Section 403(b) of the Internal Revenue Code.
- (2) An eligible deferred compensation plan under Section 457(b) of the Internal Revenue Code.

SECTION 13. IC 36-8-8-18.1, AS AMENDED BY SEA 185-2023, SECTION 11, AND AS AMENDED BY HEA 1055-2023, SECTION 31, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 18.1. (a) As used in this section, "police officer" includes a former full-time, fully paid:

- (1) town marshal;
- (2) ~~or full-time, fully paid~~ deputy town marshal;
- (3) *conservancy district marshal; or*
- (4) *deputy conservancy district marshal;*

who is employed as a police officer by a metropolitan board of police commissioners.

(b) If a unit *or an airport authority* becomes a participant in the 1977 fund and the unit *or the airport authority* previously covered police officers, firefighters, or emergency medical technicians in PERF, or if the employees of the unit become members of the 1977 fund under section 7(g) of this chapter, the following provisions apply:

- (1) A minimum benefit applies to members electing to transfer or being transferred to the 1977 fund from PERF. The minimum benefit, payable at age fifty-two (52), for such a member equals the actuarial equivalent of the vested retirement benefit payable to the member upon normal retirement under IC 5-10.2-4-1 as of the day before the transfer, based solely on:



(A) creditable service;  
 (B) the average of the annual compensation; and  
 (C) the amount credited to the annuity savings account;  
 of the transferring member as of the day before the transfer under  
 IC 5-10.2 and IC 5-10.3.

(2) The system board shall transfer from PERF to the 1977 fund  
 the amount credited to the annuity savings accounts that is  
 necessary for the purchase of service credit and the present value  
 of benefits attributable to the transferring members.

(3) The amount the unit *or the airport authority* and the member  
 must contribute to the 1977 fund under section 18 of this chapter,  
 if any service credit is to be given under that section, will be  
 reduced by the amounts transferred to the 1977 fund by the  
 system board under subdivision (2).

(4) Credit for prior service in PERF of a member as a police  
 officer, a firefighter, or an emergency medical technician is  
 waived in PERF. Any credit for that service under the 1977 fund  
 shall only be given in accordance with section 18 of this chapter.

(5) Credit for prior service in PERF of a member, other than as a  
 police officer, a firefighter, or an emergency medical technician,  
 remains in PERF and may not be credited under the 1977 fund.

SECTION 14. IC 32-34-1.5-3, AS AMENDED BY SEA 183-2023,  
 SECTION 1, AND AS AMENDED BY SEA 468-2023, SECTION 92,  
 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 [EFFECTIVE JULY 1, 2023]: Sec. 3. The following definitions apply  
 throughout this chapter:

(1) "Apparent owner" means a person whose name appears on the  
 records of a holder as the owner of property held, issued, or owing  
 by the holder.

(2) "Attorney general's agent" means a person with which the  
 attorney general contracts to conduct an examination under  
 section 53 of this chapter on behalf of the attorney general.

(3) "Business association" means a corporation, joint stock  
 company, investment company other than an investment company  
 registered under the Investment Company Act of 1940 (15 U.S.C.  
 80a-1 et seq.), partnership, unincorporated association, joint  
 venture, limited liability company, business trust, trust company,  
 land bank, safe deposit company, safekeeping depository,  
 financial organization, insurance company, federally chartered  
 entity, utility, sole proprietorship, or other business entity,  
 whether or not for profit.

(4) "Confidential information" means records, reports, and



information that are considered confidential under section 78 of this chapter.

(5) "Controllable electronic record" has the meaning set forth in ~~IC 26-1-11-104~~. IC 26-1-12-102.

(6) "Domicile" means the following:

(A) For a corporation, the state of its incorporation.

(B) For a business association other than a corporation whose formation requires a filing with a state, the state of its filing.

(C) For a federally chartered entity or an investment company registered under the Investment Company Act of 1940, as amended (15 U.S.C. 80a-1 et seq.), the state of its home office.

(D) For any other holder, the state of its principal place of business.

(7) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(8) "Electronic mail" means a communication by electronic means which is automatically retained and stored and may be readily accessed or retrieved.

(9) "Financial organization" means a savings and loan association, building and loan association, savings bank, industrial bank, bank, banking organization, or credit union.

(10) "Financial organization loyalty program" means a record given without direct monetary consideration, excluding an annual or periodic fee, under an award, reward, benefit, loyalty, incentive, rebate, or other promotional program established by a financial organization for the purpose of rewarding a relationship with the sponsoring financial organization. The term includes:

(A) both a physical card and an electronic record; and

(B) a program offering a record that is redeemable for money or cash or is otherwise monetized by the financial organization.

(11) "Game related digital content" means digital content that exists only in an electronic game or electronic-game platform. The term includes game-play currency such as a virtual wallet, even if denominated in United States currency and, if for use or redemption only within the game or platform or another electronic game or electronic-game platform, points sometimes referred to as gems, tokens, gold, and similar names and digital codes. The term does not include an item that the issuer:

(A) permits to be redeemed for use outside a game or platform for money or goods or services that have more than minimal



value; or

(B) otherwise monetizes for use outside a game or platform.

(12) "Gift card" means a stored card value:

(A) the value of which does not expire;

(B) that may be decreased in value only by redemption for merchandise, goods, or services, or due to any fees deducted by the card issuer; and

(C) that, unless required by law, may not be redeemed for or converted into money or otherwise monetized by the issuer.

The term includes a prepaid commercial mobile radio service (as defined in 47 CFR 20.3).

~~(12)~~ (13) "Holder" means a person obligated to hold for the account of, or to deliver or pay to, the owner property subject to this chapter.

~~(13)~~ (14) "Insurance company" means an association, corporation, or fraternal or mutual benefit organization, whether or not for profit, engaged in the business of providing life endowments, annuities, or insurance, including accident, burial, casualty, credit life, contract performance, dental, disability, fidelity, fire, health, hospitalization, illness, life, malpractice, marine, mortgage, surety, wage protection, and worker's compensation insurance.

~~(14)~~ (15) "Loyalty card" means a record given without direct monetary consideration under an award, reward, benefit, loyalty, incentive, rebate, or promotional program which may be used or redeemed only to obtain goods or services or a discount on goods or services. The term does not include a record that may be redeemed for money or otherwise monetized by the issuer.

~~(15)~~ (16) "Mineral" means gas, oil, coal, oil shale, other gaseous liquid or solid hydrocarbon, cement material, sand and gravel, road material, building stone, chemical raw material, gemstone, fissionable and nonfissionable ores, colloidal and other clay, steam and other geothermal resources, and any other substance defined as a mineral by a law of this state other than this chapter.

~~(16)~~ (17) "Mineral proceeds" means an amount payable for the extraction, production, or sale of minerals, or, on the abandonment of the amount, an amount that becomes payable after abandonment. The term includes an amount payable:

(A) for the acquisition and retention of a mineral lease, including a bonus, royalty, compensatory royalty, shut-in royalty, minimum royalty, and delay rental;

(B) for the extraction, production, or sale of minerals, including a net revenue interest, royalty, overriding royalty,



extraction payment, and production payment; and

(C) under an agreement or option, including a joint-operation agreement, unit agreement, pooling agreement, and farm out agreement.

~~(17)~~ (18) "Money order" means a payment order for a specified amount of money. The term includes an express money order and a personal money order on which the remitter is the purchaser.

~~(18)~~ (19) "Municipal bond" means a bond or evidence of indebtedness issued by a municipality or other political subdivision of a state.

~~(19)~~ (20) "Non-freely transferable security" means a security that cannot be delivered to the attorney general by the Depository Trust & Clearing Corporation or similar custodian of securities providing post-trade clearing and settlement services to financial markets or cannot be delivered because there is no agent to effect transfer. The term includes a worthless security.

~~(20)~~ (21) "Owner" means a person that has a legal, beneficial, or equitable interest in property subject to this chapter or the person's legal representative when acting on behalf of the owner.

The term includes:

- (A) for a deposit, a depositor;
- (B) for a trust other than a deposit in trust, a beneficiary;
- (C) for other property, a creditor, claimant, or payee; and
- (D) the lawful bearer of a record that may be used to obtain money, a reward, or a thing of value.

~~(21)~~ (22) "Payroll card" means a record that evidences a payroll card account as defined in Regulation E (12 CFR Part 1005).

~~(22)~~ (23) "Person" means an individual, estate, business association, public corporation, government or governmental subdivision, agency, or instrumentality, or other legal entity.

~~(23)~~ (24) "Property" means tangible property described in section 8 of this chapter or a fixed and certain interest in intangible property held, issued, or owed in the course of a holder's business or by a government or governmental subdivision, agency, or instrumentality. The term includes:

- (A) all income from or increments to the property; and
- (B) property referred to as or evidenced by:
  - (i) money, virtual currency, interest, or a dividend, check, draft, deposit, or payroll card;
  - (ii) a credit balance, customer's overpayment, security deposit, refund, credit memorandum, unpaid wage, unused ticket for which the issuer has an obligation to provide a



- refund, mineral proceeds, or unidentified remittance;
- (iii) a security, except for a worthless security or a security that is subject to a lien, legal hold, or restriction evidenced on the records of the holder or imposed by operation of law, if the lien, legal hold, or restriction restricts the holder's or owner's ability to receive, transfer, sell, or otherwise negotiate the security;
- (iv) a bond, debenture, note, or other evidence of indebtedness;
- (v) money deposited to redeem a security, make a distribution, or pay a dividend;
- (vi) an amount due and payable under an annuity contract or insurance policy; and
- (vii) an amount distributable from a trust or custodial fund established under a plan to provide health, welfare, pension, vacation, severance, retirement, death, stock purchase, profit sharing, employee savings, supplemental unemployment insurance, or a similar benefit.

The term does not include property held in a plan described in Section 529A of the Internal Revenue Code, game related digital content, a financial organization loyalty program, a loyalty card, a *gift card*, or an in-store credit for returned merchandise.

~~(24)~~ (25) "Putative holder" means a person believed by the attorney general to be a holder, until the person pays or delivers to the attorney general property subject to this chapter or the attorney general or court makes a final determination that the person is or is not a holder.

~~(25)~~ (26) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

~~(26)~~ (27) "Security" means:

- (A) a security (as defined in IC 26-1-8.1-102);
- (B) a security entitlement (as defined in IC 26-1-8.1-102), including a customer security account held by a registered broker-dealer, to the extent the financial assets held in the security account are not:
  - (i) registered on the books of the issuer in the name of the person for which the broker-dealer holds the assets;
  - (ii) payable to the order of the person; or
  - (iii) specifically indorsed to the person; or
- (C) an equity interest in a business association not included in clause (A) or (B).





~~(27)~~ (28) "Sign" means, with present intent to authenticate or adopt a record:

- (A) to execute or adopt a tangible symbol; or
- (B) to attach to or logically associate with the record an electronic symbol, sound, or process.

~~(28)~~ (29) "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

~~(29)~~ (30) "Utility" means a person that owns or operates for public use a plant, equipment, real property, franchise, or license for the following public services:

- (A) Transmission of communications or information.
- (B) Production, storage, transmission, sale, delivery, or furnishing of electricity, water, steam, or gas.
- (C) Provision of sewage or septic services, or trash, garbage, or recycling disposal.

~~(30)~~ (31) "Virtual currency" means a digital representation of value used as a medium of exchange, unit of account, or store of value, which does not have legal tender status recognized by the United States. The term does not include:

- (A) the software or protocols governing the transfer of the digital representation of value;
- (B) game related digital content;
- (C) a financial organization loyalty program; or
- (D) a loyalty card.

~~(31)~~ (32) "Worthless security" means a security whose cost of liquidation and delivery to the attorney general would exceed the value of the security on the date a report is due under this chapter.

SECTION 15. IC 3-11-4-3, AS AMENDED BY HEA 1334-2023, SECTION 3, AND AS AMENDED BY HEA 1336-2023, SECTION 75, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 3. (a) Except as provided in subsection (c) and section 6 of this chapter, an application for an absentee ballot must be received by the circuit court clerk (or, in a county subject to IC 3-6-5.2 or IC 3-6-5.6, the director of the board of elections and registration) not earlier than the date the registration period resumes under IC 3-7-13-10 nor later than the following:

- (1) Noon on election day if the voter registers to vote under IC 3-7-36-14.
- (2) Noon on the day before election day if the voter:
  - (A) completes the application in the office of the circuit court



clerk under IC 3-11-10-26; or

(B) is an absent uniformed services voter or overseas voter who requests that the ballot be transmitted by electronic mail or fax under section 6(h) of this chapter.

(3) Noon on the day before election day if:

(A) the application is ~~not~~ mailed, transmitted by electronic mail or fax, or hand delivered ~~application~~ from a confined voter or voter caring for a confined person; and

(B) the applicant requests that the absentee ballots be delivered to the applicant by an absentee voter board under IC 3-11-10-25.

(4) 11:59 p.m. twelve (12) days before election day if the application is:

(A) a mailed application;

(B) transmitted by electronic mail;

(C) transmitted by fax; or

(D) hand delivered;

from other voters who request to vote by mail under IC 3-11-10-24 or for a voter with print disabilities to vote by electronic mail or fax under section 6(h) of this chapter.

(b) An application for an absentee ballot received by the election division by the time and date specified by subsection (a)(2)(B), (a)(3), or (a)(4) is considered to have been timely received for purposes of processing by the county. The election division shall immediately transmit the application to the circuit court clerk, or the director of the board of elections and registration, of the county where the applicant resides. The election division is not required to complete or file the affidavit required under section ~~2(f)~~ 2(m) of this chapter whenever the election division transmits an application under this subsection.

*(c) If the circuit court clerk receives an absentee ballot application for a voter that is not registered to vote in the county where the clerk serves, the clerk shall forward the application, on an expedited basis, to the circuit court clerk of the county where the voter is registered to vote. The circuit court clerk that receives the application on an expedited basis shall consider the application as filed on the date and time it was filed with the clerk that forwarded the application.*

~~(c)~~ (d) An application for an absentee ballot for the election may not be received by the circuit court clerk (or, in a county subject to IC 3-6-5.2 or IC 3-6-5.6, the director of the board of elections and registration) earlier than December 1 of the year before the election.

SECTION 16. IC 20-28-3-1, AS AMENDED BY SEA 486-2023, SECTION 7, AND AS AMENDED BY HEA 1558-2023, SECTION



6, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. (a) As used in this section, "teacher candidate" means an individual recommended for an initial teaching license from a teacher preparation program located in Indiana.

(b) As used in this section, "teacher preparation program" includes, but is not limited to, the following:

- (1) A teacher education school or department.
- (2) A transition to teaching program under IC 20-28-4.
- (3) Any other entity approved by the department to offer a course of study leading to an initial teaching license.

(c) The department shall:

- (1) arrange a statewide system of professional instruction for teacher education;
- (2) accredit and review teacher preparation programs that comply with the rules of the department;
- (3) approve content area licensure programs for particular kinds of teachers in accredited teacher preparation programs; and
- (4) specify the types of licenses for individuals who complete programs of approved courses.

(d) The department shall work with teacher preparation programs to develop a system of teacher education that ensures individuals who complete teacher preparation programs are able to meet the highest professional standards.

(e) Before July 1, 2015, the department shall establish standards for the continuous improvement of program processes and the performance of individuals who complete teacher preparation programs. The state board shall adopt rules containing the standards not later than two hundred seventy (270) days after the department finishes the standards.

(f) The standards established under subsection (e) must include benchmarks for performance, including test score data for each teacher preparation entity on content area licensure tests and test score data for each teacher preparation entity on pedagogy licensure tests.

(g) Each teacher preparation program shall annually report the program's performance on the standards and benchmarks established under this section to the department. The department shall make the information reported under this subsection available to the public on the department's website. Each teacher preparation program shall make the information reported under this subsection available to the public on the teacher preparation program's website. In addition to reporting performance, each teacher preparation program must report to the department the following:

- (1) The attrition, retention, and completion rates of teacher



candidates for the previous three (3) calendar years. The teacher preparation program must also provide underlying data, as determined by the department, used as part of calculating the teacher preparation program's retention rates.

(2) The number of teacher candidates in each content area who complete the teacher preparation program during the year, disaggregated by ranges of cumulative grade point averages.

(3) The number of teacher candidates in each content area who, during the year:

(A) do not pass a content area licensure examination; and

(B) do not retake the content area licensure examination.

(h) In making information available to the public on the department's website, the department shall include in the report under subsection (g), in addition to the matrix ratings described in subsection (i), the following information:

(1) Average scaled or standard scores of teacher candidates who complete teacher preparation programs on basic skills, content area, and pedagogy licensure examinations.

(2) The average number of times teacher candidates who complete a teacher preparation program take each licensing test before receiving a passing score and the percentage of teacher candidates who receive a passing score on each licensing test on the teacher candidates' first attempts.

(i) Not later than July 30, 2016, the department and the commission for higher education, in conjunction with the state board, the Independent Colleges of Indiana, Inc., and teacher preparation programs, shall establish a matrix rating system for teacher preparation programs based on the performance of the programs as demonstrated by the data collected under subsections (g) and (h). *and information reported to the department under IC 20-28-11.5-9.* The matrix rating system may not rank or compare teacher preparation programs. The matrix rating system must be based on data collected for teachers who initially receive their teaching license during the previous three (3) years. The department shall make the matrix ratings available to the public on the department's website.

(j) Each teacher preparation program shall report to the department, in a manner prescribed by the department, the teacher preparation program's admission practices, in accordance with:

(1) the Council for the Accreditation of Educator Preparation standards, for teacher preparation programs accredited by the Council for the Accreditation of Educator Preparation;

(2) rigorous academic entry requirements for admission into a



teacher preparatory program that are equivalent to the minimum academic requirements determined by the Council for the Accreditation of Educator Preparation, for teacher preparation programs that are not accredited by the Council for the Accreditation of Educator Preparation; or

(3) the Association for Advancing Quality in Educator Preparation standards, for teacher preparation programs accredited by the Association for Advancing Quality in Educator Preparation.

The department shall include information reported to the department on the department's website.

(k) Not later than July 30, 2016, the department and the commission for higher education, in conjunction with the state board, the Independent Colleges of Indiana, Inc., and teacher preparation programs, shall establish a minimum rating under the matrix rating system established under subsection (i) that teacher preparation programs must achieve to avoid referral under subsection (l).

(l) ~~Beginning July 1, 2017, and~~ Not later than ~~each~~ July 1 ~~thereafter, of each year,~~ the department shall submit a list of teacher preparation programs that do not meet the minimum rating established under subsection (k) ~~or the requirements of section 3.1 of this chapter~~ to the commission for higher education and the Independent Colleges of Indiana, Inc. for one (1) of the following actions:

(1) In the case of a state educational institution, the commission for higher education shall place the teacher preparation program on an improvement plan with clear performance goals and a designated period in which the performance goals must be achieved.

(2) In the case of a proprietary postsecondary educational institution, the commission for higher education shall recommend to the teacher preparation program an improvement plan with clear performance goals and a designated period in which the performance goals should be achieved.

(3) In the case of a nonprofit college or university, the Independent Colleges of Indiana, Inc., shall coordinate a peer review process to make recommendations to the peer institution in achieving the department's performance metrics.

(m) The department shall approve at least two (2) accreditors that:

(1) accredit teacher preparation programs; and

(2) are recognized by the Council for Higher Education Accreditation;

to accredit teacher preparation programs for use in Indiana.



SECTION 17. IC 20-28-9-1.5, AS AMENDED BY SEA 486-2023, SECTION 15, AND AS AMENDED BY HEA 1558-2023, SECTION 14, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1.5. (a) This subsection governs salary increases for a teacher employed by a school corporation. Compensation attributable to additional degrees or graduate credits earned before the effective date of a local compensation plan created under this chapter before July 1, 2015, shall continue for school years beginning after June 30, 2015. Compensation attributable to additional degrees for which a teacher has started course work before July 1, 2011, and completed course work before September 2, 2014, shall also continue for school years beginning after June 30, 2015. For school years beginning after June 30, 2022, a school corporation may provide a supplemental payment to a teacher in excess of the salary specified in the school corporation's compensation plan. A supplement provided under this subsection is not subject to collective bargaining. Such a supplement is in addition to any increase permitted under subsection (b).

(b) *Subject to subsection (e)*, increases or increments in a local salary range must be based upon a combination of the following factors:

- (1) A combination of the following factors taken together may account for not more than fifty percent (50%) of the calculation used to determine a teacher's increase or increment:
  - (A) The number of years of a teacher's experience.
  - (B) The possession of either:
    - (i) additional content area degrees beyond the requirements for employment; or
    - (ii) additional content area degrees and credit hours beyond the requirements for employment, if required under an agreement bargained under IC 20-29.
- (2) The results of an evaluation conducted under IC 20-28-11.5.
- (3) The assignment of instructional leadership roles, including the responsibility for conducting evaluations under IC 20-28-11.5.
- (4) The academic needs of students in the school corporation.

(c) To provide greater flexibility and options, a school corporation may differentiate the amount of salary increases or increments determined for teachers. A school corporation shall base a differentiated amount under this subsection on reasons the school corporation determines are appropriate, which may include the:

- (1) subject or subjects taught by a given teacher;
- (2) importance of retaining a given teacher at the school



corporation;

(3) need to attract an individual with specific qualifications to fill a teaching vacancy; and

(4) offering of a new program or class.

(d) A school corporation may provide differentiated increases or increments under subsection (b), and in excess of the percentage specified in subsection (b)(1), in order to:

(1) reduce the gap between the school corporation's minimum teacher salary and the average of the school corporation's minimum and maximum teacher salaries; or

(2) allow teachers currently employed by the school corporation to receive a salary adjusted in comparison to starting base salaries of new teachers.

*(e) A school corporation shall differentiate the amount of salary increases or increments for teachers who possess a required literacy endorsement under IC 20-28-5-19.7.*

~~(e)~~ (f) Except as provided in subsection ~~(f)~~ (g), a teacher rated ineffective or improvement necessary under IC 20-28-11.5 may not receive any raise or increment for the following year if the teacher's employment contract is continued. The amount that would otherwise have been allocated for the salary increase of teachers rated ineffective or improvement necessary shall be allocated for compensation of all teachers rated effective and highly effective based on the criteria in subsection (b).

~~(f)~~ (g) Subsection ~~(e)~~ (f) does not apply to a teacher in the first two (2) full school years that the teacher provides instruction to students in elementary school or high school. If a teacher provides instruction to students in elementary school or high school in another state, any full school year, or its equivalent in the other state, that the teacher provides instruction counts toward the two (2) full school years under this subsection.

~~(g)~~ (h) A teacher who does not receive a raise or increment under subsection ~~(e)~~ (f) may file a request with the superintendent or superintendent's designee not later than five (5) days after receiving notice that the teacher received a rating of ineffective. The teacher is entitled to a private conference with the superintendent or superintendent's designee.

~~(h)~~ (i) The Indiana education employment relations board established in IC 20-29-3-1 shall publish a model compensation plan with a model salary range that a school corporation may adopt.

~~(i)~~ (j) Each school corporation shall submit its local compensation plan to the Indiana education employment relations board. For a school



year beginning after June 30, 2015, a local compensation plan must specify the range for teacher salaries. The Indiana education employment relations board shall publish the local compensation plans on the Indiana education employment relations board's ~~Internet web site~~: *website*.

~~(j)~~ (k) The Indiana education employment relations board shall review a compensation plan for compliance with this section as part of its review under IC 20-29-6-6.1. The Indiana education employment relations board has jurisdiction to determine compliance of a compensation plan submitted under this section.

~~(k)~~ (l) This chapter may not be construed to require or allow a school corporation to decrease the salary of any teacher below the salary the teacher was earning on or before July 1, 2015, if that decrease would be made solely to conform to the new compensation plan.

~~(l)~~ (m) After June 30, 2011, all rights, duties, or obligations established under IC 20-28-9-1 before its repeal are considered rights, duties, or obligations under this section.

~~(m)~~ (n) An employment agreement described in IC 20-28-6-7.3 between an adjunct teacher and a school corporation is not subject to this section.

SECTION 18. IC 20-28-5-27, AS AMENDED BY SEA 486-2023, SECTION 11, AND AS AMENDED BY HEA 1635-2023, SECTION 4, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 27. (a) In an effort to fill a vacant teaching position, offer a new program or class, or supplement a program currently being offered, the governing body of a school corporation *or the equivalent authority for a charter school or nonpublic school* may issue an adjunct teacher permit to an individual if the following minimum requirements are met:

- (1) The individual has at least four (4) years of experience in the content area in which the individual intends to teach.
- (2) The school corporation, *charter school, or nonpublic school* conducts an expanded criminal history check and expanded child protection index check concerning the individual as required under IC 20-26-5-10.
- (3) The individual has not been convicted of a felony listed in section 8(c) of this chapter or described in section 8(d) of this chapter or the individual's conviction has been reversed, vacated, or set aside on appeal.

However, the governing body *or equivalent authority* may establish stricter requirements than the requirements prescribed by this





subsection.

(b) If a governing body of a school corporation *or the equivalent authority for a charter school or nonpublic school* issues an adjunct teacher permit to an individual under subsection (a):

(1) the school corporation, *charter school, or nonpublic school* may enter into an employment agreement for employment with the individual as a part-time or full-time teacher of the school corporation, *charter school, or nonpublic school*;

(2) the individual who holds the adjunct permit may teach in any content area, *including a career and technical education content area*, in which the school corporation, *charter school, or nonpublic school* allows the individual to teach based on the individual's experience described in subsection (a);

(3) the individual must be assigned a teacher mentor for support in pedagogy; and

(4) the individual must complete the following training within the first ninety (90) days of employment:

(A) IC 20-26-5-34.2 (bullying prevention).

(B) IC 20-28-3-4.5 (training on child abuse and neglect).

(C) IC 20-28-3-6 (youth suicide awareness and prevention training).

(D) IC 20-28-3-7 (training on human trafficking).

*The training described in subdivision (4)(D) may be completed through the online platform described in IC 20-19-3-29.*

(c) An adjunct teacher may not provide special education instruction.

(d) The salary of an adjunct teacher under an employment agreement described in IC 20-28-6-7.3 is not subject to the requirements under IC 20-28-9-1.5 or a local compensation plan established by a school corporation as described in IC 20-28-9-1.5.

(e) Except as otherwise provided in a collective bargaining agreement entered into or renewed before July 1, 2022, an employment agreement entered into under this section is not subject to a collective bargaining agreement entered into under IC 20-29.

(f) It is not an unfair practice for a school corporation to enter into an employment agreement under this section.

(g) Each school corporation *or charter school* that hires an adjunct teacher under this section shall report to the department the following information:

(1) The number of adjunct teachers who hold a permit issued under this section that the school corporation *or charter school* has hired each school year, disaggregated by the grade level and



subject area taught by the adjunct teacher.

(2) The following information for each adjunct teacher described in subdivision (1):

(A) The name of the adjunct teacher.

(B) The subject matter the adjunct teacher is permitted to teach.

(C) A description of the adjunct teacher's experience described in subsection (a)(1).

(D) The adjunct teacher's total salary and any other compensation paid to the adjunct teacher during the school year.

(E) The number of previous adjunct teaching employment agreements the adjunct teacher has entered into with the school corporation or *charter school* or any other school corporation or *charter school*.

(h) A school corporation or *charter school* shall post a vacant adjunct teacher position on the department's online adjunct teacher portal established under IC 20-19-3-25.

(i) A school corporation may notify the parents of students enrolled in the school corporation of a vacant adjunct teacher position.

(j) The governing body of a school corporation shall announce any vacant adjunct teacher positions at meetings of the governing body.

SECTION 19. IC 13-14-9-1, AS AMENDED BY SEA 246-2023, SECTION 31, AND AS AMENDED BY HEA 1623-2023, SECTION 50, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. (a) Except as provided in *sections 8 and section 14* of this chapter, this chapter applies to the following:

(1) The board.

(2) The *underground petroleum* storage tank financial assurance board established by IC 13-23-11-1.

(b) In addition to the requirements of IC 4-22-2 and IC 13-14-8, a board may not adopt a rule except in accordance with this chapter.

SECTION 20. IC 7.1-5-7-11, AS AMENDED BY SEA 20-2023, SECTION 5, AND AS AMENDED BY HEA 1200-2023, SECTION 14, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 11. (a) The provisions of sections 9 and 10 of this chapter shall not apply if the public place involved is one (1) of the following:

(1) Civic center.

(2) Convention center.

(3) Sports arena.



- (4) Bowling center.
- (5) Bona fide club.
- (6) Drug store.
- (7) Grocery store.
- (8) Boat.
- (9) Dining car.
- (10) Pullman car.
- (11) Club car.
- (12) Passenger airplane.
- (13) Horse racetrack facility holding a recognized meeting permit under IC 4-31-5.
- (14) Satellite facility (as defined in IC 4-31-2.1-36).
- (15) Catering hall under IC 7.1-3-20-24 that is not open to the public.
- (16) That part of a restaurant which is separate from a room in which is located a bar over which alcoholic beverages are sold or dispensed by the drink.
- (17) Entertainment complex.
- (18) Indoor golf facility.
- (19) A recreational facility such as a golf course, bowling center, or similar facility that has the recreational activity and not the sale of food and beverages as the principal purpose or function of the person's business.
- (20) A licensed premises owned or operated by a postsecondary educational institution described in IC 21-17-6-1.
- (21) An automobile racetrack.
- (22) An indoor theater under IC 7.1-3-20-26.
- (23) A senior residence facility campus (as defined in IC 7.1-3-1-29(c)) at which alcoholic beverages are given or furnished as provided under IC 7.1-3-1-29.
- (24) A hotel other than a part of a hotel that is a room in a restaurant in which a bar is located over which alcoholic beverages are sold or dispensed by the drink.
- (25) The location of an allowable event to which IC 7.1-3-6.1 applies.
- (26) The location of a charity auction to which IC 7.1-3-6.2 applies.
- (27) A tour of a brewery as provided in IC 7.1-3-20-16.4, if the minor is in the company of a parent, legal guardian or custodian, or family member who is at least twenty-one (21) years of age.
- (28) A farm winery and any additional locations of the farm winery under IC 7.1-3-12, if the minor is in the company of a



parent, legal guardian or custodian, or family member who is at least twenty-one (21) years of age and the minor is accompanied by the adult in any area that the adult may be present whether or not the area:

(A) is separated in any manner from where the wine is manufactured, sold, or consumed within the farm winery premises; or

(B) operates under a retailer's permit.

(29) An artisan distillery under IC 7.1-3-27, if:

(A) the person who holds the artisan distiller's permit also holds a farm winery permit under IC 7.1-3-12, or IC 7.1-3-20-16.4(a) applies to the person; and

(B) the minor is in the company of a parent, legal guardian or custodian, or family member who is at least twenty-one (21) years of age.

(30) An art instruction studio under IC 7.1-5-8-4.6.

(31) The licensed premises of a food hall under IC 7.1-3-20-29 and the food and beverage vending space of a food hall vendor permittee under IC 7.1-3-20-30. However, sections 9 and 10 of this chapter apply to a bar within the food and beverage vending space of a food hall vendor permittee under IC 7.1-3-20-30 that serves alcoholic beverages intended to be consumed while sitting or standing at the bar.

(32) *A refreshment area designated under IC 7.1-3-31.*

(b) For the purpose of this subsection, "food" means meals prepared on the licensed premises. It is lawful for a minor to be on licensed premises in a room, *outdoor patio, or terrace* in which is located a bar over which alcoholic beverages are sold or dispensed by the drink if all the following conditions are met:

~~(1) The minor is eighteen (18) years of age or older.~~

~~(2) (1) The minor is in the company of a parent, guardian, or family member who is twenty-one (21) years of age or older.~~

~~(3) (2) The purpose for being on the licensed premises is the consumption of food and not the consumption of alcoholic beverages.~~

~~(3) The minor, accompanied by the parent, guardian, or family member who is twenty-one (21) years of age or older, must be seated at a table or booth in the bar area and shall not be seated at the bar over which alcoholic beverages are sold or dispensed by the drink.~~

**SECTION 21. [EFFECTIVE UPON PASSAGE] (a) The general assembly recognizes that HEA 1335-2023 amends IC 20-23-12-9**



effective July 1, 2023, and that SEA 327-2023 repeals IC 20-23-12-9 effective upon passage. The general assembly intends to repeal IC 20-23-12-9 effective upon passage.

**(b) This SECTION expires January 1, 2024.**

**SECTION 22. An emergency is declared for this act.**



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President of the Senate

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President Pro Tempore

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Speaker of the House of Representatives

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

SEA 80 — CC 1

