

SENATE BILL No. 120

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-2-13-5.

Synopsis: DNA samples at time of arrest. Requires a sheriff to take a DNA sample of a person taken into custody for a felony. Provides that it is a Class C misdemeanor if a person refuses to provide a DNA sample to a sheriff.

Effective: July 1, 2025.

Crider

January 8, 2025, read first time and referred to Committee on Corrections and Criminal Law.



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

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

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

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

SENATE BILL No. 120

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

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

1 SECTION 1. IC 36-2-13-5, AS AMENDED BY P.L.63-2008,
2 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2025]: Sec. 5. (a) The sheriff shall:
4 (1) arrest without process persons who commit an offense within
5 the sheriff's view, take them before a court of the county having
6 jurisdiction, and detain them in custody until the cause of the
7 arrest has been investigated;
8 (2) suppress breaches of the peace, calling the power of the
9 county to the sheriff's aid if necessary;
10 (3) pursue and jail felons;
11 (4) execute all process directed to the sheriff by legal authority;
12 (5) serve all process directed to the sheriff from a court or the
13 county executive;
14 (6) attend and preserve order in all courts of the county;
15 (7) take care of the county jail and the prisoners there;
16 (8) take photographs, fingerprints, and other identification data as
17 the sheriff shall prescribe of persons taken into custody for



- 1 felonies or misdemeanors; ~~and~~
 2 **(9) take DNA (deoxyribonucleic acid) samples for felonies;**
 3 **and**
 4 ~~(9)~~ **(10)** on or before January 31 and June 30 of each year, provide
 5 to the department of correction the average daily cost of
 6 incarcerating a prisoner in the county jail as determined under the
 7 methodology developed by the department of correction under
 8 IC 11-10-13.
- 9 (b) A person who:
 10 (1) refuses to be photographed, **as prescribed in subsection**
 11 **(a)(8);**
 12 (2) refuses to be fingerprinted, **as prescribed in subsection**
 13 **(a)(8);**
 14 (3) withholds information, **as prescribed in subsection (a)(8); or**
 15 (4) gives false information, **as prescribed in subsection (a)(8);**
 16 **or**
 17 **(5) refuses to provide a DNA (deoxyribonucleic acid) sample,**
 18 **as prescribed in subsection (a)(9);**
 19 **as prescribed in subsection (a)(8);** commits a Class C misdemeanor.
- 20 (c) The sheriff may supervise and inspect all pawnbrokers, vendors,
 21 junkshop keepers, cartmen, expressmen, dealers in secondhand
 22 merchandise, intelligence offices, and auctions. The sheriff may
 23 authorize any deputy in writing to exercise the same powers.

