

# SENATE BILL No. 172

---

## DIGEST OF INTRODUCED BILL

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

**Synopsis:** Compensation for victims of violent crime. Amends definitions of emergency shelter care, motor vehicle, violent crime, and victim of a child sex crime. Changes out-of-pocket loss to out-of-pocket expenses. Provides that certain records obtained by the victim services division (division) of the criminal justice institute are to remain confidential. Provides that, where justice requires, the division may award compensation before an information or indictment is filed. Adds procedures for claim denial by the division. Provides that an award may not be made unless the claimant has incurred an out-of-pocket expense or loss of income that exceeds \$100. Adds that the division may order the payment of compensation for reasonable, documented expenses that were incurred within 180 days of the violent crime. Provides that the director may extend the 180 days to two years for mental health counseling. Requires written verification of all losses and expenses requested before making an award. Adds procedures for application denial and appeals. Repeals the law relating to payment of compensable losses, hearings concerning the merits of an application, decisions by a hearing officer, the reduction of awards, and appealing the findings of a hearing officer.

**Effective:** July 1, 2024.

---

---

## Crider

---

---

January 9, 2024, read first time and referred to Committee on Corrections and Criminal Law.

---

---



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

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

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

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2023 Regular Session of the General Assembly.

# SENATE BILL No. 172

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

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

1 SECTION 1. IC 5-2-6.1-2.5, AS ADDED BY P.L.121-2006,  
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2024]: Sec. 2.5. As used in this chapter, "emergency shelter  
4 care" means **temporary or transitional** housing ~~in a facility~~ having the  
5 primary purpose of providing ~~temporary or transitional~~ shelter for ~~the~~  
6 ~~homeless or for a specific population of the homeless.~~ **a claimant to**  
7 **avoid contact with the person who committed the violent crime**  
8 **that is the basis for the claim.**

9 SECTION 2. IC 5-2-6.1-5.5, AS ADDED BY P.L.121-2006,  
10 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
11 JULY 1, 2024]: Sec. 5.5. As used in this chapter, "motor vehicle" has  
12 the meaning set forth in ~~IC 7-1-1-3-26.3.~~ **IC 9-13-2-105.**

13 SECTION 3. IC 5-2-6.1-5.7, AS ADDED BY P.L.129-2009,  
14 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
15 JULY 1, 2024]: Sec. 5.7. As used in this chapter, "~~out-of-pocket loss~~"  
16 **"out-of-pocket expense"** means: **an amount equal to the amount of**  
17 **reimbursement**



- 1           **(1) funeral expenses;**  
 2           **(2) burial expenses;**  
 3           **(3) cremation expenses; and**  
 4           **(4) medical expenses that are payable under IC 27-8-10-3 for**  
 5           each of the types of services and items provided to a victim as a  
 6           result of the bodily injury or death upon which an application is  
 7           based.

8           SECTION 4. IC 5-2-6.1-5.8 IS ADDED TO THE INDIANA CODE  
 9           AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY  
 10          1, 2024]: **Sec. 5.8. As used in this chapter, "loss of income" means**  
 11          **wages the victim would have earned had the victim not died or**  
 12          **been injured, if the victim was employed at the time of the crime.**

13          SECTION 5. IC 5-2-6.1-6 IS REPEALED [EFFECTIVE JULY 1,  
 14          2024]. ~~Sec. 6. As used in this chapter, "person" includes a sole~~  
 15          ~~proprietorship; a partnership; a corporation; an association; a fiduciary;~~  
 16          ~~and an individual.~~

17          SECTION 6. IC 5-2-6.1-7.5, AS ADDED BY P.L.48-2012,  
 18          SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 19          JULY 1, 2024]: **Sec. 7.5. As used in this chapter, "victim of a child sex**  
 20          **crime" means an individual who was the victim of:**

- 21               (1) child molesting (~~IC 35-42-4-3(a)~~); **(IC 35-42-4-3);**  
 22               (2) vicarious sexual gratification (IC 35-42-4-5);  
 23               (3) child solicitation (IC 35-42-4-6);  
 24               (4) child seduction (IC 35-42-4-7); ~~or~~  
 25               (5) incest (IC 35-46-1-3); **or**  
 26               **(6) sexual misconduct with a minor (IC 35-42-4-9);**

27          and was less than eighteen (18) years of age at the time the crime  
 28          occurred.

29          SECTION 7. IC 5-2-6.1-8, AS AMENDED BY P.L.65-2016,  
 30          SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 31          JULY 1, 2024]: **Sec. 8. As used in this chapter, "violent crime" means**  
 32          **the following:**

- 33               (1) A crime under the Indiana Code that is a felony of any kind or  
 34               a Class A misdemeanor that results in bodily injury or death to the  
 35               victim but does not include any of the following:  
 36                       (A) A crime under IC 9-30-5 resulting from the operation of a  
 37                       vehicle other than a motor vehicle.  
 38                       (B) Involuntary manslaughter resulting from the operation of  
 39                       a motor vehicle by a person who was not intoxicated (IC  
 40                       35-42-1-4).  
 41                       (C) Reckless homicide resulting from the operation of a motor  
 42                       vehicle by a person who was not intoxicated (IC 35-42-1-5).



- 1 (D) Criminal recklessness involving the use of a motor  
 2 vehicle, unless the offense was intentional or the person using  
 3 the motor vehicle was intoxicated (IC 35-42-2-2).  
 4 (E) A crime involving the operation of a motor vehicle if the  
 5 driver of the motor vehicle was not charged with an offense  
 6 under IC 9-30-5.  
 7 ~~(F) A battery offense included in IC 35-42-2 upon a child less~~  
 8 ~~than fourteen (14) years of age.~~  
 9 ~~(G) Child molesting (IC 35-42-4-3).~~  
 10 ~~(H) Child seduction (IC 35-42-4-7).~~  
 11 (2) A crime in another jurisdiction in which the elements of the  
 12 crime are substantially similar to the elements of a crime that, if  
 13 the crime results in death or bodily injury to the victim, would be  
 14 a felony or a Class A misdemeanor if committed in Indiana.  
 15 However, the term does not include any of the following:  
 16 (A) A crime in another jurisdiction resulting from operating a  
 17 vehicle, other than a motor vehicle, while intoxicated.  
 18 (B) A crime in another jurisdiction with elements substantially  
 19 similar to involuntary manslaughter resulting from the  
 20 operation of a motor vehicle if the crime was committed by a  
 21 person who was not intoxicated.  
 22 (C) A crime in another jurisdiction with elements substantially  
 23 similar to reckless homicide resulting from the operation of a  
 24 motor vehicle if the crime was committed by a person who was  
 25 not intoxicated.  
 26 (D) A crime in another jurisdiction with elements substantially  
 27 similar to criminal recklessness involving the use of a motor  
 28 vehicle unless the offense was intentional or the person using  
 29 the motor vehicle was intoxicated.  
 30 (E) A crime involving the operation of a motor vehicle if the  
 31 driver of the motor vehicle was not charged with an offense  
 32 under IC 9-30-5.  
 33 (3) A terrorist act.
- 34 SECTION 8. IC 5-2-6.1-11 IS AMENDED TO READ AS  
 35 FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 11. The division may  
 36 do the following:  
 37 (1) Require from the attorney general, the state police department,  
 38 local law enforcement personnel, a county department of public  
 39 welfare, or a prosecuting attorney copies of investigations and  
 40 data to assist the division in determining the validity of a  
 41 claimant's application for assistance under this chapter.  
 42 ~~(2) Require medical examination of victims.~~



1           (2) Hold hearings, administer oaths, examine any person  
2           under oath, issue subpoenas requiring the attendance and giving  
3           of testimony of witnesses, and require the production of books,  
4           papers, and documentary or other evidence. The subpoena powers  
5           provided in this subdivision may be exercised only by the director  
6           of the division or the director's designated representative.

7           (3) Take or cause to be taken affidavits or depositions.

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

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

17          SECTION 10. IC 5-2-6.1-13, AS AMENDED BY P.L.98-2022,  
18          SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
19          JULY 1, 2024]: Sec. 13. (a) Subject to subsection (b) and except as  
20          provided in subsection (c), benefits may not be awarded:

- 21           (1) if the victim sustained the injury as a result of participating or  
22           assisting in, or attempting to commit or committing a criminal act;  
23           (2) if the injury occurred while the victim was a resident in a  
24           county, city, or federal jail or prison or in an institution operated  
25           by the department of correction;  
26           (3) if the victim profited or would have profited from the criminal  
27           act;  
28           (4) if, at the time the injury occurred, the victim was intoxicated  
29           and contributed to the commission of an unrelated felony; or  
30           (5) to a claimant who contributed to the injury or death of the  
31           victim.

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

35          (c) Benefits may be awarded to a person described in subsection  
36          (a)(4) who is the victim of a sex crime under IC 35-42-4, a crime  
37          involving domestic or family violence (as defined in IC 35-31.5-2-76),  
38          or a crime of domestic violence (as defined in IC 35-31.5-2-78), or  
39          **incest (as defined in IC 35-46-1-3).**

40          SECTION 11. IC 5-2-6.1-16, AS AMENDED BY P.L.31-2020,  
41          SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
42          JULY 1, 2024]: Sec. 16. (a) A person eligible for assistance under



1 section 12 of this chapter may file an application for assistance with the  
2 division. ~~if the violent crime was committed in Indiana.~~

3 (b) Except as provided in subsections (e) and (f), the application  
4 must be received by the division not more than one hundred eighty  
5 (180) days after the date the crime was committed. The division may  
6 grant an extension of time for good cause shown by the claimant.  
7 However, and except as provided in subsections (e) and (f), the  
8 division may not accept an application that is received more than two  
9 (2) years after the date the crime was committed.

10 (c) The application must be filed in the office of the division in  
11 person, through the division's Internet web site, or by first class or  
12 certified mail. If requested, the division shall assist a victim in  
13 preparing the application.

14 (d) The division shall accept all applications filed in compliance  
15 with this chapter. Upon receipt of a complete application, the division  
16 shall promptly begin the investigation and processing of an application.

17 (e) An alleged victim of a child sex crime may submit an application  
18 to the division until the victim becomes thirty-one (31) years of age or  
19 in accordance with subsection (f).

20 (f) An alleged victim of a child sex crime described in  
21 IC 35-41-4-2(e) which meets the requirements of IC 35-41-4-2(p) may  
22 submit an application to the division not later than five (5) years after  
23 the earliest of the date on which:

24 (1) the state first discovers evidence sufficient to charge the  
25 offender with the offense through DNA (deoxyribonucleic acid)  
26 analysis;

27 (2) the state first becomes aware of the existence of a recording  
28 (as defined in IC 35-31.5-2-273) that provides evidence sufficient  
29 to charge the offender with the offense; or

30 (3) a person confesses to the offense.

31 (g) An alleged victim of a battery offense included in IC 35-42-2  
32 upon a child less than fourteen (14) years of age may submit an  
33 application to the division not later than five (5) years after the  
34 commission of the offense.

35 SECTION 12. IC 5-2-6.1-17, AS AMENDED BY P.L.98-2022,  
36 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
37 JULY 1, 2024]: Sec. 17. (a) Except for an alleged victim of a child sex  
38 crime, the division may not award compensation under this chapter  
39 unless the violent crime was reported to a law enforcement officer not  
40 more than seventy-two (72) hours after the occurrence of the crime.

41 (b) The division may not award compensation under this chapter  
42 until:



1 (1) law enforcement and other records concerning the  
2 circumstances of the crime are available; and

3 (2) any criminal investigation directly related to the crime has  
4 been substantially completed.

5 (c) If the crime involved a motor vehicle, the division may not  
6 award compensation under this chapter until an information or  
7 indictment alleging the commission of a crime has been filed by a  
8 prosecuting attorney. **The division may award compensation under  
9 this chapter before an information or indictment alleging the  
10 commission of a crime has been filed where justice requires.**

11 (d) The division may accept proof that evidence was collected  
12 through a forensic exam described in IC 16-21-8 as **compliance with  
13 subsection (a) and as** cooperation with law enforcement, as required  
14 by sections 18 and 19 of this chapter.

15 SECTION 13. IC 5-2-6.1-20.5 IS ADDED TO THE INDIANA  
16 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
17 [EFFECTIVE JULY 1, 2024]: **Sec. 20.5. The division shall deny an  
18 award of compensation under this chapter if the claimant fails to  
19 fully cooperate with the division in the review, investigation, and  
20 processing of the claim.**

21 SECTION 14. IC 5-2-6.1-21 IS REPEALED [EFFECTIVE JULY  
22 1, 2024]. ~~Sec. 21. (a) This section applies to claims filed with the  
23 division after December 31, 2005, and before July 1, 2009.~~

24 (b) ~~This subsection does not apply to reimbursement for forensic  
25 and evidence gathering services provided under section 39 of this  
26 chapter.~~

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

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

31 (1) Reasonable expenses incurred for necessary medical;  
32 chiropractic; hospital; dental; psychological; optometric;  
33 psychiatric; and ambulance services and prescription drugs and  
34 prosthetic devices that do not exceed the claimant's out-of-pocket  
35 loss;

36 (2) Loss of income the:

37 (A) victim would have earned had the victim not died or been  
38 injured; if the victim was employed at the time of the crime; or

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

42 A claimant seeking reimbursement under this subdivision must



1 provide the division with proof of employment and current wages.

2 (3) Reasonable emergency shelter care expenses; not to exceed  
3 the expenses for thirty (30) days; that are incurred for the claimant  
4 or a dependent of the claimant to avoid contact with a person who  
5 committed the violent crime.

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

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

11 (6) Documented expenses incurred for funeral, burial, or  
12 cremation of the victim that do not exceed four thousand dollars  
13 (\$4,000). The division shall disburse compensation under this  
14 subdivision in accordance with guidelines adopted by the  
15 division.

16 (7) Other actual expenses resulting from the bodily injury or death  
17 of the victim; including costs of mental health care; not to exceed  
18 two thousand dollars (\$2,000) for the immediate family of a  
19 homicide or sex crime victim; and any other actual expenses that  
20 the division determines reasonable.

21 (e) If a health care provider accepts payment from the division  
22 under this chapter, the health care provider may not require the victim  
23 to pay a copayment or an additional fee for the provision of services.

24 (f) A health care provider who seeks compensation from the  
25 division under this chapter may not simultaneously seek funding for  
26 services provided to a victim from any other source.

27 SECTION 15. IC 5-2-6.1-21.1, AS AMENDED BY THE  
28 TECHNICAL CORRECTIONS BILL OF THE 2024 GENERAL  
29 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
30 JULY 1, 2024]: Sec. 21.1. (a) This section applies to claims filed with  
31 the division after June 30, 2009.

32 (b) This ~~subsection~~ **section** does not apply to reimbursement for  
33 forensic and evidence gathering services provided under section 39 of  
34 this chapter.

35 (c) An award may not be made unless the claimant has incurred an  
36 out-of-pocket ~~loss expense that exceeds~~ **of at least** one hundred dollars  
37 (\$100) **or has incurred loss of income that exceeds one hundred**  
38 **dollars (\$100).**

39 (d) Subject to subsections (b) and (c), the division may order the  
40 payment of compensation under this chapter for any of the following  
41 **reasonable, documented expenses incurred within one hundred**  
42 **eighty (180) days after the date of the violent crime:**





1 (1) Reasonable expenses incurred within one hundred eighty  
2 (~~180~~) days after the date of the violent crime for Necessary:

3 (A) medical, chiropractic, hospital, dental, optometric, and  
4 ambulance services;

5 (B) prescription drugs; and

6 (C) prosthetic devices;

7 that do not exceed the claimant's out-of-pocket ~~loss~~: **expense**.

8 (2) Loss of income:

9 (A) the victim would have earned had the victim not died or  
10 been injured, if the victim was employed at the time of the  
11 violent crime; ~~or~~

12 (B) the parent, guardian, or custodian of a victim who is less  
13 than eighteen (18) years of age incurred by taking time off  
14 from work to care for the victim; **or**

15 **(C) the spouse of a victim incurred by taking time off from  
16 work to care for the victim.**

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

19 (3) ~~Reasonable~~ Emergency shelter care expenses, not to exceed  
20 the expenses for thirty (30) days, that are incurred for the claimant  
21 or a dependent of the claimant to avoid contact with a person who  
22 committed the violent crime.

23 (4) ~~Reasonable~~ Expense incurred for child care, not to exceed one  
24 thousand dollars (\$1,000), to replace child care the victim would  
25 have supplied had the victim not died or been injured.

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

28 (6) ~~Documented~~ Expenses incurred for funeral, burial, or  
29 cremation of the victim that do not exceed five thousand dollars  
30 (\$5,000). The division shall disburse compensation under this  
31 subdivision in accordance with guidelines adopted by the  
32 division.

33 (7) Outpatient mental health counseling, not to exceed three  
34 thousand dollars (\$3,000), concerning mental health issues related  
35 to the violent crime.

36 (8) Other actual expenses related to bodily injury to or the death  
37 of the victim that the division determines are reasonable.

38 (9) Replacement of windows or door locks.

39 (10) Cleanup of the scene of a violent crime.

40 **(e) The division shall obtain written verification of all losses and  
41 expenses requested under this section before making an award.**

42 ~~(e)~~ (f) If a health care provider accepts payment from the division



1 under this chapter, the health care provider may not require the victim  
2 to pay a copayment or an additional fee for the provision of services.

3 ~~(f)~~ **(g)** A health care provider who seeks compensation from the  
4 division under this chapter may not simultaneously seek funding for  
5 services provided to a victim from any other source.

6 ~~(g)~~ **(h)** The director may extend the one hundred eighty (180) day  
7 compensation period established by subsection ~~(d)(1)~~ **(d)** for a period  
8 not to exceed two (2) years after the date of the violent crime if:

9 (1) the victim or the victim's representative requests the  
10 extension; and

11 (2) medical records and other documentation provided by the  
12 attending medical providers indicate that an extension is  
13 appropriate.

14 ~~(h)~~ **(i)** The director may extend the one hundred eighty (180) day  
15 compensation period established by subsection ~~(d)(1)~~ **(d)** for outpatient  
16 mental health counseling, established by subsection (d)(7) **where**  
17 **justice requires, but for a period not to exceed two (2) years. if the**  
18 **victim:**

19 (1) was allegedly a victim of a sex crime (under IC 35-42-4) or  
20 incest (under IC 35-46-1-3);

21 (2) was under eighteen (18) years of age at the time of the alleged  
22 crime; and

23 (3) did not reveal the crime within two (2) years after the date of  
24 the alleged crime.

25 SECTION 16. IC 5-2-6.1-24, AS AMENDED BY P.L.100-2012,  
26 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
27 JULY 1, 2024]: Sec. 24. The division shall employ sufficient ~~hearing~~  
28 ~~officers claims analysts~~ to review each application for an award to  
29 carry out this chapter.

30 SECTION 17. IC 5-2-6.1-25 IS AMENDED TO READ AS  
31 FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 25. (a) The division  
32 shall review all applications to ensure that the applications are  
33 complete.

34 (b) If an application is not complete, the application shall be  
35 returned to the applicant with a brief statement of the additional  
36 information required.

37 (c) The applicant may, not more than thirty (30) days after receipt  
38 of the request for additional information, either supply the information  
39 or ~~appeal to seek an extension from the director.~~ **division.**

40 ~~(d) The decision of the director is final.~~

41 ~~(e)~~ **(d)** If:

42 (1) the applicant does not furnish additional information; **or**



1 (2) additional time is not granted by the director for good cause;  
 2 or  
 3 (3) the applicant does not appeal the request not later than thirty  
 4 (30) days after the request;  
 5 the application shall be denied.

6 SECTION 18. IC 5-2-6.1-26, AS AMENDED BY P.L.113-2014,  
 7 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 8 JULY 1, 2024]: Sec. 26. (a) If an application is complete, the division  
 9 shall accept the application for filing and investigate the facts stated in  
 10 the application.

11 (b) As part of the investigation, the division shall verify that:  
 12 (1) a violent crime was committed;  
 13 (2) the victim was killed or suffered bodily injury as a result of the  
 14 crime;  
 15 (3) the requirements of sections 13, 16(a), 16(b), 17, 18, and 19  
 16 of this chapter are met; and  
 17 (4) (3) out-of-pocket loss expense exceeded one hundred dollars  
 18 (\$100);  
 19 (4) loss of income exceeded one hundred dollars (\$100); and  
 20 (5) all other requirements of this chapter are met.

21 SECTION 19. IC 5-2-6.1-27 IS REPEALED [EFFECTIVE JULY  
 22 1, 2024]. Sec. 27. (a) A hearing officer may hold a hearing concerning  
 23 the merits of the application to allow any interested person to appear to  
 24 offer evidence and argument on any issue relevant to the application or  
 25 to the facts surrounding the bodily injury or death upon which the  
 26 application is based.

27 (b) If a hearing is held, the claimant shall be notified in writing by  
 28 certified mail with return receipt requested fifteen (15) days in advance  
 29 concerning the date, time, place, and scope of the hearing in  
 30 accordance with IC 4-21.5-3.

31 (c) A hearing must be open to the public unless the hearing officer,  
 32 in consultation with the director, determines that the hearing or a part  
 33 of the hearing should be held in private in the interest of the victim or  
 34 society where justice requires.

35 SECTION 20. IC 5-2-6.1-27.5 IS ADDED TO THE INDIANA  
 36 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 37 [EFFECTIVE JULY 1, 2024]: Sec. 27.5. (a) If, after investigation of  
 38 the application, the division determines that the applicant does not  
 39 qualify for compensation, a denial letter shall be issued to the  
 40 applicant.

41 (b) A denial of an application under this chapter constitutes an  
 42 agency action for purposes of IC 4-21.5.



1 SECTION 21. IC 5-2-6.1-28 IS REPEALED [EFFECTIVE JULY  
2 1, 2024]. Sec. 28: (a) Not more than ten (10) days after the hearing, the  
3 hearing officer shall issue a written decision supported by findings of  
4 fact and conclusions of law based on the record from the hearing, the  
5 investigation, and the application of the claimant.

6 (b) Copies of the decision shall be mailed to the claimant at the  
7 address given in the application and to the attorney general.

8 SECTION 22. IC 5-2-6.1-28.5 IS ADDED TO THE INDIANA  
9 CODE AS A NEW SECTION TO READ AS FOLLOWS  
10 [EFFECTIVE JULY 1, 2024]: **Sec. 28.5. A claimant aggrieved by an  
11 action under this chapter may request an appeal under IC 4-21.5  
12 by making a written request to the director within thirty (30) days  
13 of the date of the denial letter.**

14 SECTION 23. IC 5-2-6.1-29 IS REPEALED [EFFECTIVE JULY  
15 1, 2024]. Sec. 29: (a) The state or a claimant may appeal the findings  
16 of the hearing officer not more than twenty-one (21) days after the date  
17 of receipt of the findings by filing a written appeal with the director.

18 (b) If an appeal is filed, the director shall review the matter and  
19 place the appeal on the docket for review by the division.

20 SECTION 24. IC 5-2-6.1-29.5 IS ADDED TO THE INDIANA  
21 CODE AS A NEW SECTION TO READ AS FOLLOWS  
22 [EFFECTIVE JULY 1, 2024]: **Sec. 29.5. (a) The state or a claimant  
23 may appeal an order issued by an administrative law judge under  
24 IC 4-21.5 within twenty-one (21) days of the date of the written  
25 determination by filing a written appeal with the director who shall  
26 place the appeal on the docket for review by the division.**

27 (b) An appeal under this section shall be limited to those facts  
28 evidenced in the record or proceedings and may, at the discretion  
29 of the division, be supplemented with a written statement by either  
30 the division or the claimant.

31 (c) A decision by the division shall be conclusive and binding  
32 upon the state and claimant, subject to judicial review under  
33 IC 4-21.5.

34 SECTION 25. IC 5-2-6.1-30 IS REPEALED [EFFECTIVE JULY  
35 1, 2024]. Sec. 30: A proceeding under this chapter must be according  
36 to procedures adopted by the division.

37 SECTION 26. IC 5-2-6.1-31 IS REPEALED [EFFECTIVE JULY  
38 1, 2024]. Sec. 31: The hearing officer may not deny an award without  
39 providing the claimant with an opportunity for a hearing.

40 SECTION 27. IC 5-2-6.1-36 IS REPEALED [EFFECTIVE JULY  
41 1, 2024]. Sec. 36: (a) If:

42 (1) the division determines that a claimant will suffer severe



1 financial hardship unless an emergency award is made; and  
 2 (2) it appears likely that a final award will be made;  
 3 an emergency award not to exceed five hundred dollars (\$500) may be  
 4 authorized by the director or the director's designated representative.

5 (b) The amount of an emergency award is:

- 6 (1) deducted from the final award made by the division; and  
 7 (2) recoverable from the claimant if no award is made by the  
 8 division or to the extent that the emergency award exceeds the  
 9 amount of the final award.

10 SECTION 28. IC 5-14-3-4, AS AMENDED BY P.L.86-2022,  
 11 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 12 JULY 1, 2024]: Sec. 4. (a) The following public records are excepted  
 13 from section 3 of this chapter and may not be disclosed by a public  
 14 agency, unless access to the records is specifically required by a state  
 15 or federal statute or is ordered by a court under the rules of discovery:

- 16 (1) Those declared confidential by state statute.  
 17 (2) Those declared confidential by rule adopted by a public  
 18 agency under specific authority to classify public records as  
 19 confidential granted to the public agency by statute.  
 20 (3) Those required to be kept confidential by federal law.  
 21 (4) Records containing trade secrets.  
 22 (5) Confidential financial information obtained, upon request,  
 23 from a person. However, this does not include information that is  
 24 filed with or received by a public agency pursuant to state statute.  
 25 (6) Information concerning research, including actual research  
 26 documents, conducted under the auspices of a state educational  
 27 institution, including information:  
 28 (A) concerning any negotiations made with respect to the  
 29 research; and  
 30 (B) received from another party involved in the research.  
 31 (7) Grade transcripts and license examination scores obtained as  
 32 part of a licensure process.  
 33 (8) Those declared confidential by or under rules adopted by the  
 34 supreme court of Indiana.  
 35 (9) Patient medical records and charts created by a provider,  
 36 unless the patient gives written consent under IC 16-39 or as  
 37 provided under IC 16-41-8.  
 38 (10) Application information declared confidential by the Indiana  
 39 economic development corporation under IC 5-28.  
 40 (11) A photograph, a video recording, or an audio recording of an  
 41 autopsy, except as provided in IC 36-2-14-10.  
 42 (12) A Social Security number contained in the records of a



- 1 public agency.  
 2 (13) The following information that is part of a foreclosure action  
 3 subject to IC 32-30-10.5:  
 4 (A) Contact information for a debtor, as described in  
 5 IC 32-30-10.5-8(d)(1)(B).  
 6 (B) Any document submitted to the court as part of the debtor's  
 7 loss mitigation package under IC 32-30-10.5-10(a)(3).  
 8 (14) The following information obtained from a call made to a  
 9 fraud hotline established under IC 36-1-8-8.5:  
 10 (A) The identity of any individual who makes a call to the  
 11 fraud hotline.  
 12 (B) A report, transcript, audio recording, or other information  
 13 concerning a call to the fraud hotline.  
 14 However, records described in this subdivision may be disclosed  
 15 to a law enforcement agency, a private university police  
 16 department, the attorney general, the inspector general, the state  
 17 examiner, or a prosecuting attorney.  
 18 (15) Information described in section 5(c)(3)(B) of this chapter  
 19 that is contained in a daily log or record described in section 5(c)  
 20 of this chapter for a victim of a crime or delinquent act who is less  
 21 than eighteen (18) years of age, unless and to the extent that:  
 22 (A) a parent, guardian, or custodian of the victim consents in  
 23 writing to public disclosure of the records; and  
 24 (B) that parent, guardian, or custodian of the victim has not  
 25 been charged with or convicted of committing a crime against  
 26 the victim.  
 27 However, records described in this subdivision may be disclosed  
 28 to the department of child services.  
 29 (b) Except as otherwise provided by subsection (a), the following  
 30 public records shall be excepted from section 3 of this chapter at the  
 31 discretion of a public agency:  
 32 (1) Investigatory records of law enforcement agencies or private  
 33 university police departments. For purposes of this chapter, a law  
 34 enforcement recording is not an investigatory record. However,  
 35 information described in subsection (a)(15) contained in a law  
 36 enforcement recording is exempt from disclosure, unless and to  
 37 the extent that a parent, guardian, or custodian of the victim  
 38 consents in writing to public disclosure of the records. However,  
 39 a parent, guardian, or custodian charged with or convicted of a  
 40 crime against the victim may not consent to public disclosure of  
 41 the records. Law enforcement agencies or private university  
 42 police departments may share investigatory records with: a:



- 1 (A) a person who advocates on behalf of a crime victim,  
 2 including a victim advocate (as defined in IC 35-37-6-3.5) or  
 3 a victim service provider (as defined in IC 35-37-6-5), for the  
 4 purposes of providing services to a victim or describing  
 5 services that may be available to a victim; ~~and~~  
 6 (B) a school corporation (as defined by IC 20-18-2-16(a)),  
 7 charter school (as defined by IC 20-24-1-4), or nonpublic  
 8 school (as defined by IC 20-18-2-12) for the purpose of  
 9 enhancing the safety or security of a student or a school  
 10 facility; **and**  
 11 **(C) the victim services division of the Indiana criminal**  
 12 **justice institute under IC 5-2-6-8, for the purposes of**  
 13 **conducting an investigation under IC 5-2-6.1-26.**  
 14 without the law enforcement agency or private university police  
 15 department losing its discretion to keep those records confidential  
 16 from other records requesters. However, certain law enforcement  
 17 records must be made available for inspection and copying as  
 18 provided in section 5 of this chapter.  
 19 (2) The work product of an attorney representing, pursuant to  
 20 state employment or an appointment by a public agency:  
 21 (A) a public agency;  
 22 (B) the state; or  
 23 (C) an individual.  
 24 (3) Test questions, scoring keys, and other examination data used  
 25 in administering a licensing examination, examination for  
 26 employment, or academic examination before the examination is  
 27 given or if it is to be given again.  
 28 (4) Scores of tests if the person is identified by name and has not  
 29 consented to the release of the person's scores.  
 30 (5) The following:  
 31 (A) Records relating to negotiations between:  
 32 (i) the Indiana economic development corporation;  
 33 (ii) the ports of Indiana;  
 34 (iii) the Indiana state department of agriculture;  
 35 (iv) the Indiana finance authority;  
 36 (v) an economic development commission;  
 37 (vi) the Indiana White River state park development  
 38 commission;  
 39 (vii) a local economic development organization that is a  
 40 nonprofit corporation established under state law whose  
 41 primary purpose is the promotion of industrial or business  
 42 development in Indiana, the retention or expansion of



1 Indiana businesses, or the development of entrepreneurial  
 2 activities in Indiana; or  
 3 (viii) a governing body of a political subdivision;  
 4 with industrial, research, or commercial prospects, if the  
 5 records are created while negotiations are in progress.  
 6 However, this clause does not apply to records regarding  
 7 research that is prohibited under IC 16-34.5-1-2 or any other  
 8 law.

9 (B) Notwithstanding clause (A), the terms of the final offer of  
 10 public financial resources communicated by the Indiana  
 11 economic development corporation, the ports of Indiana, the  
 12 Indiana finance authority, an economic development  
 13 commission, the Indiana White River state park development  
 14 commission, or a governing body of a political subdivision to  
 15 an industrial, a research, or a commercial prospect shall be  
 16 available for inspection and copying under section 3 of this  
 17 chapter after negotiations with that prospect have terminated.

18 (C) When disclosing a final offer under clause (B), the Indiana  
 19 economic development corporation shall certify that the  
 20 information being disclosed accurately and completely  
 21 represents the terms of the final offer.

22 (D) Notwithstanding clause (A), an incentive agreement with  
 23 an incentive recipient shall be available for inspection and  
 24 copying under section 3 of this chapter after the date the  
 25 incentive recipient and the Indiana economic development  
 26 corporation execute the incentive agreement regardless of  
 27 whether negotiations are in progress with the recipient after  
 28 that date regarding a modification or extension of the incentive  
 29 agreement.

30 (6) Records that are intra-agency or interagency advisory or  
 31 deliberative material, including material developed by a private  
 32 contractor under a contract with a public agency, that are  
 33 expressions of opinion or are of a speculative nature, and that are  
 34 communicated for the purpose of decision making.

35 (7) Diaries, journals, or other personal notes serving as the  
 36 functional equivalent of a diary or journal.

37 (8) Personnel files of public employees and files of applicants for  
 38 public employment, except for:  
 39 (A) the name, compensation, job title, business address,  
 40 business telephone number, job description, education and  
 41 training background, previous work experience, or dates of  
 42 first and last employment of present or former officers or





- 1 employees of the agency;  
 2 (B) information relating to the status of any formal charges  
 3 against the employee; and  
 4 (C) the factual basis for a disciplinary action in which final  
 5 action has been taken and that resulted in the employee being  
 6 suspended, demoted, or discharged.
- 7 However, all personnel file information shall be made available  
 8 to the affected employee or the employee's representative. This  
 9 subdivision does not apply to disclosure of personnel information  
 10 generally on all employees or for groups of employees without the  
 11 request being particularized by employee name.
- 12 (9) Minutes or records of hospital medical staff meetings.
- 13 (10) Administrative or technical information that would  
 14 jeopardize a record keeping system, voting system, voter  
 15 registration system, or security system.
- 16 (11) Computer programs, computer codes, computer filing  
 17 systems, and other software that are owned by the public agency  
 18 or entrusted to it and portions of electronic maps entrusted to a  
 19 public agency by a utility.
- 20 (12) Records specifically prepared for discussion or developed  
 21 during discussion in an executive session under IC 5-14-1.5-6.1.  
 22 However, this subdivision does not apply to that information  
 23 required to be available for inspection and copying under  
 24 subdivision (8).
- 25 (13) The work product of the legislative services agency under  
 26 personnel rules approved by the legislative council.
- 27 (14) The work product of individual members and the partisan  
 28 staffs of the general assembly.
- 29 (15) The identity of a donor of a gift made to a public agency if:  
 30 (A) the donor requires nondisclosure of the donor's identity as  
 31 a condition of making the gift; or  
 32 (B) after the gift is made, the donor or a member of the donor's  
 33 family requests nondisclosure.
- 34 (16) Library or archival records:  
 35 (A) which can be used to identify any library patron; or  
 36 (B) deposited with or acquired by a library upon a condition  
 37 that the records be disclosed only:  
 38 (i) to qualified researchers;  
 39 (ii) after the passing of a period of years that is specified in  
 40 the documents under which the deposit or acquisition is  
 41 made; or  
 42 (iii) after the death of persons specified at the time of the



- 1 acquisition or deposit.
- 2 However, nothing in this subdivision shall limit or affect contracts
- 3 entered into by the Indiana state library pursuant to IC 4-1-6-8.
- 4 (17) The identity of any person who contacts the bureau of motor
- 5 vehicles concerning the ability of a driver to operate a motor
- 6 vehicle safely and the medical records and evaluations made by
- 7 the bureau of motor vehicles staff or members of the driver
- 8 licensing medical advisory board regarding the ability of a driver
- 9 to operate a motor vehicle safely. However, upon written request
- 10 to the commissioner of the bureau of motor vehicles, the driver
- 11 must be given copies of the driver's medical records and
- 12 evaluations.
- 13 (18) School safety and security measures, plans, and systems,
- 14 including emergency preparedness plans developed under 511
- 15 IAC 6.1-2-2.5.
- 16 (19) A record or a part of a record, the public disclosure of which
- 17 would have a reasonable likelihood of threatening public safety
- 18 by exposing a vulnerability to terrorist attack. A record described
- 19 under this subdivision includes the following:
- 20 (A) A record assembled, prepared, or maintained to prevent,
- 21 mitigate, or respond to an act of terrorism under IC 35-47-12-1
- 22 (before its repeal), an act of agricultural terrorism under
- 23 IC 35-47-12-2 (before its repeal), or a felony terrorist offense
- 24 (as defined in IC 35-50-2-18).
- 25 (B) Vulnerability assessments.
- 26 (C) Risk planning documents.
- 27 (D) Needs assessments.
- 28 (E) Threat assessments.
- 29 (F) Intelligence assessments.
- 30 (G) Domestic preparedness strategies.
- 31 (H) The location of community drinking water wells and
- 32 surface water intakes.
- 33 (I) The emergency contact information of emergency
- 34 responders and volunteers.
- 35 (J) Infrastructure records that disclose the configuration of
- 36 critical systems such as voting system and voter registration
- 37 system critical infrastructure, and communication, electrical,
- 38 ventilation, water, and wastewater systems.
- 39 (K) Detailed drawings or specifications of structural elements,
- 40 floor plans, and operating, utility, or security systems, whether
- 41 in paper or electronic form, of any building or facility located
- 42 on an airport (as defined in IC 8-21-1-1) that is owned,



1 occupied, leased, or maintained by a public agency, or any part  
 2 of a law enforcement recording that captures information  
 3 about airport security procedures, areas, or systems. A record  
 4 described in this clause may not be released for public  
 5 inspection by any public agency without the prior approval of  
 6 the public agency that owns, occupies, leases, or maintains the  
 7 airport. Both of the following apply to the public agency that  
 8 owns, occupies, leases, or maintains the airport:

9 (i) The public agency is responsible for determining whether  
 10 the public disclosure of a record or a part of a record,  
 11 including a law enforcement recording, has a reasonable  
 12 likelihood of threatening public safety by exposing a  
 13 security procedure, area, system, or vulnerability to terrorist  
 14 attack.

15 (ii) The public agency must identify a record described  
 16 under item (i) and clearly mark the record as "confidential  
 17 and not subject to public disclosure under  
 18 IC 5-14-3-4(b)(19)(J) without approval of (insert name of  
 19 submitting public agency)". However, in the case of a law  
 20 enforcement recording, the public agency must clearly mark  
 21 the record as "confidential and not subject to public  
 22 disclosure under IC 5-14-3-4(b)(19)(K) without approval of  
 23 (insert name of the public agency that owns, occupies,  
 24 leases, or maintains the airport)".

25 (L) The home address, home telephone number, and  
 26 emergency contact information for any:

27 (i) emergency management worker (as defined in  
 28 IC 10-14-3-3);

29 (ii) public safety officer (as defined in IC 35-47-4.5-3);

30 (iii) emergency medical responder (as defined in  
 31 IC 16-18-2-109.8); or

32 (iv) advanced emergency medical technician (as defined in  
 33 IC 16-18-2-6.5).

34 This subdivision does not apply to a record or portion of a record  
 35 pertaining to a location or structure owned or protected by a  
 36 public agency in the event that an act of terrorism under  
 37 IC 35-47-12-1 (before its repeal), an act of agricultural terrorism  
 38 under IC 35-47-12-2 (before its repeal), or a felony terrorist  
 39 offense (as defined in IC 35-50-2-18) has occurred at that location  
 40 or structure, unless release of the record or portion of the record  
 41 would have a reasonable likelihood of threatening public safety  
 42 by exposing a vulnerability of other locations or structures to



- 1 terrorist attack.
- 2 (20) The following personal information concerning a customer
- 3 of a municipally owned utility (as defined in IC 8-1-2-1):
- 4 (A) Telephone number.
- 5 (B) Address.
- 6 (C) Social Security number.
- 7 (21) The following personal information about a complainant
- 8 contained in records of a law enforcement agency:
- 9 (A) Telephone number.
- 10 (B) The complainant's address. However, if the complainant's
- 11 address is the location of the suspected crime, infraction,
- 12 accident, or complaint reported, the address shall be made
- 13 available for public inspection and copying.
- 14 (22) Notwithstanding subdivision (8)(A), the name,
- 15 compensation, job title, business address, business telephone
- 16 number, job description, education and training background,
- 17 previous work experience, or dates of first employment of a law
- 18 enforcement officer who is operating in an undercover capacity.
- 19 (23) Records requested by an offender, an agent, or a relative of
- 20 an offender that:
- 21 (A) contain personal information relating to:
- 22 (i) a correctional officer (as defined in IC 5-10-10-1.5);
- 23 (ii) a probation officer;
- 24 (iii) a community corrections officer;
- 25 (iv) a law enforcement officer (as defined in
- 26 IC 35-31.5-2-185);
- 27 (v) a judge (as defined in IC 33-38-12-3);
- 28 (vi) the victim of a crime; or
- 29 (vii) a family member of a correctional officer, probation
- 30 officer, community corrections officer, law enforcement
- 31 officer (as defined in IC 35-31.5-2-185), judge (as defined
- 32 in IC 33-38-12-3), or victim of a crime; or
- 33 (B) concern or could affect the security of a jail or correctional
- 34 facility.
- 35 For purposes of this subdivision, "agent" means a person who is
- 36 authorized by an offender to act on behalf of, or at the direction
- 37 of, the offender, and "relative" has the meaning set forth in
- 38 IC 35-42-2-1(b). However, the term "agent" does not include an
- 39 attorney in good standing admitted to the practice of law in
- 40 Indiana.
- 41 (24) Information concerning an individual less than eighteen (18)
- 42 years of age who participates in a conference, meeting, program,



1 or activity conducted or supervised by a state educational  
 2 institution, including the following information regarding the  
 3 individual or the individual's parent or guardian:

4 (A) Name.

5 (B) Address.

6 (C) Telephone number.

7 (D) Electronic mail account address.

8 (25) Criminal intelligence information.

9 (26) The following information contained in a report of unclaimed  
 10 property under IC 32-34-1.5-18 or in a claim for unclaimed  
 11 property under IC 32-34-1.5-48:

12 (A) Date of birth.

13 (B) Driver's license number.

14 (C) Taxpayer identification number.

15 (D) Employer identification number.

16 (E) Account number.

17 (27) Except as provided in subdivision (19) and sections 5.1 and  
 18 5.2 of this chapter, a law enforcement recording. However, before  
 19 disclosing the recording, the public agency must comply with the  
 20 obscuring requirements of sections 5.1 and 5.2 of this chapter, if  
 21 applicable.

22 (28) Records relating to negotiations between a state educational  
 23 institution and another entity concerning the establishment of a  
 24 collaborative relationship or venture to advance the research,  
 25 engagement, or educational mission of the state educational  
 26 institution, if the records are created while negotiations are in  
 27 progress. The terms of the final offer of public financial resources  
 28 communicated by the state educational institution to an industrial,  
 29 a research, or a commercial prospect shall be available for  
 30 inspection and copying under section 3 of this chapter after  
 31 negotiations with that prospect have terminated. However, this  
 32 subdivision does not apply to records regarding research  
 33 prohibited under IC 16-34.5-1-2 or any other law.

34 (c) Nothing contained in subsection (b) shall limit or affect the right  
 35 of a person to inspect and copy a public record required or directed to  
 36 be made by any statute or by any rule of a public agency.

37 (d) Notwithstanding any other law, a public record that is classified  
 38 as confidential, other than a record concerning an adoption or patient  
 39 medical records, shall be made available for inspection and copying  
 40 seventy-five (75) years after the creation of that record.

41 (e) Only the content of a public record may form the basis for the  
 42 adoption by any public agency of a rule or procedure creating an



- 1 exception from disclosure under this section.
- 2 (f) Except as provided by law, a public agency may not adopt a rule  
3 or procedure that creates an exception from disclosure under this  
4 section based upon whether a public record is stored or accessed using  
5 paper, electronic media, magnetic media, optical media, or other  
6 information storage technology.
- 7 (g) Except as provided by law, a public agency may not adopt a rule  
8 or procedure nor impose any costs or liabilities that impede or restrict  
9 the reproduction or dissemination of any public record.
- 10 (h) Notwithstanding subsection (d) and section 7 of this chapter:  
11 (1) public records subject to IC 5-15 may be destroyed only in  
12 accordance with record retention schedules under IC 5-15; or  
13 (2) public records not subject to IC 5-15 may be destroyed in the  
14 ordinary course of business.

