

# SENATE BILL No. 174

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 10-13-3-27; IC 11-8-8; IC 11-13-3-11; IC 35-36-10; IC 35-42-4; IC 35-49-3-3; IC 35-50-2-7.

**Synopsis:** Child sex abuse material. Replaces the term "child pornography" with the term "child sex abuse material" throughout the Indiana Code.

**Effective:** July 1, 2025.

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

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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. 174



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

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

1 SECTION 1. IC 10-13-3-27, AS AMENDED BY P.L.142-2020,  
2 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2025]: Sec. 27. (a) Except as provided in subsection (b), on  
4 request, a law enforcement agency shall release a limited criminal  
5 history to or allow inspection of a limited criminal history by  
6 noncriminal justice organizations or individuals only if the subject of  
7 the request:

- 8 (1) has applied for employment with a noncriminal justice
- 9 organization or individual;
- 10 (2) has:
  - 11 (A) applied for a license or is maintaining a license; and
  - 12 (B) provided criminal history data as required by law to be
  - 13 provided in connection with the license;
- 14 (3) is a candidate for public office or a public official;
- 15 (4) is in the process of being apprehended by a law enforcement
- 16 agency;
- 17 (5) is placed under arrest for the alleged commission of a crime;



- 1 (6) has charged that the subject's rights have been abused  
 2 repeatedly by criminal justice agencies;  
 3 (7) is the subject of a judicial decision or determination with  
 4 respect to the setting of bond, plea bargaining, sentencing, or  
 5 probation;  
 6 (8) has volunteered services that involve contact with, care of, or  
 7 supervision over a child who is being placed, matched, or  
 8 monitored by a social services agency or a nonprofit corporation;  
 9 (9) is currently residing in a location designated by the  
 10 department of child services (established by IC 31-25-1-1) or by  
 11 a juvenile court as the out-of-home placement for a child at the  
 12 time the child will reside in the location;  
 13 (10) has volunteered services at a public school (as defined in  
 14 IC 20-18-2-15) or nonpublic school (as defined in IC 20-18-2-12)  
 15 that involve contact with, care of, or supervision over a student  
 16 enrolled in the school;  
 17 (11) is being investigated for welfare fraud by an investigator of  
 18 the division of family resources or a county office of the division  
 19 of family resources;  
 20 (12) is being sought by the parent locator service of the child  
 21 support bureau of the department of child services;  
 22 (13) is or was required to register as a sex or violent offender  
 23 under IC 11-8-8;  
 24 (14) has been convicted of any of the following:  
 25 (A) Rape (IC 35-42-4-1), if the victim is less than eighteen  
 26 (18) years of age.  
 27 (B) Criminal deviate conduct (IC 35-42-4-2) (repealed), if the  
 28 victim is less than eighteen (18) years of age.  
 29 (C) Child molesting (IC 35-42-4-3).  
 30 (D) Child exploitation (IC 35-42-4-4(b) or IC 35-42-4-4(c)).  
 31 (E) Possession of ~~child pornography~~ **child sex abuse material**  
 32 (IC 35-42-4-4(d) or IC 35-42-4-4(e)).  
 33 (F) Vicarious sexual gratification (IC 35-42-4-5).  
 34 (G) Child solicitation (IC 35-42-4-6).  
 35 (H) Child seduction (IC 35-42-4-7).  
 36 (I) Sexual misconduct with a minor as a felony (IC 35-42-4-9).  
 37 (J) Incest (IC 35-46-1-3), if the victim is less than eighteen  
 38 (18) years of age;  
 39 (15) is identified as a possible perpetrator of child abuse or  
 40 neglect in an assessment conducted by the department of child  
 41 services under IC 31-33-8; or  
 42 (16) is:



- 1 (A) a parent, guardian, or custodian of a child; or  
 2 (B) an individual who is at least eighteen (18) years of age and  
 3 resides in the home of the parent, guardian, or custodian;  
 4 with whom the department of child services or a county probation  
 5 department has a case plan, dispositional decree, or permanency  
 6 plan approved under IC 31-34 or IC 31-37 that provides for  
 7 reunification following an out-of-home placement.
- 8 However, limited criminal history information obtained from the  
 9 National Crime Information Center may not be released under this  
 10 section except to the extent permitted by the Attorney General of the  
 11 United States.
- 12 (b) A law enforcement agency shall allow inspection of a limited  
 13 criminal history by and release a limited criminal history to the  
 14 following noncriminal justice organizations:
- 15 (1) Federally chartered or insured banking institutions.  
 16 (2) Officials of state and local government for any of the  
 17 following purposes:  
 18 (A) Employment with a state or local governmental entity.  
 19 (B) Licensing.  
 20 (3) Segments of the securities industry identified under 15 U.S.C.  
 21 78q(f)(2).
- 22 (c) Any person who knowingly or intentionally uses limited criminal  
 23 history for any purpose not specified under this section commits a  
 24 Class C infraction. However, the violation is a Class A misdemeanor  
 25 if the person has a prior unrelated adjudication or conviction for a  
 26 violation of this section within the previous five (5) years.
- 27 SECTION 2. IC 11-8-8-4.5, AS AMENDED BY P.L.115-2023,  
 28 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 JULY 1, 2025]: Sec. 4.5. (a) Except as provided in section 22 of this  
 30 chapter, as used in this chapter, "sex offender" means a person  
 31 convicted of any of the following offenses:  
 32 (1) Rape (IC 35-42-4-1).  
 33 (2) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).  
 34 (3) Child molesting (IC 35-42-4-3).  
 35 (4) Child exploitation (IC 35-42-4-4(b) or IC 35-42-4-4(c)).  
 36 (5) Vicarious sexual gratification (including performing sexual  
 37 conduct in the presence of a minor) (IC 35-42-4-5).  
 38 (6) Child solicitation (IC 35-42-4-6).  
 39 (7) Child seduction (IC 35-42-4-7).  
 40 (8) Sexual misconduct with a minor (IC 35-42-4-9) as a Class A,  
 41 Class B, or Class C felony (for a crime committed before July 1,  
 42 2014) or a Level 1, Level 2, Level 4, or Level 5 felony (for a



- 1 crime committed after June 30, 2014), unless:
- 2 (A) the person is convicted of sexual misconduct with a minor
- 3 as a Class C felony (for a crime committed before July 1,
- 4 2014) or a Level 5 felony (for a crime committed after June
- 5 30, 2014);
- 6 (B) the person is not more than:
- 7 (i) four (4) years older than the victim if the offense was
- 8 committed after June 30, 2007; or
- 9 (ii) five (5) years older than the victim if the offense was
- 10 committed before July 1, 2007; and
- 11 (C) the sentencing court finds that the person should not be
- 12 required to register as a sex offender.
- 13 (9) Incest (IC 35-46-1-3).
- 14 (10) Sexual battery (IC 35-42-4-8).
- 15 (11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen
- 16 (18) years of age, and the person who kidnapped the victim is not
- 17 the victim's parent or guardian.
- 18 (12) Criminal confinement (IC 35-42-3-3), if the victim is less
- 19 than eighteen (18) years of age, and the person who confined or
- 20 removed the victim is not the victim's parent or guardian.
- 21 (13) Possession of ~~child pornography~~ **child sex abuse material**
- 22 (IC 35-42-4-4(d) or IC 35-42-4-4(e)).
- 23 (14) Promoting prostitution (IC 35-45-4-4) as a Class B felony
- 24 (for a crime committed before July 1, 2014) or a Level 4 felony
- 25 (for a crime committed after June 30, 2014).
- 26 (15) Promotion of human sexual trafficking under
- 27 IC 35-42-3.5-1.1.
- 28 (16) Promotion of child sexual trafficking under
- 29 IC 35-42-3.5-1.2(a).
- 30 (17) Promotion of sexual trafficking of a younger child (IC
- 31 35-42-3.5-1.2(c)).
- 32 (18) Child sexual trafficking (IC 35-42-3.5-1.3).
- 33 (19) Human trafficking under IC 35-42-3.5-1.4 if the victim is
- 34 less than eighteen (18) years of age.
- 35 (20) Sexual misconduct by a service provider with a detained or
- 36 supervised child (IC 35-44.1-3-10(c)).
- 37 (b) The term includes:
- 38 (1) a person who is required to register as a sex offender in any
- 39 jurisdiction; and
- 40 (2) a child who has committed a delinquent act, or a person
- 41 prosecuted under IC 31-30-1-4(d) for an offense described in
- 42 subsection (a) committed when the person was less than eighteen



1 (18) years of age, but who was at least twenty-one (21) years of  
2 age when the charge was filed, and who:

3 (A) is at least fourteen (14) years of age;

4 (B) is on probation, is on parole, is discharged from a facility  
5 by the department of correction, is discharged from a secure  
6 private facility (as defined in IC 31-9-2-115), or is discharged  
7 from a juvenile detention facility as a result of an adjudication  
8 as a delinquent child for an act that would be an offense  
9 described in subsection (a) if committed by an adult; and

10 (C) is found by a court by clear and convincing evidence to be  
11 likely to repeat an act that would be an offense described in  
12 subsection (a) if committed by an adult.

13 (c) In making a determination under subsection (b)(2)(C), the court  
14 shall consider expert testimony concerning whether a child is likely to  
15 repeat an act that would be an offense described in subsection (a) if  
16 committed by an adult.

17 (d) A person ordered to register under subsection (b)(2) may  
18 petition the court to reconsider the order at any time after completing  
19 court ordered sex offender treatment. The court shall consider expert  
20 testimony concerning whether a child or person is likely to repeat an  
21 offense described in subsection (a) or an act that would be an offense  
22 described in subsection (a) if committed by an adult.

23 SECTION 3. IC 11-8-8-5, AS AMENDED BY P.L.115-2023,  
24 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
25 JULY 1, 2025]: Sec. 5. (a) Except as provided in section 22 of this  
26 chapter, as used in this chapter, "sex or violent offender" means a  
27 person convicted of any of the following offenses:

28 (1) Rape (IC 35-42-4-1).

29 (2) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).

30 (3) Child molesting (IC 35-42-4-3).

31 (4) Child exploitation (IC 35-42-4-4(b) or IC 35-42-4-4(c)).

32 (5) Vicarious sexual gratification (including performing sexual  
33 conduct in the presence of a minor) (IC 35-42-4-5).

34 (6) Child solicitation (IC 35-42-4-6).

35 (7) Child seduction (IC 35-42-4-7).

36 (8) Sexual misconduct with a minor (IC 35-42-4-9) as a Class A,  
37 Class B, or Class C felony (for a crime committed before July 1,  
38 2014) or a Level 1, Level 2, Level 4, or Level 5 felony (for a  
39 crime committed after June 30, 2014), unless:

40 (A) the person is convicted of sexual misconduct with a minor  
41 as a Class C felony (for a crime committed before July 1,  
42 2014) or a Level 5 felony (for a crime committed after June



- 1 30, 2014);
- 2 (B) the person is not more than:
- 3 (i) four (4) years older than the victim if the offense was
- 4 committed after June 30, 2007; or
- 5 (ii) five (5) years older than the victim if the offense was
- 6 committed before July 1, 2007; and
- 7 (C) the sentencing court finds that the person should not be
- 8 required to register as a sex offender.
- 9 (9) Incest (IC 35-46-1-3).
- 10 (10) Sexual battery (IC 35-42-4-8).
- 11 (11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen
- 12 (18) years of age, and the person who kidnapped the victim is not
- 13 the victim's parent or guardian.
- 14 (12) Criminal confinement (IC 35-42-3-3), if the victim is less
- 15 than eighteen (18) years of age, and the person who confined or
- 16 removed the victim is not the victim's parent or guardian.
- 17 (13) Possession of ~~child pornography~~ **child sex abuse material**
- 18 (IC 35-42-4-4(d) or IC 35-42-4-4(e)).
- 19 (14) Promoting prostitution (IC 35-45-4-4) as a Class B felony
- 20 (for a crime committed before July 1, 2014) or a Level 4 felony
- 21 (for a crime committed after June 30, 2014).
- 22 (15) Promotion of human sexual trafficking under
- 23 IC 35-42-3.5-1.1.
- 24 (16) Promotion of child sexual trafficking under
- 25 IC 35-42-3.5-1.2(a).
- 26 (17) Promotion of sexual trafficking of a younger child (IC
- 27 35-42-3.5-1.2(c)).
- 28 (18) Child sexual trafficking (IC 35-42-3.5-1.3).
- 29 (19) Human trafficking under IC 35-42-3.5-1.4 if the victim is
- 30 less than eighteen (18) years of age.
- 31 (20) Murder (IC 35-42-1-1).
- 32 (21) Voluntary manslaughter (IC 35-42-1-3).
- 33 (22) Sexual misconduct by a service provider with a detained or
- 34 supervised child (IC 35-44.1-3-10(c)).
- 35 (b) The term includes:
- 36 (1) a person who is required to register as a sex or violent
- 37 offender in any jurisdiction; and
- 38 (2) a child who has committed a delinquent act, or a person
- 39 prosecuted under IC 31-30-1-4(d) for an offense described in
- 40 subsection (a) committed when the person was less than eighteen
- 41 (18) years of age, but who was at least twenty-one (21) years of
- 42 age when the charge was filed, and who:



1 (A) is at least fourteen (14) years of age;  
 2 (B) is on probation, is on parole, is discharged from a facility  
 3 by the department of correction, is discharged from a secure  
 4 private facility (as defined in IC 31-9-2-115), or is discharged  
 5 from a juvenile detention facility as a result of an adjudication  
 6 as a delinquent child for an act that would be an offense  
 7 described in subsection (a) if committed by an adult; and  
 8 (C) is found by a court by clear and convincing evidence to be  
 9 likely to repeat an act that would be an offense described in  
 10 subsection (a) if committed by an adult.

11 (c) In making a determination under subsection (b)(2)(C), the court  
 12 shall consider expert testimony concerning whether a child is likely to  
 13 repeat an act that would be an offense described in subsection (a) if  
 14 committed by an adult.

15 (d) A person ordered to register under subsection (b)(2) may  
 16 petition the court to reconsider the order at any time after completing  
 17 court ordered sex offender treatment. The court shall consider expert  
 18 testimony concerning whether a child or person is likely to repeat an  
 19 offense described in subsection (a) or an act that would be an offense  
 20 described in subsection (a) if committed by an adult.

21 SECTION 4. IC 11-13-3-11, AS AMENDED BY THE  
 22 TECHNICAL CORRECTIONS BILL OF THE 2025 GENERAL  
 23 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 24 JULY 1, 2025]: Sec. 11. (a) As used in this section, "Internet crime  
 25 against a child" means a conviction for a violation of:

26 (1) IC 35-42-4-4(b) or IC 35-42-4-4(c) (child exploitation);  
 27 (2) IC 35-42-4-4(d) or IC 35-42-4-4(e) (possession of ~~child~~  
 28 **pornography**); **child sex abuse material**); or  
 29 (3) IC 35-42-4-6 (child solicitation).

30 (b) When a person is placed on lifetime parole, the department shall  
 31 provide the parolee with a written statement of the conditions of  
 32 lifetime parole. The parolee shall sign the statement, retain a copy, and  
 33 provide a copy to the department. The department shall place the  
 34 signed statement in the parolee's master file.

35 (c) As a condition of lifetime parole, the parole board shall:  
 36 (1) require a parolee who is a sexually violent predator (as defined  
 37 in IC 35-38-1-7.5) to:

38 (A) inform the parolee's parole agent of any changes to the  
 39 parolee's residence, employment, or contact information not  
 40 later than seventy-two (72) hours after the change;  
 41 (B) report to the parole agent as instructed;  
 42 (C) avoid contact with any person who is less than sixteen (16)





- 1 years of age, unless the parolee receives written authorization  
 2 from the parole board; and  
 3 (D) avoid contact with the victim of any sex crime committed  
 4 by that parolee, unless the parolee receives written  
 5 authorization from the parole board;
- 6 (2) prohibit a parolee who is a sexually violent predator convicted  
 7 of an Internet crime against a child from:
- 8 (A) accessing or using certain ~~Internet web sites~~, **websites**,  
 9 chat rooms, or instant messaging programs frequented by  
 10 children; and  
 11 (B) deleting, erasing, or tampering with data on the parolee's  
 12 personal computer;
- 13 (3) prohibit a parolee who is a sexually violent predator from  
 14 owning, operating, managing, being employed by, or volunteering  
 15 at an attraction designed to be primarily enjoyed by a child less  
 16 than sixteen (16) years of age; and  
 17 (4) require a parolee to allow the parolee's supervising parole  
 18 agent or another person authorized by the parole board to visit the  
 19 parolee's residence, real property, or place of employment.
- 20 (d) As a condition of lifetime parole, the parole board may require  
 21 a sexually violent predator to participate in a sex offender treatment  
 22 program approved by the parole board.
- 23 (e) As a condition of lifetime parole, the parole board may require  
 24 a parolee who is:
- 25 (1) a sexually violent predator; or  
 26 (2) required to register as a sex or violent offender under  
 27 IC 11-8-8-5 due to a conviction for murder (IC 35-42-1-1) or  
 28 voluntary manslaughter (IC 35-42-1-3);  
 29 to wear a monitoring device (as described in IC 35-38-2.5-3) that can  
 30 transmit information twenty-four (24) hours each day regarding a  
 31 person's precise location, subject to a validated sex offender risk  
 32 assessment or appropriate violent offender risk assessment, and subject  
 33 to the amount appropriated to the department for a monitoring program  
 34 as a condition of lifetime parole.
- 35 (f) When an offender is placed on lifetime parole, the parole board  
 36 shall inform the sheriff and the prosecuting attorney of the offender's  
 37 current county of residence:
- 38 (1) that the offender has been placed on lifetime parole; and  
 39 (2) whether the offender is required to wear a monitoring device  
 40 as described in subsection (e).
- 41 (g) The parole board may adopt rules under IC 4-22-2 to impose  
 42 additional conditions of lifetime parole and to implement this section.



1 SECTION 5. IC 35-36-10-2, AS AMENDED BY P.L.13-2016,  
 2 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JULY 1, 2025]: Sec. 2. As used in this chapter, "~~child pornography~~"  
 4 "**child sex abuse material**" includes:

- 5 (1) material described in IC 35-42-4-4(d); and
- 6 (2) material defined in 18 U.S.C. 2256(8).

7 SECTION 6. IC 35-36-10-3, AS ADDED BY P.L.148-2011,  
 8 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 9 JULY 1, 2025]: Sec. 3. In any criminal proceeding, material  
 10 constituting ~~child pornography~~ **child sex abuse material** must remain  
 11 in the custody of the state or the court.

12 SECTION 7. IC 35-36-10-4, AS ADDED BY P.L.148-2011,  
 13 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 14 JULY 1, 2025]: Sec. 4. A court shall deny any request by the defendant  
 15 in a criminal proceeding to copy, photograph, duplicate, or otherwise  
 16 reproduce any material that constitutes ~~child pornography~~ **child sex**  
 17 **abuse material** if the state provides ample opportunity for inspection,  
 18 viewing, and examination of the material by:

- 19 (1) the defendant;
- 20 (2) the defendant's attorney; and
- 21 (3) any individual the defendant seeks to qualify as an expert;

22 at a state or local court or law enforcement facility as provided in  
 23 section 5 of this chapter.

24 SECTION 8. IC 35-36-10-5, AS ADDED BY P.L.148-2011,  
 25 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 26 JULY 1, 2025]: Sec. 5. (a) A court may permit a defendant to inspect,  
 27 view, and examine material that constitutes ~~child pornography~~ **child**  
 28 **sex abuse material** at a state or local court or law enforcement facility  
 29 if the defendant demonstrates that inspecting, viewing, and examining  
 30 the material is necessary to the defendant's defense.

31 (b) If a court permits a defendant to inspect, view, and examine  
 32 material that constitutes ~~child pornography~~; **child sex abuse material**,  
 33 the court shall issue a protective order under Indiana Trial Rule 26 with  
 34 respect to the material. The protective order must:

- 35 (1) specifically describe which persons may have access to the  
 36 material, and prohibit any person not described in the order from  
 37 having access to the material;
- 38 (2) permit only those persons whose access to the material is  
 39 necessary for the purposes described in subsection (a) to have  
 40 access to the material;
- 41 (3) prohibit the further dissemination of the material; and
- 42 (4) prohibit the defendant from having direct access to the



1 material.

2 The protective order may include any other provision to safeguard the  
3 material.

4 SECTION 9. IC 35-42-4-4, AS AMENDED BY P.L.172-2022,  
5 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
6 JULY 1, 2025]: Sec. 4. (a) The following definitions apply throughout  
7 this section:

8 (1) "Disseminate" means to transfer possession for free or for a  
9 consideration.

10 (2) "Image" means the following:

11 (A) A picture.

12 (B) A drawing.

13 (C) A photograph.

14 (D) A negative image.

15 (E) An undeveloped film.

16 (F) A motion picture.

17 (G) A videotape.

18 (H) A digitized image.

19 (I) A computer generated image.

20 (J) Any pictorial representation.

21 (3) "Matter" has the same meaning as in IC 35-49-1-3.

22 (4) "Performance" has the same meaning as in IC 35-49-1-7.

23 (5) "Sexual conduct" means:

24 (A) sexual intercourse;

25 (B) other sexual conduct (as defined in IC 35-31.5-2-221.5);

26 (C) exhibition of the:

27 (i) uncovered genitals; or

28 (ii) female breast with less than a fully opaque covering of  
29 any part of the nipple;

30 intended to satisfy or arouse the sexual desires of any person;

31 (D) sadomasochistic abuse;

32 (E) sexual intercourse or other sexual conduct (as defined in  
33 IC 35-31.5-2-221.5) with an animal; or

34 (F) any fondling or touching of a child by another person or of  
35 another person by a child intended to arouse or satisfy the  
36 sexual desires of either the child or the other person.

37 (b) A person who:

38 (1) knowingly or intentionally manages, produces, sponsors,  
39 presents, exhibits, photographs, films, videotapes, or creates a  
40 digitized image of any performance or incident that includes  
41 sexual conduct by a child under eighteen (18) years of age;

42 (2) knowingly or intentionally disseminates, exhibits to another



- 1 person, offers to disseminate or exhibit to another person, or  
 2 sends or brings into Indiana for dissemination or exhibition matter  
 3 that depicts or describes sexual conduct by a child under eighteen  
 4 (18) years of age;  
 5 (3) knowingly or intentionally makes available to another person  
 6 a computer, knowing that the computer's fixed drive or peripheral  
 7 device contains matter that depicts or describes sexual conduct by  
 8 a child less than eighteen (18) years of age;  
 9 (4) with the intent to satisfy or arouse the sexual desires of any  
 10 person:  
 11 (A) knowingly or intentionally:  
 12 (i) manages;  
 13 (ii) produces;  
 14 (iii) sponsors;  
 15 (iv) presents;  
 16 (v) exhibits;  
 17 (vi) photographs;  
 18 (vii) films;  
 19 (viii) videotapes; or  
 20 (ix) creates a digitized image of;  
 21 any performance or incident that includes the uncovered  
 22 genitals of a child less than eighteen (18) years of age or the  
 23 exhibition of the female breast with less than a fully opaque  
 24 covering of any part of the nipple by a child less than eighteen  
 25 (18) years of age;  
 26 (B) knowingly or intentionally:  
 27 (i) disseminates to another person;  
 28 (ii) exhibits to another person;  
 29 (iii) offers to disseminate or exhibit to another person; or  
 30 (iv) sends or brings into Indiana for dissemination or  
 31 exhibition;  
 32 matter that depicts the uncovered genitals of a child less than  
 33 eighteen (18) years of age or the exhibition of the female  
 34 breast with less than a fully opaque covering of any part of the  
 35 nipple by a child less than eighteen (18) years of age; or  
 36 (C) makes available to another person a computer, knowing  
 37 that the computer's fixed drive or peripheral device contains  
 38 matter that depicts the uncovered genitals of a child less than  
 39 eighteen (18) years of age or the exhibition of the female  
 40 breast with less than a fully opaque covering of any part of the  
 41 nipple by a child less than eighteen (18) years of age; or  
 42 (5) knowingly or intentionally produces, disseminates, or



- 1 possesses with intent to disseminate an image that depicts or  
 2 describes sexual conduct:
- 3 (A) by a child who the person knows is less than eighteen (18)  
 4 years of age;
- 5 (B) by a child less than eighteen (18) years of age, or by a  
 6 person who appears to be a child less than eighteen (18) years  
 7 of age, if the image is obscene (as described in IC 35-49-2-1);  
 8 or
- 9 (C) that is simulated sexual conduct involving a representation  
 10 that appears to be a child less than eighteen (18) years of age,  
 11 if the representation of the image is obscene (as described in  
 12 IC 35-49-2-1);
- 13 commits child exploitation, a Level 5 felony. It is not a required  
 14 element of an offense under subdivision (5)(C) that the child depicted  
 15 actually exists.
- 16 (c) However, the offense of child exploitation described in  
 17 subsection (b) is a Level 4 felony if:
- 18 (1) the sexual conduct, matter, performance, or incident depicts  
 19 or describes a child less than eighteen (18) years of age who:
- 20 (A) engages in bestiality (as described in IC 35-46-3-14);  
 21 (B) is mentally disabled or deficient;  
 22 (C) participates in the sexual conduct, matter, performance, or  
 23 incident by use of force or the threat of force;  
 24 (D) physically or verbally resists participating in the sexual  
 25 conduct, matter, performance, or incident;  
 26 (E) receives a bodily injury while participating in the sexual  
 27 conduct, matter, performance, or incident; or  
 28 (F) is less than twelve (12) years of age; or
- 29 (2) the child less than eighteen (18) years of age:
- 30 (A) engages in bestiality (as described in IC 35-46-3-14);  
 31 (B) is mentally disabled or deficient;  
 32 (C) participates in the sexual conduct, matter, performance, or  
 33 incident by use of force or the threat of force;  
 34 (D) physically or verbally resists participating in the sexual  
 35 conduct, matter, performance, or incident;  
 36 (E) receives a bodily injury while participating in the sexual  
 37 conduct, matter, performance, or incident; or  
 38 (F) is less than twelve (12) years of age.
- 39 (d) A person who, with intent to view the image, knowingly or  
 40 intentionally possesses or accesses an image that depicts or describes  
 41 sexual conduct:
- 42 (1) by a child who the person knows is less than eighteen (18)



- 1 years of age;  
 2 (2) by a child less than eighteen (18) years of age, or by a person  
 3 who appears to be a child less than eighteen (18) years of age, if  
 4 the representation of the image is obscene (as described in  
 5 IC 35-49-2-1); or  
 6 (3) that is simulated sexual conduct involving a representation  
 7 that appears to be a child less than eighteen (18) years of age, if  
 8 the representation of the image is obscene (as described in  
 9 IC 35-49-2-1);  
 10 commits possession of ~~child pornography~~, **child sex abuse material**,  
 11 a Level 6 felony. It is not a required element of an offense under  
 12 subdivision (3) that the child depicted actually exists.  
 13 (e) However, the offense of possession of ~~child pornography~~ **child**  
 14 **sex abuse material** described in subsection (d) is a Level 5 felony if:  
 15 (1) the sexual conduct, matter, performance, or incident depicts  
 16 or describes a child who the person knows is less than eighteen  
 17 (18) years of age, or who appears to be less than eighteen (18)  
 18 years of age, who:  
 19 (A) engages in bestiality (as described in IC 35-46-3-14);  
 20 (B) is mentally disabled or deficient;  
 21 (C) participates in the sexual conduct, matter, performance, or  
 22 incident by use of force or the threat of force;  
 23 (D) physically or verbally resists participating in the sexual  
 24 conduct, matter, performance, or incident;  
 25 (E) receives a bodily injury while participating in the sexual  
 26 conduct, matter, performance, or incident; or  
 27 (F) is less than twelve (12) years of age; or  
 28 (2) the child less than eighteen (18) years of age:  
 29 (A) engages in bestiality (as described in IC 35-46-3-14);  
 30 (B) is mentally disabled or deficient;  
 31 (C) participates in the sexual conduct, matter, performance, or  
 32 incident by use of force or the threat of force;  
 33 (D) physically or verbally resists participating in the sexual  
 34 conduct, matter, performance, or incident;  
 35 (E) receives a bodily injury while participating in the sexual  
 36 conduct, matter, performance, or incident; or  
 37 (F) is less than twelve (12) years of age.  
 38 (f) Subsections (b), (c), (d), and (e) do not apply to a bona fide  
 39 school, museum, or public library that qualifies for certain property tax  
 40 exemptions under IC 6-1.1-10, or to an employee of such a school,  
 41 museum, or public library acting within the scope of the employee's  
 42 employment when the possession of the listed materials is for



- 1 legitimate scientific or educational purposes.
- 2 (g) It is a defense to a prosecution under this section that:
- 3 (1) the person is a school employee, a department of child
- 4 services employee, or an attorney acting in the attorney's capacity
- 5 as legal counsel for a client; and
- 6 (2) the acts constituting the elements of the offense were
- 7 performed solely within the scope of the person's employment as
- 8 a school employee, a department of child services employee, or
- 9 an attorney acting in the attorney's capacity as legal counsel for a
- 10 client.
- 11 (h) Except as provided in subsection (i), it is a defense to a
- 12 prosecution under subsection (b), (c), (d), or (e) if all of the following
- 13 apply:
- 14 (1) A cellular telephone, another wireless or cellular
- 15 communications device, or a social networking ~~web site~~ **website**
- 16 was used to possess, produce, or disseminate the image.
- 17 (2) The defendant is not more than four (4) years older or younger
- 18 than the person who is depicted in the image or who received the
- 19 image.
- 20 (3) The relationship between the defendant and the person who
- 21 received the image or who is depicted in the image was a dating
- 22 relationship or an ongoing personal relationship. For purposes of
- 23 this subdivision, the term "ongoing personal relationship" does
- 24 not include a family relationship.
- 25 (4) The crime was committed by a person less than twenty-two
- 26 (22) years of age.
- 27 (5) The person receiving the image or who is depicted in the
- 28 image acquiesced in the defendant's conduct.
- 29 (i) The defense to a prosecution described in subsection (h) does not
- 30 apply if:
- 31 (1) the person who receives the image disseminates it to a person
- 32 other than the person:
- 33 (A) who sent the image; or
- 34 (B) who is depicted in the image;
- 35 (2) the image is of a person other than the person who sent the
- 36 image or received the image; or
- 37 (3) the dissemination of the image violates:
- 38 (A) a protective order to prevent domestic or family violence
- 39 or harassment issued under IC 34-26-5 (or, if the order
- 40 involved a family or household member, under IC 34-26-2 or
- 41 IC 34-4-5.1-5 before their repeal);
- 42 (B) an ex parte protective order issued under IC 34-26-5 (or,



- 1           if the order involved a family or household member, an  
 2           emergency order issued under IC 34-26-2 or IC 34-4-5.1  
 3           before their repeal);  
 4           (C) a workplace violence restraining order issued under  
 5           IC 34-26-6;  
 6           (D) a no contact order in a dispositional decree issued under  
 7           IC 31-34-20-1, IC 31-37-19-1, or IC 31-37-5-6 (or  
 8           IC 31-6-4-15.4 or IC 31-6-4-15.9 before their repeal) or an  
 9           order issued under IC 31-32-13 (or IC 31-6-7-14 before its  
 10          repeal) that orders the person to refrain from direct or indirect  
 11          contact with a child in need of services or a delinquent child;  
 12          (E) a no contact order issued as a condition of pretrial release,  
 13          including release on bail or personal recognizance, or pretrial  
 14          diversion, and including a no contact order issued under  
 15          IC 35-33-8-3.6;  
 16          (F) a no contact order issued as a condition of probation;  
 17          (G) a protective order to prevent domestic or family violence  
 18          issued under IC 31-15-5 (or IC 31-16-5 or IC 31-1-11.5-8.2  
 19          before their repeal);  
 20          (H) a protective order to prevent domestic or family violence  
 21          issued under IC 31-14-16-1 in a paternity action;  
 22          (I) a no contact order issued under IC 31-34-25 in a child in  
 23          need of services proceeding or under IC 31-37-25 in a juvenile  
 24          delinquency proceeding;  
 25          (J) an order issued in another state that is substantially similar  
 26          to an order described in clauses (A) through (I);  
 27          (K) an order that is substantially similar to an order described  
 28          in clauses (A) through (I) and is issued by an Indian:  
 29               (i) tribe;  
 30               (ii) band;  
 31               (iii) pueblo;  
 32               (iv) nation; or  
 33               (v) organized group or community, including an Alaska  
 34               Native village or regional or village corporation as defined  
 35               in or established under the Alaska Native Claims Settlement  
 36               Act (43 U.S.C. 1601 et seq.);  
 37          that is recognized as eligible for the special programs and  
 38          services provided by the United States to Indians because of  
 39          their special status as Indians;  
 40          (L) an order issued under IC 35-33-8-3.2; or  
 41          (M) an order issued under IC 35-38-1-30.  
 42          (j) It is a defense to a prosecution under this section that:





- 1 (1) the person was less than eighteen (18) years of age at the time
- 2 the alleged offense was committed; and
- 3 (2) the circumstances described in IC 35-45-4-6(a)(2) through
- 4 IC 35-45-4-6(a)(4) apply.
- 5 (k) A person is entitled to present the defense described in
- 6 subsection (j) in a pretrial hearing. If a person proves by a
- 7 preponderance of the evidence in a pretrial hearing that the defense
- 8 described in subsection (j) applies, the court shall dismiss the charges
- 9 under this section with prejudice.
- 10 SECTION 10. IC 35-42-4-14, AS AMENDED BY P.L.142-2020,
- 11 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 12 JULY 1, 2025]: Sec. 14. (a) As used in this section, "serious sex
- 13 offender" means a person required to register as a sex offender under
- 14 IC 11-8-8 who is:
- 15 (1) found to be a sexually violent predator under IC 35-38-1-7.5;
- 16 or
- 17 (2) convicted of one (1) or more of the following offenses:
- 18 (A) Child molesting (IC 35-42-4-3).
- 19 (B) Child exploitation (IC 35-42-4-4(b) or IC 35-42-4-4(c)).
- 20 (C) Possession of ~~child pornography~~ **child sex abuse material**
- 21 (IC 35-42-4-4(d) or IC 35-42-4-4(e)).
- 22 (D) Vicarious sexual gratification (IC 35-42-4-5(a) and
- 23 IC 35-42-4-5(b)).
- 24 (E) Performing sexual conduct in the presence of a minor (IC
- 25 35-42-4-5(c)).
- 26 (F) Child solicitation (IC 35-42-4-6).
- 27 (G) Child seduction (IC 35-42-4-7).
- 28 (H) Sexual misconduct with a minor (IC 35-42-4-9).
- 29 (b) A serious sex offender who knowingly or intentionally enters
- 30 school property commits unlawful entry by a serious sex offender, a
- 31 Level 6 felony.
- 32 (c) It is a defense to a prosecution under subsection (b) that:
- 33 (1) a religious institution or house of worship is located on the
- 34 school property; and
- 35 (2) the person:
- 36 (A) enters the school property or other entity described in
- 37 IC 35-31.5-2-285(1)(A) through IC 35-31.5-2-285(1)(D) when
- 38 classes, extracurricular activities, or any other school activities
- 39 are not being held:
- 40 (i) for the sole purpose of attending worship services or
- 41 receiving religious instruction; and
- 42 (ii) not earlier than thirty (30) minutes before the beginning



1 of the worship services or religious instruction; and  
2 (B) leaves the school property not later than thirty (30)  
3 minutes after the conclusion of the worship services or  
4 religious instruction.

5 SECTION 11. IC 35-49-3-3, AS AMENDED BY P.L.234-2023,  
6 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
7 JULY 1, 2025]: Sec. 3. (a) Except as provided in subsection (b) and  
8 section 4 of this chapter, a person who knowingly or intentionally:

- 9 (1) disseminates matter to minors that is harmful to minors (as
- 10 described in IC 35-49-2);
- 11 (2) displays matter that is harmful to minors in an area to which
- 12 minors have visual, auditory, or physical access, unless each
- 13 minor is accompanied by the minor's parent or guardian;
- 14 (3) sells, rents, or displays for sale or rent to any person matter
- 15 that is harmful to minors within five hundred (500) feet of the
- 16 nearest property line of a school or church;
- 17 (4) engages in or conducts a performance before minors that is
- 18 harmful to minors;
- 19 (5) engages in or conducts a performance that is harmful to
- 20 minors in an area to which minors have visual, auditory, or
- 21 physical access, unless each minor is accompanied by the minor's
- 22 parent or guardian;
- 23 (6) misrepresents the minor's age for the purpose of obtaining
- 24 admission to an area from which minors are restricted because of
- 25 the display of matter or a performance that is harmful to minors;
- 26 or
- 27 (7) misrepresents that the person is a parent or guardian of a
- 28 minor for the purpose of obtaining admission of the minor to an
- 29 area where minors are being restricted because of display of
- 30 matter or performance that is harmful to minors;

31 commits a Level 6 felony.

32 (b) This section does not apply if a person disseminates, displays,  
33 or makes available the matter described in subsection (a) through the  
34 Internet, computer electronic transfer, or a computer network unless:

- 35 (1) the matter is obscene under IC 35-49-2-1;
- 36 (2) the matter is ~~child pornography~~ **child sex abuse material**  
37 under IC 35-42-4-4; or
- 38 (3) the person distributes the matter to a child less than eighteen  
39 (18) years of age believing or intending that the recipient is a  
40 child less than eighteen (18) years of age.

41 SECTION 12. IC 35-50-2-7, AS AMENDED BY P.L.40-2019,  
42 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2025]: Sec. 7. (a) A person who commits a Class D felony (for  
 2 a crime committed before July 1, 2014) shall be imprisoned for a fixed  
 3 term of between six (6) months and three (3) years, with the advisory  
 4 sentence being one and one-half (1 1/2) years. In addition, the person  
 5 may be fined not more than ten thousand dollars (\$10,000).

6 (b) A person who commits a Level 6 felony (for a crime committed  
 7 after June 30, 2014) shall be imprisoned for a fixed term of between six  
 8 (6) months and two and one-half (2 1/2) years, with the advisory  
 9 sentence being one (1) year. In addition, the person may be fined not  
 10 more than ten thousand dollars (\$10,000).

11 (c) Notwithstanding subsections (a) and (b), if a person has  
 12 committed a Class D felony (for a crime committed before July 1,  
 13 2014) or a Level 6 felony (for a crime committed after June 30, 2014),  
 14 the court may enter judgment of conviction of a Class A misdemeanor  
 15 and sentence accordingly. However, the court shall enter a judgment of  
 16 conviction of a Class D felony (for a crime committed before July 1,  
 17 2014) or a Level 6 felony (for a crime committed after June 30, 2014)  
 18 if:

19 (1) the court finds that:

20 (A) the person has committed a prior, unrelated felony for  
 21 which judgment was entered as a conviction of a Class A  
 22 misdemeanor; and

23 (B) the prior felony was committed less than three (3) years  
 24 before the second felony was committed;

25 (2) the offense is domestic battery as a Class D felony (for a crime  
 26 committed before July 1, 2014) or a Level 6 felony (for a crime  
 27 committed after June 30, 2014) under IC 35-42-2-1.3; or

28 (3) the offense is possession of ~~child pornography~~ **child sex abuse**  
 29 **material** (IC 35-42-4-4(d)).

30 The court shall enter in the record, in detail, the reason for its action  
 31 whenever it exercises the power to enter judgment of conviction of a  
 32 Class A misdemeanor granted in this subsection.

33 (d) Notwithstanding subsections (a) and (b), the sentencing court  
 34 may convert a Class D felony conviction (for a crime committed before  
 35 July 1, 2014) or a Level 6 felony conviction (for a crime committed  
 36 after June 30, 2014) to a Class A misdemeanor conviction if, after  
 37 receiving a verified petition as described in subsection (e) and after  
 38 conducting a hearing of which the prosecuting attorney has been  
 39 notified, the court makes the following findings:

40 (1) The person is not a sex or violent offender (as defined in  
 41 IC 11-8-8-5).

42 (2) The person was not convicted of a Class D felony (for a crime



- 1 committed before July 1, 2014) or a Level 6 felony (for a crime  
 2 committed after June 30, 2014) that resulted in bodily injury to  
 3 another person.
- 4 (3) The person has not been convicted of perjury under  
 5 IC 35-44.1-2-1 (or IC 35-44-2-1 before its repeal) or official  
 6 misconduct under IC 35-44.1-1-1 (or IC 35-44-1-2 before its  
 7 repeal).
- 8 (4) The person has not been convicted of domestic battery as a  
 9 Class D felony (for a crime committed before July 1, 2014) or a  
 10 Level 6 felony (for a crime committed after June 30, 2014) under  
 11 IC 35-42-2-1.3 in the fifteen (15) year period immediately  
 12 preceding the commission of the current offense.
- 13 (5) At least three (3) years have passed since the person:  
 14 (A) completed the person's sentence; and  
 15 (B) satisfied any other obligation imposed on the person as  
 16 part of the sentence;  
 17 for the Class D or Level 6 felony.
- 18 (6) The person has not been convicted of a felony since the  
 19 person:  
 20 (A) completed the person's sentence; and  
 21 (B) satisfied any other obligation imposed on the person as  
 22 part of the sentence;  
 23 for the Class D or Level 6 felony.
- 24 (7) No criminal charges are pending against the person.
- 25 (e) A petition filed under subsection (d) or (f) must be verified and  
 26 set forth:  
 27 (1) the crime the person has been convicted of;  
 28 (2) the date of the conviction;  
 29 (3) the date the person completed the person's sentence;  
 30 (4) any obligations imposed on the person as part of the sentence;  
 31 (5) the date the obligations were satisfied; and  
 32 (6) a verified statement that there are no criminal charges pending  
 33 against the person.
- 34 (f) If a person whose Class D or Level 6 felony conviction has been  
 35 converted to a Class A misdemeanor conviction under subsection (d)  
 36 is convicted of a felony not later than five (5) years after the conversion  
 37 under subsection (d), a prosecuting attorney may petition a court to  
 38 convert the person's Class A misdemeanor conviction back to a Class  
 39 D felony conviction (for a crime committed before July 1, 2014) or a  
 40 Level 6 felony conviction (for a crime committed after June 30, 2014).

