

SENATE BILL No. 489

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-26.5.

Synopsis: Address protection in recorded documents. Provides that a county recorder may not disclose recorded documents containing identifying information of an address confidentiality program participant, unless: (1) the participant provides written consent; and (2) the participant's name is redacted. Provides that a person seeking disclosure of a shielded document who: (1) is denied disclosure by the county recorder; or (2) requires an unredacted copy for the person's intended use in the normal course of business; must contact the attorney general to contact the program participant about consenting to disclosure. Provides that if the program participant does not take action within five days after being contacted by the attorney general, the request for disclosure is automatically denied.

Effective: July 1, 2025.

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January 14, 2025, read first time and referred to Committee on Judiciary.



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. 489

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 5-26.5-1-7.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2025]: **Sec. 7.5. "Requestor" means a person**
4 **who requests disclosure of a shielded document under IC 5-26.5-6.**
5 SECTION 2. IC 5-26.5-1-8.5 IS ADDED TO THE INDIANA
6 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
7 [EFFECTIVE JULY 1, 2025]: **Sec. 8.5. "Shielded document" means**
8 **a recorded document that:**
9 **(1) contains a program participant's identifying information;**
10 **and**
11 **(2) is protected from disclosure;**
12 **under a written notice provided under IC 5-26.5-6-1.**
13 SECTION 3. IC 5-26.5-5-1, AS AMENDED BY P.L.149-2020,
14 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2025]: Sec. 1. (a) The program participant, and not the office
16 of the attorney general, is responsible for providing written notice to a
17 person:



1 (1) under section 2.5 of this chapter to use the designated address
2 as the program participant's address; ~~or~~

3 (2) under section 2.6 of this chapter to withhold from disclosure
4 the program participant's identifying information; ~~or~~

5 **(3) under IC 5-26.5-6-1 to withhold from disclosure a**
6 **recorded document containing the program participant's**
7 **identifying information.**

8 (b) The office of the attorney general shall prescribe a form for the
9 program participant to provide written notice under this article.

10 SECTION 4. IC 5-26.5-6 IS ADDED TO THE INDIANA CODE
11 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2025]:

13 **Chapter 6. Recorded Documents of Program Participant**

14 **Sec. 1. If a program participant provides written notice to a**
15 **county recorder on the form prescribed under IC 5-26.5-5-1(3),**
16 **any recorded document that contains identifying information of**
17 **the program participant may not be disclosed except as provided**
18 **in this chapter.**

19 **Sec. 2. A program participant may provide written consent for**
20 **the recorder to disclose a shielded document after redacting the**
21 **program participant's name. The written consent must:**

22 **(1) identify the party to whom the county recorder may**
23 **disclose the shielded document;**

24 **(2) specify the purpose for which the shielded document may**
25 **be disclosed; and**

26 **(3) state whether the consent applies to any shielded document**
27 **of the program participant or only certain documents or**
28 **classes of documents of the program participant.**

29 **Sec. 3. If a county recorder believes a requestor satisfies the**
30 **conditions in a written consent for disclosure under section 2 of this**
31 **chapter, the recorder:**

32 **(1) may disclose the shielded document only after redacting**
33 **the program participant's name; and**

34 **(2) shall:**

35 **(A) notify the attorney general that the shielded document**
36 **was disclosed with the program participant's name**
37 **redacted; and**

38 **(B) provide the attorney general with a copy of the form**
39 **under section 9 of this chapter that was completed by the**
40 **requestor.**

41 **Sec. 4. Upon receiving a notification of disclosure under section**
42 **3 of this chapter, the attorney general shall notify the program**



1 participant that a shielded document was:

2 (1) requested; and

3 (2) disclosed, after the county recorder redacted the program
4 participant's name.

5 **Sec. 5. If a county recorder believes the requestor does not meet**
6 **the conditions specified in a written consent under section 2 of this**
7 **chapter, the county recorder shall do the following:**

8 (1) Deny disclosure of the document, stating that the basis for
9 the denial is the address confidentiality program.

10 (2) Notify the attorney general of the denial.

11 (3) Provide the attorney general with a copy of the form under
12 section 9 of this chapter that was completed by the requestor.

13 **Sec. 6. If a requestor seeks to obtain a shielded document:**

14 (1) after being denied disclosure by a county recorder; or

15 (2) without redaction, because the requestor's intended:

16 (A) purpose for; or

17 (B) use of;

18 the document in the requestor's normal course of business
19 requires an unredacted copy;

20 the requester must contact the attorney general.

21 **Sec. 7. If the attorney general is contacted under section 6 of this**
22 **chapter, the attorney general shall contact the program participant**
23 **to ascertain whether the program participant consents to**
24 **disclosure of the shielded document to the requestor. If the**
25 **program participant:**

26 (1) consents to disclosure:

27 (A) the attorney general shall provide the program
28 participant's written consent to the county recorder; and

29 (B) the county recorder shall disclose the shielded
30 document to the requestor; or

31 (2) does not consent to the disclosure by:

32 (A) expressly denying consent; or

33 (B) not consenting within five (5) calendar days;

34 the requestor may obtain the shielded document only by obtaining
35 a court order.

36 **Sec. 8. The attorney general shall notify all program**
37 **participants that:**

38 (1) the attorney general may contact a program participant
39 regarding consent to disclosure of a shielded document in the
40 circumstances set forth in section 7 of this chapter; and

41 (2) the request for disclosure is automatically denied if the
42 program participant does not provide written consent within



1 five (5) calendar days after the date of the contact under
2 subdivision (1).

3 **Sec. 9. The attorney general shall develop a form for requesting**
4 **disclosure of a shielded document from a county recorder. The**
5 **form may require the requestor to provide the following:**

- 6 (1) Name, address, and employer.
7 (2) The specific document or classes of documents requested.
8 (3) The requestor's intended purpose for or use of the shielded
9 document.
10 (4) Any other information the attorney general considers
11 necessary.

12 **The requestor may be required to present to a county recorder or**
13 **the attorney general a driver's license, a state issued identification**
14 **card, or other government issued identification bearing a**
15 **photograph upon request for disclosure of a shielded document.**

