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TABLE OF CONTENTS

CIVIL LAW 2

CORRECTIONS AND CRIMINAL LAW 6

FAMILY & CHILDREN SERVICES 13

HOMELAND SECURITY & TRANSPORTATION 15

JUDICIARY 16

LOCAL GOVERNMENT 18

PENSIONS & LABOR 20

PUBLIC POLICY 21

**This summary was prepared by:
Indiana Senate Democrats
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CIVIL LAW

SEA 28 MEDICAL MALPRACTICE

AUTHOR(S): STEELE, HEAD, BUCK

SPONSOR(S): KOCH, STEUERWALD, LEHMAN, TORR

CITATIONS AFFECTED: 34-18

SEA 28 increases the amount of recoverable damages for injury or death to a patient and increases health care provider liability limits. The act defines "final nonappealable judgment." The act specifies that claims from the patient's compensation fund must be paid not later than 60 days after the issuance of a court approved settlement or final nonappealable judgment. The act increases amounts paid to health care provider members; and the chairman of the medical review panel. The act provides that attorney fees may not exceed 32% of the total recovery. The act also adds anesthesiologist assistants to the definition of health care providers for purposes of the law concerning medical malpractice. (RC#362; Concurrence; 49-0)

SEA 146 TORT CLAIMS IMMUNITY

AUTHOR(S): CHARBONNEAU, BRAY, BUCK

SPONSOR(S): FRIEND, PORTER

CITATIONS AFFECTED: 3-13; 4-24; 11-8; 11-10; 11-11; 12-26; 16-41; 34-13; 35-38; 36-4; 36-8

SEA 146 provides that the tort claims act applies to a claim against certain approved postsecondary educational institutions and associations acting on behalf of certain approved postsecondary educational institutions if the institution or association has complied with certain data sharing requirements and the claim relates to a breach of this data. The act also provides that a claim or suit in tort against a postsecondary educational institution filed before March 30, 2016, is not eligible for tort claims immunity. (RC#366; CCR#1; 50-0)

SEA 221 SECURITIES AND FINANCIAL PROTECTON

AUTHOR(S): ECKERTY, KENLEY

SPONSOR(S): HEATON, MACER

CITATIONS AFFECTED: 23-19; 34-30

SEA 221 includes the following provisions:

- Defines "financially endangered adult" as an individual who is:
 - At least 65 years of age; or
 - At least 18 years of age and is incapable, by reason of certain mental or physical incapacities, of managing the individual's property.
- Defines "qualified individual" as an individual associated with a broker-dealer who serves in a supervisory, compliance, or legal capacity as part of the individual's job.
- Provides that "protective agencies" refers to the adult protective services unit and the Securities Commissioner.

- Requires that a qualified individual who has reason to believe that financial exploitation of a financially endangered adult has occurred, has been attempted, or is being attempted shall make a report and notify the protective agencies.
- Allows a qualified individual to refuse a request for disbursement of funds from an account owned by a financially endangered adult or of which a financially endangered adult is a beneficiary or beneficial owner; if the qualified individual has reason to believe that the requested disbursement will result in financial exploitation of the financially endangered adult.
- Establishes requirements for notification by a broker-dealer or qualified individual if a qualified individual refuses a request for disbursement of funds.
- Provides for expiration of the refusal of disbursement.
- Provides broker-dealers and qualified individuals certain immunity from administrative or civil liability.
- Allows broker-dealers to provide to certain entities access to or copies of records relevant to a suspected financial exploitation.
- Requires the Securities Commissioner to develop and make available on the Secretary of State's Internet web site information that includes training resources to assist in the prevention and detection of financial exploitation of financially endangered adults.
- Changes deposits into the Securities Division Enforcement Account and state general fund from 50%, to each fund, of the first \$2,000,000 of amounts recovered from:
 - Civil penalties;
 - Settlements of actions; and
 - Judgments awarded; in the enforcement of the securities law to 50%, to each fund, of the first \$4,000,000.
- Specifies that any amount exceeding \$4,000,000 is deposited into the state general fund.
- RC#331; Concurrence; 44-0

SEA 371 PROBATE MATTERS

AUTHOR(S): BRAY, ZAKAS

SPONSOR(S): KOCH, HAMM

CITATIONS AFFECTED: 6-1.1; 6-4.1; 23-14; 25-15; 29-1; 29-2; 29-3; 32-17.5;

NONCODE

SEA 371 contains the following provisions:

- Provides that an individual otherwise qualified for certain property tax deductions for property that the individual occupies as a beneficiary of the trust that owns the property is not required to be considered the owner of the property under the rules of construction for the property tax law for the trust to receive the property tax deduction.
- Transfers certain inheritance tax duties from the probate court, county assessor, and county treasurer to the Department of State Revenue with respect to inheritance tax returns filed after March 31, 2016.
- Revises the inheritance tax allocation statute so that the current allocation between the counties and the state is unaffected by the transfer of inheritance tax duties.
- Provides that a will contest must be initiated in the same cause of action.
- Specifies the priority of a personal representative and stepchildren with respect to the disposition of a decedent's body and funeral arrangements.

- Specifies that a court must consider a standby guardian designation when appointing a guardian. Specifies that for purposes of a guardianship appointment, a person designated a standby guardian is second in priority to a person designated in a durable power of attorney.
- Specifies how property passes in a transfer on death transfer if the beneficiary disclaims the property.
- Makes technical corrections.
- RC#116; 3rd Rdg; 50-0

HEA 1022 PRIVATE UNIVERSITY POLICE DEPARTMENTS

AUTHOR(S): BAUER

SPONSOR(S): GLICK, KRUSE, BRODEN, RANDOLPH

ACT VETOED BY THE GOVERNOR

HEA 1022 provides that certain records of a private university police department relating to arrests or incarcerations for criminal offenses are public records. This act allows a private university police department to withhold investigatory records. It provides that the name of a crime victim in records released by a private university police department must be redacted unless the release is authorized by the crime victim. It provides that an educational institution, a governing board of an educational institution, delegated office or offices of a governing board, or an individual employed by the educational institution as a police officer have the same immunities of the state or state police officers with regard to activities related to law enforcement. (RC#246; 3rd Rdg; 49-1) *(This act was vetoed by the Governor. For more information on the veto, refer to the section on Vetoes.)*

HEA 1127 CIVIL PROCEEDING ADVANCE PAYMENT TRANSACTIONS

AUTHOR(S): LEHMAN

SPONSOR(S): HEAD, HOLDMAN, RANDOLPH, TAYLOR

CITATIONS AFFECTED: 24-4.5; 24-12

HEA 1127 makes various revisions to the Indiana Code relating to civil proceeding advance payment transactions. The act:

- Defines a "civil proceeding advance payment transaction", or "CPAP transaction", as a nonrecourse transaction in which a person (CPAP provider) provides to a consumer claimant in a civil proceeding a funded amount, the repayment of which is:
 - Required only if the consumer claimant prevails in the civil proceeding; and
 - Sourced from the proceeds of the civil proceeding.
- Permits a CPAP provider to charge:
 - A fee not exceeding an annual rate of 36% of the funded amount;
 - A servicing charge not exceeding an annual rate of 7% of the funded amount; and
 - A one-time document fee not exceeding \$250 for a CPAP transaction with a funded amount of less than \$5,000; and \$500 for a CPAP transaction with a funded amount of at least \$5,000; in connection with a CPAP transaction.
- Specifies that other than these fees and charges, a CPAP provider may not assess or collect any other fee or charge in connection with a CPAP transaction.
- Specifies that a CPAP transaction is not a loan.

- Specifies that provisions in the Uniform Consumer Credit Code (UCCC) concerning the regular schedule of payments and maximum loan term that otherwise apply to supervised loans do not apply to CPAP transactions.
- Establishes certain requirements, including specified disclosures, for a CPAP contract and requires that, if the consumer entering into the CPAP transaction is represented by an attorney, the consumer's attorney must review the CPAP contract.
- Sets forth prohibited acts with respect to:
 - CPAP providers; and
 - Attorneys representing consumer claimants.
- Provides that after December 31, 2016, a person may not regularly engage in the business of making CPAP transactions in Indiana unless the person obtains, and maintains on an annual basis, a CPAP license issued by the Department of Financial Institutions. Allows the department to adopt rules or policies to implement these provisions.
- RC#417; CCR#1; 40-10

HEA 1336 BUSINESS ENTITIES; SERIES LIMITED LIABILITY

AUTHOR(S): COX

SPONSOR(S): BRAY, HOLDMAN, BRODEN, RANDOLPH

CITATIONS AFFECTED: 23-1; 23-4; 23-15; 23-16; 23-17; 23-18; 23-18.1

HEA 1336 makes various changes to the Indiana Code relating to business and other association law. The act:

- Requires that an application to reserve or renew a reservation of a name and a notice of transfer of a reserved name must be filed with the Secretary of State electronically and makes the corresponding changes to the fees.
- Establishes requirements concerning plans or filed documents that include terms that are dependent on facts objectively ascertainable outside the plan or filed document for limited liability partnerships, limited partnerships, nonprofit corporations, and limited liability companies.
- Provides that the name of a limited liability company must be distinguished from the name of any limited liability company or other business entity reserved or organized under the laws of Indiana or authorized to transact business in Indiana. (Current law requires that the name must be distinguished from any limited liability company or other business entity reserved or organized under the laws of Indiana or qualified to transact business as a foreign limited liability company in Indiana.)
- Allows limited liability companies to organize as series limited liability companies.
- Adds a fee for filing articles of organization for a master limited liability company; applications for certificate of authority series; and articles of designation.
- RC#294; 3rd Rdg; 50-0

CORRECTIONS AND CRIMINAL LAW

SEA 14 VARIOUS CRIMINAL LAW MATTERS

AUTHOR(S): HEAD, YOUNG, LEISING

SPONSOR(S): EBERHART, HALE, MAHAN, MCNAMARA

CITATIONS AFFECTED: 4-13; 7.1-3; 10-13; 11-8; 16-42; 20-28; 22-5; 31-14; 33-37; 33-39; 35-36; 35-38; 35-42; 35-44.1; 35-50

SEA 14 has the following provisions:

- It makes the offense of child exploitation a Level 4 felony instead of a Level 5 felony if the offense involves, depicts, or describes a child less than 18 years of age who:
 - engages in bestiality;
 - is mentally disabled or deficient;
 - participates in the sexual conduct, matter, performance, or incident by use of force or the threat of force;
 - physically or verbally resists participating in the sexual conduct, matter, performance, or incident;
 - receives a bodily injury while participating in the sexual conduct, matter, performance, or incident; or
 - is less than 12 years of age.
- It makes the offense of possession of child pornography a Level 5 felony instead of a Level 6 felony if the offense involves, depicts, or describes sexual conduct by a child who the defendant knows is less than 18 years of age, or who appears to be less than 18 years of age, who:
 - engages in bestiality;
 - is mentally disabled or deficient;
 - participates in the sexual conduct by use of force or the threat of force;
 - physically or verbally resists participating in the sexual conduct;
 - receives a bodily injury while participating in the sexual conduct; or
 - is less than 12 years of age.
- It adds the crime of child exploitation to the definition of "crime of violence" for purposes of the law concerning a court's determination whether terms of imprisonment should be served concurrently or consecutively. (A person who commits a "crime of violence" may receive a longer sentence.)
- It requires that a performer who provides adult entertainment on a licensed premises to provide proof of age by at least one form of government-issued identification instead of two. It specifies that a photograph taken of an adult entertainer who auditions to provide adult entertainment must only show the adult entertainer's facial features.
- It amends the definition of "violent criminal" for purposes of the law concerning sentencing to include certain Class A felonies and Class B felonies committed before July 1, 2014.
- RC #399; CCR#1; 48-0

SEA 80 EPHEDRINE AND PSEUDOEPHEDRINE

AUTHOR(S): HEAD, MERRITT

SPONSOR(S): SMALTZ, DAVISSON, REICKEN, BACON, BOSMA, OBER, BROWN, HEATON, KERSEY, ARNOLD, MORRISON, CULVER, MCNAMARA, MILLER, BEUMER, HARMON, HALE, STEMLER, LUCAS, SMITH, SOLIDAY, ZENT, MACER
CITATIONS AFFECTED: 25-26; 34-30; 35-48

SEA 80 requires the Indiana Board of Pharmacy to adopt emergency rules that are effective July 1, 2016, concerning:

- Professional determinations made; and
- A relationship on record with the pharmacy; concerning the sale of ephedrine or pseudoephedrine.

The act requires the Pharmacy Board to:

- Review professional determinations made; and
- Discipline a pharmacist who violates a rule concerning a professional determination made; concerning the sale of ephedrine or pseudoephedrine.

The act allows the Pharmacy Board, in consultation with the Indiana State Police (ISP), to declare a product to be an extraction-resistant or a conversion-resistant form of ephedrine or pseudoephedrine.

The act specifies that a person who is denied the sale of a nonprescription product containing pseudoephedrine or ephedrine is not prohibited from obtaining pseudoephedrine or ephedrine pursuant to a prescription.

The act provides that a pharmacist or pharmacy technician may determine that the purchaser has a relationship on record with the pharmacy, in compliance with rules adopted by the Pharmacy Board. The act allows a pharmacist to deny the sale of ephedrine or pseudoephedrine on the basis of the pharmacist's professional judgment, and provides the pharmacist with civil immunity for making such a denial.

The act provides that a purchaser who has a relationship on record with the pharmacy may purchase pseudoephedrine or ephedrine. The act allows the pharmacist to provide certain pseudoephedrine or ephedrine products to a purchaser who does not have a relationship on record with the pharmacy or for whom the pharmacist has made a professional judgment that there is not a medical or pharmaceutical need.

The act adds ephedrine and pseudoephedrine to the definition of "controlled substance" for purposes of the Indiana Scheduled Prescription Electronic Collection and Tracking (INSPECT) program. (RC #398; Concurrence; 41-7)

SEA 141 COUNTY BOARD HOSPITAL COMPENSATION

AUTHOR(S): LEISING, MILLER

SPONSOR(S): CLERE, LEHE, BROWN

CITATIONS AFFECTED: 16-22

SEA 141 has the following provisions:

- It changes the term "criminal gang" to "criminal organization." It provides that a criminal organization is a group organized to commit a felony or the crime of battery.
- It increases the penalty for assisting a criminal to a Level 6 felony if the person who commits the offense or the person assisted is a member of a criminal organization. It makes criminal organization activity a Level 6 felony, and increases the penalty to a Level 5 felony if the person commits an offense involving the unlawful use of a firearm.
- It specifies certain additional evidence that the trier-of-fact may consider in determining whether a person has committed specified offenses involving criminal organizations.
- RC # 37; 3rd Rdg; 44-4

SEA 142 OPERATING WHILE INTOXICATED

AUTHOR(S): YOUNG, MILLER

SPONSOR(S): STEUERWALD, WESCO

CITATIONS AFFECTED: 9-30; 35-38; 35-46

SEA 142 has the following provisions:

- It provides that a person who commits the offense of causing the death of another person when operating a vehicle:
 - with an alcohol concentration equivalent to at least 0.08 gram of alcohol per 100 milliliters of the person's blood or 210 liters of the person's breath;
 - with a controlled substance listed in Schedule I or II or its metabolite in the person's blood; or
 - while intoxicated; commits a Level 4 felony instead of a Level 5 felony if the person has a previous conviction of operating while intoxicated within 10 years preceding the commission of the offense instead of within five years preceding the commission of the offense.
- It provides that a person convicted of a Level 6 felony maybe committed to the Department of Correction (DOC) if the person has received an enhanced sentence for being a habitual vehicular substance offender.
- It provides that a person who operates a motorboat while intoxicated (motorboat OWI) shall receive an enhanced penalty if the person has a previous conviction under a repealed version of the crime.
- RC #326; Concurrence; 37-7

SEA 160 JUVENILE LAW

AUTHOR(S): YOUNG, BRAY, STEELE

SPONSOR(S): WASHBURN, MCNAMARA, MACER

CITATIONS AFFECTED: 31-30; 31-37

SEA 160 has the following provisions:

- Allows an adult court having jurisdiction over a minor charged with an offense requiring the automatic transfer of jurisdiction to the adult court to withhold judgment and transfer jurisdiction to the juvenile court for adjudication and disposition if the minor is convicted

of an offense, but not convicted of an offense requiring the automatic transfer of jurisdiction to the adult court.

- Allows an intake officer to impose conditions upon the release of a child who was not taken into custody under an order of the court.
- Requires the juvenile court to hold a detention hearing within 48 hours if an intake officer imposes conditions of release upon a child.
- RC #327; Concurrence; 42-0

SEA 174 CRIMINAL LAW MATTERS

AUTHOR(S): YOUNG, STEELE

SPONSOR(S):FRIZZELL, LAWSON

CITATIONS AFFECTED: 35-44.1; 35-48

SEA 174 provides that a person who, with intent to: (1) deceive; or (2) induce compliance with the person's instructions, orders, or requests; falsely represents that the person is a public servant, commits impersonation of a public servant, a Class A misdemeanor.

It creates the offense of dealing in a controlled substance by a practitioner, and enhances the offense if the offense causes the death of another person. (RC #329; Concurrence; 42-0)

SEA 183 REAL PROPERTY OFFENSES

AUTHOR(S): BRAY, STEELE, TOMES

SPONSOR(S):PRICE, GIAQUINTA, MOED

CITATIONS AFFECTED: 35-43

SEA 183 has the following provisions:

- It amends the statute concerning criminal trespass to specify that a person commits criminal trespass if the person knowingly or intentionally enters or refuses to leave the real property of another person after having been prohibited from entering or asked to leave the real property by a law enforcement officer when the real property is:
 - vacant real property or a vacant structure (both as defined by the statute concerning the abatement of vacant structures and abandoned structures); or
 - designated by a municipality or county enforcement authority to be abandoned property or an abandoned structure. (The crime can be either Class A misdemeanor or a Level 6 felony).
- It provides that a person who knowingly or intentionally damages, defaces, or permanently removes an object from real property that is the subject of a mortgage foreclosure proceeding commits foreclosure mischief, a Class B misdemeanor. It increases the penalty to a Class A misdemeanor if the damage caused is between \$750 and \$50,000, and to a Level 6 felony if the damage caused is \$50,000 or more. It establishes a defense if the damage, removal, or defacement was the result of repair, renovation, replacement, or maintenance performed in good faith.
- RC #345; Concurrence; 48-0

SEA 290 CRIMINAL LAW MATTERS
AUTHOR(S): YOUNG, HEAD
SPONSOR(S):STEUERWALD
CITATIONS AFFECTED: 16-41; 35-48; 35-50

SEA 290 has the following provisions:

- It provides that a person may be convicted of possession with intent to manufacture or deliver a controlled substance without additional evidence of intent to manufacture or deliver if the person possesses more than 28 grams of the controlled substance other than marijuana or 10 or more pounds of marijuana.
- It specifies that the fact that an individual has attended a syringe exchange program may not form any part of a probable cause or reasonable suspicion determination.
- It permits a person placed on home detention as a condition of pretrial release to earn one day of good time credit for every four days served on pretrial home detention.
- RC #144; 3rd Rdg; 46-4

HEA 1028 HUMAN TRAFFICKING AND COMMON NUISANCES
AUTHOR(S): TRUITT
SPONSOR(S):HEAD, MERRITT, BUCK, TAYLOR, RANDOLPH
CITATIONS AFFECTED: 7.1-5; 16-31; 16-42; 22-15; 25-1; 35-45; 35-48; 35-52

HEA 1028 has the following provisions:

- It repeals certain provision in current law defining the crimes of visiting and maintaining a common nuisance in connection with the unlawful use of:
 - alcohol;
 - legend drugs; and
 - controlled substances.
- It creates a new statute defining the crimes of visiting and maintaining a common nuisance in connection with:
 - the unlawful use of alcohol;
 - the unlawful use of a legend drug;
 - the unlawful use of controlled substances; and
 - certain human trafficking crimes.
- It makes visiting a common nuisance where certain human trafficking crimes are being committed a Class A misdemeanor, and makes maintaining a common nuisance where certain human trafficking crimes are being committed a Level 6 felony.
- It repeals obsolete provisions and makes conforming amendments.
- RC #247; 3rd Rdg; 50-0

HEA 1048 MOTOR VEHICLE ACCIDENTS
AUTHOR(S): SOLIDAY
SPONSOR(S):CHARBONNEAU, ARNOLD
CITATIONS AFFECTED: 9-26; 35-43; 35-44.1

HEA 1048 has the following provisions:

- Makes it a Class C infraction if a motor vehicle involved in an accident comes to a stop in the traveled portion of a highway, and the operator fails (with certain exceptions) to move the motor vehicle off the traveled portion of the highway in a manner that does not obstruct traffic more than is necessary.
- Provides that, with certain exceptions, a person who knowingly or intentionally possesses a plate or label that contains an identification number not attached to the motor vehicle or motor vehicle part to which the plate or label was originally assigned by a manufacturer or governmental entity commits a Class A misdemeanor, increases the penalty to a Level 6 felony if the person possesses more than one unattached plate or if the value of the motor vehicle or motor vehicle part to which the plate is attached is between \$750 and \$50,000, and increases the penalty to a Level 5 felony if the value of the motor vehicle or motor vehicle part to which the plate is attached is at least \$50,000.
- Provides that a person that damages, removes, or alters an original or a special identification number commits a Level 6 felony.
- Increases the penalty for selling a motor vehicle with an altered identification number to a Level 6 felony if the value of the vehicle is between \$750 and \$50,000, and to a Level 5 felony if the value of the vehicle is at least \$50,000.
- Makes the penalty for counterfeiting a motor vehicle title a Class A misdemeanor (under current law, the offense is a Class B misdemeanor), and increases the penalty to a Level 6 felony if the value of the vehicle is between \$750 and \$50,000, and to a Level 5 felony if the value of the vehicle is at least \$50,000.
- Defines the term "emergency incident" and expands the definition of the term "emergency incident area".
- RC #251; 3rd Rdg; 49-1

HEA 1105 PROSECUTIONS FOR RAPE AND CRIMINAL DEVIATE CONDUCT

AUTHOR(S): HALE

SPONSOR(S): CRIDER, BASSLER, CHARBONNEAU, MILLER, TALLIAN, ROGERS

CITATIONS AFFECTED: 34-60; 35-37; 35-41

HEA 1105 has the following provisions:

- It specifies that certain exceptions to the statute of limitations for rape as a Level 3 felony also apply to rape as a Class B felony (for crimes committed before July 1, 2014).
- It provides that a prosecution for criminal deviate conduct as a Class B felony for an offense committed before the crime was repealed on July 1, 2014, that would otherwise be barred may be commenced not later than five years after the earliest of the date on which:
 - the state first discovers evidence sufficient to charge the offender with the offense through DNA analysis;
 - the state first becomes aware of the existence of a recording that provides evidence sufficient to charge the offender with the offense; or
 - a person confesses to the offense.
- It provides that state educational institution and approved postsecondary educational institution student advocate office employees and volunteers who provide services to certain victims have testimonial privilege regarding confidential victim information.
- RC #258; 3rd Rdg; 50-0

HEA 1187 STOLEN VALOR

AUTHOR(S): MOSLEY

SPONSOR(S): GLICK, TALLIAN, KENLEY, YOUNG, CHARBONNEAU, TOMES, STEELE, RANDOLPH, MILLER, BROWN

CITATIONS AFFECTED: 35-43

HEA 1187 provides that a person who knowingly or intentionally, with the intent to obtain money, property, or another benefit:

- Fraudulently represents himself or herself to be an active member or veteran of the armed forces of the United States;
- Uses falsified military identification; or
- Fraudulently claims to be the recipient of certain military honors; commits stolen valor, a Class A misdemeanor.
- RC # 194; 3rd Rdg; 50-0

HEA 1199 HUMAN TRAFFICKING

AUTHOR(S): MCNAMARA

SPONSOR(S): HEAD, ECKERTY, TALLIAN

CITATIONS AFFECTED: 11-8

HEA 1199 adds the crime of promotion of human trafficking of a minor to the definitions of "sex offender" and "sex or violent offender". (RC #272; 3rd Rdg; 50-0)

HEA 1211 METHAMPHETAMINE AND CRIMINAL MISCHIEF

AUTHOR(S): CARBAUGH

SPONSOR(S): BROWN, GLICK, BUCK, MILLER, TAYLOR, KRUSE

CITATIONS AFFECTED: 5-2; 35-43; 35-48

HEA 1211 has the following provisions:

- Includes the attempted manufacture of methamphetamine in the statutory definition of "methamphetamine abuse".
- Requires law enforcement agencies to report fires related to methamphetamine abuse to the Indiana Criminal Justice Institute.
- Makes it institutional criminal mischief, a Class A misdemeanor, for a person to recklessly, knowingly, or intentionally damage property:
 - that is vacant real property or a vacant structure; or
 - after the person has been denied entry to the property by a court order that was issued to the person or to the general public by conspicuous posting on or around the property in areas where a person could observe the order when the property has been designated by a municipality or county enforcement authority to be a vacant property, an abandoned property, or an abandoned structure.
- Makes the offense:
 - a Level 6 felony if the pecuniary loss is at least \$750 but less than \$50,000; and
 - a Level 5 felony if the pecuniary loss is at least \$50,000.

- Provides that, if the offense involved the use of graffiti, the court may order that the person's operator's license be suspended or invalidated by the Bureau of Motor Vehicles (BMV) for not more than one year.
- Makes it controlled substances criminal mischief, a Level 6 felony, for a person to recklessly, knowingly, or intentionally damage property:
 - during the dealing or manufacture of or attempted dealing or manufacture of cocaine or a narcotic drug or the dealing or attempted dealing of methamphetamine; and
 - by means of a fire or an explosion.
- Makes the offense a Level 5 felony if the offense results in moderate bodily injury to any person other than a defendant.
- Defines "pecuniary loss" for purposes of criminal mischief offenses.
- RC #411; CCR#1; 50-0

HEA 1235 DRUG OFFENSES

AUTHOR(S): STEUERWALD

SPONSOR(S): YOUNG, STEELE, ARNOLD, BUCK

CITATIONS AFFECTED: 35-5

HEA 1235 specifies that Level 2 controlled substance offenses are non-suspendible if:

- The offense involves methamphetamine or heroin; and
- The person has a prior felony conviction for dealing in certain controlled substances.
- RC #277; 3rd Rdg; 40-10

FAMILY & CHILDREN SERVICES

SEA 305 DEPARTMENT OF CHILD SERVICES MATTERS

AUTHOR(S): HEAD, MILLER

SPONSOR(S): FRIZZELL, MCNAMARA, HALE, MACER

CITATIONS AFFECTED: 20-26; 20-50; 31-9; 31-33; 31-34; 31-37; 35-46

SEA 305 contains the following changes regarding Department of Child Services (DCS) matters:

- Adds a definition of foster care.
- Amends the deadline for the DCS to notify a school corporation that a child in foster care will attend a school to September 1.
- Adds to the list of offenses under which a child victim may be designated as a child in need of services (CHINS):
 - Human or sexual trafficking offenses;
 - Sexual battery against a child;
 - Vicarious sexual gratification offenses;
 - Child solicitation;
 - Patronizing a prostitute; and
 - Promoting prostitution.
- Expands the statutory definition of "human trafficking" and "sex trafficking" to include:

- Federal definitions of the offenses; and
 - Definitions of the offenses from other jurisdictions.
- Adds a CHINS designation for a child who:
 - Lives in the same household as an adult who committed or is charged with human or sexual trafficking; and
 - Needs care, treatment, or rehabilitation that the child is not receiving or is unlikely to be provided without intervention.
- Creates a rebuttable presumption that a child is a CHINS if the state establishes that the child lives in the same household as an adult that has committed or been charged with certain offenses.
- Permits a finding by a juvenile court that reasonable efforts for reunification are not necessary if a child is a CHINS:
 - As a result of being a victim of a human or sexual trafficking offense that was committed by a parent, guardian, or custodian and resulted in a conviction; or
 - As a result of the parent, guardian, or custodian being charged with a human or sexual trafficking offense.
- Removes the requirement that a delinquent child must be removed from the home in order to enter an informal adjustment.
- Allows any court with jurisdiction over a child in an adoption matter to approve excess payments for costs incurred by the birth mother.
- Repeals language regarding foster care review boards.
- Adds missing Interstate Compact on the Placement of Children language.
- Adds the National Center for Missing and Exploited Children to the entities with which the DCS may share assessment reports.
- RC #358; Concurrence; 49-0

HEA 1183 GUARDIANSHIP; DEPARTMENT OF CHILD SERVICES

AUTHOR(S): FRIZZELL

SPONSOR(S): BUCK, ROGERS, HOLDMAN, KRUSE, FORD, BECKER, MILLER, RANDOLPH, SCHNEIDER

CITATIONS AFFECTED: 29-3; 31-33; 34-30

HEA 1183 changes current law regarding guardianship. The act:

- Provides that a delegation of power by a properly executed power of attorney does not subject the parties to any laws, rules, or regulations concerning the licensing or regulation of foster family homes, child placing agencies, or child caring institutions.
- Prohibits a licensed foster family home from providing supervision to a child who is the subject of a power of attorney while providing overnight or regular and continuous care to a child placed in the foster family home unless the Department of Child Services (DCS) grants an exception.
- Allows a parent to delegate the powers for a period longer than 12 months if the parent is on active duty service, except that the term of delegation may not exceed the term of active duty service plus 30 days.
- Provides that the DCS may provide information about community service programs that provide respite care, voluntary guardianship, or other support services for families in

crisis to the parent or guardian of a child who is the subject of an assessment if the department classifies the assessment as unsubstantiated.

- Provides that:
 - If the department provides the information to a parent or guardian, the department may not initiate an investigation or assessment or substantiate an assessment of child abuse or neglect based solely on the provision of the information; and
 - The department is not liable for any action arising out of having furnished the information.
- RC #206; 3rd Rdg; 50-0

HOMELAND SECURITY & TRANSPORTATION

HEA 1013 GEOLOCATION INFORMATION AND UNMANNED VEHICLES

AUTHOR(S): KOCH

SPONSOR(S): HEAD, STEELE, ARNOLD, RANDOLPH, ZAKAS, KRUSE

CITATIONS AFFECTED: 34-30; 35-33

HEA 1013 provides that, upon the request of a law enforcement agency, a provider of electronic communications services used by an electronic device is required to provide geolocation information concerning the electronic device to the law enforcement agency:

- To allow the law enforcement agency to respond to a call for emergency services; or
- In an emergency situation that involves the risk of death or serious bodily injury to an individual.

In addition, HEA 1013:

- Specifies that a law enforcement agency may make a request for geolocation information without first obtaining a search warrant or another judicial order that would otherwise be required to obtain the geolocation information if obtaining the search warrant or other judicial order would cause an unreasonable delay in responding to a call for emergency services or an emergency situation.
- Provides that, if a law enforcement agency makes a request for geolocation information without first obtaining a search warrant or another judicial order, the law enforcement agency shall seek to obtain the search warrant or other judicial order issued by a court based upon a finding of probable cause that would otherwise be required to obtain the geolocation information not later than 72 hours after making the request for the geolocation information.
- Requires a provider of electronic communications services used by electronic devices to submit the provider's emergency contact information to the State Police Department.
- Requires the State Police Department to:
 - maintain the emergency contact information submitted to the state police department by providers of electronic communication services; and
 - make the information immediately available to a state or local law enforcement agency.
- Allows the use of an unmanned aerial vehicle by a law enforcement officer or governmental entity without obtaining a search warrant if the law enforcement officer

determines that the use of the unmanned aerial vehicle is required to obtain aerial photographs or video images of a motor vehicle accident site on a public street or public highway.

- Act effective upon passage.
- RC #243; 3rd Rdg; 50-0

JUDICIARY

SEA 26 CHILDREN IN NEED OF SERVICES

AUTHOR(S): STEELE, HEAD

SPONSOR(S): STEUERWALD, KOCH, SUMMERS, NIEZGODSKI

CITATIONS AFFECTED: 31-34

SEA 26 provides that a child is a child in need of services if the child needs care, treatment or rehabilitation and lives in the same household as an adult who: (1) committed certain offenses; or (2) has been charged with certain offenses and is awaiting trial. The act also makes conforming amendments. (RC #214; Concurrence; 48-0)

SEA 357 REGISTRY OF CONVICTED CHILD ABUSERS

AUTHOR(S): YODER, HEAD, STEELE

SPONSOR(S): MORRIS, OBER, STEUERWALD, RIECKEN

CITATIONS AFFECTED: 5-2

SEA 357 defines "crime of child abuse" and requires the Division of State Court Administration to establish an electronic child abuse registry containing information relating to persons convicted of a crime of child abuse. (RC #370; CCR#1; 50-0)

HEA 1019 ESTABLISHES A PROCEDURE FOR THE RELEASE OF LAW ENFORCEMENT RECORDINGS UNDER THE PUBLIC RECORDS LAW

AUTHOR(S): MAHAN

SPONSOR(S): BRAY, CRIDER, HOLDMAN, TAYLOR, RANDOLPH

CITATIONS AFFECTED: 5-14; 35-31.5; 35-46

HEA 1019 exempts custodial interrogations described in Indiana Evidence Rule 617 from provisions applicable to other law enforcement recordings.

The act requires a public agency to permit the following persons (defined as a "requestor" in the statute) to view a recording at least twice:

- A person depicted in a recording, or if the person is deceased or incapacitated, the person's relative or representative.
- An owner or occupant of real property depicted in a recording.
- A crime victim, if the depicted events are relevant to the crime.
- A person who suffers a loss due to personal injury or property damage, if the depicted events are relevant to the person's loss.

The act allows a "requestor" to be awarded attorney's fees, court costs, and other reasonable expenses if the "requestor" prevails in an action against a public agency to view a recording.

The act requires a public agency to permit all persons to inspect and copy a recording unless the public agency can demonstrate that release of the recording would:

- Pose a significant risk of harm to a person or the public;
- Interfere with a person's ability to get a fair trial;
- Affect an ongoing investigation; or
- Not serve the public interest.

The act provides that a recording that captures information relating to airport security may not be released for public inspection without the approval of the airport operator.

The act specifies the procedure to obtain a court order for the release of a law enforcement recording, and requires a court to expedite the proceedings. Fees: The act caps the fee for copying a law enforcement recording at \$150, and specifies that the agency collecting the fee may spend the fee for certain purposes. The act specifies information that a public agency may or must obscure from a law enforcement recording before disclosing it.

The act establishes the length of time that a public agency must retain a law enforcement recording. The act exempts a law enforcement recording from a criminal statute prohibiting placement of a camera on the private property of another person. The act resolves technical conflicts with SEA 378-2016 and HEA 1022-2016. (RC #390; CCR#1; 50-0)

HEA 1064 TERMINATING THE PARENT-CHILD RELATIONSHIP

AUTHOR(S): SLAGER

SPONSOR(S): CHARBONNEAU, STEELE, ZAKAS, HEAD, CRIDER, YOUNG, BRAY, DELPH, GLICK, BRODEN, TAYLOR, HOLDMAN, MILLER

CITATIONS AFFECTED: 31-9; 31-17; 31-35

HEA 1064 has the following provisions:

- Allows a parent who is the victim of an act of rape from which a child was conceived to file a petition to terminate the parent-child relationship between the child and the alleged perpetrator of the act of rape.
- Requires a court to terminate the parent-child relationship if the court finds:
 - by clear and convincing evidence that the alleged perpetrator committed an act of rape against the parent who filed the petition to terminate the parent-child relationship and that the child was conceived as a result of the act of rape; and
 - that terminating the parent-child relationship would be in the best interests of the child.
- Prohibits a parent who is at least 18 years of age at the time the act of rape occurred from filing a petition more than 180 days after the birth of the child.
- Prohibits a parent who is less than 18 years of age at the time the act of rape occurred from filing a petition more than 2 years after reaching the age of 18.

- Requires a court to stay the termination of the parent-child relationship proceedings if the court receives a notice from the Department of Child Services that the child is the subject of a pending Child in Need of Services Petition (CHINS).
- RC #252; 3rd Rdg; 50-0

HEA 1069 NO CONTACT AND PROTECTIVE ORDERS AND BATTERY

AUTHOR(S): ZENT

SPONSOR(S): GLICK, CRIDER, HOLDMAN, BRODEN

CITATIONS AFFECTED: 5-2; 8-1; 11-12; 12-7; 12-10; 16-41; 20-19; 20-26; 20-33; 31-19; 31-34; 31-37; 33-37; 35-31.5; 35-36; 35-37; 35-38; 35-42; 35-45; 35-46; 35-47; 35-50; NONCODE

HEA 1069 has the following provisions:

- It allows a petition to be filed with the juvenile court to order a person to refrain from contact with a member of a foster family home.
- It makes battery a Class A misdemeanor instead of a Class B misdemeanor if the offense is committed against a member of a foster family home by a person who is not a resident of the foster family home if the person who committed the offense is a relative of a person who lived in the foster family home at the time of the offense. It makes the offense a Level 6 felony if it results in bodily injury to a member of the foster family.
- It removes the sentencing enhancement for battery committed against a family or household member in the presence of a child from the battery statute and places it in the domestic battery statute. It specifies that numerous provisions in the battery statute constitute domestic battery if they are committed against a family or household member.
- It makes certain other changes to penalties concerning the offense of battery.
- It provides that a person who knowingly or intentionally violates a no-contact order in a child in need of services (CHINS) proceeding or in a juvenile delinquency proceeding commits a Level 6 felony.
- The act also makes conforming amendments.
- RC #416; CCR#2; 49-1

LOCAL GOVERNMENT

HEA 1025 ALTERNATE REZONING PROCEDURE

AUTHOR(S): MILLER

SPONSOR(S): YODER, BANKS, BUCK, BRODEN

CITATIONS AFFECTED: 36-7; NONCODE

HEA 1025 creates an optional alternate procedure to apply to rezoning proposals that provides the following:

- If the plan commission makes a favorable recommendation, the rezoning proposal becomes effective unless an aggrieved person or the legislative body notifies the plan commission by a specified date.

- If the plan commission makes an unfavorable recommendation or no recommendation, the rezoning proposal is defeated unless an aggrieved person or the legislative body notifies the plan commission by a specified date.
- If the plan commission is notified by an aggrieved person or the legislative body by a specified date, the legislative body shall consider and make the final determination on the rezoning proposal. It reconciles a conflict in a statute concerning rezonings within an excluded city. (RC #220; 3rd Reading; 41-4)

HEA 1298 ANNEXATION

AUTHOR(S): NEGELE

SPONSOR(S): BRAY, BUCK

CITATIONS AFFECTED: 13-18; 36-4; 36-9

HEA 1298 has the following provisions:

- Changes contiguity requirements so that property adjacent to only one side of the public highway (instead of both sides) must be:
 - within the annexing municipality's boundaries; or
 - annexed by the same ordinance that annexes the public highway.
- Reduces the number of required public information meetings from six meetings to three meetings if the annexation is initiated by the landowners.
- Specifies that a landowner whose property is subject to a valid waiver of remonstrance may not file a remonstrance to the annexation.
- Requires a fiscal plan prepared after June 30, 2016, to include in the information provided for each parcel in the annexation territory, the existence of a known waiver of the right to remonstrate on the parcel.
- Establishes deadlines for:
 - the county auditor to forward remonstrance petitions to the annexing municipality; and
 - the annexing municipality to forward documentation regarding valid waivers of the right of remonstrance to the county auditor.
- Allows municipalities in Kosciusko County to annex noncontiguous territory that is to be used as an industrial park.
- Makes a technical amendment and it resolves a conflict with a provision in ESB 310-2016
- RC #395; CCR#1; 49-1

PENSIONS & LABOR

SEA 20 WORKFORCE POLICIES

AUTHOR(S): BOOTS, WALKER

SPONSOR(S): HARMAN, GUTWEIN, WESCO

CITATIONS AFFECTED: 22-1; 22-2; 22-4; NONCODE

SEA 20 provides that a local governmental unit may not establish, mandate, or otherwise require an employer to provide to an employee who is employed within the jurisdiction of the unit a scheduling policy that exceeds the requirements of federal or state law, rules, or regulations, unless federal or state law provides otherwise. The act urges the Legislative Council to assign to the Interim Study Committee on Employment and Labor or another appropriate interim study committee during the 2016 legislative interim the topics of employee misclassification, payroll fraud, and the use of independent contractor status. The act also provides:

- An attorney who represents an employer, an employing unit, or a claimant in a claim for unemployment benefits pending before an administrative law judge, the Review Board, or another individual who adjudicates claims must be:
 - An attorney in good standing admitted to the practice of law in Indiana; or
 - An attorney in good standing admitted to the practice of law in another state who has been granted temporary admission to the State Bar under the Rules for Admission to the Bar and the Discipline of Attorneys adopted by the Supreme Court.
- The persons that may represent an employer or employing unit, or a claimant, having an interest in a pending claim for benefits.
- A claimant may also designate a lay person of the claimant's choice to assist the claimant in the presentation of the claimant's case.
- Direction to the Department of Workforce Development to update its rules concerning representation of parties involved in claims for benefits.
- RC #382; CCR#1; 50-0

HEA 1373 VETERANS' MATTERS

AUTHOR(S): BORDERS

SPONSOR(S): TOMES, MESSMER, RANDOLPH, MILLER, LANANE

CITATIONS AFFECTED: 10-16; 12-15

HEA 1373 extends employment protections under the federal Uniformed Services Employment and Reemployment Rights Act and extends the rights, benefits, and protections under the Servicemembers Civil Relief Act to members of the National Guard of another state during state sponsored activation. This act also allows an individual (and the individual's dependent) to resume Medicaid eligibility and remain on Medicaid waiver waiting lists, who is:

- An active member of the Armed Services of the United States or the National Guard;
- A legal Indiana resident;
- Assigned for duty or deployed outside Indiana; and
- Eligible for Medicaid waiver services or Medicaid assistance; to resume Medicaid eligibility and remain on Medicaid waiver waiting lists.
- RC# 305; 3rd Rdg; 50-0

PUBLIC POLICY

SEA 169 SPECIAL PERMITS

AUTHOR(S): ALTING, BANKS

SPONSOR(S): EBERHART, CLERE, MACER

CITATIONS AFFECTED: 7.1-3

SEA 169 provides that if a permit holder:

- Holds one-way, two-way, or three-way permits that are issued, without regard for quota restrictions, for certain premises; and
- Holds a permit for a microbrewery that is located on or adjacent to those premises; the permit holder may sell, at those premises, beer manufactured at the brewery.

The act also adds one additional three-way permit to the number of three-way permits that the Alcohol and Tobacco Commission may issue to the proprietor of a restaurant within or not more than 1,500 feet from a motorsports investment district. (RC #130; 3rd Rdg; 46-4)

SEA 177 ALCOHOLIC BEVERAGE MATTERS

AUTHOR(S): MESSMER, ARNOLD, ALTING

SPONSOR(S): LEHMAN, GIAQUINTA

CITATIONS AFFECTED: 7.1-3; 7.1-5

SEA 177 makes the following changes to various alcoholic beverage matters:

- Prohibits the Alcohol and Tobacco Commission (ATC) from issuing a beer dealer's permit to a package liquor store unless the proprietor of the package liquor store satisfies Indiana resident ownership requirements.
- Amends the ownership residency requirements for the issuance of an alcoholic beverage dealer's permit to a corporation, limited partnership, or limited liability company for the premises of a package liquor store.
- Allows the ATC to renew or transfer ownership of an alcoholic beverage dealer's permit of any type for the holder of a dealer's permit who:
 - Held the permit for the premises of a package liquor store before January 1, 2016; and
 - Does not qualify for the permit under the amended residency requirements.
- Allows the refilling of a bottle or container with hard cider in an establishment that manufactures hard cider.
- Allows the refilling of a bottle or container with a product from a farm winery.
- Allows the holder of a retailer's permit issued for the premises of a hotel or restaurant to temporarily amend floor plans to use a banquet or gathering space to sell or dispense alcoholic beverages from a temporary bar or service bar.
- Allows, if certain conditions are met, the holder of a retailer's permit that is issued for the premises of a hotel that is owned by an accredited college or university to sell or dispense, for on premises consumption only, alcoholic beverages from a:
 - Nonpermanent bar that is located on; or

- Service window located on the licensed premises that opens to; an outside area or terrace that is contiguous to the main building of the licensed premises of the hotel.
- Provides that a holder of a retailer's permit that is issued to a restaurant may sell or dispense alcoholic beverages from a service window that opens to an outside patio or terrace.
- RC #367; CCR #1; 43-7