

HOUSE BILL No. 1048

DIGEST OF INTRODUCED BILL

Citations Affected: IC 29-3-1-2.5; IC 31-9-2-22.5.

Synopsis: Adoption criminal history check. Removes a requirement that a criminal history check in an adoption or guardianship proceeding must include a request for information from a national registry of substantiated child abuse and neglect reports.

Effective: July 1, 2017.

Aylesworth

January 4, 2017, read first time and referred to Committee on Judiciary.



First Regular Session of the 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

HOUSE BILL No. 1048

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

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

1 SECTION 1. IC 29-3-1-2.5, AS ADDED BY P.L.104-2015,
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2017]: Sec. 2.5. "Conduct a criminal history check" means to:
4 (1) request:
5 (A) the state police department to conduct a:
6 (i) fingerprint based criminal history background check of
7 both national and state records data bases concerning a
8 person who is at least eighteen (18) years of age in
9 accordance with IC 10-13-3-27 and IC 10-13-3-39; or
10 (ii) national name based criminal history record check (as
11 defined in IC 10-13-3-12.5) of a person who is at least
12 eighteen (18) years of age as provided under
13 IC 10-13-3-27.5; or
14 (B) if an individual has:
15 (i) a physical disability that prevents fingerprinting and a
16 person approved by the department who is trained to take
17 fingerprints or a qualified medical practitioner (as defined



1 in IC 31-9-2-100.5) verifies that the individual has a
 2 disabling condition that prevents fingerprinting; or
 3 (ii) low quality fingerprints, as a result of age, occupation, or
 4 otherwise, that prevent fingerprint results from being
 5 obtained and the individual's fingerprints have been rejected
 6 the required number of times by automated fingerprint
 7 classification equipment or rejected by a person designated
 8 by the Indiana state police department to examine and
 9 classify fingerprints;

10 the state police department to conduct a national name based
 11 criminal history record check (as defined in IC 10-13-3-12.5)
 12 or request the state police department to release or allow
 13 inspection of a limited criminal history (as defined in
 14 IC 10-13-3-11) and the state police in every state the
 15 individual has resided in the past five (5) years to release or
 16 allow inspection of the individual's criminal history;

17 (2) collect each substantiated report of child abuse or neglect
 18 reported in a jurisdiction where a probation officer, a caseworker,
 19 or the department of child services has reason to believe that a
 20 person who is fourteen (14) years of age or older, or a person for
 21 whom a fingerprint based criminal history background check is
 22 required under IC 31, resided within the previous five (5) years;

23 ~~(3) request information concerning any substantiated report of~~
 24 ~~child abuse or neglect relating to a person who is fourteen (14)~~
 25 ~~years of age or older that is contained in a national registry of~~
 26 ~~substantiated cases of child abuse or neglect that is established~~
 27 ~~and maintained by the United States Department of Health and~~
 28 ~~Human Services; to the extent that the information is accessible~~
 29 ~~under 42 U.S.C. 16990 and any applicable regulations or policies~~
 30 ~~of the Department of Health and Human Services;~~

31 ~~(4) (3) conduct a check of the national sex offender registry~~
 32 ~~maintained by the United States Department of Justice for all~~
 33 ~~persons who are at least fourteen (14) years of age; and~~

34 ~~(5) (4) conduct a check of local law enforcement agency records~~
 35 ~~in every jurisdiction where a person who is at least eighteen (18)~~
 36 ~~years of age has resided within the previous five (5) years unless~~
 37 ~~the department of child services or a court grants an exception to~~
 38 ~~conducting this check.~~

39 SECTION 2. IC 31-9-2-22.5, AS AMENDED BY P.L.104-2015,
 40 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2017]: Sec. 22.5. "Conduct a criminal history check", for
 42 purposes of IC 31-19, IC 31-26, IC 31-27, IC 31-28, IC 31-33,



1 IC 31-34, IC 31-37, and IC 31-39-2-13.5, means to:

2 (1) request:

3 (A) the state police department to conduct a:

4 (i) fingerprint based criminal history background check of
5 both national and state records data bases concerning a
6 person who is at least eighteen (18) years of age in
7 accordance with IC 10-13-3-27 and IC 10-13-3-39; or

8 (ii) national name based criminal history record check (as
9 defined in IC 10-13-3-12.5) of a person who is at least
10 eighteen (18) years of age as provided by IC 10-13-3-27.5;
11 or

12 (B) if an individual has:

13 (i) a physical disability that prevents fingerprinting and a
14 person approved by the department who is trained to take
15 fingerprints or a qualified medical practitioner (as defined
16 in IC 31-9-2-100.5) verifies that the individual has a
17 disabling condition that prevents fingerprinting; or

18 (ii) low quality fingerprints, as a result of age, occupation, or
19 otherwise, that prevent fingerprint results from being
20 obtained and the individual's fingerprints have been rejected
21 the required number of times by automated fingerprint
22 classification equipment or rejected by a person designated
23 by the Indiana state police department to examine and
24 classify fingerprints;

25 the state police department to conduct a national name based
26 criminal history record check (as defined in IC 10-13-3-12.5)
27 or request the state police department to release or allow
28 inspection of a limited criminal history (as defined in
29 IC 10-13-3-11) and the state police in every state the
30 individual has resided in the past five (5) years to release or
31 allow inspection of the state's criminal history;

32 (2) collect each substantiated report of child abuse or neglect
33 reported in a jurisdiction where a probation officer, a caseworker,
34 or the department of child services has reason to believe that a
35 person who is fourteen (14) years of age or older, or a person for
36 whom a fingerprint based criminal history background check is
37 required under IC 31, resided within the previous five (5) years;
38 (3) request information concerning any substantiated report of
39 child abuse or neglect relating to a person who is fourteen (14)
40 years of age or older that is contained in a national registry of
41 substantiated cases of child abuse or neglect that is established
42 and maintained by the United States Department of Health and



1 Human Services, to the extent that the information is accessible
2 under 42 U.S.C. 16990 and any applicable regulations or policies
3 of the Department of Health and Human Services;
4 ~~(4)~~ (3) conduct a check of the national sex offender registry
5 maintained by the United States Department of Justice for all
6 persons who are at least fourteen (14) years of age; and
7 ~~(5)~~ (4) conduct a check of local law enforcement agency records
8 in every jurisdiction where a person who is at least eighteen (18)
9 years of age has resided within the previous five (5) years unless
10 the department of child services or a court grants an exception to
11 conducting this check.

