

January 31, 2017

HOUSE BILL No. 1048

DIGEST OF HB 1048 (Updated January 30, 2017 10:47 am - DI 84)

Citations Affected: IC 29-3; IC 31-9.

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, DeLaney, Burton, Young J

January 4, 2017, read first time and referred to Committee on Judiciary. January 30, 2017, reported — Do Pass.



January 31, 2017

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
2 3 4	(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
40 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,
74	purposes of it 31-19, it 31-20, it 31-27, it 31-20, it 31-33,



3(A) the state police department to conduct a:4(i) fingerprint based criminal history background check of5both national and state records data bases concerning a6person who is at least eighteen (18) years of age in7accordance with IC 10-13-3-27 and IC 10-13-3-39; or8(ii) national name based criminal history record check (as9defined in IC 10-13-3-12.5) of a person who is at least10eighteen (18) years of age as provided by IC 10-13-3-27.5;11or12(B) if an individual has:13(i) a physical disability that prevents fingerprinting and a14person approved by the department who is trained to take15fingerprints or a qualified medical practitioner (as defined16in IC 31-9-2-100.5) verifies that the individual has a17disabiling condition that prevents fingerprinting; or18(ii) low quality fingerprints, as a result of age, occupation, or19obtained and the individual's fingerprint results from being20obtained and the individual's fingerprint results from being21the required number of times by automated fingerprint22classify fingerprints;23the state police department to conduct a national name based24classify fingerprints;25the state police department to release or allow28inspection of a limited criminal history (as defined in29IC 10-13-3-11) and the state police in every state the30individual has resided in the past five (5) years to release	1	IC 31-34, IC 31-37, and IC 31-39-2-13.5, means to:
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τ_0 volume τ_0	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.



HB 1048—LS 6475/DI 125

4

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1048, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1048 as introduced.)

STEUERWALD

Committee Vote: Yeas 12, Nays 0

