



March 21, 2017

**ENGROSSED
HOUSE BILL No. 1048**

DIGEST OF HB 1048 (Updated March 20, 2017 10:39 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: Upon passage.

**Aylesworth, DeLaney, Burton,
Young J**

(SENATE SPONSORS — NIEMEYER, CHARBONNEAU)

January 4, 2017, read first time and referred to Committee on Judiciary.
January 30, 2017, reported — Do Pass.
February 2, 2017, read second time, amended, ordered engrossed.
February 3, 2017, engrossed.
February 6, 2017, read third time, passed. Yeas 95, nays 0.

SENATE ACTION

February 20, 2017, read first time and referred to Committee on Civil Law.
March 20, 2017, reported favorably — Do Pass.

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March 21, 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.

ENGROSSED 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 UPON PASSAGE]: Sec. 2.5. "Conduct a criminal history check" means
4 to:
5 (1) request:
6 (A) the state police department to conduct a:
7 (i) fingerprint based criminal history background check of
8 both national and state records data bases concerning a
9 person who is at least eighteen (18) years of age in
10 accordance with IC 10-13-3-27 and IC 10-13-3-39; or
11 (ii) national name based criminal history record check (as
12 defined in IC 10-13-3-12.5) of a person who is at least
13 eighteen (18) years of age as provided under
14 IC 10-13-3-27.5; or
15 (B) if an individual has:
16 (i) a physical disability that prevents fingerprinting and a
17 person approved by the department who is trained to take

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1 fingerprints or a qualified medical practitioner (as defined
 2 in IC 31-9-2-100.5) verifies that the individual has a
 3 disabling condition that prevents fingerprinting; or
 4 (ii) low quality fingerprints, as a result of age, occupation, or
 5 otherwise, that prevent fingerprint results from being
 6 obtained and the individual's fingerprints have been rejected
 7 the required number of times by automated fingerprint
 8 classification equipment or rejected by a person designated
 9 by the Indiana state police department to examine and
 10 classify fingerprints;
 11 the state police department to conduct a national name based
 12 criminal history record check (as defined in IC 10-13-3-12.5)
 13 or request the state police department to release or allow
 14 inspection of a limited criminal history (as defined in
 15 IC 10-13-3-11) and the state police in every state the
 16 individual has resided in the past five (5) years to release or
 17 allow inspection of the individual's criminal history;
 18 (2) collect each substantiated report of child abuse or neglect
 19 reported in a jurisdiction where a probation officer, a caseworker,
 20 or the department of child services has reason to believe that a
 21 person who is fourteen (14) years of age or older, or a person for
 22 whom a fingerprint based criminal history background check is
 23 required under IC 31, resided within the previous five (5) years;
 24 (3) request information concerning any substantiated report of
 25 child abuse or neglect relating to a person who is fourteen (14)
 26 years of age or older that is contained in a national registry of
 27 substantiated cases of child abuse or neglect that is established
 28 and maintained by the United States Department of Health and
 29 Human Services; to the extent that the information is accessible
 30 under 42 U.S.C. 16990 and any applicable regulations or policies
 31 of the Department of Health and Human Services;
 32 (4) (3) conduct a check of the national sex offender registry
 33 maintained by the United States Department of Justice for all
 34 persons who are at least fourteen (14) years of age; and
 35 (5) (4) conduct a check of local law enforcement agency records
 36 in every jurisdiction where a person who is at least eighteen (18)
 37 years of age has resided within the previous five (5) years unless
 38 the department of child services or a court grants an exception to
 39 conducting this check.

40 SECTION 2. IC 31-9-2-22.5, AS AMENDED BY P.L.104-2015,
 41 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 UPON PASSAGE]: Sec. 22.5. "Conduct a criminal history check", for

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1 purposes of IC 31-19, IC 31-26, IC 31-27, IC 31-28, IC 31-33,
 2 IC 31-34, IC 31-37, and IC 31-39-2-13.5, means to:

3 (1) request:

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

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

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

13 (B) if an individual has:

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

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

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

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



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



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

 HOUSE MOTION

Mr. Speaker: I move that House Bill 1048 be amended to read as follows:

Replace the effective dates in SECTIONS 1 through 2 with "[EFFECTIVE UPON PASSAGE]".

Page 4, after line 11, begin a new paragraph and insert:

"SECTION 3. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1048 as printed January 31, 2017.)

DELANEY

 COMMITTEE REPORT

Madam President: The Senate Committee on Civil Law, to which was referred House Bill No. 1048, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to HB1048 as reprinted February 3, 2017.)

HEAD, Chairperson

Committee Vote: Yeas 7, Nays 0

