



# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Senate Bill 211 be amended to read as follows:

- 1           Page 1, between the enacting clause and line 1, begin a new  
2 paragraph and insert:  
3           "SECTION 1. IC 5-14-3-2, AS AMENDED BY P.L.64-2023,  
4 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 JULY 1, 2024]: Sec. 2. (a) The definitions set forth in this section apply  
6 throughout this chapter.  
7           (b) "Copy" includes transcribing by handwriting, photocopying,  
8 xerography, duplicating machine, duplicating electronically stored data  
9 onto a disk, tape, drum, or any other medium of electronic data storage,  
10 and reproducing by any other means.  
11           (c) "Criminal intelligence information" means data that has been  
12 evaluated to determine that the data is relevant to:  
13           (1) the identification of; and  
14           (2) the criminal activity engaged in by;  
15 an individual who or organization that is reasonably suspected of  
16 involvement in criminal activity.  
17           (d) "Direct cost" means one hundred five percent (105%) of the sum  
18 of the cost of:  
19           (1) the initial development of a program, if any;  
20           (2) the labor required to retrieve electronically stored data;  
21           (3) the labor required to:  
22           (A) obscure nondisclosable information; and  
23           (B) perform an administrative review to determine if all  
24 nondisclosable information has been obscured;  
25 in a law enforcement recording; and  
26           (4) any medium used for electronic output;  
27 for providing a duplicate of electronically stored data onto a disk, tape,

1 drum, or other medium of electronic data retrieval under section 8(g)  
 2 of this chapter, or for reprogramming a computer system under section  
 3 6(c) of this chapter. However, if the labor described in subdivision (3)  
 4 is performed by an attorney, the cost under subdivision (3) may not  
 5 exceed reasonable attorney's fees.

6 (e) "Electronic map" means copyrighted data provided by a public  
 7 agency from an electronic geographic information system.

8 (f) "Enhanced access" means the inspection of a public record by a  
 9 person other than a governmental entity and that:

10 (1) is by means of an electronic device other than an electronic  
 11 device provided by a public agency in the office of the public  
 12 agency; or

13 (2) requires the compilation or creation of a list or report that does  
 14 not result in the permanent electronic storage of the information.

15 (g) "Facsimile machine" means a machine that electronically  
 16 transmits exact images through connection with a telephone network.

17 (h) "Inspect" includes the right to do the following:

18 (1) Manually transcribe and make notes, abstracts, or memoranda.

19 (2) In the case of tape recordings or other aural public records, to  
 20 listen and manually transcribe or duplicate, or make notes,  
 21 abstracts, or other memoranda from them.

22 (3) In the case of public records available:

23 (A) by enhanced access under section 3.5 of this chapter; or

24 (B) to a governmental entity under section 3(c)(2) of this  
 25 chapter;

26 to examine and copy the public records by use of an electronic  
 27 device.

28 (4) In the case of electronically stored data, to manually transcribe  
 29 and make notes, abstracts, or memoranda or to duplicate the data  
 30 onto a disk, tape, drum, or any other medium of electronic  
 31 storage.

32 (i) "Investigatory record" means information compiled in the course  
 33 of the investigation of a crime.

34 (j) "Law enforcement activity" means:

35 (1) a traffic stop;

36 (2) a pedestrian stop;

37 (3) an arrest;

38 (4) a search;

39 (5) an investigation;

40 (6) a pursuit;

41 (7) crowd control;

42 (8) traffic control; or

43 (9) any other instance in which a law enforcement officer is  
 44 enforcing the law.

45 The term does not include an administrative activity, including the  
 46 completion of paperwork related to a law enforcement activity, or a

1 custodial interrogation conducted in a place of detention as described  
2 in Indiana Evidence Rule 617, regardless of the ultimate admissibility  
3 of a statement made during the custodial interrogation.

4 (k) "Law enforcement recording" means an audio, visual, or  
5 audiovisual recording of a law enforcement activity captured by a  
6 camera or other device that is:

7 (1) provided to or used by a law enforcement officer in the scope  
8 of the officer's duties; and

9 (2) designed to be worn by a law enforcement officer or attached  
10 to the vehicle or transportation of a law enforcement officer.

11 (l) "Offender" means a person confined in a prison, county jail,  
12 detention facility, penal institution, or in a community corrections  
13 program as the result of the person's arrest or conviction for a crime.

14 (m) "Patient" has the meaning set out in IC 16-18-2-272(d).

15 (n) "Person" means an individual, a corporation, a limited liability  
16 company, a partnership, an unincorporated association, or a  
17 governmental entity.

18 (o) "Private university police department" means the police officers  
19 appointed by the governing board of a private university under  
20 IC 21-17-5.

21 (p) "Provider" has the meaning set out in IC 16-18-2-295(b) and  
22 includes employees of the Indiana department of health or local boards  
23 of health who create patient records at the request of another provider  
24 or who are social workers and create records concerning the family  
25 background of children who may need assistance.

26 (q) "Public agency", except as provided in section 2.1 of this  
27 chapter, means the following:

28 (1) Any board, commission, department, division, bureau,  
29 committee, agency, office, instrumentality, or authority, by  
30 whatever name designated, exercising any part of the executive,  
31 administrative, judicial, or legislative power of the state.

32 (2) Any:

33 (A) county, township, school corporation, city, or town, or any  
34 board, commission, department, division, bureau, committee,  
35 office, instrumentality, or authority of any county, township,  
36 school corporation, city, or town;

37 (B) political subdivision (as defined by IC 36-1-2-13); or

38 (C) other entity, or any office thereof, by whatever name  
39 designated, exercising in a limited geographical area the  
40 executive, administrative, judicial, or legislative power of the  
41 state or a delegated local governmental power.

42 (3) Any entity or office that is subject to:

43 (A) budget review by either the department of local  
44 government finance or the governing body of a county, city,  
45 town, township, or school corporation; or

46 (B) an audit by the state board of accounts that is required by

- 1 statute, rule, or regulation.
- 2 (4) Any building corporation of a political subdivision that issues
- 3 bonds for the purpose of constructing public facilities.
- 4 (5) Any advisory commission, committee, or body created by
- 5 statute, ordinance, or executive order to advise the governing
- 6 body of a public agency, except medical staffs or the committees
- 7 of any such staff.
- 8 (6) Any law enforcement agency, which means an agency or a
- 9 department of any level of government that engages in the
- 10 investigation, apprehension, arrest, or prosecution of alleged
- 11 criminal offenders, such as the state police department, the police
- 12 or sheriff's department of a political subdivision, prosecuting
- 13 attorneys, members of the excise police division of the alcohol
- 14 and tobacco commission, conservation officers of the department
- 15 of natural resources, gaming agents of the Indiana gaming
- 16 commission, gaming control officers of the Indiana gaming
- 17 commission, and the security division of the state lottery
- 18 commission.
- 19 (7) Any license branch operated under IC 9-14.1.
- 20 (8) The state lottery commission established by IC 4-30-3-1,
- 21 including any department, division, or office of the commission.
- 22 (9) The Indiana gaming commission established under IC 4-33,
- 23 including any department, division, or office of the commission.
- 24 (10) The Indiana horse racing commission established by IC 4-31,
- 25 including any department, division, or office of the commission.
- 26 (11) A private university police department. The term does not
- 27 include the governing board of a private university or any other
- 28 department, division, board, entity, or office of a private
- 29 university.
- 30 **(12) A charter school corporation (as defined by**
- 31 **IC 20-24-1-4.5).**
- 32 (r) "Public record" means any writing, paper, report, study, map,
- 33 photograph, book, card, tape recording, or other material that is
- 34 created, received, retained, maintained, or filed by or with a public
- 35 agency and which is generated on paper, paper substitutes,
- 36 photographic media, chemically based media, magnetic or machine
- 37 readable media, electronically stored data, or any other material,
- 38 regardless of form or characteristics.
- 39 (s) "Standard-sized documents" includes all documents that can be
- 40 mechanically reproduced (without mechanical reduction) on paper
- 41 sized eight and one-half (8 1/2) inches by eleven (11) inches or eight
- 42 and one-half (8 1/2) inches by fourteen (14) inches.
- 43 (t) "Trade secret" has the meaning set forth in IC 24-2-3-2.
- 44 (u) "Work product of an attorney" means information compiled by
- 45 an attorney in reasonable anticipation of litigation. The term includes
- 46 the attorney's:

- 1 (1) notes and statements taken during interviews of prospective
  - 2 witnesses; and
  - 3 (2) legal research or records, correspondence, reports, or
  - 4 memoranda to the extent that each contains the attorney's
  - 5 opinions, theories, or conclusions.
  - 6 This definition does not restrict the application of any exception under
  - 7 section 4 of this chapter."
  - 8 Renumber all SECTIONS consecutively.
- (Reference is to SB 211 as printed February 2, 2024.)

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Senator QADDOURA