



PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed 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 5-14-1.5-2, AS AMENDED BY P.L.124-2022,
- 4 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5 JULY 1, 2024]: Sec. 2. For the purposes of this chapter:
- 6 (a) "Public agency", except as provided in section 2.1 of this
- 7 chapter, means the following:
- 8 (1) Any board, commission, department, agency, authority, or
- 9 other entity, by whatever name designated, exercising a portion of
- 10 the executive, administrative, or legislative power of the state.
- 11 (2) Any county, township, school corporation, city, town, political
- 12 subdivision, or other entity, by whatever name designated,
- 13 exercising in a limited geographical area the executive,
- 14 administrative, or legislative power of the state or a delegated
- 15 local governmental power.
- 16 (3) Any entity which is subject to either:
- 17 (A) budget review by either the department of local
- 18 government finance or the governing body of a county, city,
- 19 town, township, or school corporation; or
- 20 (B) audit by the state board of accounts that is required by
- 21 statute, rule, or regulation.

- 1 (4) Any building corporation of a political subdivision of the state
 2 of Indiana that issues bonds for the purpose of constructing public
 3 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) The Indiana gaming commission established by IC 4-33,
 9 including any department, division, or office of the commission.
- 10 (7) The Indiana horse racing commission established by IC 4-31,
 11 including any department, division, or office of the commission.
- 12 **(8) A charter school.**
- 13 (b) "Governing body" means two (2) or more individuals who are
 14 any of the following:
- 15 (1) A public agency that:
- 16 (A) is a board, a commission, an authority, a council, a
 17 committee, a body, or other entity; and
- 18 (B) takes official action on public business.
- 19 (2) The board, commission, council, or other body of a public
 20 agency which takes official action upon public business.
- 21 (3) Any committee appointed directly by the governing body or
 22 its presiding officer to which authority to take official action upon
 23 public business has been delegated. An agent or agents appointed
 24 by the governing body to conduct collective bargaining on behalf
 25 of the governing body does not constitute a governing body for
 26 purposes of this chapter.
- 27 (c) "Meeting" means a gathering of a majority of the governing body
 28 of a public agency for the purpose of taking official action upon public
 29 business. It does not include any of the following:
- 30 (1) Any social or chance gathering not intended to avoid this
 31 chapter.
- 32 (2) Any on-site inspection of any:
- 33 (A) project;
- 34 (B) program; or
- 35 (C) facilities of applicants for incentives or assistance from the
 36 governing body.
- 37 (3) Traveling to and attending meetings of organizations devoted
 38 to betterment of government.
- 39 (4) A caucus.
- 40 (5) A gathering to discuss an industrial or a commercial prospect
 41 that does not include a conclusion as to recommendations, policy,
 42 decisions, or final action on the terms of a request or an offer of
 43 public financial resources.
- 44 (6) An orientation of members of the governing body on their role
 45 and responsibilities as public officials, but not for any other
 46 official action.

- 1 (7) A gathering for the sole purpose of administering an oath of
- 2 office to an individual.
- 3 (8) Collective bargaining discussions that the governing body of
- 4 a school corporation engages in directly with bargaining
- 5 adversaries. This subdivision applies only to a governing body
- 6 that has not appointed an agent or agents to conduct collective
- 7 bargaining on behalf of the governing body as described in
- 8 subsection (b)(3).
- 9 (d) "Official action" means to:
- 10 (1) receive information;
- 11 (2) deliberate;
- 12 (3) make recommendations;
- 13 (4) establish policy;
- 14 (5) make decisions; or
- 15 (6) take final action.
- 16 (e) "Public business" means any function upon which the public
- 17 agency is empowered or authorized to take official action.
- 18 (f) "Executive session" means a meeting from which the public is
- 19 excluded, except the governing body may admit those persons
- 20 necessary to carry out its purpose. The governing body may also admit
- 21 an individual who has been elected to the governing body but has not
- 22 been sworn in as a member of the governing body.
- 23 (g) "Final action" means a vote by the governing body on any
- 24 motion, proposal, resolution, rule, regulation, ordinance, or order.
- 25 (h) "Caucus" means a gathering of members of a political party or
- 26 coalition which is held for purposes of planning political strategy and
- 27 holding discussions designed to prepare the members for taking official
- 28 action.
- 29 (i) "Deliberate" means a discussion which may reasonably be
- 30 expected to result in official action (defined under subsection (d)(3),
- 31 (d)(4), (d)(5), or (d)(6)).
- 32 (j) "News media" means all newspapers qualified to receive legal
- 33 advertisements under IC 5-3-1, all news services (as defined in
- 34 IC 34-6-2-87), and all licensed commercial or public radio or television
- 35 stations.
- 36 (k) "Person" means an individual, a corporation, a limited liability
- 37 company, a partnership, an unincorporated association, or a
- 38 governmental entity.
- 39 (l) "State educational institution" has the meaning set forth in
- 40 IC 21-7-13-32.
- 41 (m) "Charter school" has the meaning set forth in IC 20-24-1-4).
- 42 The term includes:
- 43 (1) a virtual charter school (as defined in IC 20-24-1-10); **and**
- 44 (2) **a charter school corporation (as defined in IC 20-24-1-4.5).**
- 45 SECTION 2. IC 5-14-3-2, AS AMENDED BY P.L.64-2023,
- 46 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

1 JULY 1, 2024]: Sec. 2. (a) The definitions set forth in this section apply
2 throughout this chapter.

3 (b) "Copy" includes transcribing by handwriting, photocopying,
4 xerography, duplicating machine, duplicating electronically stored data
5 onto a disk, tape, drum, or any other medium of electronic data storage,
6 and reproducing by any other means.

7 (c) "Criminal intelligence information" means data that has been
8 evaluated to determine that the data is relevant to:

9 (1) the identification of; and

10 (2) the criminal activity engaged in by;

11 an individual who or organization that is reasonably suspected of
12 involvement in criminal activity.

13 (d) "Direct cost" means one hundred five percent (105%) of the sum
14 of the cost of:

15 (1) the initial development of a program, if any;

16 (2) the labor required to retrieve electronically stored data;

17 (3) the labor required to:

18 (A) obscure nondisclosable information; and

19 (B) perform an administrative review to determine if all
20 nondisclosable information has been obscured;

21 in a law enforcement recording; and

22 (4) any medium used for electronic output;

23 for providing a duplicate of electronically stored data onto a disk, tape,
24 drum, or other medium of electronic data retrieval under section 8(g)
25 of this chapter, or for reprogramming a computer system under section
26 6(c) of this chapter. However, if the labor described in subdivision (3)
27 is performed by an attorney, the cost under subdivision (3) may not
28 exceed reasonable attorney's fees.

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

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

33 (1) is by means of an electronic device other than an electronic
34 device provided by a public agency in the office of the public
35 agency; or

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

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

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

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

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

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

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

- 1 (B) to a governmental entity under section 3(c)(2) of this
 2 chapter;
 3 to examine and copy the public records by use of an electronic
 4 device.
 5 (4) In the case of electronically stored data, to manually transcribe
 6 and make notes, abstracts, or memoranda or to duplicate the data
 7 onto a disk, tape, drum, or any other medium of electronic
 8 storage.
- 9 (i) "Investigatory record" means information compiled in the course
 10 of the investigation of a crime.
- 11 (j) "Law enforcement activity" means:
 12 (1) a traffic stop;
 13 (2) a pedestrian stop;
 14 (3) an arrest;
 15 (4) a search;
 16 (5) an investigation;
 17 (6) a pursuit;
 18 (7) crowd control;
 19 (8) traffic control; or
 20 (9) any other instance in which a law enforcement officer is
 21 enforcing the law.
- 22 The term does not include an administrative activity, including the
 23 completion of paperwork related to a law enforcement activity, or a
 24 custodial interrogation conducted in a place of detention as described
 25 in Indiana Evidence Rule 617, regardless of the ultimate admissibility
 26 of a statement made during the custodial interrogation.
- 27 (k) "Law enforcement recording" means an audio, visual, or
 28 audiovisual recording of a law enforcement activity captured by a
 29 camera or other device that is:
 30 (1) provided to or used by a law enforcement officer in the scope
 31 of the officer's duties; and
 32 (2) designed to be worn by a law enforcement officer or attached
 33 to the vehicle or transportation of a law enforcement officer.
- 34 (l) "Offender" means a person confined in a prison, county jail,
 35 detention facility, penal institution, or in a community corrections
 36 program as the result of the person's arrest or conviction for a crime.
- 37 (m) "Patient" has the meaning set out in IC 16-18-2-272(d).
- 38 (n) "Person" means an individual, a corporation, a limited liability
 39 company, a partnership, an unincorporated association, or a
 40 governmental entity.
- 41 (o) "Private university police department" means the police officers
 42 appointed by the governing board of a private university under
 43 IC 21-17-5.
- 44 (p) "Provider" has the meaning set out in IC 16-18-2-295(b) and
 45 includes employees of the Indiana department of health or local boards
 46 of health who create patient records at the request of another provider

1 or who are social workers and create records concerning the family
2 background of children who may need assistance.

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

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

9 (2) Any:

10 (A) county, township, school corporation, city, or town, or any
11 board, commission, department, division, bureau, committee,
12 office, instrumentality, or authority of any county, township,
13 school corporation, city, or town;

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

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

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

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

23 (B) an audit by the state board of accounts that is required by
24 statute, rule, or regulation.

25 (4) Any building corporation of a political subdivision that issues
26 bonds for the purpose of constructing public facilities.

27 (5) Any advisory commission, committee, or body created by
28 statute, ordinance, or executive order to advise the governing
29 body of a public agency, except medical staffs or the committees
30 of any such staff.

31 (6) Any law enforcement agency, which means an agency or a
32 department of any level of government that engages in the
33 investigation, apprehension, arrest, or prosecution of alleged
34 criminal offenders, such as the state police department, the police
35 or sheriff's department of a political subdivision, prosecuting
36 attorneys, members of the excise police division of the alcohol
37 and tobacco commission, conservation officers of the department
38 of natural resources, gaming agents of the Indiana gaming
39 commission, gaming control officers of the Indiana gaming
40 commission, and the security division of the state lottery
41 commission.

42 (7) Any license branch operated under IC 9-14.1.

43 (8) The state lottery commission established by IC 4-30-3-1,
44 including any department, division, or office of the commission.

45 (9) The Indiana gaming commission established under IC 4-33,
46 including any department, division, or office of the commission.

- 1 (10) The Indiana horse racing commission established by IC 4-31,
 2 including any department, division, or office of the commission.
 3 (11) A private university police department. The term does not
 4 include the governing board of a private university or any other
 5 department, division, board, entity, or office of a private
 6 university.
 7 **(12) A charter school (as defined in IC 20-24-1-4). The term**
 8 **includes:**
 9 **(A) a virtual charter school (as defined in IC 20-24-1-10);**
 10 **and**
 11 **(B) a charter school corporation (as defined in**
 12 **IC 20-24-1-4.5).**
 13 (r) "Public record" means any writing, paper, report, study, map,
 14 photograph, book, card, tape recording, or other material that is
 15 created, received, retained, maintained, or filed by or with a public
 16 agency and which is generated on paper, paper substitutes,
 17 photographic media, chemically based media, magnetic or machine
 18 readable media, electronically stored data, or any other material,
 19 regardless of form or characteristics.
 20 (s) "Standard-sized documents" includes all documents that can be
 21 mechanically reproduced (without mechanical reduction) on paper
 22 sized eight and one-half (8 1/2) inches by eleven (11) inches or eight
 23 and one-half (8 1/2) inches by fourteen (14) inches.
 24 (t) "Trade secret" has the meaning set forth in IC 24-2-3-2.
 25 (u) "Work product of an attorney" means information compiled by
 26 an attorney in reasonable anticipation of litigation. The term includes
 27 the attorney's:
 28 (1) notes and statements taken during interviews of prospective
 29 witnesses; and
 30 (2) legal research or records, correspondence, reports, or
 31 memoranda to the extent that each contains the attorney's
 32 opinions, theories, or conclusions.
 33 This definition does not restrict the application of any exception under
 34 section 4 of this chapter."
 35 Renumber all SECTIONS consecutively.
 (Reference is to ESB 211 as printed February 22, 2024.)

Representative DeLaney