



COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Corrections and Criminal Law, to which was referred Senate Bill No. 255, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 24-4-18-2, AS AMENDED BY P.L.112-2013,
4 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2021]: Sec. 2. (a) As used in this section, "criminal history
6 provider" means a person or an organization that:
7 (1) compiles a criminal history report and either uses the report or
8 provides the report to a person or an organization other than a
9 criminal justice agency, a law enforcement agency, or another
10 criminal history provider; **or**
11 (2) **regularly publishes criminal history information on the**
12 **Internet or regularly makes criminal history information**
13 **available through the Internet.**
14 **For purposes of subdivision (2), a person publishes or makes**
15 **available criminal history information "regularly" if the person**
16 **publishes or makes available the criminal history information of at**
17 **least twelve (12) individuals in a calendar year.**
18 (b) The term does not include the following:
19 (1) A criminal justice agency.
20 (2) A law enforcement agency.

- 1 (3) Any:
 2 (A) person connected with or employed by:
 3 (i) a newspaper or other periodical issued at regular intervals
 4 and having a general circulation; or
 5 (ii) a recognized press association or wire service;
 6 as a bona fide owner, editorial or reportorial employee, who
 7 receives income from legitimate gathering, writing, editing,
 8 and interpretation of news;
 9 (B) person connected with a licensed radio or television station
 10 as an owner or official, or as an editorial or reportorial
 11 employee who receives income from legitimate gathering,
 12 writing, editing, interpreting, announcing, or broadcasting of
 13 news; or
 14 (C) other person who gathers, records, compiles, or
 15 disseminates:
 16 (i) criminal history information; or
 17 (ii) criminal history reports;
 18 solely for journalistic, academic, governmental, or legal
 19 research purposes.
 20 (4) The clerk of a circuit, superior, city, or town court.

21 SECTION 2. IC 24-4-18-3, AS AMENDED BY P.L.112-2013,
 22 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2021]: Sec. 3. (a) As used in this section, "criminal history
 24 report" means criminal history information that has been:

- 25 (1) compiled primarily for the purposes of evaluating a particular
 26 person's eligibility for:
 27 (†) (A) employment in Indiana;
 28 (‡) (B) housing in Indiana;
 29 (‡) (C) a license, permit, or occupational certification issued
 30 under state law; or
 31 (‡) (D) insurance, credit, or another financial service, if the
 32 insurance, credit, or financial service is to be provided to a
 33 person residing in Indiana; **or**
 34 (2) **published or made available on the Internet by a criminal**
 35 **history provider.**
 36 (b) The term does not include information compiled primarily for
 37 the purpose of journalistic, academic, governmental, or legal research.
 38 (c) The term includes information described in subsection (a) and
 39 not excluded under subsection (b), regardless of the geographical
 40 location of the person who compiled the information."

41 Page 2, line 30, after "felony" insert "**or misdemeanor**".

42 Page 3, line 41, after "felony" insert "**or misdemeanor**".

- 1 Page 5, line 12, after "felony" insert "**or misdemeanor**".
- 2 Page 6, line 3, strike "crime" and insert "**felony or misdemeanor**".
- 3 Page 6, line 3, delete "(for an expungement under section 2)".
- 4 Page 6, delete line 4.
- 5 Page 6, line 5, delete "3, 4, or 5 of this chapter)".
- 6 Page 7, after line 2, begin a new paragraph and insert:
7 "SECTION 7. IC 35-38-9-12 IS ADDED TO THE INDIANA CODE
8 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
9 1, 2021]: **Sec. 12. A criminal history provider (as defined in
10 IC 24-4-18-2) that provides a criminal history report containing an
11 expunged conviction is subject to the penalties described in
12 IC 24-4-18-8.**"
- 13 Renumber all SECTIONS consecutively.
(Reference is to SB 255 as introduced.)

and when so amended that said bill do pass .

Committee Vote: Yeas 8, Nays 1.

Senator Young M, Chairperson