

# HOUSE BILL No. 1043

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** Numerous citations throughout the Indiana Code.

**Synopsis:** Expanded criminal history checks. Provides that an expanded criminal history check may be used instead of certain background checks and criminal history checks.

**Effective:** July 1, 2018.

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## Thompson

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January 3, 2018, read first time and referred to Committee on Courts and Criminal Code.

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Second Regular Session of the 120th General Assembly (2018)

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 2017 Regular Session of the General Assembly.

# HOUSE BILL No. 1043

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 4-13-19-4, AS AMENDED BY P.L.48-2012,  
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2018]: Sec. 4. (a) The governor shall appoint the ombudsman.  
4 The ombudsman serves at the pleasure of the governor. An individual  
5 may not be appointed as ombudsman if the individual has been  
6 employed by the department of child services at any time during the  
7 preceding twelve (12) months. The governor shall appoint a successor  
8 ombudsman not later than thirty (30) days after a vacancy occurs in the  
9 position of the ombudsman.

10 (b) The office of the department of child services ombudsman:  
11 (1) shall employ at least two (2) full time employees to assist the  
12 ombudsman with receiving, investigating, and attempting to  
13 resolve complaints described in section 5 of this chapter; and  
14 (2) may employ technical experts and other employees to carry  
15 out the purposes of this chapter.

16 (c) The office of the department of child services ombudsman may  
17 not hire an individual to serve as an ombudsman if the individual has



1 been employed by the department of child services during the  
2 preceding twelve (12) months.

3 (d) The ombudsman and any other person employed or authorized  
4 by the ombudsman:

5 (1) are subject to the same criminal history and background  
6 checks, to be performed by the department of child services, that  
7 are required for department of child services family case  
8 managers; and

9 (2) are subject to the same disqualification for employment  
10 criteria as department of child services family case managers.

11 **(e) The criminal history and background check requirement**  
12 **described in subsection (d) may be satisfied by fulfilling the**  
13 **components of an expanded criminal history check under**  
14 **IC 20-26-2-1.5.**

15 SECTION 2. IC 7.1-1-3-16.6 IS ADDED TO THE INDIANA  
16 CODE AS A NEW SECTION TO READ AS FOLLOWS  
17 [EFFECTIVE JULY 1, 2018]: **Sec. 16.6. "Expanded criminal history**  
18 **check" has the meaning set forth in IC 20-26-2-1.5.**

19 SECTION 3. IC 7.1-7-4-1, AS AMENDED BY P.L.206-2017,  
20 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
21 JULY 1, 2018]: Sec. 1. (a) A manufacturer of e-liquid may not mix,  
22 bottle, package, or sell e-liquid to retailers, consumers, or distributors  
23 in Indiana without a permit issued by the commission under this article.

24 (b) All e-liquids manufactured by an e-liquids manufacturer  
25 approved by the commission under this article before July 1, 2017, may  
26 be distributed and sold for retail until the expiration date of the  
27 e-liquids.

28 (c) A manufacturing permit issued by the commission is valid for  
29 five (5) years. A manufacturing permit issued by the commission under  
30 this article before July 1, 2017, does not expire before July 1, 2020.

31 (d) An initial application for a manufacturing permit must include  
32 the following:

33 (1) The name, telephone number, and address of the applicant.

34 (2) The name, telephone number, and address of the  
35 manufacturing facility.

36 (3) The name, telephone number, title, and address of the person  
37 responsible for the manufacturing facility.

38 (4) Verification that the facility will comply with applicable  
39 tobacco products good manufacturing practices promulgated  
40 under 21 U.S.C. 387f(e) of the federal Food, Drug, and Cosmetic  
41 Act.

42 (5) Verification that the manufacturer will comply with the



1 applicable ingredient listing required by 21 U.S.C. 387d(a)(1) of  
2 the federal Food, Drug, and Cosmetic Act.

3 (6) Written consent allowing the state police department to  
4 conduct a state or national criminal history background check on  
5 any person listed on the application.

6 (7) A nonrefundable initial application fee of one thousand dollars  
7 (\$1,000).

8 (e) The fees collected under subsection (d)(7) shall be deposited in  
9 the enforcement and administration fund established under IC 7.1-4-10.

10 **(f) The state or national criminal history background check**  
11 **requirement described in subsection (d)(6) may be satisfied by**  
12 **fulfilling the components of an expanded criminal history check**  
13 **under IC 20-26-2-1.5.**

14 SECTION 4. IC 7.1-7-4-2, AS AMENDED BY P.L.206-2017,  
15 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
16 JULY 1, 2018]: Sec. 2. (a) A manufacturing permit that is renewed by  
17 the commission is valid for five (5) years.

18 (b) A renewal application for a manufacturing permit must include  
19 the following:

20 (1) The name, telephone number, and address of the applicant.

21 (2) The name, telephone number, and address of the  
22 manufacturing facility.

23 (3) The name, telephone number, title, and address of the person  
24 responsible for the manufacturing facility.

25 (4) Verification that the facility complies with all tobacco  
26 products good manufacturing practices:

27 (A) set forth in; and

28 (B) promulgated in federal rules under;

29 21 U.S.C. 387f through 21 U.S.C. 387u of the federal Food, Drug,  
30 and Cosmetic Act.

31 (5) Written consent allowing the state police department to  
32 conduct a state or national criminal history background check on  
33 any person listed on the application.

34 (6) A nonrefundable renewal application fee of five hundred  
35 dollars (\$500).

36 (c) The fees collected under subsection (b)(6) shall be deposited in  
37 the enforcement and administration fund established under IC 7.1-4-10.

38 **(d) The state or national criminal history background check**  
39 **requirement described in subsection (b)(5) may be satisfied by**  
40 **fulfilling the components of an expanded criminal history check**  
41 **under IC 20-26-2-1.5.**

42 SECTION 5. IC 7.1-7-4-7, AS AMENDED BY P.L.206-2017,



1 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 JULY 1, 2018]: Sec. 7. (a) On receipt of a completed permit  
3 application, the commission shall forward a copy of the application to  
4 the state police department.

5 (b) The state police department shall perform a state or national  
6 criminal history background check of the applicant and return the  
7 application to the commission along with the state police department's  
8 findings from the state or national background check. The commission  
9 is responsible for the cost of a state or national criminal history  
10 background check conducted under this article.

11 (c) The commission shall review the permit application after it is  
12 returned from the state police department under subsection (b). The  
13 commission shall grant or deny a completed application for a permit  
14 within sixty (60) days of receipt of the application. If the commission  
15 determines that:

- 16 (1) all the requirements under this article have been met; and  
17 (2) the applicant has not been convicted within ten (10) years  
18 before the date of application of:

19 (A) a federal crime having a sentence of at least one (1) year;  
20 (B) an Indiana Class A, Class B, or Class C felony (for a crime  
21 committed before July 1, 2014) or a Level 1, Level 2, Level 3,  
22 Level 4, or Level 5 felony (for a crime committed after June  
23 30, 2014); or

24 (C) a crime in a state other than Indiana having a penalty equal  
25 to the penalty for an Indiana Class A, Class B, or Class C  
26 felony (for a crime committed before July 1, 2014) or a Level  
27 1, Level 2, Level 3, Level 4, or Level 5 felony (for a crime  
28 committed after June 30, 2014);

29 (D) an Indiana Class D felony involving a controlled substance  
30 under IC 35-48-4 (for a crime committed before July 1, 2014)  
31 or a Level 6 felony involving a controlled substance under  
32 IC 35-48-4 (for a crime committed after June 30, 2014); or

33 (E) a crime in a state other than Indiana similar to a Class D  
34 felony involving a controlled substance under IC 35-48-4 (for  
35 a crime committed before July 1, 2014) or a Level 6 felony  
36 involving a controlled substance under IC 35-48-4 (for a crime  
37 committed after June 30, 2014);

38 the commission shall approve the application for issuance of the  
39 permit.

40 (d) If the completed application for a permit is denied, the  
41 commission must state the reasons for the denial. If a completed  
42 application is denied under this section, the applicant may reapply



1 within thirty (30) days after the date of the denial. There is no  
2 application fee for a reapplication under this subsection.

3 **(e) The state or national criminal history background check**  
4 **requirement described in subsection (b) may be satisfied by**  
5 **fulfilling the components of an expanded criminal history check**  
6 **under IC 20-26-2-1.5.**

7 SECTION 6. IC 8-1-34-30, AS AMENDED BY P.L.65-2016,  
8 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
9 JULY 1, 2018]: Sec. 30. (a) As used in this section, "designated  
10 employee" means a holder's:

11 (1) employee; or

12 (2) authorized agent;

13 whom the holder designates or will designate to receive direct  
14 marketing authority.

15 (b) As used in this section, "direct marketing authority" means the  
16 authority granted by the commission to a holder to market any service  
17 or product offered by the holder directly to all households in a service  
18 area served by the holder.

19 (c) As used in this section, "political subdivision" has the meaning  
20 set forth in IC 36-1-2-13.

21 (d) A holder may apply to the commission, in the manner and form  
22 prescribed by the commission, for direct marketing authority. An  
23 application must include the following information with respect to each  
24 designated employee of the holder:

25 (1) Name.

26 (2) Home address.

27 (3) Driver's license number.

28 (4) A certification described in subsection (e)(1).

29 (e) In an application under subsection (d), a holder shall include the  
30 following:

31 (1) A certification by the holder that each designated employee  
32 satisfies the following requirements:

33 (A) The employee is at least eighteen (18) years of age.

34 (B) The employee has a high school diploma or the equivalent  
35 of a high school diploma.

36 (C) The employee has not been convicted of a felony within  
37 the seven (7) years immediately preceding the date of the  
38 application.

39 (D) Within the seven (7) years immediately preceding the date  
40 of the application, the employee has not been released from  
41 incarceration after serving time for a felony conviction.

42 (E) The employee has not been convicted of:



- 1 (i) a misdemeanor involving fraud, deceit, or dishonesty;  
 2 (ii) a battery offense included in IC 35-42-2 as a  
 3 misdemeanor; or  
 4 (iii) two (2) or more misdemeanors involving the illegal use  
 5 of alcohol or the illegal sale, use, or possession of a  
 6 controlled substance;  
 7 within the five (5) years immediately preceding the date of the  
 8 application.  
 9 (F) The employee has a valid driver's license.
- 10 (2) Proof of financial responsibility.
- 11 (f) A holder may comply with subsection (e)(1) by submitting to the  
 12 commission a document signed by the holder in which the holder:
- 13 (1) identifies each designated employee by name, home address,  
 14 and driver's license number;  
 15 (2) certifies that each designated employee has been the subject  
 16 of a criminal history background check for each jurisdiction in the  
 17 United States in which the designated employee has lived or  
 18 worked within the seven (7) years immediately preceding the date  
 19 of the application; and  
 20 (3) affirms that the background check described in subdivision (2)  
 21 for each designated employee indicates that the designated  
 22 employee satisfies the requirements set forth in subsection (e)(1),  
 23 as applicable.
- 24 (g) Not more than fifteen (15) days after the commission receives an  
 25 application under subsection (d), the commission shall determine  
 26 whether the application is complete and properly verified. If the  
 27 commission determines that the application is incomplete or not  
 28 properly verified, the commission shall notify the applicant holder of  
 29 the deficiency and allow the holder to resubmit the application after  
 30 correcting the deficiency. If the commission determines that the  
 31 application is complete and properly verified, the commission shall  
 32 issue an order granting the holder direct marketing authority. The order  
 33 must contain the following:
- 34 (1) The name of the holder.  
 35 (2) The names of designated employees of the holder.  
 36 (3) A grant of direct marketing authority to the holder and  
 37 designated employees of the holder.  
 38 (4) The date on which the order takes effect.
- 39 The commission shall provide public notice of an order granting direct  
 40 marketing authority under this subsection by posting the order on the  
 41 commission's Internet web site.  
 42 (h) A holder that has direct marketing authority shall notify the



1 commission in a timely manner of any changes to the holder's list of  
 2 designated employees. A designated employee may exercise direct  
 3 marketing authority immediately upon the holder's submission to the  
 4 commission of all information required under subsection (e)(1) with  
 5 respect to the designated employee.

6 (i) Only the commission is authorized to grant direct marketing  
 7 authority to a holder under this section. However, subject to subsection  
 8 (j), with respect to direct marketing activities in a holder's service area  
 9 within a political subdivision, this section does not prohibit a holder  
 10 from electing to:

11 (1) apply for marketing or solicitation authority directly from the  
 12 political subdivision; and

13 (2) exercise any marketing or solicitation authority under a  
 14 license, permit, or other authority granted by the political  
 15 subdivision before, on, or after June 30, 2013;

16 instead of applying for and exercising direct marketing authority  
 17 granted by the commission under this section.

18 (j) A political subdivision may not do any of the following:

19 (1) Require a holder that is granted direct marketing authority  
 20 from the commission under this section to also obtain marketing  
 21 or solicitation authority from the political subdivision in order to  
 22 engage in direct marketing in the holder's service area within the  
 23 political subdivision.

24 (2) Impose any licensing requirement or fee on a holder in  
 25 connection with any direct marketing authority granted to the  
 26 holder by the commission under this section with respect to the  
 27 holder's service area within the political subdivision.

28 (3) Except as provided in subsection (k), otherwise regulate a  
 29 holder that is granted direct marketing authority from the  
 30 commission under this section and that engages in direct  
 31 marketing in the holder's service area within the political  
 32 subdivision.

33 (k) A political subdivision may enforce any ordinance or regulation  
 34 that:

35 (1) imposes restrictions as to the hours or manner in which direct  
 36 marketing activities may be performed in the political  
 37 subdivision; and

38 (2) applies uniformly to all persons engaging in direct marketing  
 39 or other soliciting in the political subdivision, regardless of:

40 (A) the product or service being marketed; or

41 (B) the type of business engaged in by the person engaging in  
 42 the direct marketing or other soliciting.





1           **(l) The criminal history background check requirement**  
 2 **described in subsection (f)(2) may be satisfied by fulfilling the**  
 3 **components of an expanded criminal history check under**  
 4 **IC 20-26-2-1.5.**

5           SECTION 7. IC 8-2.1-19.1-5, AS AMENDED BY P.L.198-2016,  
 6 SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 7 JULY 1, 2018]: Sec. 5. (a) Before a TNC allows an individual to act as  
 8 a TNC driver on the TNC's digital network, the TNC shall:

9           (1) require the individual to submit to the TNC an application that  
 10 includes:

11           (A) the individual's name, address, and age;

12           (B) a copy of the individual's driver's license;

13           (C) a copy of the certificate of registration for the personal  
 14 vehicle that the individual will use to provide prearranged  
 15 rides;

16           (D) proof of financial responsibility for the personal vehicle  
 17 described in clause (C) of a type and in the amounts required  
 18 by the TNC; and

19           (E) any other information required by the TNC;

20           (2) with respect to the individual, conduct or contract with a third  
 21 party to conduct:

22           (A) a local and national criminal background check; and

23           (B) a search of the national sex offender registry; and

24           (3) obtain a copy of the individual's driving record maintained  
 25 under IC 9-14-12-3.

26           (b) A TNC may not knowingly allow to act as a TNC driver on the  
 27 TNC's digital network an individual:

28           (1) who has received judgments for:

29           (A) more than three (3) moving traffic violations; or

30           (B) at least one (1) violation involving reckless driving or  
 31 driving on a suspended or revoked license;

32           in the preceding three (3) years;

33           (2) who has been convicted of a:

34           (A) felony; or

35           (B) misdemeanor involving:

36           (i) resisting law enforcement;

37           (ii) dishonesty;

38           (iii) injury to a person;

39           (iv) operating while intoxicated;

40           (v) operating a vehicle in a manner that endangers a person;

41           (vi) operating a vehicle with a suspended or revoked license;

42           or



- 1 (vii) damage to the property of another person;  
 2 in the preceding seven (7) years;  
 3 (3) who is a match in the national sex offender registry;  
 4 (4) who is unable to provide information required under  
 5 subsection (a); or  
 6 (5) who is less than nineteen (19) years of age.

7 **(c) At the sole discretion of a TNC, a TNC may choose to satisfy**  
 8 **the local and national criminal background check requirement**  
 9 **described in subsection (a)(2) by fulfilling the components of an**  
 10 **expanded criminal history check under IC 20-26-2-1.5.**

11 SECTION 8. IC 9-32-16-11, AS AMENDED BY P.L.179-2017,  
 12 SECTION 95, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 13 JULY 1, 2018]: Sec. 11. (a) All dealers operating as a:

- 14 (1) corporation;  
 15 (2) limited liability company;  
 16 (3) limited partnership; or  
 17 (4) limited liability partnership;

18 shall file and maintain all filings required to remain in good standing  
 19 with the secretary of state business services division.

20 (b) A dealer that applies for a license under this article shall provide  
 21 the secretary:

- 22 (1) the federal tax identification number; and  
 23 (2) the registered retail merchant's certificate number issued  
 24 under IC 6-2.5-8;

25 issued to the dealer.

26 (c) The dealer must, for the entire licensing period, have an  
 27 established place of business with a physical Indiana address. The  
 28 dealer may not have a mailing address that differs from the actual  
 29 location of the business. At the discretion of the secretary, an  
 30 exemption may be granted for dealers with an established place of  
 31 business in a location not serviced by the United States Postal Service  
 32 to allow a post office box to be used as a mailing address. A dealer  
 33 using a post office box for this reason must notify the division in  
 34 writing with the dealer's application.

35 (d) Before the secretary may issue a license to a dealer, the  
 36 following must submit to a national criminal history background check  
 37 (as defined in IC 10-13-3-12) or expanded criminal history check (as  
 38 defined in IC 20-26-2-1.5) administered by the state police:

- 39 (1) Each dealer owner.  
 40 (2) Each dealer manager.

41 The secretary shall make the determination whether an individual must  
 42 submit to a national criminal history background check or an expanded



- 1 criminal history check under this subsection.
- 2 (e) A national criminal history background check or expanded  
3 criminal history check conducted under subsection (d):
- 4 (1) is at the expense of the dealer and the dealer owners; and  
5 (2) may be completed not more than sixty (60) days before the  
6 dealer applies for a license under this article.
- 7 (f) The secretary may deny an application for a license if the  
8 division finds that a dealer owner or a dealer manager has been  
9 convicted of a:
- 10 (1) felony within the previous ten (10) years;  
11 (2) felony or misdemeanor involving theft or fraud; or  
12 (3) felony or misdemeanor concerning an aspect of business  
13 involving the offer, sale, financing, repair, modification, or  
14 manufacture of a motor vehicle or watercraft.
- 15 (g) If a dealer adds or changes a dealer owner or dealer manager  
16 after issuance of the initial license, the dealer must submit an  
17 application for a change in ownership in a manner prescribed by the  
18 secretary not later than ten (10) days after the change. The new dealer  
19 owner or dealer manager shall submit to a national criminal history  
20 background check or expanded criminal history check as set forth in  
21 subsection (d).
- 22 (h) Following licensure under this article, a dealer shall, not later  
23 than ninety (90) days after the entry of an order or judgment, notify the  
24 division in writing if the dealer owner or dealer manager has been  
25 convicted of a:
- 26 (1) felony within the past ten (10) years;  
27 (2) felony or misdemeanor involving theft or fraud; or  
28 (3) felony or misdemeanor concerning an aspect of business  
29 involving the:
- 30 (A) offer;  
31 (B) sale;  
32 (C) financing;  
33 (D) repair;  
34 (E) modification; or  
35 (F) manufacture;  
36 of a motor vehicle or watercraft.
- 37 (i) The dealer and the corporation, company, or partnership must be  
38 in good standing with the bureau, the department of state revenue, and  
39 the state police department during the entire period for which a license  
40 is valid.
- 41 **(j) The national criminal history background check requirement**  
42 **described in subsection (d) may be satisfied by fulfilling the**



1 **components of an expanded criminal history check under**  
 2 **IC 20-26-2-1.5.**

3 SECTION 9. IC 12-10-17.1-12, AS ADDED BY P.L.141-2006,  
 4 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 5 JULY 1, 2018]: Sec. 12. (a) The division shall register an individual  
 6 who provides the following:

7 (1) A personal resume containing information concerning the  
 8 individual's qualifications, work experience, and any credentials  
 9 the individual may hold. The individual must certify that the  
 10 information contained in the resume is true and accurate.

11 (2) The individual's limited criminal history check from the  
 12 Indiana central repository for criminal history information under  
 13 IC 10-13-3 or another source allowed by law.

14 (3) If applicable, the individual's state nurse aide registry report  
 15 from the state department of health. This subdivision does not  
 16 require an individual to be a nurse aide.

17 (4) Three (3) letters of reference.

18 (5) A registration fee. The division shall establish the amount of  
 19 the registration fee.

20 (6) Proof that the individual is at least eighteen (18) years of age.

21 (7) Any other information required by the division.

22 (b) A registration is valid for two (2) years. A personal services  
 23 attendant may renew the personal services attendant's registration by  
 24 updating any information in the file that has changed and by paying the  
 25 fee required under subsection (a)(5). The limited criminal history check  
 26 and report required under subsection (a)(2) and (a)(3) must be updated  
 27 every two (2) years.

28 (c) The division and any organization designated under section 11  
 29 of this chapter shall maintain a file for each personal services attendant  
 30 that contains:

31 (1) comments related to the provision of attendant care services  
 32 submitted by an individual in need of self-directed in-home care  
 33 who has employed the personal services attendant; and

34 (2) the items described in subsection (a)(1) through (a)(4).

35 (d) Upon request, the division shall provide to an individual in need  
 36 of self-directed in-home care the following:

37 (1) Without charge, a list of personal services attendants who are  
 38 registered with the division and available within the requested  
 39 geographic area.

40 (2) A copy of the information of a specified personal services  
 41 attendant who is on file with the division under subsection (c).

42 The division may charge a fee for shipping, handling, and copying



1 expenses.

2 **(e) The limited criminal history check requirement described in**  
 3 **subsection (a)(2) may be satisfied by fulfilling the components of an**  
 4 **expanded criminal history check under IC 20-26-2-1.5.**

5 SECTION 10. IC 15-15-13-7, AS ADDED BY P.L.165-2014,  
 6 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 7 JULY 1, 2018]: Sec. 7. (a) Subject to section 15 of this chapter, the  
 8 production of, possession of, scientific study of, and commerce in  
 9 industrial hemp is authorized in Indiana. Industrial hemp is an  
 10 agricultural product that is subject to regulation by the state seed  
 11 commissioner. The state seed commissioner shall adopt rules to  
 12 oversee the licensing, production, and management of:

- 13 (1) industrial hemp; and  
 14 (2) agricultural hemp seed;

15 to ensure integrity of audits and security of field sites of each  
 16 commodity.

17 (b) All growers and handlers must have an industrial hemp license  
 18 issued by the state seed commissioner. Growers and handlers engaged  
 19 in the production of agricultural hemp seed must also have an  
 20 agricultural hemp seed production license.

21 (c) An application for an industrial hemp license or agricultural  
 22 hemp seed production license must include the following:

- 23 (1) The name and address of the applicant.  
 24 (2) The name and address of the industrial hemp operation of the  
 25 applicant.  
 26 (3) The global positioning system coordinates and legal  
 27 description of the property used for the industrial hemp operation.  
 28 (4) If the industrial hemp license or agricultural hemp seed  
 29 production license application is made by a grower, the acreage  
 30 size of the field where the industrial hemp will be grown.  
 31 (5) A statement signed by the applicant, under penalty of perjury,  
 32 that the person applying for the industrial hemp license or  
 33 agricultural hemp seed production license has not been convicted  
 34 of a drug related felony or misdemeanor in the previous ten (10)  
 35 years.  
 36 (6) A written consent allowing the state police department to  
 37 conduct a state or national criminal history background check.  
 38 (7) A written consent allowing the state police department, if a  
 39 license is issued to the applicant, to enter the premises on which  
 40 the industrial hemp is grown to conduct physical inspections of  
 41 industrial hemp planted and grown by the applicant, and to ensure  
 42 the plants meet the definition of industrial hemp as set forth in



1 section 6 of this chapter. Not more than two (2) physical  
 2 inspections may be conducted under this subdivision per year,  
 3 unless a valid search warrant for an inspection has been issued by  
 4 a court of competent jurisdiction.

5 (8) A nonrefundable application fee, which must include the  
 6 amount necessary to conduct a state or national criminal history  
 7 background check, in an amount determined by the state seed  
 8 commissioner.

9 (9) Any other information required by the state seed  
 10 commissioner.

11 **(d) The state or national criminal history background check**  
 12 **requirement described in subsection (c)(6) may be satisfied by**  
 13 **fulfilling the components of an expanded criminal history check**  
 14 **under IC 20-26-2-1.5.**

15 SECTION 11. IC 15-15-13-8, AS ADDED BY P.L.165-2014,  
 16 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 17 JULY 1, 2018]: Sec. 8. (a) Each license application received under this  
 18 chapter must be processed as follows:

19 (1) Upon receipt of a license application, the state seed  
 20 commissioner shall forward a copy of the application to the state  
 21 police department. The state police department shall do the  
 22 following:

23 (A) Perform a state or national criminal history background  
 24 check of the applicant.

25 (B) Determine if the requirements under section 7(c)(5) of this  
 26 chapter concerning prior criminal convictions have been met.

27 (C) Return the application to the state seed commissioner  
 28 along with the state police department's determinations and a  
 29 copy of the state or national criminal history background  
 30 check.

31 (2) The state seed commissioner shall review the license  
 32 application returned from the state police department.

33 (b) If the state seed commissioner determines that all the  
 34 requirements under this chapter have been met and that a license  
 35 should be granted to the applicant, the state seed commissioner shall  
 36 approve the application for issuance of a license.

37 (c) An industrial hemp license or agricultural hemp seed production  
 38 license is valid for a one (1) year term unless revoked. An industrial  
 39 hemp license or agricultural hemp seed production license may be  
 40 renewed in accordance with rules adopted by the state seed  
 41 commissioner and is nontransferable.

42 **(d) The state or national criminal history background check**



1 **requirement described in subsection (a)(1)(A) may be satisfied by**  
 2 **fulfilling the components of an expanded criminal history check**  
 3 **under IC 20-26-2-1.5.**

4 SECTION 12. IC 16-18-4-4, AS ADDED BY P.L.199-2013,  
 5 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6 JULY 1, 2018]: Sec. 4. (a) The governing board of a hospital shall  
 7 require an individual appointed as a hospital police officer under this  
 8 chapter to meet at least the following requirements:

9 (1) The individual must successfully complete, within one (1)  
 10 year after the individual is appointed as a hospital police officer,  
 11 the minimum basic training and educational requirements as  
 12 approved by the governing board of the hospital and the law  
 13 enforcement training board.

14 (2) The individual must undergo a psychological evaluation.

15 (3) The individual must undergo a national criminal history  
 16 background check.

17 (b) The governing board of the hospital shall require an individual  
 18 appointed as a hospital police officer to annually attend inservice  
 19 training courses approved by the governing board of the hospital.

20 **(c) The national criminal history background check**  
 21 **requirement described in subsection (a)(3) may be satisfied by**  
 22 **fulfilling the components of an expanded criminal history check**  
 23 **under IC 20-26-2-1.5.**

24 SECTION 13. IC 16-25-6-2 IS AMENDED TO READ AS  
 25 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2. (a) A person who  
 26 owns or operates a hospice program shall apply, not more than three (3)  
 27 business days after the date that an employee or a volunteer begins to  
 28 provide hospice services, for a copy of the employee's or volunteer's  
 29 limited criminal history from the Indiana central repository for criminal  
 30 history information under IC 10-13-3.

31 (b) A hospice program may not employ an individual or allow a  
 32 volunteer to provide hospice services for more than three (3) business  
 33 days without applying for that individual's or volunteer's limited  
 34 criminal history as required by subsection (a).

35 **(c) The limited criminal history requirement described in**  
 36 **subsection (a) may be satisfied by fulfilling the components of an**  
 37 **expanded criminal history check under IC 20-26-2-1.5.**

38 SECTION 14. IC 16-25-6-3, AS AMENDED BY P.L.214-2013,  
 39 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 40 JULY 1, 2018]: Sec. 3. (a) Except as provided in subsection (b), a  
 41 person who owns or operates a hospice program may not employ an  
 42 individual or allow a volunteer to provide hospice services if that



1 individual's or volunteer's limited criminal history **check conducted**  
 2 **under section 2 of this chapter** indicates that the individual or  
 3 volunteer has:

- 4 (1) been convicted of rape (IC 35-42-4-1);  
 5 (2) been convicted of criminal deviate conduct (IC 35-42-4-2)  
 6 (repealed);  
 7 (3) been convicted of exploitation of an endangered adult  
 8 (IC 35-46-1-12);  
 9 (4) had a judgment entered against the individual for failure to  
 10 report battery, neglect, or exploitation of an endangered adult  
 11 (IC 35-46-1-13); or  
 12 (5) been convicted of theft (IC 35-43-4), if the conviction for theft  
 13 occurred less than ten (10) years before the individual's  
 14 employment application date.

15 (b) A hospice program may not employ an individual or allow a  
 16 volunteer to provide hospice services for more than twenty-one (21)  
 17 calendar days without receipt of that individual's or volunteer's limited  
 18 criminal history required by section 2 of this chapter, unless the Indiana  
 19 central repository for criminal history information under IC 10-13-3 is  
 20 solely responsible for failing to provide the individual's or volunteer's  
 21 limited criminal history to the hospice program within the time  
 22 required under this subsection.

23 **(c) The limited criminal history requirement described in**  
 24 **subsections (a) and (b) may be satisfied by fulfilling the**  
 25 **components of an expanded criminal history check under**  
 26 **IC 20-26-2-1.5.**

27 SECTION 15. IC 16-27-2-4, AS AMENDED BY P.L.51-2016,  
 28 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 JULY 1, 2018]: Sec. 4. (a) A person who operates a home health  
 30 agency under IC 16-27-1 or a personal services agency under  
 31 IC 16-27-4 shall apply, not more than three (3) business days after the  
 32 date that an employee begins to provide services in a patient's  
 33 temporary or permanent residence, for a copy of the employee's  
 34 national criminal history background check or expanded criminal  
 35 history check.

36 (b) A home health agency or personal services agency may not  
 37 employ a person to provide services in a patient's or client's temporary  
 38 or permanent residence for more than three (3) business days without  
 39 applying for a national criminal history background check or an  
 40 expanded criminal history check.

41 **(c) The national criminal history background check**  
 42 **requirement described in subsections (a) and (b) may be satisfied**





1 **by fulfilling the components of an expanded criminal history check**  
 2 **under IC 20-26-2-1.5.**

3 SECTION 16. IC 16-27-2-5, AS AMENDED BY P.L.51-2016,  
 4 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 5 JULY 1, 2018]: Sec. 5. (a) Except as provided in subsection (b), a  
 6 person who operates a home health agency under IC 16-27-1 or a  
 7 personal services agency under IC 16-27-4 may not employ a person to  
 8 provide services in a patient's or client's temporary or permanent  
 9 residence if that person's national criminal history background check  
 10 or expanded criminal history check indicates that the person has been  
 11 convicted of any of the following:

- 12 (1) Rape (IC 35-42-4-1).  
 13 (2) Criminal deviate conduct (IC 35-42-4-2) (repealed).  
 14 (3) Exploitation of an endangered adult (IC 35-46-1-12).  
 15 (4) Failure to report battery, neglect, or exploitation of an  
 16 endangered adult (IC 35-46-1-13).  
 17 (5) Theft (IC 35-43-4), if the conviction for theft occurred less  
 18 than ten (10) years before the person's employment application  
 19 date.  
 20 (6) A felony that is substantially equivalent to a felony listed in:  
 21 (A) subdivisions (1) through (4); or  
 22 (B) subdivision (5), if the conviction for theft occurred less  
 23 than ten (10) years before the person's employment application  
 24 date;  
 25 for which the conviction was entered in another state.

26 (b) A home health agency or personal services agency may not  
 27 employ a person to provide services in a patient's or client's temporary  
 28 or permanent residence for more than twenty-one (21) calendar days  
 29 without receipt of that person's national criminal history background  
 30 check or expanded criminal history check required by section 4 of this  
 31 chapter, unless the state police department, the Federal Bureau of  
 32 Investigation under IC 10-13-3-39, or the private agency providing the  
 33 expanded criminal history check is responsible for failing to provide  
 34 the person's national criminal history background check or expanded  
 35 criminal history check to the home health agency or personal services  
 36 agency within the time required under this subsection.

37 **(c) The national criminal history background check**  
 38 **requirement described in subsections (a) and (b) may be satisfied**  
 39 **by fulfilling the components of an expanded criminal history check**  
 40 **under IC 20-26-2-1.5.**

41 SECTION 17. IC 16-28-13-4 IS AMENDED TO READ AS  
 42 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 4. (a) Except as



1 provided in subsection (b), a person who:

- 2 (1) operates or administers a health care facility; or  
 3 (2) operates an entity in the business of contracting to provide  
 4 nurse aides or other unlicensed employees for a health care  
 5 facility;

6 shall apply within three (3) business days from the date a person is  
 7 employed as a nurse aide or other unlicensed employee for a copy of  
 8 the person's state nurse aide registry report from the state department  
 9 and a limited criminal history from the Indiana central repository for  
 10 criminal history information under IC 10-13-3 or another source  
 11 allowed by law.

12 (b) A health care facility is not required to apply for the state nurse  
 13 aide registry report and limited criminal history required by subsection  
 14 (a) if the health care facility contracts to use the services of a nurse aide  
 15 or other unlicensed employee who is employed by an entity in the  
 16 business of contracting to provide nurse aides or other unlicensed  
 17 employees to health care facilities.

18 **(c) The limited criminal history requirement described in**  
 19 **subsections (a) and (b) may be satisfied by fulfilling the**  
 20 **components of an expanded criminal history check under**  
 21 **IC 20-26-2-1.5.**

22 SECTION 18. IC 16-28-13-5 IS AMENDED TO READ AS  
 23 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 5. (a) A person who:

- 24 (1) operates or administers a health care facility; or  
 25 (2) operates an entity in the business of contracting to provide  
 26 nurse aides or other unlicensed employees for a health care  
 27 facility;

28 may not employ a person as a nurse aide or other unlicensed employee  
 29 after receipt of the person's state nurse aide registry report if that  
 30 person's report indicates that the person committed an offense under  
 31 section (3)(a)(2) of this chapter and has been placed on the state nurse  
 32 aide registry, or after receipt of the ~~limited person's~~ criminal history  
 33 **check if that the person's limited criminal history check under section**  
 34 **4 of this chapter** indicates that the person has been convicted of any  
 35 of the offenses described in section 3(a)(1) of this chapter.

36 **(b) The criminal history check requirement described in**  
 37 **subsection (a) may be satisfied by fulfilling the components of an**  
 38 **expanded criminal history check under IC 20-26-2-1.5.**

39 SECTION 19. IC 16-28-13-6 IS AMENDED TO READ AS  
 40 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 6. (a) A person who:

- 41 (1) operates or administers a health care facility; or  
 42 (2) operates an entity in the business of contracting to provide



1 nurse aides or other unlicensed employees for a health care  
 2 facility;  
 3 is responsible for the payment of fees under IC 10-13-3-30 and other  
 4 fees required to process a state nurse aide registry report and a ~~limited~~  
 5 criminal history **check** under section 4 of this chapter.

6 (b) A health care facility or an entity in the business of contracting  
 7 to provide nurse aides or other unlicensed employees for a health care  
 8 facility may require a person who applies to the health care facility or  
 9 entity for employment as a nurse aide or other unlicensed employee:

10 (1) to pay the cost of fees described in subsection (a) to the health  
 11 care facility or entity at the time the person submits an application  
 12 for employment; or

13 (2) to reimburse the health care facility or entity for the cost of  
 14 fees described in subsection (a).

15 **(c) The criminal history check requirement described in**  
 16 **subsection (a) may be satisfied by fulfilling the components of an**  
 17 **expanded criminal history check under IC 20-26-2-1.5.**

18 SECTION 20. IC 16-28-13-11 IS AMENDED TO READ AS  
 19 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 11. (a) Each:

20 (1) health care facility; and

21 (2) entity in the business of contracting to provide nurse aides or  
 22 other unlicensed employees for a health care facility;

23 shall maintain a personnel record for each nurse aide and other  
 24 unlicensed employee employed by the health care facility or entity that  
 25 includes the nurse aide's or other unlicensed employee's state nurse  
 26 aide registry report and ~~limited~~ criminal history **check** required by  
 27 section 4 of this chapter.

28 (b) The personnel records of each health care facility shall be  
 29 available for inspection by the state department to assure compliance  
 30 with this chapter.

31 (c) An entity in the business of contracting to provide nurse aides or  
 32 other unlicensed employees to health care facilities shall provide a  
 33 copy of the state nurse aide registry report and ~~limited~~ criminal history  
 34 **check** obtained under section 4 of this chapter to each health care  
 35 facility to which the entity provides a nurse aide or other unlicensed  
 36 employee. If the entity fails to provide a copy of the state nurse aide  
 37 registry report and ~~limited~~ criminal history **check** to a health care  
 38 facility, the health care facility is not in violation of this chapter.

39 **(d) The criminal history check requirement described in**  
 40 **subsections (a) and (c) may be satisfied by fulfilling the components**  
 41 **of an expanded criminal history check under IC 20-26-2-1.5.**

42 SECTION 21. IC 20-26-5-10, AS AMENDED BY P.L.185-2017,



1 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 JULY 1, 2018]: Sec. 10. (a) This section applies to a:

- 3 (1) school corporation;  
4 (2) charter school; or  
5 (3) nonpublic school that employs one (1) or more employees.

6 (b) A school corporation, a charter school, and a nonpublic school  
7 shall adopt a policy concerning criminal history information for  
8 individuals who:

- 9 (1) apply for:  
10 (A) employment with the school corporation, charter school,  
11 or nonpublic school; or  
12 (B) employment with an entity with which the school  
13 corporation, charter school, or nonpublic school contracts for  
14 services;  
15 (2) seek to enter into a contract to provide services to the school  
16 corporation, charter school, or nonpublic school; or  
17 (3) are employed by an entity that seeks to enter into a contract to  
18 provide services to the school corporation, charter school, or  
19 nonpublic school;

20 if the individuals are likely to have direct, ongoing contact with  
21 children within the scope of the individuals' employment.

22 (c) Except as provided in subsections (f) and (g), a school  
23 corporation, a charter school, and a nonpublic school shall administer  
24 a policy adopted under this section uniformly for all individuals to  
25 whom the policy applies.

26 (d) A policy adopted under this section must require that the school  
27 corporation, charter school, or nonpublic school conduct an expanded  
28 criminal history check concerning each applicant for employment who  
29 is likely to have direct, ongoing contact with children within the scope  
30 of the individual's employment before or not later than thirty (30) days  
31 after the start date of the applicant's employment by the school  
32 corporation, charter school, or nonpublic school.

33 (e) A policy adopted under this section ~~must~~ **may** require that the  
34 school corporation, charter school, or nonpublic school conduct an  
35 expanded child protection index check concerning each applicant for  
36 employment who is likely to have direct, ongoing contact with children  
37 within the scope of the individual's employment. ~~before or not later~~  
38 ~~than sixty (60) days after the start date of the applicant's employment~~  
39 ~~by the school corporation, charter school, or nonpublic school. An~~  
40 ~~expanded child protection index check made under this section must~~  
41 ~~include inquiries to each state in which information necessary to~~  
42 ~~complete the expanded child protection index check is available.~~



1 (f) A policy adopted under this section must state that the school  
2 corporation, charter school, or nonpublic school requires an expanded  
3 criminal history check concerning an employee of the school  
4 corporation, charter school, or nonpublic school. The checks must be  
5 conducted every five (5) years. A school corporation, charter school,  
6 or nonpublic school may adopt a policy to require an employee to  
7 obtain an expanded child protection index check every five (5) years.

8 (g) In implementing subsection (f), and subject to subsection (j), a  
9 school corporation, charter school, or nonpublic school may update the  
10 checks required under subsection (f) for employees who are employed  
11 by the school corporation, charter school, or nonpublic school as of  
12 July 1, 2017, over a period not to exceed five (5) years by annually  
13 conducting updated expanded criminal history checks and expanded  
14 child protection index checks for at least one-fifth (1/5) of the number  
15 of employees who are employed by the school corporation, charter  
16 school, or nonpublic school on July 1, 2017.

17 (h) An applicant or employee may be required to provide a written  
18 consent for the school corporation, charter school, or nonpublic school  
19 to request an expanded criminal history check and an expanded child  
20 protection index check concerning the individual before the  
21 individual's employment by the school corporation, charter school, or  
22 nonpublic school. The school corporation, charter school, or nonpublic  
23 school may require the individual to provide a set of fingerprints and  
24 pay any fees required for the expanded criminal history check and  
25 expanded child protection index check. Each applicant for employment  
26 or employee described in subsection (f) may be required:

27 (1) at the time the individual applies or updates an expanded  
28 criminal history check under subsection (f); or

29 (2) while an expanded criminal history check or expanded child  
30 protection index check is being conducted;

31 to answer questions concerning the individual's expanded criminal  
32 history check and expanded child protection index check. The failure  
33 to answer honestly questions asked under this subsection is grounds for  
34 termination of the employee's employment.

35 (i) An applicant is responsible for all costs associated with obtaining  
36 the expanded criminal history check and expanded child protection  
37 index check unless the school corporation, charter school, or nonpublic  
38 school agrees to pay the costs. A school corporation, charter school, or  
39 nonpublic school may agree to pay the costs associated with obtaining  
40 an expanded criminal history background check for an employee. An  
41 employee of a school corporation, charter school, or nonpublic school  
42 may not be required to pay the costs of an expanded child protection



1 index check.

2 (j) An applicant or employee may not be required by a school  
3 corporation, charter school, or nonpublic school to obtain an expanded  
4 criminal history check more than one (1) time during a five (5) year  
5 period. However, a school corporation, charter school, or nonpublic  
6 school may obtain an expanded criminal history check or an expanded  
7 child protection index check at any time if the school corporation,  
8 charter school, or nonpublic school has reason to believe that the  
9 applicant or employee:

10 (1) is the subject of a substantiated report of child abuse or  
11 neglect; or

12 (2) has been charged with or convicted of a crime listed in section  
13 11(b) of this chapter.

14 (k) As used in this subsection, "offense requiring license revocation"  
15 means an offense listed in IC 20-28-5-8(c). A policy adopted under this  
16 section must prohibit a school corporation, charter school, or nonpublic  
17 school from hiring a person who has been convicted of an offense  
18 requiring license revocation, unless the conviction has been reversed,  
19 vacated, or set aside on appeal.

20 (l) Information obtained under this section must be used in  
21 accordance with law.

22 SECTION 22. IC 20-51-3-3, AS AMENDED BY P.L.211-2013,  
23 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
24 JULY 1, 2018]: Sec. 3. (a) An agreement entered into under section 1  
25 of this chapter between the department and a scholarship granting  
26 organization must require the scholarship granting organization to do  
27 the following:

28 (1) Provide a receipt to taxpayers for contributions made to the  
29 scholarship granting organization that will be used in a school  
30 scholarship program. The department of state revenue shall  
31 prescribe a standardized form for the receipt issued under this  
32 subdivision. The receipt must indicate the value of the  
33 contribution and part of the contribution being designated for use  
34 in a school scholarship program.

35 (2) Allow a taxpayer to designate a participating school for which  
36 the taxpayer's contribution must be used as scholarships.

37 (3) Use not more than ten percent (10%) of the total amount of  
38 contributions for administrative costs.

39 (4) Distribute one hundred percent (100%) of any income earned  
40 on contributions as school scholarships to eligible students.

41 (5) Conduct criminal background checks on all the scholarship  
42 granting organization's employees and board members and



- 1           exclude from employment or governance any individual who  
 2           might reasonably pose a risk to the appropriate use of contributed  
 3           funds.
- 4           (6) Make the reports required by this chapter.
- 5           **(b) The criminal background check requirement described in**  
 6           **subsection (a)(5) may be satisfied by fulfilling the components of an**  
 7           **expanded criminal history check under IC 20-26-2-1.5.**
- 8           SECTION 23. IC 21-18.5-6-11, AS AMENDED BY P.L.273-2013,  
 9           SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 10          JULY 1, 2018]: Sec. 11. **(a)** Full authorization under this chapter may  
 11          not be issued unless and until the board for proprietary education finds  
 12          that the postsecondary credit bearing proprietary educational institution  
 13          meets minimum standards that are appropriate to that type or class of  
 14          postsecondary credit bearing proprietary educational institution,  
 15          including the following minimum standards:
- 16          (1) The postsecondary credit bearing proprietary educational  
 17          institution has a sound financial structure with sufficient  
 18          resources for continued support.
- 19          (2) The postsecondary credit bearing proprietary educational  
 20          institution has satisfactory training or educational facilities with  
 21          sufficient tools, supplies, or equipment and the necessary number  
 22          of work stations or classrooms to adequately train, instruct, or  
 23          educate the number of students enrolled or proposed to be  
 24          enrolled.
- 25          (3) The postsecondary credit bearing proprietary educational  
 26          institution has an adequate number of qualified instructors or  
 27          teachers, sufficiently trained by experience or education, to give  
 28          the instruction, education, or training contemplated.
- 29          (4) The advertising and representations made on behalf of the  
 30          postsecondary credit bearing proprietary educational institution  
 31          to prospective students are truthful and free from  
 32          misrepresentation or fraud.
- 33          (5) The charge made for the training, instruction, or education is  
 34          clearly stated and based upon the services rendered.
- 35          (6) The premises and conditions under which the students work  
 36          and study are sanitary, healthful, and safe according to modern  
 37          standards.
- 38          (7) The postsecondary credit bearing proprietary educational  
 39          institution has and follows a refund policy approved by the board  
 40          for proprietary education.
- 41          (8) The owner or chief administrator of the postsecondary credit  
 42          bearing proprietary educational institution is subject to a



1 background check by the board for proprietary education and has  
2 not been convicted of a felony.

3 (9) The owner or chief administrator of the postsecondary credit  
4 bearing proprietary educational institution has not been the owner  
5 or chief administrator of a postsecondary credit bearing  
6 proprietary educational institution that has had its authorization  
7 revoked or has been closed involuntarily in the five (5) year  
8 period preceding the application for authorization. However, if  
9 the owner or chief administrator of the postsecondary credit  
10 bearing proprietary educational institution has been the owner or  
11 chief administrator of a postsecondary credit bearing proprietary  
12 educational institution that has had its authorization revoked or  
13 has been closed involuntarily more than five (5) years before the  
14 application for authorization, the board for proprietary education  
15 may issue full authorization at the board for proprietary  
16 education's discretion.

17 **(b) The background check requirement described in subsection**  
18 **(a)(8) may be satisfied by fulfilling the components of an expanded**  
19 **criminal history check under IC 20-26-2-1.5.**

20 SECTION 24. IC 22-1-5-13, AS ADDED BY P.L.212-2005,  
21 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
22 JULY 1, 2018]: Sec. 13. (a) A placement agency:

23 (1) must provide a consumer with a consumer notice each time a  
24 home care services worker is placed in the home of the consumer;  
25 and

26 (2) is not required to provide a consumer notice when a new or  
27 different home care services worker is substituting for the regular  
28 home care services worker placed with the consumer.

29 (b) Before a placement agency places a home care services worker  
30 with a consumer, the home care services worker must provide the  
31 placement agency with a copy of the individual's limited criminal  
32 history from the central repository for criminal history information  
33 under IC 10-13-3 **or a copy of the individual's expanded criminal**  
34 **history check, as defined in IC 20-26-2-1.5.** The home care services  
35 worker is responsible for the fees required under IC 10-13-3-30 **or the**  
36 **cost of an expanded criminal history check** and must annually obtain  
37 an updated limited criminal history **or expanded criminal history**  
38 **check.** A copy of the home care services worker's limited criminal  
39 history **or expanded criminal history check** must be made available  
40 to the consumer.

41 SECTION 25. IC 24-7-8-5, AS ADDED BY P.L.216-2013,  
42 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE





1 JULY 1, 2018]: Sec. 5. **(a)** Before appointing or hiring any director,  
 2 executive officer, or Indiana store manager, a lessor must perform a  
 3 criminal background check on the candidate and retain, until the  
 4 department's next examination of the lessor is completed, records of the  
 5 background check in the lessor's files.

6 **(b) The criminal background check requirement described in**  
 7 **subsection (a) may be satisfied by fulfilling the components of an**  
 8 **expanded criminal history check under IC 20-26-2-1.5.**

9 SECTION 26. IC 25-1-1.1-4, AS AMENDED BY P.L.3-2014,  
 10 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 11 JULY 1, 2018]: Sec. 4. (a) This section applies to an individual who is  
 12 applying for, or will be applying for, an initial license or an initial  
 13 certificate under one (1) of the occupations or professions described in  
 14 IC 25-0.5-1.

15 **(b) As used in this chapter, "expanded criminal history check"**  
 16 **has the meaning set forth in IC 20-26-2-1.5.**

17 ~~(b)~~ **(c)** As used in this chapter, "national criminal history  
 18 background check" means the criminal history record system  
 19 maintained by the Federal Bureau of Investigation based on fingerprint  
 20 identification or any other method of positive identification.

21 ~~(c)~~ **(d)** An individual applying for an initial license or initial  
 22 certificate specified in subsection (a) shall submit to a national criminal  
 23 history background check **or an expanded criminal history check** at  
 24 the cost of the individual.

25 ~~(d)~~ **(e)** The state police department shall release the results of a  
 26 national criminal history background check **or an expanded criminal**  
 27 **history check** conducted under this section to the Indiana professional  
 28 licensing agency.

29 ~~(e)~~ **(f)** A board, a commission, or a committee may conduct a  
 30 random audit and require an individual seeking a renewal of a license  
 31 or a certificate specified in subsection (a) to submit to a national  
 32 criminal history background check at the cost of the individual.

33 **(g) The national criminal history background check**  
 34 **requirement described in this section may be satisfied by fulfilling**  
 35 **the components of an expanded criminal history check under**  
 36 **IC 20-26-2-1.5.**

37 SECTION 27. IC 25-26-14-16, AS AMENDED BY P.L.98-2006,  
 38 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 39 JULY 1, 2018]: Sec. 16. (a) In reviewing, for purposes of licensure or  
 40 renewal of a license under this chapter, the qualifications of persons  
 41 who engage in wholesale distribution of legend drugs in Indiana, the  
 42 board shall consider the following factors:



- 1 (1) A finding by the board that the applicant has:  
 2 (A) violated a law; or  
 3 (B) been disciplined by a regulatory agency for violating a  
 4 law;  
 5 related to drug distribution in any state.  
 6 (2) A criminal conviction of the applicant.  
 7 (3) The applicant's past experience in the manufacture or  
 8 distribution of legend drugs, including controlled substances.  
 9 (4) The furnishing by the applicant of false or fraudulent material  
 10 in any application made in connection with drug manufacturing  
 11 or distribution.  
 12 (5) Suspension or revocation of any license held by the applicant  
 13 or the applicant's owner or the imposition of sanctions against the  
 14 applicant or the applicant's owner by the federal or a state or local  
 15 government for the manufacture or distribution of any drugs,  
 16 including controlled substances.  
 17 (6) Compliance with licensing requirements under previously  
 18 granted licenses.  
 19 (7) Compliance with requirements to maintain and make available  
 20 to the board or to federal, state, or local law enforcement officials  
 21 those records required under this chapter.  
 22 (8) Any other factors or qualifications the board considers  
 23 relevant to the public health and safety, including whether the  
 24 granting of the license would not be in the public interest.  
 25 (b) In reviewing an application for licensure or renewal of a license  
 26 under this chapter, the board shall consider the results of criminal  
 27 history and financial background checks for:  
 28 (1) the designated representative or the most senior individual  
 29 responsible for facility operations, purchasing, and inventory  
 30 control;  
 31 (2) the supervisor or the designated representative or the most  
 32 senior individual under subdivision (1); and  
 33 (3) principals and owners with more than a ten percent (10%)  
 34 interest in the wholesale drug distributor, if the wholesale drug  
 35 distributor is a nonpublicly held company.  
 36 (c) The criminal history and financial background checks conducted  
 37 under subsection (b) must:  
 38 (1) be conducted at the applicant's expense;  
 39 (2) include a criminal history for all current and previous states of  
 40 residence of the applicant;  
 41 (3) include the criminal history in the federal district where the  
 42 applicant currently resides;



- 1 (4) include information from the previous seven (7) years; and  
 2 (5) be approved by the board.
- 3 (d) An applicant shall provide and attest to:  
 4 (1) an affirmation that the applicant has not been involved in or  
 5 convicted of any criminal or prohibited acts; or  
 6 (2) a statement providing a complete disclosure of the applicant's  
 7 past criminal convictions and violations of state and federal laws;  
 8 regarding drugs.
- 9 **(e) The criminal history background check requirement**  
 10 **described in subsections (b) and (c) may be satisfied by fulfilling**  
 11 **the components of an expanded criminal history check under**  
 12 **IC 20-26-2-1.5.**
- 13 SECTION 28. IC 25-26-14-17.8, AS AMENDED BY P.L.98-2006,  
 14 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 15 JULY 1, 2018]: Sec. 17.8. (a) A wholesale drug distributor licensed  
 16 under this chapter that purchases legend drugs from a wholesale drug  
 17 distributor that is not licensed under this chapter shall act with due  
 18 diligence as required under this section and rules adopted by the board.  
 19 However, the due diligence requirements of this section do not apply  
 20 to purchases from an unlicensed wholesale drug distributor that has  
 21 obtained accreditation through the National Association of Boards of  
 22 Pharmacy's Verified-Accredited Wholesale Distributors program.
- 23 (b) Before the initial purchase of legend drugs from the unlicensed  
 24 wholesale drug distributor, the licensed wholesale drug distributor shall  
 25 obtain the following information from the unlicensed wholesale drug  
 26 distributor:  
 27 (1) A list of states in which the unlicensed wholesale drug  
 28 distributor is licensed.  
 29 (2) A list of states into which the unlicensed wholesale drug  
 30 distributor ships legend drugs.  
 31 (3) Copies of all state and federal regulatory licenses and  
 32 registrations held by the unlicensed wholesale drug distributor.  
 33 (4) The unlicensed wholesale drug distributor's most recent  
 34 facility inspection reports.  
 35 (5) Information regarding general and product liability insurance  
 36 maintained by the unlicensed wholesale drug distributor,  
 37 including copies of relevant policies.  
 38 (6) A list of other names under which the unlicensed wholesale  
 39 drug distributor does business or has been previously known.  
 40 (7) A list of corporate officers and managerial employees of the  
 41 unlicensed wholesale drug distributor.  
 42 (8) A list of all owners of the unlicensed wholesale drug



1 distributor that own more than ten percent (10%) of the  
 2 unlicensed wholesale drug distributor, unless the unlicensed  
 3 wholesale drug distributor is publicly traded.

4 (9) A list of all disciplinary actions taken against the unlicensed  
 5 wholesale drug distributor by state and federal agencies.

6 (10) A description, including the address, dimensions, and other  
 7 relevant information, of each facility used by the unlicensed  
 8 wholesale drug distributor for legend drug storage and  
 9 distribution.

10 (11) A description of legend drug import and export activities of  
 11 the unlicensed wholesale drug distributor.

12 (12) A description of the unlicensed wholesale drug distributor's  
 13 procedures to ensure compliance with this chapter.

14 (13) A statement:

15 (A) as to whether; and

16 (B) of the identity of each manufacturer for which;

17 the unlicensed wholesale drug distributor is an authorized  
 18 distributor.

19 (c) Before the initial purchase of legend drugs from an unlicensed  
 20 wholesale drug distributor, the licensed wholesale drug distributor  
 21 shall:

22 (1) request that the board obtain and consider the results of a  
 23 national criminal history background check (as defined in  
 24 IC 10-13-3-12) through the state police department of all  
 25 individuals associated with the unlicensed wholesale drug  
 26 distributor as specified for licensure of a wholesale drug  
 27 distributor under section 16(b) of this chapter; and

28 (2) verify the unlicensed wholesale drug distributor's status as an  
 29 authorized distributor, if applicable.

30 (d) If an unlicensed wholesale drug distributor's facility has not been  
 31 inspected by the board or the board's agent within three (3) years after  
 32 a contemplated purchase described in subsection (a), the licensed  
 33 wholesale drug distributor shall conduct an inspection of the  
 34 unlicensed wholesale drug distributor's facility:

35 (1) before the initial purchase of legend drugs from the unlicensed  
 36 wholesale drug distributor; and

37 (2) at least once every three (3) years unless the unlicensed  
 38 wholesale drug distributor's facility has been inspected by the  
 39 board, or the board's agent, during the same period;

40 to ensure compliance with applicable laws and regulations relating to  
 41 the storage and handling of legend drugs. A third party may be engaged  
 42 to conduct the site inspection on behalf of the licensed wholesale drug



1 distributor.

2 (e) At least annually, a licensed wholesale drug distributor that  
3 purchases legend drugs from an unlicensed wholesale drug distributor  
4 shall ensure that the unlicensed wholesale drug distributor maintains  
5 a record keeping system that meets the requirements of section 17(3)  
6 of this chapter.

7 (f) If a licensed wholesale drug distributor that purchases legend  
8 drugs from an unlicensed wholesale drug distributor has reason to  
9 believe that a legend drug purchased from the unlicensed wholesale  
10 drug distributor is misbranded, adulterated, counterfeit, or suspected  
11 counterfeit, the licensed wholesale drug distributor shall conduct a for  
12 cause authentication of each distribution of the legend drug back to the  
13 manufacturer.

14 (g) An unlicensed wholesale drug distributor that has engaged in the  
15 distribution of a legend drug for which a licensed wholesale drug  
16 distributor conducts a for cause authentication under subsection (f)  
17 shall provide, upon request, detailed information regarding the  
18 distribution of the legend drug, including the:

- 19 (1) date of purchase of the legend drug;  
20 (2) lot number of the legend drug;  
21 (3) sales invoice number of the legend drug; and  
22 (4) contact information, including name, address, telephone  
23 number, and any electronic mail address of the unlicensed  
24 wholesale drug distributor that sold the legend drug.

25 (h) If a licensed wholesale drug distributor conducts a for cause  
26 authentication under subsection (f) and is unable to authenticate each  
27 distribution of the legend drug, the licensed wholesale drug distributor  
28 shall quarantine the legend drug and report the circumstances to the  
29 board and the federal Food and Drug Administration within ten (10)  
30 business days after completing the attempted authentication.

31 (i) If a licensed wholesale drug distributor authenticates the  
32 distribution of a legend drug back to the manufacturer under subsection  
33 (f), the licensed wholesale drug distributor shall maintain records of the  
34 authentication for three (3) years and shall provide the records to the  
35 board upon request.

36 (j) A licensed wholesale drug distributor that purchases legend  
37 drugs from an unlicensed wholesale drug distributor shall, at least  
38 annually, conduct random authentications of required pedigrees on at  
39 least ten percent (10%) of sales units of distributions of legend drugs  
40 that were purchased from unlicensed wholesale drug distributors.

41 (k) An unlicensed wholesale drug distributor from which a licensed  
42 wholesale drug distributor has purchased legend drugs shall cooperate



1 with the random authentications of pedigrees under this section and  
 2 provide requested information in a timely manner.

3 (l) If a wholesale drug distributor conducts a random authentication  
 4 under subsection (j) and is unable to authenticate each distribution of  
 5 the legend drug, the wholesale drug distributor shall quarantine the  
 6 legend drug and report the circumstances to the board and the federal  
 7 Food and Drug Administration not more than ten (10) business days  
 8 after completing the attempted authentication.

9 **(m) The national criminal history background check**  
 10 **requirement described in subsection (c) may be satisfied by**  
 11 **fulfilling the components of an expanded criminal history check**  
 12 **under IC 20-26-2-1.5.**

13 SECTION 29. IC 25-34.1-8-10, AS AMENDED BY P.L.145-2008,  
 14 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 15 JULY 1, 2018]: Sec. 10. (a) To be licensed or certified as a real estate  
 16 appraiser, an individual must meet the following conditions:

17 (1) Not have a conviction for any of the following:

18 (A) An act that would constitute a ground for disciplinary  
 19 sanction under IC 25-1-11.

20 (B) A crime that has a direct bearing on the individual's ability  
 21 to practice competently.

22 (C) Fraud or material deception in the course of professional  
 23 services or activities.

24 (D) A crime that indicates the individual has the propensity to  
 25 endanger the public.

26 (2) Have satisfied the requirements established under  
 27 IC 25-34.1-3-8(f).

28 (b) After December 31, 2008, the board shall require each applicant  
 29 for initial licensure or certification under this chapter to submit  
 30 fingerprints for a national criminal history background check (as  
 31 defined in IC 10-13-3-12) by the Federal Bureau of Investigation, for  
 32 use by the board in determining whether the applicant should be denied  
 33 licensure or certification under this chapter for any reason set forth in  
 34 subsection (a)(1). The applicant shall pay any fees or costs associated  
 35 with the fingerprints and **criminal history** background check required  
 36 under this subsection. The board may not release the results of a  
 37 **criminal history** background check described in this subsection to any  
 38 private entity.

39 (c) The board may request evidence of compliance with this section  
 40 in accordance with subsection (d). Evidence of compliance with this  
 41 section may include any of the following:

42 (1) Subject to subsections (b) and (d)(2), criminal background



- 1 checks, including a national criminal history background check  
 2 (as defined in IC 10-13-3-12) by the Federal Bureau of  
 3 Investigation.  
 4 (2) Credit histories.  
 5 (3) Other background checks considered necessary by the board.  
 6 (d) The board may request evidence of compliance with this section  
 7 at any of the following times:  
 8 (1) The time of application for an initial license or certificate.  
 9 (2) The time of renewal of a license or certificate.  
 10 (3) Any other time considered necessary by the board.  
 11 (e) The commission, upon recommendation of the board, shall adopt  
 12 rules under IC 4-22-2 to implement this section.  
 13 **(f) The national criminal history background check requirement**  
 14 **described in subsections (b) and (c) may be satisfied by fulfilling**  
 15 **the components of an expanded criminal history check under**  
 16 **IC 20-26-2-1.5.**  
 17 SECTION 30. IC 25-36.5-1-18 IS AMENDED TO READ AS  
 18 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 18. (a) The definitions  
 19 set forth in IC 10-13-3 apply throughout this section.  
 20 (b) The department shall under IC 10-13-3-27(b) request and obtain  
 21 the release of a limited criminal history from the state police  
 22 department on each person who applies to the department under this  
 23 chapter for the issuance of either of the following:  
 24 (1) A timber buyer registration certificate.  
 25 (2) A timber buyer agent's license.  
 26 **(c) The limited criminal history requirement described in**  
 27 **subsection (b) may be satisfied by fulfilling the components of an**  
 28 **expanded criminal history check under IC 20-26-2-1.5.**  
 29 SECTION 31. IC 28-1-2-23, AS AMENDED BY P.L.27-2012,  
 30 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 31 JULY 1, 2018]: Sec. 23. (a) A corporation or an individual acting  
 32 directly, indirectly, or through or in concert with one (1) or more other  
 33 corporations or individuals may not acquire control of any bank, trust  
 34 company, stock savings bank, holding company, corporate fiduciary,  
 35 or industrial loan and investment company unless the department has  
 36 received and approved an application for change in control. The  
 37 department has not more than one hundred twenty (120) days following  
 38 receipt of an application to issue a notice approving the proposed  
 39 change in control. The application shall contain the name and address  
 40 of the corporation, individual, or individuals who propose to acquire  
 41 control.  
 42 (b) The period for approval under subsection (a) may be extended:



- 1 (1) in the discretion of the director for an additional thirty (30)  
 2 days; and  
 3 (2) not to exceed two (2) additional times for not more than  
 4 forty-five (45) days each time if:  
 5 (A) the director determines that the corporation, individual, or  
 6 individuals who propose to acquire control have not submitted  
 7 substantial evidence of the qualifications described in  
 8 subsection (c);  
 9 (B) the director determines that any material information  
 10 submitted is substantially inaccurate; or  
 11 (C) the director has been unable to complete the investigation  
 12 of the corporation, individual, or individuals who propose to  
 13 acquire control because of any delay caused by or the  
 14 inadequate cooperation of the corporation, individual, or  
 15 individuals.
- 16 (c) The department shall issue a notice approving the application  
 17 only after it has become satisfied that both of the following apply:  
 18 (1) The corporation, individual, or individuals who propose to  
 19 acquire control are qualified by competence, experience,  
 20 character, and financial responsibility to control and operate the  
 21 bank, trust company, stock savings bank, bank holding company,  
 22 corporate fiduciary, or industrial loan and investment company in  
 23 a legal and proper manner.  
 24 (2) The interests of the stockholders, depositors, and creditors of  
 25 the bank, trust company, stock savings bank, bank holding  
 26 company, corporate fiduciary, or industrial loan and investment  
 27 company and the interests of the public generally will not be  
 28 jeopardized by the proposed change in control.
- 29 (d) As used in this section, "holding company" means any company  
 30 (as defined in IC 28-2-15-5 before July 1, 1992, and as defined in  
 31 IC 28-2-16-5 beginning July 1, 1992) that directly or indirectly controls  
 32 one (1) or more state chartered financial institutions.
- 33 (e) As used in this section, "control", "controlling", "controlled by",  
 34 or "under common control with" means possession of the power  
 35 directly or indirectly to:  
 36 (1) direct or cause the direction of the management or policies of  
 37 a bank, a trust company, a holding company, a corporate  
 38 fiduciary, or an industrial loan and investment company, whether  
 39 through the beneficial ownership of voting securities, by contract,  
 40 or otherwise; or  
 41 (2) vote at least twenty-five percent (25%) of voting securities of  
 42 a bank, a trust company, a holding company, a corporate





1           fiduciary, or an industrial loan and investment company, whether  
 2           the voting rights are derived through the beneficial ownership of  
 3           voting securities, by contract, or otherwise.

4           (f) The director may determine, in the director's discretion, that  
 5           subsection (a) does not apply to a transaction if the director determines  
 6           that the direct or beneficial ownership of the bank, trust company, stock  
 7           savings bank, holding company, corporate fiduciary, or industrial loan  
 8           and investment company will not change as a result of the transaction.

9           (g) The president or other chief executive officer of a financial  
 10          institution or holding company shall report to the director any transfer  
 11          or sale of shares of stock of the financial institution or holding  
 12          company that results in direct or indirect ownership by a stockholder  
 13          or an affiliated group of stockholders of at least ten percent (10%) of  
 14          the outstanding stock of the financial institution or holding company.  
 15          The report required by this subsection must be made not later than ten  
 16          (10) days after the president or other chief executive officer becomes  
 17          aware of the transfer of the shares of stock on the books of the financial  
 18          institution or holding company.

19          (h) To assist the department in making a determination under  
 20          subsection (c), the director may conduct any investigation the director  
 21          determines is warranted, including any background check described in  
 22          IC 28-11-5-4.5.

23          (i) This subsection applies to a transaction described in 12 CFR  
 24          303.83(b)(1), including the following:

- 25           (1) The acquisition of voting shares through inheritance.  
 26           (2) The acquisition of voting shares through a bona fide gift.  
 27           (3) The acquisition of voting shares in satisfaction of a debt  
 28           previously contracted in good faith, other than the acquisition of  
 29           a defaulted loan secured by a controlling amount of the voting  
 30           securities of a bank, trust company, stock savings bank, bank  
 31           holding company, corporate fiduciary, or industrial loan and  
 32           investment company.

33          In a transaction to which this subsection applies, the acquiring person  
 34          shall use the person's best effort to comply with the requirements of this  
 35          section. However, it is not a violation of this section if the acquiring  
 36          person is not able to satisfy the requirements of this section and notifies  
 37          the department of the acquisition not later than thirty (30) calendar  
 38          days after the acquisition and provides any relevant information  
 39          requested by the department. This subsection does not limit the  
 40          authority of the department to conduct any investigation necessary to  
 41          approve or disapprove the transaction under subsection (c).

42          **(j) The background check requirement described in subsection**



1 **(h) may be satisfied by fulfilling the components of an expanded**  
 2 **criminal history check under IC 20-26-2-1.5.**

3 SECTION 32. IC 28-1-29-3, AS AMENDED BY P.L.216-2013,  
 4 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 5 JULY 1, 2018]: Sec. 3. (a) No person shall operate a debt management  
 6 company in Indiana without having obtained a license from the  
 7 department. For purposes of this section, a person is operating in  
 8 Indiana if:

9 (1) the person or any of the person's employees or agents are  
 10 located in Indiana; or

11 (2) the person:

12 (A) contracts with debtors who are residents of Indiana; or

13 (B) solicits business from residents of Indiana by  
 14 advertisements or other communications sent or delivered  
 15 through any of the following means:

16 (i) Mail.

17 (ii) Personal delivery.

18 (iii) Telephone.

19 (iv) Radio.

20 (v) Television.

21 (vi) The Internet or other electronic communications.

22 (vii) Any other means of communication.

23 (b) The director may request evidence of compliance with this  
 24 section at:

25 (1) the time of application;

26 (2) the time of renewal of a license; or

27 (3) any other time considered necessary by the director.

28 (c) For purposes of subsection (b), evidence of compliance with this  
 29 section may include:

30 (1) criminal background checks, including a national criminal  
 31 history background check (as defined in IC 10-13-3-12) by the  
 32 Federal Bureau of Investigation for any individual described in  
 33 section 5(b)(2), 5(b)(3), or 5(b)(4) of this chapter;

34 (2) credit histories; and

35 (3) other background checks considered necessary by the director.

36 If the director requests a national criminal history background check  
 37 under subdivision (1) for an individual described in that subdivision,  
 38 the director shall require the individual to submit fingerprints to the  
 39 department or to the state police department, ~~as appropriate,~~ **if**  
 40 **required**, at the time evidence of compliance is requested under  
 41 subsection (b). The individual to whom the request is made shall pay  
 42 any fees or costs associated with the fingerprints and the national



1 criminal history background check. The national criminal history  
 2 background check may be used by the director to determine the  
 3 individual's compliance with this section. The director or the  
 4 department may not release the results of the national criminal history  
 5 background check to any private entity.

6 (d) The fee for a license or renewal of a license shall be fixed by the  
 7 department under IC 28-11-3-5 and shall be nonrefundable. The  
 8 department may impose a fee under IC 28-11-3-5 for each day that a  
 9 renewal fee and any related documents that are required to be  
 10 submitted with a renewal application are delinquent.

11 (e) If a person knowingly acts as a debt management company in  
 12 violation of this chapter, any agreement the person has made under this  
 13 chapter is void and the debtor under the agreement is not obligated to  
 14 pay any fees. If the debtor has paid any amounts to the person, the  
 15 debtor, or the department on behalf of the debtor, may recover the  
 16 payment from the person that violated this section.

17 (f) A license issued under this section, except in a transaction  
 18 approved under section 3.1 of this chapter, is not assignable or  
 19 transferable. In order to remain in force, a license issued under this  
 20 section must be renewed every year in the manner prescribed by the  
 21 director of the department. The director of the department shall  
 22 prescribe the form of the renewal application. In order to be accepted  
 23 for processing, a renewal application must be accompanied by the  
 24 following:

25 (1) The license renewal fee imposed under subsection (d).

26 (2) The licensee's most recent audited financial statements  
 27 covering the licensee's immediately preceding fiscal year, as  
 28 prepared by an independent certified public accountant in  
 29 compliance with the requirements set forth in section 5(d) of this  
 30 chapter. If the licensee's financial statements for the immediately  
 31 preceding fiscal year are not available at the time of renewal, the  
 32 licensee has one hundred twenty (120) days after the end of the  
 33 immediately preceding fiscal year to file the financial statements.

34 (3) All other information and documents requested by the director  
 35 of the department.

36 (g) If the department of state revenue notifies the department that a  
 37 person is on the most recent tax warrant list, the department shall not  
 38 issue or renew the person's license until:

39 (1) the person provides to the department a statement from the  
 40 department of state revenue that the person's tax warrant has been  
 41 satisfied; or

42 (2) the department receives a notice from the commissioner of the



1 department of state revenue under IC 6-8.1-8-2(k).

2 **(h) The national criminal history background check**  
 3 **requirement described in subsection (c) may be satisfied by**  
 4 **fulfilling the components of an expanded criminal history check**  
 5 **under IC 20-26-2-1.5.**

6 SECTION 33. IC 28-7-5-4, AS AMENDED BY P.L.159-2017,  
 7 SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 8 JULY 1, 2018]: Sec. 4. (a) Application for a pawnbroker's license shall  
 9 be submitted on a form prescribed by the director and must include all  
 10 information required by the director. An application submitted under  
 11 this section must identify the location or locations at which the  
 12 applicant proposes to engage in business as a pawnbroker in Indiana.

13 (b) An application submitted under this section must indicate  
 14 whether any individual described in section 8(a)(2) or 8(a)(3) of this  
 15 chapter at the time of the application:

- 16 (1) is under indictment for a felony under the laws of Indiana or  
 17 any other jurisdiction; or  
 18 (2) has been convicted of a felony under the laws of Indiana or  
 19 any other jurisdiction.

20 (c) The director may request that the applicant provide evidence of  
 21 compliance with this section at:

- 22 (1) the time of application;  
 23 (2) the time of renewal of a license; or  
 24 (3) any other time considered necessary by the director.

25 (d) For purposes of subsection (c), evidence of compliance with this  
 26 section may include:

- 27 (1) criminal background checks, including a national criminal  
 28 history background check (as defined in IC 10-13-3-12) by the  
 29 Federal Bureau of Investigation for any individual described in  
 30 subsection (b);  
 31 (2) credit histories; and  
 32 (3) other background checks considered necessary by the director.

33 If the director requests a national criminal history background check  
 34 under subdivision (1) for an individual described in that subdivision,  
 35 the director shall require the individual to submit fingerprints to the  
 36 department or to the state police department, ~~as appropriate,~~ **if**  
 37 **required,** at the time evidence of compliance is requested under  
 38 subsection (c). The individual to whom the request is made shall pay  
 39 any fees or costs associated with the fingerprints and the national  
 40 criminal history background check. The national criminal history  
 41 background check may be used by the director to determine the  
 42 individual's compliance with this section. The director or the



1 department may not release the results of the national criminal history  
2 background check to any private entity.

3 **(e) The national criminal history background check**  
4 **requirement described in subsection (d) may be satisfied by**  
5 **fulfilling the components of an expanded criminal history check**  
6 **under IC 20-26-2-1.5.**

7 SECTION 34. IC 28-8-4-20, AS AMENDED BY P.L.216-2013,  
8 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
9 JULY 1, 2018]: Sec. 20. (a) A person may not engage in the business  
10 of money transmission:

11 (1) from a place of business in Indiana; or

12 (2) with a consumer who is a resident of Indiana and who enters  
13 into the transaction in Indiana;

14 without a license required by this chapter.

15 (b) An application for a license must be:

16 (1) submitted on a form prescribed by the director and must  
17 include the information required by the director; and

18 (2) accompanied by a nonrefundable application fee as fixed by  
19 the department under IC 28-11-3-5.

20 (c) An application submitted under this section must indicate  
21 whether any individuals described in section 35(b)(2) or 35(b)(3) of  
22 this chapter have been convicted of a felony under the laws of Indiana  
23 or any other jurisdiction.

24 (d) The director may request evidence of compliance with this  
25 section at:

26 (1) the time of application;

27 (2) the time of renewal of a license; or

28 (3) any other time considered necessary by the director.

29 (e) For purposes of subsection (d), evidence of compliance may  
30 include:

31 (1) criminal background checks, including a national criminal  
32 history background check (as defined in IC 10-13-3-12) by the  
33 Federal Bureau of Investigation for an individual described in  
34 section 35(b)(2) or 35(b)(3) of this chapter;

35 (2) credit histories; and

36 (3) other background checks considered necessary by the director.

37 If the director requests a national criminal history background check  
38 under subdivision (1) for an individual described in that subdivision,  
39 the director shall require the individual to submit fingerprints to the  
40 department or to the state police department, ~~as appropriate,~~ **if**  
41 **required**, at the time evidence of compliance is requested under  
42 subsection (d). The individual to whom the request is made shall pay



1 any fees or costs associated with the fingerprints and the national  
 2 criminal history background check. The national criminal history  
 3 background check may be used by the director to determine the  
 4 individual's compliance with this section. The director or the  
 5 department may not release the results of the national criminal history  
 6 background check to any private entity.

7 (f) If the department of state revenue notifies the department that a  
 8 person is on the most recent tax warrant list, the department shall not  
 9 issue or renew the person's license until:

10 (1) the person provides to the department a statement from the  
 11 department of state revenue that the person's tax warrant has been  
 12 satisfied; or

13 (2) the department receives a notice from the commissioner of the  
 14 department of state revenue under IC 6-8.1-8-2(k).

15 **(g) The national criminal history background check**  
 16 **requirement described in subsection (e) may be satisfied by**  
 17 **fulfilling the components of an expanded criminal history check**  
 18 **under IC 20-26-2-1.5.**

19 SECTION 35. IC 28-8-5-12, AS AMENDED BY P.L.35-2010,  
 20 SECTION 186, IS AMENDED TO READ AS FOLLOWS  
 21 [EFFECTIVE JULY 1, 2018]: Sec. 12. (a) The department shall  
 22 determine the financial responsibility, business experience, character,  
 23 and general fitness of the applicant before issuing the license.

24 (b) The department may refuse to issue a license for any of the  
 25 following reasons:

26 (1) Any of the following has been convicted of a felony under the  
 27 laws of Indiana or any other jurisdiction:

28 (A) An executive officer, director, or manager of the applicant,  
 29 or any other individual having a similar status or performing  
 30 a similar function for the applicant.

31 (B) Any person directly or indirectly owning of record or  
 32 owning beneficially at least ten percent (10%) of the  
 33 outstanding shares of any class of equity security of the  
 34 applicant.

35 (2) The application was submitted for the benefit of, or on behalf  
 36 of, a person who does not qualify for a license.

37 (c) The director of the department may request evidence of  
 38 compliance with this section by the licensee at:

39 (1) the time of application;

40 (2) the time of renewal of the licensee's license; or

41 (3) any other time considered necessary by the director.

42 (d) For purposes of subsection (c), evidence of compliance may



1 include:

- 2 (1) criminal background checks, including a national criminal  
 3 history background check (as defined in IC 10-13-3-12) by the  
 4 Federal Bureau of Investigation for any individual described in  
 5 subsection (b)(1);  
 6 (2) credit histories; and  
 7 (3) other background checks considered necessary by the director.

8 If the director requests a national criminal history background check  
 9 under subdivision (1) for an individual described in that subdivision,  
 10 the director shall require the individual to submit fingerprints to the  
 11 department or to the state police department, ~~as appropriate~~, **if**  
 12 **required**, at the time evidence of compliance is requested under  
 13 subsection (c). The individual to whom the request is made shall pay  
 14 any fees or costs associated with the fingerprints and the national  
 15 criminal history background check. The national criminal history  
 16 background check may be used by the director to determine the  
 17 individual's compliance with this section. The director or the  
 18 department may not release the results of the national criminal history  
 19 background check to any private entity.

20 **(e) The national criminal history background check**  
 21 **requirement described in subsection (d) may be satisfied by**  
 22 **fulfilling the components of an expanded criminal history check**  
 23 **under IC 20-26-2-1.5.**

24 SECTION 36. IC 28-11-5-4.5, AS AMENDED BY P.L.90-2008,  
 25 SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 26 JULY 1, 2018]: Sec. 4.5. (a) To obtain additional information for the  
 27 purposes of section 4 of this chapter, the director may require:

- 28 (1) criminal background checks, including a national criminal  
 29 history background check (as defined in IC 10-13-3-12) by the  
 30 Federal Bureau of Investigation;  
 31 (2) credit histories; and  
 32 (3) other background checks considered necessary by the director;  
 33 for any incorporator, director, principal shareholder, or officer of a  
 34 proposed financial institution.

35 (b) If the director requests a national criminal history background  
 36 check under subsection (a) for any individual described in subsection  
 37 (a), the director shall require the individual to submit fingerprints to the  
 38 department or to the state police department, ~~as appropriate~~, **if**  
 39 **required**. The individual to whom the request is made shall pay any  
 40 fees or costs associated with the fingerprints and the national criminal  
 41 history background check. A national criminal history background  
 42 check conducted under subsection (a) may be used by the department



- 1 to:
- 2 (1) conduct an investigation under section 4(a)(1) or 4(a)(2) of
- 3 this chapter; or
- 4 (2) disapprove an application under section 4(b)(2) of this
- 5 chapter.
- 6 The director or the department may not release the results of the
- 7 national criminal history background check to any private entity.
- 8 **(c) The national criminal history background check**
- 9 **requirement described in subsection (b) may be satisfied by**
- 10 **fulfilling the components of an expanded criminal history check**
- 11 **under IC 20-26-2-1.5.**

