

HOUSE BILL No. 1091

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-2-6-3; IC 35-31.5-2; IC 35-40.5-4-3; IC 35-42-3.5-5.

Synopsis: Sex offenses and human trafficking hotline notice. Requires certain businesses to post a notice with human trafficking hotline information in each public restroom of the business and in a conspicuous place near the public entrance or in another conspicuous location of the business in clear view of the public and employees where similar notices are customarily posted. Provides that a business owner who fails to comply with the human trafficking hotline notice requirement commits a Class C misdemeanor. Requires the Indiana criminal justice institute to administer the human trafficking hotline notice requirement. Requires every governmental entity, on the home page of its web site, to provide an identified hyperlink to the model human trafficking hotline notice that is on the Indiana criminal justice institute's web site. Provides that when a person seeking treatment as a victim arrives at an examination facility, the provider shall comply with certain requirements prior to commencing a forensic medical examination.

Effective: July 1, 2022.

Olthoff, Schaibley

January 4, 2022, read first time and referred to Committee on Courts and Criminal Code.



Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

HOUSE BILL No. 1091

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

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

- 1 SECTION 1. IC 5-2-6-3, AS AMENDED BY P.L.217-2021,
- 2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2022]: Sec. 3. The institute is established to do the following:
- 4 (1) Evaluate state and local programs associated with:
- 5 (A) the prevention, detection, and solution of criminal
- 6 offenses;
- 7 (B) law enforcement; and
- 8 (C) the administration of criminal and juvenile justice.
- 9 (2) Participate in statewide collaborative efforts to improve all
- 10 aspects of law enforcement, juvenile justice, and criminal justice
- 11 in this state.
- 12 (3) Stimulate criminal and juvenile justice research.
- 13 (4) Develop new methods for the prevention and reduction of
- 14 crime.
- 15 (5) Prepare applications for funds under the Omnibus Act and the
- 16 Juvenile Justice Act.
- 17 (6) Administer victim and witness assistance funds.



- 1 (7) Administer the traffic safety functions assigned to the institute
 2 under IC 9-27-2.
- 3 (8) Compile and analyze information and disseminate the
 4 information to persons who make criminal justice decisions in this
 5 state.
- 6 (9) Serve as the criminal justice statistical analysis center for this
 7 state.
- 8 (10) Identify grants and other funds that can be used by the
 9 department of correction to carry out its responsibilities
 10 concerning sex or violent offender registration under IC 11-8-8.
- 11 (11) Administer the application and approval process for
 12 designating an area of a consolidated or second class city as a
 13 public safety improvement area under IC 36-8-19.5.
- 14 (12) Administer funds for the support of any sexual offense
 15 services.
- 16 (13) Administer funds for the support of domestic violence
 17 programs.
- 18 (14) Administer funds to support assistance to victims of human
 19 sexual trafficking offenses as provided in IC 35-42-3.5-4.
- 20 (15) Administer the domestic violence prevention and treatment
 21 fund under IC 5-2-6.7.
- 22 (16) Administer the family violence and victim assistance fund
 23 under IC 5-2-6.8.
- 24 (17) Monitor and evaluate criminal code reform under
 25 IC 5-2-6-24.
- 26 ~~(18) Administer the enhanced enforcement drug mitigation area~~
 27 ~~fund and pilot program established under IC 5-2-11.5.~~
- 28 ~~(19)~~ (18) Administer the ignition interlock inspection account
 29 established under IC 9-30-8-7.
- 30 ~~(20)~~ (19) Identify any federal, state, or local grants that can be
 31 used to assist in the funding and operation of regional holding
 32 facilities under IC 11-12-6.5.
- 33 ~~(21)~~ (20) Coordinate with state and local criminal justice agencies
 34 for the collection and transfer of data from sheriffs concerning
 35 jail:
 36 (A) populations; and
 37 (B) statistics;
 38 for the purpose of providing jail data to the management
 39 performance hub established by IC 4-3-26-8.
- 40 ~~(22)~~ (21) Establish and administer the Indiana crime guns task
 41 force fund under IC 36-8-25.5-8.
- 42 ~~(22) Administer the human trafficking hotline notice~~



- 1 **established under IC 35-42-3.5-5.**
- 2 SECTION 2. IC 35-31.5-2-25.5 IS ADDED TO THE INDIANA
- 3 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 4 [EFFECTIVE JULY 1, 2022]: **Sec. 25.5. "Bar", for purposes of**
- 5 **IC 35-42-3.5, has the meaning set forth in IC 35-42-3.5-5.**
- 6 SECTION 3. IC 35-31.5-2-84.5 IS ADDED TO THE INDIANA
- 7 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 8 [EFFECTIVE JULY 1, 2022]: **Sec. 84.5. "Day hauler", for purposes**
- 9 **of IC 35-42-3.5, has the meaning set forth in IC 35-42-3.5-5.**
- 10 SECTION 4. IC 35-31.5-2-128.5 IS ADDED TO THE INDIANA
- 11 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 12 [EFFECTIVE JULY 1, 2022]: **Sec. 128.5. "Farm labor contractor",**
- 13 **for purposes of IC 35-42-3.5, has the meaning set forth in**
- 14 **IC 35-42-3.5-5.**
- 15 SECTION 5. IC 35-31.5-2-244.8 IS ADDED TO THE INDIANA
- 16 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 17 [EFFECTIVE JULY 1, 2022]: **Sec. 244.8. "Primary airport", for**
- 18 **purposes of IC 35-42-3.5, has the meaning set forth in**
- 19 **IC 35-42-3.5-5.**
- 20 SECTION 6. IC 35-31.5-2-337.8 IS ADDED TO THE INDIANA
- 21 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 22 [EFFECTIVE JULY 1, 2022]: **Sec. 337.8. "Truck stop", for purposes**
- 23 **of IC 35-42-3.5, has the meaning set forth in IC 35-42-3.5-5.**
- 24 SECTION 7. IC 35-40.5-4-3, AS ADDED BY P.L.58-2020,
- 25 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 26 JULY 1, 2022]: **Sec. 3. If a person seeking treatment as a victim**
- 27 **arrives at an examination facility, the provider shall comply with**
- 28 **the following prior to commencing a forensic medical examination:**
- 29 (1) ~~Before a provider commences a forensic medical examination;~~
- 30 ~~or as soon as possible;~~ The provider shall **contact the rape crisis**
- 31 **center to notify a the on call** victim advocate or a victim service
- 32 **provider that a victim has arrived at the examination facility**
- 33 **for an examination.** If a ~~the~~ victim advocate or victim service
- 34 provider is not available, the provider shall notify victims
- 35 assistance or a social worker.
- 36 (2) **Upon arrival of the victim advocate or victim service**
- 37 **provider, or victims assistance or social worker if a victim**
- 38 **advocate or victim service provider is not available, the**
- 39 **provider shall ask if the victim wishes to have the victim**
- 40 **advocate or victim service provider present for the**
- 41 **examination or otherwise available for consultation.**
- 42 SECTION 8. IC 35-42-3.5-5 IS ADDED TO THE INDIANA CODE



1 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
2 1, 2022]: **Sec. 5. (a) The following definitions apply throughout this**
3 **section:**

4 (1) "Bar" means an establishment that is devoted to the
5 serving of alcoholic beverages for consumption by guests on
6 the premises and in which the serving of food is only
7 incidental to the consumption of those beverages. This term
8 includes taverns, nightclubs, cocktail lounges, and cabarets.

9 (2) "Day hauler" means any person who is employed by a
10 farm labor contractor to transport, or who for a fee
11 transports, by motor vehicle, workers to render personal
12 services in connection with the production of any farm
13 products to, for, or under the direction of a third person. This
14 term does not include a person who produces agricultural
15 products (as defined in IC 15-12-1-3).

16 (3) "Farm labor contractor" means any person who, for a fee,
17 employs workers to render personal services in connection
18 with the production of any farm products to, for, or under the
19 direction of a third person, or who recruits, solicits, supplies,
20 or hires workers on behalf of an employer engaged in the
21 growing or producing of farm products, and who, for a fee,
22 provides in connection one (1) or more of the following
23 services:

24 (A) Furnishes board, lodging, or transportation for the
25 workers.

26 (B) Supervises, times, checks, counts, weighs, or otherwise
27 directs or measures the workers' work.

28 (C) Disburses wage payments to the workers.

29 This term does not include a person who produces
30 agricultural products.

31 (4) "Primary airport" means a commercial service airport
32 that has more than ten thousand (10,000) passenger boardings
33 each year.

34 (5) "Truck stop" means a privately owned and operated
35 facility that provides food, fuel, shower, or other sanitary
36 facilities, and lawful overnight truck parking.

37 (b) The following businesses (as defined in IC 34-6-2-17) shall
38 post the notice described in subsection (c), or a substantially
39 similar notice, in English, Spanish, and any other language deemed
40 appropriate by the executive director of the Indiana criminal
41 justice institute established by IC 5-2-6-3 in each public restroom
42 of the business and in a conspicuous place near the public entrance



1 or in another conspicuous location of the business in clear view of
 2 the public and employees where similar notices are customarily
 3 posted:

4 (1) An adult entertainment establishment (as defined in
 5 IC 12-7-2-1.8).

6 (2) A bar.

7 (3) A primary airport.

8 (4) A passenger rail or a light rail station.

9 (5) A bus station.

10 (6) A truck stop.

11 (7) An emergency room within a general acute care hospital.

12 (8) An urgent care center.

13 (9) An establishment of a farm labor contractor or day hauler.

14 (10) A privately operated job recruitment center.

15 (11) A safety rest area located along an interstate highway.

16 (12) A hotel (as defined in IC 7.1-1-3-19).

17 (13) Businesses and establishments that offer massage or
 18 bodywork services by a person who is not a licensed massage
 19 therapist (as defined in IC 25-21.8-1-5).

20 (14) A government building owned or leased by a
 21 governmental entity. However, in the case of leased property,
 22 this subdivision shall only apply to public restrooms that are
 23 a part of such lease for exclusive use by the governmental
 24 entity.

25 (c) The Indiana criminal justice institute shall, in conjunction
 26 with both an active state sexual assault and human trafficking
 27 coalition and a national human trafficking nonprofit organization,
 28 develop a model notice that is available for download from its
 29 Internet web site. The notice shall be at least eight and one-half (8
 30 1/2) by eleven (11) inches in size and printed in sixteen (16) point
 31 font in English, Spanish, and any other language deemed
 32 appropriate by the executive director of the Indiana criminal
 33 justice institute. The model notice shall provide information giving
 34 individuals a method to contact a local, state, or national human
 35 trafficking hotline telephone number that provides support
 36 twenty-four (24) hours a day, seven (7) days a week.

37 (d) Each governmental entity shall, on the home page of its
 38 Internet web site, provide an identified hyperlink to the model
 39 notice that is on the Indiana criminal justice institute's Internet
 40 web site as provided in subsection (c).

41 (e) This subsection does not apply to a governmental entity. If
 42 a business owner has failed to comply with the requirements in this



1 **section, a law enforcement officer shall notify the business owner,**
2 **in writing, that the business has failed to comply and the business**
3 **must comply not later than thirty (30) days from the date of receipt**
4 **of the notice. A business owner who knowingly or intentionally fails**
5 **to comply with the requirements under this section commits a**
6 **Class C misdemeanor. However, the offense is a Class B**
7 **misdemeanor if the business owner has a prior unrelated**
8 **conviction under this section.**

