

HOUSE BILL No. 1107

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-8-2-19; IC 3-10-8-4; IC 5-14-8; IC 34-30-2.1; IC 36-1-8.5.

Synopsis: Restricted addresses. Requires a public agency that operates a public website data base containing the names and addresses of property owners to establish a procedure to permit certain individuals to restrict disclosure to the general public of the individual's home address. (Under current law, this requirement applies only to certain political subdivisions.) Provides that such a data base includes geographic information systems (GIS). Repeals superseded statutes.

Effective: July 1, 2023.

Lindauer

January 10, 2023, read first time and referred to Committee on Government and Regulatory Reform.



First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

HOUSE BILL No. 1107

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

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

1 SECTION 1. IC 3-8-2-19, AS AMENDED BY P.L.109-2021,
2 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2023]: Sec. 19. (a) Upon receipt of the certified list under
4 section 17 of this chapter, a county election board shall immediately
5 compile under the proper political party designation the following:
6 (1) The title of each office.
7 (2) The name of each individual who has filed a request to be
8 placed on the presidential primary ballot.
9 (3) The names and addresses of all persons for whom declarations
10 of candidacy have been filed for nomination to an office on the
11 primary election ballot, except for an individual with a restricted
12 address under ~~IC 36-1-8.5~~. **IC 5-14-8.**
13 (4) The text of any public question to be placed on the ballot.
14 (5) The date of the primary election.
15 (6) The hours during which the polls will be open.
16 (7) The dates, times, and locations of voting at the circuit court
17 clerk's office and at satellite offices under IC 3-11-10-26.



1 (b) The county election board shall do the following:

2 (1) Publish the information described in subsection (a) before the
3 primary election in accordance with IC 5-3-1.

4 (2) File a copy of the information described in subsection (a):

5 (A) with the election division; and

6 (B) in the minutes of the county election board.

7 (c) The county election board shall file the copies required under
8 subsection (b)(2) not later than noon ten (10) days before election day.

9 (d) An election is not invalidated by the failure of the board to
10 comply with this section.

11 (e) If the county election board receives an amendment from the
12 election division under section 17 of this chapter after:

13 (1) compilation of the information described in subsection (a) has
14 occurred; or

15 (2) the board determines that it is impractical to recompile
16 completely revised information;

17 the board is only required to file a copy of the amendment with the
18 minutes of the board.

19 SECTION 2. IC 3-10-8-4, AS AMENDED BY P.L.109-2021,
20 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 JULY 1, 2023]: Sec. 4. (a) Each circuit court clerk who is required to
22 conduct a special election under Indiana law or receives a writ ordering
23 a special election shall publish in accordance with IC 5-3-1 the
24 following information:

25 (1) Under the proper political party or independent candidate
26 designation:

27 (A) the title of office; and

28 (B) the names and addresses of all candidates who have filed
29 for election to the office, except for an individual with a
30 restricted address under ~~IC 36-1-8.5~~; **IC 5-14-8**;

31 if an elected office will be on the ballot at the special election.

32 (2) The text of any public question to be submitted to the voters.

33 (3) The date of the election.

34 (4) The hours during which the polls will be open.

35 (5) The dates, times, and locations of voting at the circuit court
36 clerk's office and at satellite offices under IC 3-11-10-26.

37 (b) The county election board or town election board shall file a
38 notice of a special election conducted under this chapter with the
39 election division not later than noon seven (7) days after receiving the
40 writ.

41 SECTION 3. IC 5-14-8 IS ADDED TO THE INDIANA CODE AS
42 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY



1, 2023]:

Chapter 8. Restricted Addresses

Sec. 1. As used in this chapter, "covered person" means any of the following:

- (1) A judge.
- (2) A law enforcement officer.
- (3) A victim of domestic violence.
- (4) A public official.
- (5) The surviving spouse of a person described in subdivision (2), if the person was killed in the line of duty.
- (6) An employee of the department of child services.
- (7) A current or former probation officer.
- (8) A current or former community corrections officer.
- (9) A participant in the address confidentiality program established under IC 5-26.5-2.
- (10) A foster parent (as defined in IC 31-9-2-47).

Sec. 2. As used in this chapter, "employee of the department of child services" means an individual who is or was employed as any of the following by the department of child services established by IC 31-25-1-1:

- (1) A family case manager trainee.
- (2) A family case manager.
- (3) A family case manager supervisor.
- (4) A local office director.
- (5) A regional manager.
- (6) A child services assistant.
- (7) A child services attorney.

Sec. 3. As used in this chapter, "judge" means an individual who holds or formerly held office as any of the following:

- (1) A justice of the supreme court.
- (2) A judge of the court of appeals, tax court, circuit court, superior court, municipal court, county court, federal court, probate court, or small claims court.
- (3) A magistrate, commissioner, or juvenile referee of a court.

Sec. 4. As used in this chapter, "law enforcement officer" means an individual who is employed or was formerly employed as any of the following:

- (1) A police officer (including a tribal police officer and a correctional police officer), sheriff, constable, marshal, prosecuting attorney, special prosecuting attorney, special deputy prosecuting attorney, the securities commissioner, or the inspector general.



1 (2) A deputy of any of the persons specified in subdivision (1).

2 (3) An investigator for a prosecuting attorney or for the
3 inspector general.

4 (4) A conservation officer.

5 (5) An enforcement officer of the alcohol and tobacco
6 commission.

7 (6) An enforcement officer of the securities division of the
8 office of the secretary of state.

9 Sec. 5. As used in this chapter, "public agency" has the meaning
10 set forth in IC 5-14-3-2(q).

11 Sec. 6. As used in this chapter, "public official" means an
12 individual who holds or formerly held office at any time during the
13 preceding four (4) years in the executive or legislative branch of
14 the state or federal government or a political subdivision of the
15 state or federal government.

16 Sec. 7. (a) As used in this chapter, "public property data base
17 website" means a website that satisfies all of the following:

18 (1) The website is available to the general public over the
19 Internet.

20 (2) The website does not require registration, subscription, or
21 the creation of a user name and password to search the
22 website.

23 (3) The website connects a covered person's home address to
24 the covered person's name, so that a search of the website for
25 the covered person's name discloses the covered person's
26 home address.

27 (b) The term includes a geographic information system (GIS).

28 Sec. 8. As used in this chapter, "victim of domestic violence"
29 means a victim of domestic violence who is certified as a program
30 participant in the address confidentiality program established by
31 the attorney general under IC 5-26.5-2.

32 Sec. 9. (a) A covered person who wants to restrict access to the
33 covered person's home address by means of a public property data
34 base website must submit a written request to the public agency
35 that operates the public property data base website.

36 (b) A public agency that operates a public property data base
37 website, directly or through a third party, shall establish a process
38 to prevent a member of the general public from gaining access to
39 the home address of a covered person by means of the public
40 property data base website.

41 (c) In establishing a process under subsection (b), a public
42 agency shall do all of the following:



1 (1) Determine which individual or department of the public
2 agency will receive and process the request.

3 (2) Provide a method under which a covered person is notified
4 of the procedure to be used to restrict or allow disclosure of
5 the home address of the covered person under this chapter.

6 (d) A public agency may charge a covered person a reasonable
7 fee to make a written request under this section.

8 **Sec. 10. (a)** This section applies to a covered person who has
9 submitted a written request under section 9(a) of this chapter.

10 (b) A public agency shall restrict access to the home address of
11 a covered person until the covered person submits a written
12 request to the public agency to allow public access to the person's
13 home address on the public property data base website. The public
14 agency shall take reasonable steps to verify the authenticity of the
15 written request, including requiring the covered person to provide
16 appropriate identification.

17 **Sec. 11. (a)** This section applies to a covered person who:

18 (1) after submitting a state address confidentiality form or
19 written request under section 9(a) of this chapter, obtains a
20 change of name under IC 34-28-2; and

21 (2) notifies the public agency in writing of the name change.

22 (b) The public agency shall prevent a search by the general
23 public of the public property data base website from disclosing or
24 otherwise associating the covered person's home address with the
25 covered person's former name and new name. The public agency
26 may charge a reasonable fee to process a name change under this
27 section.

28 **Sec. 12.** A written request, notification of name change, or any
29 other information submitted to a public agency by a covered
30 person under this chapter is confidential under IC 5-14-3-4(a).

31 **Sec. 13.** A public agency may not be held civilly liable for failure
32 to timely restrict disclosure of an address under this chapter unless
33 the public agency's act or omission constitutes gross negligence or
34 willful or wanton misconduct.

35 SECTION 4. IC 34-30-2.1-47.5 IS ADDED TO THE INDIANA
36 CODE AS A NEW SECTION TO READ AS FOLLOWS
37 [EFFECTIVE JULY 1, 2023]: **Sec. 47.5. IC 5-14-8-13 (Concerning**
38 **a public agency that restricts disclosure of certain addresses).**

39 SECTION 5. IC 34-30-2.1-572 IS REPEALED [EFFECTIVE JULY
40 1, 2023]. ~~Sec. 572: IC 36-1-8.5-12 (Concerning a unit that restricts~~
41 ~~disclosure of certain addresses).~~

42 SECTION 6. IC 36-1-8.5 IS REPEALED [EFFECTIVE JULY 1,



1 2023]. (Restricted Addresses).

