

# HOUSE BILL No. 1184

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 5-2-6.1; IC 5-14-3-2; IC 10-11-2-33; IC 12-26-2-5; IC 16-18-2; IC 16-21-8; IC 34-30-2; IC 35-31.5-2; IC 35-33-15; IC 35-50-5-3; IC 36-2-14-21.

**Synopsis:** Sexual assault victims. Repeals (from Title 16) and replaces (in Title 35) a chapter relating to victims of sexual assault. Specifies that law enforcement officers, providers, or victim advocates shall order medical forensic examinations to be conducted at a sexual assault treatment center (rather than at a general hospital) if practicable. Provides for the establishment of a sexual assault response team (SART) in a county without a SART. Defines "sexual assault forensic examiner" (SAFE) and specifies the duties of a SAFE. Requires SARTs to develop a plan for the treatment of sexual assault crime victims, and specifies certain provisions that must be included in the plan. Makes conforming amendments.

**Effective:** July 1, 2018.

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## Errington

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January 9, 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. 1184

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 5-2-6.1-13, AS AMENDED BY P.L.114-2012,  
2 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2018]: Sec. 13. (a) Subject to subsection (b) and except as  
4 provided in subsection (c), benefits may not be awarded:  
5 (1) if the victim sustained the injury as a result of participating or  
6 assisting in, or attempting to commit or committing a criminal act;  
7 (2) if the injury occurred while the victim was a resident in a  
8 county, city, or federal jail or prison or in an institution operated  
9 by the department of correction;  
10 (3) if the victim profited or would have profited from the criminal  
11 act; or  
12 (4) if, at the time the injury occurred, the victim was intoxicated  
13 and contributed to the commission of an unrelated felony.  
14 (b) If the victim is a dependent child or dependent parent of the  
15 person who commits a violent crime, compensation may be awarded  
16 where justice requires.  
17 (c) Benefits may be awarded to a person described in subsection



1 (a)(4) who is the victim of a sex crime under IC 35-42-4, a **sexual**  
 2 **assault crime (as defined in IC 35-33-15-1), a human trafficking**  
 3 **crime under IC 35-42-3.5**, a crime involving domestic or family  
 4 violence (as defined in IC 35-31.5-2-76), or a crime of domestic  
 5 violence (as defined in IC 35-31.5-2-78).

6 SECTION 2. IC 5-2-6.1-21.1, AS AMENDED BY P.L.113-2014,  
 7 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 8 JULY 1, 2018]: Sec. 21.1. (a) This section applies to claims filed with  
 9 the division after June 30, 2009.

10 (b) This subsection does not apply to reimbursement for forensic  
 11 and evidence gathering services provided under section 39 of this  
 12 chapter.

13 (c) An award may not be made unless the claimant has incurred an  
 14 out-of-pocket loss of at least one hundred dollars (\$100).

15 (d) Subject to subsections (b) and (c), the division may order the  
 16 payment of compensation under this chapter for any of the following:

17 (1) Reasonable expenses incurred within one hundred eighty  
 18 (180) days after the date of the violent crime for necessary:

19 (A) medical, chiropractic, hospital, dental, optometric, and  
 20 ambulance services;

21 (B) prescription drugs; and

22 (C) prosthetic devices;

23 that do not exceed the claimant's out-of-pocket loss.

24 (2) Loss of income:

25 (A) the victim would have earned had the victim not died or  
 26 been injured, if the victim was employed at the time of the  
 27 violent crime; or

28 (B) the parent, guardian, or custodian of a victim who is less  
 29 than eighteen (18) years of age incurred by taking time off  
 30 from work to care for the victim.

31 A claimant seeking reimbursement under this subdivision must  
 32 provide the division with proof of employment and current wages.

33 (3) Reasonable emergency shelter care expenses, not to exceed  
 34 the expenses for thirty (30) days, that are incurred for the claimant  
 35 or a dependent of the claimant to avoid contact with a person who  
 36 committed the violent crime.

37 (4) Reasonable expense incurred for child care, not to exceed one  
 38 thousand dollars (\$1,000), to replace child care the victim would  
 39 have supplied had the victim not died or been injured.

40 (5) Loss of financial support the victim would have supplied to  
 41 legal dependents had the victim not died or been injured.

42 (6) Documented expenses incurred for funeral, burial, or



1 cremation of the victim that do not exceed five thousand dollars  
 2 (\$5,000). The division shall disburse compensation under this  
 3 subdivision in accordance with guidelines adopted by the  
 4 division.

5 (7) Outpatient mental health counseling, not to exceed three  
 6 thousand dollars (\$3,000), concerning mental health issues related  
 7 to the violent crime.

8 (8) Other actual expenses related to bodily injury to or the death  
 9 of the victim that the division determines are reasonable.

10 (e) If a **health care provider (as defined in IC 35-33-15-1)** accepts  
 11 payment from the division under this chapter, the **health care** provider  
 12 may not require the victim to pay a copayment or an additional fee for  
 13 the provision of services.

14 (f) A **health care** provider who seeks compensation from the  
 15 division under this chapter may not simultaneously seek funding for  
 16 services provided to a victim from any other source.

17 (g) The director may extend the one hundred eighty (180) day  
 18 compensation period established by subsection (d)(1) for a period not  
 19 to exceed two (2) years after the date of the violent crime if:

- 20 (1) the victim or the victim's representative requests the  
 21 extension; and  
 22 (2) medical records and other documentation provided by the  
 23 attending **medical** providers indicate that an extension is  
 24 appropriate.

25 (h) The director may extend the one hundred eighty (180) day  
 26 compensation period established by subsection (d)(1) for outpatient  
 27 mental health counseling, established by subsection (d)(7), if the  
 28 victim:

- 29 (1) was allegedly a victim of a sex crime (under IC 35-42-4), a  
 30 **sexual assault crime (as defined in IC 35-33-15-1), a human**  
 31 **trafficking crime (under IC 35-42-3.5),** or incest (under  
 32 IC 35-46-1-3);  
 33 (2) was under eighteen (18) years of age at the time of the alleged  
 34 crime; and  
 35 (3) did not reveal the crime within two (2) years after the date of  
 36 the alleged crime.

37 SECTION 3. IC 5-2-6.1-39, AS AMENDED BY P.L.129-2009,  
 38 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 39 JULY 1, 2018]: Sec. 39. **(a) The following definitions apply**  
 40 **throughout this section:**

- 41 **(1) "Provider" has the meaning set forth in IC 35-33-15-1.**  
 42 **(2) "Sexual assault crime" has the meaning set forth in**



1           **IC 35-33-15-1.**

2           (a) ~~(b)~~ When a ~~hospital~~ **provider** acting under ~~IC 16-21-8~~  
 3 **IC 35-33-15** provides a ~~forensic medical exam~~ **forensic examination**  
 4 to an alleged ~~sex~~ **sexual assault** crime victim, the ~~hospital~~ **provider**  
 5 shall furnish the ~~forensic medical exam~~ **forensic examination**  
 6 described in ~~IC 16-21-8-6~~ **IC 35-33-15-2 and IC 35-33-15-9** without  
 7 charge. The victim services division of the Indiana criminal justice  
 8 institute shall reimburse a ~~hospital~~ **provider** for its costs in providing  
 9 these services and shall adopt rules and procedures to provide for  
 10 reasonable reimbursement. A ~~hospital~~ **provider** may not charge the  
 11 victim for services required under this chapter, despite delays in  
 12 reimbursement from the victim services division of the Indiana  
 13 criminal justice institute.

14           ~~(b)~~ (c) When a ~~hospital~~ **provider** acting under ~~IC 16-21-8~~  
 15 **IC 35-33-15** provides a ~~forensic medical exam~~ **forensic examination**  
 16 to an alleged ~~sex~~ **sexual assault** crime victim, the ~~hospital~~ **provider**  
 17 may also furnish additional **medical** forensic services to the alleged ~~sex~~  
 18 **sexual assault** crime victim. However, the additional **medical** forensic  
 19 services, if furnished, shall be furnished without charge. The victim  
 20 services division of the Indiana criminal justice institute shall  
 21 reimburse a ~~hospital~~ **provider** for its costs in providing these services  
 22 and may adopt rules and procedures to provide for reasonable  
 23 reimbursement. A ~~hospital~~ **provider** may not charge the victim for  
 24 services required under this chapter even if there is a delay in receiving  
 25 reimbursement from the victim services division of the Indiana  
 26 criminal justice institute.

27           (c) Costs incurred by a hospital or other emergency medical facility  
 28 for the examination of the victim of a sex crime (under IC 35-42-4) not  
 29 covered under IC 16-21-8 or incest (under IC 35-46-1-3); if the  
 30 examination is performed for the purposes of gathering evidence for  
 31 possible prosecution; may not be charged to the victim of the crime.

32           (d) When a licensed medical service provider not covered by  
 33 subsection (a) or (b) elects to provide a forensic medical exam to an  
 34 alleged victim of one (1) or more of the sex crimes listed in  
 35 IC 16-21-8-1(b); the medical service provider shall furnish the exam  
 36 without charge. The victim services division of the Indiana criminal  
 37 justice institute shall reimburse a medical service provider for costs in  
 38 providing forensic medical exams. A medical service provider may not  
 39 charge the victim for a forensic medical exam required under this  
 40 chapter even if there is a delay in receiving reimbursement from the  
 41 victim services division of the Indiana criminal justice institute.

42           (e) When a licensed medical service provider not covered by



1 subsection (a) or (b) elects to provide additional forensic services to an  
 2 alleged sex crime victim, the medical service provider shall furnish the  
 3 services without charge. The victim services division of the Indiana  
 4 criminal justice institute shall reimburse a medical service provider for  
 5 costs in providing the additional forensic services. A medical service  
 6 provider may not charge the victim for services required under this  
 7 chapter even if there is a delay in receiving reimbursement from the  
 8 victim services division of the Indiana criminal justice institute.

9 ~~(f)~~ (d) The victim services division of the Indiana criminal justice  
 10 institute is not required to reimburse a medical service provider for  
 11 costs in providing additional **medical** forensic services unless the  
 12 following conditions are met:

13 **(1) The additional medical forensic services relate to a sexual**  
 14 **assault crime that occurred in Indiana.**

15 ~~(+)~~ (2) The victim is:

16 (A) at least eighteen (18) years of age **and not an endangered**  
 17 **adult;**

18 (B) **an endangered adult and a report of the sexual assault**  
 19 **crime has been made to adult protective services or a law**  
 20 **enforcement officer; or**

21 (C) **less than eighteen (18) years of age and a report of the**  
 22 **sexual assault crime has been made to the department of**  
 23 **child services or a law enforcement officer.**

24 (2) If the victim is less than eighteen (18) years of age, a report of  
 25 the sex crime must be made to child protective services or a law  
 26 enforcement officer.

27 ~~(3)~~ The sex crime occurred in Indiana.

28 If the division finds a compelling reason for failure to comply with the  
 29 requirements of this section, the division may suspend the requirements  
 30 of this section.

31 ~~(g)~~ Costs incurred by a licensed medical service provider for the  
 32 examination of the victim of a sex crime (under IC 35-42-4) not  
 33 covered under IC 16-21-8 or incest (under IC 35-46-1-3) may not be  
 34 charged to the victim of the crime if the examination is performed for  
 35 the purposes of gathering evidence for possible prosecution.

36 SECTION 4. IC 5-2-6.1-40 IS AMENDED TO READ AS  
 37 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 40. The violent crime  
 38 victims compensation fund is established as a dedicated fund to  
 39 provide money for the awards provided under this chapter and for  
 40 reimbursements under IC 16-21-8-6. **IC 35-33-15-9.**

41 SECTION 5. IC 5-2-6.1-46 IS AMENDED TO READ AS  
 42 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 46. The division shall



1 adopt rules under IC 4-22-2 governing the computation and payment  
 2 of awards under this chapter and the payment of reimbursements under  
 3 ~~IC 16-21-8-6.~~ **IC 35-33-15-9.**

4 SECTION 6. IC 5-2-6.1-49, AS ADDED BY P.L.41-2007,  
 5 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6 JULY 1, 2018]: Sec. 49. (a) The secured storage fund is established as  
 7 a dedicated fund to provide money to assist counties to pay expenses  
 8 for the secured storage **and testing of samples medical forensic**  
 9 **evidence** from ~~forensic~~ medical **forensic** examinations of alleged ~~sex~~  
 10 **sexual assault** crime victims.

11 (b) The division shall administer the secured storage fund.

12 (c) The institute shall identify grants and other funds that can be  
 13 used to fund the secured storage **and testing of samples from forensic**  
 14 **sexual assault kits and sexual assault evidence from** medical  
 15 **forensic** examinations of ~~alleged sex~~ **sexual assault** crime victims.

16 (d) The division may accept any gifts or donations to the secured  
 17 storage fund.

18 (e) Money in the secured storage fund at the end of a state fiscal  
 19 year does not revert to the state general fund.

20 SECTION 7. IC 5-14-3-2, AS AMENDED BY P.L.85-2017,  
 21 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 22 JULY 1, 2018]: Sec. 2. (a) The definitions set forth in this section apply  
 23 throughout this chapter.

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

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

- 30 (1) the identification of; and  
 31 (2) the criminal activity engaged in by;

32 an individual who or organization that is reasonably suspected of  
 33 involvement in criminal activity.

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

- 36 (1) the initial development of a program, if any;  
 37 (2) the labor required to retrieve electronically stored data; and  
 38 (3) any medium used for electronic output;

39 for providing a duplicate of electronically stored data onto a disk, tape,  
 40 drum, or other medium of electronic data retrieval under section 8(g)  
 41 of this chapter, or for reprogramming a computer system under section  
 42 6(c) of this chapter.



- 1 (e) "Electronic map" means copyrighted data provided by a public  
 2 agency from an electronic geographic information system.
- 3 (f) "Enhanced access" means the inspection of a public record by a  
 4 person other than a governmental entity and that:
- 5 (1) is by means of an electronic device other than an electronic  
 6 device provided by a public agency in the office of the public  
 7 agency; or
- 8 (2) requires the compilation or creation of a list or report that does  
 9 not result in the permanent electronic storage of the information.
- 10 (g) "Facsimile machine" means a machine that electronically  
 11 transmits exact images through connection with a telephone network.
- 12 (h) "Inspect" includes the right to do the following:
- 13 (1) Manually transcribe and make notes, abstracts, or memoranda.  
 14 (2) In the case of tape recordings or other aural public records, to  
 15 listen and manually transcribe or duplicate, or make notes,  
 16 abstracts, or other memoranda from them.
- 17 (3) In the case of public records available:
- 18 (A) by enhanced access under section 3.5 of this chapter; or  
 19 (B) to a governmental entity under section 3(c)(2) of this  
 20 chapter;
- 21 to examine and copy the public records by use of an electronic  
 22 device.
- 23 (4) In the case of electronically stored data, to manually transcribe  
 24 and make notes, abstracts, or memoranda or to duplicate the data  
 25 onto a disk, tape, drum, or any other medium of electronic  
 26 storage.
- 27 (i) "Investigatory record" means information compiled in the course  
 28 of the investigation of a crime.
- 29 (j) "Law enforcement activity" means:
- 30 (1) a traffic stop;  
 31 (2) a pedestrian stop;  
 32 (3) an arrest;  
 33 (4) a search;  
 34 (5) an investigation;  
 35 (6) a pursuit;  
 36 (7) crowd control;  
 37 (8) traffic control; or  
 38 (9) any other instance in which a law enforcement officer is  
 39 enforcing the law.
- 40 The term does not include an administrative activity, including the  
 41 completion of paperwork related to a law enforcement activity, or a  
 42 custodial interrogation conducted in a place of detention as described





1 in Indiana Evidence Rule 617, regardless of the ultimate admissibility  
2 of a statement made during the custodial interrogation.

3 (k) "Law enforcement recording" means an audio, visual, or  
4 audiovisual recording of a law enforcement activity captured by a  
5 camera or other device that is:

6 (1) provided to or used by a law enforcement officer in the scope  
7 of the officer's duties; and

8 (2) designed to be worn by a law enforcement officer or attached  
9 to the vehicle or transportation of a law enforcement officer.

10 (l) "Offender" means a person confined in a penal institution as the  
11 result of the conviction for a crime.

12 (m) "Patient" has the meaning set out in IC 16-18-2-272(d).

13 (n) "Person" means an individual, a corporation, a limited liability  
14 company, a partnership, an unincorporated association, or a  
15 governmental entity.

16 (o) "Private university police department" means the police officers  
17 appointed by the governing board of a private university under  
18 IC 21-17-5.

19 (p) "Provider" has the meaning set out in ~~IC 16-18-2-295(b)~~  
20 **IC 16-18-2-295(a)** and includes employees of the state department of  
21 health or local boards of health who create patient records at the  
22 request of another provider or who are social workers and create  
23 records concerning the family background of children who may need  
24 assistance.

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

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

31 (2) Any:

32 (A) county, township, school corporation, city, or town, or any  
33 board, commission, department, division, bureau, committee,  
34 office, instrumentality, or authority of any county, township,  
35 school corporation, city, or town;

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

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

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

42 (A) budget review by either the department of local



- 1 government finance or the governing body of a county, city,  
 2 town, township, or school corporation; or  
 3 (B) an audit by the state board of accounts that is required by  
 4 statute, rule, or regulation.
- 5 (4) Any building corporation of a political subdivision that issues  
 6 bonds for the purpose of constructing public facilities.
- 7 (5) Any advisory commission, committee, or body created by  
 8 statute, ordinance, or executive order to advise the governing  
 9 body of a public agency, except medical staffs or the committees  
 10 of any such staff.
- 11 (6) Any law enforcement agency, which means an agency or a  
 12 department of any level of government that engages in the  
 13 investigation, apprehension, arrest, or prosecution of alleged  
 14 criminal offenders, such as the state police department, the police  
 15 or sheriff's department of a political subdivision, prosecuting  
 16 attorneys, members of the excise police division of the alcohol  
 17 and tobacco commission, conservation officers of the department  
 18 of natural resources, gaming agents of the Indiana gaming  
 19 commission, gaming control officers of the Indiana gaming  
 20 commission, and the security division of the state lottery  
 21 commission.
- 22 (7) Any license branch operated under IC 9-14.1.
- 23 (8) The state lottery commission established by IC 4-30-3-1,  
 24 including any department, division, or office of the commission.
- 25 (9) The Indiana gaming commission established under IC 4-33,  
 26 including any department, division, or office of the commission.
- 27 (10) The Indiana horse racing commission established by IC 4-31,  
 28 including any department, division, or office of the commission.
- 29 (11) A private university police department. The term does not  
 30 include the governing board of a private university or any other  
 31 department, division, board, entity, or office of a private  
 32 university.
- 33 (r) "Public record" means any writing, paper, report, study, map,  
 34 photograph, book, card, tape recording, or other material that is  
 35 created, received, retained, maintained, or filed by or with a public  
 36 agency and which is generated on paper, paper substitutes,  
 37 photographic media, chemically based media, magnetic or machine  
 38 readable media, electronically stored data, or any other material,  
 39 regardless of form or characteristics.
- 40 (s) "Standard-sized documents" includes all documents that can be  
 41 mechanically reproduced (without mechanical reduction) on paper  
 42 sized eight and one-half (8 1/2) inches by eleven (11) inches or eight



1 and one-half (8 1/2) inches by fourteen (14) inches.

2 (t) "Trade secret" has the meaning set forth in IC 24-2-3-2.

3 (u) "Work product of an attorney" means information compiled by  
4 an attorney in reasonable anticipation of litigation. The term includes  
5 the attorney's:

6 (1) notes and statements taken during interviews of prospective  
7 witnesses; and

8 (2) legal research or records, correspondence, reports, or  
9 memoranda to the extent that each contains the attorney's  
10 opinions, theories, or conclusions.

11 This definition does not restrict the application of any exception under  
12 section 4 of this chapter.

13 SECTION 8. IC 10-11-2-33, AS ADDED BY P.L.161-2014,  
14 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
15 JULY 1, 2018]: Sec. 33. (a) The superintendent shall adopt guidelines  
16 to establish a standard medical forensic examination kit for victims of  
17 a sex crime.

18 (b) The superintendent shall distribute the standard medical forensic  
19 examination kits to hospitals and other health care providers who may  
20 provide forensic medical forensic examinations to the victims of a sex  
21 crime. The superintendent may adopt guidelines to carry out this  
22 subsection.

23 SECTION 9. IC 12-26-2-5, AS AMENDED BY P.L.1-2007,  
24 SECTION 126, IS AMENDED TO READ AS FOLLOWS  
25 [EFFECTIVE JULY 1, 2018]: Sec. 5. (a) This section applies under the  
26 following statutes:

27 (1) IC 12-26-6.

28 (2) IC 12-26-7.

29 (3) IC 12-26-12.

30 (4) IC 12-26-15.

31 (b) A petitioner may be represented by counsel.

32 (c) The court may appoint counsel for a petitioner upon a showing  
33 of the petitioner's indigency and the court shall pay for such counsel if  
34 appointed.

35 (d) A petitioner, including a petitioner who is a health care provider  
36 under ~~IC 16-18-2-295(b)~~, **IC 16-18-2-295(a)**, in the petitioner's  
37 individual capacity or as a corporation is not required to be represented  
38 by counsel. If a petitioner who is a corporation elects not to be  
39 represented by counsel, the individual representing the corporation at  
40 the commitment hearing must present the court with written  
41 authorization from:

42 (1) an officer;



- 1 (2) a director;
- 2 (3) a principal; or
- 3 (4) a manager;
- 4 of the corporation that authorizes the individual to represent the interest
- 5 of the corporation in the proceedings.

6 (e) The petitioner is required to prove by clear and convincing  
7 evidence that:

- 8 (1) the individual is mentally ill and either dangerous or gravely
- 9 disabled; and
- 10 (2) detention or commitment of that individual is appropriate.

11 SECTION 10. IC 16-18-2-1.8 IS REPEALED [EFFECTIVE JULY  
12 1, 2018]. Sec. 1:8. "Additional forensic services", for purposes of  
13 IC 16-21-8, means the following:

- 14 (1) Initial pregnancy and sexually transmitted disease testing
- 15 related to an alleged sex crime:
- 16 (2) Prophylactic medication related to pregnancy, pregnancy
- 17 testing, or sexually transmitted disease testing. This subdivision
- 18 includes HIV prophylactic medication.
- 19 (3) Alcohol and drug testing:
- 20 (4) Syphilis testing up to ninety (90) days after an alleged sex
- 21 crime:
- 22 (5) Pregnancy testing up to thirty (30) days after an alleged sex
- 23 crime:
- 24 (6) Mental health counseling concerning problems directly related
- 25 to an alleged sex crime:

26 SECTION 11. IC 16-18-2-97, AS AMENDED BY P.L.161-2014,  
27 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
28 JULY 1, 2018]: Sec. 97. "Division" means the following:

- 29 (1) For purposes of IC 16-21-8, the meaning set forth in
- 30 IC 16-21-8-0.2:
- 31 (2) (1) For purposes of IC 16-22-8, the meaning set forth in
- 32 IC 16-22-8-3.
- 33 (3) (2) For purposes of IC 16-27, a group of individuals under the
- 34 supervision of the director within the state department assigned
- 35 the responsibility of implementing IC 16-27.
- 36 (4) (3) For purposes of IC 16-28, a group of individuals under the
- 37 supervision of the director within the state department assigned
- 38 the responsibility of implementing IC 16-28.
- 39 (5) (4) For purposes of IC 16-41-40, the division of family
- 40 resources established by IC 12-13-1-1.

41 SECTION 12. IC 16-18-2-117.5 IS REPEALED [EFFECTIVE  
42 JULY 1, 2018]. Sec. 117.5. "Evidence", for purposes of IC 16-21-8, has



1 the meaning set forth in IC 16-21-8-0.2.

2 SECTION 13. IC 16-18-2-139.5 IS REPEALED [EFFECTIVE  
3 JULY 1, 2018]. Sec. 139.5: "Forensic medical exam", for purposes of  
4 IC 16-21-8, means the following:

5 (1) Appropriate procedures for acquiring evidence that may be  
6 used in a criminal proceeding against a person charged with a sex  
7 crime.

8 (2) Suturing and care of wounds that stem directly from the sex  
9 crime, including anesthesia and prescribed medication.

10 SECTION 14. IC 16-18-2-295, AS AMENDED BY P.L.161-2014,  
11 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
12 JULY 1, 2018]: Sec. 295. (a) "Provider", for purposes of IC 16-21-8,  
13 has the meaning set forth in IC 16-21-8-0.2.

14 (b) (a) "Provider", for purposes of IC 16-38-5, IC 16-39 (except for  
15 IC 16-39-7), and IC 16-41-1 through IC 16-41-9, means any of the  
16 following:

17 (1) An individual (other than an individual who is an employee or  
18 a contractor of a hospital, a facility, or an agency described in  
19 subdivision (2) or (3)) who is licensed, registered, or certified as  
20 a health care professional, including the following:

- 21 (A) A physician.
- 22 (B) A psychotherapist.
- 23 (C) A dentist.
- 24 (D) A registered nurse.
- 25 (E) A licensed practical nurse.
- 26 (F) An optometrist.
- 27 (G) A podiatrist.
- 28 (H) A chiropractor.
- 29 (I) A physical therapist.
- 30 (J) A psychologist.
- 31 (K) An audiologist.
- 32 (L) A speech-language pathologist.
- 33 (M) A dietitian.
- 34 (N) An occupational therapist.
- 35 (O) A respiratory therapist.
- 36 (P) A pharmacist.
- 37 (Q) A sexual assault nurse examiner.

38 **(R) A sexual assault forensic examiner.**

39 (2) A hospital or facility licensed under IC 16-21-2 or IC 12-25 or  
40 described in IC 12-24-1 or IC 12-29.

41 (3) A health facility licensed under IC 16-28-2.

42 (4) A home health agency licensed under IC 16-27-1.



1 (5) An employer of a certified emergency medical technician, a  
 2 certified advanced emergency medical technician, or a licensed  
 3 paramedic.

4 (6) The state department or a local health department or an  
 5 employee, agent, designee, or contractor of the state department  
 6 or local health department.

7 **(7) A sexual assault treatment center.**

8 ~~(e)~~ **(b)** "Provider", for purposes of IC 16-39-7-1, has the meaning set  
 9 forth in IC 16-39-7-1(a).

10 ~~(d)~~ **(c)** "Provider", for purposes of IC 16-48-1, has the meaning set  
 11 forth in IC 16-48-1-3.

12 SECTION 15. IC 16-18-2-321.5 IS REPEALED [EFFECTIVE  
 13 JULY 1, 2018]. ~~Sec. 321.5: "Sample"; for purposes of IC 16-21-8; has~~  
 14 ~~the meaning set forth in IC 16-21-8-0.2.~~

15 SECTION 16. IC 16-18-2-326.5 IS REPEALED [EFFECTIVE  
 16 JULY 1, 2018]. ~~Sec. 326.5: "Secured storage"; for purposes of~~  
 17 ~~IC 16-21-8; has the meaning set forth in IC 16-21-8-0.2.~~

18 SECTION 17. IC 16-18-2-328.3 IS REPEALED [EFFECTIVE  
 19 JULY 1, 2018]. ~~Sec. 328.3: "Sexual assault examination kit"; for~~  
 20 ~~purposes of IC 16-21-8; has the meaning set forth in IC 16-21-8-0.2.~~

21 SECTION 18. IC 16-18-2-328.4 IS REPEALED [EFFECTIVE  
 22 JULY 1, 2018]. ~~Sec. 328.4: "Sexual assault nurse examiner"; for~~  
 23 ~~purposes of IC 16-21-8; has the meaning set forth in IC 16-21-8-0.2.~~

24 SECTION 19. IC 16-21-8 IS REPEALED [EFFECTIVE JULY 1,  
 25 2018]. (Emergency Services to Sex Crime Victims).

26 SECTION 20. IC 34-30-2-66.3 IS REPEALED [EFFECTIVE JULY  
 27 1, 2018]. ~~Sec. 66.3: IC 16-21-8-1.1 (Concerning a provider conducting~~  
 28 ~~a forensic medical examination).~~

29 SECTION 21. IC 34-30-2-147.3 IS ADDED TO THE INDIANA  
 30 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 31 [EFFECTIVE JULY 1, 2018]: **Sec. 147.3. IC 35-33-15-3 (Concerning**  
 32 **a provider conducting a medical forensic examination).**

33 SECTION 22. IC 35-31.5-2-3.5 IS ADDED TO THE INDIANA  
 34 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 35 [EFFECTIVE JULY 1, 2018]: **Sec. 3.5. "Additional medical forensic**  
 36 **services", for purposes of IC 35-33-15, has the meaning set forth in**  
 37 **IC 35-33-15-1.**

38 SECTION 23. IC 35-31.5-2-19.5 IS ADDED TO THE INDIANA  
 39 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 40 [EFFECTIVE JULY 1, 2018]: **Sec. 19.5. "Anonymous kit", for**  
 41 **purposes of IC 35-33-15, has the meaning set forth in**  
 42 **IC 35-33-15-1.**



1 SECTION 24. IC 35-31.5-2-19.6 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2018]: **Sec. 19.6. "Anonymous victim", for**  
4 **purposes of IC 35-33-15, has the meaning set forth in**  
5 **IC 35-33-15-1.**

6 SECTION 25. IC 35-31.5-2-196.2 IS ADDED TO THE INDIANA  
7 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
8 [EFFECTIVE JULY 1, 2018]: **Sec. 196.2. "Medical forensic**  
9 **evidence", for purposes of IC 35-33-15, has the meaning set forth**  
10 **in IC 35-33-15-1.**

11 SECTION 26. IC 35-31.5-2-196.3 IS ADDED TO THE INDIANA  
12 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
13 [EFFECTIVE JULY 1, 2018]: **Sec. 196.3. "Medical forensic**  
14 **examination", for purposes of IC 35-33-15, has the meaning set**  
15 **forth in IC 35-33-15-1.**

16 SECTION 27. IC 35-31.5-2-255.5 IS ADDED TO THE INDIANA  
17 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
18 [EFFECTIVE JULY 1, 2018]: **Sec. 255.5. "Provider", for purposes**  
19 **of IC 35-33-15, has the meaning set forth in IC 35-33-15-1.**

20 SECTION 28. IC 35-31.5-2-288.5 IS ADDED TO THE INDIANA  
21 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
22 [EFFECTIVE JULY 1, 2018]: **Sec. 288.5. "Secured storage", for**  
23 **purposes of IC 35-33-15, has the meaning set forth in**  
24 **IC 35-33-15-1.**

25 SECTION 29. IC 35-31.5-2-299.1 IS ADDED TO THE INDIANA  
26 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
27 [EFFECTIVE JULY 1, 2018]: **Sec. 299.1. "Sexual assault crime", for**  
28 **purposes of IC 35-33-15, has the meaning set forth in**  
29 **IC 35-33-15-1.**

30 SECTION 30. IC 35-31.5-2-299.2 IS ADDED TO THE INDIANA  
31 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
32 [EFFECTIVE JULY 1, 2018]: **Sec. 299.2. "Sexual assault evidence",**  
33 **for purposes of IC 35-33-15, has the meaning set forth in**  
34 **IC 35-33-15-1.**

35 SECTION 31. IC 35-31.5-2-299.3 IS ADDED TO THE INDIANA  
36 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
37 [EFFECTIVE JULY 1, 2018]: **Sec. 299.3. "Sexual assault kit", for**  
38 **purposes of IC 35-33-15, has the meaning set forth in**  
39 **IC 35-33-15-1.**

40 SECTION 32. IC 35-31.5-2-299.4 IS ADDED TO THE INDIANA  
41 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
42 [EFFECTIVE JULY 1, 2018]: **Sec. 299.4. "Sexual assault forensic**



1 **examiner", for purposes of IC 35-33-15, has the meaning set forth**  
 2 **in IC 35-33-15-1.**

3 SECTION 33. IC 35-31.5-2-299.6 IS ADDED TO THE INDIANA  
 4 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 5 [EFFECTIVE JULY 1, 2018]: **Sec. 299.6. "Sexual assault response**  
 6 **team", for purposes of IC 35-33-15, has the meaning set forth in**  
 7 **IC 35-33-15-1.**

8 SECTION 34. IC 35-31.5-2-299.7 IS ADDED TO THE INDIANA  
 9 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 10 [EFFECTIVE JULY 1, 2018]: **Sec. 299.7. "Sexual assault treatment**  
 11 **center", for purposes of IC 35-33-15, has the meaning set forth in**  
 12 **IC 35-33-15-1.**

13 SECTION 35. IC 35-31.5-2-299.8 IS ADDED TO THE INDIANA  
 14 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 15 [EFFECTIVE JULY 1, 2018]: **Sec. 299.8. "Sexual assault victim",**  
 16 **for purposes of IC 35-33-15, has the meaning set forth in**  
 17 **IC 35-33-15-1.**

18 SECTION 36. IC 35-31.5-2-349, AS ADDED BY P.L.114-2012,  
 19 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 20 JULY 1, 2018]: **Sec. 349. "Victim advocate", for purposes of**  
 21 **IC 35-37-6 and IC 35-33-15, has the meaning set forth in**  
 22 **IC 35-37-6-3.5.**

23 SECTION 37. IC 35-31.5-2-350.5 IS ADDED TO THE INDIANA  
 24 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 25 [EFFECTIVE JULY 1, 2018]: **Sec. 350.5. "Victim services division",**  
 26 **for purposes of IC 35-33-15, has the meaning set forth in**  
 27 **IC 35-33-15-1.**

28 SECTION 38. IC 35-33-15 IS ADDED TO THE INDIANA CODE  
 29 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 30 JULY 1, 2018]:

31 **Chapter 15. Coordinated Response to Sexual Assault**

32 **Sec. 1. The following definitions apply throughout this chapter:**

33 **(1) "Additional medical forensic services" means the**  
 34 **following:**

35 **(A) Initial pregnancy and sexually transmitted disease**  
 36 **testing related to an alleged sexual assault crime.**

37 **(B) Prophylactic medication related to pregnancy,**  
 38 **pregnancy testing, or sexually transmitted disease testing.**

39 **This clause includes HIV prophylactic medication.**

40 **(C) Alcohol and drug testing.**

41 **(D) Syphilis testing up to ninety (90) days after an alleged**  
 42 **sexual assault crime.**





- 1 (E) Pregnancy testing up to thirty (30) days after an  
 2 alleged sexual assault crime.  
 3 (F) Mental health counseling concerning problems directly  
 4 related to an alleged sexual assault crime.  
 5 (2) "Anonymous kit" means a sexual assault kit collected from  
 6 an anonymous victim.  
 7 (3) "Anonymous victim" means an adult sexual assault victim  
 8 who:  
 9 (A) is at least eighteen (18) years of age;  
 10 (B) is not an endangered adult (as defined by  
 11 IC 12-10-3-2); and  
 12 (C) elects not to report a sexual assault crime to law  
 13 enforcement.  
 14 (4) "Evidence based, trauma informed, and victim centered"  
 15 means a policy, procedure, program, or practice that has been  
 16 demonstrated to minimize retraumatization associated with  
 17 the criminal justice process by recognizing the presence of  
 18 trauma symptoms and acknowledging the role that trauma  
 19 has played in a sexual assault or sexual abuse victim's life, and  
 20 focusing on the needs and concerns of a victim that ensures  
 21 compassionate and sensitive delivery of services in a  
 22 nonjudgmental manner.  
 23 (5) "Medical forensic evidence" means information, results,  
 24 data, or items collected during or in connection with a medical  
 25 forensic examination or a sexual assault crime investigation.  
 26 The term includes sexual assault evidence.  
 27 (6) "Medical forensic examination" means the following:  
 28 (A) Appropriate procedures for acquiring medical forensic  
 29 evidence that may be used in a criminal proceeding against  
 30 a person charged with a sexual assault crime.  
 31 (B) Suturing and care of wounds that stem directly from  
 32 the sexual assault crime, including anesthesia and  
 33 prescribed medication.  
 34 (7) "Provider" means a hospital, sexual assault treatment  
 35 center, or licensed medical services provider that provides  
 36 medical forensic examinations and additional medical forensic  
 37 services to a sexual assault victim.  
 38 (8) "Secured storage" means a method of storing medical  
 39 forensic evidence that will adequately safeguard its integrity  
 40 and viability.  
 41 (9) "Sexual assault crime" means the following:  
 42 (A) Rape (IC 35-42-4-1).



- 1 (B) Criminal deviate conduct (IC 35-42-4-2) (before its  
2 repeal).  
3 (C) Child molesting (IC 35-42-4-3).  
4 (D) Child exploitation (IC 35-42-4-4(b) or IC 35-42-4-4(c)).  
5 (E) Vicarious sexual gratification (including performing  
6 sexual conduct in the presence of a minor) (IC 35-42-4-5).  
7 (F) Child solicitation (IC 35-42-4-6).  
8 (G) Child seduction (IC 35-42-4-7).  
9 (H) Sexual misconduct with a minor (IC 35-42-4-9).  
10 (I) Incest (IC 35-46-1-3).  
11 (J) Sexual battery (IC 35-42-4-8).  
12 (K) Promotion of human trafficking under  
13 IC 35-42-3.5-1(a)(2).  
14 (L) Promotion of human trafficking of a minor under  
15 IC 35-42-3.5-1(b)(1)(B) or IC 35-42-3.5-1(b)(2).  
16 (M) Sexual trafficking of a minor (IC 35-42-3.5-1(c)).  
17 (N) Human trafficking under IC 35-42-3.5-1(d)(3) if the  
18 victim is less than eighteen (18) years of age.  
19 (O) Sexual misconduct by a service provider with a  
20 detained or supervised child (IC 35-44.1-3-10(c)).  
21 (P) An attempt or conspiracy to commit a crime listed in  
22 this subdivision.  
23 (Q) A crime under the laws of another jurisdiction,  
24 including a military court, that is substantially equivalent  
25 to any of the offenses listed in this subdivision.
- 26 (10) "Sexual assault evidence" means the sexual assault kit  
27 and any other items collected during a medical forensic  
28 examination of a sexual assault victim by a provider.  
29 (11) "Sexual assault kit" means the standard medical forensic  
30 examination kit for sexual assault victims developed by the  
31 state police department under IC 10-11-2-33.  
32 (12) "Sexual assault forensic examiner" means a registered  
33 nurse, nurse practitioner, physician, or physician assistant  
34 who:  
35 (A) has received training to provide comprehensive care to  
36 sexual assault victims; and  
37 (B) can:  
38 (i) conduct a medical forensic examination;  
39 (ii) collect evidence from a sexual assault victim; and  
40 (iii) provide expert testimony when needed.  
41 (13) "Sexual assault response team" means a  
42 multidisciplinary team that includes a:



- 1 (A) law enforcement officer;
- 2 (B) provider;
- 3 (C) victim advocate; and
- 4 (D) prosecuting attorney or deputy prosecuting attorney;
- 5 that participates in the investigation of a sexual assault or that
- 6 provides services to a sexual assault victim.
- 7 (14) "Sexual assault treatment center" means a medical
- 8 facility:
- 9 (A) established to provide evidence based, trauma
- 10 informed, and victim centered medical forensic services to
- 11 a sexual assault victim; and
- 12 (B) that uses sexual assault forensic examiners to perform
- 13 medical forensic examinations.
- 14 (15) "Sexual assault victim" means a person who is the victim
- 15 of a sexual assault crime, even if the perpetrator of the sexual
- 16 assault crime has not been:
- 17 (A) charged; or
- 18 (B) convicted.
- 19 (16) "Victim advocate" has the meaning set forth in
- 20 IC 35-37-6-3.5.
- 21 (17) "Victim services division" refers to the victim services
- 22 division of the Indiana criminal justice institute established
- 23 under IC 5-2-6-8(a).
- 24 **Sec. 2. (a) When practicable, a:**
- 25 (1) law enforcement officer;
- 26 (2) provider; or
- 27 (3) victim advocate;
- 28 shall ensure that a medical forensic examination is performed at a
- 29 sexual assault treatment center.
- 30 (b) If a sexual assault treatment center is not available, a
- 31 hospital licensed under IC 16-21-2 that provides general medical
- 32 and surgical hospital services shall provide medical forensic
- 33 examinations and additional medical forensic services to every
- 34 sexual assault victim who requires a medical forensic examination
- 35 and additional medical forensic services in relation to injuries or
- 36 trauma resulting from the alleged sexual assault crime. To the
- 37 extent practicable, the hospital shall use a sexual assault kit and
- 38 employ sexual assault forensic examiners to conduct medical
- 39 forensic examinations and provide additional medical forensic
- 40 services. The provision of services may not be dependent on a
- 41 victim's reporting to, or cooperating with, law enforcement.
- 42 (c) Payment for services under this section shall be processed in



1 accordance with rules adopted by the victim services division.

2 (d) Every provider that collects sexual assault evidence using a  
3 sexual assault kit shall submit an annual report to the state police  
4 department before November 1 of each year, including the date  
5 each sexual assault kit was used to collect evidence, the law  
6 enforcement agency that took custody of the kit, and the law  
7 enforcement case number assigned to the kit, if available.

8 Sec. 3. (a) A provider may conduct a medical forensic  
9 examination without the consent of the person who is the subject  
10 of the examination, or the consent of another person authorized to  
11 give consent under IC 16-36-1-5, if the following conditions are  
12 met:

13 (1) The person:

14 (A) does not have the capacity to provide informed consent  
15 under IC 16-36-1; and

16 (B) is incapable of providing consent, and in the medical  
17 opinion of the health care provider, will be incapable of  
18 providing consent within the time required for evidence to  
19 be collected through a medical forensic examination.

20 (2) The provider has a reasonable suspicion that the person is  
21 the victim of a sexual assault crime.

22 (b) The coroner may use the services of a sexual assault forensic  
23 examiner to assist with the investigation and collection of evidence  
24 when a suspected victim of sexual assault is deceased.

25 (c) A provider is immune from civil and criminal liability for  
26 conducting a medical forensic examination without consent in  
27 accordance with this section, unless the provider's determination  
28 under subsection (a) constitutes gross negligence or willful or  
29 wanton misconduct.

30 Sec. 4. If a sexual assault response team has not been established  
31 in a county, the county may establish a sexual assault response  
32 team or join with one (1) or more other counties to establish a  
33 regional sexual assault response team. If the county does not  
34 establish a sexual assault response team or join a regional sexual  
35 assault response team, the prosecuting attorney shall establish a  
36 sexual assault response team.

37 Sec. 5. (a) Each sexual assault response team shall develop a  
38 plan that establishes the protocol for an evidence based, trauma  
39 informed, and victim centered response to sexual assault victims,  
40 including the:

41 (1) collection;

42 (2) preservation;



- 1           **(3) secured storage;**
- 2           **(4) tracking;**
- 3           **(5) testing; and**
- 4           **(6) destruction;**
- 5       **of sexual assault kits.**
- 6       **(b) The plan under subsection (a) must include the following**
- 7       **provisions:**
- 8           **(1) A method to maintain the confidentiality of an anonymous**
- 9           **victim regarding the chain of custody and secured storage of**
- 10          **evidence collected during a medical forensic examination.**
- 11          **(2) The development of a victim notification form to notify an**
- 12          **anonymous victim of the victim's rights under the law.**
- 13          **(3) A method for an anonymous victim to receive the victim**
- 14          **notification form.**
- 15          **(4) A method to determine the law enforcement agency that**
- 16          **will receive and transport sexual assault evidence from**
- 17          **providers.**
- 18          **(5) Agreements between providers and law enforcement**
- 19          **agencies to pick up and store sexual assault evidence.**
- 20          **(6) A requirement to maintain an anonymous kit in secured**
- 21          **storage for at least five (5) years.**
- 22          **(7) A requirement that law enforcement investigate and**
- 23          **prepare a complete written report for all allegations of sexual**
- 24          **assault that are not anonymous.**
- 25          **(8) A requirement that all written reports of sexual assault be**
- 26          **submitted to the prosecuting attorney for review and charging**
- 27          **consideration.**
- 28          **(9) A requirement that sexual assault kits for which the**
- 29          **suspect is unknown be submitted for testing immediately.**
- 30          **However, anonymous kits may not be submitted for testing.**
- 31          **(10) A requirement that all sexual assault kits that are not**
- 32          **anonymous kits be tested if no felony criminal charges are**
- 33          **filed.**
- 34          **(11) Procedures to destroy sexual assault evidence following**
- 35          **expiration of the applicable statute of limitations.**
- 36          **(12) A provision for regular evidence based, trauma informed,**
- 37          **and victim centered training for all sexual assault response**
- 38          **team members.**
- 39          **(13) A provision requiring a victim advocate to be notified**
- 40          **immediately by a provider or law enforcement officer when**
- 41          **the provider or law enforcement officer encounters a**
- 42          **suspected sexual assault victim.**



- 1           (14) A requirement that a victim advocate be available to  
2           meet with a suspected sexual assault victim as soon as  
3           possible.
- 4           **Sec. 6.** Except as provided in section 3 of this chapter, a provider  
5           who performs a medical forensic examination and provides  
6           additional medical forensic services shall provide the medical  
7           forensic examination and additional medical forensic services to  
8           sexual assault victims under this chapter with the consent of the  
9           sexual assault victim.
- 10          **Sec. 7.** The victim services division shall assist in the  
11          development and operation of programs that provide medical  
12          forensic examinations and additional medical forensic services to  
13          sexual assault victims, and if necessary, provide grants to medical  
14          providers for this purpose.
- 15          **Sec. 8. (a)** In accordance with IC 5-2-6.1, the victim services  
16          division shall award compensation or reimbursement under this  
17          chapter for medical forensic examinations.
- 18          **(b)** The victim services division is not required to award  
19          compensation or reimbursement under this chapter for additional  
20          medical forensic services unless the following conditions are met:
- 21                (1) The sexual assault crime occurred in Indiana.
- 22                (2) The victim is:
- 23                    (A) at least eighteen (18) years of age and not an  
24                    endangered adult;
- 25                    (B) an endangered adult and a report of the sexual assault  
26                    crime has been made to adult protective services or a law  
27                    enforcement officer; or
- 28                    (C) less than eighteen (18) years of age and a report of the  
29                    sexual assault crime has been made to child protective  
30                    services or a law enforcement officer. The victim services  
31                    division shall award compensation or reimbursement for  
32                    the medical forensic examination of a child regardless of  
33                    whether forensically significant information is anticipated.
- 34          If the victim services division finds a compelling reason for failure  
35          to comply with this section, the victim services division may  
36          suspend the requirements of this section.
- 37          **(c)** A claim filed for services provided at a time before the  
38          provision of the medical forensic examinations and additional  
39          medical forensic services for which an application for  
40          reimbursement is filed is not covered under this chapter.
- 41          **Sec. 9. (a)** When a provider provides a medical forensic  
42          examination and additional medical forensic services under this



1 chapter to a sexual assault victim, the provider shall conduct the  
2 examination and furnish the additional services without charge.

3 (b) In accordance with IC 5-2-6.1, the victim services division  
4 shall reimburse a provider for the cost for providing services.

5 (c) An application for reimbursement under subsection (b) must  
6 be filed not more than one hundred eighty (180) days after the date  
7 the service was provided.

8 (d) The victim services division shall approve or deny an  
9 application for reimbursement filed under subsection (c) not more  
10 than one hundred twenty (120) days after receipt of the application  
11 for reimbursement.

12 (e) A provider may not charge a sexual assault victim for  
13 services required under this chapter despite delays in  
14 reimbursement from the victim services division.

15 **Sec. 10.** This chapter does not require a provider to provide a  
16 service related to an abortion.

17 **Sec. 11.** Before discharging an anonymous victim, a provider  
18 shall:

19 (1) require the anonymous victim to sign a form that notifies  
20 the anonymous victim of the anonymous victim's rights under  
21 this chapter;

22 (2) provide a copy of the signed form to the anonymous  
23 victim; and

24 (3) inform a law enforcement agency that the sexual assault  
25 evidence is available.

26 **Sec. 12. (a)** A law enforcement agency shall:

27 (1) obtain all sexual assault evidence within five (5) days after  
28 receiving a provider's notification under section 11 of this  
29 chapter, or otherwise; and

30 (2) transport all sexual assault evidence to secured storage.

31 (b) A law enforcement agency shall keep all anonymous kits in  
32 secured storage at least five (5) years after the date the anonymous  
33 kit is obtained.

34 (c) If an anonymous victim reports a sexual assault crime within  
35 five (5) years, a law enforcement agency shall investigate the crime  
36 and prepare and submit a complete written report to the  
37 prosecuting attorney for review and charging consideration.

38 SECTION 39. IC 35-50-5-3, AS AMENDED BY P.L.252-2017,  
39 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
40 JULY 1, 2018]: Sec. 3. (a) Except as provided in subsection (i), (j), (l),  
41 or (m), in addition to any sentence imposed under this article for a  
42 felony or misdemeanor, the court may, as a condition of probation or



1 without placing the person on probation, order the person to make  
 2 restitution to the victim of the crime, the victim's estate, or the family  
 3 of a victim who is deceased. The court shall base its restitution order  
 4 upon a consideration of:

5 (1) property damages of the victim incurred as a result of the  
 6 crime, based on the actual cost of repair (or replacement if repair  
 7 is inappropriate);

8 (2) medical and hospital costs incurred by the victim (before the  
 9 date of sentencing) as a result of the crime;

10 (3) the cost of medical laboratory tests to determine if the crime  
 11 has caused the victim to contract a disease or other medical  
 12 condition;

13 (4) earnings lost by the victim (before the date of sentencing) as  
 14 a result of the crime including earnings lost while the victim was  
 15 hospitalized or participating in the investigation or trial of the  
 16 crime; and

17 (5) funeral, burial, or cremation costs incurred by the family or  
 18 estate of a homicide victim as a result of the crime.

19 (b) A restitution order under subsection (a), (i), (j), (l), or (m), is a  
 20 judgment lien that:

21 (1) attaches to the property of the person subject to the order;

22 (2) may be perfected;

23 (3) may be enforced to satisfy any payment that is delinquent  
 24 under the restitution order by the person in whose favor the order  
 25 is issued or the person's assignee; and

26 (4) expires;

27 in the same manner as a judgment lien created in a civil proceeding.

28 (c) When a restitution order is issued under subsection (a), the  
 29 issuing court may order the person to pay the restitution, or part of the  
 30 restitution, directly to:

31 (1) the victim services division of the Indiana criminal justice  
 32 institute in an amount not exceeding:

33 (A) the amount of the award, if any, paid to the victim under  
 34 IC 5-2-6.1; and

35 (B) the cost of the reimbursements, if any, for emergency  
 36 services provided to the victim under IC 16-10-1.5 (before its  
 37 repeal) or ~~IC 16-21-8~~; **IC 35-33-15**; or

38 (2) a probation department that shall forward restitution or part of  
 39 restitution to:

40 (A) a victim of a crime;

41 (B) a victim's estate; or

42 (C) the family of a victim who is deceased.





1 The victim services division of the Indiana criminal justice institute  
2 shall deposit the restitution it receives under this subsection in the  
3 violent crime victims compensation fund established by IC 5-2-6.1-40.

4 (d) When a restitution order is issued under subsection (a), (i), (j),  
5 (l), or (m), the issuing court shall send a certified copy of the order to  
6 the clerk of the circuit court in the county where the felony or  
7 misdemeanor charge was filed. The restitution order must include the  
8 following information:

9 (1) The name and address of the person that is to receive the  
10 restitution.

11 (2) The amount of restitution the person is to receive.

12 Upon receiving the order, the clerk shall enter and index the order in  
13 the circuit court judgment docket in the manner prescribed by  
14 IC 33-32-3-2. The clerk shall also notify the department of insurance  
15 of an order of restitution under subsection (i).

16 (e) An order of restitution under subsection (a), (i), (j), (l), or (m),  
17 does not bar a civil action for:

18 (1) damages that the court did not require the person to pay to the  
19 victim under the restitution order but arise from an injury or  
20 property damage that is the basis of restitution ordered by the  
21 court; and

22 (2) other damages suffered by the victim.

23 (f) Regardless of whether restitution is required under subsection (a)  
24 as a condition of probation or other sentence, the restitution order is not  
25 discharged by the completion of any probationary period or other  
26 sentence imposed for a felony or misdemeanor.

27 (g) A restitution order under subsection (a), (i), (j), (l), or (m), is not  
28 discharged by the liquidation of a person's estate by a receiver under  
29 IC 32-30-5 (or IC 34-48-1, IC 34-48-4, IC 34-48-5, IC 34-48-6,  
30 IC 34-1-12, or IC 34-2-7 before their repeal).

31 (h) The attorney general may pursue restitution ordered by the court  
32 under subsections (a) and (c) on behalf of the victim services division  
33 of the Indiana criminal justice institute established under IC 5-2-6-8.

34 (i) The court may order the person convicted of an offense under  
35 IC 35-43-9 to make restitution to the victim of the crime. The court  
36 shall base its restitution order upon a consideration of the amount of  
37 money that the convicted person converted, misappropriated, or  
38 received, or for which the convicted person conspired. The restitution  
39 order issued for a violation of IC 35-43-9 must comply with  
40 subsections (b), (d), (e), and (g), and is not discharged by the  
41 completion of any probationary period or other sentence imposed for  
42 a violation of IC 35-43-9.



1 (j) The court may order the person convicted of an offense under  
2 IC 35-43-5-3.5 to make restitution to the victim of the crime, the  
3 victim's estate, or the family of a victim who is deceased. The court  
4 shall base its restitution order upon a consideration of the amount of  
5 fraud or harm caused by the convicted person and any reasonable  
6 expenses (including lost wages) incurred by the victim in correcting the  
7 victim's credit report and addressing any other issues caused by the  
8 commission of the offense under IC 35-43-5-3.5. If, after a person is  
9 sentenced for an offense under IC 35-43-5-3.5, a victim, a victim's  
10 estate, or the family of a victim discovers or incurs additional expenses  
11 that result from the convicted person's commission of the offense under  
12 IC 35-43-5-3.5, the court may issue one (1) or more restitution orders  
13 to require the convicted person to make restitution, even if the court  
14 issued a restitution order at the time of sentencing. For purposes of  
15 entering a restitution order after sentencing, a court has continuing  
16 jurisdiction over a person convicted of an offense under IC 35-43-5-3.5  
17 for five (5) years after the date of sentencing. Each restitution order  
18 issued for a violation of IC 35-43-5-3.5 must comply with subsections  
19 (b), (d), (e), and (g), and is not discharged by the completion of any  
20 probationary period or other sentence imposed for an offense under  
21 IC 35-43-5-3.5.

22 (k) The court shall order a person convicted of an offense under  
23 IC 35-42-3.5 to make restitution to the victim of the crime in an amount  
24 equal to the greater of the following:

25 (1) The gross income or value to the person of the victim's labor  
26 or services.

27 (2) The value of the victim's labor as guaranteed under the  
28 minimum wage and overtime provisions of:

29 (A) the federal Fair Labor Standards Act of 1938, as amended  
30 (29 U.S.C. 201-209); or

31 (B) IC 22-2-2 (Minimum Wage);  
32 whichever is greater.

33 (l) The court shall order a person who:

34 (1) is convicted of dealing in methamphetamine under  
35 IC 35-48-4-1.1 or manufacturing methamphetamine under  
36 IC 35-48-4-1.2; and

37 (2) manufactured the methamphetamine on property owned by  
38 another person, without the consent of the property owner;

39 to pay liquidated damages to the property owner in the amount of ten  
40 thousand dollars (\$10,000) or to pay actual damages to the property  
41 owner, including lost rent and the costs of decontamination by an  
42 inspector approved under IC 13-14-1-15.



- 1 (m) The court shall order a person who:  
 2 (1) is convicted of dealing in marijuana under  
 3 IC 35-48-4-10(a)(1)(A); and  
 4 (2) manufactured the marijuana on property owned by another  
 5 person, without the consent of the property owner;  
 6 to pay liquidated damages to the property owner in the amount of two  
 7 thousand dollars (\$2,000).
- 8 SECTION 40. IC 36-2-14-21, AS AMENDED BY P.L.1-2007,  
 9 SECTION 240, IS AMENDED TO READ AS FOLLOWS  
 10 [EFFECTIVE JULY 1, 2018]: Sec. 21. (a) As used in this section,  
 11 "health records" means written, electronic, or printed information  
 12 possessed by a provider concerning any diagnosis, treatment, or  
 13 prognosis of the patient. The term includes mental health records,  
 14 alcohol and drug abuse records, and emergency ambulance service  
 15 records.
- 16 (b) As used in this section, "provider" has the meaning set forth in  
 17 ~~IC 16-18-2-295(b)~~. **IC 16-18-2-295(a)**.
- 18 (c) As part of a medical examination or autopsy conducted under  
 19 this chapter, a coroner may obtain a copy of the decedent's health  
 20 records.
- 21 (d) Except as provided in subsection (e), health records obtained  
 22 under this section are confidential.
- 23 (e) The coroner may provide the health records of a decedent that  
 24 were obtained under this section to a prosecuting attorney or law  
 25 enforcement agency that is investigating the individual's death. Health  
 26 records received from a coroner under this subsection are confidential.
- 27 (f) A person who receives confidential records or information under  
 28 this section and knowingly or intentionally discloses the records or  
 29 information to an unauthorized person commits a Class A  
 30 misdemeanor.

