



April 3, 2019

ENGROSSED HOUSE BILL No. 1208

DIGEST OF HB 1208 (Updated April 2, 2019 11:36 am - DI 106)

Citations Affected: IC 31-9; IC 31-11; IC 31-15; IC 31-19; IC 34-6; IC 34-28.

Synopsis: Prohibited name change. Defines "lifetime sex or violent offender" and prohibits, with certain exceptions, a lifetime sex or violent offender from changing the offender's name.

Effective: July 1, 2019.

**Clere, McNamara, Hatcher,
Engleman**

(SENATE SPONSORS — GROOMS, HOUCHIN, RANDOLPH LONNIE M)

January 10, 2019, read first time and referred to Committee on Courts and Criminal Code.
January 24, 2019, reported — Do Pass.
January 28, 2019, read second time, ordered engrossed. Engrossed.
January 29, 2019, read third time, passed. Yeas 96, nays 0.

SENATE ACTION

February 27, 2019, read first time and referred to Committee on Corrections and Criminal Law.
April 2, 2019, amended, reported favorably — Do Pass.

EH 1208—LS 6944/DI 128



April 3, 2019

First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1208

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

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

- 1 SECTION 1. IC 31-9-2-76.7 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2019]: **Sec. 76.7. "Lifetime sex or violent offender" has the**
- 4 **meaning set forth in IC 34-28-2-1.5.**
- 5 SECTION 2. IC 31-9-2-76.8 IS ADDED TO THE INDIANA CODE
- 6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 7 1, 2019]: **Sec. 76.8. "Local law enforcement authority" has the**
- 8 **meaning set forth in IC 11-8-8-2.**
- 9 SECTION 3. IC 31-11-4-4 IS AMENDED TO READ AS
- 10 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) An application
- 11 for a marriage license must be written and verified. The application
- 12 must contain the following information concerning each of the
- 13 applicants:
- 14 (1) Full name.
- 15 (2) Birthplace.
- 16 (3) Residence.
- 17 (4) Age.

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(5) Names of dependent children.

(6) Full name, including the maiden name of a mother, last known residence, and, if known, the place of birth of:

(A) the birth parents of the applicant if the applicant is not adopted; or

(B) the adoptive parents of the applicant if the applicant is adopted.

(7) Whether either of the applicants is a lifetime sex or violent offender, and, if an applicant is a lifetime sex or violent offender, the county and state in which the conviction was entered giving rise to the applicant's status as a lifetime sex or violent offender.

~~(7)~~ (8) A statement of facts necessary to determine whether any legal impediment to the proposed marriage exists.

~~(8)~~ (9) Except as provided in subsection (e), an acknowledgment that both applicants must sign, affirming that the applicants have received the information described in section 5 of this chapter, including a list of test sites for the virus that causes AIDS (acquired immune deficiency syndrome). The acknowledgment required by this subdivision must be in the following form:

ACKNOWLEDGMENT

I acknowledge that I have received information regarding dangerous communicable diseases that are sexually transmitted and a list of test sites for the virus that causes AIDS (acquired immune deficiency syndrome).

Signature of Applicant

Date

Signature of Applicant

Date

(b) The clerk of the circuit court shall record the application, including the license and certificate of marriage, in a book provided for that purpose. This book is a public record.

(c) The state department of health shall develop uniform forms for applications for marriage licenses. The state department of health shall furnish these forms to the circuit court clerks. The state department of health may periodically revise these forms.

(d) The state department of health shall require that the record of marriage form developed under subsection (c) must include each applicant's Social Security number. Any Social Security numbers collected on the record of marriage form shall be kept confidential and used only to carry out the purposes of the Title IV-D program. A person who knowingly or intentionally violates confidentiality regarding an



1 applicant's Social Security numbers as described in this subsection
2 commits a Class A infraction.

3 (e) Notwithstanding subsection (a), a person who objects on
4 religious grounds is not required to:

5 (1) verify the application under subsection (a) by oath or
6 affirmation; or

7 (2) sign the acknowledgment described in subsection ~~(a)(8)~~;

8 **(a)(9).**

9 However, before the clerk of the circuit court may issue a marriage
10 license to a member of the Old Amish Mennonite church, the bishop
11 of that member must sign a statement that the information in the
12 application is true.

13 (f) If a person objects on religious grounds to:

14 (1) verifying the application under subsection (a) by oath or
15 affirmation; or

16 (2) signing the acknowledgment described in subsection ~~(a)(8)~~;

17 **(a)(9);** the clerk of the circuit court shall indicate that fact on the
18 application for a marriage license.

19 SECTION 4. IC 31-11-4-11 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 11. A clerk of a circuit
21 court may not issue a marriage license if either of the individuals who
22 applies for the license:

23 (1) has been adjudged to be mentally incompetent unless the clerk
24 finds that the adjudication is no longer in effect; ~~or~~

25 (2) is under the influence of an alcoholic beverage or a narcotic
26 drug; ~~or~~

27 **(3) is a lifetime sex or violent offender, unless the individual**
28 **submits an affidavit stating under the penalties of perjury**
29 **that the individual has provided written notice of the**
30 **person's:**

31 **(A) intent to marry; and**

32 **(B) married name;**

33 **to the local law enforcement authority in the county of conviction**
34 **and in the person's county of residence.**

35 SECTION 5. IC 31-15-2-5, AS AMENDED BY P.L.83-2014,
36 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2019]: Sec. 5. (a) A petition for dissolution of marriage must:

38 (1) be verified; and

39 (2) set forth the following:

40 (A) The residence of each party and the length of residence in
41 the state and county.

42 (B) The date of the marriage.



(C) The date on which the parties separated.

(D) The name, age, and address of:

(i) any living child less than twenty-one (21) years of age;
and

(ii) any incapacitated child;
of the marriage and whether the wife is pregnant.

(E) The grounds for dissolution of the marriage.

(F) The relief sought.

(G) If a guardian of an incapacitated person is filing the petition for dissolution of marriage on behalf of the incapacitated person, the name and address of the guardian.

(H) Whether either party is a lifetime sex or violent offender.

(b) If a guardian of an incapacitated person files a petition for dissolution of a marriage on behalf of the incapacitated person, the guardian shall file with the petition a copy of the court order granting authority to petition for dissolution of marriage described in IC 29-3-9-12.2.

SECTION 6. IC 31-15-2-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 18. **(a) This section does not apply to a lifetime sex or violent offender.**

(b) A woman who desires the restoration of her maiden or previous married name must set out the name she desires to be restored to her in her petition for dissolution as part of the relief sought. The court shall grant the name change upon entering the decree of dissolution.

SECTION 7. IC 31-15-2-19 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 19. **(a) This section applies to a lifetime sex or violent offender.**

(b) The court may not issue an order restoring the previous married or unmarried name of a lifetime sex or violent offender unless all of the following conditions are met:

(1) The lifetime sex or violent offender sets out the name the offender wishes to be restored.

(2) The lifetime sex or violent offender provides written notice of intent to restore the previous married or unmarried name to the local law enforcement authority in the:

(A) county of conviction; and

(B) county where the person resides.

(c) Upon proof that the notice described in subsection (b)(2) has been properly served, the court shall grant the petition to restore the previous name.



(d) Nothing in this section limits, alters, or affects the authority of the court to enter a dissolution decree as provided in this chapter.

SECTION 8. IC 31-19-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) **Subject to section 1.1 of this chapter**, an individual who is at least eighteen (18) years of age may be adopted by a resident of Indiana:

(1) upon proper petition to the court having jurisdiction in probate matters in the county of residence of the individual or the petitioner for adoption; and

(2) with the consent of the individual acknowledged in open court.

(b) If the court in which a petition for adoption is filed under this section considers it necessary, the court may order:

(1) the type of investigation that is conducted in an adoption of a child who is less than eighteen (18) years of age; or

(2) any other inquiry that the court considers advisable; before granting the petition for adoption.

SECTION 9. IC 31-19-2-1.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1.1. (a) **This section applies only to an individual:**

(1) who seeks to be adopted by a resident of Indiana under section 1 of this chapter; and

(2) who is a lifetime sex or violent offender.

(b) A court may not issue an order granting a petition for adoption of an individual described in subsection (a) unless all of the following conditions are met:

(1) The lifetime sex or violent offender complies with and meets the requirements of section 1 of this chapter.

(2) If the lifetime sex or violent offender intends to change the offender's name, the offender provides written notice of the petition for adoption and the new name to the local law enforcement authority in the:

(A) county of conviction; and

(B) county where the person resides.

(c) Upon proof that the notice described in subsection (b) has been properly served, the court shall grant the petition for adoption if all other requirements are met.

SECTION 10. IC 34-6-2-73.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 73.8. "Lifetime sex or violent offender", for purposes of IC 34-28-2, has the meaning set forth in



1 **IC 34-28-2-1.5.**

2 SECTION 11. IC 34-6-2-74.5 IS ADDED TO THE INDIANA
3 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2019]: **Sec. 74.5. "Local law enforcement**
5 **authority", for purposes of IC 34-28-2, has the meaning set forth**
6 **in IC 34-28-2-1.5.**

7 SECTION 12. IC 34-28-2-1.5 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 1.5. (a) The following**
9 **definitions apply throughout this section:**

10 (1) **"Lifetime sex or violent offender" means a person**
11 **convicted of an offense that currently requires a person to**
12 **register as a sex or violent offender for life under**
13 **IC 11-8-8-19, regardless of the date the conviction was**
14 **entered against the person or whether the person was or is**
15 **required to register as a sex offender for life.**

16 (2) **"Local law enforcement authority" has the meaning set**
17 **forth in IC 11-8-8-2.**

18 (b) **A person may not petition for a change of name under this**
19 **chapter if the person:**

20 (1) **is confined to a department of correction facility; or**

21 (2) **except as provided in subsection (c), is a lifetime sex or**
22 **violent offender.**

23 (c) **This subsection does not apply to a person who is currently**
24 **required to register as a sex offender. Notwithstanding subsection**
25 **(b), a person may petition for a change of name based on a**
26 **sincerely held religious belief.**

27 (d) **A person described in subsection (c) shall provide written**
28 **notice of the petition for name change to the local law enforcement**
29 **authority in the:**

30 (1) **county of conviction; and**

31 (2) **county where the person resides.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1208, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1208 as introduced.)

MCNAMARA

Committee Vote: Yeas 12, Nays 0

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred House Bill No. 1208, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 31-9-2-76.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 76.7. "Lifetime sex or violent offender" has the meaning set forth in IC 34-28-2-1.5.**

SECTION 2. IC 31-9-2-76.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 76.8. "Local law enforcement authority" has the meaning set forth in IC 11-8-8-2.**

SECTION 3. IC 31-11-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) An application for a marriage license must be written and verified. The application must contain the following information concerning each of the applicants:

- (1) Full name.
- (2) Birthplace.
- (3) Residence.
- (4) Age.
- (5) Names of dependent children.
- (6) Full name, including the maiden name of a mother, last known residence, and, if known, the place of birth of:
 - (A) the birth parents of the applicant if the applicant is not



adopted; or

(B) the adoptive parents of the applicant if the applicant is adopted.

(7) Whether either of the applicants is a lifetime sex or violent offender, and, if an applicant is a lifetime sex or violent offender, the county and state in which the conviction was entered giving rise to the applicant's status as a lifetime sex or violent offender.

~~(7)~~ **(8)** A statement of facts necessary to determine whether any legal impediment to the proposed marriage exists.

~~(8)~~ **(9)** Except as provided in subsection (e), an acknowledgment that both applicants must sign, affirming that the applicants have received the information described in section 5 of this chapter, including a list of test sites for the virus that causes AIDS (acquired immune deficiency syndrome). The acknowledgment required by this subdivision must be in the following form:

ACKNOWLEDGMENT

I acknowledge that I have received information regarding dangerous communicable diseases that are sexually transmitted and a list of test sites for the virus that causes AIDS (acquired immune deficiency syndrome).

Signature of Applicant

Date

Signature of Applicant

Date

(b) The clerk of the circuit court shall record the application, including the license and certificate of marriage, in a book provided for that purpose. This book is a public record.

(c) The state department of health shall develop uniform forms for applications for marriage licenses. The state department of health shall furnish these forms to the circuit court clerks. The state department of health may periodically revise these forms.

(d) The state department of health shall require that the record of marriage form developed under subsection (c) must include each applicant's Social Security number. Any Social Security numbers collected on the record of marriage form shall be kept confidential and used only to carry out the purposes of the Title IV-D program. A person who knowingly or intentionally violates confidentiality regarding an applicant's Social Security numbers as described in this subsection commits a Class A infraction.

(e) Notwithstanding subsection (a), a person who objects on religious grounds is not required to:



- (1) verify the application under subsection (a) by oath or affirmation; or
- (2) sign the acknowledgment described in subsection ~~(a)(8)~~; **(a)(9)**.

However, before the clerk of the circuit court may issue a marriage license to a member of the Old Amish Mennonite church, the bishop of that member must sign a statement that the information in the application is true.

(f) If a person objects on religious grounds to:

- (1) verifying the application under subsection (a) by oath or affirmation; or
- (2) signing the acknowledgment described in subsection ~~(a)(8)~~; **(a)(9)**; the clerk of the circuit court shall indicate that fact on the application for a marriage license.

SECTION 4. IC 31-11-4-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 11. A clerk of a circuit court may not issue a marriage license if either of the individuals who applies for the license:

- (1) has been adjudged to be mentally incompetent unless the clerk finds that the adjudication is no longer in effect; ~~or~~
- (2) is under the influence of an alcoholic beverage or a narcotic drug; **or**
- (3) is a lifetime sex or violent offender, unless the individual submits an affidavit stating under the penalties of perjury that the individual has provided written notice of the person's:**

- (A) intent to marry; and**
- (B) married name;**

to the local law enforcement authority in the county of conviction and in the person's county of residence.

SECTION 5. IC 31-15-2-5, AS AMENDED BY P.L.83-2014, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) A petition for dissolution of marriage must:

- (1) be verified; and
- (2) set forth the following:
 - (A) The residence of each party and the length of residence in the state and county.
 - (B) The date of the marriage.
 - (C) The date on which the parties separated.
 - (D) The name, age, and address of:
 - (i) any living child less than twenty-one (21) years of age; and



- (ii) any incapacitated child;
of the marriage and whether the wife is pregnant.
- (E) The grounds for dissolution of the marriage.
- (F) The relief sought.
- (G) If a guardian of an incapacitated person is filing the petition for dissolution of marriage on behalf of the incapacitated person, the name and address of the guardian.
- (H) Whether either party is a lifetime sex or violent offender.**

(b) If a guardian of an incapacitated person files a petition for dissolution of a marriage on behalf of the incapacitated person, the guardian shall file with the petition a copy of the court order granting authority to petition for dissolution of marriage described in IC 29-3-9-12.2.

SECTION 6. IC 31-15-2-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 18. **(a) This section does not apply to a lifetime sex or violent offender.**

(b) A woman who desires the restoration of her maiden or previous married name must set out the name she desires to be restored to her in her petition for dissolution as part of the relief sought. The court shall grant the name change upon entering the decree of dissolution.

SECTION 7. IC 31-15-2-19 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 19. **(a) This section applies to a lifetime sex or violent offender.**

(b) The court may not issue an order restoring the previous married or unmarried name of a lifetime sex or violent offender unless all of the following conditions are met:

- (1) The lifetime sex or violent offender sets out the name the offender wishes to be restored.**
- (2) The lifetime sex or violent offender provides written notice of intent to restore the previous married or unmarried name to the local law enforcement authority in the:**
 - (A) county of conviction; and**
 - (B) county where the person resides.**

(c) Upon proof that the notice described in subsection (b)(2) has been properly served, the court shall grant the petition to restore the previous name.

(d) Nothing in this section limits, alters, or affects the authority of the court to enter a dissolution decree as provided in this chapter.

SECTION 8. IC 31-19-2-1 IS AMENDED TO READ AS



FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) **Subject to section 1.1 of this chapter**, an individual who is at least eighteen (18) years of age may be adopted by a resident of Indiana:

- (1) upon proper petition to the court having jurisdiction in probate matters in the county of residence of the individual or the petitioner for adoption; and
- (2) with the consent of the individual acknowledged in open court.

(b) If the court in which a petition for adoption is filed under this section considers it necessary, the court may order:

- (1) the type of investigation that is conducted in an adoption of a child who is less than eighteen (18) years of age; or
- (2) any other inquiry that the court considers advisable;

before granting the petition for adoption.

SECTION 9. IC 31-19-2-1.1 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 1.1. (a) This section applies only to an individual:**

- (1) who seeks to be adopted by a resident of Indiana under section 1 of this chapter; and
- (2) who is a lifetime sex or violent offender.

(b) A court may not issue an order granting a petition for adoption of an individual described in subsection (a) unless all of the following conditions are met:

- (1) The lifetime sex or violent offender complies with and meets the requirements of section 1 of this chapter.
- (2) If the lifetime sex or violent offender intends to change the offender's name, the offender provides written notice of the petition for adoption and the new name to the local law enforcement authority in the:
 - (A) county of conviction; and
 - (B) county where the person resides.

(c) Upon proof that the notice described in subsection (b) has been properly served, the court shall grant the petition for adoption if all other requirements are met.

SECTION 10. IC 34-6-2-73.8 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 73.8. "Lifetime sex or violent offender"**, for purposes of IC 34-28-2, has the meaning set forth in IC 34-28-2-1.5.

SECTION 11. IC 34-6-2-74.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 74.5. "Local law enforcement**



authority", for purposes of IC 34-28-2, has the meaning set forth in IC 34-28-2-1.5."

Page 1, line 2, after "Sec. 1.5." insert "(a) The following definitions apply throughout this section:

(1) "Lifetime sex or violent offender" means a person convicted of an offense that currently requires a person to register as a sex or violent offender for life under IC 11-8-8-19, regardless of the date the conviction was entered against the person or whether the person was or is required to register as a sex offender for life.

(2) "Local law enforcement authority" has the meaning set forth in IC 11-8-8-2.

(b)".

Page 1, delete line 5, begin a new line block indented and insert:

"(2) except as provided in subsection (c), is a lifetime sex or violent offender.

(c) This subsection does not apply to a person who is currently required to register as a sex offender. Notwithstanding subsection (b), a person may petition for a change of name based on a sincerely held religious belief.

(d) A person described in subsection (c) shall provide written notice of the petition for name change to the local law enforcement authority in the:

(1) county of conviction; and

(2) county where the person resides."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1208 as printed January 25, 2019.)

YOUNG M, Chairperson

Committee Vote: Yeas 6, Nays 0.

