

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.

## HOUSE ENROLLED ACT No. 1208

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AN ACT to amend the Indiana Code concerning civil procedure.

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

SECTION 1. IC 11-8-8-23 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2019]: **Sec. 23. (a) This section applies to the local law enforcement authority in the county of conviction who has received notice that a lifetime sex or violent offender (as defined in IC 34-28-2-1.5) has changed the offender's name under:**

- (1) IC 31-11-4-11 (marriage);
- (2) IC 31-15-2-19 (dissolution of marriage);
- (3) IC 31-19-2-1.1 (adult adoption); or
- (4) IC 34-28-21-5 (an action for name change).

**(b) A local law enforcement authority to which this section applies shall take reasonable steps, including consulting with the prosecuting attorney or a victim assistance program in the county of conviction, to notify the victim (or the spouse or immediate family member of a deceased victim):**

- (1) that the lifetime sex or violent offender has changed the offender's name;
- (2) of the reason for the name change; and
- (3) of the lifetime sex or violent offender's new name.

SECTION 2. 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**

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**meaning set forth in IC 34-28-2-1.5.**

SECTION 3. 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 4. 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 5. 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) intended married name;

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

SECTION 6. 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 7. 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 8. 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 9. 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 10. 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 11. 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 12. 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.**

SECTION 13. IC 34-28-2-1.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 1.5. (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) A person may not petition for a change of name under this chapter if the person:**

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

**(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.**

SECTION 14. IC 35-40-6-4, AS AMENDED BY P.L.78-2018, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. A prosecuting attorney or a victim assistance program shall do the following:

- (1) Inform a victim that the victim may be present at all public stages of the criminal justice process to the extent that:
  - (A) the victim's presence and statements do not interfere with a defendant's constitutional rights; and
  - (B) there has not been a court order restricting, limiting, or prohibiting attendance at the criminal proceedings.
- (2) Timely notify a victim of all criminal justice hearings and proceedings that are scheduled for a criminal matter in which the victim was involved.
- (3) Promptly notify a victim when a criminal court proceeding has been rescheduled or canceled.
- (4) Obtain an interpreter or translator, if necessary, to advise a victim of the rights granted to a victim under the law.
- (5) Coordinate efforts of local law enforcement agencies that are designed to promptly inform a victim after an offense occurs of the availability of, and the application process for, community services for victims and the families of victims, including information concerning services such as the following:
  - (A) Victim compensation funds.
  - (B) Victim assistance resources.
  - (C) Legal resources.
  - (D) Mental health services.
  - (E) Social services.
  - (F) Health resources.
  - (G) Rehabilitative services.
  - (H) Financial assistance services.
  - (I) Crisis intervention services.
  - (J) Transportation and child care services to promote the participation of a victim or a member of the victim's immediate family in the criminal proceedings.
- (6) Inform the victim that the court may order a defendant convicted of the offense involving the victim to pay restitution to the victim under IC 35-50-5-3.
- (7) Upon request of the victim, inform the victim of the terms and



conditions of release of the person accused of committing a crime against the victim.

(8) Upon request of the victim, give the victim notice of the criminal offense for which:

(A) the defendant accused of committing the offense against the victim was convicted or acquitted; or

(B) the charges were dismissed against the defendant accused of committing the offense against the victim.

(9) In a county having a victim-offender reconciliation program (VORP), provide an opportunity for a victim, if the accused person or the offender agrees, to:

(A) meet with the accused person or the offender in a safe, controlled environment;

(B) give to the accused person or the offender, either orally or in writing, a summary of the financial, emotional, and physical effects of the offense on the victim and the victim's family; and

(C) negotiate a restitution agreement to be submitted to the sentencing court for damages incurred by the victim as a result of the offense.

(10) Assist a victim in preparing verified documentation necessary to obtain a restitution order under IC 35-50-5-3.

(11) Inform a victim (or the spouse or an immediate family member of a deceased victim) of the victim's right to a copy of the trial transcript, and assist the victim, spouse, or immediate family member in obtaining a transcript as described in IC 35-40-5-8.5.

(12) Advise a victim of other rights granted to a victim under the law.

**(13) Assist a local law enforcement authority in notifying a victim (or the spouse or an immediate family member of a deceased victim) under IC 11-8-8-23 of an offender's name change.**





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Speaker of the House of Representatives

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President of the Senate

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President Pro Tempore

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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