

HOUSE BILL No. 1279

DIGEST OF INTRODUCED BILL

Citations Affected: IC 12-23-1-14; IC 22-5-8; IC 33-24-6-13.

Synopsis: Criminal history matters and services programs. Requires the division of mental health and addiction, in cooperation with the state department of health, to identify and report to the general assembly appropriate programs and academic curricula concerning health education for mental health and addiction that: (1) are evidence based; (2) use established medical principles; and (3) are age appropriate for different grade levels. Provides that a public employer may not ask an applicant for employment to disclose orally or in writing, whether on an employment application or otherwise, information concerning the applicant's criminal record or history, until the public employer has determined that the applicant meets the public employer's minimum employment qualifications. Provides that the requirement does not apply to employment with a law enforcement agency or when federal or Indiana law provides otherwise. Requires the division of state court administration, in cooperation with Indiana trial courts, to conduct a study relating to reporting to the National Instant Criminal Background Check System.

Effective: July 1, 2016.

Shackleford

January 12, 2016, read first time and referred to Committee on Courts and Criminal Code.



Second Regular Session of the 119th General Assembly (2016)

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 2015 Regular Session of the General Assembly.

HOUSE BILL No. 1279

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

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

1 SECTION 1. IC 12-23-1-14 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2016]: **Sec. 14. (a) Every two (2) years, the division, in**
4 **cooperation with the state department of health, shall identify and**
5 **report to the general assembly appropriate programs and**
6 **academic curricula concerning health education for mental health**
7 **and addiction that:**
8 (1) are evidence based;
9 (2) use established medical principles; and
10 (3) are age appropriate for different grade levels.
11 (b) The reports required by this section shall be completed as
12 follows:
13 (1) The first report under this section must be completed and
14 submitted under subsection (c) not later than December 31,
15 2017.
16 (2) Reports after the first report must be completed and
17 submitted under subsection (c) not later than December 31 of



1 each odd-numbered year.

2 (c) The reports required by this section must be submitted to the
3 legislative council in an electronic format under IC 5-14-6.

4 SECTION 2. IC 22-5-8 IS ADDED TO THE INDIANA CODE AS
5 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
6 1, 2016]:

7 **Chapter 8. Public Employers Inquiring about Criminal History**
8 **of Job Applicants**

9 **Sec. 1. This chapter does not apply to any of the following:**

- 10 (1) A law enforcement agency (as defined in IC 35-47-15-2).
11 (2) A position for which a public employer, as an employer, is
12 required by federal or Indiana law to conduct a criminal
13 history record information check.
14 (3) A position for which federal or Indiana law specifically
15 disqualifies an applicant with a criminal background.

16 **Sec. 2. This chapter does not prevent a public employer:**

- 17 (1) that is a school corporation from requiring an applicant
18 for employment to disclose an applicant's criminal record or
19 history relating to sexual or physical abuse;
20 (2) from preparing or delivering an employment application
21 that conspicuously states that a criminal history record
22 information check is required by federal law, Indiana law, or
23 the employer's policy; or
24 (3) from conducting a criminal history record information
25 check after the public employer has determined that the
26 applicant meets the minimum employment qualifications.

27 **Sec. 3. As used in this chapter, "public employer" refers to any**
28 **of the following:**

- 29 (1) A state agency (as defined in IC 4-13-1-1(b)).
30 (2) The legislative branch of state government.
31 (3) The judicial branch of state government.
32 (4) A state educational institution.
33 (5) A political subdivision.
34 (6) A body corporate and politic created by Indiana law.
35 (7) An agency or other instrumentality of any of the entities
36 described in subdivisions (1) through (6).

37 **Sec. 4. Except as otherwise provided in this chapter, a public**
38 **employer may not ask an applicant for employment to disclose**
39 **orally or in writing, whether on an employment application or**
40 **otherwise, information concerning the applicant's criminal record**
41 **or history, until the public employer has determined that the**
42 **applicant meets the public employer's minimum employment**



- 1 **qualifications.**
2 SECTION 3. IC 33-24-6-13 IS ADDED TO THE INDIANA CODE
3 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
4 1, 2016]: **Sec. 13. (a) The division of state court administration, in**
5 **cooperation with Indiana trial courts, shall conduct a study**
6 **providing the following information:**
7 (1) **The total number of individuals reported to the NICS (as**
8 **defined in IC 35-47-2.5-2.5), stratifying the data into specific**
9 **categories.**
10 (2) **An identification of the gaps and shortfalls in the entire**
11 **reporting process.**
12 (3) **Recommendations to overcome the identified gaps and**
13 **shortfalls.**
14 (b) **The division of state court administration shall submit a**
15 **report of the study required by subsection (a):**
16 (1) **to the legislative council in an electronic format under**
17 **IC 5-14-6; and**
18 (2) **not later than December 31, 2017.**
19 (c) **This section expires January 1, 2018.**

