



January 26, 2023

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## HOUSE BILL No. 1318

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DIGEST OF HB 1318 (Updated January 25, 2023 9:30 am - DI 140)

**Citations Affected:** IC 1-2; IC 2-3; IC 3-6; IC 4-1; IC 5-2; IC 6-7; IC 7.1-1; IC 8-1; IC 9-13; IC 10-10.5; IC 11-12; IC 12-14; IC 13-20; IC 14-20; IC 15-17.5; IC 16-19; IC 20-26; IC 21-28; IC 22-2; IC 23-5; IC 24-1; IC 25-4; IC 26-1; IC 27-1; IC 28-2; IC 29-1; IC 30-1; IC 31-12; IC 32-30; IC 33-35; IC 34-13; IC 35-44.1; IC 36-9.

**Synopsis:** Technical corrections. Makes the following changes in the Indiana Code: (1) Removes obsolete and antiquated language. (2) Changes language to conform to current drafting standards. (3) Amends statutes to make statement of population parameters uniform. (4) Updates a reference to federal law. (5) Removes obsolete dates. (6) Corrects designations of Code text.

**Effective:** July 1, 2023.

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### Miller D, Bartels, O'Brien

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January 12, 2023, read first time and referred to Committee on Judiciary.  
January 26, 2023, reported — Do Pass.

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HB 1318—LS 6972/DI 75





January 26, 2023

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

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2022 Regular Session of the General Assembly.

## HOUSE BILL No. 1318

A BILL FOR AN ACT to amend the Indiana Code concerning general provisions.

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

1 SECTION 1. IC 1-2-3-3 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE JULY 1, 2023]: Sec. 3. (a) Each ~~and every~~ member of  
3 the ~~Indiana~~ general assembly ~~shall be~~ **is** entitled to request and have  
4 sent, during any one (1) period of three hundred (300) days, two (2) of  
5 the state flags displayed ~~pursuant to~~ **under** section 1 of this chapter. ~~In~~  
6 ~~the event that~~ **If** any flags are not sent at the request of a legislator  
7 ~~before December 31, 1967,~~ or at the end of any ~~subsequent~~ period of  
8 three hundred (300) days, ~~they~~ **the commissioner of the Indiana**  
9 **department of administration shall be delivered deliver those flags**  
10 to the lieutenant governor ~~of the state of Indiana by the commissioner~~  
11 ~~of the department of administration~~ to be disposed of at the lieutenant  
12 governor's discretion. ~~Provided, however, that any~~  
13 (b) A member of the ~~Indiana~~ general assembly may purchase from  
14 the ~~Indiana~~ department of administration any other state flag ~~which~~  
15 ~~may have been~~ manufactured in state industries at a price not to exceed  
16 the actual cost of each of ~~said~~ **the** flags.  
17 SECTION 2. IC 2-3-4-4 IS AMENDED TO READ AS FOLLOWS

HB 1318—LS 6972/DI 75



1 [EFFECTIVE JULY 1, 2023]: Sec. 4. ~~Any such~~ **(a) A** member  
 2 performing any of the acts or duties ~~hereunder shall be under this~~  
 3 **chapter is** entitled to the same fees as those charged by notaries public.  
 4 ~~and where any~~

5 **(b) If an** act by a notary public would be a violation of the law, it  
 6 ~~shall likewise be a the same act is a~~ violation of the law if ~~committed~~  
 7 **done** by a member of ~~said the~~ general assembly in the performance of  
 8 any of the duties or acts authorized ~~hereunder. All laws and parts of~~  
 9 ~~laws in conflict herewith are hereby repealed: under this chapter.~~

10 SECTION 3. IC 3-6-5.2-1, AS AMENDED BY THE TECHNICAL  
 11 CORRECTIONS BILL OF THE 2023 GENERAL ASSEMBLY, IS  
 12 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]:  
 13 Sec. 1. This chapter applies to a county having a population of more  
 14 than four hundred thousand (400,000) ~~but and~~ less than seven hundred  
 15 thousand (700,000).

16 SECTION 4. IC 4-1-2-2 IS AMENDED TO READ AS FOLLOWS  
 17 [EFFECTIVE JULY 1, 2023]: Sec. 2. Legal action required to be taken  
 18 at state offices during the time ~~said those~~ offices are closed ~~pursuant~~  
 19 ~~to the provisions of under~~ this chapter can be taken on the next  
 20 following day ~~said those~~ offices are open ~~pursuant to the provisions of~~  
 21 **under** this chapter. ~~to the same effect as if this chapter had not become~~  
 22 ~~law.~~

23 SECTION 5. IC 5-2-2-1 IS AMENDED TO READ AS FOLLOWS  
 24 [EFFECTIVE JULY 1, 2023]: Sec. 1. There is hereby created as a  
 25 public body corporate and politic a Law Enforcement Academy  
 26 Building Commission. ~~Said The~~ commission shall have power to sue  
 27 and be sued, plead and be impleaded, adopt and have a corporate seal,  
 28 make rules and ~~by-laws~~ **bylaws** for the management and regulation of  
 29 its affairs, and to do all things necessary or convenient to carry out the  
 30 powers given in this chapter.

31 SECTION 6. IC 6-7-1-27 IS AMENDED TO READ AS FOLLOWS  
 32 [EFFECTIVE JULY 1, 2023]: Sec. 27. Where stamps or individual  
 33 packages to which stamps have been affixed have become mutilated,  
 34 or otherwise unfit for use, distributors shall notify the department, and,  
 35 if an investigation discloses that ~~said the~~ stamps have not evidenced a  
 36 taxable transaction, replacement stamps shall be supplied to the  
 37 distributor without cost. Any unused stamps may be returned to the  
 38 department by the distributor who purchased ~~such the~~ stamps, and the  
 39 department shall then refund to ~~such the~~ distributor an amount equal  
 40 to that paid ~~therefor: for the stamps.~~

41 SECTION 7. IC 7.1-1-2-1 IS AMENDED TO READ AS  
 42 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. ~~Construction.~~ This



1 title is an exercise of the police powers of the state. The classifications  
 2 and differentiations made in this title are real and are actually and  
 3 substantially related to the accomplishment of the purposes of this title.  
 4 The provisions of this title shall be liberally construed so as to  
 5 effectuate the purposes of this title.

6 SECTION 8. IC 8-1-2-15 IS AMENDED TO READ AS FOLLOWS  
 7 [EFFECTIVE JULY 1, 2023]: Sec. 15. (a) Each public utility shall:

8 (1) have an office in one (1) of the towns or cities in ~~this state~~  
 9 **Indiana** in which its property or some part ~~thereof of its property~~  
 10 is located; and ~~shall~~

11 (2) keep in ~~said that~~ office all books, accounts, papers, and  
 12 records ~~as shall be required by that~~ the commission **requires** to  
 13 be kept within ~~the state. No~~ **Indiana**.

14 (b) Books, accounts, papers, or records required by the commission  
 15 to be kept within ~~the state shall be~~ **Indiana may not** at any time **be**  
 16 removed from ~~this state; Indiana~~, except upon ~~such~~ conditions ~~as may~~  
 17 **be prescribed** by the commission **may prescribe**.

18 (c) A majority in number of the board of directors of each ~~and every~~  
 19 company or association organized under Indiana statutes and coming  
 20 under the provisions of this chapter shall be bona fide residents ~~and~~  
 21 **citizens** of ~~the state of~~ Indiana while acting as ~~such~~ directors.

22 SECTION 9. IC 9-13-1-4, AS AMENDED BY P.L.128-2015,  
 23 SECTION 217, IS AMENDED TO READ AS FOLLOWS  
 24 [EFFECTIVE JULY 1, 2023]: Sec. 4. Except as otherwise provided in  
 25 this title, a reference in this title to a federal statute or regulation  
 26 relating to the National Voter Registration Act of 1993 (52 U.S.C.  
 27 20501) is a reference to the statute or regulation as in effect September  
 28 1, ~~2014.~~ **2022.**

29 SECTION 10. IC 10-10.5-4-2, AS ADDED BY P.L.86-2022,  
 30 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 31 JULY 1, 2023]: Sec. 2. Section 1 of this chapter does not prohibit the  
 32 broadcast or disclosure of identifying information other than a Social  
 33 Security number to the public by other means, including news reports,  
 34 press conferences, silver or Amber alerts, wanted notices, ~~Internet web~~  
 35 **site website** postings, and similar methods specifically intended to  
 36 inform the public.

37 SECTION 11. IC 11-12-6.5-6, AS ADDED BY P.L.239-2019,  
 38 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 39 JULY 1, 2023]: Sec. 6. The ~~state~~ auditor **of state** shall semiannually  
 40 provide to the department and the general assembly, in an electronic  
 41 format under IC 5-14-6, an itemized record of the per diem and medical  
 42 expense reimbursements received by a county under section 4 of this



1 chapter.

2 SECTION 12. IC 12-14-13-5 IS AMENDED TO READ AS  
3 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 5. The copies of the  
4 certificate shall be distributed as follows:

- 5 (1) One (1) copy retained by and filed in the division.  
6 (2) One (1) copy filed with the **state auditor of state**.  
7 (3) One (1) copy filed in the office of the county recorder.  
8 (4) One (1) copy given to the recipient.

9 SECTION 13. IC 13-20-12-1, AS AMENDED BY THE  
10 TECHNICAL CORRECTIONS BILL OF THE 2023 GENERAL  
11 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
12 JULY 1, 2023]: Sec. 1. This chapter applies to a county having a  
13 population of more than four hundred thousand (400,000) ~~but~~ **and** less  
14 than seven hundred thousand (700,000).

15 SECTION 14. IC 14-20-15-5, AS AMENDED BY P.L.203-2014,  
16 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
17 JULY 1, 2023]: Sec. 5. (a) The governor or the governor's designee  
18 shall act as the chair of the commission.

19 (b) The chair shall give notice of the date, time, and place of a  
20 meeting of the commission to the members of the commission at least  
21 ten (10) days before the meeting date by any of the following methods:

- 22 (1) Mail.  
23 (2) ~~Fax~~ **Facsimile transmission**.  
24 (3) Telephone.  
25 (4) Electronic mail.

26 SECTION 15. IC 15-17.5-3-1, AS AMENDED BY THE  
27 TECHNICAL CORRECTIONS BILL OF THE 2023 GENERAL  
28 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
29 JULY 1, 2023]: Sec. 1. (a) The center shall facilitate the coordination  
30 of regulatory duties of the state board and the board upon the approval  
31 of each respective entity, as set forth in a ~~memoranda~~ **memorandum**  
32 of understanding or other agreement.

33 (b) Nothing in this article shall be construed to amend the  
34 independent duties, authorities, and funding mechanisms of the board  
35 and the state board.

36 SECTION 16. IC 16-19-4-6, AS AMENDED BY P.L.130-2021,  
37 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
38 JULY 1, 2023]: Sec. 6. The state health commissioner is entitled to  
39 receive a salary in an amount to be fixed by the governor and the **state**  
40 budget agency.

41 SECTION 17. IC 20-26-5-32.4, AS ADDED BY P.L.93-2009,  
42 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2023]: Sec. 32.4. The department of education shall create a  
 2 document explaining aspects of autism including behaviors that  
 3 students with autism may exhibit. ~~Said~~ **This** document ~~is to~~ **shall** be  
 4 distributed to school corporations for distribution to noncertificated  
 5 employees (as defined in IC 20-29-2-11).

6 SECTION 18. IC 21-28-5-13, AS ADDED BY P.L.2-2007,  
 7 SECTION 269, IS AMENDED TO READ AS FOLLOWS  
 8 [EFFECTIVE JULY 1, 2023]: Sec. 13. (a) The higher education  
 9 statewide telecommunications fund is established as a special and  
 10 distinct fund. Expenditures from the fund may be made only for the  
 11 following:

12 (1) Payments by the participating educational institutions for the  
 13 use of a transmission system or the lease, purchase, rental, or  
 14 production of information in a designated electronic format.

15 (2) Studies regarding the possibilities of extending the use of the  
 16 transmission system:

17 (A) to state educational institutions or private postsecondary  
 18 educational institutions in Indiana that are not participating  
 19 educational institutions; and

20 (B) for post-high school and other educational uses.

21 (3) The expenses of coordinating, planning, and supervising the  
 22 use of the transmission system and the information in the  
 23 designated electronic format.

24 (4) Equipment for the originating and receiving of instructional  
 25 communication and educational information by means of the  
 26 transmission system and the information in the designated  
 27 electronic format.

28 (b) The ~~state~~ auditor of ~~state~~ shall pay, as needed, from the fund  
 29 amounts to the board of trustees of Indiana University as agent for the  
 30 participating educational institutions.

31 (c) The board of trustees of Indiana University, as agent, shall apply  
 32 the funds to the payment of items as payment becomes due from the  
 33 fund.

34 SECTION 19. IC 22-2-6-1 IS AMENDED TO READ AS  
 35 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. (a) Any direction  
 36 given by an employee to an employer to make a deduction from the  
 37 wages to be earned by ~~said~~ **the** employee, after ~~said~~ **the** direction is  
 38 given, shall constitute an assignment of the wages of ~~said~~ **the**  
 39 employee.

40 (b) For the purpose of this chapter, the term "employer" ~~shall also~~  
 41 ~~include~~ **includes the following:**

42 (1) The state. ~~and any~~



1           **(2) An Indiana** political subdivision. ~~of the state.~~

2           SECTION 20. IC 23-5-1-7 IS AMENDED TO READ AS  
3 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 7. The trust instrument  
4 by which any business trust was created may be amended in the manner  
5 specified ~~therein in the trust instrument~~ or in ~~such any~~ manner as  
6 **that** is valid under the common or statutory law applicable to ~~such the~~  
7 business trust. ~~provided, that no such An~~ amendment adopted  
8 ~~subsequent to after~~ the preliminary filings required by section 4 of this  
9 chapter ~~shall be is not~~ legally effective in ~~this state~~ **Indiana** until:

10           (1) an executed copy ~~thereof of the amendment~~ has been filed in  
11 the office of the secretary of state;

12           (2) accompanied by a fee of thirteen dollars (\$13); and

13           (3) a file-marked copy ~~thereof of the amendment is~~ recorded in  
14 the office of the county recorder of the county in which the  
15 principal office of ~~said the~~ business trust in ~~this state~~ **Indiana** is  
16 located.

17           SECTION 21. IC 24-1-1-1 IS AMENDED TO READ AS  
18 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. ~~From and after April~~  
19 ~~14, 1897~~; All arrangements, contracts, agreements, trusts, or  
20 combinations between persons or corporations who control the output  
21 of any article of merchandise, made with a view to lessen, or which  
22 tend to lessen, full and free competition in the importation or sale of  
23 articles imported into ~~this state~~, **Indiana**, and all arrangements,  
24 contracts, agreements, trusts, or combinations between persons or  
25 corporations who control the output of ~~said the~~ article of merchandise,  
26 designed, or which tend to advance, reduce, or control the price or the  
27 cost to the producer or to the consumer of any such product or article,  
28 are ~~hereby~~ declared to be against public policy **of Indiana**, unlawful,  
29 and void.

30           SECTION 22. IC 25-4-1-27 IS AMENDED TO READ AS  
31 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 27. ~~No~~ A firm,  
32 partnership, or corporation ~~shall may not~~ engage in the practice of  
33 architecture unless the work is under the full authority and responsible  
34 charge of a registrant who is also a principal of the firm, or partnership  
35 or officer of the corporation. The name of ~~said the~~ registrant ~~shall must~~  
36 appear ~~whenever~~ **whenever** the firm name is used in the professional  
37 practice of the firm, partnership, or corporation.

38           SECTION 23. IC 26-1-5.1-109 IS AMENDED TO READ AS  
39 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 109. (a) If a  
40 presentation is made that appears on its face strictly to comply with the  
41 terms and conditions of the letter of credit, but a required document is  
42 forged or materially fraudulent, or honor of the presentation would





1 facilitate a material fraud by the beneficiary on the issuer or applicant:

2 (1) the issuer shall honor the presentation, if honor is demanded  
3 by:

4 (i) a nominated person who has given value in good faith and  
5 without notice of forgery or material fraud;

6 (ii) a confirmer who has honored its confirmation in good  
7 faith;

8 (iii) a holder in due course of a draft drawn under the letter of  
9 credit which was taken after acceptance by the issuer or  
10 nominated person; or

11 (iv) an assignee of the issuer's or nominated person's deferred  
12 obligation that was taken for value and without notice of  
13 forgery or material fraud after the obligation was incurred by  
14 the issuer or nominated person; and

15 (2) the issuer, acting in good faith, may honor or dishonor the  
16 presentation in any other case.

17 (b) If an applicant claims that a required document is forged or  
18 materially fraudulent or that honor of the presentation would facilitate  
19 a material fraud by the beneficiary on the issuer or applicant, a court of  
20 competent jurisdiction may temporarily or permanently enjoin the  
21 issuer from honoring a presentation or grant similar relief against the  
22 issuer or other persons only if the court finds that:

23 (1) the relief is not prohibited under the law applicable to an  
24 accepted draft or deferred obligation incurred by the issuer;

25 (2) a beneficiary, issuer, or nominated person who may be  
26 adversely affected is adequately protected against loss that it may  
27 suffer because the relief is granted;

28 (3) all of the conditions to entitle a person to the relief under ~~the~~  
29 **Indiana** law ~~of Indiana~~ have been met; and

30 (4) on the basis of the information submitted to the court, the  
31 applicant is more likely than not to succeed under its claim of  
32 forgery or material fraud and the person demanding honor does  
33 not qualify for protection under subsection (a)(1).

34 SECTION 24. IC 27-1-1-1 IS AMENDED TO READ AS  
35 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. **(a)** There is hereby  
36 created a department ~~in of~~ the state ~~government of the state of Indiana~~  
37 ~~which shall be~~ known as the department of insurance. ~~Said~~ **The**  
38 department shall:

39 **(1)** have charge of the organization, supervision, regulation,  
40 examination, rehabilitation, liquidation, ~~and/or and~~ conservation  
41 of all insurance companies to which this title is applicable; ~~shall~~

42 **(2)** have charge of the enforcement, administration, and execution



1 of the provisions of this title and the provisions of any other  
 2 statute applicable to insurance companies, to the insurance  
 3 department, or to the insurance commissioner; and ~~shall~~

4 **(3)** exercise such other powers and perform such other duties as  
 5 may at any time be imposed or conferred on the department by  
 6 law. ~~Wherever by any of the provisions of~~

7 **(b) Whenever any statute imposes or confers on the department**  
 8 any right, power, or duty, is ~~imposed or conferred on the department,~~  
 9 the right, power, or duty ~~so~~ imposed or conferred shall be possessed  
 10 and exercised by the insurance commissioner, unless:

11 **(1)** otherwise provided in that statute; or ~~unless any such~~

12 **(2) the** right, power, or duty is delegated to the duly appointed  
 13 deputies, assistants, or employees of the department, or any of  
 14 them, by an appropriate rule or order of the insurance  
 15 commissioner.

16 SECTION 25. IC 28-2-7-2 IS AMENDED TO READ AS  
 17 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 2. The court in which  
 18 ~~said the~~ estate, trust, receivership, action, matter, or proceeding is  
 19 pending may, at the time it is filed or instituted, refuse to permit ~~said~~  
 20 **the** fiduciary to take advantage and have the benefits of section 1 of  
 21 this chapter or may, at any time during the pendency thereof, cause a  
 22 written notice to be served upon ~~said the~~ fiduciary to show cause why  
 23 an order should not be entered, requiring ~~it the~~ **fiduciary** to file the  
 24 bond or bonds ~~which it that the~~ **fiduciary** would be or have been  
 25 required to file but for the provisions of section 1 of this chapter. ~~and~~  
 26 ~~it shall be stated in said~~ **The notice must state** the date upon which a  
 27 hearing ~~thereon~~ shall be held.

28 SECTION 26. IC 29-1-1-6 IS AMENDED TO READ AS  
 29 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 6. **(a)** When any judge  
 30 or ~~his the~~ **judge's** spouse ~~shall be~~ **is** related within the third degree of  
 31 consanguinity, according to the civil law, to any of the parties or their  
 32 attorneys, shall have drawn the will of the decedent, or shall be  
 33 interested or have been counsel in any probate proceeding or any  
 34 matter ~~therein,~~ **in the proceeding,** the same shall be grounds for  
 35 disqualifying ~~such the~~ judge from acting in a controverted matter with  
 36 respect to which ~~his the~~ **judge's** disqualification exists.

37 **(b)** When grounds for disqualification exist:

38 **(1)** the judge may refuse to act as judge ~~therein,~~ **in the**  
 39 **proceeding;** or

40 **(2)** upon filing of a petition to disqualify ~~such the~~ judge, stating  
 41 the grounds ~~therefor,~~ **for the disqualification,** by any person  
 42 interested in the particular matter with respect to which ~~his the~~



1 **judge's** disqualification exists;  
 2 the judge ~~must may~~ not act ~~therein~~ **in the proceeding.**

3 **(c)** The grounds for disqualification stated ~~herein in this section~~ are  
 4 enumerated as additional grounds, and not in limitation of applicable  
 5 grounds for disqualification provided by statute or by Supreme Court  
 6 rule with respect to trial judges generally.

7 SECTION 27. IC 30-1-6-3 IS AMENDED TO READ AS  
 8 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 3. **(a)** In compliance  
 9 with the terms of the order for the sale of ~~said the~~ oil and gas, coal, or  
 10 other mineral lease, ~~said the~~ administrator, executor, or guardian shall  
 11 **do the following:**

12 **(1)** Offer ~~said the~~ lease for sale and sell the ~~same lease~~ to the  
 13 highest bidder upon ~~such the~~ terms and conditions as the court  
 14 ~~shall order and shall thereupon orders.~~

15 **(2) After the sale required under subdivision (1),** file a report  
 16 of sale showing **all of the following:**

17 **(A)** The land upon which ~~said the~~ lease was sold.

18 **(B)** The term of years ~~thereof; of the lease.~~

19 **(C)** The name of the purchaser. ~~and~~

20 **(D)** The amount for which the ~~same lease~~ was sold. ~~and~~

21 **The administrator, executor, or guardian shall** attach to the ~~return~~  
 22 **report** a copy of the form of lease proposed to be executed. ~~which~~  
 23 ~~report~~

24 **(b) The court having probate jurisdiction** shall, ~~thereupon; upon~~  
 25 **the filing of the report,** without further notice, ~~be heard by the court~~  
 26 **having probate jurisdiction and hold a hearing on the report.** If the  
 27 court finds that: ~~said~~

28 **(1) the** sale was properly conducted as ~~herein~~ provided **in this**  
 29 **chapter;** and that

30 **(2) the** price bid for ~~said the~~ lease was not disproportionate to the  
 31 value ~~thereof; said of the lease;~~

32 **the court shall confirm the sale.** ~~shall be confirmed and said The~~  
 33 **court shall also authorize and direct the** administrator, executor, or  
 34 guardian ~~authorized and directed~~ to execute and deliver ~~said the~~ lease.  
 35 ~~and when said~~ **After the** lease is executed, the judge shall ~~indorse his~~  
 36 **endorse the judge's approval** ~~thereon; on the lease.~~

37 SECTION 28. IC 31-12-2-2, AS AMENDED BY THE  
 38 TECHNICAL CORRECTIONS BILL OF THE 2023 GENERAL  
 39 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 40 JULY 1, 2023]: Sec. 2. For:

41 (1) any judicial circuit in which there is located a consolidated  
 42 city, the judges described in section 1(1) of this chapter may



1 establish a bureau of the courts; and

2 (2) a county having a population of more than four hundred  
3 thousand (400,000) ~~but~~ **and** less than seven hundred thousand  
4 (700,000), the judge of the circuit court may establish a bureau of  
5 the court;

6 known as the "Domestic Relations Counseling Bureau".

7 SECTION 29. IC 32-30-7-20 IS AMENDED TO READ AS  
8 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 20. (a) This section  
9 applies to an indecent nuisance complaint under this chapter filed by  
10 a private person.

11 (b) The court shall not voluntarily dismiss the complaint unless:

12 (1) the complainant and the complainant's attorney file a sworn  
13 statement setting forth the reason why the action should be  
14 dismissed; and

15 (2) the dismissal is approved in writing or in open court by the  
16 prosecuting attorney of the circuit in which the alleged indecent  
17 nuisance is located.

18 (c) If the judge believes that the action should not be dismissed, the  
19 judge may direct the prosecuting attorney to prosecute the action to  
20 judgment at the expense of the county.

21 (d) If:

22 (1) the action is brought by a private person;

23 (2) the court finds that there were no reasonable grounds or  
24 probable cause for bringing ~~said~~ **the** action; and

25 (3) the case is dismissed either:

26 (A) for the reason described in subdivision (2) before trial; or

27 (B) for want of prosecution;

28 the costs may be taxed to the person who brought the case.

29 SECTION 30. IC 33-35-2-5, AS AMENDED BY THE  
30 TECHNICAL CORRECTIONS BILL OF THE 2023 GENERAL  
31 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
32 JULY 1, 2023]: Sec. 5. The city court of each of the five (5) cities  
33 having the largest populations and the town court of the town having  
34 the largest population in a county having a population of more than  
35 four hundred thousand (400,000) ~~but~~ **and** less than seven hundred  
36 thousand (700,000) have concurrent civil jurisdiction with the circuit  
37 court of the county where the amount in controversy does not exceed  
38 six thousand dollars (\$6,000). The court has jurisdiction in any action  
39 where the parties or the subject matter are in the county in which the  
40 city or town is located. However, the city or town court does not have  
41 jurisdiction in:

42 (1) actions for slander or libel;



- 1 (2) matters relating to decedents' estates, appointment of  
 2 guardians, and all related matters;  
 3 (3) dissolution of marriage actions; or  
 4 (4) injunction or mandate actions.

5 SECTION 31. IC 34-13-3-24, AS AMENDED BY THE  
 6 TECHNICAL CORRECTIONS BILL OF THE 2023 GENERAL  
 7 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 8 JULY 1, 2023]: Sec. 24. ~~(a)~~ There is appropriated from the state  
 9 general fund sufficient funds to:

- 10 (1) settle claims and satisfy tort judgments obtained against the  
 11 state;  
 12 (2) pay interest on claims and judgments; and  
 13 (3) subject to approval by the budget director, pay:  
 14 (A) liability insurance premiums; and  
 15 (B) expenses incurred by the attorney general in employing  
 16 other counsel to aid in defending or settling claims or civil  
 17 actions against the state.

18 SECTION 32. IC 35-44.1-3-10, AS AMENDED BY THE  
 19 TECHNICAL CORRECTIONS BILL OF THE 2023 GENERAL  
 20 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 21 JULY 1, 2023]: Sec. 10. (a) The following definitions apply throughout  
 22 this section:

- 23 (1) "Lawful supervision" means supervision by:  
 24 (A) the department of correction;  
 25 (B) a court;  
 26 (C) a probation department;  
 27 (D) a community corrections program, a community transition  
 28 program, or another similar program; or  
 29 (E) parole.  
 30 (2) "Service provider" means:  
 31 (A) with respect to a person subject to lawful detention:  
 32 (i) a public servant;  
 33 (ii) a person employed by a governmental entity; or  
 34 (iii) a person who provides goods or services to a person  
 35 who is subject to lawful detention; and  
 36 (B) with respect to a person subject to lawful supervision:  
 37 (i) a public servant whose official duties include the  
 38 supervision of the person subject to lawful supervision;  
 39 (ii) a person employed by a governmental entity to provide  
 40 supervision for the person subject to lawful supervision; or  
 41 (iii) a person who is employed by or contracts with a  
 42 governmental entity to provide treatment or other services to



- 1           the person subject to lawful supervision as a condition of the  
2           person's lawful supervision.
- 3           (b) A service provider who knowingly or intentionally engages in  
4 sexual intercourse or other sexual conduct (as defined in  
5 IC 35-31.5-2-221.5) with a person who is subject to lawful detention  
6 or lawful supervision commits sexual misconduct, a Level 5 felony.
- 7           (c) A service provider at least eighteen (18) years of age who  
8 knowingly or intentionally engages in sexual intercourse or other  
9 sexual conduct (as defined in IC 35-31.5-2-221.5) with a person who  
10 is:
- 11           (1) less than eighteen (18) years of age; and  
12           (2) subject to lawful detention or lawful supervision;  
13 commits sexual misconduct, a Level 4 felony.
- 14           (d) In addition to any other penalty imposed for a violation of this  
15 section, the court shall order the person to pay restitution under  
16 IC 35-50-5-3 for expenses related to pregnancy and childbirth if the  
17 pregnancy is a result of the offense.
- 18           (e) It is not a defense that an act described in subsection (b) or (c)  
19 was consensual.
- 20           (f) This section does not apply to sexual intercourse or other sexual  
21 conduct (as defined in IC 35-31.5-2-221.5) between spouses.
- 22           SECTION 33. IC 36-9-43-9, AS ADDED BY P.L.229-2017,  
23 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
24 JULY 1, 2023]: Sec. 9. (a) This section applies only to a regional  
25 development authority created or established after June 30, 2017.
- 26           (b) The Indiana finance authority shall create the regional  
27 development authority infrastructure fund for the purpose of allowing  
28 a regional development authority to finance or contribute to the  
29 financing of regional transportation infrastructure projects.
- 30           (c) The fund is administered by the Indiana finance authority. The  
31 Indiana finance authority shall create an account within the fund for  
32 each regional development authority established under IC 36-7.5 or  
33 IC 36-7.6.
- 34           (d) A person, including a political subdivision, may make a  
35 contribution or gift to the fund. Any expenditure from the account must  
36 be approved by the regional development authority that holds the  
37 account within the fund and must be expended for regional  
38 transportation infrastructure projects in cooperation with the Indiana  
39 department of transportation.
- 40           (e) An expenditure from the fund may be used to supplement  
41 financing from the Indiana department of transportation for regional  
42 transportation infrastructure projects.



- 1 (f) The Indiana finance authority shall invest money from the fund  
2 in one (1) or more fiduciary accounts with a trustee that is a financial  
3 institution. A trustee may make an investment under this subsection in  
4 accordance with a trust agreement or indenture and may permit  
5 disbursements by the trustee to:
- 6 (1) the Indiana finance authority;
  - 7 (2) the Indiana department of transportation;
  - 8 (3) the state budget agency; or
  - 9 (4) any other person provided for in the trust agreement or  
10 indenture.
- 11 (g) Interest or other income earned on money in the fund becomes  
12 part of the fund.
- 13 (h) Expenses incurred in the administration of the fund are to be  
14 paid from the fund.
- 15 (i) A person who makes a contribution or gift to the fund is entitled  
16 to a deduction from the taxpayer's adjusted gross income for the taxable  
17 year under IC 6-3-2-26.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1318, 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 1318 as introduced.)

TORR

Committee Vote: Yeas 10, Nays 0

